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(2 December 2003)

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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 2 December 2003, commencing at 6.00pm.

1. DECLARATION OF OPENING

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

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Nil.

(b) Present:

Mayor Nick Catania, JP	Presiding Member
Cr Simon Chester	North Ward
Cr Caroline Cohen	South Ward
Cr Helen Doran-Wu	North Ward
Cr Steed Farrell	North Ward
Cr Basil Franchina	North Ward
Cr Ian Ker (Deputy Mayor)	South Ward
Cr Sally Lake	South Ward
Cr Maddalena Torre	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental & Development Services
Mike Rootsey	Executive Manager, Corporate Services
Rick Lotznicher	Executive Manager, Technical Services
Annie Smith	Executive Assistant (Minutes Secretary)
Matt Zis	Journalist – Guardian Express (until 10.28pm)
Mark Fletcher	Journalist – Voice News (until 10.28pm)

Approximately 22 Members of the Public

(c) Members on Leave of Absence:

Nil.

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

1. Mr Gary Budrikis of 108 Chelmsford Road, Mt Lawley. Referred to a letter that he had faxed to the Chief Executive Officer on 17 November 2003. Stated that he had not received a reply. Stated he wanted to ask the questions that were included in the letter.

The Mayor advised that as the matter was not on the Agenda, that the questions be submitted in writing.

Mr Budrikis submitted his written questions to the CEO.

2. Ms Cathy Vocisano of 26 Carr Street, West Perth - Items 10.1.13 and 10.1.14 - Stated that she strongly objects to the proposed developments. Referred to a letter of objection that has been circulated to Elected Members. Stated that her objections are that the development does not comply with the Residential Design Codes and the Hyde Park Precinct Policy under which no multiple dwellings are permitted. Stated that the bakery has some heritage significance and this should be further investigated. Believes that as there are two lots, each lot should be rated individually and should not be amalgamated and the plot ratio should be rated at R60 on each. Also believes that the increased plot ratio will increase the density of the development which is not consistent with the Town Planning Provisions, will lower the standard within the Town. Stated that Carr Street is a major pedestrian and vehicular roadway. Referred to the setbacks on the first floor. Requested that Council refuse the proposed development.
3. Mr Vocisano of 26 Carr Street, West Perth - Items 10.1.13 and 10.1.14 - Strongly objects to the proposed development. Stated that the development does not comply with the Residential Design Codes and Hyde Park Precinct Policy under which no multiple dwellings are permitted. Concerned about the setbacks, stores, effect on neighbours, impact on amenity, privacy, carparking, effect on streetscape. Stated that the number of carbays is below the requirement and will further add to the parking problems. Strongly urged Council to refuse the proposed development.
4. David Hillam of 357 Rokeby Road, Subiaco - Item 10.1.12 - Spoke on the positive points that have come out of the proposed conversion of the Pacific Hotel to residential units. It will convert a non-comforming use which is not compatible with a residential neighbourhood to a conforming use. The reduction in density from 62 motel units to 25 residential units. Stated that ample parking has been provided for residents and visitors. Eliminates the capacity to increase the pressure on the local amenity. Stated that the proposal re-establishes the residential pattern through individual gates, letterboxes and front yards to the ground floor units. The streetscape will be significantly improved and substantial open space is provided on the balconies. Stated that they are sensitive to the neighbours concerns relating to the impact of the proposed balconies along the eastern boundary and are happy to increase the setback to the point of compliance and provide privacy screening as required. Requested that Council consider approving the application with the amendments to the eastern boundaries. Circulated "before and after" coloured images for the Council's information.
5. Mr Anthony Metcalf of 54A Deanmore Road, Scarborough - Item 10.1.8 - Stated that the consulting rooms are designed to provide extra services to the local community. Advised that they are looking at including health services such chiropractic, acupuncture, physio. Thanked the Council for reviewing the application. Advised that the suggested change to the operating hours would not work for the operation of the business. Requested that the Council review this with the hours that were stated in the application.

6. Mr Martin Morgan of 514 Fitzgerald Street, North Perth - Item 10.1.8 - Opposes the application. Stated that (xvii) of the report does not mention that there are two separately owned right of ways which connect and run from Fitzgerald to York Street and only refers to having a legal right of use of the right of way in a singular capacity. Requested that a condition be made that business traffic cannot enter or exit via York Street or this condition be increased to ensure that a legal right of usage be obtained from the different and separate owners of the two separate right of ways. Stated that it is a residential area and his house runs the full length of the right of way. Believes that his quality of life will be impinged upon by the increased traffic flow down the right of way. Stated that the right of way is also used as a pedestrian way for access to York Street and has concerns for their safety with respect to the traffic usage. Stated that there are no speed limit signs, calming devices, lighting and the majority of the surface is loose sand and unsealed. Referred to vacant businesses within the vicinity. Also stated that he is opposed to the longer business opening hours as it is a residential area.
7. Ms Alena Steinochr of 54 Venn Street, North Perth - Item 10.1.8 - Requested that the Council reject the proposed change of use. Referred to a letter issued by her to Councillors regarding the conditions listed in the Agenda. Stated that in the very least the application should be deferred until the problems are resolved. Stated that her concerns are the size of the business and the traffic and parking problems in Venn Street. Believes that the traffic and parking problems will increase on Venn Street even with the provision of rear parking. Believes that the proposed rear parking is not easily accessed and poses problems for motorists and pedestrians safety since the access is adjacent to the bus stop and is also opposite Farmer Street which is already a hazardous intersection.
8. Ms Kate Hall, 327 Pier Street, Perth - Drew to the Mayor and Councillors attention the Notice in the public gallery regarding public question time.

The Mayor interjected and re-iterated his direction as a Presiding Member that no discussion will allowed if it is not on tonight's Agenda and requested that questions be submitted in writing.

Item 10.1.11 - Referred to the report. Suggested that the Town does not go down the path of Appeal as it may incur a cost of approximately \$20,000 to do so and the reasons given by the Tribunal seem to be that the roller door in no way affects the streetscape of the area. Stated that she does not agree with illegal structures being put up in the Town and welcomes the review of the Town's policy.

9. Mr Anthony Rechichi of 18 William Street, Northbridge - Item 10.1.13 and 10.1.14 - Referred to the intent of the Town's planning scheme as being able to initiate, accommodate and respond to change in catering for the diversity of demands, interests and lifestyles by facilitating and encouraging the provision of a wide range of choices in housing. Requested that Council consider this with the understanding that the DPI is calling for the Town to provide low-cost affordable housing. Stated that the proposed development directly addresses these primary criteria and will provide varied, affordable, quality accommodation within a local that forms a gateway to the Town of Vincent from the City of Perth. Stated that the existing dwellings proposed for demolition are currently not in keeping with the intended density of the local.

10. Mr Jim Ong of 35 Calendonian Avenue, Maylands - Item 10.1.11 - Stated that from the beginning they have always tried to do the right thing. Stated that they attended the Administration Centre in August 2002 and asked as to what they could do and whether they could install a roller door. Stated that the officer had advised them that there was no problem with this as there was no structural change. At no stage did the officer mention anything about the visual permeability requirement of the roller door. Stated that at the hearing the Town's representatives apologised for the officers giving the incorrect information. Given that they tried to do the right thing they have no intention of disregarding Council law or rules and regulations of local government. Feels very strongly that they are being punished/penalised for following advice of the Council's officer. Stated that it is basic justice. For this reason they appealed to the Town's planning body and then took the matter to the Town Planning Appeals Tribunal. Basic justice requires that they should not be penalised and Grant Taylor of Channel Nine Current Affairs agrees with them and he was prepared to look up the matter and prepared to do a program on Channel Nine because they are being victimised for following Council's orders. Believes that to appeal would be a waste of taxpayers money.
11. Mr Tom Atkinson of 99-101 Harold Street, Highgate - Item 10.1.12 - Stated that the proposed development is 30% increase in the density. Developers should have to apply for re-zoning. Stated it would be creating a precedent if Council was to approve. Concerned about the impact on the streetscape, the lack of parking in the area and the setbacks. Does not believe the threat of the developers to sign a ten year lease as a boarding house as there currently is no ten year lease and the school has no intention of resigning with the hotel.
12. Mr Paul Kotsoglo, Planning Solutions PO Box 1138, East Victoria Park - Item 10.1.12 - Stated that the proposed development reduces from 60 individual dwelling units down to 25. Stated that the setbacks proposed, are not inconsistent with existing development. Believes the development will contribute to the streetscape. Stated that the proposal takes advantage of the provisions of the Town Planning Scheme (Clauses 16 and 40) and brings the development in line more consistently with the residential nature of the area and the zoning. Believes the number of dwelling units proposed offers diversity in terms of accommodation and also allows a sensible use of an existing structure. Requested Council to consider the proposals individual and unique qualities that set no precedent.
13. Mr Andrew Thorpe, Solicitor of 16 Irwin Street, Perth - Item 10.1.12 - Referred to a previous speaker's comments regarding the comment by the developers of entering into a ten year lease if the proposal is not approved. Stated that this threat was not made by the developers and that here is a conditional contract only subject to the approval of the proposal. Stated that if the proposal is not approved then the contract will not proceed. Also stated that, at the time of the negotiations, the vendors had advised that they had an offer for a ten year lease. Stated that the vendors have indicated that if the proposal does not go ahead they will in fact sign a ten year lease to have the premises rented as student accommodation.

There being no further questions from the public, Public Question Time closed at 6.32pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS

5.1 The Chief Executive Officer advised that he had received a petition with 55 signatories from the residents of Venn Street, North Perth opposing the proposed change of use from residential to consulting rooms at No 56 (lot 110) Venn Street, North Perth.

Moved Cr Ker, Seconded Cr Chester

That the above petition be received and be considered during determination of Item 10.1.8 on tonight's Agenda which relates to this matter.

CARRIED (9-0)

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 Ordinary Meeting of Council held on 18 November 2003

Moved Cr Lake, Seconded Cr Cohen

That the Minutes of the Ordinary Meeting of Council held on 18 November 2003 be confirmed as a true and correct record subject to the following:

(i) *Item - 10.3.5 - Hyde Park Rotary Fair 2004 - that the following amendment be included on page 47 as it was omitted:*

"Moved Cr Lake, Seconded Cr Chester

That the amount of \$10,000 in clause (i) be reduced to \$5,000.

LOST (1-7)

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

(ii) *10.1.1 - No 190 (Lot 302) Grosvenor Road, Corner Leake Street, North Perth - Proposed Three-Storey Development - Further Consideration of Conditions - that the words "and the Tribunals lack of regard for the Town's policies and guidelines" be added after the word "applicant" in clause (ii) of the Subsequent Motion.*

CARRIED (9-0)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7.1 Pool Watch

As previously announced, I am very pleased to advise that the Town has been successful in winning a National Award for Beatty Park Leisure Centre.

The Australian Local Government Association National Award in the Category of Information Services. This category recognises Best Practice in providing information which is essential to the social wellbeing of the Community.

The Mayor, CEO and Cr Farrell were honoured to receive this Award from Senator the Hon Ian Campbell, National Minister for Local Government, Territories and Roads at an Award Ceremony in the Australian National Museum on Sunday 23 November 2003.

As you are aware the Mayor and the CEO attended the National Assembly and Cr Farrell who was in Canberra on work related business also attended.

PoolWatch is an educational communication strategy aimed at promoting safety and security at public swimming pools. The program encourages all users and staff of public swimming pools to make the safety and security of others a number one priority.

Congratulations again, to the Centre Staff and to receive the Award on behalf of the staff is the Executive Manager, Corporate Services, Mr Mike Rootsey.

Received with acclamation.

7.2 Bike Path - Banks Reserve

The Town has finally received detailed plans on the proposed bike path along the river foreshore at Banks Reserve from the Department of Planning and Infrastructure.

As you may be aware, this bike path has been the subject of investigation and negotiation for several years. The final route has been of keen interest to the local residents and the Town and we will support the route which is most acceptable to the Town.

The Town's Administration is currently assessing the plans and will be providing a report to the Council as soon as practicable.

7.3 Britannia Reserve

As you may be aware, the use of Britannia Reserve has evoked considerable interest over the previous week.

This has been caused by Subiaco Football Club Colts commencement of training between 5pm and 7.30pm on Mondays to Fridays. However, training will most likely occur on only three nights per week.

The Town's Administration have issued seasonal sporting hire to enable pre-football season training to occur and discussions with other users is still being finalised.

Whilst it is not normal practice to consult on seasonal hire, I am of the opinion that community consultation should have been carried out on this occasion as misinformation and rumours have caused considerable concern and distress, in particular to our residents who own dogs and use Britannia Reserve.

I will be pleased to meet with ratepayers to assist in resolving this matter in an effort to meet the needs of all users.

7.4 Urgent Business

I have approved of a motion from Councillor Farrell relating to Fairfield Street, Mt Hawthorn. A copy is circulated to the Council.

8. DECLARATION OF INTERESTS

8.1 Cr Chester declared a proximity interest in Item 10.1.16 - Notice of Motion Relating to Policy No 3.1.14 - Subdivisions Requiring Plate Height Development. His interest being that the Town is currently considering a development application next to his primary residence that could be affected by this Item.

8.2 Cr Franchina declared a proximity interest in Item 10.1.6 - No 286 and 288 (Lots 1 and 2) Charles Street, North Perth - Proposed Demolition of Existing House and Construction of Six (6) Two-Storey Grouped Dwellings. His interest being that he owns property in close proximity.

8.3 Cr Franchina declared a proximity interest in Items:

- 10.4.2 - Members Equity Stadium, 310 Pier Street, Perth - Proposed Lease to Perth Glory Soccer Club Pty Ltd
- 10.4.3 - Members Equity Stadium, Pier Street, Perth - Approval to Name Rooms
- 10.4.4 - Progress Report - Members Equity Stadium and Redevelopment of Loton Park; Redevelopment of Leederville Oval and State Indoor Multi Use Sports Centre

His interest being that his daughter owns property in close proximity.

8.4 Cr Lake declared an interest affecting impartiality in Items 10.1.13 - No 28 (Lot 401) Carr Street, West Perth - Proposed Demolition of Existing Single House and Construction of Nine (9) Two Storey Grouped Dwellings and 10.1.14 - No 32 (Lot 402) Carr Street, West Perth - Proposed Demolition of Existing Single House and Construction of Seven (7) Two Storey Grouped Dwellings. Her interest being that her partner has made submissions on these items. She advised that she would consider this matter on its merit and vote accordingly.

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 10.1.13, 10.1.14, 10.1.12, 10.1.8 and 10.1.11

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	10.1.4, 10.1.5, 10.1.6, 10.1.10, 10.1.17, 10.4.6 and 10.4.7
Cr Lake	10.1.7, 10.1.16, 10.2.2, 10.2.3 and 10.4.5
Cr Chester	10.1.2, 10.1.15, 10.2.5 and 10.4.4
Cr Torre	Nil
Cr Doran-Wu	10.1.3
Cr Farrell	Nil
Cr Cohen	Nil
Cr Franchina	Nil
Mayor Catania	Nil

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

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

Items 10.4.2 and 10.4.3

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

Items 10.1.1, 10.1.9, 10.2.1, 10.2.4, 10.3.1 and 10.4.1

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

Nil.

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

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

Items 10.1.1, 10.1.9, 10.2.1, 10.2.4, 10.3.1 and 10.4.1

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

Items 10.1.13, 10.1.14, 10.1.12, 10.1.8 and 10.1.11

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

Moved Cr Ker, Seconded Cr Lake

That the following unopposed items be moved en bloc;

Items 10.1.1, 10.1.9, 10.2.1, 10.2.4, 10.3.1 and 10.4.1

CARRIED (9-0)

10.1.1 Nos. 322-324 (Lot 77 and Part Lots 78, 79 and 80) William Street, Perth – Proposed Ticket Machine and Associated Signage to Existing Fee Paying Car Park (Retrospective Approval Application)

Ward:	South	Date:	26 November 2003
Precinct:	Beaufort, P13	File Ref:	PRO0891; 00/33/1898
Attachments:	001		
Reporting Officer(s):	J Barton		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

(i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by J Williams on behalf of the owners Western Australian Planning Commission for the proposed ticket machine and associated signage to existing fee paying car park (retrospective approval application), as shown on the plans stamp-dated 29 October 2003, subject to:*

- (a) *all signage shall be subject to a separate Sign Licence application being submitted and approved prior to the erection of the signage;*
- (b) *the signage shall not have flashing or intermittent lighting;*
- (c) *compliance with all relevant Environmental Health, Engineering and Building requirements, including relevant Australian Standards and Noise Requirements; and*
- (d) *prior to the issue of the Sign Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (1) *all signage having a minimum clearance of 2.75 metres from the existing ground level;*
 - (2) *the wheel clamping wording being incorporated into the proposed pylon signs; and*
 - (3) *no more than three (3) signs relating to the fee paying car park and wheel clamping being erected on the subject land.*

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

to the satisfaction of the Chief Executive Officer;

- (ii) *the Council ADVISES the applicant that it is their responsibility to apply to and obtain separate Planning Approval from the East Perth Redevelopment Authority (EPRA) for the proposed ticket machine and associated signage;*
- (iii) *the Council ADVISES that the outstanding \$300.00 fee, for application for retrospective Planning Approval, is required to be paid within 14 days of the date of notification; and*
- (iv) *the Council REQUESTS the applicant to implement more appropriate measures of managing payment of outstanding car parking fees at the subject property, rather than the wheel clamping practice.*

COUNCIL DECISION ITEM 10.1.1

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (9-0)

LANDOWNER: Western Australian Planning Commission
APPLICANT: J Williams
ZONING: Metropolitan Region Scheme: Urban
Town Planning Scheme No.1: Unzoned
EXISTING LAND USE: Workshop and Car Park

COMPLIANCE:

Use Class	Light Industry and Car Park
Use Classification	N/A
Lot Area	2053 square metres (total area of all lots)

BACKGROUND:

- 6 November 1997 The Town conditionally approved an application for fee paying car park.
- 28 September 2003 to 28 October 2003 The Town received several complaints from the general public regarding the methods used by Auto Masters to collect car parking fees, namely the clamping of wheels.
- 14 October 2003 The Town sent a letter to Auto Masters regarding the unauthorised ticket machine, associated signage and wheel clamping issues.
- 20 October 2003 The Town received an application for the unauthorised signage and ticket machine.

CONSULTATION/ADVERTISING:

Due to the minor nature of the proposal and the application being referred to an Ordinary Meeting of Council for consideration and determination, advertising is not considered necessary.

The applicant submitted the attached letter of justification in support of the proposal. Also attached are two letters from surrounding businesses, who have advised that the viability of their businesses relies on the operation of the car park.

LEGAL/POLICY:

Town Planning Scheme No.1 and associated Policies.

It should be noted that there is no legislation within the Town, or the State for that matter, that specifically deals with the legalities of wheel clamping.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Wheel Clamping

On 14 October 2003, the Town sent a letter to the Manager of Auto Masters regarding the unauthorised signage and ticket machine, and the measures being taken to collect car parking fees. Since this time, the Manager of Auto Masters, the company that lease the subject land from the WAPC, has submitted an application to the Town for Retrospective Planning Approval for the unauthorised structures.

Auto Masters have also recently closed the car park, as the business can not operate effectively without Auto Clamp, the company employed by Auto Masters to clamp tyres after hours. Since the car park has been closed, the Town has received two letters of complaint from surrounding business, which rely on the car park for business.

The applicant's main justifications for the wheel clamping measures are that the applicant is providing the Town with a safe, secure and cheap car park for local businesses, in an inner urban area which is in need of extra car parking spaces. Also, although the wheel clamping methods are considered extreme by some patrons, the security staff employed to fit the wheel clamps provide a safe area for people visiting local restaurants at night, and they protect vehicles and property from being damaged after hours. The applicant also argues that during the time that Auto Clamp were employed, no cars or property were vandalised on the subject land.

On 6 November 1997, the Town granted Planning Approval for a fee paying car park, and although the methods used to collect car parking fees are not considered ideal, all complaints regarding wheel clamping are actually civil matters to be resolved between Auto Masters and the complainants.

Although wheel clamping is not part of this application, as the Town has no jurisdiction over the methods used by Auto Masters to collect car parking fees on private land, it has been mentioned as part of this application, as this proposal includes signage which will specifically relate to wheel clamping.

Unauthorised Structures

The applicant seeks retrospective Planning Approval for a ticket machine and three pylon signs, as depicted in the attached photographs. The applicant also seeks approval for the wheel clamping signs, which have been removed from the subject land, and are shown in the attached photographs taken by the Town's Law and Order Services when the wheel clamping measures were being carried out.

The existing signs, which relate to car parking fees, and not wheel clamping, comply with the majority of the Towns' Signage Policy for Pylon Signs, as each pylon sign relates to the land use and does not exceed four (4) square metres in total area, or 2.5 metres measured vertically or horizontally across the face of the sign. However, the signs do not have a clearance of 2.75 metres from the ground, as per the Policy. Accordingly, a condition has been recommended so that the signs have a clearance of 2.75 metres.

The wheel clamping signs have been removed from the subject land, as the wheel clamping measures have ceased. The applicant wishes to resume wheel clamping and erect the signs, which are depicted in the attached photographs. However, the previous wheel clamping signage does not comply with the Town's Signage Policy, as the signs were tacked onto the bottom of the pylon signs, and they did not have a clearance of 2.75 metres.

In light of the above, it is recommended that the wheel clamping wording be incorporated into the three (3) existing pylon signs, located adjacent to William Street, Newcastle Street and at the corner of William and Newcastle Streets. Such signage will clearly advise the general public about the car parking fees, and the consequences associated with the failure to pay the fees. Also, it is recommended the signage be restricted to a total of three signs. Accordingly, conditions have been recommended to this effect.

Retrospective Planning Fee

The applicant was only charged a normal planning application fee of \$100.00. However, in light of the current Schedule of Fees and Charges, retrospective Planning Applications for such development incurs a \$400.00 fee.

In light of the above, a condition has been recommended so that the outstanding fees are paid.

Conclusion

In light of the above, it is recommended that the Town supports a safe, secure and well lit inner urban car park for patrons visiting local shops and restaurants within the Town of Vincent.

It is also recommended that retrospective approval be granted for the existing signage and ticket machine, and to advise car park patrons of their obligations to pay for the car parking space, and also to clearly advise patrons of the consequences incurred of failing to pay.

It is further recommended that the applicant considers alternative measures of collecting fees.

10.1.9 No. 299 (Lot 9) Vincent Street, Leederville - Proposed Change of Use from Showroom to Consulting Rooms

Ward:	South	Date:	25 November 2003
Precinct:	Oxford Centre, P4	File Ref:	PRO0719; 00/33/1795
Attachments:	001		
Reporting Officer(s):	S Turner		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by C Alford on behalf of the owner Chowder Bay Nominees, for proposed change of use from showroom to consulting rooms at No.299 (Lot 9) Vincent Street, Leederville, as shown on plans stamp-dated 13 November 2003, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements, including the provision of toilet facilities and a car parking space for people with disabilities in accordance with the Building Code of Australia (BCA) and Disability Discrimination Act;*
- (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) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (iv) a maximum of two (2) consulting rooms shall be used at the premises at any one time;*
- (v) hours of operation shall be restricted to the following times, 7am to 7pm Monday to Friday and 8am to 4pm on Saturday, inclusive;*
- (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; and*
- (vii) the use of the consulting rooms shall be restricted to dental therapy and consultancy only;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.9

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (9-0)

LANDOWNER: Chowder Bay Nominees
APPLICANT: C Alford
ZONING: Metropolitan Region Scheme: Commercial
Town Planning Scheme No.1: District Centre

EXISTING LAND USE: Showroom and Office

COMPLIANCE:

Use Class	Consulting Rooms
Use Classification	"AA"
Lot Area	526 square metres

SITE HISTORY:

On 10 June 1996, the Council at its Ordinary Meeting conditionally approved a two-storey office and showroom development on the subject property. Unit 2, the subject tenancy of this application, has previously been used for showroom purposes.

DETAILS:

The subject proposal involves a change of use from showroom to consulting rooms within the district centre zone. The proposed consulting rooms will provide dental services with individual consultations of a minimum 45 minutes. Approximately 10 – 15 patients will be seen per day. The two consulting rooms allow for a fully qualified dentist and an oral hygienist. The applicant currently has a dental practice based in Newcastle Street, Leederville and wishes to relocate to Vincent Street to maintain the regular clientele, many of which work within the immediate area.

The proposal includes the provision of a total of 5 car parking bays on-site, located at the rear of the property.

CONSULTATION/ADVERTISING:

The proposal was advertised for a period of fourteen days, during which time no objections were received.

LEGAL/POLICY:

Town Planning Scheme No.1 and associated Policies.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Consulting Rooms Use

The consulting rooms use is classified 'AA' in the District Centre zone as per the Town's Town Planning Scheme No.1. The Scheme defines 'AA' as follows;

"means that the use is not permitted unless Council has exercised its discretion by granting planning approval."

The proposed dental consulting rooms are considered supportable as they are considered to be a relatively low impact use, provide a valuable service to the community and it is compatible with the District Centre zoning.

Car Parking

The Town's Parking and Access Policy require the provision of three parking bays per consulting room, thus the current proposal requires 6 car parking bays. The Policy allows the Council to approve a use where the parking requirement is reduced through the application of adjustment factors reflecting site and design factors. The following Table details the car parking assessment for the property:

Car Parking Requirements

Requirements as per Parking and Access Policy	Required No. of Carbays
Consulting Rooms - 1 car bay per consulting rooms, Showroom - 3 car bays for the first 200 square metres of gross floor area and then 1 car bay per 100 square metres (143 square metres) and Office - 1 car bay per 50 square metres of gross floor area (269 square metres)	14.38 car bays
Total carparking required before adjustment factor (nearest whole number)	14 carbays
Apply the parking adjustment factors. <ul style="list-style-type: none"> ▪ 0.80 (within 400metres of a rail station) ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.85 (within 400 metres of one or more public car parks in excess of 75 spaces) 	(0.578) 8.092 car bays
Minus the car parking provided on site (5 + 2.8 = 7.8 car bays) The owner provided cash in lieu for the previous parking shortfall of 2.8 bays (following the application at that time of the parking adjustment factors), for the original development approval of offices and showrooms.	0.092 car bays
Minus the most recent approved on-site car parking shortfall (<u>after taking into account relevant adjustment factors</u>).	Nil
<u>Resultant shortfall</u>	0.292 car bay

The proposed change of use from showroom to consulting rooms for Unit 2 results in an increase in the required number of bays on-site, from the existing uses requiring 9 bays to the proposed uses requiring in total 14 car bays. The previous development included the provision of 10 parking spaces on-site, however these bays were in tandem, therefore only 5 car bays were approved. The owner at that time provided cash in lieu for the shortfall in parking (2.8 car bays).

The proposal provides 4 car parking bays on-site for the subject unit, however two of these bays are in tandem and therefore two of these bays may not be supported as part of this application. However the total parking, as demonstrated above, results in a shortfall of 0.292 car bay on-site and is therefore considered supportable, as the Town's Parking and Access Policy states that if the resultant shortfall of parking is less than or equal to 0.5 bays, no parking bays or cash-in-lieu of parking is required for the shortfall. The owner of the subject site also has a private arrangement with the adjacent property, that being the Leederville Hotel, to utilise two parking bays during normal office hours.

