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Nil 101

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Minutes of the Ordinary Meeting of the Council of the Town of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 3 December 2002 commencing at 6.03pm.

**1. DECLARATION OF OPENING**

The Presiding Member, Mayor Nick Catania, JP declared the meeting open at 6.03pm.

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

**(a) Apologies:**

Cr Ian Ker North Perth Ward

**(b) Present:**

Mayor Nick Catania, JP	Presiding Member
Cr David Drewett, JP	Deputy Mayor - Mt Hawthorn Ward
Cr Simon Chester	Mt Hawthorn Ward
Cr Caroline Cohen	North Perth Ward
Cr Helen Doran-Wu	Mt Hawthorn Ward
Cr Basil Franchina	Mt Hawthorn Ward
Cr Kate Hall	North Perth Ward
Cr Marilyn Piper, JP	North Perth Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental & Development Services
Rick Lotznicher	Executive Manager, Technical Services
Mike Rootsey	Executive Manager Corporate Services
Debbie Winfield	Minute Secretary
Deon Brits	Manager Health and Environment (attended for presentation Item 7.1)
Ms Jenny D'Anger	Journalist - Voice News
Ryan Sturman	Journalist - Guardian Express
Bronwyn Peace	Journalist – The West Australian (until 7.33pm)
Members of the Public	Approximately 33

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

Cr Ian Ker North Perth Ward

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

Presiding Member, Mayor Nick Catania, advised that Item 10.4.4 had been withdrawn.

1. Louie Zampogna of Unit 3/177 Carr Place, Leederville – Item 10.1.10. Requested that this item be brought forward at this meeting.

2. David Hillam of 357 Rokeby Road, Subiaco - Item 10.1.1. Requested that Councillors support the application. Stated that he had worked closely with the Town's Planning Officers to address concerns and requested amendments to the conditions. Provided plans for distribution to the Council.
3. Kathy Baker of 65 Second Avenue, Mount Lawley – Item 10.1.7. Stated that over the past three years numerous complaints had been made to the Town concerning the antisocial behaviour of the users of the premises. Also stated that the owners of the property needed to exercise much tighter control and that the Town of Vincent should be seeking cash in lieu for the parking shortfall.
4. Frank Di Fulvio of 26 Bellew Way Noranda – Item 10.1.2. Stated that conditions (ii) and (iii) covering lot amalgamation and the Money Street setback, should not apply due to the circumstances of this application, an addition to the rear of the existing building, and with adequate onsite car parking. Requested that Councillors support the application.
5. Brian Fleay of 59 View Street, North Perth - Item 10.2.2. Stated that he was speaking on behalf of the Smith's Lake Precinct Group. Stated that the Precinct Group supported referring the proposal to the Department for Planning and Infrastructure.
6. Ms Jo Valerio of 20/2 Wylie Place Leederville – Item 10.1.1. Requested that the Council refuse the application. Stated that the original concerns of reduced privacy and light, and the close proximity of the building had not been addressed. Also stated there had been limited time with notification of the meeting received on Friday.
7. Ed Turner of 38 Teague Street, Victoria Park – Item 10.1.3. Advised that he was a Planning consultant, speaking on behalf of the applicant. Stated that the report did not give sufficient weight to the fact that the existing land use is non conforming and the application will bring the land use into conformity. Requested that Councillors allow more general requirements for conditions (i) a, b, c and d and that they support the application.
9. Anthony Michael of 72 Angove Street, North Perth – Item 10.1.8. Requested that this application be deferred until further notice, so that he could further liaise with the Planning Officer.
10. Sloan Croft of 20/2 Wylie Place, Leederville – Item 10.1.1. Stated that the wall adjoining his property would reduce light and privacy to his property, and impact on his property value. Also noted that he received notification on Friday and this gave limited response time.
11. John Elford of 3/1 Bennelong Place, Leederville – Item 10.1.1. Stated that he wrote to the Council in July 2002 about his concerns for parking arrangements for the development. He noted concerns of noise with the close proximity of the access and of parking gates opening and closing. Also noted that Bennelong Place traffic was increasing and he believes property values would be impacted.
12. Danielle Miller of 16/311 Oxford Street – Item 10.1.1. Stated that she objected to the application, and had previously written advising details.

Noted that during the consultation period, twelve objections were received and she doesn't believe that the proposal has been amended to address these objections. Stated they were issues of parking, height, bulk and scale of the building, the loss of sunlight, view and privacy and the increase in noise. Requested Councillors to refuse the application

13. Dan Caddy of 44B Fairfield Street, Mount Hawthorn – Item 10.1.1. Advised he was speaking on behalf of the Mount Hawthorn Precinct Group which has concerns for the precedent that would be set in the Mount Hawthorn and other precincts with this type of development. Stated that Locality Statements needed to be adhered to so that affected residents are protected and a table should be provided showing all the areas of discretion. Referred to the height being 2 metres above the limit. Provided a Plan showing the solar affect on adjoining properties, for distribution to Council.
14. Aaron Smith of 93 Hobart Street, Mount Hawthorn– Item 10.1.3. Stated that he opposed the development and there had been little change to the original plans to address the non-compliance. Referred to the setbacks and the loss of view of sky to his property, the plot ratios and the variation in private open space of the courtyards. Also referred to the comment in the report that “the design, layout and appearance of the development is not dissimilar to approved and constructed contemporary grouped dwelling developments in the immediate and surrounding areas of the Town”, and asked what developments were being referred to as he believed the statement to be inaccurate. Requested the Councillors to refuse the application.
15. Rick Grang of 18 Grosvenor Road, Mount Lawley. Referred to an ongoing situation concerning the parking of his truck and asked Councillors for a solution to the matter. Noted that he had spoken to the CEO, Mr John Giorgi on a number of occasions. Also referred to a parking ticket he had received after 10pm for parking a commercial vehicle.

Mayor Catatnia advised that the parking ticket should be referred to the Town with an explanation for the Town's consideration.

16. Andrew Spencer of 14 Elliott Road, Trigg – Item 10.1.3. Provided photographs and plans with support and signatures of neighbours. Advised there were no garage doors on the Scarborough Beach Road elevations and also referred to parking and rear setbacks. Noted that he had approval from both side neighbours and acknowledged the rear neighbours concerns. Stated that he had made every effort to comply and satisfy all parties and requested that Councillors approve the application.
17. Dean Gourdis of 105 Kalgoorlie Street, Mount Hawthorn – Item 5.1. Referred to the petition concerning the proposed traffic changes and parking improvements to Kalgoorlie between Berryman Street and Scarborough Beach Road, Mount Hawthorn. Stated there were a number of traffic issues in Kalgoorlie Street, including cars entering illegally from Scarborough Beach Road, which needed to also be addressed, and in consultation with the key stakeholders, including the residents. Requested that Kalgoorlie Street be made a no through road.
18. Lucia Dedear of 98 Buxton Street, Mount Hawthorn – Items 10.4.2, 10.1.3 and 10.1.11. Stated she was speaking on behalf of the Mount Hawthorn Precinct Group and expressed their disappointment at the lack of notice to the public and community groups of the Strategic Plan.

Requested that the Strategic Plan be undertaken efficiently and with public consultation. In regard to Item 10.1.11, and the review of the Town of Vincent Town Planning Scheme No. 1, stated that the public and community will be consulted at Stage 6 per the timetable. Asked Council if this consultation period could be brought forward to Stage 1. In regard to Item 10.1.3, stated there were approximately 17 non-compliances and expressed particular concern with the setbacks and plot ratios. Also noted that the Town Planning Scheme and Residential Design Codes should be adhered to. Requested Councillors to refuse the application.

There being no further questions, Public Question Time closed at 6.39pm.

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

IB03.

**4. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil.

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

5.1 Mr D Gourdis of 105 Kalgoorlie Street, Mount Hawthorn, together with fifteen petitioners concerning the proposed traffic changes and parking improvements to Kalgoorlie between Berryman Street and Scarborough Beach Road, Mount Hawthorn. It was recommended that this petition be referred to Executive Manager of Technical Services for investigation and report.

5.2 Mr D Italiano of 56 Ellesmere Street, Mount Hawthorn, together with thirty-eight signatories relating to a fence on the property 99-105 Flinders Street, Mount Hawthorn. A development has recently been undertaken and the fence erected is of a type different to that ordered by the Town. A wide range of reasons were given. It was recommended that this petition be referred to Executive Manager Environmental and Development Services for investigation and report to the next Ordinary Meeting of Council to be held on 17 December 2002.

**Moved by Cr Franchina, Seconded by Cr Chester**

*That the petition be received and the report be prepared as recommended.*

**CARRIED (8-0)**

(Cr Ker on leave of absence.)

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

**Moved by Cr Hall, Seconded by Cr Piper.**

*That the Minutes of the Ordinary Meeting of Council held on 19 November 2002 be confirmed as a true and correct record.*

**CARRIED (8-0)**

(Cr Ker on leave of absence.)

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

### **7.1 Another Safety Award For The Town Of Vincent**

Hot on the heels of winning the State's top Security Industry and Crime Prevention Award for its backpacker safety kit, the Town of Vincent has now taken off a top Fire and Emergency Services Authority (FESA) award for its successful push to have smoke alarms installed in all lodging houses within the Town.

The fire in a Queensland backpacker hostel in July 2000, resulting in the loss of fifteen young lives, prompted the push to minimise the likelihood of such an incident taking place in the Town.

Our Health Services staff immediately asked the proprietors and owners of all Vincent lodging houses – which includes backpackers – to install smoke alarms, preferably mains-powered, within a reasonable period of time.

The result was an outstanding success, with all twenty-four lodging houses in the Town now fitted with smoke alarms – mains-powered in sixteen of the larger lodging houses.

The eight lodging houses with battery-operated smoke alarms mainly accommodate 20 or less people.

The awards were announced two weeks ago by Emergency Services Minister Michelle Roberts, at which time she paid tribute to all the award-winning individuals and groups who she said had played an important role in highlighting community safety.

She said that through their actions, lives, property and the environment had been protected and community safety considerably enhanced in an emergency.

Other safety measures the Town asked lodging houses to practise include 24-hour management keeper supervision, provision and maintenance of sufficient fire fighting equipment, daily in-house inspections with particular emphasis on identifying potential fire hazards, and evacuation doors that are freely accessible at all times.

The Mayor, Nick Catania, presented the award to Deon Brits, Manager Health and Environment.

Received with acclamation.

### **7.2 Disability Services Commission's Action On Access Awards**

The Town of Vincent won two awards in the Disability Services Commission's Action on Access Awards which were announced this morning.

The Awards were for the development of an inclusive school holiday program which has been running for the past 18 months.

The Town is delighted to receive this recognition for the work which we have been doing, and as an acknowledgment of our commitment to improving access and inclusion within the Town.

The first award was the Action on Access in Local Government.



The second was The Dr Louisa Alessandri Award for Excellence in Action on Access. The nominations for this award are all the category winners from the Action on Access and so we are honoured to have been chosen as the winner.

The Mayor, Nick Catania presented the award to Mike Rootsey, Executive Manager Corporate Services.

Received with acclamation.

## **8. DECLARATION OF INTERESTS**

- 8.1** Cr Franchina declared a proximity interest in Item 10.1.1, relating to Nos. 313 – 315 (Lots 1 and 2) Oxford Street, Leederville. The extent of his interest being that he owns property in close proximity.
- 8.2** Cr Drewett declared a proximity interest in Item 10.1.1, relating to Nos. 313 – 315 (Lots 1 and 2) Oxford Street, Leederville. The extent of his interest being that his office operates from property in close proximity.
- 8.3** Cr Franchina declared a proximity interest in Item 10.2.2, relating to Charles Street. The extent of his interest being that he owns property in close proximity.

## **9. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN (WITHOUT DISCUSSION) – CR DAVID DREWETT, JP**

- 9.1 To date, what is the total cost (including Town of Vincent staff costs) of the Draft Municipal Heritage List?**

Response:

*\$128,429.27. It is not normal practice for the Town's administrative staff to keep separate timesheets for specific projects. Therefore, the Town's staff costs associated with this project are not included in this figure as this information has not been specifically recorded and is therefore unavailable. Of the total amount, \$22,304.35 remains to be paid to the consultant.*

- 9.2 When will the Draft Municipal Heritage List be made available to all Elected Members and the Community?**

Response:

*The Draft Municipal Heritage Inventory and associated reports and documentation is currently being edited by the Town's staff, which will be completed in late December 2002, with a view to receiving a Final Draft from the Consultant in early 2003.*

*In accordance with previously agreed processes for community consultation, detailed in the Publicity and Consultation Strategy, adopted at the Ordinary Meeting of Council held on 11 June 2002, a copy of the Final Draft of the Municipal Heritage Inventory will be reported to the Council on a 'confidential' basis once all preparations are finalised for community consultation. The key objective of this process is to enable owners of places that are proposed to be included on the reviewed Heritage List to be given advanced notification in writing prior to general public consultation.*

*This objective was highlighted by Elected Members and community representatives during the first round of consultation of this project.*

*It is anticipated that following receipt of the Final Draft, it has been estimated there will be approximately three months administrative work to prepare the document for community consultation in accordance with the requirements of the Publicity and Consultation Strategy.*

*The date for community consultation is also dependent on the Council decision to release the document to the affected owners and the general public.*

*The Draft Reviewed MHI will be submitted to the Council when the adopted community consultation program documentation has been prepared. It is anticipated that this will be carried out in the early part of 2003.*

*The State Heritage Working Party, recently established by the Minister for Environment and Heritage Judy Edwards, is currently investigating the issues surrounding Municipal Heritage Inventories and will make recommendations on reforms to WA local heritage protection mechanisms. The Working Party will be addressing relevant issues such as frameworks for compilation of MHI's and the relationship between MHI's, the Model Scheme Text Heritage List and Heritage Areas. The Town is represented on this Working Party by the Chief Executive Officer and Executive Manager Environmental & Development Services.*

## 10. REPORTS

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

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

Items 10.1.10, 10.1.1, 10.1.7, 10.1.2, 10.2.2, 10.1.3, 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

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

Nil

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

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

Mayor Catania	Nil
Cr Drewett	11.2
Cr Cohen	10.2.1
Cr Franchina	Nil
Cr Piper	10.4.2
Cr Chester	10.4.3
Cr Hall	11.1, 10.1.9
Cr Doran-Wu	Nil
Cr Ker	Nil

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

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

Items 10.1.4, 10.1.5, 10.1.6, 10.2.3, 10.2.4, 10.3.1, 10.4.1 and 10.4.5.

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

Nil

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

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

Items 10.1.4, 10.1.5, 10.1.6, 10.2.3, 10.2.4, 10.3.1, 10.4.1 and 10.4.5.

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

Items 10.1.10, 10.1.1, 10.1.7, 10.1.2, 10.2.2, 10.1.3, 10.1.8, and 10.1.11.

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

Nil

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

Nil

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

Items 11.2, 10.2.1, 10.4.2, 10.4.3, 11.1 and 10.1.9.