Following detailed assessment of the proposal, the application is considered supportable, subject to standard and appropriate conditions to address the above matters.

10.2.1 Naming of Right of Way Bounded by Harold, Wright, Turner and Lord Streets, Mt Lawley

Ward:	South	Date:	24 November 2003
Precinct:	Forrest Precinct P4	File Ref:	TES0390
Attachments:	001;		
Reporting Officer(s):	A Munyard		
Checked/Endorsed by:	R Lotznicher	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) APPROVES the naming of the right of way bounded by Harold, Wright, Turner and Lord Streets "Phelps Lane";*
- (ii) requests approval of the name from the Department of Land Information's Geographic Names Committee; and*
- (iii) notifies adjoining property owners of the name once approval has been granted.*

COUNCIL DECISION ITEM 10.2.1

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (9-0)

BACKGROUND:

At the Ordinary Meeting of Council held on 6 November 2001, the Council adopted the following resolution;

"That;

- (i) the Council receive the report on the proposed dedication of the right of way bounded by Harold, Wright, Turner and Lord Streets, Highgate;*
- (ii) the Council commences the process of closure and dedication of the right of way as a public road as shown on attached Plan No. 1128-RP-01, in accordance with Section 56 of the Land Administration Act 1997;*
- (iii) a further report be presented to the Council following receipt of all submissions from affected parties regarding the proposed closure and dedication; and*
- (iv) the Council requests Homeswest to pave, drain, illuminate and provide appropriate traffic calming devices in the whole of the subject Right of Way."*

Part of this resolution was subsequently rescinded and the following resolution adopted at the Ordinary Meeting held on 17 December 2002:

"That the Council;

- (1) *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(e) of the Local Government Act 1995 having received the support of one third of the number of Members of the Council, namely Mayor Catania, Cr Cohen and Cr Hall, resolves to CHANGE the following resolution adopted by the Council at its Ordinary Meeting held on 6 November 2001 - item No. 10.2.3 Clause (iv), namely;*

"That the Council;

- (iv) *requests Homeswest to pave, drain, illuminate and provide appropriate traffic calming devices in the whole of the subject right of way"*
- (2) *RESOLVES BY AN ABSOLUTE MAJORITY to approve of the following;*

"That the Council;

- (i) *agrees to share the cost on a 50/50 basis with Homeswest to pave, drain, illuminate and provide appropriate traffic calming devices in the remaining unsealed portion of the subject Right of Way at an estimated cost of \$19,000; as shown on attached Plan No. 2130-RP-1; and*
- (ii) *APPROVES the allocation of \$9,500 from the 2002/2003 right of way upgrade contribution allocation, to fund the Town's 50% share of the cost."*

Having resolved to dedicate the right of way (ROW) providing access to a Homeswest development in Highgate, a name must now be chosen for the proposed road prior to the dedication being completed.

DETAILS:

Speed humps are about to be installed in the brick paved portion of the ROW and once completed the upgrade requirements will have been met, and all necessary steps undertaken to comply with the statutory requirements for dedication, with the *exception* of the application of a name. No objections to the dedication have been received from service authorities and letters of support have been received from both the West Australian Planning Commission and the Minister for Planning and Infrastructure, whose consent to the creation of an under-width road is required.

It is therefore recommended that the Council approve the naming of the new road "Phelps Lane". William Phelps was the name of the assistant surveyor who carried out the initial subdivision of the land in the Highgate area in 1858, creating Perth Suburban Lot 142, from which the ROW and surrounding lots were created.

The name has been chosen as William Phelps made a significant contribution to the development of the area and it is the Town's policy to recognise and celebrate its history.

CONSULTATION/ADVERTISING:

All necessary consultation has been completed and no further advertising is necessary.

LEGAL/POLICY:

There are no legal implications to the naming of the ROW.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of the Plan 2003-2008 – 1.2 “*Recognise the value of heritage in providing a sense of place and Identity*”.

FINANCIAL/BUDGET IMPLICATIONS:

Two (2) street name plates will need to be installed at an estimated cost of \$300.

COMMENTS:

Naming of the ROW will enable the Town to proceed with the dedication of the ROW in accordance with the Council resolution of the Ordinary Meeting held on 6 November 2001.

10.2.4 Proposal to Enhance the Annual Hard Waste Bulk Verge Collection

Ward:	Both	Date:	24 November 2003
Precinct:	All Precincts	File Ref:	ORG 0077
Attachments:	001;		
Reporting Officer(s):	R. Lotznicher		
Checked/Endorsed by:		Amended by:	-

RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the proposal to enhance the annual hard waste bulk verge collection;*
- (ii) *APPROVES the proposal as submitted by Anglicare to collect useful items of hard waste prior to the February 2004 hard waste bulk verge collection;*
- (iii) *requests that Anglicare submit a draft copy of their flyer to the Town's residents for the Chief Executive Officer's approval prior to distribution should the proposal in Clause (ii) be approved; and*
- (iv) *RECEIVES a further report in April 2004 to determine whether the arrangement with Anglicare should continue for subsequent hard waste bulk verge collections.*

COUNCIL DECISION ITEM 10.2.4

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (9-0)

BACKGROUND:

At the Ordinary Meeting of Council held on 13 March 2001, it was resolved that tenders for the 2001 Hard Waste Bulk Verge Collection be called.

Tenders were called and three (3) tenders were received. Of the three (3) tenders received, D & M Waste Services submitted the best price and scored the highest in accordance with the selection criteria weightings and were awarded the contract.

It was also advised that the placement of hardwaste would be stringently policed to ensure that a repeat of the problems experienced with the May 2000 mixed waste collection would not re-occur.

DETAILS:

Since that time and due to the professional service provided by D&M Waste Services, all the bulk verge collections have been carried out in a most professional manner with little or no complaints received by the Town's administration.

Anglicare Proposal

The Town's officers recently met with the Manager Retail Operations for Anglicare, where he offered the Town a service which would complement the Town's hard waste collections.

An extract from Anglicare's submission is outlined below.

"As per our recent discussion, we confirm that we believe there would be mutual benefit to be gained by the Town of Vincent participating with Anglicare in the kerbside collection program.

As you are aware, this arrangement has been most successful with City of Stirling over the last couple of years.

Currently, the attached flyer is distributed to Stirling ratepayers three times per annum. This is one bulk (or junk) and two green waste collections. The layout and content of the sheet has been constantly evolving with the professional assistance of Linc Communications. We believe the message is now very clear and we have experienced very little confusion from householders (even during the green waste collections) with their understanding of instructions.

The flyers are distributed to letterboxes three weeks before collection date. This provides two week's notice of Anglicare's pick up and one week for the City of Stirling's. Any items not suitable for Anglicare's use can then be placed on the verge for the bulk collection the following week.

The system works very efficiently and has been positively received by ratepayers, even to the point where people have congratulated our drivers on the initiatives and obvious advantages of the partnership. Clearly there is a perceived benefit in the concept of a council and a charity linking up for recycling.

It is also worth mentioning that other charities were also invited to participate with collection, but have declined involvement due to their commitment to collection bins.

Attached, you will also find a copy of the brochure distributed in East Fremantle.

This has been very successful from a slightly different approach. Anglicare's single sheet brochure is inserted with East Fremantle's own flyer and dropped into letterboxes. A similar procedure is used in South Perth.

This is how we could work together in Vincent. Anglicare's brochure could be combined and folded with your current mail advice to ratepayers.

As you can see by the wording, householders keep their donations in a "safe dry location within their property boundary" and hang out the orange notice to invite us onto their premises. This has reduced scavenger activity and crime.

We are very enthusiastic about this program. We are very keen to work with you and the Town of Vincent team. Anglicare relies heavily on Op Shop income and we believe this is a mutually advantageous method of recycling and collection."

Anglicare WA is a statewide agency with a unique range of services, including:

- Community Development (including Housing, Youth, Financial Counselling and Crisis Services)

- Relationship Services
- Employment Services
- Corporate Services (including Fundraising and Op Shops)

They employ almost 300 staff and have a network of over 300 volunteers providing services to almost 25,000 clients every year on an annual turnover of over \$11 million.

Officers Comments

The proposal appears to have merit in that any useful items will be recycled and provided to the needy, while useless material will be collected by the Town's contractor and discarded.

Note: Presently all hard waste placed on the verge is discarded except for white goods, which are taken to scrap metal dealers.

Anglicare have indicated that they will collect - free of charge:

- Old furniture
- White goods
- All discarded material "too good" to throw out

Any materials not suitable for collection by Anglicare would need to be placed on the verge by the resident for the Town to collect. Under the proposed arrangement, residents would be able to contact Anglicare at any time throughout the year should they have any useful items they no longer needed.

While there may be a perception that if the Council endorses the proposal it would be affiliating itself with a religious organisation, it is considered that the proposal would be strictly a business arrangement with a "win win" outcome.

This has been the case with the City of Stirling and the other Local Governments involved in this arrangement.

It is, however, considered that unlike the City of Stirling, should the Council endorse the proposal, that it be associated with the annual hard waste collection only and not the green waste collection as is the case in the City of Stirling.

It is also considered that the proposal be trialled for the February 2004 collection and that a further report be presented to the Council at the conclusion of the collection in March/April 2004 to determine whether the arrangement should be continued for subsequent hard waste collections.

CONSULTING/ADVERTISING:

The proposal would be advertised by way of leaflet drops at the applicant's expense three (3) weeks before the hard waste collection date.

LEGAL/POLICY:

There are no contractual implications with regard to the proposal.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2003-2008 - 1.1 Protect and enhance the environment and biodiversity. *"1) A waste management strategy that is aligned with the Mindarie Regional Council's Secondary Waste Treatment initiatives and which has positive environmental outcomes including investigation of future recycling, waste collection and disposal methods."*

FINANCIAL/BUDGET IMPLICATIONS:

There are no financial implications and in the longer term, the proposal may result in cost savings for the Town.

COMMENTS:

It is considered the proposal by Anglicare has merit as items which would normally be discarded by residents during the hard waste collection could be recycled and provided to the needy. Under the proposal, Anglicare would distribute flyers three (3) weeks before a collection in each respective area (refer examples attached). Residents would then phone Anglicare and they would collect from inside the property. The resident would then still have one (1) week in which to neatly stack any items not suitable for collection by Anglicare on the verge for the Town's hard waste collection contractor to collect.

It is therefore recommended that the council approve the proposal as outlined in the report as a trial for the February 2004 hard waste collection and receives a report at the conclusion of the collection to determine whether the arrangement should continue for subsequent bulk verge hard waste collections

10.3.1 Financial Statements as at 31 October 2003

Ward:	-	Date:	10 November 2003
Precinct:	-	File Ref:	FIN0026
Attachments:	001		
Reporting Officer(s):	Natasha Russell		
Checked/Endorsed by:	Mike Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVE the Financial Reports for the month ended 31 October 2003 as shown in Appendix 10.3.1.

COUNCIL DECISION ITEM 10.3.1

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (9-0)

BACKGROUND:

The Local Government Act and Local Government (Financial Management) Regulations 1996 require monthly reports and quarterly financial reports to be submitted to Council. The Financial Statements attached are for the month ended 31 October 2003.

DETAILS:

The Financial Statements comprise:

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

Operating Statement and Detailed Summary of Programmes/Activities

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

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

Operating Revenue

Operating revenue is currently showing 71% of the Budget received to date.

General Purpose Funding (Page 1)

General Purpose Funding is showing 91% of the budget received to date, this is due to rates being levied.

Health (Page 4)

Health is showing 97% of the budget received to date. This is due to Health Licences being issued.

Community Amenities (Page 6)

Community Amenities is showing 34% of the budget received to date. This is due to bin charges being invoiced.

Economic Services (Page 12)

Economic Services is showing 35% of the budget received to date. Swimming Pool Inspection fees have been levied

Operating Expenditure

Operating expenditure for the month is level with Budget (29%).

Recreation & Culture (Page 7)

Water rates have been paid on the properties in the Town. The budget result to date is 32%

Other Property & Services (Page 13)

The back pay and increase in salaries for the outside workforce has contributed to budget result of 64%.

Capital Expenditure Summary (Pages 17 to 27)

The Capital Expenditure summary details projects included in the 2003/04 budget and reports the original budget and compares actual expenditure to date against these. Capital works show total expenditure for the year to date of \$6,608,110, which is 26% of the budget.

Statement of Financial Position and Changes in Equity (Pages 28 & 29)

This statement is in essence the Balance Sheet of the Town as at 31 October 2003 and shows current assets of \$24,519,429 less current liabilities of \$8,962,838, for a current position of \$15,556,591. Total non-current assets amount to \$103,687,656 for total net assets of \$118,946,065.

Restricted Cash Reserves (Page 30)

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

Transfer of interest occurs as it is earned and investments mature. The amounts funded for the Municipal Fund are transferred on a monthly basis. Contributions received, which are transferred to Reserves occur at the end of month during which the cash contribution is received. To the 31st October 2003, interest of \$114,686 was transferred. Transfers to Reserves totalled \$509,687 and transfers from Reserves amounted to \$20,215. Restricted cash reserves total \$7,837,575 at the end of October 2003.

Debtors and Rates Financial Summary

General Debtors (Page 31)

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

Sundry Debtors of \$3,481,558 are outstanding at the end of October. Of this \$151,915 (4%) relates to debts outstanding for over 60 days. The Debtor Report identifies significant balances that are well overdue.

The balance of the significant Debtors are either current or 1- 30 Days.

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

Rate Debtors (Page 32)

The notices for rates and charges levied for 2003/04 were issued on the 11 August 2003.

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

First Instalment	15 September 2003
Second Instalment	17 November 2003
Third Instalment	16 January 2004
Fourth Instalment	16 March 2004

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

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

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

10.4.1 Use of Common Seal

Ward:	-	Date:	25 November 2003
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 Common Seal on the documents listed in the report.

COUNCIL DECISION ITEM 10.4.1

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (9-0)

DETAILS:

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

Date	Document	No of copies	Details
14/11/03	Contract Documents	2	Town of Vincent and Leederville Gardens Retirement Estate and Ms E.J. Herd re: Unit 32, Leederville Gardens, 37 Britannia Road, Leederville
17/11/03	Scheme Amendment Documents	4	Town of Vincent Town Planning Scheme No. 1 - Amendment No. 10 - District Zoning Scheme - To rezone portion of No. 73 (Lot 58) Angove Street, North Perth from "unzoned land" to "Residential/Commercial R80" Zone.
17/11/03	Scheme Amendment Documents	4	Town of Vincent Town Planning Scheme No. 1 - Amendment No. 20 - District Zoning Scheme - To rezone No. 16 (Lot 28) Brentham Street, Leederville from "Town of Vincent Scheme Reserves Public Purpose - Institute for the Deaf" to "Residential R60".
17/11/03	Transfer of Land Document - Easement	1	Town of Vincent and E. & L. Nominees Pty Ltd, c/o Foti & Co, 1st Floor, 159 Main Street, Osborne Park for the extinguishment of the party wall rights created on Plan 24051 under Section 136C of the Transfer of Land Act in respect to [Lots 901-910 Kadina Street, North Perth - Browns Diary], however in respect to Lot 905 on Plan 24051 the extinguishment of the Party Wall right is limited to Lot 904 on Plan 24051 only

Date	Document	No of copies	Details
17/11/03	Deed	1	Town of Vincent and Viana's Café of 142-144 Scarborough Beach Road, Mount Hawthorn for a change of use from shop to eating house and associated incidental and ancillary take away food outlet
18/11/03	Transfer of Land Document - Blank Instrument Form	2	Town of Vincent and J and N McAteer of Glengariff Drive, Floreat re: No. 176 (Lots 24 and 301) Egina Street (corner Green Street, Mount Hawthorn

10.1.13 No. 28 (Lot 401) Carr Street, West Perth – Proposed Demolition of Existing Single House and Construction of Nine (9) Two Storey Grouped Dwellings

Ward:	South	Date:	25 November 2003
Precinct:	Hyde Park, P12	File Ref:	PRO0865; 00/33/1805
Attachments:	001 002 003		
Reporting Officer(s):	P Mastrodomenico, N Edgecombe		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by Weststyle Design and Development on behalf of the owner V Izzicuppo for proposed demolition of existing single house and construction of nine (9) two storey grouped dwellings at No.28 (Lot 401) Carr Street, West Perth, and as shown on the plans stamp dated 30 October 2003, 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) non-compliance with the setback, plot ratio, housing density, and store requirements of the Residential Design Codes;*
- (iii) non-compliance with the first floor, front setback requirements of the Town's Policy relating to the "Robertson" Locality Plan;*
- (iv) the existing place has cultural heritage significance in terms of its historic, scientific, rarity and representativeness value; and*
- (v) consideration of the objections received.*

COUNCIL DECISION ITEM 10.1.13

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

CARRIED (6-3)

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

LANDOWNER: V Izzicuppo
APPLICANT: Weststyle Design and Development
ZONING: Metropolitan Region Scheme: Urban
 Town Planning Scheme No.1: Residential R80
EXISTING LAND USE: Single house

COMPLIANCE:

Use Class	Grouped Dwellings
Use Classification	"P"
Lot Area	1333 square metres

Requirements	Required	Proposed
Density	8 dwellings	9 dwellings
Plot ratio	0.65 (866 square metres)	0.83 (1106 square metres)
Stores	4 square metres with a minimum dimension of 1.5 metres	All less than 4 square metres
Setback (stores) - Units 3, 6 and 7 (east)	1.0 metre	Nil
Units 8 and 9 (north)	1.0 metre	Nil
Setbacks - front first floor	6.0 metres	4.5 metres to terrace and portion of dwelling

SITE HISTORY:

The subject site is occupied by a single house which is proposed to be demolished. The surrounding area is characterised by a mixture of single and two-story houses. A shop is located directly across the road.

DETAILS:

Approval is sought for the demolition of an existing single house and the construction of nine (9) two-storey grouped dwellings. An application for the demolition of the existing single house on site and the construction of seven (7) grouped dwellings is proposed on the adjacent site at No.32 Carr Street. The subject lots are proposed to be amalgamated with a shared access down the centre of the lots.

CONSULTATION/ADVERTISING:

There were 3 objections received during the advertising period. These included objections from the Hyde Park Precinct Group and the Cleaver Precinct Action Group. The main issues raised included the amount of non-compliances with the Residential Design Codes and the Town's Policies, including density, plot ratio, setbacks and car parking. The objection letters are circulated separately to Elected Members.

The applicant has provided a letter of justification outlining reasons to support the variations of the proposed development including, visitors car parking, the number and setback of stores, a reduction in the first floor setback, which has been included as an attachment to this report.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Density

Clause (20) (4) (e) (i) of the Town's Town Planning Scheme No.1 states that no multiple dwellings are permitted in the Hyde Park Precinct. Furthermore all grouped dwellings in a Residential R80 area would have to be considered under the Residential R60 density as per the Residential Design Codes.

The development proposes a total of nine (9) grouped dwellings which equates to a density bonus of 1 dwelling. The proposed density bonus being on vacant land is not supported in this instance.

Plot Ratio

The Residential Design Codes requires a plot ratio of 0.65 (866 square metres). The development proposes a plot ratio of 0.83 (1106 square metres) and, as such, the increase in plot ratio is considered to increase the overall bulk and scale of the development and is not supported.

Primary Street Setback

The Town's Policy relating to the "Robertson" Locality Plan requires a front first floor setback of 6.0 metres. The development proposes a minimum first floor setback of 4.5 metres. The proposal does not comply with the Town's requirements and would unduly adversely affect the amenity and streetscape of the area, and, as such, is not supported.

Setbacks (Stores)

The setback variations to the eastern and northern boundaries (stores to Units 3, 6, 7, 8 and 9) are considered minor as they are single storey in height. As such, they are not considered to unduly impact the amenity of the affected neighbours. Should the Council approve the development all stores should be conditioned to be a minimum area of 4 square metres with a minimum dimension of 1.5 metres.

Access

The subject lots are proposed to be amalgamated with a shared access down the centre of the lots to service the proposed nine (9) units at No.28 Carr Street and seven (7) units at No.32 Carr Street. If the Town is to approve the development, a condition to amalgamate the lots will be required.

Heritage

A detailed heritage assessment is contained in the Appendix 10.1.13.

The subject place at No. 28 Carr Street consists of a dwelling which has been divided into two separate living quarters; Nos 28 & 28B, and a former bakery outbuilding. The subject dwelling at No. 28 Carr Street, West Perth is a circa 1897 brick and iron building which has undergone considerable additions and alterations to the original building fabric. Although many of the original internal fixtures and fittings have been removed, the subject dwelling contributes to the streetscape in terms of general form, scale and presentation to the street. The place is considered to have little to some historic significance as part of the late nineteenth and early twentieth century building stock of the Town of Vincent and is therefore considered to meet the threshold for consideration for entry into the Town's Municipal Heritage Inventory.

In light of the above, it is recommended that the application for the demolition of the existing dwelling be refused.

The former bakery outbuilding is located at the rear of the subject dwelling and is associated with No. 28B Carr Street. The former bakery was operational between 1932 and 1936/37. The brick and corrugated iron outbuilding consists of a central room under a hipped roof containing two commercial sized ovens, separated by a 'firebox'. A large triangular shaped iron exhaust hood is suspended above one of the ovens.

The former bakery outbuilding is not listed on the Town of Vincent Municipal Heritage Inventory or the Interim Heritage database, however it is considered to have some cultural heritage significance. The former bakery is representative of small bakeries operating in residential areas in the inter-war period. It is considered rare that such a facility remains in situ in the Town of Vincent. The former bakery has historic value as a 1930s food manufacturing facility and scientific value for its ability to yield information concerning the development of the baking industry, bread oven design, bread-making methods and delivery in the Town of Vincent area in the inter-war period. It is therefore considered to meet the minimum criteria for consideration of entry into the Town's Municipal Heritage Inventory.

In light of the above, it is recommended that the application be refused for the demolition of the existing former bakery outbuilding.

Summary

The proposal is considered to depart from the relevant requirements of the Residential Design Codes and the Town's Policies. The variations on the basis above are not supported and given the heritage significance of the existing buildings, it is therefore recommended that the application be refused.

10.1.14 No. 32 (Lot 402) Carr Street, West Perth – Proposed Demolition of Existing Single House and Construction of Seven (7) Two-Storey Grouped Dwellings

Ward:	South	Date:	25 November 2003
Precinct:	Hyde Park,P12	File Ref:	PRO 2491; 00/33/1806
Attachments:	001 002 003		
Reporting Officer(s):	P Mastrodomenico, N Edgecombe		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme the Council REFUSES the application submitted by Weststyle Design and Development on behalf of the owners D and M Di Iorio for proposed demolition of existing single house and construction of seven (7) two-storey grouped dwellings at No.32 (Lot 402) Carr Street, West Perth, and as shown on the plans stamp dated 30 October 2003 and 31 October 2003, 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) non-compliance with the setback, plot ratio, housing density car parking and store requirements of the Residential Design Codes;*
- (iii) non-compliance with the first floor, front setback requirements of the Town's Policy relating to the "Robertson" Locality Plan; and*
- (iv) consideration of the objections received.*

COUNCIL DECISION ITEM 10.1.14

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted.

Debate ensued.

CARRIED (6-3)

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

LANDOWNER: D and M Di Iorio
APPLICANT: Weststyle Design and Development
ZONING: Metropolitan Region Scheme: Urban
 Town Planning Scheme No.1: Residential R80
EXISTING LAND USE: Single house

COMPLIANCE:

Use Class	Grouped Dwellings
Use Classification	"P"
Lot Area	1012 square metres

Requirements	Required	Proposed
Density	6.07 dwellings	7 dwellings
Plot ratio	0.65 (657.8 square metres)	0.83 (860 square metres)
Stores	4 square metres with a minimum dimension of 1.5 metres	All less than 4 square metres
Setback (stores) - Units 1, 2, 3, 4, 5 and 6 (west)	1.0 metre	Nil
Unit 7 (north)	1.0 metre	Nil
Setbacks - front - first floor	6.0 metres	4.5 metres to terrace and portion of dwelling
Visitors - car parking	2 bays	Nil

SITE HISTORY:

The subject site is occupied by a single house, which is proposed to be demolished. The surrounding area is characterised by a mixture of single and two-story houses. A shop is located directly across the road.

DETAILS:

Approval is sought for the demolition of an existing single house and the construction of seven (7) two-storey grouped dwellings. An application for the demolition of the existing buildings on-site and the construction of nine (9) grouped dwellings is proposed on the adjacent site at No.28 Carr Street. The subject lots are proposed to be amalgamated with a shared access down the centre of the lots.

CONSULTATION/ADVERTISING:

There were 5 objections received during the advertising period. These included objections from the Hyde Park Precinct Group and the Cleaver Precinct Action Group. The main issues raised included the amount of non-compliances with the Residential Design Codes and the Town's Policies, including density, plot ratio, setbacks and car parking. The objection letters are circulated separately to Elected Members.

The applicant has provided a letter of justification outlining reasons to support the variations of the proposed development including, visitors car parking, the number and setback of stores, a reduction in the first floor setback, which has been included as an attachment to this report.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Density

Clause (20) (4) (e) (i) of the Town's Town Planning Scheme No.1 states that no multiple dwellings are permitted in the Hyde Park Precinct. Furthermore all grouped dwellings in a Residential R80 area would have to be considered under the Residential R60 density as per the Residential Design Codes.

The development proposes a total of seven (7) grouped dwellings which equates to a density bonus of 0.93 dwelling. The proposed density bonus being on vacant land is not supported in this instance.

Plot Ratio

The Residential Design Codes requires a plot ratio of 0.65 (657.8 square metres). The development proposes a plot ratio of 0.83 (860 square metres) and, as such, the increase in plot ratio is considered to increase the overall bulk and scale of the development and is not supported.

Primary Street Setback

The Town's Policy relating to the "Robertson" Locality Plan requires a front first floor setback of 6.0 metres. The development proposes a minimum first floor setback of 4.5 metres. The proposal does not comply with the Town's requirements and would unduly adversely affect the amenity and streetscape of the area, and as such, is not supported.

Setbacks (Stores)

The setback variations to the western and northern boundaries (stores to Units 1, 2, 3, 4, 5, 6 and 7) are considered minor as they are single storey in height. As such, they are not considered to unduly impact the amenity of the affected neighbours. Should the Council approve the development, all stores should be conditioned to be a minimum area of 4 square metres with a minimum dimension of 1.5 metres.

Access

The subject lots are proposed to be amalgamated with a shared access down the centre of the lots to service the proposed seven (7) units at No.32 Carr Street and nine (9) units at No.28 Carr Street. If the Town is to approve the development, a condition to amalgamate the lots will be required.

Demolition

A detailed heritage assessment is contained in the Appendix 10.1.14.

The subject place at No. 32 (Lot 402) Carr Street, West Perth is a circa 1910 brick and iron dwelling located on former Perth Town Lot Y203. The precise year of construction is not certain, although, according to the Perth Metropolitan Sewerage Plans, no dwelling had been built on the lot by 1901. A listing for No. 32 Carr Street first appears in the Post Office Directories in 1905, indicating that a dwelling had been built, however as the street numbers along Carr Street have changed, it is likely this record refers to the former dwelling west of the subject dwelling.