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

Nil

**Moved by Cr Hall, Seconded by Cr Chester**

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

*Items 10.1.4, 10.1.5, 10.1.6, 10.2.3, 10.2.4, 10.3.1, 10.4.1 and 10.4.5.*

**CARRIED (8-0)**

**(Cr Ker on leave of absence.)**

**10.1.4 No. 1 (Lot 10) Ruby Street, Dual Frontage with Fiore Lane, North Perth - Proposed Workshop/Garage Additions to Existing Single House**

<b>Ward:</b>	Mount Hawthorn	<b>Date:</b>	21 November 2002
<b>Precinct:</b>	North Perth, P8	<b>File Ref:</b>	PR02193 00/33/1383
<b>Reporting Officer(s):</b>	S Ward		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Dryka and Partners acting on behalf of the owners N Wang and N Huynh for the proposed workshop/garage additions to the existing single house on No. 1 (Lot 10) Ruby Street, dual frontage with Fiore Lane, North Perth and as shown on the plans received 12 November 2002, subject to:*

- (i) the proposed workshop/garage is not to be used for commercial, habitable or industrial purposes;*
- (ii) a road and verge security bond and /or bank guarantee of \$220 shall be lodge prior to the issue of a Building License and be held until all works have been completed and/or any damage to existing Towns assets have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (iii) subject to first obtaining the consent of the owners of No. 3 Ruby Street and No. 535 Fitzgerald 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. 3 Ruby Street and No. 535 Fitzgerald Street in a good and clean condition; and*
- (iv) compliance with all relevant Environmental Health, Building and Engineering requirements;*

*to the satisfaction of the Chief Executive Officer.*

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**COUNCIL DECISION ITEM 10.1.4**

**Moved by Cr Hall, Seconded by Cr Chester.**

*That the recommendation be adopted.*

**CARRIED (8-0)**

**(Cr Ker on leave of absence.)**

**LANDOWNER:** Dryka and Partners Architects  
**APPLICANT:** N Wang and N Huynh  
**ZONING:** Metropolitan Region Scheme – Urban  
 Town Planning Scheme No. 1 – Residential R30/40  
**EXISTING LANDUSE:** Single House  
**COMPLIANCE:**

Requirements	Required	Proposed
<b>Setbacks</b>		
Fiore Lane -	4.5 metres	240 millimetres
Eastern side -	1.0 metre	nil
Western side -	1.0 metre	nil
<b>Overall size -</b>	60 square metres maximum	123 square metres
Use Class	Single House	
Use Classification	'P'	
Lot Area	658 square metres	

**SITE HISTORY:**

The property currently accommodates a brick and pitched tiled roof dwelling. The existing dwelling fronts Ruby Street with a 7 metres wide sealed dedicated road (Fiore Lane) to the rear of the property with similar garages/outbuildings and residential dwellings abutting Fiore Lane.

**DETAILS:**

An application has been received to construct workshop/garage additions to the existing single house with access via Fiore Lane.

**CONSULTATION/ADVERTISING:**

No comments were received during the consultation period.

**COMMENTS:**

**Garage**

The Residential Design Codes (R Codes) have regard to outbuildings that are not within the primary street setback area and do not exceed 60 square metres in area. The proposed workshop/garage is approximately 123 square metres, however, it is considered acceptable due to the structure being located at the rear of the property, there being similar structures within the immediate area, and will not unduly affect the visual amenity of the neighbouring properties.

**Setbacks**

The variation to the side setbacks to the proposed workshop/garage additions are generally acceptable in the context of the amenity of the area, and no objections being received from the affected side neighbours.

The variation to the Fiore Lane setback to the proposed workshop/garage additions is generally acceptable in the context of the amenity of the area, there being similar outbuildings and dwellings with reduced setbacks to Fiore Lane and no objection received from the affected neighbour.

**Summary**

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

**10.1.5 No. 248 (Lot 31) Loftus Street, Corner Anzac Road, North Perth-  
Proposed Freehold Subdivision**

<b>Ward:</b>	Mount Hawthorn	<b>Date:</b>	25 November 2002
<b>Precinct:</b>	Smith's Lake, P6	<b>File Ref:</b>	120119
<b>Reporting Officer(s):</b>	C Mooney		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Residential Design Codes, the Council RECOMMENDS to the Western Australian Planning Commission that the application submitted by PJ Neale Surveys Pty Ltd on behalf of the owners G & E Cvetkoski for the proposed subdivision of No. 248 (Lot 31) Loftus Street, corner Anzac Road, North Perth and as shown on plans stamp-dated 5 September 2002 and amended plans dated 1 November 2002 (subdivision120119) be APPROVED subject to the following conditions:*

- (i) all buildings and effluent disposal systems, having the necessary clearance from the new boundaries as required under the relevant legislation;*
- (ii) support of the subdivision is not to be construed as support of the demolition of the existing building(s) and/or any development on the proposed lots;*
- (iii) if any portion of the existing building(s) is to be demolished to facilitate the proposed subdivision, Planning Approval and/or Demolition Licence is to be obtained from the Town for the demolition of the existing building(s) prior to the clearance of the Diagram or Plan of Survey by the Town.*
- (iv) all buildings and structures that have been granted Planning Approval and/or Demolition Licence for demolition being demolished and associated materials removed from the site and the site made good. A separate Planning Approval and/or Demolition Licence is required from the Town prior to the commencement of any demolition works;*
- (v) the land being filled and/or drained at the subdivider's cost to the satisfaction of the Town and any easements and/or reserves necessary for the implementation thereof, being provided free of cost;*
- (vi) the applicant obtaining Planning Approval and/or Building Licence for the development of a house(s) on the lots less than 350 square metres in accordance with Clause 2.3.3 of the Residential Design Codes;*
- (vii) prior to the clearance of the diagram of survey for the proposed lots which have an area less than 200 square metres and/or depth less than 15 metres, the following criteria shall be met to the satisfaction of the Town of Vincent;*
  - (a) the Town has approved a Planning Approval and/or Building Licence for the development of dwelling(s) on the subject lots; and*
  - (b) the perimeter walls of the approved dwelling(s), including the garage walls and carport walls/pillars, have been constructed to plate height;*
- (viii) the street verge tree(s) on Anzac Road adjacent to the subject land being retained and measures being taken to ensure their identification and protection to the satisfaction of the Town prior to commencement of site works; and*

- (ix) *one (1) on site car parking bay and associated driveway and crossover for the existing dwelling accessed from Anzac Road being provided and constructed in accordance with the Australian Standard AS2890.5-1993, and to the satisfaction of the Town;*

*to the satisfaction of the Chief Executive Officer.*

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**COUNCIL DECISION ITEM 10.1.5**

**Moved by Cr Hall, Seconded by Cr Chester.**

*That the recommendation be adopted.*

**CARRIED (8-0)**

(Cr Ker on leave of absence.)

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**LANDOWNER:** G & E Cvetkoski  
**APPLICANT:** PJ Neale Surveys Pty Ltd  
**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	445 square metres

<b>Requirements</b>	<b>Required</b>	<b>Proposed</b>
Minimum Carparking	Two parking spaces for existing dwelling	One parking space for existing dwelling

**SITE HISTORY:**

The subject site has an existing single house that fronts Loftus Street.

**CONSULTATION/ADVERTISING:**

Advertising is not required for subdivision applications.

**DETAILS:**

An application has been received for the subdivision of the subject property into two freehold lots. Lot 1 (which proposes to retain the existing dwelling) consists of 262 square metres and Lot 2 -186 square metres.



**COMMENTS:**

The subject proposal involves a variation to the minimum car parking requirements of two car parking spaces, as outlined in the Residential Design Codes to one car parking space for the existing dwelling. The proposal will require partial demolition of the porch to accommodate this one carparking space. The Town's Heritage Officer stated that there is no objection to this partial demolition and that the resultant design should take into consideration the architectural features of the existing property. The second car parking space cannot be provided on the proposed Lot 1 due to the Town's Technical Services minimum requirements of six (6) metres distance from the turning point of the intersection of Anzac Road and Loftus Street. This variation is considered acceptable as the proposed development has adequate access to public transport on Loftus Street, on street parking facilities on Anzac Road, no carparking restrictions on Anzac Road adjacent to the subject property, and the applicant is retaining the existing dwelling ensuring adequate consideration of the amenity and streetscape character of the locality.

It is recommended that an approval advice be returned to the Western Australian Planning Commission for the proposed freehold subdivision, subject to standard and appropriate conditions to address the above matters.

**10.1.6 Nos.24-28 (Lots 13, 14, 15 and Part Lot 16) Emmerson Street and No.4 (Lot 3) Elven Street, North Perth - Proposed Fill and Retaining Wall to "Elven on the Park" Subdivision**

<b>Ward:</b>	North Perth	<b>Date:</b>	26 November 2002
<b>Precinct:</b>	Smith's Lake, P6	<b>File Ref:</b>	PRO1957 (00/33/1394)
<b>Reporting Officer(s):</b>	B Mirco		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner Town of Vincent for the proposed fill and retaining wall to "Elven on the Park" subdivision on Nos.24-28 (Lots 13, 14, 15 and Part Lot 16) Emmerson Street and No.4 (Lot 3) Elven Street, North Perth and as shown on the plans stamp-dated 25 November 2002, subject to:*

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

*to the satisfaction of the Chief Executive Officer.*

**COUNCIL DECISION ITEM 10.1.6**

**Moved by Cr Hall, Seconded by Cr Chester.**

*That the recommendation be adopted.*

**CARRIED (8-0)**

**(Cr Ker on leave of absence.)**

**LANDOWNER:** Town of Vincent  
**APPLICANT:** Town of Vincent  
**ZONING:** Metropolitan Region Scheme: Urban  
Town Planning Scheme No.1: Residential R40  
**EXISTING LAND USE:** Vacant Land

**COMPLIANCE:**

Use Class	Single House
Use Classification	"P"
Lot Area	2566 square metres

**SITE HISTORY:**

The site is the "Elven on the Park" subdivision and is currently vacant.

**CONSULTATION/ADVERTISING:**

The application was not required to be advertised given the application being determined by the Council, and the adjoining land is under the care, control and management of the Town.

**DETAILS:**

The Town proposes filling and retaining wall to the "Elven on the Park" subdivision site.

**COMMENTS:**

The height of the proposed retaining wall on proposed Lot 620 along Emmerson Street slopes generally from 0.2 metre at the intersection with Elven Street to 1.2 metres at the eastern boundary, and then down to 0.25 metre on the proposed public open space.

The height of proposed filling along Elven Street varies generally from 0.29 metre to 0.66 metre. The highest fill is generally along the eastern boundary of the proposed lots, with the highest point, being approximately 1.94 metres on proposed Lot 623. This is considered supportable given the subdivision abuts proposed public open space which links to the Smith's Lake Reserve.

The proposed fill and retaining wall are considered supportable and is not considered to have an unreasonable adverse impact on the streetscape and amenity of the area.

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

**10.2.3 The Association of Saint John the Baptist - Annual Street Procession**

<b>Ward:</b>	North Perth	<b>Date:</b>	26 November 2002
<b>Precinct:</b>	Hyde Park P2, Mt Lawley Centre P11	<b>File Ref:</b>	CVC 0006
<b>Reporting Officer(s):</b>	A. Munyard		
<b>Checked/Endorsed by:</b>	R Lotznicher		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *supports the annual Association of Saint John the Baptist street procession, to be held on Sunday, 12 January 2003; and*
- (ii) *requests the organisers of the procession to ensure that all emergency services, including Main Roads WA Operations Centre, are notified and all relevant approvals have been obtained.*

---

**COUNCIL DECISION ITEM 10.2.3**

**Moved by Cr Hall, Seconded by Cr Chester.**

*That the recommendation be adopted.*

**CARRIED (8-0)**

**(Cr Ker on leave of absence.)**

---

**BACKGROUND:**

The Association of Saint John the Baptist is seeking the Council's approval to conduct its annual street procession on Sunday, 12 January 2003 in honour of its Patron Saint.

**DETAILS:**

The procession will commence at 5.00 pm on Sunday, 12 January 2003 from Sacred Heart Church in Mary Street, Highgate. It will travel, under Police escort, west via Mary Street turning left into William Street. From William Street the procession will turn left into Lincoln Street east bound and left again into Beaufort Street north bound, where it will be confined to a single lane so as not to impede normal traffic. From Beaufort Street the procession turns left into Harold Street with proceedings concluding at Sacred Heart Church.

The procession will be under Police escort and no actual road closures are involved. As the parade is scheduled for a Sunday and does not conflict with any other major event, it is unlikely to have a significant impact upon traffic.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil

**STRATEGIC IMPLICATIONS:**

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

**COMMENTS:**

The annual street procession of the Association of John the Baptist is a colourful Catholic celebration that draws many people from diverse backgrounds to the Town. In the past, approval has been granted by the Executive Manager Technical Services, dependant upon acceptance by the Association of Saint John the Baptist of various conditions. These conditions pertain to traffic management, safety and police approval.

**10.2.4 Proposed Additional Traffic Calming – Anzac Road, Mount Hawthorn**

<b>Ward:</b>	Mount Hawthorn	<b>Date:</b>	27 November 2002
<b>Precinct:</b>	Mount Hawthorn Centre P2 & Leederville Precinct P3	<b>File Ref:</b>	TES0508 & TES0021
<b>Reporting Officer(s):</b>	C Wilson		
<b>Checked/Endorsed by:</b>	R Lotznicher		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) receives the report on the proposed implementation of additional traffic calming measures in Anzac Road, Mt Hawthorn, between Shakespeare and Loftus Streets;*
- (ii) refers the matter to the Local Area Traffic Management Advisory Group for consideration, and invites a representative(s) of the residents to attend;*
- (iii) advertises the Local Traffic Management Advisory Groups recommendations for public comment for a period of twenty one (21) days, inviting written submissions; and*
- (iv) provides a further report to Council at the conclusion of the public consultation phase.*

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**COUNCIL DECISION ITEM 10.2.4**

**Moved by Cr Hall, Seconded by Cr Chester.**

*That the recommendation be adopted.*

**CARRIED (8-0)**

**(Cr Ker on leave of absence.)**

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**BACKGROUND:**

At its Ordinary Meeting of 11 June 2002 Council adopted a proposal to install traffic calming and streetscape enhancement measures in Anzac Road, between Oxford Street and Shakespeare Street.

The works commenced in July 2002 and were recently finalised with the installation of new regulatory signage by Main Roads WA (MRWA).

During the course of the works the residents of Anzac Road, east of Shakespeare Street, expressed their annoyance at what they considered a lack of appropriate public consultation. The residents felt the works also had an impact upon their amenity and that they should have been consulted.

The residents' dissatisfaction culminated after a traffic accident on 25 July 2002 at the intersection of Shakespeare Street and Anzac Road which they directly attributed to the intersection modifications. The attending police officers from the Central Traffic Branch advised that the road works had nothing to do with the accident. The vehicle travelling north along Shakespeare Street did not stop at the stop sign and as consequence hit the vehicle travelling west (up hill) along Anzac Road, on the opposite side or away from the road works.

However as a consequence of the above events a petition was read at the Ordinary Meeting of Council of the 13 August 2002 whereby some 37 signatories sought to have immediate additional traffic calming measures introduced to the remainder of Anzac Road east of Shakespeare Street.

#### **DETAILS:**

In light of the acrimonious history associated with the redevelopment of the Oxford Hotel the residents of Anzac Road, east of Shakespeare Street, have expressed an opinion that their concerns have not be given due recognition. To this ends a 37 signature petition was read at the Ordinary Meeting of Council of 13 August 2002 seeking to have Council consider the following:

- *Pedestrian, property and vehicle safety at the junction of Anzac Road and Shakespeare Street be given immediate priority.*
- *The full and proper consideration of a methodology to reduce traffic speed for the full length of Anzac Road is pursued.*
- *That the safety at the junction of Anzac Road and Shakespeare Street assumes priority over parking issues.*
- *Complementary works to those in progress are immediately undertaken in Anzac Road east of Shakespeare Street with a view to decreasing the dangers of the intersection.*
- *The downgrading of Anzac Road to a Local Distributor Road\* be pursued with Main Roads as a priority by Council.*
- *That full and proper consultation o all impacted residents is undertaken prior to commencement of any works.*
- *That a prompt resolution to this long standing and on-going issue is reached.*

\* Anzac Road is currently classified as a District Distributor B Road.

While the petitioners sought immediate action to address the perceived problems, the organisers were verbally advised that the Council currently did not have funds with which to undertake any additional works and that new traffic data would be have to be collected to verify their claims. Further they were advised that Council may consider further works if there were any cost savings from recently completed Oxford Street to Shakespeare Street improvements.

The traffic data collectors/classifiers were deployed at four locations in Anzac Road, between Oxford Street and Loftus Street, in late August 2002, after the intersection modifications and the installation of the speed humps, near the Oxford Hotel and immediately adjacent (western side) the Shakespeare Street intersection. Data had been previously collected in July 2001.

Data comparison indicates that the speed humps and intersection modifications were effective in reducing the 85% speed of traffic between Oxford Street and Shakespeare Street, particularly approaching the Shakespeare Street intersection from either direction (refer table 1 below).

However, in view of the fact that Anzac Road is designated as a 50kph zone the residents concerns about the speed of traffic in the vicinity of the Harrow Street intersection was vindicated as the 85% speed remained constant at 60/61 kph.

Therefore, whilst this can not be viewed as a significant speeding problem, particularly given the success of the introduction of the 50kph speed limit is still being accessed, the fact that driver behaviour didn't change over the intervening twelve months indicates that it may be appropriate to introduce additional traffic calming measures.

Location	85% Speed(kph)		Average Speed(kph)		AWDT	
	2001	2002	2001	2002	2001	2002
ROW rear of Oxford Hotel	46	38	34	31	1908	1799
Crest of hill (near No. 44)	52	51	42	43	1585	1507
Approach Shakespeare St.	58	50	42	42	1358	1147
Near Harrow St	61	60	52	50	1185	1071

**Table 1**

**AWDT** = Average weekday traffic.

**85% Speed** = the maximum speed at which 85% of traffic will travel.

In respect of funding any future works the recently completed Oxford Street to Shakespeare Street improvements cost in the order of \$14,000 from a budget allocation of \$25,000 (a surplus of approximately \$11,000).

Whilst the residents expectations are yet to be determined it is recommended that Council consider authorising the expenditure of the remaining funds in the current financial year on additional traffic calming measures, subject to:

- The Local Area Traffic Management Advisory Group and resident representative(s) reaching a consensus of possible outcomes.
- The Local Area Traffic Management Advisory Groups recommendations be advertised to the affected residents, by way of a letter drop, inviting comments for a period of 21 days.
- That a further report be presented to Council at the conclusion of the public consultation.
- If the works can be accommodated within the existing budget allocation that they proceed in the current financial year or:
- If the works exceed \$11,000 that the monies be carried forward to 2003/04 and additional listed for inclusion in the draft 2003/04 budget.

**STRATEGIC IMPLICATIONS:**

In accordance with the Strategic Plan 2000-2002, key Result Area 1.5 "*Develop and implement a plan to manage through traffic and local traffic, and reduce car dependence*".

**CONSULTATION/ADVERTISING:**

Affected residents to be consulted in accordance with Council Policy No. 4.1.21 "Community Consultation".

**FINANCIAL IMPLICATIONS:**

The recently completed Anzac Road works had a budget allocation of \$25,000 with expenditure to date of approximately \$14,000. Therefore some \$11,000 remains with which to install additional traffic calming measures in Anzac Road east of Shakespeare Street.



**COMMENTS:**

The residents of Anzac Road, east of Shakespeare Street, have expressed a strong desire to be actively involved in the decision making process on any possible/future traffic calming measures to be introduced. Therefore it is recommended that representative(s) of the residents/petitioners be invited to attend a meeting of the Local Area Traffic Management Advisory Group to discuss their concerns and possible solutions.

**10.3.1 Authorisation of Expenditure for the Period 01 October - 31 October 2002**

<b>Ward:</b>		<b>Date:</b>	26 November 2002
<b>Precinct:</b>		<b>File Ref:</b>	FIN0033
<b>Reporting Officer(s):</b>	P Forte		
<b>Checked/Endorsed by:</b>	C Liddelow		
<b>Amended by:</b>			

**OFFICER RECOMMENDATION:**

*That;*

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

**COUNCIL DECISION ITEM 10.3.1**

**Moved by Cr Hall, Seconded by Cr Chester.**

*That the recommendation be adopted.*

**CARRIED (8-0)**

(Cr Ker on leave of absence.)

**DECLARATION OF INTEREST**

<b>Members/ Officers</b>	<b>Voucher</b>	<b>Extent of Interest</b>
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Nil.

**BACKGROUND:**

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

**DETAILS:**

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

<b>FUND</b>	<b>CHEQUE NUMBERS/ PAY PERIOD</b>	<b>AMOUNT</b>
<b>Municipal Account</b>		
ANZ Banking Group Ltd	500606	\$200,000.00
Adelaide Bank	500607	\$100,000.00
BankWest	500608	\$750,000.00
Commonwealth Bank of Australia	500609	\$1,100,000.00
Home Building Society	500610	\$150,000.00
National Australia Bank	500611	\$1,200,000.00
Town of Vincent Advance Account	500612	\$933,417.26
Commonwealth Bank of Australia	500613	\$500,000.00
BankWest	500614	\$1,700,000.00
National Australia Bank	500615	\$500,000.00
<b>Total Municipal Account</b>		<b>\$7,133,417.26</b>
<b>Advance Account</b>		
Automatic Cheques	40233 – 40800	\$922,192.21
Manual Cheques		
Transfer of Creditors by EFT		
Batch 26 – 43		\$1,083,405.55
Australia Post Lease Equipment	October 2002	\$623.54
Transfer of Payroll by EFT	October 2002	\$418,991.81
Transfer of PAYG Tax by EFT	October 2002	\$186,232.45
Transfer of Child Support by EFT	October 2002	\$1,203.68
Transfer of Superannuation by EFT		
City of Perth	October 2002	\$57,464.57
Local Government	October 2002	\$131,118.39
<b>Total Advance Account</b>		<b>\$2,801,232.20</b>
<b>Bank Charges &amp; Other Minor Debits</b>		
Bank Charges – CBA		\$24,018.06
Lease Fees		\$1,170.41
Corporate MasterCards		\$3,241.05
<b>Total Bank Charges &amp; Other Minor Debits</b>		<b>\$28,429.52</b>
<b>Less GST effect on Advance Account</b>		<b>-\$225,797.88</b>
<b>Total Payments</b>		<b>\$9,737,281.10</b>

**STRATEGIC IMPLICATIONS:**

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

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

**ADVERTISING/CONSULTATION:**

Nil.

**COMMENT:**

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

**10.4.1 Use of Common Seal**

<b>Ward:</b>	-	<b>Date:</b>	26 November 2002
<b>Precinct:</b>	-	<b>File Ref:</b>	ADM0042
<b>Reporting Officer(s):</b>	M McKahey		
<b>Checked/Endorsed by:</b>	John Giorgi		
<b>Amended by:</b>	-		

**RECOMMENDATION:**

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

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**COUNCIL DECISION ITEM 10.4.1.**

**Moved by Cr Hall, Seconded by Cr Chester.**

*That the recommendation be adopted.*

**CARRIED (8-0)**

(Cr Ker on leave of absence.)

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**DETAILS:**

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

Date	Document	No of copies	Details
31/10/02	Group Accommodation Service (Group Limit Facility No. 7120)	1	Town of Vincent and Commonwealth Bank of Australia, Institutional Banking, 150 St Georges Terrace, Perth
07/11/02	Withdrawal of Caveat	3	Town of Vincent and Minter Ellison, Level 49, Central Park, 152-158 St George's Terrace, Perth WA 6000 re: No. 5 (Lot 4043 on Deposited Plan 205285) Selden Street, North Perth
18/11/02	Deed of Covenant	4	Town of Vincent and Minter Ellison, Level 49, Central Park, 152-158 St George's Terrace, Perth WA 6000 re: No. 117 Alma Road (cnr Leake Street), North Perth – Proposed Three (3) Additional Two Storey Grouped Dwellings Top Existing House – Legal Agreement/Deed of Covenant for Amalgamation
19/11/02	Transfer of Land	1	Town of Vincent and Austbrokers Holdings Ltd (formerly known as the Intercolonial Investment Land and Building Company Ltd) of 347 Kent Street, Sydney, NSW re: Portion of Swan Location 653, being the Right of Way (ROW) coloured Brown on Diagram 1460 (View Street, North Perth)
21/11/02	Deed of Covenant	4	Town of Vincent and Minter Ellison, Level 49, Central Park, 152-158 St George's Terrace, Perth WA 6000 re: No. 5 (Lots 45 and 54) Bulwer Avenue, Perth – Three Two storey Grouped Dwellings and Carport to Existing Dwelling – Legal Agreement/Deed of Covenant for Amalgamation

**10.4.5 Information Bulletin**

<b>Ward:</b>	-	<b>Date:</b>	27 November 2002
<b>Precinct:</b>	-	<b>File Ref:</b>	-
<b>Reporting Officer(s):</b>	A Smith		
<b>Checked/Endorsed by:</b>	J Giorgi		
<b>Amended by:</b>	-		

**RECOMMENDATION:**

*That the Information Bulletin dated 3 December 2002, as distributed with the Agenda, be received.*

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**COUNCIL DECISION ITEM 10.4.5**

**Moved by Cr Hall, Seconded by Cr Chester.**

*That the recommendation be adopted.*

**CARRIED (8-0)**

**(Cr Ker on leave of absence.)**

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**DETAILS:**

The items included in the Information Bulletin dated 3 December 2002 are as follows:

<b>ITEM</b>	<b>DESCRIPTION</b>
IB01	Letter regarding No. 53 (Lot 67) Ruby Street, North Perth - Notice Appeal
IB02	Acknowledgement Letter from Food Standards concerning genetically modified foods
IB03	Letter regarding Amendments to the Environmental Protection Act 1986
IB04	Information Report – Delegation No 24 Relating to Unsafe Trees on Private Property
IB05	Claise Brook Catchment Group – Letter re Funding for the Robertson Park Wetland
IB06	Department of Local Government and Regional Development – Response re Amendments to the Local Government Act 1995

**10.1.10 Nos. 177-179 (Lot 48) Carr Place, Leederville - Proposed Additional Eight Two Storey Grouped Dwellings to Existing Six Two Storey Grouped Dwellings and Associated Alterations and Additions, Including Fencing - Outcome of Town Planning Appeal Mediation**

<b>Ward:</b>	North Perth	<b>Date:</b>	27 November 2002
<b>Precinct:</b>	Oxford Centre, P4	<b>File Ref:</b>	PRO0119 00/33/0944
<b>Reporting Officer(s):</b>	S Robertson, V Lee		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme and the Metropolitan Region Scheme the Council APPROVES the application submitted by R Zampogna, on behalf of the owners M, V, M and R Zampogna, for an additional eight, two storey grouped dwellings to existing six two storey grouped dwellings and associated alterations and additions, including fencing on Nos. 177-179 (Lot 48) Carr Place, Leederville as shown on plans stamp dated 7 February 2002, subject to:*

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) the car parking areas 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 owners/occupiers to the satisfaction of the Town;*
- (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 general security bond and/or bank guarantee of \$1100 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and a bollard has been installed where Bold Court meets the path between units 7 and 8, and/or reinstated to the satisfaction of the Town's Technical Services Division;*
- (v) the path between units 7 and 8 to Bold Court shall not be used for vehicle access. A central bollard on the boundary shall be installed to the satisfaction and specifications of the Town's Technical Services Division, and maintained thereafter by the owner(s)/occupier(s);*
- (vi) a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Carr Place verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (vii) all affected windows on the upper level facing the side boundaries shall have a minimum sill height of 1.6 metres in accordance with the Residential Design Codes;*



- (viii) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property that the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities. This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;*
- (ix) *the development shall be adequately sound insulated prior to the first occupation of the development. The necessary sound insulation shall be in accordance with the recommendations, developed in consultation with the Town, of an acoustic consultant registered to conduct noise surveys and assessments in accordance with the Environmental Protection Act 1986. The sound insulation recommendations shall be submitted and approved prior to the issue of a Building Licence. The engagement of and the implementation of the recommendations of this acoustic consultant are to be at the applicant's/owner(s)' costs;*
- (x) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence; and*
- (xi) *prior to the first occupation of the development, the car visitors parking spaces shown on the approved plans shall be clearly marked and signposted for the exclusive use of visitors to the development;*

*to the satisfaction of the Chief Executive Officer.*

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**Moved Cr Piper, Seconded Cr Cohen**

*That the recommendation be adopted*

*Debate ensued*

**COUNCIL DECISION ITEM 10.1.10**

**Moved Cr Drewett, Seconded Cr Piper**

*That this Item be DEFERRED for further clarification of the issues raised and a report to be submitted.*

**CARRIED (6-2)**

**For**  
Cr Cohen  
Cr Doran-Wu  
Cr Drewett  
Cr Franchina  
Cr Hall  
Cr Piper

**Against**  
Mayor Catania  
Cr Chester

(Cr Ker on leave of absence.)

**Reasons:**

**Clarification of issues raised in relation to the height of the wall and improvements.**

**LANDOWNERS:** M, V, M and R Zampogna  
**APPLICANT:** R Zampogna  
**ZONING:** Metropolitan Region Scheme: Urban  
 Town Planning Scheme No.1: Commercial and Residential R80  
**EXISTING LAND USE:** Six Grouped Dwellings

**COMPLIANCE:**

Use Class	Grouped Dwelling
Use Classification	'P'
Lot Area	2732 square metres

Requirements	Required under 2002 Residential Design Codes	Proposed
Plot Ratio	0.65	0.655
Car-parking	32 car bays (including 4 visitor bays)	24 car bays (nil visitor bays for new dwellings)
Site Works	Filling has been previously addressed in the report to the Ordinary Meeting of Council held on 9 April 2002.	

**SITE HISTORY:**

The subject land is located within the Carr Locality which has a mix of original houses and redevelopment. Original houses are usually single storey and the denser redeveloped residential properties containing two and three-storey dwellings.

Carr Place is characterised by a mixture of residential, commercial and light industrial uses and is within close proximity to Leederville Oval and the Oxford Street commercial precinct.

18 December 1995      The Council at its Ordinary Meeting granted conditional Planning Approval for six grouped dwellings at Nos. 177-179 (Lot 48) Carr Place, Leederville.

11 October 2000      A Building Licence for a retaining wall on the site was issued under delegated authority as it did not exceed the maximum height as outlined in the Town's Local Law relating to Fences, Floodlights and other External Lights.

December 2001/  
January 2002      The Town investigated reports that unauthorised fencing, of approximately 2.9-3.9 metres in height, had been erected on the subject site. The height did not comply with the Town's Local Law which requires approval for fences exceeding 2.4 metres in height.

19 February 2002      Planning Application received by the Town seeking Planning Approval for eight additional grouped dwellings including associated boundary fences, and seeking retrospective Planning Approval for the unauthorised fencing on the subject property.

9 April 2002      The Council, at its Ordinary Meeting, refused the above Planning Application.

- 6 June 2002                    A copy of the applicant's appeal to the Office of the Minister for Planning and Infrastructure was received by the Town.
- 19 July 2002                    Respondent's Statement lodged by the Town's solicitors acting on behalf of the Town.
- 12 & 18  
November 2002                    Mediation conferences held between the appellant and representatives of the Office of the Minister for Planning and Infrastructure and the Town.

**DETAILS:**

This application proposes to develop the rear of Lot 48 Carr Place. Access to the proposed dwellings is provided via a central driveway from Carr Place through the existing grouped dwelling development at the front of the block. Pedestrian access is also proposed from Bold Court.

The Officer Report and Recommendations contained in this report will facilitate a mediated outcome for the appeal that is currently before the Minister for Planning and Infrastructure.

**CONSULTATION/ADVERTISING:**

The application was advertised during the assessment process for the original planning application and one submission was received during this previous advertising period. The submission raised concerns regarding overlooking due to the differences in height between the properties, and the overall height of boundary fences, including the construction of a retaining wall and unauthorised boundary fence above it.

**COMMENTS:**

**Plot Ratio**

The variation to plot ratio represents 14 square metres, and is generally supported as the bulk, scale and height of the development is not considered to have an adverse impact on the amenity of the area or the adjoining properties in this instance. Furthermore, it is acknowledged that there may be a slight margin for error in the plot ratio calculations when scaled from the plans.

**Car Parking and Site Works**

In the mediated outcome document prepared by the Minister for Planning and Infrastructure mediators and committee members, the following statements are made:

*"CAR PARKING: The proposal provided additional bay(s) under the R Codes (24 or 25 provided; 23 required) but fails to meet the deemed to comply standards under the new Codes which require 32 bays. However, it was agreed the proposal complies with the parking criteria under the Performance Criteria of the new Codes. Clause P1 provides for consideration of "the location of the proposed development in relation to public transport and other facilities." The proposal is in close proximity to the Town Centre and public transport. Other factors in favour of the appellant were that parking for six of the units was approved and provided in accordance with requirements under the Old Codes. Furthermore, it was noted that all units have the capacity to include a tandem bay, even though the provision of tandem bay may cause problems with storage and courtyard requirements.*

*SITE WORK SETBACKS: The new Codes require a setback for retaining walls and fill. It was agreed it would be very difficult for Council to obtain support for a setback requirement. Council has already given approval (via a Building License) for the retaining wall. It is logical and reasonable that the approval included fill. Furthermore, the wall and fill affected by the new requirements adjoin a commercial zone. The Council Scheme permits parapet walls (2 storeys?). In any event, the adjoining land is used as a car parking for a recent office development that is set well back from the common boundary. After consideration of these factors, it was agreed there would be great difficulty associated with establishing loss of amenity."*

The site works have generally been addressed in the report to the Ordinary Meeting of Council held on 9 April 2002 and are supported on the basis of the commercial zoning and nature of the adjacent properties and the difficulty in establishing a loss of amenity associated with the site works.