The original floor plan remains intact, including a central hallway and four rooms under a hipped roof. The original form of the roof and three chimneys remain in situ. Many of the original double sash windows remain, as do the majority of the original decorative features such as plaster air vents, wooden skirting boards and floorboards, although some have been damaged by fire. No original features remain in the kitchen or bathroom. The wooden fabric of the original rear skillion has been removed and rebuilt in brick, and the verandahs have been enclosed. The subject dwelling contributes to the streetscape in terms of traditional setbacks and building style.

The subject dwelling is not listed on the Town of Vincent Municipal Heritage Inventory or the Interim Heritage Database. The place is considered to have *little cultural heritage significance*, and does not meet the minimum criteria for entry into the Town's Municipal Heritage Inventory. Although the place is representative of an early twentieth century modest brick and iron house, the place is not rare and is considered to be of little aesthetic, social and scientific value.

In light of the above, demolition of the existing dwelling is supported, subject to standard conditions.

Summary

The proposal is considered to depart from the relevant requirements of the Residential Design Codes and the Town's Policies. The variations on the basis above are not supported, it is therefore recommended that the application be refused.

10.1.12 No. 103 (Lot 10) Harold Street, Corner Stirling Street, Highgate- Proposed Alterations and Additions to Existing Motel and Change of Use From Motel to Twenty-Two (22) Multiple Dwellings and Three (3) Single Bedroom Multiple Dwellings

Ward:	South	Date:	25 November 2003
Precinct:	Forrest, P14	File Ref:	PRO 0308; 00/33/1862
Attachments:	001		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by the applicants Hillam Architects on behalf of the owner Lomond Properties Pty Ltd for proposed alterations and additions to existing motel and the change of use from motel to twenty two (22) multiple dwellings and three (3) single bedroom multiple dwellings at No.103 (Lot 10) Harold Street, corner Stirling Street, Highgate, and as shown on plans stamp-dated 25 November 2003, 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) non-compliance with the plot ratio for single bedroom multiple dwellings, open space, housing density, privacy and store requirements of the Residential Design Codes;*
- (iii) non-compliance with the Town's Policy relating to Street Walls and Fences; and*
- (iv) in consideration of the objection received.*

Moved Cr Torre, Seconded Cr Cohen

That the recommendation be adopted.

Debate ensued.

LOST (1-8)

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

Reasons:

1. Removes an existing non-conforming use.
2. Redevelopment will be an asset to the area.
3. Proposed alternative proposal re-uses the existing building envelope.

Moved Cr Ker, Seconded Cr Cohen

ALTERNATIVE RECOMMENDATION

That the following alternative recommendation be adopted:

(i) *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 Hillam Architects on behalf of the owner Lomond Properties Pty Ltd for proposed alterations and additions to existing motel and the change of use from motel to twenty two (22) multiple dwellings and three (3) single bedroom multiple dwellings at No.103 (Lot 10) Harold Street, corner Stirling Street, Highgate, and as shown on plans stamp-dated 25 November 2003,subject to:

- (a) *compliance with all relevant Environmental Health, Engineering and Building requirements, including access and carparking;*
- (b) *detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building Licence application;*
- (c) *prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating the balconies along the eastern sides on the first and second floors being setback a minimum of 4.1 metres to the eastern lot boundary.*

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

- (d) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the eastern-side of the eastern facing balconies of units 15,16,17,23,24 and 25 on the first and second floor levels, respectively, 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;*
- (e) *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 Harold Street and Stirling 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;*
- (f) *details of any trees within the boundary of the property shall be submitted prior to the commencement of works on site;*

- (g) *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;*
- (h) *prior to the first occupation of the development, four (4) visitors bays, shall be clearly marked and signposted for the exclusive use of visitors to the development;*
- (i) *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;*
- (j) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;*
- (k) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (l) *a standard visual truncations, in accordance with the Town's Policies and to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*
- (m) *a detailed landscaping plan, including a schedule of plant species, the provision of mature screen landscaping along the entire eastern side boundary, the retention of the existing lemon tree adjacent to the eastern boundary, and the landscaping and reticulation of Harold Street and Stirling Street verges adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (n) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expenses;*
- (o) *a road and verge security bond or bank guarantee of \$1100 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing; and*
- (p) *the carparking area located on the south side is permitted to be covered with a permanent approved shade structure;*
to the satisfaction of the Chief Executive Officer; and
- (ii) *the approval for the higher density as part of the subject proposal shall not be construed as a precedence, as it involves the re-use of an existing building envelope.*

Debate ensued.

Moved Cr Ker, Seconded Cr Lake

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

"(q) the roof structure of the top level on the eastern boundary be restricted to the current eaves with any additional structures being of open pergola type;"

AMENDMENT CARRIED (9-0)

Moved Cr Ker, Seconded Cr Lake

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

"(r) the power supply along Harold Street adjacent to the development be undergrounded at the applicant's expense."

AMENDMENT CARRIED (9-0)

Moved Cr Lake, Seconded Cr Chester

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

"(m) a detailed landscaping plan, including a schedule of plant species, the provision of mature screen landscaping along the entire eastern side boundary at least 3 metres high, consideration of the retention of the existing lemon tree adjacent to the eastern boundary, and the landscaping and reticulation of Harold Street and Stirling Street verges adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);"

AMENDMENT CARRIED (8-1)

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

MOTION AS AMENDED CARRIED (9-0)

COUNCIL DECISION ITEM 10.1.12

(i) *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 Hillam Architects on behalf of the owner Lomond Properties Pty Ltd for proposed alterations and additions to existing motel and the change of use from motel to twenty two (22) multiple dwellings and three (3) single bedroom multiple dwellings at No.103 (Lot 10) Harold Street, corner Stirling Street, Highgate, and as shown on plans stamp-dated 25 November 2003,subject to:

- (a) *compliance with all relevant Environmental Health, Engineering and Building requirements, including access and carparking;*
- (b) *detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building Licence application;*
- (c) *prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating the balconies along the eastern sides on the first and second floors being setback a minimum of 4.1 metres to the eastern lot boundary.*

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

- (d) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the eastern-side of the eastern facing balconies of units 15,16,17,23,24 and 25 on the first and second floor levels, respectively, 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;*
- (e) *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 Harold Street and Stirling 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;*
- (f) *details of any trees within the boundary of the property shall be submitted prior to the commencement of works on site;*
- (g) *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;*
- (h) *prior to the first occupation of the development, four (4) visitors bays, shall be clearly marked and signposted for the exclusive use of visitors to the development;*

- (i) 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;*
 - (j) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;*
 - (k) the construction of crossovers shall be in accordance with the Town's specifications;*
 - (l) a standard visual truncations, in accordance with the Town's Policies and to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*
 - (m) a detailed landscaping plan, including a schedule of plant species, the provision of mature screen landscaping along the entire eastern side boundary at least 3 metres high, consideration of the retention of the existing lemon tree adjacent to the eastern boundary, and the landscaping and reticulation of Harold Street and Stirling Street verges adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
 - (n) prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expenses;*
 - (o) a road and verge security bond or bank guarantee of \$1100 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*
 - (p) the carparking area located on the south side is permitted to be covered with a permanent approved shade structure;*
 - (q) the roof structure of the top level on the eastern boundary be restricted to the current eaves with any additional structures being of open pergola type; and*
 - (r) the power supply along Harold Street adjacent to the development be undergrounded at the applicant's expense;*
- to the satisfaction of the Chief Executive Officer; and*
- (ii) the approval for the higher density as part of the subject proposal shall not be construed as a precedence, as it involves the re-use of an existing building envelope.*

FURTHER REPORT:

Two additional submissions, one in support and one an objection against the above proposal have been received. The submission in support of the proposal was a late submission received after the closing date for advertising. Both submissions will be circulated to Elected Members, prior to the Ordinary Meeting of Council to be held on 2 December 2003.

The matters raised in the objection are summarised as follows:

- Statement of underutilised kerb side parking is not correct.
- Extension is not consistent with the existing streetscape. The new building will encroach onto the street and the surrounding buildings.
- Building will be substantially larger.
- The setback for the three-storey component along the eastern boundary is being reduced from 7.7 metres to 3.4 metres, with the provision of a 1.6 metres high screen. No consideration has been given to the noise and privacy, contrary to the applicant's view that this will be considerably worse than the current situation.
- The concept drawing is misleading and not to scale as the applicant's give the impression that the building is small.
- The developer knew of the R Codes when the property was purchased, and should be forced to comply; that the building is being renovated does not give the owner the right to vary R Codes.

The reasons in support of the proposal are:

- as the proposal does not alter the configuration of the existing building;
- the building is run down; and
- the upgrading will enhance the area.

The matters raised in the submissions are similar to the issues stated in the report and the concerns raised by the Town's Officers.

The previous Officer Recommendation not to support the above development proposal remains unchanged.

LANDOWNER: Lomond Properties Pty Ltd
APPLICANT: Hillam Architects
ZONING: Metropolitan Region Scheme-Urban
 Town Planning Scheme No.1-Residential R80
EXISTING LAND USE: Motel

COMPLIANCE:

Requirements	Required	Proposed
Stores	1.5 metres in depth and 4 square metres in area	1.0 to 2.4 metres in depth and 2.25 to 2.9 square metres
Density	19 multiple dwellings	22 multiple dwellings and 3 single bedroom multiple dwellings
Single bedroom plot ratio	60 square metres	73 to 81square metres
Open space	60 percent or 1486 square metres	37.86 percent or 938 square metres
Setbacks Canopy-north side	6 metres	4.5 metres

Requirements	Required	Proposed
Balcony-1first floor-north side	6 metres	5.95 metres
Balcony-2first floor-north side	6 metres	5.95 metres
Balcony-2second floor-east	4.1 metres	3.4 metres
Stairs-2second floor-south	1.3 metres	1.2 metres
Height of wall (existing three storey)	9.0 metres	8.8 to 9.1 metres
Fencing	Solid portion excepting piers to be 1.2 metres high (maximum) with the remaining part of the fence to 1.8 metres high to be 50 percent transparent	Solid portion extends over the piers widths to a height of 2 metres
Balconies	1.6 metres high fixed screening	Units 15 and 23 balconies facing the eastern side being 1.0 metre, and balconies adjacent to stairways for first and second floors facing the south and the south-eastern sides being 1.1 metres.

Use Class	Multiple Dwelling
Use Classification	"P"
Lot Size	2478 square metres

SITE HISTORY:

The site currently supports a three-storey 60 room motel, with access from Harold and Stirling Streets. The proposed use is classified as a lodging house under the relevant Health Regulations.

11 August 1997 At its Ordinary Meeting, the Council conditionally approved refurbishments of the motel and the addition of a new foyer and change of use of a reception centre to office, staff facilities and warehouse/storage.

DETAILS:

The applicant seeks to change the use from a motel to twenty two (22) multiple dwellings and three (3) single bedrooms multiple dwellings. The proposal also includes alterations and additions to address the multiple dwellings requirements of the Residential Design Codes (R Codes), which are as follows:

- Provision of carparking for residents and visitors.
- New stores and balconies.
- Internal alterations, including a foyer entry.
- Upgrade of existing fencing.

It is to be noted that Unit 8 is considered as a two bedroom multiple dwellings (that is, bedroom and study) and not as a single bedroom unit as classified by the applicants, as there are two functional habitable rooms with doors indicated on the floor plans. Under the Building Code of Australia, there is no minimum size area requirements for habitable rooms, however there are minimum ceiling heights of 2.4 metres, which the rooms comply with.

The applicant has submitted a comprehensive submission in support of the proposal (attached), which is summarised as follows:

- The renovation has been designed within the constraints of the existing load bearing walls. The 25 units would provide a lower impact than the current use. A lesser number of larger units could be designed, but would be financially and socially incompatible.
- The current building has 60 rooms, for transient visitors. The owners are also planning to re-sign a 10 years lease to use the building as a boarding house for students if this development were to fail. This would be a detriment to the area as the density would be that of 60 single bedroom units.
- There is an existing carpark for the motel use. Carparking has been provided in accordance with the R Codes. Request that covered carbays be considered as open space. However, owners are willing to concede and change the roofing material to be permeable to comply with the R Codes and this would increase the open space to comply. Amenity of the dwellings have been maximised through the provision of balconies and courtyards. Amenity of neighbours has been increased in terms of privacy and the substantial renovation of the tired façade of the existing structure.
- The stores comply with the previous R Codes requirements of 1.5 square metres. If larger stores were provided, then carbays would be lost. There is also the sewer constraints resulting in no stores located on the southern boundary.
- The proposed setbacks are minor and would increase privacy as the lot to the west is currently overlooked by large openings. The projection of the balconies represents improvements to the building. The balconies are to be screened to 1.6 metres above floor level of the balcony.
- The current structural system has resulted in the single bedrooms being larger than the 60 square metres requirements. The spirit of the codes is to prevent single bedroom units being used for more than a single person or a couple. The design of the single bedroom units and the extra areas is solely contained in functional areas and do not present the possibility of extra occupants.
- The variations are considered minor compared to the substantial improvements to the streetscape and local environment and approval is requested.

CONSULTATION/ADVERTISING:

The proposal was advertised and one (1) submission, which is an objection, was received.

The issues raised in the submission, (circulated to Elected Members separately) is summarised as follows:

- Development is welcomed, however there are concerns relating to the non-compliances such as setbacks and open space, which would have a negative impact on the immediate and the wider area.
- Extension of the balconies considered as extensive, especially on the eastern side which would cause overlooking and noise problems to the adjoining property, which has been recently renovated. Even with the opaque finish to the balconies, the increase in size would encourage outdoor activity.
- A total 41 carbays, inclusive of visitor carparking is provided for within the development. In reality, visitors would be parking along the streets. This site has been used as motel for many years with a transient occupancy with minimal visitors. Harold Street, from Beaufort Street to Smith/Curtis Streets, is highly congested almost every night with patrons from the Must Wine Bar, the Queens Hotel and other eating areas within close proximity. Many complaints have been forwarded to the Town of Vincent relating to shortage of on-street carparking during these periods. To-date, the Council has not been able to address these problems and this development would exacerbate the problem.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Density

Under the R 80 density, nineteen (19) multiple dwellings are permissible. The applicant has the opportunity to comply, but has given reasons of commercial non-viability and social reasons for not being able to do so. The site is zoned residential R 80 and to support an increase in density for this site might set a precedent for other sites. The increased density has also indirectly contributed to some of the variations requested, such as store size and plot ratio increases for the single bedroom units. On the above basis, the increase in the density is not supported.

Setbacks

The proposed setback variations requested are considered acceptable and would contribute to the overall design of the building. Fixed privacy screening is proposed which would comply with the R Code requirements and address current overlooking problems to the property on the eastern side, except for the balcony screening for units 15 and 23 that require screening to be increased to 1.6 metres in height. Screening is also required for the balconies adjacent to the stairways on the south and south-eastern sides on the first and second floors. The front (north), side (east) and rear (south) setback variations would not affect the streetscape or the amenity of the area. On this basis, the setback variations are supported.

Plot Ratio-Single Bedroom Units

The plot ratio discretion for the single bedroom units is not supported as they do not comply with the R Codes. The applicant has an opportunity to design these units as two/three bedroom multiple dwellings. The floor layout indicates that the study has the potential to be converted for use as bedroom, thereby defeating the purpose and intention of the floor plot ratio restrictions in the R Codes. This increase is also not supported as it might create a precedent for the redevelopment/conversion of other similar type buildings associated with "change to use" within the Town of Vincent.

Open space

The open space requirement for the site is 60 percent or 1486 square metres. The proposed open space is 37.86 percent or 938 square metres. If the permanent covered carparking area is replaced with (water) permeable roof material, then the 60 percent open space would be achieved.

Stores

The variation to the size and dimension of the proposed stores are not supported, as there is opportunity for the standard size stores to be provided.

Fencing

The current fencing on-site is a solid wall. The proposed fencing is not in accordance with the current requirements, where the solid wall allowed is to 1.2 metres except for the piers, with the rest of the wall being 50 percent visually permeable. The applicant has opportunity to achieve this requirement through redesign of the walls to comply with the Town's requirements.

Heritage and Partial Demolition

The site is not a heritage listed site. The partial demolition is mainly internal and minor in nature to reconfigure the dwellings' layouts, and is supported.

Overshadowing

The proposal complies with the overshadowing requirements of the R Codes as the proposed new roof already exists on the northern side of the building and will not have any undue impact on the shadow already cast by the existing building.

Carparking

The carparking complies with the R Codes requirements for multiple dwellings as 41 carbays, inclusive of 4 visitor carbays, are provided in lieu of 40 carbays.

Communal open space

All the multiple dwellings have been provided with a balcony area, or equivalent outdoor area, or both, directly accessible from a habitable room.

Although it could be argued that the R-Codes require a communal open space area of 16 square metres for each dwelling, Table 1 of the R-Codes is ambiguous, as it only appears to require one communal area of 16 square metres for the development. Additionally, 400 square metres (25 units x 16 square metres) of communal open space is considered excessive for a development of this scale, especially given that 37.86 percent (938 square metres) of open space has been provided, which would be increased to 60 percent if the carbays were to be covered by a (water) permeable roof.

In light of the above, and that each unit has its own functional outdoor area or balcony for entertaining, the proposed communal open space area is considered adequate enough to meet the future needs of the residents in dwellings of this size.

Height

The additional wall height proposed along the front of the building is considered acceptable and supported, as it blends with the existing building fabric.

Health, Building and Engineering

The relevant health, building and engineering requirements have been generally complied with.

Conclusion

It is considered that the proposal will generally have an undue adverse impact on the amenity of the area, in terms of reduction in the provision open space, increased plot ratio for the single bedroom multiple dwellings, non-complying stores and increased density, which would also create an undesirable precedent in the area. It is therefore recommended that the application be refused.

10.1.8 No. 56 (Lot 110) Venn Street, North Perth - Proposed Change of Use from Single House to Consulting Rooms and Associated Car Parking

Ward:	North	Date:	21 November 2003
Precinct:	Norfolk, P16	File Ref:	PRO2069; 00/33/1852
Attachments:	001		
Reporting Officer(s):	J Barton		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by A C Metcalf on behalf of the owner B M Gunnell, for proposed change of use from single house to consulting rooms and associated car parking at No.56 (Lot 110) Venn Street, North Perth, as shown on plans stamp-dated 6 October 2003 and amended plans dated 4 November 2003, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements, including the provision of toilet facilities and a car parking space for people with disabilities in accordance with the Building Code of Australia (BCA) and Disability Discrimination Act;*
- (ii) the two on-site car parking bays off Venn Street shall be clearly designated for staff parking only, and signage shall be installed indicating that the car parking bays at the rear are for customer parking and the car parking bays adjacent to Venn Street shall be for staff parking only;*
- (iii) 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;*
- (iv) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (v) a maximum of two (2) consulting rooms and two (2) consultants/practitioners shall be used and operate, respectively, at the premises at any one time;*
- (vi) no more than two (2) clients are permitted to visit the premises at any one time;*
- (vii) the hours of operation shall be restricted to the following times, 8am to 6pm Monday to Friday and 8am to 12pm on Saturday, inclusive;*
- (viii) 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;*
- (ix) this approval for consulting rooms 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;*
- (x) the use of the consulting rooms shall be restricted to use by qualified medical consultants/practitioners only;*
- (xi) no massage activity of a commercial nature shall occur at the premises, unless it is directly related to the treatment of ailments;*

- (xii) *a road and verge security bond or bank guarantee of \$220 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*
- (xiii) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (xiv) *standard visual truncations, in accordance with the Town's Policies and to the satisfaction of the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*
- (xv) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Venn 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;*
- (xvi) *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";*
- (xvii) *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; and*
- (xviii) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Venn Street and Fitzgerald Street verges adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.8

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted subject to new clauses (xix) and (xx) be added as follows:

- "(xix) prior to the first occupation of the development, the full length and width of the right of way from Fitzgerald Street to the eastern side boundary abutting the subject land shall be sealed, drained and paved to the specifications of and supervision under the Town, at the applicant's/owner(s)' full expense; and*

(xx) *a bond and/ or bank guarantee for \$2400 for the upgrade of the rear portion of the right of way shall be lodged prior to the issue of a Building Licence;"*

Debate ensued.

Cr Doran-Wu departed the Chamber at 7.26pm.
Cr Doran-Wu returned to the Chamber at 7.27pm.

Moved Cr Ker, Seconded Cr Lake

That should this application be approved the subdivision of the block not be finalised.

AMENDMENT CARRIED (9-0)

Debate ensued.

MOTION AS AMENDED LOST (0-9)

1. **Incompatible with the residential amenity of the area.**
2. **More appropriate to the commercial centre which is nearby.**
3. **Potential adverse impact of traffic and parking on Venn Street.**
4. **Access from Fitzgerald Street and the right of way being problematic.**
5. **Consideration of the objections received (including the petition with 55 signatories read at the beginning of the meeting).**

FURTHER REPORT:

A further report has been requested to address the following questions from Councillor Caroline Cohen:

"Please can you prepare an appropriate condition to address the sealing and draining of the ROW in question. The ROW is currently unsealed and sandy and could become degraded with the proposed increase in use."

In light of the above, the previous Officer Recommendation has been altered to include clauses/conditions (xix) and (xx) as mentioned above, to address the upgrading and sealing of the right of way.

"Please can you request comment from the technical department about whether the requirement for a 6 metre turning circle has been met (measurements on the plans are not clear to me). Also, a truncation at the northern boundary corner of the ROW can not be provided as there is an existing brick wall to the adjacent property on Fitzgerald street. I am concerned about sight lines across the public footpath, the close proximity of the bus shelter and space for manoeuvring on the site."

The Town's Technical Services advised that there is sufficient manoeuvring space and sightlines for the car parking spaces at the rear. Nevertheless, there could be a sightline issue for the car bay closest to Fitzgerald Street, however, a standard condition/ clause has been recommended to ensure that the applicants provide sufficient sightlines for all bays. Furthermore, the Town's Technical Services advised that the brick wall, to the north-western corner of the property across the right of way at the rear, is existing, and a truncation can not be requested as this wall was approved by the Town. Additionally, the bus stop does restrict sightlines.

"Have new plans demonstrating the deletion of the proposed crossover to Fitzgerald Street been provided to the TOV".

The applicants have deleted the crossover onto Fitzgerald Street, and the plans included on the Agenda do not show a crossover.

"The removal of the jacaranda tree on this site is pertinent to this application (in my opinion) as without its removal the applicant would not have been able to provide the required number of parking bays".

Although the Jacaranda (*Jacaranda mimosaeifolia*) is listed as a possible significant tree on the Town's Interim Significant Tree Data Base (possible Inventory inclusion), it is not listed on the Town's Significant Tree Inventory, and it is therefore not protected under Clause 21 of the Town's Town Planning Scheme No. 1.

Furthermore, although the retention of the tree was imposed as a condition on the subdivision approval by the WAPC, the applicants no longer wish to carry through with the subdivision, and they are therefore not required to comply with the condition unless they are subdividing the subject land.

LANDOWNER: B M Gunnell
APPLICANT: A C Metcalf
ZONING: Metropolitan Region Scheme: Urban
Town Planning Scheme No.1: Residential R60
EXISTING LAND USE: Single House

COMPLIANCE:

Use Class	Consulting Rooms
Use Classification	"SA"
Lot Area	427 square metres

SITE HISTORY:

28 January 2003 Conditional subdivision approval granted by the Western Australian Planning Commission for a two (2) lot, green title subdivision.

10 October 2003 Development application received.

28 October 2003 Advertising commenced for development application.

18 November 2003 Advertising completed for development application.

4 November 2003 Amended plans received from the applicant.

DETAILS:

The subject proposal involves a change of use from single house to consulting rooms and associated car parking in a Residential zone.

The applicant submitted an amended site plan on 4 November 2003 to delete the crossover onto Fitzgerald Street, and to re-configure the car parking layout in accordance with the Town's requirements.

The applicant submitted the following information to further explain the nature of the proposed use, qualifications and background.

- *"These consulting rooms will offer health related services including but not limited to physiotherapy or chiropractics, acupuncture, naturopathy, and sports massage".*
- *"The operation will require permission to operate from 8am to 8pm Monday to Friday, and 8am to 5pm on Saturday".*
- *"Within the premises one full time employee will be required with the utilisation of subcontracted providers of specialised health services. At no time should there be requirement for more than three service providers to be on location. Given the nature of the business we would expect no more than two clients per hour during working hours. Client parking will be provided at the rear of the existing residential development".*
- *"Each modality of development does have requirements for equipment including but not limited to treatment tables, ultrasounds machines, and T.E.N.S machines. All such machines do not exceed normal noise levels and are no larger than a standard home microwave".*
- *"I have attached copies of my relevant Qualifications and can submit further information on the subcontracted service providers once Council approval has been granted for the project".*

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

CONSULTATION/ADVERTISING:

The application was advertised for 21 days from 28 October 2003 to 18 November 2003 to adjoining neighbours, through on-site signage and in the *Guardian* Newspaper.

Four (4) written submissions and one petition with 55 signatories were received in opposition of the proposal (circulated separately to Elected Members).