### **Overlooking**

Overlooking into the adjacent side properties has been addressed by the appellant undertaking to have these windows with a minimum sill height of 1.6 metres above the finished first floor levels.

A summary of the mediated outcome is as follows:

- "A. The Council will cease action with reference to the Section 401 (Local Government Act) Notice (height of retaining wall and fence).*
- B. The Council will cease action with reference to the Section 10 (Town Planning and Development Act) Notice (fence and fill).*
- C. The Council will resolve drainage and parking issues associated with the new road in the subdivision.*
- D. The Appellant agreed (with reference to the proposed development) that all affected windows on the upper level facing the side boundaries would have cill [sill] heights of 1.6 metres as required by the Policy [Residential Design Codes].*
- E. Subject to reasonable development conditions, the Council will approve the proposed development (AP 07906.02L).*
- F. The Appellant will cease action under the Section 18 (2) appeal (021.18(2) Vincent)."*

In the mediated outcome document the mediators and committee members advised that *"the parties agreed that the best planning and administrative outcome would be achieved if all issues could be resolved together"*. The mediators and committee members at the mediation conferences also advised that the Minister for Planning and Infrastructure will most likely uphold the appeal and approve the proposed development.

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

Mayor Catania advised that Crs Drewett and Franchina had declared a proximity interest in Item 10.1.1. Crs Drewett and Franchina departed from the Chamber at 7.12pm and did not speak or vote on the matter.

**10.1.1 Further Report - Nos. 313-315 (Lots 1 and 2) Oxford Street, Leederville - Proposed Demolition of Two (2) Existing Single Houses and Construction of Eight (8) Two-Storey Multiple Dwellings Including Two (2) Single Bedroom Dwellings and Associated Semi-Basement Carparking (Previously Construction of Four (4) Two-Storey Grouped Dwellings and Four (4) Multiple Dwellings)**

<b>Ward:</b>	Mount Hawthorn	<b>Date:</b>	26 November 2002
<b>Precinct:</b>	Leederville, P3	<b>File Ref:</b>	PRO 2111 00/33/1214
<b>Reporting Officer(s):</b>	S Robertson		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman		
<b>Amended by:</b>	-		

***FURTHER OFFICER RECOMMENDATION:***

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Hillam Architects on behalf of the owners Filton Pty Ltd for the proposed demolition of the existing two single houses and construction of eight (8) two-storey multiple dwellings including two (2) single bedroom dwellings and associated semi-basement carparking on Nos.313-315 (Lots 1 and 2) Oxford Street, Leederville, and as shown on the amended plans stamp-dated 22 November 2002, subject to:*

- (i) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
  - (a) the plot ratio floor area of the entire development being a maximum of 0.7 as prescribed in the Residential Design Codes;*
  - (b) the single bedroom units 1 and 4 each having a maximum plot ratio floor area of 60 square metres as prescribed in the Residential Design Codes;*
  - (c) the ground and first floors of units 5 and 8 and the first floor of units 1 and 4 being setback from the northern and southern side boundaries, respectively, in accordance with the setback requirements of the Residential Design Codes; and*
  - (d) a visual truncation of 2.0 metres by 2.0 metres being provided at the intersection of the proposed driveways and the right of way and at the owner's cost;*

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

- (ii) *prior to the first occupation of the development, a mature tree, having a minimum height of 5.0 metres when planted, shall be planted in each of the rear courtyards of Units 5, 6, 7 and 8 adjacent to the rear right of way. Details of the trees to be planted shall be submitted to and approved by the Town prior to the issue of a Building Licence;*
- (iii) *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);*
- (iv) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
- (v) *prior to the first occupation of the development, the full length and width of the right of way from the existing sealed portion of the right of way to the 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;*
- (vi) *a bond and/or bank guarantee for \$1600 for the full upgrade of the right of way shall be lodged prior to the issue of a Building Licence;*
- (vii) *a road and verge security deposit bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (viii) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (ix) *subject to first obtaining the consent of the owners of Nos. 311 and 317 Oxford Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing south and north respectively in a good and clean condition;*
- (x) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (xi) *an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*

- (xii) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to Oxford Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (xiii) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Oxford 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);*
- (xiv) *no street trees shall be removed, cut back, pruned or interfered with in any way, without the prior approval of the Town's Parks Services Section;*
- (xv) *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";*
- (xvi) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (xvii) *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;*
- (xviii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division; and*
- (xix) *compliance with all relevant Environment Health, Engineering and Building requirements;*

*to the satisfaction of the Chief Executive Officer.*

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**COUNCIL DECISION ITEM 10.1.1**

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

*That the recommendation be adopted.*

**Debate ensued**

**LOST (0-6)**

**For**  
**Nil**

**Against**  
**Mayor Catania**  
**Cr Chester**  
**Cr Cohen**  
**Cr Doran-Wu**  
**Cr Hall**  
**Cr Piper**

**(Crs Drewett and Franchina were absent from the Chamber and did not vote. Cr Ker on leave of absence.)**

**Reasons:**

1. **Bulk and scale is considered excessive.**
2. **Loss of amenity.**
3. **Consideration of objections received.**

**FURTHER REPORT:**

The Council at its Ordinary Meeting held on 10 September 2002 deferred consideration of a similar proposal to this revised application, at the request of the applicant.

The current proposal involves the demolition of two (2) existing single houses and construction of eight (8) two storey multiple dwellings, with undercroft parking off of a privately owned and sealed 5.0 metres wide right of way. Amended plans were submitted on 22 November 2002.

The following compliance table relates to the revised proposal.

<b>Requirements</b>	<b>Required</b>	<b>Proposed</b>
Northern side Unit 1 -ground floor - first floor Unit 5 - first floor	1.5 metres 1.6 metres 1.8 metres	1.0 - 1.5 metres 1.0 – 1.5 metres 1.5 metres
Southern side Unit 4 - ground floor - first floor Unit 8 - first floor	1.5 metres 1.6 metres 1.8 metres	1.0 - 1.5 metres 1.0 – 1.5 metres 1.5 metres
Building Height*	Top of external wall (concealed roof) - 7.0 metres Top of pitched roof - 9.0 metres	Top of external wall (concealed roof) - 9.0 metres
Single Bedroom Dwellings (Units 1 and 4)	Maximum plot ratio 60 square metres	69.45 square metres
Plot Ratio	Multiple dwelling – 0.7 (885 square metres)	Multiple dwelling – 0.76 (960 square metres)
Use Class	Multiple Dwellings	
Use Classification	'P'	
Land Area	1264 square metres	

\* *Building Height is the height above natural ground level and includes the proposed site fill.*

In support of their application, the applicant has submitted the following additional information in a letter dated 21 November 2002:



"Dwellings facing Street

*The design of the four front dwellings have been amended as follows:*

- *Provision of horizontal lapping of units to comply with Council's interpretation of the definition of multiple dwellings.*
- *The reduction of single bedroom units to 60 square metres.*
- *The provision of a side setback to eliminate the parapet construction at the front of the lot.*

Density

- *Units 1 and 4 are now single bedroom apartments, and the 50% bonus is sought on these with regard to plot ratio for multiple dwellings calculations...*

Setbacks

- *The Oxford Street setback has been increased to a minimum of 6.0 metres. This exceeds Council's requirements where a 4500 mm setback would be acceptable for lower level construction.*
- *The proposed boundary parapet construction to the front dwellings has been eliminated.*
- *Construction on the boundary has been reduced from 215 square metres (originally proposed) to 21 square metres at the rear of the current proposal.*
- *The occupied sections of the dwellings have been set off the boundary, Generally the side setbacks comply or require minor concessions.*

Plot Ratio

- *Our calculations indicate that plot ratio complies.*

Building Height

- *The building height at the rear has been reduced by 800mm to the 9.0 metre maximum.*
- *The rear section of construction is similarly scaled to the three storey construction adjacent to the north.*

Building Mass

- *The building mass has been substantially reduced through the increased side setbacks.*
- *The rear terrace fencing has been further "Broken up" through the provision of "slatted" screens."*

**Multiple Dwellings**

The applicant has amended the configuration of the dwellings to comply as eight (8) multiple dwellings as defined in the Residential Design Codes.

**Single Bedroom Dwellings and Density**

The applicant has requested that Unit 1 and Unit 4 be assessed as single bedroom dwellings, to achieve a density bonus. The new Residential Design Codes (R-Codes) allow a bonus of up to 50 per cent, but limit the plot ratio floor area to a maximum of 60 square metres per dwelling.

The design of the units does not comply with the R-Codes. The R-Codes limit the plot ratio floor area to sixty (60) square metres, whereas the proposed plot ratio for Units 1 and 4 is approximately 69 square metres each. The Officer Recommendation has been conditioned to ensure the single bedroom dwellings comply with this requirement, such that the scale and nature of such dwellings are restricted accordingly and the density bonus is supported on this basis.

### **Plot Ratio and Building Height**

The subject site falls within the Oxford Locality, where it states that two storey development including loft may be considered if set back a minimum of 6.0 metres from the street frontage. The Town's Policy relating to Building Scale details that two-storey development with a concealed roof shall have a maximum external wall height of 7 metres. The proposal includes the development of four two-storey multiple dwellings at the rear of the property above a car parking area. This effectively creates a three-storey development as the proposed wall height is 9.0 metres, which relates to a total height of 9.0 metres to the top of a pitched roof for a two storey development with an external roof. The proposed building height may not necessarily have any undue negative impact on neighbouring properties, as it fronts on to the right of way and the property slopes down from Oxford Street to the right of way. Neighbouring properties generally consist of two-storey development, and the northern neighbouring house has a loft above the second storey. There is a three storey multiple dwelling development on the opposite side of Bennelong Place.

The proposed building height is supported on the basis that the plot ratio be reduced to comply with the 0.7 requirement of the Residential Design Codes, that the side setbacks of the development on the upper floors will be required to be increased to comply with the provisions of the Residential Design Codes, that the proposal addresses Oxford Street as a two storey development, that the rear and side elevations have varying architectural design features, that the setback from the upper floors to the boundary to the property opposite the right of way is greater than 9.0 metres and that a mature tree will be required to be planted in each of the courtyards adjacent to the right of way, The outcome will then result in a development, which is generally supportable in terms of bulk, height and scale in this instance.

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

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

*“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 Hillam Architects on behalf of the owners Filton Pty Ltd for the proposed demolition of the existing two single houses on Nos.313-315 (Lots 1 and 2) Oxford Street, Leederville, and as shown on the plans stamp-dated 12 July 2002, subject to:*
  - (a) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
  - (b) 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;*
  - (c) a development proposal for the redevelopment of the subject property shall be submitted and approved prior to the issue of a Demolition Licence;*

- (d) *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;*
- (e) *demolition of the existing dwelling may make the property ineligible for any 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;*
- (f) *any redevelopment on the site should use the adjacent right of way for motor vehicle access where possible and be sympathetic to the scale and rhythm of the streetscape in line with the Town of Vincent Town Planning Scheme No.1 and associated Policies; and*
- (g) *compliance with all relevant Environment Health, Engineering and Building requirements; and*
- (ii) *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 density, setbacks, plot ratio and courtyard/private open space requirements of the Residential Planning Codes (R-Codes); and*
  - (c) *consideration of the objections received;*

*the Council REFUSES the application stamp dated 12 July 2002 submitted by Hillam Architects on behalf of the owners Filton Pty Ltd, for the construction of four(4) two-storey grouped dwellings and four (4) multiple dwellings at Nos. 313-315 (Lots 1 and 2) Oxford Street, Leederville.*

COUNCIL DECISION ITEM 10.1.18

Moved by Cr Cohen, Seconded by Cr Hall

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

CARRIED (7-0)

*(Crs Drewett and Piper absent from the meeting.)*

LANDOWNER(S):	<i>Filton Pty Ltd</i>
APPLICANT(S):	<i>Hillam Architects</i>
ZONING:	<i>Metropolitan Region Scheme - Urban Town Planning Scheme No. 1 - Residential R60</i>
EXISTING LAND USE:	<i>Two single houses</i>

*COMPLIANCE:*

<i>Requirements</i>	<i>Required</i>	<i>Proposed</i>
<i>Oxford Street Setback</i>	<i>6 metres</i>	<i>4.5 metres</i>
<i>Northern side</i>		
<i>- ground floor (Unit 1)</i>	<i>1.5 metres</i>	<i>nil</i>
<i>- first floor (Unit 1)</i>	<i>1.8 metres</i>	<i>nil</i>
<i>- ground floor (Unit 5)</i>	<i>1.5 metres</i>	<i>1.256 metres</i>
<i>- first floor (Unit 5)</i>	<i>2.0 metres</i>	<i>1.265 metres</i>
<i>- basement</i>	<i>1.5 metres</i>	<i>nil</i>
<i>Southern side</i>		
<i>- ground floor (Unit 4)</i>	<i>1.8 metres</i>	<i>nil</i>
<i>- first floor (Unit 4)</i>	<i>2.0 metres</i>	<i>1.265 metres</i>
<i>- ground floor (Unit 8)</i>	<i>1.5 metres</i>	<i>nil</i>
<i>- first floor (Unit 8)</i>	<i>2.0 metres</i>	<i>1.256 metres</i>
<i>- basement</i>	<i>1.5 metres</i>	<i>nil</i>
<i>Plot Ratio (max)</i>	<i>0.55</i>	<i>0.88</i>
<i>Courtyard Area for Grouped Dwellings</i>	<i>24 square metres with minimum dimension 4 metres per dwelling</i>	<i>Units 2 and 3 minimum dimension 3.5 metres</i>
<i>Density</i>	<i>7 grouped or multiple dwellings at 166.67 square metres of lot area per dwelling</i>	<i>8 dwellings proposed</i>

<i>Use Class</i>	<i>Grouped dwellings and multiple dwellings</i>
<i>Use Classification</i>	<i>'P'</i>
<i>Land Area</i>	<i>1264 square metres</i>

*SITE HISTORY:*

*The site currently consists of two single storey single houses.*

*DETAILS:*

*The proposal involves the demolition of two (2) existing single houses and construction of eight (8) two storey grouped dwellings.*

*The applicant has submitted the following:*

*"The new development will have a positive effect on the context. All vehicular access to the development is from the rear right of way, benefiting the streetscape which has a pedestrian feel.*

*The proposal seeks minor concessions with respect to setbacks. The development benefits from the undercroft garage, which allows all of the units to have generous front and rear yard/open space.*

*The zoning allows for the construction of 7.8 dwellings. I attach sections of a report for a project in Bulwer Street, which indicates Council is able to exercise discretion in respect to density. The perception of density in this project, in fact would be less than a project of say only seven dwellings, which had parking "at grade". The fact that all of the parking is accessed from the rear, and is in an undercroft means that significant sections of the site are not dedicated to driveways and garages. We request that Council exercises some discretion in respect to density, as the concession is minor in comparison to the benefits provided by the development configuration."*

**CONSULTATION/ADVERTISING:**

*Twelve objections were received during the consultation period. Concerns including those relating to a reduction to parking, three storey nature, height, bulk, scale, loss of views, loss of privacy and noise.*

**COMMENTS:**

*Demolition*

*Heritage assessments of both places are contained in Appendix 10.1.18.*

*The heritage assessments of the two dwellings on the site were undertaken by Considine and Griffiths Architects on behalf of the applicant. The heritage assessments contain very little historical evidence and as such, the assessments are based primarily on the physical fabric and setting of the two dwellings. The following historical research has subsequently been undertaken by the Town to fulfil this part of the assessment process.*

*The two dwellings are situated on Lots 1 and 2 of Perthshire Location Ac. Perthshire Location Ac was one of the land grants that was taken up by William Leeder during the early years of the colony. Perthshire Location Ac and the other four land grants that made up the Leeder Estate were sold during the prosperous years of the Gold Rush to make way for suburban development. In 1892, three subdivisions were opened in the area that was aptly named 'Leederville'. The No.3 Leederville subdivision of Locations 1, Ay and Ac offered large garden lots of around two acres to ten acres between Bourke Street and Anzac Road.*

*As the population of Perth continued to increase, the large garden lots of Leederville were further subdivided into smaller suburban lots. Lot 16 fronting Oxford Street, which was owned by butcher, William Allen and clerk, Albert Henry Allen was subdivided in 1921 and Lots 1 and 2 that are the subject of this assessment were subsequently created. In 1925, Lot 1 was purchased by Alexander Bruce Campbell and Lots 2 and 3 were purchased by Charles Worthy Johnson. The two dwellings were constructed on the lots soon after this. No links of historical importance have been made with either of the places.*

*Considine and Griffiths Architects determined through their assessment that the two places are representative of Inter-War California and Inter-war Functionalist style bungalows. In all other respects, the places are not rare and exhibit little cultural heritage value. The two dwellings are flanked on both sides by post 1970s two-storey medium density developments. Although being generally representative of their era, the places are not exemplars of their type and furthermore, their original context and setting has been significantly eroded by the surrounding medium density developments. 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.*

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

*Development*

*Density*

*The Residential Planning Codes (R-Codes) for an R60 density require 166.67 square metres per strata lot - grouped and multiple dwelling. The current land area is 69.33 square metres short of meeting these requirements and as such the proposal is considered to be an overdevelopment of the site.*

*Plot Ratio*

*The proposed plot ratio is not supported due to non-compliance with R-Codes requirements and the unreasonable impact on the amenity and streetscape of the area.*

*Side Setbacks*

*The variations to the northern and southern side setbacks are not considered supportable due to the unreasonable adverse impact on adjacent properties, especially due to the height of the proposed retaining and nil setback walls.*

*Overall Development*

*The proposed development involves a significant number and extent of non-compliances with the relevant development requirements under the Residential Planning Codes, which results in a development that will unreasonably adversely affect the streetscape and amenity of the area.*

*Accordingly, it is recommended that the proposed grouped and multiple dwelling development be refused for the reasons outlined above."*

Crs Drewett and Franchina returned to the Chamber at 7.20pm. Crs Drewett and Franchina were advised that Item 10.1.1 was lost (0-6).

**10.1.7 No. 275 (Lot 50) Stirling Street, Corner Bulwer Street, Perth – Proposed Alterations and Two Storey Recreational Facility Additions to the Existing Club**

<b>Ward:</b>	North Perth	<b>Date:</b>	25 November 2002
<b>Precinct:</b>	Beaufort, P13	<b>File Ref:</b>	PRO1284 00/33/1208
<b>Reporting Officer(s):</b>	S Robertson		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owners Australian Asian Association for the proposed alterations and two storey recreational facility additions to the existing club on No. 275 (Lot 50) Stirling Street, corner Bulwer Street, Perth and as shown on the plans stamp dated 9 July 2002, subject to:*

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) the use of the recreational facility shall remain incidental, ancillary and related to the activities and operations of the 'club' occupying the premises;*
- (iii) a detailed management plan that addresses the control of noise, traffic, car parking, litter and anti-social behaviour (to reasonable levels) associated with the development shall be submitted and approved prior to the first occupation of the development, and thereafter implemented and maintained;*
- (iv) prior to the issue of the Building Licence, the applicant/landowner shall pay a cash-in-lieu contribution of \$14 100 for the equivalent value of 5.64 car parking spaces, based on the cost of \$2500 per bay as set out in the Town's 2002/2003 Budget;*
- (v) the recreational facility component of the development shall be adequately sound insulated prior to the first occupation of the development. The necessary sound insulation shall be in accordance with the recommendations, developed in consultation with the Town, of an acoustic consultant registered to conduct noise surveys and assessments in accordance with the Environmental Protection Act 1986. The sound insulation recommendations shall be submitted and approved prior to the issue of a Building Licence. The engagement of and the implementation of the recommendations of this acoustic consultant are to be at the applicant's/owner(s)' costs;*
- (vi) the approval is valid for the first floor recreational facility extensions and associated alterations only and does not include any alterations to the existing building, which would require a separate Planning Approval to be applied for and obtained from the Town prior to commencement of such alterations;*
- (vii) the gross floor area of the recreational facility additions component shall be limited to a maximum of 321 square metres;*

- (viii) *prior to the first occupation of the development, three (3) bicycle parking rails, shall be provided at a location convenient to the entrance of the development within the subject property. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (ix) *a road and verge security bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the Town's assets in the Oxford Street road reserve are reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond must be made in writing to the Town;*
- (x) *subject to first obtaining the consent of the owners of No. 273 Stirling Street and Nos. 77 and 87 Bulwer Street, Perth for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing south, north and west respectively in a good and clean condition; and*
- (xi) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- to the satisfaction of the Chief Executive Officer.*

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**Moved Cr Hall, Seconded Cr Cohen**

*That the recommendation be adopted*

*Debate ensued*

**Cr Piper departed the Chamber at 7.21pm.**

*Debate ensued.*

**Cr Piper returned to the Chamber at 7.23pm.**

**COUNCIL DECISION ITEM 10.1.7**

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

*That this Item be DEFERRED for further investigation and report on the site history and use.*

**CARRIED (8-0)**

**(Cr Ker on leave of absence.)**

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**LANDOWNER:** Australian Asian Association  
**APPLICANT:** Australian Asian Association  
**ZONING:** Metropolitan Region Scheme: Urban  
Town Planning Scheme No 1: Residential  
(R80)/Commercial  
**EXISTING LAND USE:** Club (Private)

**COMPLIANCE:**

Use Class	Club
Use Classification	"SA"
Lot Area	811 square metres



**Car Parking:**

Car parking requirement (nearest whole number) for the whole development <ul style="list-style-type: none"> <li>▪ Office-15 bays</li> <li>▪ Recreation-19 bays</li> </ul>	34 car bays
Apply the adjustment factors: <ul style="list-style-type: none"> <li>▪ 0.85 (within 400 metres of a bus stop)</li> <li>▪ 0.8 (within 50 metres of one or more public carparks in excess of 50 spaces)</li> <li>▪ 0.95 (provides onsite bicycle parking)</li> </ul>	(0.646)  21.96 car bays
Minus the car parking provided on site.	6 car bays
Minus the most recently approved on site car parking shortfall.	10.32 car bays
Resultant shortfall (if less than or equal to 0.5 car bays, no parking bays or cash-in-lieu is required)	5.64 car bays

**SITE HISTORY**

- 13 November 1995      At its Ordinary Meeting, the Council granted conditional Planning Approval for extensions to an existing community centre.
- 23 July 2002          The Planning Application was suspended pending the commencement of 'SA' advertising by the applicant.

**CONSULTATION/ADVERTISING:**

One comment was received during the advertising period objecting to the placement of full length windows in the wall of the ground floor level of the northern elevation of the plans, which may afford overlooking into an adjacent commercial premises.

**DETAILS:**

The subject site is located along Stirling Street at the intersection with Bulwer Street, and is occupied by a two storey building occupied by the Australian Asian Association. The proposal seeks to add a 321 square metres recreation room at the first floor level, set back behind an existing first floor extension.

**COMMENTS:**

**Beaufort Precinct**

The subject property is located in the Beaufort Precinct, and land zoned Residential/Commercial R80 is generally encouraged to have a two-thirds residential component. The existing club has been occupying the premises for a number of years and the extension is not considered to prejudice future residential development in what is an existing and firmly entrenched commercial area.

**Car Parking**

The proposed recreation room addition to the existing club will not result in the provision of any additional carparking on site. Accordingly, there is a resultant shortfall of 5.64 car bays and this has been conditioned in accordance with the Town's 'cash-in-lieu' carparking provision.

**Privacy**

The proposed development application will result in a first floor extension that has no windows in any of the elevations that would overlook neighbouring commercial properties. The application does not show any alterations to or additions of windows at the ground floor level. Notwithstanding this information, any future modifications to the commercial building in the future are subject to a separate Planning Approval and the recommendation has been conditioned accordingly.

**Summary**

The proposed extensions to the Australian Asian Association Club will be largely indiscernible when viewed from the street. The shortfall in parking has been conditioned in accordance with the Town's Policy relating 'Parking and Access'. The nature of the recreational facility use has been conditioned to ensure it remains ancillary to the approved existing club use on the site.

It is recommended that the Council approve the proposal, subject to standard and appropriate conditions to address the above matters.

**10.1.2 No. 29 (Lots 98 & 99) Monger Street, Corner Money Street, Perth - Proposed Change of Use from Single House to Office Building and Associated Carport Additions**

<b>Ward:</b>	North Perth	<b>Date:</b>	26 November 2002
<b>Precinct:</b>	Beaufort, P13	<b>File Ref:</b>	PRO 2181 00/33/1377
<b>Reporting Officer(s):</b>	P Mastrodomenico		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by the landowner F & I Di Fulvio for proposed change of use from single house to office building and associated carport additions on No 29 (LotS 98 & 99) Monger Street, corner Money Street, Perth as shown on the plans dated 28 October 2002 and 8 November 2002, subject to;*

- (i) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Monger Street and Money Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (ii) 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);*
- (iii) prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating the carport adjacent to Money 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 building on site.  
  
*The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;**
- (iv) prior to the first occupation of the development, one (1) class three bicycle parking rail, shall be provided at a location convenient to the entrance of the development within the subject property. Details of the design and layout of the bicycle parking facility shall be submitted and approved prior to the installation of such facility;*
- (v) all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (vi) a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Monger Street and Money 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);*

- (vii) *detailed plans of site works, including identification of pavement type, drainage, and parking shall be submitted with the Building Licence application;*
- (viii) *a visual truncation of 2 metres by 2 metres at the intersection of the driveway and the footpath shall be provided at the owner's cost;*
- (ix) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (x) *a road and verge security deposit bond and/or bank guarantee of \$440.00 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (xi) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (xii) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (xiii) *details of all street trees adjacent to the subject property shall be submitted with the Building Licence application;*
- (xiv) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s); and*
- (xv) *compliance with all relevant Environmental Health, Engineering and Building requirements;*

*to the satisfaction of the Chief Executive Officer.*

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**Moved by Cr Hall, Seconded by Cr Piper.**

*That the recommendation be adopted.*

**Cr Franchina departed the Chamber at 7.33pm.**

*Debate ensued*

**Cr Franchina returned to the Chamber at 7.35pm.**

**Moved by Cr Piper, Seconded by Cr Chester**

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

*"(xvi) prior to any fitout, alterations and/or additions to the building, and/or the first occupation of the development, whichever occurs first, amended plans shall be submitted and approved depicting the provision of access and toilet facilities for persons with disabilities. All such works shall be undertaken prior to the first occupation of the development;"*

*Debate ensued.*

**AMENDMENT CARRIED (8-0)**

**(Cr Ker on leave of absence.)**

**Moved by Cr Hall, Seconded by Cr Piper**

*That, clause (iii) be deleted and the remaining clauses be renumbered accordingly.*

Debate ensued.

**AMENDMENT CARRIED (8-0)**

(Cr Ker on leave of absence)

**MOTION AS AMENDED CARRIED  
BY AN ABSOLUTE MAJORITY (8-0)**

(Cr Ker on leave of absence)

**COUNCIL DECISION ITEM 10.1.2**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by the landowner F & I Di Fulvio for proposed change of use from single house to office building and associated carport additions on No 29 (LotS 98 & 99) Monger Street, corner Money Street, Perth as shown on the plans dated 28 October 2002 and 8 November 2002, subject to;*

- (i) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Monger Street and Money Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (ii) 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);*
- (iii) prior to the first occupation of the development, one (1) class three bicycle parking rail, shall be provided at a location convenient to the entrance of the development within the subject property. Details of the design and layout of the bicycle parking facility shall be submitted and approved prior to the installation of such facility;*
- (iv) all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*

- (v) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Monger Street and Money 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);*
- (vi) *detailed plans of site works, including identification of pavement type, drainage, and parking shall be submitted with the Building Licence application;*
- (vii) *a visual truncation of 2 metres by 2 metres at the intersection of the driveway and the footpath shall be provided at the owner's cost;*
- (viii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (ix) *a road and verge security deposit bond and/or bank guarantee of \$440.00 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (x) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (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) *details of all street trees adjacent to the subject property shall be submitted with the Building Licence application;*
- (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) *compliance with all relevant Environmental Health, Engineering and Building requirements; and*
- (xv) *prior to any fitout, alterations and/or additions to the building, and/or the first occupation of the development, whichever occurs first, amended plans shall be submitted and approved depicting the provision of access and toilet facilities for persons with disabilities. All such works shall be undertaken prior to the first occupation of the development;*

*to the satisfaction of the Chief Executive Officer.*

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<b>LANDOWNER:</b>	F & I Di Fulvio
<b>APPLICANT:</b>	F & I Di Fulvio
<b>ZONING:</b>	Metropolitan Region Scheme - Urban Town Planning Scheme No. 1 - Residential (R80)/Commercial
<b>EXISTING LAND USE:</b>	Single House

**COMPLIANCE:**

<b>Requirements</b>	<b>Required</b>	<b>Proposed</b>
Residential Component	66 per cent	Nil
Car parking	2.2 car bays (110 square metres of gross floor area)	4 car bays shown however, adequate maneuvering area for 2 bays only.
Setback to Money Street	Carport to be setback at or behind the line of the front main building wall (not open verandah, porch, potico, balcony and the like) of the nearest dwelling on site	Nil
Eastern setback	1.0 metre	Nil
Use Class	Office Building	
Use Classification	"AA"	
Lot Area	243 square metres	

**Bicycle Parking Facilities:**

<b>Required</b>	<b>Provided</b>
One Class 3 bicycle parking facility for workers/visitors	Nil shown on plans

**DETAILS:**

Approval is sought for a change of use for an existing dwelling into a commercial office and associated rear carport additions. The development proposes 110 square metres of general office space. Four (4) car parking bays, two rows of two car bays in tandem arrangement, have been shown at the rear of the building with access directly off Money Street.

**CONSULTATION/ADVERTISING:**

One submission was received during the consultation period. The comments received state the adjacent property owner has no objection to the proposal providing the footings on the boundary to the eastern side do not encroach on the neighbouring property.

**COMMENTS:**

The majority of land uses along Monger Street and Money Street are a mixture of commercial, residential and residential/commercial. The proposed change of use has proposed to utilise the existing dwelling for the use of an office, and therefore does not unduly detract from the established streetscape.

The use of the building as an office is considered to have a negligible impact on the surrounding properties. Money Street provides rear access and parking for the development, which fronts Monger Street. Four car parking spaces are provided to the rear of the building. According to the Town's Technical Services only two car parking bays can be allocated with adequate area for maneuvering. In accordance with the Town's Parking and Access Policy, the 2.2 car parking bays required for 110 square metres of gross floor area can be rounded to the nearest whole number, therefore in this instance 2 car parking bays are considered adequate.

A nil setback to the carport from Money Street is proposed. In order to reduce the impact on the streetscape the carport has been conditioned to be setback in line with or behind the existing main building.

A nil setback is proposed to the eastern side. The proposed footings on the boundary do not encroach on the neighbouring property and therefore the proposal is considered acceptable. It is the owner's/builder's responsibility to ensure the entire development, including the footings, are contained within the property.

The Town's Parking and Access Policy requires the provision of bicycle parking facilities for all commercial properties. As the proposed commercial use is only a small scale development, one Class 3 bicycle parking facility for workers/visitors is required to be provided.

The applicant in a submission to the Town has stated the following;

*"We understand that one of the provisions of the Town of Vincent regarding mixed residential /commercial development is that any future mixed development in the Beaufort Precinct must be built with a residential component of no less than 66 percent. We fully recognise and will comply to this standard in the future if a mixed development is required by us".*

Given the above information and that the subject property is located within an immediate area which currently accommodates residential dwellings, former dwellings used for commercial purposes, and mixed use development, the proposed use is not considered to have an undue detrimental impact on the residents' amenity and streetscape of this area.

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



Mayor Catania advised that Cr Franchina had declared a proximity interest in Item 10.2.2. Cr Franchina departed from the Chamber at 7.46pm and did not speak or vote on the matter.