The concerns raised by local residents and adjoining neighbours in the submissions and petition have been summarised below:

Concerns Raised in Submissions	Officer's Comment
Legitimacy of business	<p>The applicant is qualified in exercise rehabilitation (Bachelor of Science, University of Western Australia), and a condition has been recommended so that the second consultant is a legally qualified medical practitioner, as per the Town's Consulting Room definition.</p> <p>It should also be noted that a condition is recommended to ensure that no massage is carried out on the premises, unless it relates to the treatment of ailments. In the event that such a use was ever to occur, the landowners would be in breach of the Town's Town Planning Scheme No. 1, and action would be taken by the Town to stop the unauthorised use.</p>

Concerns Raised in Submissions	Officer's Comment
Size of the business operating on premises	<p>The applicant is proposing a maximum of two medical practitioners, which requires 6 car parking bays to be provided on-site. The plans have been amended to depict 6 car parking bays.</p> <p>Four rooms have been depicted on the plans, as there are two rooms for the medical practitioner's offices, and the other two rooms are for the treatment and investigation of ailments. Also, a condition is recommended so that no more than two (2) medical practitioners and two (2) consulting rooms, are permitted on the premises.</p> <p>The operating hours have also been amended from 8am to 8pm Monday to Friday, and 8am to 5pm on Saturdays. These hours are considered excessive in a residential area. Therefore, a condition has been recommended to restrict the hours from 8am to 6pm Monday to Friday, and 8am to 12pm on Saturdays.</p>
Operating hours	See above comments.
Traffic in Venn Street	<p>The applicant advised that it is expected that no more than two clients on-site at any one time, and no more than three staff members (two consultants and a secretary). Given this, the business is considered to be small scale, and the proposal is not considered to significantly alter the existing traffic volumes in Venn Street.</p> <p>Furthermore, the consultants and secretary will not frequently be coming and going from the site during the day, therefore, there will only be approximately two to four cars entering and exiting the site at any one time when customer visits overlap.</p> <p>A condition has also been recommended to ensure that there are only two clients on site at any one time. Such a condition will ensure that the proposal is small scale and suitable in a residential area.</p>
Parking in Venn Street	Sufficient parking has been provided at the rear of the property, and there should not be any need for customers to park on Venn Street. To ensure that this does not occur, a condition is recommended so that the car parking bays adjacent to Venn Street are designated for staff only, and signage is

Concerns Raised in Submissions	Officer's Comment
	<p>provided to clearly indicates that the bays at the rear are for customer parking only.</p> <p>Approval is required for all signage, and a condition has been recommended to this effect.</p>
Crossovers	<p>The Venn Street crossover is not existing, however, it was approved by the Town at the subdivision stage.</p>
Car bays	<p>Car parking complies with the Town's requirements for consulting rooms, as three (3) bays are required per consultant.</p>
Parking in ROW	<p>Sufficient space has been provided for manoeuvring, as the car parking bays are setback 6 metres from the other side of the right of way. Also, the applicants have amended the plans to ensure that the car bay dimensions comply with the Town's requirements.</p> <p>Furthermore, the applicants will have to demonstrate that they have a legal right to use the right of way, prior to issue of the Building Licence.</p> <p>The allegations in regards to the encroachment into the right of way are currently being resolved between the relevant parties and their solicitors, and this should not affect this application.</p>
Fitzgerald Street crossover	<p>The crossover onto Fitzgerald Street has now been deleted from the plans. As such, there are no hazards for vehicles accessing the property directly from Fitzgerald Street and no safety issues. Also, there is no need to remove the tree or bus shelter along Fitzgerald Street, as the crossover is no longer proposed in this location.</p>
Existing facilities	<p>The applicant expects only two clients per hour, and given that the hours have been restricted to 10 hours per day, the maximum amount of clients per day will be approximately twenty (20). Therefore, a significant increase in traffic is not expected, especially given that the business abuts such a busy road, which already generates high volumes of traffic in the area.</p>
Noise	<p>There will only be two clients at any one time, therefore there will not be a significant increase in noise in the area. Also, the applicant advised that the proposed machinery and equipment used for treatment is small in scale and this should not create any disturbance to neighbours.</p>

Concerns Raised in Submissions	Officer's Comment
Enforce 6 metres turning circle	Car bays are setback sufficiently from the right of way for manoeuvring.
Decrease property values	Property values are not major planning considerations.

The proposal abuts an Other Regional Road (Fitzgerald Street), however, referral to the Department for Planning and Infrastructure is not considered necessary as the new crossover onto Fitzgerald Street has now been deleted.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Structural Component

The proposed use is to be conducted within the existing building, and no structural modifications are proposed.

Heritage

The Town's Senior Heritage Officer advised the following:

"The water closet (back yard toilet) is included on the Municipal Heritage Inventory. However, the proposed demolition of the water closet is considered acceptable subject to the provision of a archival record consisting of a photograph and site plan identifying the structure".

Given that a photograph of the water closet has been placed on the file, the demolition is therefore supported.

Significant Tree

Following a recent inspection of the property, one of the Town's Parks Officer's advised the tree of significance located on the subject land has been removed.

The Town's Parks Officer also advised the following:

"This tree was a Jacaranda (Jacaranda mimosaeifolia) and was estimated to be around sixty (60) years old and was ten (10) metres in height with a canopy spread of eight (8) metres."

"At the time of my initial inspection in December 2002, the tree appeared to be in a sound and healthy state of growth, with no visible signs of disease or insect damage."

The retention of the tree was imposed as a condition of subdivision approval by the Western Australian Planning Commission (WAPC), therefore the tree should not have been removed. However, this is a separate matter which will be investigated further, and should not form part of this application.

Parking

The Town's Policy relating to parking requires that three car parking bays per consulting room be provided on-site. Two consulting rooms are proposed, therefore the proposal requires six car parking bays. There are six car parking bays proposed on site, and all bays comply with engineering requirements.

It should also be noted that Venn Street crossover was approved by the Town when the subdivision application was referred to the Town.

Following an assessment of the proposal, the application is considered acceptable, subject to standard and appropriate conditions to address the above matters.

Consulting Rooms Use

The consulting rooms use is classified 'SA' in the commercial zone as per the Town's Town Planning Scheme No.1. The Scheme defines 'SA' as follows;

"means that the use is not permitted unless Council has exercised its discretion by granting planning approval after giving special notice in accordance with Clause 37."

Although the area is predominantly residential in nature, the proposed change of use is considered appropriate in this location, as the subject land abuts a major transport route, which will provide easy access for clients, and public transport is within close proximity to the subject land. Additionally, the intensity of the proposed use is considered minor, as a maximum of two consultants will be operating on-site, with one client each at any one time. The proposal will therefore not significantly alter the existing traffic levels in the street, or create an undue impact on the area generally.

Furthermore, no external changes are proposed to the building, therefore, the character of the existing streetscape will be maintained.

Conclusion

In light of the above, and given that some of the neighbours concerns have been addressed in the comments section above, and relevant conditions have been applied, the proposed use is considered acceptable.

10.1.11 Nos. 475-481 (Lots 113,114 and Pt Lot 115) Beaufort Street, Corner of Chatsworth Road, Highgate-Proposed Roller Door to Existing Shop-Determination of Town Planning Appeal Tribunal

Ward:	South	Date:	26 November 2003
Precinct:	Mount Lawley Centre, P11	File Ref:	PRO 0144; 00/33/1563
Attachments:	001		
Reporting Officer(s):	R Rasiah,		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council RECEIVES the report relating to Nos. 475-481 (Lots 113,114 and Pt Lot 115) Beaufort Street, corner Chatsworth Road, Highgate - existing roller door to shop-determination of Town Planning Appeal Tribunal.

Moved Cr Torre, Seconded Cr Franchina

That the recommendation be adopted.

Debate ensued.

At 8.05pm **Moved Cr Chester, Seconded Cr Ker**

That the meeting be adjourned to allow for further information and discussion to take place.

CARRIED (7-2)

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

At 8.10pm the meeting resumed with Cr Farrell absent from the Chamber.

Moved Cr Ker, Seconded Cr Chester

That this Item be adjourned to the conclusion of the Items to allow the Council to proceed "behind closed doors" as it has potential legal implications and to consider legal advice.

CARRIED (8-0)

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

Cr Farrell returned to the Chamber at 8.11pm.

See Page 142 for Consideration of Item 10.1.11 and Full Report Details

10.1.2 Nos. 480-486 (Lots 12-15) William Street (Corner Bulwer Street), Perth – Proposed Signage to Existing Service Station

Ward:	South	Date:	19 November 2003
Precinct:	Hyde Park, P12	File Ref:	PRO2482; 00/33/1794
Attachments:	001		
Reporting Officer(s):	M Bonini		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by J Munn, on behalf of the owners B and M Ricciardello for proposed signage to existing service station at Nos. 480-486 (Lots 12-15) William Street (corner Bulwer Street), Perth, and as shown on the plans stamp-dated 20 August 2003, subject to:

- (i) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (ii) the signage shall not have flashing or intermittent lighting;*
- (iii) compliance with all relevant Environmental Health, Engineering and Building requirements, including the relevant Australian standards and noise regulations;*
- (iv) prior to the erection of the proposed signage a permit is required from the Town's Technical Services should any obstruction to the road or footpath occur during the erection of the signage;*
- (v) a Road and Verge security bond or bank guarantee of \$220 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing; and*
- (vi) 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.

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted subject to:

"The previous recommendation being renumbered as Clause (i) and the sub-clauses as (a), (b), (c),(d), (e) and (f); and add new clause (ii) as follows:

"(ii) AUTHORISES the Chief Executive Officer:

- (a) to review the Town's Signs and Advertising Policy to address monolith signage requirements; and*

- (b) *report back to the Council on this matter at the Ordinary Meeting of Council to be held on 24 February 2004."*

Cr Torre departed the Chamber at 8.12pm.

Debate ensued.

Cr Chester departed the Chamber at 8.14pm

Moved Cr Ker, Seconded Cr Lake

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

"(g) the concurrence of Main Roads WA being obtained;"

AMENDMENT CARRIED (7-0)

(Crs Chester and Torre absent from the Chamber and did not vote.)

MOTION AS AMENDED CARRIED(7-0)

(Crs Chester and Torre absent from the Chamber and did not vote.)

COUNCIL DECISION ITEM 10.1.2

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 J Munn, on behalf of the owners B and M Ricciardello for proposed signage to existing service station at Nos. 480-486 (Lots 12-15) William Street (corner Bulwer Street), Perth, and as shown on the plans stamp-dated 20 August 2003, subject to:*
- (a) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (b) *the signage shall not have flashing or intermittent lighting;*
- (c) *compliance with all relevant Environmental Health, Engineering and Building requirements, including the relevant Australian standards and noise regulations;*
- (d) *prior to the erection of the proposed signage a permit is required from the Town's Technical Services should any obstruction to the road or footpath occur during the erection of the signage;*
- (e) *a Road and Verge security bond or bank guarantee of \$220 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*

- (f) *all signage shall be subject to a separate Sign Licence application being submitted and approved prior to the erection of the signage;*
- (g) *the concurrence of Main Roads WA being obtained; and*
to the satisfaction of the Chief Executive Officer; and
- (ii) **AUTHORISES the Chief Executive Officer:**
- (a) *to review the Town's Signs and Advertising Policy to address monolith signage requirements; and*
- (b) *report back to the Council on this matter at the Ordinary Meeting of Council to be held on 24 February 2004.*

LANDOWNER: B and M Ricciardello
APPLICANT: J Munn
ZONING: Metropolitan Region Scheme - Urban
Town Planning Scheme No. 1 - Residential R80
EXISTING LAND USE: Service Station

COMPLIANCE:

Requirements	Required	Proposed
Projecting sign	To not exceed a vertical dimension of 600 millimetres	787 millimetres
Use Class	Service Station	
Use Classification	"X" (non-conforming use)	

SITE HISTORY:

The site is currently being used as a non-conforming use, service station. The previous company to occupy the premises was Shell.

DETAILS:

The application involves a new 6 metres high monolith sign on-site at the corner of William and Bulwer Streets, and a 3.36 metres high monolith sign adjacent to the Bulwer Street frontage.

CONSULTATION/ADVERTISING:

The proposal was advertised and no submissions were received.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Monolith Signs

There are no specific provisions for monolith signage in the Town's Policy relating to Signs and Advertising. It was therefore considered appropriate to make reference to the requirements of the City of Bayswater signage policy. The Policy states the following definition of a monolith sign:

"Monolith sign" means a sign that is not attached to a building or any other structure and with its largest dimension being vertical. Such a sign may consist of a number of modules and is generally uniform in shape from ground level to the top of the sign."

In areas of high levels of commercial "city centre" activity, lots between 2000 square metres and 5000 square metres permit monolith signage with a total height of 7.5 metres and a maximum width of 2.5 metres. Such signs are also limited to one per business, shop or premises unless it is a corner lot where one sign per lot frontage may be permitted. The proposed signage at the site proposes two. The sign at the corner of William and Bulwer Streets is 6 metres in height and 2.4 metres in width, and the sign adjacent to the Bulwer Street frontage is of a lesser scale at 3.36 metres in height and 2 metres in width. The proposed signage corresponds with the requirements of the City of Bayswater sign policy, which is considered appropriate to be used for the purposes of this application.

The subject application also involves wall signage and the re-badging of the pre-existing signage on the awnings, which previously supported the Shell logo and colours. These signs were assessed against the requirements of Town's Policy relating to Signs and Advertising. The only variation that resulted from this assessment was in relation to the projecting signs on the awnings. The Policy states that the vertical dimension must not exceed 600 millimetres. In this instance, the maximum vertical dimension is proposed at 787 millimetres. This is a minor variation to the requirement, especially in the context of the scale of the supporting awnings, and therefore considered acceptable in this instance.

As the Town's Policy relating to Sign and Advertising does not make provision for monolith signs as proposed in this instance, it was considered necessary to apply the requirements of another comparable local government as a guide. Essentially, the proposed signs replace pre-existing signs that related to Shell. It is considered that the proposal will have no undue detrimental impact on the streetscape or amenity of the area. Accordingly, the proposal is recommended for approval, subject to standard and appropriate conditions to address the above matters.

10.1.3 No. 132 (Lot 4025) London Street, North Perth – Proposed Additional Two-Storey Grouped Dwelling to Existing Single House

Ward:	North	Date:	25 November 2003
Precinct:	North Perth, P8	File Ref:	PRO2291; 00/33/1791
Attachments:	001		
Reporting Officer(s):	J Barton		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Perceptions on behalf of the owners M and C Mullaney for proposed additional two-storey grouped dwelling to existing single house at No. 132 (Lot 4025) London Street, North Perth, and as shown on the amended plans stamp-dated 5 November 2003, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (iii) a road and verge security bond or bank guarantee of \$550 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*
- (iv) details of all street trees adjacent to the subject property shall be submitted with the Building Licence application;*
- (v) street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (vi) subject to first obtaining the consent of the owners of No. 3 (Lot 4018) Highlands Road for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 3 (Lot 4018) Highlands Road in a good and clean condition;*
- (vii) a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the London Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (viii) standard visual truncations, in accordance with the Town's Policies and to the satisfaction of the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*

- (ix) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to London 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;*
- (x) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (xi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *the width of the garage being increased to 5.2 metres; and*
- (b) *the paved driveway area being extended to the southern boundary and to the property truncation.*

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

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

to the satisfaction of the Chief Executive Officer.

Moved Cr Doran-Wu, Seconded Cr Farrell

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

- "(c) to ensure the protection of the tree of significance, Jacaranda (Jacaranda mimosaeifolia), located at the rear of No. 3 (Lot 4018) Highlands Road, North Perth the proposed development being setback a minimum of 2 metres from the trunk of that tree."*

Cr Chester returned to the Chamber at 8.15pm.

CARRIED (8-0)

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

COUNCIL DECISION ITEM 10.1.3

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Perceptions on behalf of the owners M and C Mullaney for proposed additional two-storey grouped dwelling to existing single house at No. 132 (Lot 4025) London Street, North Perth, and as shown on the amended plans stamp-dated 5 November 2003, subject to:

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

- (ii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (iii) *a road and verge security bond or bank guarantee of \$550 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*
- (iv) *details of all street trees adjacent to the subject property shall be submitted with the Building Licence application;*
- (v) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (vi) *subject to first obtaining the consent of the owners of No. 3 (Lot 4018) Highlands Road for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 3 (Lot 4018) Highlands Road in a good and clean condition;*
- (vii) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the London Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (viii) *standard visual truncations, in accordance with the Town's Policies and to the satisfaction of the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*
- (ix) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to London 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;*
- (x) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (xi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) *the width of the garage being increased to 5.2 metres;*
 - (b) *the paved driveway area being extended to the southern boundary and to the property truncation; and*
 - (c) *to ensure the protection of the tree of significance, Jacaranda (Jacaranda mimosaeifolia), located at the rear of No. 3 (Lot 4018) Highlands Road, North Perth the proposed development being setback a minimum of 2 metres from the trunk of that tree.*

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

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

to the satisfaction of the Chief Executive Officer.

FURTHER REPORT:

In relation to Councillor Helen DoranWu questions regarding the tree located on the property at the rear of the subject land (No. 3 Highlands Road, North Perth), the Town's Parks Officer inspected the tree and advised the following;

"The tree in question is a mature Jacaranda (Jacaranda mimosaeifolia), it is estimated to be around fifty (50) years old and is in a sound and healthy state of growth.

The height of the tree is fifteen metres with a canopy spread of twelve metres.

The parapet wall shown on the building plan is in the centre of the rear of the block where the tree is located, therefore as it stands now you would have to remove the tree to accommodate the wall.

Therefore to retain the tree within the development and minimise the impact the construction and associated earth works will have on the tree's health, I would recommend that the wall/building be constructed a minimum of two (2) metres from the trunk of the tree."

The Town's Senior Planning Officer (Strategic) also advised the following:

"There is a Jacaranda mimosaeifolia located at the rear of No. 3 Highlands Road, North Perth. This tree has been included on the Town's Interim Significant Tree Data Base - Possible Inventory Inclusion and preliminary assessment undertaken by the Town's Arborculturalist has revealed that this tree meets the threshold for inclusion onto the Town's Significant Tree Inventory."

In light of the above, an amendment to clause/ condition (xi) has been recommended above, to ensure that the significant tree on the adjacent property at the rear is protected.

LANDOWNER: M and C Mullaney
APPLICANT: Perceptions
ZONING: Metropolitan Region Scheme: Urban
Town Planning Scheme No.1: Residential R30/40
EXISTING LAND USE: Single House

COMPLIANCE:

Requirements	Required	Proposed
Setbacks: <u>Ground Floor</u> Eastern Side (Kitchen and guest bedroom)	1.5 metres	1.2 metres to 1.5 metres (note: the parapet wall length and height complies on eastern side)
<u>Upper Floor</u> Eastern Side	1.5 metres	900 millimetres to 1.2 metres

Requirements	Required	Proposed
Boundary Walls	One boundary wall is permitted with an average height of 3 metres and a maximum height of 3.5 metres, for 2/3 length of boundary.	Two single storey boundary walls are proposed, one parapet wall on the eastern side (Laundry, WC, ensuite), and one parapet wall on the western side (garage). The western parapet wall is 3.2 metres average height.

Use Class	Grouped Dwelling
Use Classification	"P"
Lot Area	769 square metres

SITE HISTORY:

On 4 March 2003, the Western Australian Planning Commission (WAPC) conditionally approved the survey strata subdivision of the subject land, subject to numerous conditions (WAPC Ref-1185-02). Amongst the conditions, the WAPC required the provisions of a storage area for the existing dwelling, a development application being approved prior to final survey strata subdivision approval, and the battleaxe access leg being allocated as common property as the subject land does not meet the land area requirements for a green title subdivision. The store to the existing dwelling has been approved as part of a separate Building Licence application (20/1886), and it does not form part of this proposal.

The WAPC required the preparation of a restrictive covenant, as part of condition of survey strata subdivision approval, in order to restrict access onto London Street from the front lot. The restrictive covenant is currently being prepared by the Town's solicitors, and the purpose of the restrictive covenant is to limit the amount of crossovers onto London Street. Therefore, the new carport to the existing dwelling will not have its own crossover onto London Street, and vehicles will be required to access the carport via the common driveway to the rear lot. This may result in a redevelopment of the new carport to the front dwelling. However, this will be monitored by the Town at the survey strata subdivision clearance stage.

DETAILS:

On 20 May 2003, the Town received a Development Application for the proposed additional two-storey grouped dwelling to the existing single house.

The applicant submitted amended plans on 5 November 2003, reducing the height of the parapet wall on the eastern side from 5.2 metres to 2.7 metres from natural ground level.

Given the above, the amended plans have addressed the majority of the adjoining neighbours' concerns, however, the application is being referred to the Council as minor setback variations are proposed on the eastern side, and the proposed development contains two single-storey parapet walls.

CONSULTATION/ADVERTISING:

The previous proposal was advertised and one written submission was received:

The submission has been stated below:

- *"The proposed dimension of the parapet wall contravene the R-Codes for maximum and average height".*

- *"The wall doesn't enhance the amenity of the development. It appears that the wall is there to permit too large a structure on the available site".*
- *"The wall has significant visual effect on the amenity of our property. Furthermore, the setbacks for the upper floor on the eastern boundary are smaller than required according to the R-Codes. This further compounds the overpowering visual effect of the proposed development from our property."*
- *"Better effective use of the land could be made with a less imposing building and as neighbours, we would welcome this redesign".*

Notwithstanding the above, the applicants lodged amended comments on 11 November 2003 from the adjoining neighbours stating that they have no objections to the setback variations and the parapet wall.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Setback Variations to the Eastern Side

The applicant is proposing minor setback variations to the upper and lower floor on the eastern side, as stated in the above Compliance Table.

However, given the minor variations sought, and that there is no undue impact on the eastern neighbours, in terms of visual impact, overlooking and overshadowing, the proposal is not considered to create an undue adverse impact on the adjoining neighbours.

In light of the above, the setback variations are supported.

Two Boundary Walls

The applicant is also proposing two parapet walls on the eastern and western sides of the subject land, with the western parapet wall, to the garage, exceeding the 3 metres average height requirement.

However, the eastern parapet wall complies with the length and height requirements, and does not overshadow the eastern neighbour. Furthermore, the western parapet wall height exceedence is considered minor and it does not create an undue impact on the existing dwelling. Also, the same landowners own the front dwelling and obviously raise no objections to the proposal.

In light of the above, the boundary walls are not considered to create an undue adverse impact on the adjoining neighbours and approval is recommended.

Conclusion

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

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

10.1.4 No. 222 (Lot 233) East Parade, Mount Lawley – Proposed Demolition of Existing Outbuildings and Partial Demolition of and Additional Two (2) Two-Storey Single Bedroom Single Houses to Existing Single House

Ward:	South	Date:	24 November 2003
Precinct:	Banks, P15	File Ref:	PRO 0985; 00/33/1688
Attachments:	001		
Reporting Officer(s):	M Bonini		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by JJ Burns on behalf of the owners Chelmsford House Pty Ltd, Jaimi Pty Ltd and Volga Ltd Pty for proposed demolition of existing outbuildings and partial demolition of and additional two (2) two-storey single bedroom single houses to existing single house, at No. 222 (Lot 233) East Parade, Mount Lawley, and as shown plans stamp-dated 21 August 2003, subject to:

- (i) standard visual truncations, in accordance with the Town's Policies and to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*
- (ii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (iii) compliance with all Building, Environmental Health and Engineering requirements;*
- (iv) a road and verge security bond or bank guarantee of \$1100 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*
- (v) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to East Parade, and Pakenham and Ebsworth Streets shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (vi) the construction of crossovers shall be in accordance with the Town's specifications;*
- (vii) prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (viii) details of all street trees adjacent to the subject property shall be submitted with the Building Licence application;*

- (ix) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (x) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Pakenham Street and Ebsworth Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (xi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) *the vehicle access from East Parade being closed/deleted and new vehicle access being provided from Pakenham Street for the existing residence/unit 3;*
 - (b) *the unit 3 store located adjacent to Pakenham Street being setback at or behind the line of the front main building wall (not open verandah, porch, portico, balcony and the like) of the nearest dwelling on the site; and*
 - (c) *the plot ratio floor area of unit 1 and unit 2 being reduced in area to a maximum of 60 square metres each.*

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

- (xii) *no vehicle access shall be permitted onto East Parade road reservation. All costs associated in the removal of the existing crossover on East Parade shall be met by the applicant. All vehicular accesses will be from Pakenham Street and Ebsworth Street;*
- (xiii) *the applicant shall enter into a Deed Agreement with the Western Australian Planning Commission to remove any improvements that have been carried on the existing dwelling abutting East Parade, at the applicant expense; and*
- (xiv) *no development is permitted within a 1.5 metres setback of the eastern boundary of Lot 233 adjacent to the right of way. This widening potentially allows for a 6 metres wide right of way to provide sufficient vehicle manoeuvring space and access for emergency vehicles such as firefighting vehicles and ambulances. This is in accordance with the Western Australian Planning Commission DC Policy 2.6 - Residential Road Planning;*

Advice to Applicant from Department for Planning and Infrastructure:

Lot 233 is currently affected by an existing road widening requirement which has existed in the Metropolitan Region Scheme for many years. Main Roads Western Australia is currently undertaking a planning review to identify the future requirements for the Guildford Road / East Parade / Whatley Crescent intersection and the surrounding area. The study is being undertaken in conjunction with the local governments including the Town of Vincent and the Department for Planning and Infrastructure.

Current planning indicates that for Lot 233, there will be no change to the existing Metropolitan Region Scheme road reservation boundary for East Parade. However, please be aware that this advice is preliminary only and may be subject to change through the course of the study.

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.4

Moved Cr Ker, Seconded Cr Cohen

That the recommendation be adopted.

Cr Torre returned to the Chamber at 8.16pm.

Debate ensued.

LOST (2-7)

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

Reasons:

1. Non compliances with density, setbacks, amenity of the area, store for Unit 3.
2. Future of any of the houses on East Parade.
3. Impact on the front house.
4. Concern with the 30% reduction in lot size rule being applied to two blocks, not one.

LANDOWNER:	Chelmsford House Pty Ltd, Jaimi Pty Ltd and Volga Ltd Pty
APPLICANT:	JJ Burns
ZONING:	Metropolitan Region Scheme - Urban Town Planning Scheme No. 1 - Residential R60
EXISTING LAND USE:	Single House

COMPLIANCE:

Requirements	Required	Proposed
Setbacks - Unit 1 First Floor - Front Facing Ebsworth Street - Main Building	6 metres	4.877 metres to 7.159 metres.
Unit 1 Deck	6 metres	2.497 metres (min)
Unit 2 Deck	6 metres	2.497 metres (min)

Requirements	Required	Proposed
Privacy Assessment Unit 1 - Deck Unit 2 - Deck	7.5 metres 7.5 metres	2.497 metres (min) 2.497 metres to south boundary
Single Bedroom Dwelling Floor Area Unit 1 and Unit 2	60 square metres total floor area.	62.5 square metres total floor area, each.

Use Class	Single House
Use Classification	"P"
Lot Area	526 square metres

SITE HISTORY:

No.222 East Parade is occupied by an existing single house on a lot bounded by East Parade, Pakenham Street, Ebsworth Street and a minor portion (1.97 metres) of the rear right of way. The existing house has its main frontage facing towards East Parade. The current access to the site is off East Parade.

DETAILS:

The applicant seeks approval for an additional for two (2) two-storey single bedroom single houses with access and orientation towards Ebsworth and Pakenham Streets. The proposal generally complies with the Residential Design Codes (R Codes), and the Town of Vincent Town Planning Scheme No. 1 and associated Policies with the exception of the above non-compliances.

CONSULTATION/ADVERTISING:

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

The proposal has also been referred to the Department for Planning and Infrastructure (DPI) for comments as the site abuts East Parade, which is classified as a Primary Regional Road in the Metropolitan Region Scheme. Comments from the DPI were received on 13 November 2003. The DPI are willing to accept the proposal, subject to various conditions being satisfied. The conditions are included in the above Officer Recommendation.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Overshadowing

Due to the orientation of the lot, the proposed single houses overshadow over Pakenham Street and Ebsworth Street. No overshadowing takes place over the adjoining lots and it is therefore deemed to comply with the overshadowing requirements of the R Codes.

Ebsworth Street Setback

The first floor setback is generally required to be 6 metres from the primary street boundary. In this instance, the upper storey of unit 1 protrudes into the setback area with a minimum setback distance of 2.497 metres. The upper floor areas that do not comply relate to the deck and small portions of the stair well and bedroom. The deck is open on all sides except for the side that proposes screening from unit 2. The protrusion of the deck is not considered to cause undue adverse impact to the immediate and surrounding area as it maintains a suitable standard of interaction with the street, as well as the portion of the right of way adjoining the lot. The stairwell and bedroom also project into the setback area with a minimum setback distance of 4.877 metres. The protrusion is considered to be minor, taking into account the orientation and configuration of the lot is such that the variation addresses the secondary street and right of way. The variation does not depart from any established streetscape and is therefore considered to be acceptable. Furthermore, the applicant has provided the following justification for consideration of the matter:

"The proposed site is unusually affected due to it having 3 street frontages as well as a R.O.W. and cul de sac. Compounding the corner street configuration is the skewed alignment of the R..O.W. and Ebsworth Street to Pakenham Street. The logical alignment of proposed unit 1 is parallel to the northern side boundary creating an articulated open space area related to the intersection..."