**10.2.2 Charles Street – Road Widening Proposal**

<b>Ward:</b>	Both Wards	<b>Date:</b>	24 November 2002
<b>Precinct:</b>	Cleaver Precinct; P5 Smith's Lake Precinct; P6 North Perth Centre Precinct; P7 North Perth Precinct; P8 Hyde Park Precinct; P12	<b>File Ref:</b>	LEG0035 & PLA0022
<b>Reporting Officer(s):</b>	R Lotznicher		
<b>Checked/Endorsed by:</b>	-		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *receives the report on the Charles Street road widening proposal outlining the discussions and proposals as developed by the Town's Local Area Traffic Management Advisory Group;*
- (ii) *notes that there is insufficient room within the Charles Street road reserve, including the 3.66m widening, at the Vincent Street intersection and south of Vincent Street to accommodate a south bound dedicated bus lane and cycle lane as proposed by the Department for Planning and Infrastructure in its Charles Street Study as presented to Council;*
- (iii) *requests the Department for Planning and Infrastructure to review its current proposal for the future installation of a dedicated south bound bus lane and cycle lane between Angove and Carr Streets and, as an alternative, considers adopting the following proposals for the reasons outlined in this report;*
  - (a) *investigates the implementation of either Option A - Installation of a dedicated south bound Bus Lane between Claverton Street and the existing bus embayment south of Vincent Street, as outlined on plan No 2124-CP-1, or, Option B - Installation of a dedicated south bound Bus Lane between Claverton Street and Carr Street as shown on plan No 2124-CP-2, including typical cross sections as outlined on plan No 2124-CP-3;*
  - (b) *ensures that any future proposal for Charles Street maintains a minimum 1.80m wide painted/solid median Island/s between Angove and Carr Streets. to cater for pedestrians and cyclists;*
  - (c) *ensures that any future proposal for Charles Street allows for a minimum of 2 x 4.0m wide inner traffic lanes to accommodate cyclists;*
  - (d) *ensures that any future proposal for Charles Street includes improvements to the Vincent Street / Charles Street traffic signals;*

- (e) *retains the existing road widening requirement between Albert and View Streets to accommodate any future bus priority measures in Charles Street, in conjunction with the future installation of traffic signals at the Bourke/View/Charles intersection to facilitate future bus priority measures, assist to regulate traffic flow and provide a safe crossing point for pedestrians and cyclists;*
  - (f) *incorporates the installation of parallel walk phases at the intersection of Charles and Vincent and Charles and Carr Streets into the Charles Street proposal;*
  - (g) *considers upgrading the lighting along Charles Street to 250 watt high pressure sodium including the installation of centre of road double outreach lighting from the Western Power supported decorative street lighting range;*
  - (h) *in accordance with the proposal as outlined in (a),(b) and (e) above, considers returning previously reserved land, outside of the area under consideration, to adjacent property owners in the long term; and*
- (iv) *receives a further report on the Charles Street road widening proposal once a formal response regarding the Town's proposal/s has been received from the Department for Planning and Infrastructure.*
- 

**COUNCIL DECISION ITEM 10.2.2**

**Moved by Cr Drewett, Seconded by Cr Chester**

*That the recommendation be adopted.*

*Debate ensued.*

**CARRIED (7-0)**

**(Cr Franchina was absent from the Chamber and did not vote. Cr Ker on leave of absence.)**

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**BACKGROUND:**

On 26 March 2002 a report entitled "West Vincent Integrated Transport Plan" was presented to the Council at its Ordinary Meeting, however, the Council resolved:

*"That this Item LIE ON THE TABLE".*

On 23 April 2002, a further report entitled "West Vincent Integrated Transport Plan" was presented to the Council, where the following resolution relating specifically to Charles Street was adopted (in part):

*"That the Council;*

- (ii) *supports, in principle, the draft "West Vincent Integrated Transport Plan " dated January 2002, and generally agrees with proposal Nos 1, 5, 6, 7, 8, 10, 11, 12, 13, 14 and 15 as outlined in the Implementation Plan, however, requests that the Department of Planning and Infrastructure, in consultation with the Town of Vincent, further considers the following items in the Implementation Plan;*
- (a) *further explores options that take into account the overall impact on adjoining residents, access for adjoining residential streets, on the level of service of Charles Street and the Town's higher order roads and the impact on all road users of implementing bus priority lanes and cycle lanes on Charles Street as outlined in proposal Nos 1 and 2;*
  - (c) *explores the construction/implementation of routes other than Carr Street , between Charles and Fitzgerald Streets , for bus access to and from the Perth CBD in light of the proposed introduction of additional "900 series" routes along Charles Street, as suggested in proposal No. 3;*
  - (d) *demonstrating the feasibility of designing safe and convenient southbound cycle and bus lanes adjacent to each other with high bus volumes, two (2) bus stops and four (4) entering/exiting roads within one (1) kilometre;*
  - (e) *the need to design a reservation and ultimate roadway to avoid, to the greatest extent possible, demolition of heritage properties and to minimise adverse impacts on all properties;*
  - (f) *the need to design the reservation and ultimate roadway to reduce the long straight wide vista that encourages high speed driving when traffic is not congested;*
  - (g) *the development of urban design guidelines to enhance the relationship of future development with Charles Street;*
- (iv) *receives a further comprehensive report once the issues outlined in Clause (ii) above have been further investigated by the Department of Planning and Infrastructure and have been assessed by the Town's officers."*

On 22 May 2001, the Council considered a report on the West Vincent ITP: Issues and Options Paper and Transport Western Australia and Town of Vincent By-Law No 62 (Building Line), where the following resolution was adopted (in part):

*"That the Council:*

- (ii) *generally supports the "West Vincent Integrated Transport Plan: Issues and Options Paper" dated March 2001 from Transport Western Australia, and requests that the following matters being further considered:*
  - (a) *incorporating the proposed Travel Smart Individualised Marketing Program with the West Vincent Integrated Transport Plan to facilitate Behavioural Change including the impact of Travel Smart outside the Town of Vincent;*
  - (b) *retention of the current road hierarchy for Charles, Loftus and London Streets as per the existing Metropolitan Functional Road Hierarchy;*
  - (c) *explore the possible impacts on adjoining resident streets of implementing bus priority lanes on major roads through the Town; and*

- (d) *actively investigate the introduction of a CAT service for the Town; and*
- (iii) *advises Transport Western Australia, Main Roads Western Australia and Ministry for Planning that it supports the proposal .....subject to the Town being closely involved and consulted with regards to the Planning Control Area, West Vincent Integrated Transport Plan, Route Definition Study and Metropolitan Region Scheme Reservation, in relation to Charles Street."*

On the 27 August 2002 a report on the "Charles Street Road Reservation Study" was presented to the Council where the following resolution was adopted (in part):

*That the Council;*

- (i) *receives the letter dated 27 February 2002 and the report dated February 2000 on the Charles Street Road Reservation Study - Urban Design Analysis from the Department for Planning and Infrastructure as shown in Appendix 10.4.4;*
- (ii) *advises the Department for Planning and Infrastructure that the Town:*
- (c) *has referred the issue of Charles Street to its Local Area Traffic Management Advisory Group; and*
- (d) *will make a further response when Council has received advice from the Town's Local Area Traffic Management Advisory Group;*

#### **DETAILS:**

##### **Department of Planning and Infrastructure (DPI) suggestions for Charles St**

A summary of DPI's suggestions for Charles Street as reported to the Ordinary Meeting of Council held on 27 August 2002 is as follows:

- The western side of Charles Street carriageway to remain in its present position.
- The eastern side carriageway would be widened to allow for a new bus lane consuming the full 3.66 metres PCA.
- The proposed new road design between Albert and Angove Streets would require approximately four buildings to be demolished, including two heritage-listed properties.
- Further demolitions would be required of buildings which contribute significantly to the amenity of the area north of Angove Street.
- The proposed road design between Albert and Vincent Streets would require only one demolition, but would seriously reduce the amenity of over 30 residences by reducing their setbacks by 4-5 metres.
- South of Vincent Street, implementation of the proposed bus lane would require only one demolition, and would have only minimal impact on setbacks to residences.

DPI suggested that possible strategies to minimise negative impacts of the bus lane could include working with the Town of Vincent to develop appropriate planning policies for Charles Street, such as:

- Zoning to allow for higher density residential development, more commercial and mixed use (such as 'shop top' housing) development
- Design guidelines for commercial properties.
- Design guidelines for residential developments.

Adjusting the proposed design to incorporate trees.

**Key Issues raised - Ordinary Meeting of Council 27 August 2002**

The following issues questioning the DPI justification for the widening proposal were raised at the above meeting:

- The West Vincent Integrated Transport Plan recommends "Designation of an MRS reservation on Charles Street between Newcastle Street and Walcott Street" but does not state to what extent (or even whether) this involves widening.
- Any reservation should be defined by the existing "as-constructed" boundaries (road plus verge plus footpath) except where specific justification can be shown for selective widening at major intersections (mainly for turning movements or, for example on the SE corner of Walcott/Charles intersection, to provide adequate space for pedestrians).
- The Council resolution of 22 May 2001, supporting the Planning Control Area along Charles Street, supported the process for resolving the situation without the need to adopt a local law, however, it did not support widening the reservation.
- It was considered the Charles Street study does not live up to its title of an INTEGRATED transport plan as it gives priority to long-distance over local movements
- The proposed bus lane increases the road capacity and ignores travel demand management and integrating transport with land use at the local level.
- Concerns raised regarding incorporating a bus lane and cycle lane as proposed as buses would be travelling at high speed but will also need to stop (and pull in to the kerbside across the cycle lane) at points along the road to pick up passengers
- Cycle lane or bus lane would be discontinuous because of the significant turning movements into and out of side streets
- Traffic volumes in the section of Charles Street have decreased since the opening of the Graham Farmer Freeway (GFF)
- No recognition of the State Government's intention to support/implement TravelSmart in other areas, including those to the north of the Town - which would have a potentially substantial impact on the car traffic volume through the Town
- The State Government objective is to reduce the level of dependence on private vehicle usage in Perth. It needs to be demonstrated that road widening in inner city areas is consistent with the "reduced car-dependence" objective

- The levels of car mobility 'forecast' by conventional transport and traffic models due to projected increases in Transport fuel costs in the medium term are unlikely to be achievable
- Road widening would increase the difficulty of pedestrians or cyclists crossing Charles Street
- Road Widening would increase traffic speeds
- Alternatives to widening the road could include:

Improving the verge/path to shared cycle/pedestrian path standards.

Providing remote actuated bus priority at signalised intersections and selective widening to allow bus 'leap-frog' at signalised intersections.

Introduction of bi-directional lanes (so that there is only one outbound lane in the morning peak, for example)

Taking space away from the private car to create a peak period inbound bus lane.

#### **Local Area Traffic Management (LATM) Working Group**

In accordance with the Council's resolution at its Ordinary Meeting held on 27 August 2002 clauses (ii) (a) and (b), the Charles Street proposal was discussed at the LATM Advisory Group meeting held on 11 November 2002.

#### DPI Proposal

The DPI proposal for Charles Street in summary is:

- Maintain 3.66m road widening requirement on the eastern side of Charles Street and remove the requirement for the 3.66m wide widening on the western side of Charles Street
- Construct an additional traffic lane south bound on Charles Street from Angove Street to Carr Street to be a "dedicated bus lane" including a 1.5m wide cycle lane at the kerb side

#### LATM Advisory Group Issues:

The LATM advisory group agreed that the Charles Street study did not live up to its title of an Integrated Transport Study as it gave priority to long-distance over the local movements of pedestrians, cyclists and motorists and identified the following issues:

- Pedestrian Safety - would be compromised as pedestrians would need to cross five traffic lanes
- Cyclist Safety - The proposal includes a 1.5m wide cycleway on the kebside lane. This will result in buses regularly crossing this lane and stopping.
- Traffic safety - It was considered the safety of vehicles egress/access intersecting streets would be compromised with the addition of an additional traffic lane.
- Demolition - Buildings, some heritage listed, will require demolition.
- Justification - The group unanimously agreed that, from observation, the current AM peak period traffic congestion south bound on Charles street does not usually extend beyond Bourke Street and is usually cleared in one "green traffic phase" at the Vincent Street / Charles Street traffic signals.

- High Voltage Overhead Power Lines - The proposal would require the relocation of High Voltage Overhead Power Lines and in accordance with Western Power's policy they would need to be undergrounded at an approximate cost ( Carr to Angove) of \$1.6m (based on \$1,000 per lineal metre).
- Traffic Volumes current/future - Traffic volumes in the section of Charles Street had decreased since the opening of the Graham Farmer Freeway and it is considered future levels of car mobility forecasted due to projected increases in the cost of fuel in the medium term are unlikely to be achievable.

On the basis of the above issues, the Group proceeded to discuss/develop alternatives for the DPI proposal.

Alternative proposal/s

***Dedicated Bus Lane***

Charles Street/Wanneroo Road caters for regional traffic from Wanneroo to the Perth CBD and the Mitchell Freeway, however, in Charles Street during the AM peak period observations have indicated that traffic flows freely and generally only builds up, at worst, between Bourke Street (Alma Road) and Vincent Street. It is therefore considered that a continuous bus lane as proposed by DPI between Angove Street and Carr Street cannot be justified in the short to median term and possibly never (due to some of the reasons mentioned previously).

It is, however, considered that either a bus gate or continuous bus lane south of Claverton Street should be supported and further investigated for the following reasons:

- Road Widening previously taken on all properties (except two) on the eastern side
- Two properties with no current widening will require no demolitions
- Road Widening previously taken on all properties on the eastern side between Violet and Carr Streets
- Road Widening requirement east side between Vincent and Violet Streets will have minimal impact on adjacent properties as it is adjacent to an existing reserve
- Reduced cost for undergrounding of power
- No reduction in amenity for the remainder of Charles Street
- Desired result for bus priority will be achieved

Option A - Dedicated south bound Bus Lane between Claverton Street and the existing bus embayment south of Vincent Street (refer plan No 2124-CP-1)

The carriageway for most of Charles Street north of Vincent Street and south of Angove street comprises an undivided four lane road with a 1.80m wide painted central median island. The current lane configuration is as follows:

- 2 x 4.0m wide inner lanes
- 2 x 3.20m wide outer lanes.

A 3.20m wide bus lane could be accommodated in this section of Charles Street. This would enable buses to enter the Bus Lane at Claverton Street and travel unimpeded through the Vincent Street intersection.

Advantages:

- Buses would have priority over other traffic in the congested section of Charles Street during the AM peak and at all other times.
- Provision of bus priority with non continuous road widening
- No demolition of existing houses required.
- Cost effective solution.

Disadvantages:

- Buses could get caught in traffic between Vincent and Carr Street.
- Buses could pose a danger to cyclists when entering/exiting from the bus lane.

Option B - Dedicated south bound Bus Lane Claverton Street to Carr Street. (refer plan No 2124-CP-2)

Same as Option 1 however the dedicated Bus Lane would extend all the way to Carr Street.

Advantages:

- as per Option 1

Disadvantages:

- Buses could pose a danger to cyclists when entering from the bus lane.
- More expensive option.

Note: For Typical cross sections refer plan No 2124-CP-3

***Vincent Street / Charles Street Intersection***

The Group was advised that Traffic volumes along Charles Street had decreased considerably since the opening of the GFF and results of recent modelling undertaken indicated traffic delays reduced from about 3.5 minutes, with traffic banked up to Angove Street, to less than 1.0 minute, with traffic currently banked up near Bourke Street.

The Group was also advised that most of the current traffic delays along the section of Charles Street south of Angove Street, are attributed to the Vincent Street signals and modifications to these signals should be investigated. Further, bus lanes are not currently required in Charles Street and a traffic Demand Management Study of the above intersection to assess and improve its level of service may obviate the need for future bus lanes.

It is considered that "Parallel walk phases" should be included as part of the upgrade proposal at both the Carr/Charles Street intersection and the Vincent/Charles Street intersection.

This proposal would be relevant for both Options 1 and 2 above.

***On road cycling facilities***

The current road layout comprises a 4.0m wide inner (kerb side) traffic lane however this is reduced to 3.40m at the Vincent Street approaches and between Vincent Street and Carr Street.

In accordance with Austroads Guide to Engineering Practice Part 14 - Bicycles, for a 60kph posted speed limit a road lane width of between 3.70m to 4.50m (4.20m desirable) is required to accommodate cyclists.



With both Options 1 and 2, the road would be widened to provide a bus lane of about 3.20m in width, however, to maintain a reasonable minimum verge width of 2.10m either side of Vincent Street there is NO scope to provide a 1.50m wide dedicated cycle lane.