Pakenham Street Setback

The first floor setback is generally required to be 6 metres from the primary street boundary. In this instance, the upper storey of unit 2 protrudes into the setback area with a minimum setback distance of 2.497 metres. The upper floor area that does not comply relates to the deck. The deck is open on all sides except for the eastern and western sides, which proposes screening from units 1 and 3. The protrusion of the deck is not considered to cause undue adverse impact to the immediate and surrounding area as it maintains a suitable standard of interaction with the street. The variation does not depart from any established streetscape and is therefore considered to be acceptable.

Privacy Setback - Unit 1 and Unit 2 Decking

The decking areas for both units vary from the setback requirement of 7.5 metres from the east and south boundary being the boundaries that adjoin Ebsworth Street and Pakenham Street. Units 1 and 2 both propose minimum setbacks of 2.497 metres. Due to the decks being unroofed and facing streets, the variation is not considered to be unreasonable and provide interaction and surveillance to the street. The applicant has provided the following statement about this matter:

"...since State Government reclamation of adjacent properties, there now exists a "ghetto - like" streetscape with development future development unknown. These abandoned and boarded up empty shells encourage vagrancy and transient sub-cultures to squat and congregate there. This development is an attempt to reinstate life to an otherwise dead crossroad."

There is screening provided on the west side of unit 1 deck and on the east and west sides of unit 2 deck. The screening prevents any potential overlooking between all three residences on the lot. The decks are considered to be acceptable in this instance and therefore supported.

Floor Area

The required floor area for single bedroom dwellings is 60 square metres. The development proposed seeks 62.5 square metres for both unit 1 and 2. This results in excess floor area being 5 square metres with both units combined. As the excess floor area is minor, it is considered appropriate for the development to be modified to comply with the floor area requirement.

Unit 3 Store

Unit 3 of the subject lot proposes a 4.5 square metres store. The store as proposed, is located on the south boundary being the boundary adjacent to Pakenham Street. This is not considered to comply and is deemed to cause undue loss of amenity to the existing streetscape. The store should therefore be required to be setback at or behind the line of the front main building wall (not open verandah, porch, portico, balcony and the like) of the nearest dwelling on the site.

Partial Demolition

The subject property is not listed on the Town of Vincent Municipal Heritage Inventory. As such, this application is just subject to general provisions of the Town Planning Scheme and Policies.

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

10.1.5 No. 44 (Lot 33) Bondi Street, Mount Hawthorn - Proposed Demolition of Existing House and Construction of a Two-Storey with Undercroft Garage Single House

Ward:	North	Date:	26 November 2003
Precinct:	Mount Hawthorn; P1	File Ref:	PRO2560; 00/33/1897
Attachments:	001		
Reporting Officer(s):	S Turner, N Edgecombe		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by T Bisignano on behalf of the owner A Ravi, for the proposed demolition of the existing house and construction of a two-storey with undercroft garage single house at No.44 (Lot 33) Bondi Street, Mount Hawthorn, as shown on the amended plans stamp-dated 17 November 2003, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (iii) 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 stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;*
- (v) a road and verge security bond or bank guarantee of \$550 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*
- (vi) the construction of crossovers shall be in accordance with the Town's specifications;*
- (vii) prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (viii) standard visual truncations, in accordance with the Town's Policies and/or to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*

- (ix) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Bondi Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the new front fences and gates being visually permeable, with a minimum 50 per cent transparency; and*
- (x) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.5

Moved Cr Ker, **Seconded** Cr Lake

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

~~*"(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;*~~

(iii) detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building Licence application;

(xi) 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 to and approved by the Town prior to the issue of a Demolition Licence; and

(xii) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;"

Debate ensued.

LOST (2-7)

For
Mayor Catania
Cr Torre

Against
Cr Chester
Cr Cohen
Cr Doran-Wu
Cr Farrell
Cr Franchina
Cr Ker
Cr Lake

Reasons:

1. Non-compliances as indicated in Compliance Table.
2. Garage door more than 50% of the frontage.
3. Incompatible with the bulk and scale of residential development in the area.
4. Precedent will be created.

LANDOWNER: A Ravi
APPLICANT: T Bisignano
ZONING: Metropolitan Region Scheme: Urban
 Town Planning Scheme No.1: Residential R30
EXISTING LAND USE: Single House

COMPLIANCE:

Requirement	Required	Provided
Building Height	The Residential Design Codes permit a building to have a maximum wall height of 6.0 metres	8.0 metres to street elevation
Boundary Setbacks: West - Ground floor portico	1.0 metre	Nil
Upper floor	1.5 metres	1.2 metres
East - Ground floor	1.5 metres	Nil
Upper floor	2.5 – 2.8 metres	Nil
Setbacks for Privacy: West - Upper floor activity /study room (living room)	6.0 metres to boundary	3.1 metres
Balcony	7.5 metres to boundary	1.2 metres
Bedroom 2	4.5 metres	3.0 metres
East- Bedroom 3	4.5 metres	2.0 metres

Use Class	Single House
Use Classification	"P"
Lot Area	647 square metres (proposed lot size of 324 square metres)

SITE HISTORY:

The site has an existing 1960's dwelling. A subdivision application has been lodged to subdivide the property into two long narrow blocks, both with frontage to Bondi Street to take advantage of the views from the property. The subdivision was conditionally approved by the Western Australian Planning Commission on 19 April 2002.

DETAILS:

The subject proposal involves the demolition of the existing house and the construction of a two-storey dwelling with undercroft garage. The design of the dwelling includes extensive balconies facing Bondi Street that capture the views of the city and Lake Monger. Given that the proposed lot is only 8 metres in width, the dwelling has been designed with two storey boundary walls to the proposed eastern boundary. A new application has been received by the Town to develop a similar two-storey dwelling with undercroft parking to the east of the subject house on the other portion of the allotment. This dwelling proposes a similar boundary wall abutting the one subject to this proposal.

CONSULTATION/ADVERTISING:

The proposal has not been formally advertised, as the applicant submitted letters of consent from 5 neighbouring property owners.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Demolition

A detailed Heritage Assessment is included as Appendix 10.1.5.

The subject place at No. 44 Bondi Street is a brick and tile dwelling constructed in the 1960s. Situated on the northern side of Bondi Street, between Egina and Matlock Streets, the dwelling is positioned on elevated land, with the original fabric of the building mostly intact. While most of the original fixtures and fittings remain in situ and are of interest, it is not considered that these features warrant the retention of the dwelling. The subject dwelling has little historic, scientific, social and aesthetic value, is not rare and is not considered to meet the minimum criteria for entry into the Town's Municipal Heritage Inventory.

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

Design

The subject property is located within the Bondi Locality Plan No.3. Within the Locality Statement it describes a general housing character of Californian Bungalow style from the 1920s and 1930s with a mix of 1960s housing throughout the area. It goes on to state that:

“The retention and/or restoration of existing houses which contribute to the overall character of the Locality will be encouraged.

New contemporary developments are encouraged provided that the design responds to the established character. The selected use of elements such as roof pitch, building materials and wall and eaves height can be used to augment the elements of particular importance, building location and orientation.”

The Locality Statement then states that:

“Infill development in the form of splitting the wider frontage lots down the middle is encouraged. Generally, any redevelopment is to respect and maintain the existing character of the area.”

The proposal includes a pitched tiled roof above a tall façade comprising a double undercroft garage with two levels of balcony and windows visible. The design does not maintain the existing character of the location, however given that the property will only be 8 metres in width, a Californian style Bungalow would be most difficult to fit on the site. The proposed

design is not in itself overbearing, however with the adjacent sites both being developed with similar style housing, it will create a more terrace like appearance of housing, thus changing the existing streetscape. This may not be considered undesirable, as splitting the frontage of lots down the middle is encouraged by the Locality Statement.

Building Height

The overall building height complies with the R-Codes in that the pitched roof ridge height, measured from natural ground level under the highest point, is 8.0 metres. The R-Codes allow a ridge height of up to 9.0 metres. The wall height however is required to be 6.0 metres measured above natural ground level. The proposal does not comply with this requirement as the front (Bondi Street) elevation measured above natural ground level is approximately 8.0 metres. The R-Codes do however allow Council discretion to approve wall heights above the acceptable development standards where the proposal does not negatively impact upon adjoining properties.

In this particular case, as the property is a sloping and the finished floor levels take advantage of this slope and cut into the property rather than filling, the wall height is considered supportable in this instance.

Boundary Setbacks

The Bondi Locality Statement states that maintaining existing street, side and rear setbacks is strongly encouraged.

The proposal however proposes minor variations to the western boundary that are considered supportable, as the development will not impact negatively on the adjoining property and the neighbouring property owner has consented to this variation.

The proposed setback variations to the eastern boundary are much more severe as two storey parapet walls are proposed. A new development application has been received to create a second dwelling on the subject site that utilises the proposed boundary wall by having an adjoining boundary wall.

Given the conditionally approved subdivision and therefore impending subdivision of the property into two allotments with 8 metres wide frontages, the use of parapet walls is more appropriate to enable sufficient utilisation of the property. The parapet walls are considered supportable in this instance, as the eastern neighbour is still the same property owner at this stage and therefore will not negatively impact upon adjoining properties.

Setbacks for Privacy

The setback of the upper level living room area that faces west has a setback of 3.1 metres in lieu of the required 6.0 metres. A portion of the balcony on the west elevation is setback at 1.2 metres instead of the required 7.5 metres. Bedroom 2 and 3 both do not comply with the cone of vision setback requirement of 4.5 metres to the boundary, being 3.0 and 2.0 metres respectively. In these cases, the written consent from the adjoining property owner has been provided and there are proposed new dwellings for both the adjoining sites that propose limited opportunities for overlooking into their dwelling and property.

With this in mind, the reduced privacy setbacks are considered supportable.

Conclusion

Following an assessment of the proposal, the application is considered acceptable, subject to standard and appropriate conditions to address the above matters.

At 8.41pm Moved Cr Farrell, Seconded Cr Torre

That Urgent Business Item 13.1 - Residents Only Parking on the Western Side of Fairfield Street, Mt Hawthorn Between Scarborough Beach Road and Anzac Road be brought forward as there are members of the public in the gallery for this Item.

CARRIED (9-0)

13.1 Councillor Steed Farrell - Residents Only Parking on the Western Side of Fairfield Street, Mt Hawthorn Between Scarborough Beach Road and Anzac Road

That the Council REQUESTS the Chief Executive Officer to prepare a report for the Ordinary Meeting of Council to be held on 16 December 2003 detailing the following;

- (i) a procedure for the implementation, ongoing monitoring and enforcement of Residents Only Parking on the western side of Fairfield Street, Mt Hawthorn, between Scarborough Beach Road and Anzac Road, between the hours of 5pm and 5am, for a trial period of six months as of 16 December 2003;*
- (ii) a strategy that ensures the effective monitoring and enforcement of parking restrictions by Town of Vincent Rangers during the six month trial period;*
- (iii) the preparation of a report that details the results of the trial to be table at the earliest Ordinary Meeting of Council on completion of the six month period to enable council assessment of the trial; and*
- (iv) the financial implications of conducting the above described six month trial, including the purchase of signs.*

Moved Cr Farrell, Seconded Cr Chester

That the recommendation be adopted.

Debate ensued.

Moved Cr Chester, Seconded Cr Farrell

That new clauses (v), (vi) and (vii) be added as follows:

- "(v) identification and review of the Hotel's Crowd Management and Operating Plan;*
- (vi) identification and review of the conditions of Liquor Licence approval; and*
- (vii) identification of other means of maintaining resident's amenity in the surrounding area.*

Debate ensued.

AMENDMENT CARRIED (9-0)

Moved Cr Lake, Seconded Cr Ker

That the existing recommendation be renumbered to clause (i) be amended by deleting "as from 16 December 2003" and the subclauses as (a), (b), (c), (d), (e), (f) and (g) and a new clause (ii) be added as follows:

"(ii) prior to implementing Residents Only parking, carry out consultation in a wider area including Fairfield Street North, Flinders Street and Anzac Road "

The Mayor ruled that he would not accept the amendment as it goes against the intent of the motion.

Moved Cr Ker, Seconded Cr Lake

That the ruling of the Presiding Member be disagreed with.

CARRIED (5-4)

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

AMENDMENT CARRIED (8-1)

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

Moved Cr Doran-Wu, Seconded Cr Farrell

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

"(iii) considers improving the type of signage in Council carparks and the lighting in Fairfield Street, Mt Hawthorn."

AMENDMENT CARRIED (9-0)

Debate ensued and Mayor Catania spoke.

Cr Ker called a point of order - He stated the Mayor had made inaccurate comments.

Mayor asked Cr Ker to specify what clause in Standing Orders was being breached.

Cr Ker called a point of order - and stated the Mayor was casting an adverse reflection on an Elected Member.

The Mayor advised he did not accept the point of order.

Moved Cr Chester, Seconded Cr Ker

That the ruling of the Presiding Member be disagreed with.

CARRIED (5-4)

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

MOTION AS AMENDED CARRIED (7-2)

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

Cr Chester requested that it be recorded in the Minutes that he has been contacted by residents in Flinders Street and Fairfield Street.

COUNCIL DECISION ITEM 13.1

That the Council;

- (i) *REQUESTS the Chief Executive Officer to prepare a report for the Ordinary Meeting of Council to be held on 16 December 2003 detailing the following;*
 - (a) *a procedure for the implementation, ongoing monitoring and enforcement of Residents Only Parking on the western side of Fairfield Street, Mt Hawthorn, between Scarborough Beach Road and Anzac Road, between the hours of 5pm and 5am, for a trial period of six months;*
 - (b) *a strategy that ensures the effective monitoring and enforcement of parking restrictions by Town of Vincent Rangers during the six month trial period;*
 - (c) *the preparation of a report that details the results of the trial to be table at the earliest Ordinary Meeting of Council on completion of the six month period to enable council assessment of the trial;*
 - (d) *the financial implications of conducting the above described six month trial, including the purchase of signs;*

- (e) identification and review of the Hotel's Crowd Management and Operating Plan;*
- (f) identification and review of the conditions of Liquor Licence approval; and*
- (g) identification of other means of maintaining resident's amenity in the surrounding area;*
- (ii) prior to implementing Residents Only parking, carry out consultation in a wider area including Fairfield Street North, Flinders Street and Anzac Road; and*
- (iii) considers improving the type of signage in Council carparks and the lighting in Fairfield Street, Mt Hawthorn.*

The Mayor advised that Cr Franchina had declared a proximity interest in this Item. Cr Franchina departed the Chamber at 9.25pm. He did not speak or vote on the matter.

10.1.6 No. 286 and 288 (Lots 1 and 2) Charles Street, North Perth – Proposed Demolition of Two (2) Existing Single Houses and Construction of Six (6) Two-Storey Grouped Dwellings

Ward:	North	Date:	25 November 2003
Precinct:	Smith's Lake, P6	File Ref:	PRO2457; 00/33/1756
Attachments:	001 002		
Reporting Officer(s):	P Mastrodomenico		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Mario Tascone and Associates on behalf of the owners K L Mc Isaac (Lots 1 and 2) C E Lezer (Lot 2) for proposed demolition of two (2) existing single houses and construction of six (6) two-storey grouped dwellings at Nos. 286 and 288 (Lots 1 and 2) Charles Street, North Perth, and as shown on the plans stamp dated 18 November 2003, subject to:

- (i) subject to first obtaining the consent of the owners of No.294-296 (Lot 401) Charles Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No.294-296 (Lot 401) Charles Street in a good and clean condition;*
- (ii) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (iii) prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
- (iv) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Charles Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (v) a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Charles Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

- (vi) *prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *direct vehicular access from the right of way, with sufficient manoeuvring paved area and gradients to enable vehicles to effectively access the right of way; and*
 - (b) *the first floor of Unit 1 and Unit 2 being setback a minimum of 6.0 metres to the main dwelling and 5.0 metres to the balcony from Charles Street.*
- The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (vii) *prior to the first occupation of the development, the full length and width of the right of way from Vine Street to the southern most boundary abutting the subject land shall be sealed, drained and paved to the specifications of and supervision under the Town, at the applicant's/owner(s)' full expense;*
- (viii) *bond and/or bank guarantee for \$2,400 for the full upgrade of the right of way shall be lodged prior to the issue of a Building Licence;*
- (ix) *detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building Licence application;*
- (x) *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";*
- (xi) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (xii) *a road and verge security bond or bank guarantee of \$550 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*
- (xiii) *a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
- (xiv) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (xv) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*

- (xvi) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (xvii) *standard visual truncations, in accordance with the Town's Policies and to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*
- (xviii) *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);*
- (xix) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site; and*
- (xx) *an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*

to the satisfaction of the Chief Executive Officer.

Moved Cr Torre, Seconded Cr Doran-Wu

That the recommendation be adopted subject to the following amended preamble and clause (vi) being included:

"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 Mario Tascone and Associates on behalf of the owners K L Mc Isaac (Lots 1 and 2) C E Lezer (Lot 2) for proposed demolition of two (2) existing single houses and construction of six (6) two-storey grouped dwellings at Nos. 286 and 288 (Lots 1 and 2) Charles Street, North Perth, and as shown on the plans stamp dated 18 November 2003 and 27 November 2003, subject to:"

- "(vi) prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) ~~direct~~ the vehicular access from the right of way, ~~with~~ having sufficient manoeuvring paved area and gradients to enable vehicles to effectively access the right of way; and*
 - (b) the first floor of Unit 1 and Unit 2 being setback a minimum of ~~6.0 metres to the main dwelling~~ and 5.0 metres to the balcony from Charles Street.*

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

CARRIED (7-1)

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

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

COUNCIL DECISION ITEM 10.1.6

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Mario Tascone and Associates on behalf of the owners K L Mc Isaac (Lots 1 and 2) C E Lezer (Lot 2) for proposed demolition of two (2) existing single houses and construction of six (6) two-storey grouped dwellings at Nos. 286 and 288 (Lots 1 and 2) Charles Street, North Perth, and as shown on the plans stamp dated 18 November 2003 and 27 November 2003, subject to:

- (i) subject to first obtaining the consent of the owners of No.294-296 (Lot 401) Charles Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No.294-296 (Lot 401) Charles Street in a good and clean condition;*
- (ii) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (iii) prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
- (iv) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Charles Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (v) a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Charles Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

- (vi) *prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *the vehicular access from the right of way, having sufficient manoeuvring paved area and gradients to enable vehicles to effectively access the right of way; and*
 - (b) *the first floor of Unit 1 and Unit 2 being setback a minimum of 5.0 metres to the balcony from Charles Street.*
- The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (vii) *prior to the first occupation of the development, the full length and width of the right of way from Vine Street to the southern most boundary abutting the subject land shall be sealed, drained and paved to the specifications of and supervision under the Town, at the applicant's/owner(s)' full expense;*
- (viii) *bond and/or bank guarantee for \$2,400 for the full upgrade of the right of way shall be lodged prior to the issue of a Building Licence;*
- (ix) *detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building Licence application;*
- (x) *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";*
- (xi) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (xii) *a road and verge security bond or bank guarantee of \$550 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*
- (xiii) *a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
- (xiv) *the construction of crossovers shall be in accordance with the Town's specifications;*

- (xv) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (xvi) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (xvii) *standard visual truncations, in accordance with the Town's Policies and to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*
- (xviii) *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);*
- (xix) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site; and*
- (xx) *an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*

to the satisfaction of the Chief Executive Officer.

FURTHER REPORT:

The applicant has submitted revised plans, stamp dated 27 November 2003, to address concerns relating to vehicle access via the right of way and the first floor setback of Unit 1 and Unit 2. The applicant has requested that the revised plans be tabled at the Ordinary Meeting of Council.

Accordingly, the applicant requests that the Compliance Table be modified to reflect the revised plans, and the deletion of clause/condition (vi) from conditions of the Officer Recommendation.

Requirements	Required	Proposed
Street Setback- Charles Street (First Floor)	6.0 metres	4.0 metres (baleony) 5.210 metres (main dwelling) 4.9 metres (balcony)
Setbacks Unit 1 - North (ground floor) -Carport and Store	1.0 metre	Nil
Unit 6-East (ground floor)	1.5 metres	Nil
Unit 6-East (first floor)	1.5 metres	Nil
Front Fence Height	1.8 metres to top of fence 2.0 metres to top of piers	2.35 metres to top of fence 2.5 metres to top of piers

Requirements	Required	Proposed
Vehicular access via a right of way	Vehicular access to be accessible from existing right of way where (legally) available.	Vehicular access/carport is proposed from primary street <u>and the right of way</u>

COMMENTS:

Setback

The revised plans stamp dated 27 November 2003; show Units 1 and 2 with a first floor setback of 6.026 metres to the main dwelling and 4.9 metres setback to the front face of the balconies. Accordingly the plans now comply with the Town's Policy relating to the Monastery Locality with regards to the main dwelling, however, the portion of clause (vi) (b) requiring a 5.0 metres front setback to the balconies should be retained.

Vehicular Access

The revised plans show vehicular access from both Charles Street and the right of way. This will assist to alleviate the number of traffic movements to/from Charles Street.

The Town's Technical Services have advised that the radius of the crossover to the right of way on the revised plans will need to be increased to allow sufficient manoeuvring area. Accordingly, it is recommended that this matter be addressed in further revised plans prior to the issue of a Building Licence.

LANDOWNER: K L Mc Isaac (Lots 1 and 2) and C E Lezer (Lot 2)
APPLICANT: Mario Tascone and Associates
ZONING: Metropolitan Region Scheme: Urban
 Town Planning Scheme No.1: Residential R60
EXISTING LAND USE: Single house

COMPLIANCE:

Use Class	Single House
Use Classification	"P"
Lot Area	1146 square metres

Requirements	Required	Proposed
Street Setback- Charles Street (First Floor)	6.0 metres	4.0 metres (balcony) 5.210 metres (main dwelling)
Setbacks Unit 1 - North (ground floor) -Carport and Store	1.0 metre	Nil
Unit 6-East (ground floor)	1.5 metres	Nil
Unit 6-East (first floor)	1.5 metres	Nil
Front Fence Height	1.8 metres to top of fence 2.0 metres to top of piers	2.35 metres to top of fence 2.5 metres to top of piers
Vehicular access via a right of way	Vehicular access to be accessible from existing right of way where (legally) available.	Vehicular access/carport is proposed from primary street

SITE HISTORY:

The subject site is occupied by two single houses which are proposed to be demolished. The surrounding area is characterised by single storey dwellings.

A privately owned, 3.0 metres wide, unsealed right of way abuts the eastern boundary of the property.

DETAILS:

Approval is sought for the demolition of two (2) single storey houses and the construction of six (6) two storey grouped dwellings.

CONSULTATION/ADVERTISING:

There were no objections received during the advertising period.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Primary Street Setback

The proposed reduction in the upper level setback 5.210 metres to the main building and 4.0 metres to the balcony should be conditioned to be setback to 6.0 metres and 5.0 metres, respectively. The revised plans will not involve a significant change to the front two dwellings.

Front Fence

The front fence does not comply with the requirements of the Residential Design Codes and as such has been conditioned to comply.

Vehicular Access

The site has two existing crossovers onto Charles Street and the majority of dwellings in the immediate vicinity all have access onto Charles Street. Revised plans are required with access from both Charles Street and the right of way to alleviate the number of traffic movements to/from Charles Street, and a condition to also gain vehicular access from the right of way should be applied accordingly. The revised plans will not involve a significant change to the development.

Setbacks -Unit 1

The variations to setbacks (garage and store to Unit 1) are considered minor as they are single storey in height. As such, they are not considered to unduly impact the amenity of the affected neighbours.

Setbacks - Unit 6

The proposed variations to setbacks to the eastern elevation to Unit 6 on the ground and upper floor are considered acceptable as there are existing structures on the boundary facing the right of way and the setback will not restrict the access from the right of way.

Demolition

Heritage Assessments of both places are contained in Appendix 10.1.6.

The Heritage Assessments of the two dwellings on the site were undertaken by KTA Designers and Architects on behalf of the applicant. The assessments are submitted to comply with the Town's Policy relating to Heritage Management - Municipal Heritage Inventory requiring applicants to prepare assessments for application affecting more than one building. The assessments contain minimal documentary evidence.

KTA Designers and Architects determined through their assessment that the two places have '*minor significance for their streetscape aesthetic and social values*'. In all other respects, the places are not rare and exhibit little cultural heritage value. Although being generally representative of their era, the places are not exemplars of their type. As such, it is considered that the places are not of sufficient value to warrant their retention and inclusion on the Town's Municipal Heritage Inventory. The places are not included on the Interim Heritage Database.

In light of the above, it is recommended that the proposal to demolish the two dwellings be approved, subject to standard conditions.

Summary

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

10.1.7 No.2 (Lot 86) Norham Street, North Perth - Proposed Demolition of Existing Single House

Ward:	North	Date:	21 November 2003
Precinct:	North Perth, P8	File Ref:	PRO2348; 00/33/1625
Attachments:	001		
Reporting Officer(s):	H Eames		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owners Paxhill Pty Ltd, for the proposed demolition of the existing single house at No.2 (Lot 86) Norham Street, North Perth, and as shown on the plans stamp dated 7 May 2003, subject to:

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

to the satisfaction of the Chief Executive Officer.

Cr Franchina returned to the Chamber at 9.30pm.

COUNCIL DECISION ITEM 10.1.7

Moved Cr Lake, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

LOST (1-8)

For

Cr Ker

Against

Mayor Catania

Cr Chester

Cr Cohen

Cr Doran-Wu

Cr Farrell

Cr Franchina

Cr Lake

Cr Torre

Reason:

That a redevelopment application is to be included with the demolition application.

LANDOWNER:

Paxhill Pty Ltd.

APPLICANT:

Paxhill Pty Ltd.

ZONING:

Metropolitan Region Scheme: Urban

Town Planning Scheme No 1: Residential R30/40

EXISTING LAND USE:

Single House

COMPLIANCE:

Use Class	Single House
Use Classification	"P"
Lot Area	835 square metres

SITE HISTORY:

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

DETAILS:

Approval is sought for the demolition of existing single house.

CONSULTATION/ADVERTISING:

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

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated policies.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

A detailed heritage assessment is contained in Appendix 10.1.7.

The subject dwelling is dated circa 1915 and represents a part of the earlier building stock built just prior to the First World War period. The dwelling is tiled and most features and fittings are intact. Its late Federation characteristics have been diminished by treatment of the external facade. While original features such as windows and ceilings are of interest, it is not considered that these features alone justify the retention of the house or qualify the place for consideration for entry into the Town's Municipal Heritage Inventory. The place is not rare and is considered to be of little aesthetic, historic, scientific and social value.

The place has little cultural heritage significance, and 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, subject to standard conditions.

10.1.10 No. 61 (Lot 103) Walcott Street, Mount Lawley - Proposed Change of Use from Single House to Office Building and Associated Alterations and Additions

Ward:	South	Date:	25 November 2003
Precinct:	Forrest; P14	File Ref:	PRO2497; 00/33/1819
Attachments:	001		
Reporting Officer(s):	S Turner		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner L Buckley, for proposed change of use from single house to office building and associated alterations and additions at No.61 (Lot 103) Walcott Street, Mount Lawley, and as shown on plans stamp-dated 8 September 2003, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements, including the provision of toilet facilities and a car parking space for people with disabilities in accordance with the Building Code of Australia (BCA) and Disability Discrimination Act;*
- (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) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating an increase in the width of the gate to 5.0 metres to aid in vehicle manoeuvring to the right of way. The revised plans shall not result in any greater variations to the Residential Design Codes and the Town's Policies;*
- (iv) the support/approval of the Department for Planning and Infrastructure and/or the Western Australian Planning Commission and compliance with its comments and conditions at the applicant(s)/owner(s) full expense;*
- (v) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (vi) the hours of operation shall be restricted to the following times: 7am to 7pm Monday to Friday and 7am to 12pm on Saturday, inclusive;*
- (vii) 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;*
- (viii) prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title or Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*

- (ix) *a road and verge security bond or bank guarantee of \$550 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*
- (x) *a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
- (xi) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (xii) *standard visual truncations, in accordance with the Town's Policies and/or to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*
- (xiii) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (xiv) *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 the right of way, Roy Street and Walcott Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the new front fences and gates being visually permeable, with a minimum 50 per cent transparency; and*
- (xv) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Walcott and Roy Streets verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.10

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted.

Debate ensued.

CARRIED (8-1)

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

FURTHER REPORT:

In this particular case the subject property is considered to meet the objective of a buffer site, given its close proximity to the District Centre zone, the rear laneway (currently used by commercial properties) and the higher traffic experienced on Walcott Street, which may impact on the amenity enjoyed by the subject property.

In regard to the traffic issue, the property is unlikely to be accessed off of Barlee Street as there is no right turn off Beaufort Street into Barlee Street, thus it may not be used as a shortcut road.

The property situated opposite the subject site on Roy Street is a multiple dwelling site with vehicle parking at the rear of the property. These dwellings are well setback and the minor increase in traffic generated from the subject site would not create any greater amenity impacts than currently exists. The parking area on the subject site will be clearly visible from Roy Street.

Consideration should also be given to the properties opposite the subject site, within the City of Stirling, that have a "Restricted Business" zoning. These properties permit Office Building use. This is an important consideration when determining the suitability of the subject site for Office Building purposes.

LANDOWNER: L Buckley
APPLICANT: L Buckley
ZONING: Metropolitan Region Scheme: Urban
 Town Planning Scheme No.1: Residential R60

EXISTING LAND USE: Unoccupied Single House

COMPLIANCE:

Requirement	Requirement	Provided
Landscaping	The Town's Policy - Non-residential development in a residential area requires the provision of twenty five (25) per cent landscaping, which equates to 145 square metres in this case.	95 square metres

Use Class	Office Building
Use Classification	"SA"
Lot Area	582 square metres

SITE HISTORY:

The site was previously used for residential, however has been vacant for the past few years resulting in a deterioration of the building.

DETAILS:

The subject proposal involves a change of use from a single house to an office building in a residential zoned area, located some three properties east of the intersection of Beaufort Street and Walcott Street. The property is situated on the corner of Roy and Walcott Streets and has a 3.02 metres wide resumed and vested sealed right of way at the rear (south) of the property. The proposal also includes the restoration and additions to the existing residence. The offices are intended to accommodate Lawley Pharmaceuticals, which is not a retail pharmacy, but rather a wholesaler. The office will not open on weekends and one courier calls daily, with no passing trade, therefore reducing the traffic to the property.

CONSULTATION/ADVERTISING:

The proposal was advertised in accordance with the 'SA' advertising requirements of the Town Planning Scheme, which included a sign on-site, a notice in a local newspaper and letters to adjoining property owners. During the 21 days advertising period, one letter of objection was received from a resident within the immediate area of the subject site (City of Stirling area). It should also be noted that three letters supporting the proposal were submitted as part of the application. These included the immediate neighbour along Walcott Street and the closest two residents along Roy Street.

The following summarises the conclusions presented in the letter of objection:

- The application is contrary to the zoning of the land and the Town's Brigatti Policy Statement for the locality.
- There is no planning justification for allowing commercial uses into a purely residential area in physical form and identified by Council in various documents as such.
- The applicants have purchased a residential building in a residential zone where the Town's current locality policy makes no reference to encouraging or permitting the establishment of commercial uses in the area.
- The application raises serious concerns regarding the Town's attitude to the ad hoc spread of commercial activity away from a designated commercial zone.
- Beaufort Street is clearly identified in the Town's Town Planning Scheme as a commercial zone. The subject site is not located within this zone and there is no physical link between the two.
- The intrusion of commercial uses into residential zones results in a serious loss of residential amenity, parking and traffic problems. Proof of this is clearly visible in nearby Alvan Street (City of Stirling).
- The ad hoc spread of commercial activity along the north side of Walcott Street and along Alvan Street does not justify the current application. Rather, these examples highlight the problems which result from allowing ad hoc commercial development to creep into residential zones.

Whilst the Brigatti Policy Statement does not encourage commercial activity within the residential area, office use such as the one proposed on the subject site can be regarded as acting as a transition between more intensive commercial activities associated with the adjacent District Centre Zone along Beaufort Street and residential uses. The subject site is located within close proximity to Beaufort Street and non-residential uses exist on the opposite side of Walcott Street. The adjacent two residential properties to the west of the subject site are the only potential properties that may reasonably try to change the use of the property, using this proposal as a reason to support their applications. Thus, the proposal does not set a trend for a large number of properties within the area. As the property is a corner site, with a rear laneway, it is considered that there is still a distinct boundary between the subject site and surrounding residential zoned and used properties.

It is considered that the approval of an office development on this property will not negatively impact upon the existing residential character of the area nor on adjoining property owners. The proposal complies with the parking requirements of the Town's Parking and Access Policy and therefore statements of increased parking problems are not considered valid. The proposed use will not exacerbate the stated existing parking problems within this area, as it provides on-site parking in accordance with the Town's Policy, and comprises 195 square metres of gross floor area.

The residence on the subject site is listed on the Town's Interim Heritage Database and as such may have some value for retention. The proposal includes the restoration of the existing building, with minor renovations. This is considered a valid planning ground for supporting a proposal and is consistent with previous Council decisions, encouraging the restoration of buildings that have a unique connection to the history and/or character of the area.

The proposal was also referred to the Department for Planning and Infrastructure for comment. No comments were received during the consultation period.

The objector's comments are further addressed within the comment section below.

LEGAL/POLICY:

Town Planning Scheme No.1 and associated Policies.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

An office building use is classified 'SA' in the Residential zone as per the Town's Town Planning Scheme No.1. The Scheme defines 'SA' as follows;

"means that the use is not permitted unless the Council has exercised its discretion by granting planning approval after giving special notice in accordance with Clause 37."

Clause 38 (5) of the Town Planning Scheme No.1 states that when Council considered using discretion it should have regard to the following:

- (a) the provisions of this section of the Scheme and of any other written law applying within the Scheme area including the Metropolitan Region Scheme;
- (b) any relevant planning policy;
- (c) the Scheme Map;
- (d) any Statement of Planning Policy of the Western Australian Planning Commission;
- (e) any planning study approved by the Council;
- (f) any submission accompanying or related to the application;
- (g) the orderly and proper planning of the locality;
- (h) the conservation of the amenities of the locality; and
- (i) the design, scale and relationship to existing buildings and surroundings of any proposed building or structure.

The Scheme and Metropolitan Region Scheme does not list an office use as a prohibited use within a residential area. The Brigatti Locality Statement does not provide detail as to where other uses other than residential may be appropriate within a residential area.

The proposal requires the provision of 4 car parking bays on site, based on an office area of 195 square metres and one bay per 50 square metres of office gross floor area. Three bays are provided at the rear of the property with one bay being located in an undercroft garage at the rear of the building. All four bays have access off of the adjoining right of way, thus providing parking that will not conflict with Roy Street parking.

The Forrest Precinct Policy states the following that is relevant to this proposal:

"5) Traffic, Parking and Access

The Town of Vincent is to endeavour to manage traffic flow in accordance with its functional road hierarchy and, in particular, the Town of Vincent is to discourage the movement of commercial traffic into adjacent residential streets.

Safe accessible movement for pedestrians abutting Beaufort Street, Bulwer Street, Lord Street and Walcott Street is to be taken from another road or laneway, where possible, unless in the opinion of the Town of Vincent the amenity of adjacent residential uses will be adversely affected."

The subject property is situated on the corner of Roy and Walcott Streets and has a rear right of way, the traffic associated with the proposal will not negatively affect the adjacent residential houses as it will be limited to a small section of Roy Street and the right of way. The right of way is currently used by many commercial businesses along Beaufort Street to access their properties.

The Forrest Precinct Policy also refers to non-residential buildings within the area having a character and scale which is compatible with adjacent residential development, as well as maintaining existing trees and landscaping to contribute to an attractive streetscape.

The proposal includes the restoration of the existing residential building and will provide further landscaping along Roy and Walcott Streets. The office building will maintain a residential character and thus will not negatively impact upon the streetscape.

The Town's Policy - Non-Residential Uses in/or Adjacent to Residential Areas objective is to ensure that non-residential uses in, or adjacent to, residential areas are compatible with adjacent dwellings.

The Policy statement includes issues that need to be considered, these are summarised as follows:

- Non-residential development in a residential area is only permitted if it will not cause undue conflict through the generation of traffic and parking or the emission of noise or any other form of pollution, which may be undesirable on residential areas.
- It is required to comply with the Residential Design Codes in terms of setback and plot ratio development standards for grouped dwellings. Twenty-five percent of the site area is to be landscaped, including the front setback areas.
- Non-residential development is strongly encouraged to be located within existing building(s) which complement the surrounding residential amenity. In these cases, the Town of Vincent may vary the development requirements provided it does not adversely affect the amenity of the area.

The proposal will not result in an unreasonable amount of traffic. The parking is provided on site at the rear of the property. The use is for office purposes and therefore does not have any noise or pollution emissions that may be undesirable.

As the existing dwelling is being used, it complies with the Town's Policy to encourage the use of existing buildings. The alterations and additions comply with the Residential Design Code requirements for an R60 coded area.

The proposal includes the provision of approximately ninety five (95) square metres of landscaping, including the area at the front of the building abutting Walcott Street. The requirement of twenty five (25) per cent landscaping would require one hundred and forty five (145) square metres of landscaping being provided. The shortfall in landscaping is considered supportable, as the proposal maintains the existing front landscaping, provides further landscaping adjacent to Roy Street, and the adjacent road verges are conditioned to be landscaped and reticulated.

Following an assessment of the proposal, the application is considered acceptable, subject to standard and appropriate conditions to address the above matters.

10.1.15 Notices of Motion Relating to Community Visioning, Mount Hawthorn Centre - Place Development Strategy and Leederville Masterplan

Ward:	Both Wards	Date:	20 November 2003
Precinct:	All Precincts	File Ref:	PLA0100; PLA0140
Attachments:	-		
Reporting Officer(s):	H Coulter		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council:

- (i) *RECEIVES the report relating to the Notices of Motion relating to Community Visioning, Mount Hawthorn Centre - Place Development Strategy and Leederville Masterplan; and*
- (ii) *DEFERS progression of the projects relating to the Mount Hawthorn Centre - Place Development Strategy and the Leederville Masterplan pending the final outcome of the Community Visioning process.*

Moved Cr Chester, Seconded Cr Torre

That the recommendation be adopted.

Debate ensued.

Moved Cr Torre, Seconded Cr Chester

That clause (ii) be deleted.

AMENDMENT CARRIED (8-1)

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

MOTION AS AMENDED CARRIED (9-0)

Moved Cr Chester, Seconded Cr Cohen

That the Council meeting continue until 10.15pm.

CARRIED (8-1)

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

COUNCIL DECISION ITEM 10.1.15

That the Council RECEIVES the report relating to the Notices of Motion relating to Community Visioning, Mount Hawthorn Centre - Place Development Strategy and Leederville Masterplan.

BACKGROUND:

The Council at its Ordinary Meeting held on 23 September 2003 resolved to adopt the following Notice of Motion 11.2 relating to a Leederville Master Plan:

" That the Council;

- (i) request the Chief Executive Officer (CEO) prepare a brief to engage a senior consultant architect/urban planner to deliver a Masterplan over the land bordered by Loftus St, Richmond St and the Mitchell freeway;*
- (ii) resolves that the brief for the Masterplan should:*
 - (a) require as a minimum overall guiding plans, imagery and documentation that seeks to enhance interaction and attain best practise and highest and best value for the area;*
 - (b) consider but not be limited to the following elements:*
 - (1) Leederville Oval;*
 - (2) Leederville Oval proposed public open space;*
 - (3) Oxford district centre;*
 - (4) Multi-sport Indoor stadium (proposed);*
 - (5) Department of Sport and Recreation building (proposed);*
 - (6) Loftus community centre and other identified community service providers;*
 - (7) Loftus Recreation Centre;*
 - (8) Margret Pre-primary;*
 - (9) Leederville Child Care;*
 - (10) Libraries;*
 - (11) TAFE;*
 - (12) Education department (Distance Education);*
 - (13) Land in the ownership of State Government departments;*
 - (14) Input from key stakeholders;*
 - (15) Land in the ownership of the Town of Vincent;*
 - (16) Council owned carparks;*
 - (17) Leederville Railway station;*
 - (18) Potential for Transit orientated development;*
 - (19) Retention of places of heritage significance;*

- (20) *Interaction with surrounding area;*
- (21) *Generation of usable open space (public and private);*
- (22) *Community activities to be taken into consideration;*
- (c) *refer to the following documents:*
 - (1) *Oxford Centre Study (Taylor Burrell);*
 - (2) *Town of Vincent Town Planning Scheme No. 1 and the Town's policies;*
- (d) *require a feasibility assessment and implementation plan; and*
- (e) *identify a schedule for the preparation of the Masterplan up to and including presentation of the final report and that the timeline of that schedule should ensure the Leederville Masterplan influences the significant projects pending in the area;*
- (iii) *request the CEO establish a working group, with terms of reference, to meet and assist in the delivery of the Masterplan to Council, and that the group consist of the Mayor, two councillors, the Town's Executive Officers, the consultant and an invitation of participation be offered to the CEO of the East Perth Redevelopment Authority and the Western Australian Planning Commission (WAPC);*
- (ii) *approaches the Western Australian Planning Commission and the Department for Planning and Infrastructure for the above project to be a joint initiative between the WAPC and the Town of Vincent, with funding from the WAPC Demonstration Projects Programme;*
- (v) *request the Chief Executive Officer to provide a further report to Council, as soon as possible, to identify any potential to include a draft of the Leederville Masterplan in the Vincent Visioning process; and*
- (vi) *notes the full extent and comprehensive nature of the Oxford Centre Study 2000 and confirms its fundamental role as a parent document in the preparation of a Leederville Masterplan whilst noting findings of the Oxford Centre Study may be subject to review in the formulation of the Leederville Masterplan."*

The Council at its Ordinary Meeting held on 23 September 2003 resolved to adopt the following Notice of Motion 11.1 relating to the Mount Hawthorn Centre Strategy:

"That the Council authorises the Chief Executive Officer to expand the brief for the Mount Hawthorn Centre Strategy to that of a Mount Hawthorn Centre - Place Development Strategy and the scope of the strategy to include but not be limited to:

- (i) *imagery of the strategies vision;*
- (ii) *urban planning;*
- (iii) *community development; and*
- (iv) *place promotion."*

The Council at its Ordinary Meeting held 7 October 2003 deferred consideration of a report relating to the project brief for Community Visioning, however under Urgent Business adopted the following:

"That Council require delivery of a Timeline/Gantt Chart on those projects relating to Community Visioning and those required for delivery of the Town Planning Scheme Review as soon as possible."

A further Notice of Motion 11.2 relating to Community Visioning was adopted by the Council whereby:

"That the Council:

- (i) authorises the Chief Executive Officer to invite representatives of the Hon. Minister for Planning and Infrastructure and the Department of Planning and Infrastructure to give a public presentation on the outcomes and implications of 'Dialogue in the City' and its relevance to the Town of Vincent; and*
- (ii) amends the Community Visioning brief to include in the timeframe section, a briefing to Elected Members on the terms of reference for the visioning process."*

DETAILS:

To date, in relation to the Leederville Masterplan, background research and a broad concept plan outlining current works in the Leederville area has been prepared, however limited action has been taken regarding the preparation of a brief. In terms of the progress of the Mount Hawthorn Centre Strategy, research of the brief content has been carried out, however the written document has not been finalised. The Executive Manager Technical Services has advised that the budget allocation of \$320,000 for infrastructure improvement works has been included in the capital works program for this financial year as 'to be advised', however no infrastructure upgrade works will be implemented until the Strategy has been prepared and adopted.

CONSULTATION/ADVERTISING:

Nil.

STRATEGIC IMPLICATIONS:

Strategic Plan 2003-2008 – Key Result Area One: Environment and Infrastructure.

" 1.3...Develop, implement and promote sustainable urban design.

Action Plans to implement this strategy include:

- c) Review and release within an agreed time frame, the Town Planning Scheme, in accordance with the community vision, to:*
 - encourage hubs or centres of community within the Town;*
 - review residential densities;*
 - review zoning."*

FINANCIAL/BUDGET IMPLICATIONS:

The current 2003/2004 Budget allocates \$130,000 for Town Planning Scheme Amendments and Policies and \$40,000 for a Community Visioning process.

COMMENTS:

A community visioning process will, as part of the review of the Town's Town Planning Scheme, inter alia, focus on the district, local and commercial centres of the Town as part of creating a vision decided by the community. It is considered prudent therefore, that progressing of the projects relating to the Mount Hawthorn and Leederville Masterplan in the traditional manner (*design, advise and defend*) prior to the visioning process may be counterproductive. The visioning process will be able to focus on these aspects to the extent whereby a consensus of ideas for these areas can be reached and channelled directly into a brief for the ideas/works to be carried out. In this way, duplication of consultation on a number of projects will be avoided and a shared commitment to implementing the works will result by engaging the community at an earlier stage of the process.

The Elected Members Briefing session relating to the Terms of Reference for the Community Visioning process will be an opportune forum to discuss how the overall approach of community visioning to major projects and the town planning scheme review can ensure greater probability of implementation of these projects and benefit to the Town.

It is therefore recommended that the Council receives the report and resolves to defer progression of the strategies/projects relating to the Mount Hawthorn Centre and the Leederville Masterplan pending the final outcome of the Community Visioning process.

Mayor Catania advised that Cr Chester had declared a proximity interest in this Item. Cr Chester departed the Chamber at 9.50pm and did not speak or vote on the matter.

10.1.16 Notice of Motion Relating to Policy No. 3.1.14 - Subdivisions Requiring Plate Height Development

Ward:	Both Wards	Date:	25 November 2003
Precinct:	All Precincts	File Ref:	PLA0022
Attachments:	001 ; 002 ; 003		
Reporting Officer(s):	Y Scheidegger		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Report relating to the Notice of Motion relating to Policy No. 3.1.14 - Subdivisions Requiring Plate Height Development; and*
- (ii) *RESOLVES not to alter the existing Town of Vincent Policy No. 3.1.14 - Subdivisions Requiring Plate Height Development.*

The consideration of moving the recommendation including the proposed amendment was discussed.

The Mayor rejected this request as he believed it seeks a deferral.

Cr Ker called a point of order stating the amended recommendation doesn't seek to defer the items, so it does not preclude debate.

It was agreed that the proposed amendment be moved separately.

Moved Cr Cohen, Seconded Cr Doran-Wu

That the recommendation be adopted.

Cr Farrell departed the Chamber at 9.53pm.

Moved Cr Lake, Seconded Cr Torre

That clause (ii) be amended as follows:

"(ii) ~~RESOLVES not to alter~~ DEFERS consideration of the existing Town of Vincent Policy No. 3.1.14 - Subdivisions Requiring Plate Height Development, until further clarification of the Town's threshold for "small lots" is examined information is provided on how surrounding local government areas manage the issue of appropriate development on small lots."

AMENDMENT CARRIED (7-0)

(Crs Chester and Farrell were absent from the Chamber and did not vote.)

MOTION AS AMENDED CARRIED (7-0)

(Crs Chester and Farrell were absent from the Chamber and did not vote.)

Crs Chester and Farrell returned to the Chamber at 9.55pm.

COUNCIL DECISION ITEM 10.1.16

That the Council;

- (i) ***RECEIVES*** the Report relating to the Notice of Motion relating to Policy No. 3.1.14 - Subdivisions Requiring Plate Height Development; and
- (ii) ***DEFERS*** consideration of the existing Town of Vincent Policy No. 3.1.14 - Subdivisions Requiring Plate Height Development, until further clarification of the Town's threshold for "small lots" is examined and information is provided on how surrounding local government areas manage the issue of appropriate development on small lots.

Executive Manager Environmental and Development Services Comments:

The Officers from the Department for Planning and Infrastructure (DPI) verbally advised that the Western Australian Planning Commission (WAPC) does not strictly use the figure of "lots less than 350 square metres" but base every subdivision application on its merits. They have further advised that in many instances of lots less than 350 square metres, the plate height condition has not been applied. The DPI supports the Town's position and Policy which states "lots less than 200 square metres".

BACKGROUND:

The Council at its Ordinary Meeting held on 21 October 2003 resolved to adopt the following Notice of Motion 11.2 relating to Policy No. 3.1.14 - Subdivisions Requiring Plate Height Development:

"That;

- (i) *the Town's Policy No. 3.5.14 relating to Subdivisions Requiring Plate Height Development, be reviewed, to include, but not be limited to, the following matters:*
 - (a) *information pertaining to the Western Australian Planning Commission (WAPC) policy on residential subdivision relating to plate height and lot sizes less than 350 square metres in area;*
 - (b) *comparison between the Town's Policy and that of the WAPC;*
 - (c) *background of the Town's policy relating to plate height; and*
 - (d) *the Policy's appropriateness and effectiveness, particularly in respect of the Town's experience in the application of the current policy;*
- (ii) *the Chief Executive Officer provides information from other Local Governments as to:*
 - (a) *any alternative policies/conditions regarding the approval of small blocks and their effectiveness. The alternatives should include, but not be limited to, restricted covenants; and*
 - (b) *their experience with subdivisions requiring plate height development; and*

- (iii) *the Chief Executive Officer report back to the Council no later than 16 December 2003 recommending whether the Policy should remain unaltered, be amended, or replaced by some other means of development control."*

DETAILS:

Information pertaining to the Western Australian Planning Commission's (WAPC) Policy on Residential Subdivision relating to Plate Height and Lots Sizes Less than 350 square metres

The WAPC's Planning Bulletin No. 55 dated October 2002 relating to the Residential Design Codes and Amendment to Residential Subdivision Policy Small Residential Lots, which is shown as Attachment 001 to this Report and states the following:

"The policy has been amended to delete references to Attached Housing Lots (which are not provided for under the Codes) and to refer instead to Small Residential Lots of less than 350sqm. Under Clause 3.5 of the policy applications to create lots of less than 350sqm are required to be supported with information to enable the relationship between the subdivision and the development to be assessed. Where such lots are narrow, irregularly shaped, present vehicular access difficulties or require development to proceed with party walls, the Commission may require, having regard to the views of the local government, that deposited plans of survey or vacant/survey-strata plans not be endorsed until the buildings are constructed to plate height unless there is a Detailed Area Plan adopted under an operative town planning scheme."

The WAPC's Planning Bulletin No. 50 relating to the Residential Design Codes (R-Codes) and subdivision issues, which is shown as Attachment 002 to this Report and states:

"A particular concern arises when lots are small and planning issues arise in arranging the siting and access to development on small, narrow lots...in approving subdivision of such lots on small, narrow or unusually shaped lots, the Commission has been concerned that future development may create problems for adjacent owners and occupiers where the development has not been planned comprehensively.

It is considered that because of the frequent complexity of designing development on small lots of less than 350sqm, development approval be required for all such development. This will address many of the concerns regarding small lot development under the Codes.

However, there are additional issues related to, although not directly part of, the Codes concerning subdivision policy and practice which require separate amendments to the Commission's policies to ensure that proposals for a number of small lots are designed to accommodate access and parking requirements. In addition, in certain cases it would still be appropriate to withhold titles until development has substantially commenced.

*The Commission proposes to replace the provisions of its policy relating to Attached Housing with a requirement that proposals to subdivide land to create two or more lots of less than 350sqm should be submitted with information regarding the arrangement of proposed buildings, fences, driveways and other development on the land to enable the relationship between the subdivision and the development to be assessed. **The Commission may require that the building be constructed to plate height prior to granting final approval."***

Comparison between the Town's Policy and that of the WAPC

The Town's Policy relating to Subdivisions Requiring Plate Height Development states the following:

*"SUBDIVISIONS REQUIRING PLATE HEIGHT DEVELOPMENT
OBJECTIVE*

To define the basis which the Town of Vincent will clear subdivisions that will create vacant freehold, survey strata or strata lot(s) with an area less than 200 square metres or have a frontage of less than 6 metres or have a depth less than 15 metres or have an awkward shape.

POLICY STATEMENT

- 1) *For the purpose of defining the meaning of certain terms, the following definitions are to apply:*
 - i) *Wall plate means a horizontal structural member on a wall to distribute the pressure from the roof frame structure.*
 - ii) *Plate height means the height of the wall between the natural ground level and the wall plate.*
- 2) *The Town of Vincent will only clear the diagram of survey or endorse an appropriate form, whichever is applicable, for subdivisions that will create vacant freehold, survey strata or strata lot(s) with an area less than 200 square metres or have a frontage of less than 6 metres or have a depth less than 15 metres or have an awkward shape as determined by the Town of Vincent if the following criteria has been met to the satisfaction of the Town of Vincent:*
 - i) *the Town of Vincent has approved a planning approval and/or building licence for the development of dwelling(s) on the subject lot to be created; and*
 - ii) *the perimeter walls of the dwelling, including the garage walls and carport walls/pillars, are constructed to plate height."*

The WAPC' s and the Town's Policy relating to plate height are similar in terms of the intent of controlling narrow or irregularly shaped lots or lots that may present vehicular access difficulties or require development to proceed with party walls. In terms of minimum lots sizes which are required to be built to plate height, the WAPC considered lots less than 350 square metres appropriate for plate height while the Town considered 200 square metres the minimum for plate height development.

Background of the Town's Policy relating to Plate Height

Amendment No. 3 relating to Subdivisions Requiring Plate Height Development was initiated by Council at its Special Meeting held on 12 December 2001.

The Council at its Ordinary Meeting held on 26 February 2002 considered the amended new Policy relating to Subdivisions Requiring Plate Height Development, and resolved to defer consideration of this matter mainly to further clarify issues relating to boundary parapet walls and lots with shallow depths and/or long frontages.