In addition, to accommodate a bus lane, the existing median island north of Vincent Street will need to be shifted 0.80m west and the central median south of Vincent Street would require a 1.20m widening on the eastern side.

#### ***Pedestrian Crossing facilities***

The current road configuration north of Vincent Street comprises a 1.80m wide painted median. To maintain and enhance amenity, solid islands should be installed at intersections to channelise traffic and provide safe refuge for pedestrians. The road south of Vincent already contains a continuous wide solid median island which should be retained and modified to facilitate the proposed bus lane.

#### ***Bourke/View/Charles Street Intersection*** (refer plan No 2124-CP-3)

At the Local Area Traffic Management meeting held on 13 December 1999, it was agreed that the preferred long term option for this intersection was traffic signals.

However, due to the excessive cost of providing traffic signals (in excess of \$150,000) and the recommendations provided by MRWA, it was considered at the time, that a trial raised median island be implemented for a trial three (3) month period.

At the end of the trial, following extensive community consultation, the Council in liaison with MRWA resolved to restrict the right turn movements out of both Bourke and View Streets.

The majority of the 3.66m road widening (except for three properties) has previously occurred on the east side of Charles Street between Albert t and View Streets. It is considered this widening should be retained to accommodate any future bus priority measures, in conjunction with the installation of traffic signals at the Bourke/View/Charles Street Intersection.

The installation of traffic signals at the above intersection would enhance pedestrian crossing and traffic safety and possibly better manage the traffic flow along Charles Street.

#### ***Street Scape Enhancements***

The Town recently planted verge trees in Charles Street. These would remain and added to once there was some element of certainty on the future Charles Street configuration. The central median island south of Vincent Street already contains established verge trees. These should be retained.

In addition, by retaining the 1.80m wide central median as part of the Town's proposal, large trees (London Plane trees) could be planted in the median.

#### ***Street Lighting***

It is considered the existing street lighting along Charles Street needs to be upgraded from mercury vapour (MV) to 250 watt high pressure sodium (HPS). Should the Town's proposal be adopted, double out reach decorative lighting could be installed within the central median.

#### ***Returning previously reserved land to adjacent property owners***

Should the proposal as outlined in this report be adopted, there may be scope for the land which was previously surrendered by property owners to be reamalgamated with their lots.

**CONSULTATION/ADVERTISING:**

N/A

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2000-2002 – Key Result Area 1.5 “*Develop and implement a plan to manage through traffic and local traffic, and reduce car dependence*” and Key Result Area 1.6(b) “*Develop streetscape alternatives for local wider streets.*”

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The LATM considered the DPI Charles Street study does not live up to its title of an INTEGRATED transport plan as it gives priority to long-distance over local movements.

Also, as Traffic volumes in the section of Charles Street have decreased since the opening of the Graham Farmer Freeway (GFF) and traffic delays during the AM peak period do not appear, at worst, to extend beyond Bourke Street, it is considered that a continuous bus lane as proposed cannot be justified in the short to median term.

In addition, site measurements have revealed that there is insufficient width within the widened road reserve to accommodate the DPI proposal i.e. a south bound bus lane and cycle lane from just north of Vincent Street to Carr Street.

The alternative proposal prepared by the LATM advisory Group includes the following:

- An option for a 3.20m wide south bound dedicated bus lane from Claverton Street to the existing bus embayment south of Vincent Street
- An option for a 3.20m wide south bound dedicated bus lane from Claverton Street to Carr Street
- Allowance for a minimum 1.80m wide painted/solid median Island between Angove Street and Carr Street
- Allowance for 2 x 4.0m wide inner traffic lane to accommodate cyclists
- Proposal for improvements to the Vincent / Charles Street traffic signals to improve level of service by carrying out a travel demand management survey
- Retention of the existing road widening requirement between Albert and View Streets to accommodate future bus priority measures
- Future possible installation of traffic signals at the Bourke/View/Charles intersection
- Lighting improvements along Charles Street
- Returning previously reserved land to adjacent property owners

It is therefore recommended that the Council requests the Department of Planning and Infrastructure to review its current proposal for the future installation of a dedicated south bound bus lane and cycle lane between Angove Street and Carr Street and as an alternative considers adopting the proposals as outlined in the report.

Cr Franchina returned to the Chamber at 7.48pm. Cr Franchina was advised that Item 10.2.2 was carried (7-0).

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

<b>Ward:</b>	Mount Hawthorn	<b>Date:</b>	26 November 2002
<b>Precinct:</b>	Mount Hawthorn, P1	<b>File Ref:</b>	PRO2132 (00/33/1393)
<b>Reporting Officer(s):</b>	P Mastrodomenico		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application dated 30 July 2002, received by the Town on 18 November 2002, submitted by BBS Property Development on behalf of the landowner Plange Nominees for the proposed demolition of the existing caryard premises and construction of three (3), two-storey grouped dwellings and three (3) two storey with loft grouped dwellings on Nos. 104-106 (Lots 393 and 441) Scarborough Beach Road, Mount Hawthorn and as shown on plans stamp-dated 18 November 2002, subject to:*

- (i) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:
 
  - (a) the provision of 14 parking bays (including 2 car parking bays for visitors) in accordance with the Residential Design Codes;*
  - (b) a minimum setback of 2.4 metres to the first floors of units 4, 5, and 6 to the northern (rear) boundary;*
  - (c) the courtyards to units 4, 5 and 6 having a minimum dimension of 4 metres by 4 metres; and*
  - (d) a visual truncation of 2 metres by 2 metres on the western side, at the intersection of the driveway and the footpath;*

*The revised plans shall not result in any greater variation to the requirements of the Residential Planning Codes and the Town's Policies;**
- (ii) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (iii) all car-parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications and dimensions specified in the Town's Policy Parking and Access and Australian Standards AS 2890.1 – "Off Street Parking";*

- (iv) *a road and verge security bond and /or bank guarantee of \$550.00 shall be lodge prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to existing Towns assets have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (v) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (vi) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (vii) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (viii) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (ix) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (x) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the portion of the northern and southern elevations of the decks within 7.5 metres of the eastern side boundary within a 45 degree 'cone of vision' of the decks of units 3 and 6, on the first floor, shall be screened with a permanent obscure material and be non-openable to a minimum height of 1.6 metres above the finished balcony floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*
- (xi) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development;*
  - (a) *the window to the kitchen to unit 3 on the first floor level on the northern elevation;*
  - (b) *the deck to the living/dining areas to units 2, 3 and 6 on the first floor on the eastern elevation; and*
  - (c) *the deck to the living/dining areas to Units 1 and 4 on the first floor on the western elevation;**shall be screened with a permanent obscure material and be non-openable to a minimum height of 1.6 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*
- (xii) *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);*
- (xiii) *the proposed undesignated room(s)/floor space adjacent to Scarborough Beach Road shall be used for habitable purposes only;*

- (xiv) *the roof space of units 4, 5 and 6 and the lofts of units 1, 2 and 3 shall not be used for habitable purposes;*
- (xv) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s); and*
- (xvi) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
- to the satisfaction of the Chief Executive Officer.*

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**COUNCIL DECISION ITEM 10.1.3**

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

*That the recommendation be adopted.*

Debate ensued

**LOST (0-8)**

**For**  
Nil

**Against**  
Mayor Catania  
Cr Chester  
Cr Cohen  
Cr Doran-Wu  
Cr Drewett  
Cr Franchina  
Cr Hall  
Cr Piper

(Cr Ker on leave of absence.)

**Reasons:**

- 1. The development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality.**
- 2. The non-compliance with the plot ratio, setbacks, open space, car parking and privacy requirements of the Residential Design Codes.**
- 3. Consideration of the objection received during the previous advertising period.**

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<b>LANDOWNER:</b>	Plange Nominees
<b>APPLICANT:</b>	BBS Property Developments
<b>ZONING:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R60
<b>EXISTING LAND USE:</b>	Motor Vehicle Sales Premises

**COMPLIANCE:**

<b>Requirements</b>	<b>Required</b>	<b>Proposed</b>
Setbacks		
Front (Scarb.Bch Rd)	4.0 metres	Nil
East (Unit 3) (grd)	1.5 metres	Nil
(1st flr)	2 metres	Nil
(Unit 6) (grd)	1 metre	Nil
(1st flr)	3.8 metres	1.5 metres
West (Unit 4) (grd)	1.5 metres	Nil
(1st flr)	1.2 - 3.0 metres	Nil - 1.6 metres
North (1st flr)	2.4 metres	1.5-4.1 metres
Plot Ratio	0.65:1	0.78:1
Total Open Space	45 per cent	44 per cent
Private Open Space	16 square metre courtyard (minimum of 4 metres by 4 metres)	Unit 1: 5.7 square metres Unit 2: 6.24 square metres Unit 3: 7.8 square metres Unit 4: 20.9 square metres, however does not meet requirement for minimum dimension of 4 metres by 4 metres Unit 5: 18.2 square metres, however does not meet requirement for minimum dimension of 4 metres by 4 metres Unit 6: 20.2 square metres, however does not meet requirement for minimum dimension of 4 metres by 4 metres
Car parking	14 (including 2 visitor bays)	12 (including 5 visitors bays - however only 1 bay complies with the requirements of the R-Codes and relevant Australian Standards)
Privacy	Balconies/decks within 7.5 metres of a property boundary on the first floor to be screened	The decks to units 2, 3 and 6 on the first floor on the eastern elevation not screened. The decks to units 1 and 4 on the first floor on the western elevation not screened.
	Habitable windows within 4.5 metres of a property boundary on the first floor to be screened	The window to the kitchen to unit 3 on the first floor level on the northern elevation not screened.
	Balconies/decks within 7.5 metres of a property boundary within a 45 degree 'cone of vision' on the first floor to be screened	The portion of the northern and southern elevations of the decks to units 3 and 6, on the first floor not screened.

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

### **SITE HISTORY:**

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

The Council at its Ordinary Meeting held on 24 September 2002, refused the application for the proposed demolition of the existing caryard premises and construction of three (3), two-storey grouped dwellings and three (3), two-storey with loft grouped dwellings. The applicant has appealed to the Town Planning Appeal Tribunal against the Council refusal. The First Sitting of Appeal has been set for 16 December 2002. The applicant has resubmitted the application to Council for further consideration.

### **DETAILS:**

Approval is sought for the demolition of the vehicles sales premises and the construction of three two-storey grouped dwellings and three, two-storey with loft grouped dwellings. In the previous application the applicant provided the following statement;

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

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

The applicant has provided the Town with a detailed list of changes, which have been made to the amended plans, and the main alterations are summarised as follows:

- site crossover moved away from adjoining boundary;
- traffic mirror proposed on wall of unit 1;

#### **Unit 1**

- balcony's reshaped to have two open sides;
- stairs removed to lofts and replaced with pull down ladders;

#### **Unit 2**

- balcony's reshaped to have two open sides;
- stairs removed to lofts and replaced with pull down ladders;

#### **Unit 3**

- boundary parapet wall reduced by 3.8 metres;
- balcony's reshaped to have two open sides;
- stairs removed to lofts and replaced with pull down ladders;

#### **Units 4 and 5**

- first floor north elevation windows all with 1.6 metres sill heights;

#### **Unit 6**

- first floor north elevation windows all with 1.6 metres sill heights.

### **CONSULTATION/ADVERTISING:**

The application was not advertised as it is for a very similar proposal that was the subject of an application advertised and determined within the past 12 months.

There was one objection received during the advertising period of the previous application. Issues raised included the devaluing of property, overshadowing and loss of views.

### **COMMENTS:**

#### **Demolition**

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

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

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

#### **Setbacks**

Given the irregular geometry of lots and the setbacks of the existing mixed 'ribbon' type of development along this section of Scarborough Beach Road, the proposed setback to Scarborough Beach Road is considered acceptable. In terms of the eastern and western side setbacks, given the absence of objection and that it is considered the variations will not have an unreasonable adverse impact on the amenity of adjacent lots, the side setbacks are supported.

The northern, rear setback however, is of concern given the significant variation proposed which has resulted in significant objection. Revised plans should be submitted and approved showing the first floor to units 4, 5 and 6 complying with the setback requirements to the northern/ rear boundary.

#### **Plot Ratio**

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

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

#### **Total Open Space**

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



### **Private Open Space**

The Residential Design Codes require a minimum of 16 square metres (4 metres by 4 metres) of courtyard area for lots zoned Residential R60. The current provision of private open space is generally supported on the basis that the dwellings are provided with functional courtyards, balconies and decks to habitable areas. In view of the above comments however, the provision of increased courtyard areas would significantly improve the amenity of units 4, 5 and 6.

### **Car parking**

The 6 grouped dwellings require 14 car parking bays (including 2 visitor bays) in total to comply with the R Codes requirements and the relevant Australian Standards for car parking. The plans indicate that this requirement could be complied with, and a condition should be applied accordingly.

### **Privacy**

The first floor habitable room windows and decks that do not comply with the privacy requirements of the R Codes should be screened in accordance with these requirements.

### **Overshadowing**

The proposed buildings will cast shadow in a south-easterly direction across Scarborough Beach Road in front of the development at noon on the 21 June and as such complies with Clause 3.9.1 (A2) of the Residential Design Codes relating to Solar Access.

### **Property Values**

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

### **Summary**

The proposal represents a reasonable development for the site. It is therefore recommended that the application be approved, subject to standard and appropriate conditions to address the issues discussed above.

**10.1.8 Nos. 317 - 323 (Lots 3 and 53) Bulwer Street, Corner Fitzgerald Street, Perth - Proposed Demolition of Existing Building and Construction of Car Wash Facility and Associated Waiting Room, Office and Ancillary Facilities**

<b>Ward:</b>	North Perth	<b>Date:</b>	25 November 2002
<b>Precinct:</b>	Hyde Park, P12	<b>File Ref:</b>	PRO0170 00/33/1304
<b>Reporting Officer(s):</b>	V Lee		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That;*

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

- (a) *the application is not consistent with the orderly and proper planning and preservation of the amenities in the locality;*
- (b) *the non-compliance with the Town's Policy relating to the Hyde Park Precinct; and*
- (c) *consideration of the objections received;*

*the Council REFUSES the application submitted by A Michael on behalf of the owners E and I Bonetti and SA Grewal for proposed car wash facility and associated waiting room, office and ancillary facilities as shown on plans stamp dated 25 November 2002 at Nos. 317 - 323 (Lots 3 and 53) Bulwer Street, Corner Fitzgerald Street, Perth; and*

(ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application dated 5 September 2002 submitted by A Michael on behalf of the owners E and I Bonetti and SA Grewal, for the proposed demolition of the existing building at No. 323 (Lot 53) Bulwer Street, corner Fitzgerald Street, Perth, subject to:*

- (a) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (b) *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;*
- (c) *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;*
- (d) *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;*

- (e) *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 buildings valued by the community;*
- (f) *any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies; and*
- (g) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
- to the satisfaction of the Chief Executive Officer.*

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**Moved Cr Piper, Seconded Cr Cohen**

*That the recommendation be adopted*

**COUNCIL DECISION ITEM 10.1.8**

**Moved Cr Drewett, Seconded Cr Hall**

*That this Item be DEFERRED at the applicant's request.*

**CARRIED (7-1)**

**For**  
Mayor Catania  
Cr Cohen  
Cr Doran-Wu  
Cr Drewett  
Cr Franchina  
Cr Hall  
Cr Piper

**Against**  
Cr Chester

**(Cr Ker on leave of absence.)**

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<b>LANDOWNER:</b>	E and I Bonetti and SA Grewal
<b>APPLICANT:</b>	A Michael
<b>ZONING:</b>	Metropolitan Region Scheme - Urban, abuts Other Regional Road Town Planning Scheme No. 1 - Commercial, abuts Other Regional Road
<b>EXISTING LAND USE:</b>	Lot 3: Light Industry Lot 53: Building / Handyman Equipment Business

**COMPLIANCE:**

Use Class	Carwash facility and associated waiting room, office and ancillary facilities
Use Classification	"Unlisted Use"
Lot Area	927 square metres

**SITE HISTORY:**

The subject properties are located on the south eastern corner of Bulwer and Fitzgerald Streets. Lot 53 is occupied by a single storey brick and iron building fronting Bulwer Street and an adjacent open yard. Lot 3 is occupied by a light industrial building. Surrounding land uses include the Hyde Park Hotel to the west, fast food premise and a variety of shops to the north, residential areas to the east, and shops and a variety of commercial uses to the south.