The Council at its Ordinary Meeting held on 12 March 2002 resolved the following:

"That the Council APPROVES BY AN ABSOLUTE MAJORITY to:

- (i) *receive the draft amended new Policy relating to Subdivisions Requiring Plate Height Development, as shown in Appendix 10.4.3;*
- (ii) *adopt the draft amended new Policy relating to Subdivisions Requiring Plate Height Development to be applied immediately;*
- (iii) *advertise the draft amended new Policy relating to Subdivisions Requiring Plate Height Development for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
 - (a) *advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*

- (b) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and*
- (c) *forwarding a copy of the subject Policy to the Western Australian Planning Commission; and*
- (iv) *after the expiry of the period for submissions:*
 - (a) *review the draft amended new Policy relating to Subdivisions Requiring Plate Height Development, having regard to any written submissions; and*
 - (b) *determine the draft amended new Policy relating to Subdivisions Requiring Plate Height Development, with or without amendment to, or not to proceed with the Policies.*

That Appendix 10.4.3 to the Agenda Report be amended to generally delete the word "and/" from the words "and/or" wherever it appears."

The Council at its Ordinary Meeting held on 11 June 2002 resolved to finally adopt the draft amended new Policy relating to Subdivisions Requiring Plate Height Development.

The Policy's appropriateness and effectiveness, particularly in respect of the Town's experience in the application of the current Policy

Officers from the Department for Planning and Infrastructure (DPI) have previously advised that they support the continued application of the Town's Policy and associated standard condition on subdivision applications that are affected by the subject Policy.

The Town has consistently applied the subject Policy and associated condition, where applicable, since the Council resolution of 12 March 2002.

The Town's records indicate that only one subdivider has formally requested variation to this Policy and condition, and this matter was addressed via a legal agreement. The Council Minutes relating to this matter is shown as Attachment 003 to this Report. Several subdivisions have complied with such conditions and proceeded accordingly.

It is considered compliance with the condition is a more effective mechanism in achieving the intent of the Policy, rather than entering into expensive and protracted legal agreements regarding plate height development.

Overall, the Policy and associated condition is considered both appropriate and effective of addressing suitable development on small, narrow and/or irregular shaped lots.

In relation to the issue of applying the Policy to lots less than 200 square metres compared with the WAPC applying it to lots less than 350 square metres, the Officers of the DPI have advised that the 350 square metres criteria is not strictly adhered to. They have further advised that the plate height definition is broad and open to interpretation and that they deal with each subdivision on its merits. In addition, they do not support moratoriums, covenants, legal agreements and/or the like to control plate height. The DPI have advised that they support the Town's Policy relating to Subdivisions Requiring Plate Height Development and the procedure of applying the plate height condition to relevant subdivision applications.

The Chief Executive Officer provides information from other Local Governments as to:

- (a) any alternative policies/conditions regarding the approval of small blocks and their effectiveness. The alternatives should include, but not be limited to, restricted covenants; and
- (b) their experience with subdivisions requiring plate height development.

Officers of the Town of Victoria Park, City of Stirling and City of Subiaco have verbally advised that they do not apply plate height conditions to any subdivisions. The City of Nedlands apply a condition relating to plate height based in some instances, which are then based on the WAPC's criteria. All the above Local Governments do not have a Policy relating to plate height or apply restricted covenants to small lot subdivisions.

The Chief Executive Officer report back to the Council no later than 16 December 2003 recommending whether the Policy should remain unaltered, be amended, or replaced by some other means of development control

In light of the above, it is considered appropriate that the Policy remains unchanged.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

Strategic Plan 2003-2008 - Key Result Areas: 1.3 *"Develop, implement and promote sustainable urban design."*

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

In light of the above, it is recommended that the Council receives this Report, resolves not to alter the existing policy relating to Subdivisions Requiring Plate Height Development.

10.1.17 Proposed Fresh Fish Wholesale and Retail Seafood Establishment – Nos. 197-205 (Lot 1010) Brisbane Street, Perth

Ward:	South	Date:	18 November 2003
Precinct:	Hyde Park, P12	File Ref:	PRO0171
Reporting Officer(s):	S Teymant		
Attachments:	-		
Checked/Endorsed by:	D Brits, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

the Council APPROVES the establishment of an offensive trade - fresh fish wholesale and retail seafood establishment - at Shop 3, Nos. 197-205 (Lot 1010) Brisbane Street, Perth, subject to:

- (i) the premises complying with the Health Act 1911 (as amended), Health (Food Hygiene) Regulations 1993, the Town of Vincent Health Local Laws 1997, the Metropolitan Water Supply Authority Sewerage and Drainage By-laws 1981, Environmental Protection Act (Noise Emissions), and Occupational Health, Safety and Welfare Act/Regulations; and*
- (ii) all fish or fish scraps, waste or refuse which is likely to become offensive or a nuisance, being kept in a frozen state in an approved container or enclosure, prior to collection for disposal, and that all wash/waste water be contained within the internal confines of the premises and disposed of directly into internal sewer connected, floor waste gullies.*

COUNCIL DECISION ITEM 10.1.17

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

Moved Cr Ker, Seconded Cr Lake

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

CARRIED (9-0)

BACKGROUND:

An application was received from Mr Kevin Huynh and Karen Ngo, to establish a fresh fish wholesale and retail seafood establishment that includes the gutting and cleaning of fish, at Shop 3, Nos. 197-205 Brisbane Street, Perth.

The applicant has considerable experience in seafood processing/retail establishments.

The intention to apply was advertised in "The West Australian" Newspaper on 30 October 2003. The advertisement read: "We, Kevin Huynh and Karen Ngo of 33 Clements Road, Booragoon WA 6154 intend to develop a wholesale and retail seafood shop including the gutting of fish at Unit 3, 201 Brisbane Street, Northbridge WA 6003. Should you object to this proposal, please put it in writing to the Manager Health Services at Town of Vincent within 14 days." No objections were received by the Town's Health Services.

Furthermore, the Town's Senior Planning Officer advised that the site is zoned Local Centre under the Town of Vincent Town Planning Scheme No. 1 (TPS1). The proposed Change of Use from Shop to Fish Shop is a 'P' (Permitted Use) in accordance with the TPS1 and does not require a further planning approval.

COMMENTS:

The proposed offensive trade (fresh fish wholesale and retail seafood establishment that includes the gutting and cleaning of fish) is considered acceptable, subject to compliance with Environmental Health requirements and relevant legislation.

10.2.2 Extension of Two Hour Time Restriction on the South Side of Bulwer Street between Brisbane and Stirling Streets

Ward:	South	Date:	25 November 2003
Precinct:	Hyde Park Precinct P12	File Ref:	PKG0027
Attachments:	001		
Reporting Officer(s):	A Munyard		
Checked/Endorsed by:	R Lotznicher	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES the extension of the recently approved two (2) hour parking restriction on the south side of Bulwer Street between Brisbane and Stirling Streets (in force at all times) as shown on attached Plan No. 2237-PP-1;*
- (ii) *places a moratorium on issuing infringement notices for a period of two (2) weeks from the installation of the new parking restriction signs; and*
- (iii) *advises business proprietors on the south side of Bulwer Street between Brisbane and Stirling Streets of its resolution.*

Moved Cr Lake, Seconded

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

- (i) *APPROVES the extension of the recently approved two (2) hour parking restriction from 8.00 am to 5.30 pm Monday to Friday and 8.00 am to 12 noon Saturday on the south side of Bulwer Street between Brisbane and Stirling Streets (~~in force at all times~~) as shown on attached Plan No. 2237-PP-1A;*

LAPSED FOR WANT OF A SECONDER

Moved Cr Torre, Seconded Chester

That the recommendation be adopted.

Debate ensued.

Moved Cr Lake, Seconded Ker

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

- "(i) *APPROVES the extension of the recently approved two (2) hour parking restriction from 8.00 am to 5.30 pm Monday to Friday and 8.00 am to 12 noon Saturday on the south side of Bulwer Street between Brisbane and Stirling Streets (~~in force at all times~~) as shown on attached Plan No. 2237-PP-1A;"*

AMENDMENT CARRIED (7-2)

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

MOTION AS AMENDED CARRIED (9-0)

Moved Cr Lake, Seconded Farrell

That the Council proceed "Behind Closed Doors" to discuss Item 10.1.11 and extend the meeting time until 10.30pm.

CARRIED (9-0)

Moved Cr Lake, Seconded Farrell

*That the motion to go behind closed doors to discuss Item 10.1.11 be **WITHDRAWN** in order that Items 10.4.2, 10.4.3 and 11.1 can be discussed and then proceed behind "closed doors".*

CARRIED (9-0)

COUNCIL DECISION ITEM 10.2.2

That the Council;

- (i) **APPROVES** the extension of the recently approved two (2) hour parking restriction from 8.00 am to 5.30 pm Monday to Friday and 8.00 am to 12 noon Saturday on the south side of Bulwer Street between Brisbane and Stirling Streets as shown on attached Plan No. 2237-PP-1A;*
- (ii) **places a moratorium on issuing infringement notices for a period of two (2) weeks from the installation of the new parking restriction signs; and***
- (iii) **advises business proprietors on the south side of Bulwer Street between Brisbane and Stirling Streets of its resolution.***

BACKGROUND:

At the Ordinary Meeting of Council held on 18 November 2003, the Council resolved to approve timed parking restrictions in a number of locations around the Town, in the vicinity of proposed ticket parking zones. Amongst these new restrictions was approval for a two (2) hour restriction in force at all times in Bulwer Street between Lord and Brisbane Streets.

The Town has now received a request from the general manager of a new business on the south side of Bulwer Street for the same restriction to be introduced in the section of Bulwer Street immediately west of the restriction zone just approved, and adjacent to her business premises.

DETAILS:

The General Manager of "Bliss for Small Gardens" has observed that much of the limited parking on Bulwer Street adjacent to her business is occupied by all day parkers who continue the journey into the city either by bus or foot. "Bliss for Small Gardens" sells plants, water features and other such garden and courtyard products. She is concerned that the lack of parking is adversely affecting her business as potential patrons wish to park close so that purchases can be easily loaded into their vehicle.

With the recently approved restrictions immediately to the east of the Brisbane to Stirling Street portion of Bulwer Street, it remains the only unrestricted part of the street in the close vicinity. Extending the approved restriction to include this section of the street is a logical solution to the concerns expressed by the adjacent proprietor.

Once the ticket parking and time restrictions have been put in place in the surrounding streets, there is an increased likelihood that this unrestricted parking will be targeted even more than it is at the current time, and as this business operates outside of normal business hours, including weekends, it is proposed to have the two (2) hour limit in place at all times. This is in line with the approved restriction from Lord Street to Brisbane Street.

CONSULTATION/ADVERTISING:

There are no residences in this section of Bulwer Street. It is considered that the restriction will be beneficial to all businesses at this location. Staff parking is available either on site or in the nearby Brisbane Street car park, therefore consultation is not necessary.

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of the Strategic Plan 2003-2008 - 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. "*p) Develop a strategy for parking management in business, residential and mixed use precincts*".

FINANCIAL/BUDGET IMPLICATIONS:

The cost of installation of two (2) new parking restriction signs and road line marking would be approximately \$110.00, however, this cost is likely to be reduced should this be implemented with the other recently approved restrictions.

COMMENTS:

The proposed restriction will be beneficial to the businesses in this section of Bulwer Street and as they are consistent with the restrictions that will shortly be implemented between Brisbane and Lord Streets, they can easily be enforced by the Town's Rangers together with others in the area.

The Mayor advised that Cr Franchina had declared a proximity interest in Items 10.4.2 and 10.4.3. Cr Franchina departed the Chamber at 10.10pm and did not speak or vote on the matter.

10.4.2 AMENDED REPORT - Members Equity Stadium, 310 Pier Street, Perth - Proposed Lease to Perth Glory Soccer Club Pty Ltd and Western Australian Rugby League Ltd

Ward:	South	Date:	21 November 2003
Precinct:	Beaufort, P13	File Ref:	RES0051
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

AMENDED OFFICER RECOMMENDATION:

That the Council;

- (i) *pursuant to Section 3.58 of the Local Government Act, ADVERTISES on a state-wide basis for a period of two (2) weeks, inviting submissions from the public, its intention to lease an area of approximately 192.8m² at Members Equity Stadium, 310 Pier Street, Perth, as shown on Plan No. A130 at Appendix 10.4.2, to Perth Glory Soccer Club Pty Ltd (PGSC) and AUTHORIZES the CEO to negotiate the lease terms and conditions and including the following: and*

- (a) Term: *20 years*
 (b) Lettable area: *192.8m²*
 (c) Lettable area to be made available on event days: *22.8m²*
 (d) Rent: *\$23,136 per annum plus outgoings, plus GST (paid quarterly in advance);*

- (ii) AUTHORIZES the CEO to negotiate the lease terms and conditions with the Western Australian Rugby League Ltd and including the following:

- (a) Term: *5 years*
 (b) Options: *3 x 5 years*
 (c) Lettable area: *86m²*
 (d) Lettable area to be made available on event days: *30.5m²*
 (e) Common area: *19m²*
 (f) Rent: *\$5,200 per annum plus outgoings, plus GST (paid quarterly in advance);*
 (g) Rent reviews: *every 5 years; and*

- (ii)(iii) CONSIDERS a further report and any submissions received prior to approving of the leases.

COUNCIL DECISION ITEM 10.4.2

Moved Cr Torre, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (8-0)

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

BACKGROUND:

At the Special Meeting of Council held on 1 July 2003, Council considered the matter of the Multi Purpose Rectangular Sports Stadium and Redevelopment of Perth Oval. At this meeting the Council approved of the following;

1. Building and landscape plans;
2. Financial Assistance Agreement with the State Government of Western Australia;
3. Loan funding for the project;
4. Awarding of the tender; and
5. Heads of Agreement with Allia Holdings Pty Ltd.

The project has been progressing and it is anticipated it will be completed in time for the first game to be held on 27 December 2003. The refurbishment of the grandstand will allow for leasing of areas to PGSC and also separately, to the Western Australian Rugby League. Details are as follows;

1. **Perth Glory Soccer Club Pty Ltd (PGSC)**

Area (see attached plan)

Office	170.0m ²
Meeting Room*	12.6m ²
Reception*	10.2m ²
Total	192.8m²

* *These are to be also made available for use of the stadium users on event days. At all other times, they are to be under the control of PGSC.*

PGSC will reimburse the Town the cost of the internal fit-out of their proposed offices. The cost to date is \$20,070 and will most likely be approximately \$22,000 when the final works are completed.

Proposed Rent

The Town has engaged a licensed valuer to provide indicative rent for this office. The rent (to be approved by the Council) is to be indexed with CPI and rent reviews every five (5) years, plus own utility costs, cleaning, etc. (Separate meters to be provided.)

Outgoings

To be determined on a percentage basis for the common area - entries, carpark maintenance, toilets, etc.

Proposed Term

Twenty (20) years.

Commencement Date

To be confirmed - but at this stage it is envisaged to be early December 2003.

Carparking

On site carbays to be provided within the stadium land for seven (7) carbays.

2. **Western Australian Rugby League Ltd (WARL)**

Area (see attached plan)

Office	86.0m ²
Meeting Room*	15.0m ²
Reception*	15.5m ²
Tea Preparation Room/Passage*	
Toilets#	19.5m ²
Total	137.0m²

* *These are to be also made available for use of the stadium users on event days. At all other times, they are available for use by WARL.*

This is common area.

Proposed Term

Five (5) years with three (3) options of five (5) years each.

Shared Use of Shed in Public Open Space

The Town has offered the shared use of the shed located in the Public Open Space near Lord Street for the storage of equipment.

FINANCIAL/BUDGET IMPLICATIONS:

Perth Glory Soccer Club

The Town has engaged a licensed valuer to provide an indicative valuation and rates. He has suggested that rent would be in the range of \$100-\$120 per m² and this would equate to \$100 per m² — \$70,000 per annum, plus outgoings and \$120 per m² — \$20,400 per annum, plus outgoings.

It is therefore recommended that the annual rent be \$20,400 per annum, plus outgoings, plus GST.

Area	Cost m ² (100m ²)	Cost m ² (120m ²)
170m ²	\$17,000	\$20,400
192.8m ²	\$19,280	\$23,136

It is therefore recommended that the annual rent be \$23,136 per annum, plus outgoings, plus GST. The rent is to be paid quarterly in advance.

Western Australian Rugby League

It is suggested that the nominal rent of \$5,200 per annum, plus outgoings plus GST would be charged for this "not for profit" organisation. The rent is to be paid quarterly in advance.

The rent from lessees will be paid to the Town. Under the Heads of Agreement, Clause 6.4, the Town will pay the net to Allia Holdings P/L. Allia will use the money to offset the Stadium operating costs.

LEGAL/POLICY IMPLICATIONS:

The Local Government Act Section 3.58 requires any "disposal" of land by private treaty to be advertised state-wide for not less than two (2) weeks.

"Disposal" is defined to indicate sell or lease.

As WARL are a "not for profit" organisation, there is no legal requirement to advertise this proposed lease.

ADVERTISING/COMMUNITY CONSULTATION:

A statutory period of two weeks on a state-wide basis is required.

PRINCIPAL ACTIVITIES PLAN:

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

STRATEGIC IMPLICATIONS:

This is in keeping with the Town's Strategic Plan 2003-2008, Key Result Area 1.4 - "*Maintain and Enhance the Town's Infrastructure to provide a safe, healthy, sustainable and functional environment.*"

COMMENT:

It is recommended that the Council approves the recommendation and for the proposed lease to be advertised for public comment.

The Mayor advised that Cr Franchina had declared a proximity interest in Items 10.4.2 and 10.4.3. Cr Franchina departed the Chamber at 10.10pm and did not speak or vote on the matter.

10.4.3 Members Equity Stadium, 310 Pier Street, Perth - Approval to Name Rooms

Ward:	South	Date:	21 November 2003
Precinct:	Beaufort, P13	File Ref:	RES0051/RES0070
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

(i) *ADVISES Allia Holdings Pty Ltd (Allia) and Perth Glory Soccer Club Pty Ltd (PGSC) that in accordance with Clause 8 of the Heads of Agreement, that it APPROVES of the following names for the various rooms at Members Equity Stadium, 310 Pier Street, Perth;*

- (a) *Function Room 1 - "Glory Lounge";*
- (b) *Function Room 2 - "Gareth Naven Lounge";*
- (c) *Ground Floor Board Room - "Chairman's Lounge"; and*

(ii) *NOTES that the Names for Function Room 1 and the Ground Floor Board Room are temporary and further application may be received at a later date.*

COUNCIL DECISION ITEM 10.4.3

Cr Doran-Wu departed the Chamber at 10.11pm

Moved Cr Lake, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (7-0)

(Crs Doran-Wu and Franchina were absent from the Chamber and did not vote.)

BACKGROUND:

Perth Glory Soccer Club Pty Ltd (PGSC) have written to the Town and requested as follows;

"Dear John,

I hereby request permission from the Town of Vincent to name the following function rooms at Members Equity Stadium the following names;

Function Room 1 - Glory Lounge

Function Room 2 - Gareth Naven Lounge

Downstairs Function Room - Chairman's Lounge (as it has been previously known)

These will be temporary names for Function Room 1 and the downstairs Function Room until we can decide on appropriate permanent names sometime in the future.

Signage promoting the Gareth Naven Room will be affixed inside the room on the eastern wall and outside the room at each point of entry.

Signage promoting the other two rooms will be limited to outside each point of entry.

I trust this meets your approval.

*Kind regards
Jeff Dennis
Chief Executive Officer"*

The naming of rooms is in keeping with other venues and stadiums and adds to the culture and heritage of the facility. The request is therefore supported.

For information, Gareth Naven was the inaugural captain of PGSC.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

LEGAL/POLICY IMPLICATIONS:

The Heads of Agreement require Allia to seek the Town's approval to name any room or part of the Stadium. The Town should not unreasonably withhold such approval.

ADVERTISING/COMMUNITY CONSULTATION:

Not applicable.

STRATEGIC IMPLICATIONS:

Not applicable.

COMMENT:

The proposed names are considered acceptable and complies with the Heads of Agreement. Accordingly, it is recommended that the Council approves of the recommendation.

11.1 Notice of Motion – Councillors Lake, Chester and Ker - Temporary Parking on Loton Park, Perth

That the Council REQUESTS that the Chief Executive Officer prepare a report containing the following for the Ordinary Meeting of Council to be held on 16 December 2003;

- (i) a plan showing the proposed 350 carparking bays on Loton Park;*
- (ii) an alternative plan showing carparking bays restricted to the training pitch and adjoining grassed area bordered by pedestrian paths; and*
- (iii) a report outlining a method by which the Town will retain absolute control of parking on Loton Park and ensuring that the game day parking is restricted to the approved areas.*

Moved Cr Chester, Seconded Cr Lake

That the motion be adopted.

Cr Doran-Wu returned to the Chamber at 10.14pm.

Debate ensued.

Moved Cr Ker, Seconded Cr Cohen

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

"(iv) the history of relevant negotiations with Allia Holdings with respect to the provision of parking on Loton Park."

AMENDMENT CARRIED (7-1)

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

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

Moved Cr Lake, Seconded Cr Chester

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

"(v) by what authority was the agreement to provide approximately 350 carbays on Loton Park made considering that the matter was not referred to in the Heads of Agreement approved by Council on 1 July 2003 and the Council gave the Mayor and the Chief Executive Officer authority to approve minor variations only."

AMENDMENT CARRIED (8-0)

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

MOTION AS AMENDED CARRIED (8-0)

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

COUNCIL DECISION ITEM 11.1

That the Council REQUESTS that the Chief Executive Officer prepares a report containing the following for the Ordinary Meeting of Council to be held on 16 December 2003;

- (i) a plan showing the proposed 350 carparking bays on Loton Park;*
- (ii) an alternative plan showing carparking bays restricted to the training pitch and adjoining grassed area bordered by pedestrian paths;*
- (iii) a report outlining a method by which the Town will retain absolute control of parking on Loton Park and ensuring that the game day parking is restricted to the approved areas;*
- (iv) the history of relevant negotiations with Allia Holdings with respect to the provision of parking on Loton Park; and*
- (v) by what authority was the agreement to provide approximately 350 carbays on Loton Park made considering that the matter was not referred to in the Heads of Agreement approved by Council on 1 July 2003 and the Council gave the Mayor and the Chief Executive Officer authority to approve minor variations only.*

At 10.26pm Moved Cr Torre, Seconded Cr Farrell

That the remaining Items on tonight's Agenda be DEFERRED to the next Ordinary Meeting of Council to be held on 16 December 2003.

CARRIED (8-0)

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

At 10.27pm Moved Cr Farrell, Seconded Cr Chester

That the meeting proceed "Behind Closed Doors" to further discuss Item 10.1.11 as it contains legal advice and possible legal implications.

CARRIED (8-0)

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

That due to the lateness of the hour this Item was DEFERRED to the Ordinary Meeting of Council to be held on 16 December 2003.

10.2.3 RoadWise White Ribbons for Road Safety 2003 Campaign

Ward:	Both	Date:	25 November 2003
Precinct:	All	File Ref:	TES0173
Attachments:	-		
Reporting Officer(s):	C Wilson		
Checked/Endorsed by:	R Lotznicher	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) RECEIVES the report on the RoadWise White Ribbons for Road Safety 2003 campaign;*
- (ii) APPROVES the Town's vehicles being fitted with a white ribbon for the duration of the campaign; and*
- (iii) advises Roadwise of its resolution.*

BACKGROUND:

As in previous years, RoadWise, under the auspices of the Western Australian Local Government Association (WALGA), has invited the Town to participate in the 2003 White Ribbons for Road Safety campaign. The aim of the campaign is to raise public awareness of road safety over the 2003/2004 Christmas and New Year period and is a joint WALGA and Road Safety Council initiative. The campaign began in 1986, gaining momentum annually so that in the past five (5) years the number of ribbons distributed has increased from 20,000 to over 75,000.

DETAILS:

The major objective of the annual White Ribbons campaign is to place road safety on the public agenda. The concept was developed to raise awareness of the need for all Western Australians to be responsible for their safety on the roads.

The wearing of a White Ribbon, or by fixing to one's vehicle, indicates the undertaking of a personal commitment to uphold road safety throughout the Christmas and New Year season.

As further encouragement for the public to be mindful of road safety over the festive period RoadWise are also introducing White Ribbons 'post cards'. The free post cards, which are yet to be released, can be sent to family and friends with your own personal Christmas greetings but will incorporate road safety messages such as asking the community to 'look out for each other this Christmas' and 'don't drink and drive'.

It is also the intention of the campaign to highlight the role of Local Government in reducing road crashes and related trauma in Western Australia. It is the opinion of WALGA that:

“Too often the community does not realise or understand the important engineering and environmental interventions being put into place by Local Government to create safer roads and road users.”

This will be the eighth White Ribbons campaign and will be officially launched on Wednesday 3 December 2003 and will run throughout the festive season. As with previous campaigns, the theme of the 2003 promotion is to again acknowledge and thank those agencies, such as Local Government, the WA Police Service, Fire and Rescue Service, St John's Ambulance, Main Roads WA, Department of Planning and Infrastructure, Royal Flying Doctor and State Emergency Services, who work together to save lives on our roads.

CONSULTATION/ADVERTISING:

RoadWise will launch this year's White Ribbons campaign on Wednesday 3 December 2003 and, in conjunction with the Road Safety Council, will be promoting it with television and newspaper coverage.

LEGAL POLICY:

Nil

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area Two of the Strategic Plan 2003-2008 - 2.5 Develop and implement community programs for law, order and safety. *"e) Develop partnerships with Government Agencies, businesses and the community."*

FINANCIAL/BUDGET IMPLICATIONS:

There are no costs to the Town for participation with the program.

COMMENTS:

As a symbol of Council's commitment to road safety over the coming festive season, a white ribbon will be provided for Elected Members, the Town's Officers and the public to either wear or attach to their preferred mode of transport. The campaign will run from Wednesday 3 December 2003 and continue throughout the festive season.

That due to the lateness of the hour this Item was DEFERRED to the Ordinary Meeting of Council to be held on 16 December 2003.

10.2.5 London Plane Trees - Birdwood Square and Port Jackson Fig - Hyde Park

Ward:	South	Date:	20 November 2003
Precinct:	Hyde Park P12	File Ref:	RES0022 RES0042
Attachments:	001:		
Reporting Officer(s):	K Godfrey		
Checked/Endorsed by:	J van den Bok; R Lotznicher	Amended by:	-

OFFICER RECOMMENDATION:

That the Council RECEIVES;

- (i) *the progress report regarding the condition of the London Plane trees in Birdwood Square and the Port Jackson Fig in Hyde Park; and*
- (ii) *a further report on the continued treatment/effectiveness of the Trichoderma spraying program and Phosphonate applications in the spring season of 2004.*

BACKGROUND:

In December 2000, Arboricultural Consultant, Charles Aldous-Ball, was commissioned to assess the London Plane trees at Birdwood Square and two (2) large fig trees in Hyde Park that were showing signs of decline with visible leaf defoliation evident within the tree canopy.

Birdwood Square

The arboriculturist determined, following soil and root tissue analysis, that several of the London Plane trees located along the Beaufort Street frontage of Birdwood Square were suffering from a soil borne fungus called *Armillariella mella* (Honey Fungus). (Refer Plan A)

The condition causes a fungal pathogen to be transferred from tree to tree via the underground root mass. At the time it was recommended that the tree most infected be removed. This work was subsequently undertaken and, as recommended, the remaining trees were treated with "Trichoshield" and monitored over the following months.

Hyde Park

Following inspection of the two (2) trees, *Ficus Rubiginosa* (Port Jackson figs) located within Hyde Park that were displaying signs of decline, the Arboriculturalist determined they had been infested with Fig Psyllid, a sap sucking insect. The Port Jackson Fig located on the northern side of Hyde Park near Vincent Street had declined rapidly. This tree failed to respond to the recommended treatment, being vascular injections of Rogor (insecticide). (Refer Plan B)

The remaining tree, also a Port Jackson Fig, located on the southern side of Hyde Park adjacent to Glendower Street, was also treated with vascular injections of Rogor and it was also recommended that an application of "Trichoshield" to the root zone be undertaken as was the case with the trees in Birdwood Square. (Refer Plan B)

A progress report in relation to the effectiveness of the treatment was presented to the Council at the Ordinary Meeting held on 9 April 2002, where it was resolved :-

“That the Council;

- (i) receives the report on the London Plane trees in Birdwood Square and Port Jackson Figs in Hyde Park;*
- (ii) APPROVES the recommended treatment of Trichoderma spraying to be applied to the infected trees within Birdwood Square and Hyde Park.*
- (iii) receives a further report on the progress/effectiveness of the Trichoderma spraying and fertilising program in the spring season of 2003.*
- (iv) APPROVES the removal of the declining Port Jackson Fig tree located on the northern frontage of Hyde Park adjacent to Vincent Street for the reasons outlined in the report; and*
- (v) APPROVES the replanting of the location listed in (iv) above with a grove of Jarrah trees (Eucalyptus marginata) to continue the theme of the established native garden planting within this area of Hyde Park.”*

The approved works were undertaken and the Trichoderma spraying has continued and the trees' progress monitored by the Arboricultural Consultant.

DETAILS:

Birdwood Square

As part of the ongoing process, the Arboricultural consultant has recently inspected the trees (London Plane) within Birdwood Square and again applied "Trichoshield" around the root plate zone of each tree infected with the Armillariella pathogen (Honey fungus). In addition to the "Trichoshield" application, the consultant also recommended that vascular injections of "Phosphonate" into the trunks of the diseased trees be carried out.

"Phosphonate" injections are usually carried out to assist with the development of enzymes and cell division within the trees, which will assist in their recovery. Both these chemical applications were applied to the trees during the month of November 2003, ie Trichoshield application and Phosphonate injections.

Currently the canopies of the trees infected with Armillariella have only slightly recovered over the year since the last application of "Trichoshield". This is evident within the tree canopies, as the recent spring growth was quite sparse in comparison with the adjacent healthy trees.

The slow recovery rate of these trees is expected when taking into account the reduction in their overall stored carbohydrate levels, which has occurred during the past years and thus each tree is now trying to balance its root and leaf shoot ratio ie the healthy root to amount of leaf growth. As with any tree that has declined over time, it can take at least two (2) years before carbohydrate and foliage levels increase and the overall foliage biomass can sometimes take up to five (5) years to show significant signs of improvement.

Soil and root tissue samples have again been taken from the Plane Trees for analysis, to ascertain the progress of the Armillariella (Honey Fungus).

Hyde Park

The consultant has confirmed that the Fig Psyllid previously evident within the trees' affected canopy, has been controlled and is no longer present. This tree has recently been vertically fertilised, a process which involved holes being drilled around the trees drip line and a mixture of Osmocote fertiliser, peat and coarse white sand placed into these holes and watered in. This process is to assist in additional nutrient uptake for the trees' recovery.

Whilst The Port Jackson Fig in Hyde Park is not infected with the Armillariella pathogen, the Consultant has advised it would again be prudent to treat the root zone of this tree with "Trichoshield" as a precautionary measure. In addition, it was recommended that vascular injections of "Phosphonate" should be applied to the tree trunk to improve the development of enzymes and cell division. As previously stated, this tree will take three (3) to five (5) years to recover.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of the Strategic Plan 2003-2008: 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *"h) Continue to design and implement infrastructure improvements for public open space."*

FINANCIAL/BUDGET IMPLICATIONS:

A total cost for the Trichoderma spraying program and "Phosphonate" injections for the London Plane trees in Birdwood Square and the Port Jackson Fig in Hyde Park is estimated at \$1,500.00.

The costs for this treatment will be sourced from the respective Parks Ground Maintenance budget.

COMMENTS:

The trees at both locations mentioned above will be continually monitored in conjunction with the Arboricultural Consultant, Charles Aldous Ball, and Parks Services staff. A further progress report regarding their health and vigour will be presented to Council in December 2004.

As indicated in the progress report the trees that have been treated with the recommended chemical applications may take up to three (3) to five (5) years to complete their recovery and regain their visual prominence with healthy leaf coverage within the tree canopies.

Whilst initially the future for the trees, particularly in Birdwood Square, has not been favourable, the consultant believes that with the new technologies being developed in relation to treatment of mature trees, they will eventually fully recover.

That due to the lateness of the hour this Item was DEFERRED to the Ordinary Meeting of Council to be held on 16 December 2003.

10.4.4 Progress Report No. 5 - Members Equity Stadium and Redevelopment of Loton Park; Redevelopment of Leederville Oval and State Indoor Multi Use Sports Centre

Ward:	South	Date:	21 November 2003
Precinct:	Oxford Centre, P4; Beaufort, P13	File Ref:	RES0051/RES0052/ RES0061
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Progress Report No. 5 as at 21 November 2003, relating to the Members Equity Stadium (formerly referred to as the Multi Purpose Sports Stadium) and Redevelopment of Perth Oval; Redevelopment of Leederville Oval and State Indoor Multi Use Sports Centre; and*
- (ii) *ADVISES the Department of Sport and Recreation of the progress of various projects.*

BACKGROUND:

At the Special Council Meetings held on 30 October 2001 and 16 December 2002, and Ordinary Council Meeting held on 10 December 2002, the Council approved of entering into a partnership with the State Government of Western Australia to redevelop and construct a number of sporting facilities, including a Multi-Purpose Rectangular Sports Stadium on Perth Oval, State Indoor Multi-Use Sports Centre on Loftus Centre land and the redevelopment of Leederville Oval into a "Football Centre of Excellence" for joint use by EPFC and SFC. It also approved to construct an office building on a part of Leederville Oval.

Members Equity Stadium and Redevelopment of Perth Oval

1. External Paths, Lighting and Main Forecourt

External paths, lighting and main forecourt is being advanced by the Town's employees and should be finished within two weeks. Concreting of the plats will be finished within one week and walkways will be finished within two weeks.

2. Seating

Seating has been erected in the bowl on the southern and eastern sides - awaiting concreting of northern area. Grandstand seating almost completed.

3. Media Boxes

Glazing only to be added and the Media Boxes will be complete.

4. Corporate Suites

Roof decking and floors in place. Internal walls to commence week commencing 24 November 2003.

5. External Toilets

Two external toilet blocks are 95% completed. Toilet block behind "The Shed" is about 75% completed.

6. Public Open Space and Access Roads

Access road base in place, together with drainage. Earthworks on public open space in progress. Reticulation to commence late next week.

7. Grandstands

- Fitout - tiling and painting in changerooms completed. Flooring to be included and these to be finished by late next week.
- Grandstand painting has commenced.
- Eastern grandstand in place.
- Temporary southern grandstand - negotiations in progress with Union - hopefully to commence installation in first week of December.

8. Function Rooms

Walls, mechanical services and ceiling struts completed. Ceiling and lighting to be finished by next week.

9. Kitchens

Wall tiling completed and coolrooms in place.

10. Lift

Lift shaft completed and motor being installed.

12. Pier Street Carpark

Works to commence late next week and will take approximately two weeks.

13. Signage

Signage order placed and manufacturing in progress.

14. Scoreboard

This will be refurbished and repainted.

The builder, John Holland, are quite confident that they have the project well in hand and the Stadium should be ready for the first game on 27 December 2003.

Leederville Oval Redevelopment

1. Works:

Subiaco Football Club (SFC) clubrooms and offices are progressing on target and are almost finished. SFC relocated their furniture on 21 November 2003 and will commence operations on 24 November 2003.

2. Leederville Oval Working Group:

The Working Group comprising of the Town, Department of Sport and Recreation (DSR), WA Football Commission and League, EPFC and SFC has been meeting on a monthly basis. No problems have been encountered.

3. Leases:

Draft leases were issued to both Clubs and several meetings have been held. It is anticipated to report to Council in December 2003.

4. Floodlighting:

Application has now been made to the West Australian Planning Commission for planning approval. Preliminary works have commenced on the light fittings.

State Indoor Multi Use Sports Centre

This project has been placed "on hold" whilst the DSR carries out a feasibility study on Challenge Stadium. This study is almost complete and the findings may have an impact on the final composition of this project.

LEGAL/POLICY IMPLICATIONS:

N/A.

ADVERTISING/COMMUNITY CONSULTATION:

N/A.

STRATEGIC IMPLICATIONS:

These projects are in keeping with the Town's Strategic Plan 2003-2008, Key Result Area 1.4 - *"Maintain and Enhance the Town's Infrastructure to provide a safe, healthy, sustainable and functional environment."*

COMMENT:

It is pleasing to note that the projects are proceeding within the prescribed timeframe and without any significant problems being encountered.

That due to the lateness of the hour this Item was DEFERRED to the Ordinary Meeting of Council to be held on 16 December 2003.

10.4.5 Progress Report No. 3 - Construction of an Office Building to accommodate the Department of Sport and Recreation (DSR) - Leederville Oval, No. 246 Vincent Street, Leederville

Ward:	South	Date:	21 November 2003
Precinct:	Oxford Centre, P4	File Ref:	RES0062
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) RECEIVES the Progress Report No. 3 as at 21 November 2003, relating to the construction of an Office Building to accommodate the Department of Sport and Recreation (DSR) at 246 Vincent Street, Leederville; and*
- (ii) ADVISES the Department of Sport and Recreation of the progress of the project.*

BACKGROUND:

At the Ordinary Meeting of Council held on 4 November 2003, the Council approved of the tender to construct an Office Building at 246 Vincent Street, Leederville.

Meetings have been held with the Architect and Builders and siteworks commenced on 17 November 2003. Demolition of the old gatehouse took place on 21 November 2003 and removal of excess soil also commenced.

A 4 metre accessway has been provided to Leederville Oval from Vincent Street and negotiations have commenced with the Schools of Isolated and Distance Education (SIDE) to use alternative access through their carpark via Oxford Street.

A temporary footpath on the north side of Vincent Street adjoining the construction site is currently being arranged.

LEGAL/POLICY IMPLICATIONS:

Nil.

ADVERTISING/COMMUNITY CONSULTATION:

Nil.

STRATEGIC IMPLICATIONS:

These projects are in keeping with the Town's Strategic Plan 2003-2008, Key Result Area 3 - Economic Development, in particular 3.1 *"Promote business opportunities in the Town."*

COMMENT:

This is a progress report to update the Council on the status of works to date.

That due to the lateness of the hour this Item was DEFERRED to the Ordinary Meeting of Council to be held on 16 December 2003.

10.4.6 Planning and Building Policies - Amendment No. 13 Relating to Commercial, Non-Residential and Mixed-Use Development In and Abutting Residential Areas

Ward:	Both Wards	Date:	25 November 2003
Precinct:	All Precincts	File Ref:	PLA0022
Attachments:	001		
Reporting Officer(s):	H Coulter		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Policy relating to Commercial, Non-Residential and Mixed-Use Development In and Abutting Residential Areas, as shown in Appendix 10.4.6;*
 - (ii) *ADOPTS the Policy relating to Commercial, Non-Residential and Mixed-Use Development In and Abutting Residential Areas to be applied immediately;*
 - (iii) **ADVERTISES:**
 - (a) *the rescission of the Policy relating to Non-Residential Uses in/or Adjacent to Residential Areas; and*
 - (b) *the proposed new Policy relating to Commercial, Non-Residential and Mixed-Use Development In and Abutting Residential Areas;*
- for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
- (1) *advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
 - (2) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and*
 - (3) *forwarding a copy of the subject Policy to the Western Australian Planning Commission; and*
- (iv) *after the expiry of the period for submissions:*
 - (a) *REVIEWS the Policies relating to Non-Residential Uses in/or Adjacent to Residential Areas, and Commercial, Non-Residential and Mixed-Use Development In and Abutting Residential Areas, having regard to any written submissions; and*

- (b) ***DETERMINES the Policies relating to Non-Residential Uses in/or Adjacent to Residential Areas, and Commercial, Non-Residential and Mixed-Use Development In and Abutting Residential Areas, with or without amendment, to or not to proceed.***

BACKGROUND

The Council at its Ordinary Meeting held on 8 July 2003 resolved:

"That the Council;

- (i) *requests the Chief Executive Officer to prepare a report in respect of commercial and mixed-use developments abutting residential areas, which specifically addresses aspects such as setbacks, height, bulk, scale, amenity and streetscape, and the use of the car parking allocated for the commercial component and adjoining commercial district by occupiers/visitors of the residential component;*
- (ii) *REQUESTS the Chief Executive Officer to investigate and/or prepare a new policy or amend the Town's current Planning and Building Policies to include reference to commercial and mixed-use developments abutting residential areas; and*
- (iii) *RECEIVES the report no later than September 2003."*

DETAILS:

The draft new Policy relating to Commercial, Non-Residential and Mixed-Use Development In and Abutting Residential Areas is shown as Appendix 10.4.6 to this Report.

CONSULTATION/ADVERTISING:

Any new or rescinded Planning Policy is required to be advertised for public comment in accordance with Clause 47 of the Town's Town Planning Scheme No. 1.

LEGAL/POLICY:

Town Planning Scheme No.1 and associated Policies.

STRATEGIC IMPLICATIONS:

Strategic Plan 2003-2008 – Key Result Area One: Environment and Infrastructure.

" 1.3...Develop, implement and promote sustainable urban design.

Action Plans to implement this strategy include:

- c) *Review and release within an agreed time frame, the Town Planning Scheme, in accordance with the community vision, to:*
- encourage hubs or centres of community within the Town;*
 - review residential densities;*
 - review zoning."*

FINANCIAL/BUDGET IMPLICATIONS:

The current 2003/2004 Budget allocates \$130,000 for Town Planning Scheme Amendments and Policies.

COMMENTS:

A new Policy has been prepared to address those applications for commercial and mixed-use developments in and abutting residential areas. It is proposed that this new policy will negate the need for the existing Policy relating to Non-Residential Uses In/Or Adjacent to Residential Areas. In light of the above, it is recommended that the Council rescinds the existing Policy relating to Non-Residential Uses in/or Adjacent to Residential Areas, and endorses and advertises the Policy relating to Commercial, Non-Residential and Mixed-Use Development in and Abutting Residential Areas.

That due to the lateness of the hour this Item was DEFERRED to the Ordinary Meeting of Council to be held on 16 December 2003.

10.4.7 Information Bulletin

Ward:	-	Date:	26 November 2003
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer(s):	A Smith		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Information Bulletin dated 2 December 2003 as distributed with the Agenda, be received.

DETAILS:

The items included in the Information Bulletin dated 2 December 2003 are as follows:

ITEM	DESCRIPTION
IB01	Report on Causes of Death and Injury in Western Australia - An Epidemiology of Injury
IB02	Private Swimming Pool Inspections - Progress Report
IB03	Review of Existing Policy Relating to Street Walls and Fences
IB04	Letter from Western Australian Local Government Association - Heritage Loan Scheme
IB05	Department of Housing and Works - Building Note Number 13-2003, October 2003 - Builders Registration Act and the New Form 2 Application for Building Licence
IB06	Letter to Department of Housing and Works - No. 412 (Lot 37 and Pt Lot Y36) William Street, Perth - Notice Appeal
IB07	Letter from Department of Housing and Works - No. 412 (Lot 37 and Pt Lot Y36) William Street, Perth - Notice Appeal
IB08	No. 86a (Lot 9) Bourke Street, Leederville - Town Planning Appeal Tribunal - Statement by Respondent
IB09	No. 10 (Lot 11) Marian Street, Leederville - Town Planning Appeal Tribunal - Statement by Respondent
IB10	No. 39 (Lot 102) Farmer Street, North Perth - Town Planning Appeal Tribunal - Statement by Respondent
IB11	Nos. 89-95 (Lots 63 and 64) Smith Street, North Perth - Town Planning Appeal Tribunal - Statement by Respondent
IB12	No. 14 (Lot 1 on Strata Plan 35458) Bulwer Street, Perth - Town Planning Appeal Tribunal - Statement by Respondent
IB13	Western Power Letter to the Householder re Edward Street Cable Works

- IB14 Letter of congratulations from Australian Council on Smoking and Health for the Town's proposal to implement a ban on smoking in public playgrounds
- IB15 Letter of thanks from the West Australian Croquet Association for the approval of the partitioning at Forrest Park
- IB16 State Records Act 2000 - Recordkeeping Plan
- IB17 Register of Petitions - Progress Report - December 2003
- IB18 Register of Notices of Motion - Progress Report - December 2003
- IB19 Register of Reports to be Actioned - Progress Report - December 2003

That due to the lateness of the hour this Item was DEFERRED to the Ordinary Meeting of Council to be held on 16 December 2003.

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.2 Notice of Motion – Councillor Sally Lake - Development of Vacant Land

That the Council;

- (i) AUTHORISES the Chief Executive Officer to prepare a report regarding;*
 - (a) the implications of imposing a higher differential rate in the dollar for vacant land; and*
 - (b) other forms of appropriate incentives and measures;**to encourage vacant land to be developed; and*
- (ii) the Chief Executive Officer report back to the Council on this matter to the Ordinary Meeting of Council to be held on 10 February 2004.*

Further consideration of Item 10.1.11 - Also refer to Page 57

10.1.11 Nos. 475-481 (Lots 113,114 and Pt Lot 115) Beaufort Street, Corner of Chatsworth Road, Highgate-Proposed Roller Door to Existing Shop-Determination of Town Planning Appeal Tribunal

Ward:	South	Date:	26 November 2003
Precinct:	Mount Lawley Centre, P11	File Ref:	PRO 0144; 00/33/1563
Attachments:	001		
Reporting Officer(s):	R Rasiah,		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council RECEIVES the report relating to Nos. 475-481 (Lots 113,114 and Pt Lot 115) Beaufort Street, corner Chatsworth Road, Highgate - existing roller door to shop-determination of Town Planning Appeal Tribunal.

At 10.27pm Moved Cr Farrell, Seconded Cr Chester

That the meeting proceed "behind closed doors" to further discuss Item 10.1.11 as it contains legal advice and possible legal implications.

CARRIED (8-0)

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

Cr Franchina returned to the Chamber at 10.28pm

Cr Torre departed the Chamber at 10.28pm.

Journalists Matt Zis and Mark Fletcher and one member of the public departed the Chamber.

Cr Torre returned to the Chamber at 10.29pm.

At 10.29pm Moved Cr Farrell, Seconded Cr Cohen

That Standing Orders be suspended to allow for debate.

CARRIED (9-0)

Debate ensued ("behind closed doors").

At 10.35pm Moved Cr Chester, Seconded Cr Doran-Wu

That Standing Orders be resumed to allow for the extension of the meeting time.

CARRIED (9-0)

Moved Cr Lake, Seconded Cr Chester

That meeting time be extended to enable Item 10.1.11 to be concluded or to until 11.00pm whichever is reached first.

CARRIED (9-0)

At 10.36pm Moved Cr Lake, Seconded Cr Ker

That Standing Orders be suspended to allow for further debate.

CARRIED (9-0)

Debate ensued ("*behind closed doors*").

Moved Cr Chester, Seconded Cr Doran-Wu

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

"(ii) That the Council lodges an Appeal in the Supreme Court of Western Australia against the decision of the Town Planning Appeal Tribunal, relating to 475-481 Beaufort Street, Highgate (relating to the roller door)."

Debate ensued.

CARRIED (8-1)

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

Moved Cr Ker, Seconded Cr Lake

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

"(iii) writes to the Town Planning Appeal Tribunal, the Minister for Planning and Infrastructure and Western Australia Local Government Association expressing its extreme concern that this decision, especially paragraph 33 appears to create a double standard where illegal developments have taken place in contravention of the Town's policies; and

(iv) reviews its planning and development policies (in particular the policy relating to roller doors) and the basis on which information is provided to applicants to minimise the potential for applicants to claim ignorance of policy or misinformation provided by the Town."

Debate ensued.

CARRIED (9-0)

Moved Cr Chester, Seconded

That the legal advice provided in the Further Report remain confidential.

WITHDRAWN

MOTION AS AMENDED CARRIED (9-0)

At 11.05pm **Moved Cr Chester, Seconded Cr Doran-Wu**

That Standing Orders and an open meeting be resumed.

CARRIED (9-0)

COUNCIL DECISION ITEM 10.1.11

That the Council;

- (i) *RECEIVES the report relating to Nos. 475-481 (Lots 113,114 and Pt Lot 115) Beaufort Street, corner Chatsworth Road, Highgate - existing roller door to shop-determination of Town Planning Appeal Tribunal;*
- (ii) *lodges an Appeal in the Supreme Court of Western Australia against the decision of the Town Planning Appeal Tribunal, relating to 475-481 Beaufort Street, Highgate (relating to the roller door);*
- (iii) *writes to the Town Planning Appeal Tribunal, the Minister for Planning and Infrastructure and Western Australia Local Government Association expressing its extreme concern that this decision, especially paragraph 33 appears to create a double standard where illegal developments have taken place in contravention of the Town's policies; and*
- (iv) *reviews its planning and development policies (in particular the policy relating to roller doors) and the basis on which information is provided to applicants to minimise the potential for applicants to claim ignorance of policy or misinformation provided by the Town.*

LANDOWNER: M Fenner, T Fenner, and S Hendry
APPLICANT: Highgate Lotteries Centre
ZONING: Metropolitan Region Scheme - Urban
Town Planning Scheme No.1 – Commercial
EXISTING LAND USE: Retail Shops

Use Class	Shop
Use Classification	'P'
Lot Area	923 square metres

SITE HISTORY:

The subject site is occupied by a series of retail/commercial properties.

At its Ordinary Meeting held on 27 May 2003, the Council resolved as follows:

"That;

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

- (a) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (b) the non-compliance with the requirements of the Town's Policies relating to Minor Nature Development and Security Roller Shutters, Doors and Grilles on Non Residential Buildings; and*
- (c) consideration of the objections received;*

the Council REFUSES the application submitted by Highgate Lotteries Centre on behalf of the owner M Fenner, T Fenner, and S Hendry for the proposed roller door to existing shop at Nos. 475- 481 (Lots 113, 114 and Part Lot 115) Beaufort Street, corner of Chatsworth Road, Highgate, as shown on plans stamp-dated 31 March 2003; and

- (ii) the Council advises the owner and occupier of Nos. 475- 481 (Lots 113, 114 and Part Lot 115) Beaufort Street, corner of Chatsworth Road, Highgate, that the unauthorised roller door at Nos. 475 - 481 (Lots 113, 114 and Part Lot 115) Beaufort Street, corner of Chatsworth Road, Highgate, shall be removed within fourteen (14) days of notification, and the Council authorises the Chief Executive Officer to commence legal proceedings to remove the unauthorised roller door should the roller door remain."*

- | | |
|-------------------|------------------------------------------------------------------------|
| 18 July 2003 | Applicant lodged appeal with the Town Planning Appeal Tribunal (TPAT). |
| 8 August 2003 | Respondent Statement forwarded to TPAT. |
| 12 August 2003 | Case management conference at TPAT. |
| 11 September 2003 | Receipt of witness statement from Appellant. |
| 11 September 2003 | Town's witness statement sent to TPAT and Appellant. |
| 25 September 2003 | One day TPAT hearing. |

DETAILS:

The applicant lodged an appeal to the TPAT against the Council's refusal of the application for retrospective Planning Approval for an existing roller door, which fronts Beaufort Street.

This report details the determination of the TPAT in relation to this appeal, and its implications.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

In a letter dated 17 November 2003, attached, the Town Planning Appeal Tribunal (TPAT) has advised the Town of its decision dated 14 November 2003 that the appeal for the roller door to the existing shop at the above site was upheld. The above letter further advised that the Town has 21 days from the date of the decision of the TPAT to appeal to the Supreme Court. The decision to uphold the appeal was made on the following grounds and conditions:

- "33. *Whilst the policies seek to maintain the traditional character of the Precinct it is the opinion of the Tribunal that, in this case, the existence of a roller door does not, in a material way, detract from the amenity of the streetscape to such a degree that the door should be removed.*
34. *The approval of the application would have no undue affect on the occupiers of the development; on the property, or the inhabitants of, the locality; or the likely future development of the locality.*

Decision

35. *The appeal is therefore upheld.*
36. *A condition of the approval be that appropriate signage be added to the door subject to the requirements of the Respondent's Sign Policy.*
37. *If agreement cannot be reached as to the design and to the conditions associated with the signage, the parties will have liberty to apply to the Tribunal for determination of the conditions."*

At the present time, the Town has issued six (6) Notices under the Town Planning and Development Act, Town Planning Scheme No.1 and the Local Government Act against the installation of unauthorised rollers doors within the Town. The Town has so far received one (1) appeal against one (1) of the above Planning Notices lodged with the TPAT.

Based on the previous verbal advice from the Town's Solicitors, appeals to the Supreme Court can cost approximately \$15,000 to \$ 20,000 depending on the complexity of the case. The decision and attitude of the TPAT to uphold the appeal and approve the roller door at the above site needs to be taken into consideration in other future potential appeals. Based on the numerous Notices issued by the Town for unauthorised roller doors and based on the potential for similar nature appeals to the TPAT being supported, consideration may need to be given to an appeal to the Supreme Court.

Notwithstanding the above, the Town's Officers are currently reviewing the Town's Policy relating to Roller Shutters, Doors and Grilles on Non-Residential Buildings, and the outcome of this policy review is expected to be referred to the Ordinary Meeting of Council to be held on 16 December 2003.

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

Refer to page 80.

14. CLOSURE

The Presiding Member, Mayor Catania JP, declared the meeting closed at 11.06pm with the following persons present:

Cr Simon Chester	North Ward
Cr Caroline Cohen	South Ward
Cr Helen Doran-Wu	North Ward
Cr Steed Farrell	North Ward
Cr Basil Franchina	North Ward
Cr Ian Ker (Deputy Mayor)	South Ward
Cr Sally Lake	South Ward
Cr Maddalena Torre	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental and Development Services
Mike Rootsey	Executive Manager, Corporate Services
Rick Lotznicher	Executive Manager, Technical Services
Annie Smith	Executive Assistant (Minute Secretary)

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 2 December 2003.

Signed: Presiding Member
Mayor Nick Catania, JP

Dated this day of 2003