- 8 August 1994                      The Council resolved to conditionally approve an application for a two storey building consisting of 2 shops, 2 showrooms and 4 grouped dwellings with a car parking shortfall of 7 bays.
  
- 28 August 1995                    The Council resolved to conditionally approve a change of use from a pest control business to a building equipment/handyman tool hire business.
  
- 24 August 1998                    The Council at its Ordinary Meeting resolved to accept an application for the demolition of the existing buildings and development of a single storey eating house with roof-deck and basement car parks, and resolved to defer its decision pending further information regarding car parking.
  
- 14 September 1998                The Council at its Ordinary Meeting resolved to conditionally approve the demolition of the existing building and development of a single storey eating house with roof-deck and basement car parks.
  
- 12 February 2002                 Conditional Planning Approval was granted under delegated authority for a proposed change of use from building/handyman equipment hire business to consulting room and shop and associated alterations, additions and partial demolition.
  
- 24 September 2002                The Council at its Ordinary Meeting resolved to grant conditional Planning Approval for the demolition of the existing dwelling and light industrial building at Nos. 315 and 317 (Lots 7 and 3) Bulwer Street, Perth.

**DETAILS:**

The proposal involves the demolition of the existing building on No. 323 (Lot 53) Bulwer Street, and construction of a car wash facility and associated waiting area, office and ancillary facilities. The proposal includes a 7.1 metres high concrete parapet wall along the south-western property boundary and attached colorbond canopy over the car vacuum and wash areas. A machine room, laundry and staff facilities are located in the south east corner. Large shade sails are proposed over the waiting, drying and car parking areas. The waiting room and office is a single storey building located at the intersection of Fitzgerald and Bulwer Streets. The building has windows and doors facing the intersection and toilet facilities, including disabled facilities are identified.

The plans show landscaping and upgrading of the surrounding footpath. The applicant has also advised that they are willing to undertake landscaping and similar streetscape works to improve the streetscape on the adjacent verge.

The applicant has advised that the car wash operating hours will be between 10.00am and 7.00pm Monday to Sunday during summer months, and 10.00am and 6pm during winter months. Vehicles will enter the site from the existing crossover on Fitzgerald Street. The car wash staff drive the vehicle through the various cleaning stations, including vacuum, wash dry and detailing the vehicles as required by the owner. While waiting for the vehicle to be cleaned, the owner is able to wait in the waiting room or sit outside and watch their car be cleaned. Vehicles exit the site onto Bulwer Street. The applicant has advised that the cleaning is done manually and that there are no car washes of this kind currently operating in Perth.

**CONSULTATION/ADVERTISING:**

The proposal was subject to 'SA' advertising as it is considered to be an "Unlisted Use". Signs were erected on site, neighbours contacted by registered mail, and a notice was put in the local newspaper. Two submissions were received during the advertising period. One requesting that a truncation be imposed at the intersection for safety and visual reasons, appropriate landscaping and upgrade of the footpaths to encourage pedestrian use. The second submission objected to the proposal with concerns relating to further traffic problems and potential accidents, and noise disturbance from the machinery.

The application was also referred to the Department for Planning and Infrastructure for comment as the subject site abuts Bulwer and Fitzgerald Streets, which are 'Other Regional Roads' reservations in the Metropolitan Region Scheme. The Department advised that they do not object to the proposed development.

**COMMENTS:**

**Heritage**

The subject building on No. 323 (Lot 43) Bulwer Street is dated circa 1900 and was formerly part of an active local commercial centre servicing this part of Perth, centred around the Bulwer Street and Fitzgerald Street intersection. The building has undergone substantial changes to its physical fabric, with only minor elements remaining from its original construction date and does not warrant a full assessment.

Portions of skirting board along one wall, partial vertical timber board wall cladding and rear verandah timber flooring are the remaining elements from its original construction date. Ceiling detail dating from the late 1930s are present. 1950s sewerage plans show the building envelope and the adjacent commercial structures at Nos. 325, 327 and 329 Bulwer Street, located directly on the corner of Bulwer and Fitzgerald Streets, since demolished. A large covered workshop area is attached to the former house and is accessed by the original back verandah.

Due to its much altered state, 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 building, subject to standard conditions.

Conditional Planning Approval for the demolition of the buildings on Nos. 315 and 317 Bulwer Street, Perth was granted at the Ordinary Meeting of Council held on 24 September 2002, as this was received as a separate application.

### **Proposed Use**

The Town's Policy relating to the Hyde Park Precinct states that development within the area zoned Commercial shall be occupied by small scale commercial uses which are compatible with, and largely serve the surrounding residential uses. Building scale, character and site layout is to be compatible with the existing buildings and car parking is to be located at the rear of properties. Car parks should not visually detract from the public environment or character of the area and should preferably not be visible from streets and public spaces. Service industries are only permitted where they are to be secondary and/or ancillary to an appropriate primary permitted use.

The proposed car wash facility is a use not specifically listed in the Town's Town Planning Scheme No. 1. It is considered that the proposed car wash facility is similar in nature to either a light industry or service industry use. A service industry is not defined in the Town's Town Planning Scheme No. 1, however the Model Scheme Text defines a 'Service Industry' as follows:

*"a light industry carried out on..... land and buildings having a retail shop front and used as a depot for receiving goods to be serviced."*

The intersection is considered to be a prominent corner in the Town, with the Hyde Park Hotel on the south western corner and single storey shops on the north eastern corner being built with a zero setback to the street. Historical records suggest that a building with a similar setback and scale was also located at the subject site. This is considered to create a unique commercial streetscape. The intersection is also considered a major commercial gateway into the North Perth District Centre and Northbridge.

The proposal is not considered appropriate in this intersection as the building scale, character and site layout of the proposal is considered to be incompatible with existing buildings in this locality, and the proposed car parking visually detracts from the public environment and character of the area.

There is also concern that the proposed car wash facility will have an unreasonable affect on the amenity of surrounding residents through potential noise, floodlights and odours.

In light of the above, it is recommended that the application for the proposed car wash facility and associated waiting room, office and ancillary facilities be refused.

**10.1.11 Review of Town of Vincent Town Planning Scheme No. 1**

<b>Ward:</b>	Both Wards	<b>Date:</b>	26 November 2002
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	PLA0100; PLA0140
<b>Reporting Officer(s):</b>	H Coulter		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That;*

- (i) *the Council receives the report relating to the review of the Town of Vincent Town Planning Scheme No 1; and*
- (ii) *the Council authorises the Chief Executive Officer to prepare a scheme examination report on the status and operation of the Town of Vincent Town Planning Scheme No. 1, and prior to the preparation of the examination report, the Council requests the Minister for Planning and Infrastructure for an exemption from the requirement to invite submissions from the public on the desirability of a review of the scheme, as it is considered that the existing scheme will need to be reviewed and a new scheme prepared.*

**Moved by Cr Chester, Seconded by Cr Hall.**

*That the recommendation be adopted.*

**Moved by Cr Chester, Seconded by Cr Cohen**

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

*"(iii) the Council authorises the Chief Executive Officer to convene an Elected Members' briefing session prior to the preparation of the scheme examination report for Elected Members to have input in the preparation of the examination report."*

**AMENDMENT CARRIED (8-0)**

(Cr Ker on leave of absence.)

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

(Cr Ker on leave of absence.)

**COUNCIL DECISION ITEM 10.1.11**

*That;*

- (i) *the Council receives the report relating to the review of the Town of Vincent Town Planning Scheme No 1;*
- (ii) *the Council authorises the Chief Executive Officer to prepare a scheme examination report on the status and operation of the Town of Vincent Town Planning Scheme No. 1, and prior to the preparation of the examination report, the Council requests the Minister for Planning and Infrastructure for an exemption from the requirement to invite submissions from the public on the desirability of a review of the scheme, as it is considered that the existing scheme will need to be reviewed and a new scheme prepared; and*
- (iii) *the Council authorises the Chief Executive Officer to convene an Elected Members' briefing session prior to the preparation of the scheme examination report for Elected Members to have input in the preparation of the examination report.*

**DETAILS:**

In considering a review of the Current Town Planning Scheme No. 1, the Council needs to be mindful of the legal responsibilities of a local authority in terms of its town planning scheme and the recent events, which have transpired in the Town. Firstly, the Town Planning and Development Act 1928 clause 7AA Review of Schemes requires a town planning scheme to be reviewed in each fifth year following the promulgation gazettal of the scheme. The Town of Vincent Town Planning Scheme No.1 was gazetted/promulgated on 4 December 1998 and therefore is due for formal review by 4 December 2003.

It is considered that the existing town planning scheme can be improved to ensure that the Town has a scheme more representative of the community's vision for growth and change into the future. The current scheme was inherited from the former City of Perth and to date, matters such as density, have not been comprehensively reviewed. A clear signal supporting this need for review has been the recent initiating of Scheme Amendments Nos.11 and 15 for the Eton Locality and Banks Precinct, respectively. Both amendments similarly deal with the matter of density resulting from significant community concern relating to the scale, height and intrusive nature of residential development at current densities and the continued impact on the amenity (such as overlooking and overshadowing), character and streetscape of these areas. The Council has acknowledged and supported the two communities formal requests and has resolved to initiate appropriate scheme amendments.

Secondly, the new Residential Design Codes (R Codes) were gazetted on 4 October 2002 after a substantial review period and replace those introduced in 1991. The new R-Codes are substantially different to the former R-Codes and, in their application, result in the need for a significant review of the Town's current Town Planning Scheme No. 1 and associated policies.

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2000-2002 – Key Result Areas: 1.1 *“Implement Town Planning Scheme No. 1 and associated policies and guidelines”*.

**FINANCIAL IMPLICATIONS:**

The current 2002/2003 Budget lists \$65,000 for Town Planning Scheme Amendments and Policies, which is sufficient funds to cover the first year of the review process, however additional funds will need to be considered as part of the 2003/2004 Budget process.

**COMMENTS:**

**Town Planning Scheme Review Process**

The review of the Town's Town Planning Scheme No.1 and the preparation and promulgation of a new town planning scheme will result in the following two (2) main documents:

- (i) The Local Planning Strategy-  
A local planning strategy is the strategic basis and framework for the new town planning scheme and is to-
  - (a) set out the long-term planning directions for the Town;
  - (b) apply State and regional planning policies; and
  - (c) provide the rationale for the zones and other provisions of the scheme; and
- (ii) The new Town Planning Scheme-  
A town planning scheme is a legally binding document that prescribes the requirements for the use and development of land in the Town. The town planning scheme comprises the following two (2) documents-
  - (a) town planning scheme text; and
  - (b) town planning scheme maps.



The Town may also have policies prepared, advertised and adopted pursuant to the town planning scheme as is the case currently with Town Planning Scheme No. 1 and associated Policies.

Stages	Main Milestones
1	<p>Preparation of a town planning scheme examination report on the status and operation of Town Planning Scheme No. 1.</p> <p>It is considered that the existing scheme will need to be reviewed and a new scheme prepared. Therefore, prior to the preparation of the examination report, the Council should request the Minister for Planning and Infrastructure for an exemption from the requirement to invite submissions from the public on the desirability of a review of the scheme.</p>
2	<p>Consideration and determination of the contents, conclusions and recommendations of the scheme examination report by the Council and then the Western Australian Planning Commission and Minister for Planning and Infrastructure.</p> <p>It is most likely that the report will conclude and recommend that the current scheme should be reviewed through the preparation of a new scheme.</p>
3	Council resolution to prepare a new town planning scheme.
4	Preparation of a local planning strategy.
5	Preparation of a new town planning scheme.
6 onwards	<p>Advertising, adoption, approval, endorsement and promulgation of the local planning strategy and new town planning scheme.</p> <p>A flow chart detailing the process involved with the preparation and promulgation of the new town planning scheme is shown in Appendix 10.1.11 to this report.</p> <p>The local planning strategy and new town planning scheme will generally be adopted, advertised and endorsed, concurrently.</p>
<b>Timeframe</b>	<p>The project commenced in early November 2002, and the entire project to promulgation of the new town planning scheme is expected to take up to 2 years.</p> <p>The timeframe includes a minimum consultation period of 3 months.</p>
<b>Estimated Cost</b>	<p>The estimated cost in undertaking a full review of Town Planning Scheme No. 1 and preparation of a new town planning scheme would be up to \$100,000. The associated costs would be required to cover various and numerous tasks, including the following:</p> <ul style="list-style-type: none"> <li>• Additional 'in house' resources or out-sourcing of the project. It is considered most appropriate and effective that the project is undertaken 'in house';</li> <li>• Extensive community consultation of both the draft local planning strategy and new town planning scheme; and</li> <li>• Legal advice; and Production of the draft and final documentation.</li> </ul>

### Conclusion

In view of the above, it is considered timely that the Council resolves to authorise the Chief Executive Officer to prepare a scheme examination report on the status and operation of the Town of Vincent Town Planning Scheme No. 1, and prior to the preparation of the examination report, the Council requests the Minister for Planning and Infrastructure for an exemption from the requirement to invite submissions from the public on the desirability of a review of the scheme.

**11.2 Notice of Motion – Councillor David Drewett – Town of Vincent Draft Municipal Heritage List**

*That;*

- (i) *properties will only be listed on the Town of Vincent’s Municipal Heritage List when an identified property has received the formal written consent from the owner/owners of that identified property; and*
- (ii) *demolition applications for properties listed on any Heritage Register or List can only be approved/refused by the Council itself.*

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**Moved by Cr Drewett, Seconded by Cr Chester**

*That the motion be adopted.*

*Debate ensued.*

**Moved by Cr Drewett, Seconded by Cr Franchina**

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

*“(iii) the draft report as issued on 6 October 2002 be given to Councillors immediately.”*

*Debate ensued.*

**AMENDMENT CARRIED (8-0)**

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

**For**  
Mayor Catania  
Cr Chester  
Cr Cohen  
Cr Drewett  
Cr Franchina  
Cr Hall  
Cr Piper

**Against**  
Cr Doran-Wu

(Cr Ker on leave of absence)

**COUNCIL DECISION ITEM 11.2**

*That;*

- (i) *properties will only be listed on the Town of Vincent’s Municipal Heritage List when an identified property has received the formal written consent from the owner/owners of that identified property;*
- (ii) *demolition applications for properties listed on any Heritage Register or List can only be approved/refused by the Council itself; and*
- (iii) *the draft report as issued on 6 October 2002 be given to Councillors immediately.*

**10.2.1 East Parade / Guildford Road / Whatley Crescent - Planning and Traffic Study**

<b>Ward:</b>	Both	<b>Date:</b>	24 November 2002
<b>Precinct:</b>	Banks P15	<b>File Ref:</b>	TES0303
<b>Reporting Officer(s):</b>	R Lotznicher		
<b>Checked/Endorsed by:</b>	-		
<b>Amended by:</b>	-		

**OFFICER RECOMENDATION:**

*That the Council;*

- (i) *receives the report on East Parade / Guildford Road / Whatley Crescent - Planning and Traffic Study outlining the discussions and proposals as developed by the Town's Local Area Traffic Management Advisory group;*
- (ii) *advises Main Roads WA;*
  - (a) *the Council DOES NOT express a preference for any one of the three options proposed, as shown on plan laid on the table, however, the Council is OPPOSED to several of the proposed traffic modifications including, but not limited to, changing the directional flow at Thirlmere Street as outlined in Option 2, the provision of a right turn movement from Guildford Road into East Parade and the provision of a right turn movement from Guildford Road into the Mt Lawley Subway to replace the existing straight-through movement, as outlined in Option 2;*
  - (b) *the installation of a pedestrian actuated pedestrian crossing facility on East Parade in the vicinity of the Westrail Centre should be installed as a matter of urgency;*
  - (c) *the installation of a "seagull" island at the intersection of Gardiner Street and East Parade should be installed as soon as possible once the matter has been further investigated, in liaison with the affected residents;*
  - (d) *any further redistribution of traffic, which could result with implementation of the proposed Guildford Road / East Parade modifications as outlined in option 2, is NOT supported;*
  - (e) *heritage assessments should be undertaken of the buildings proposed to be demolished and such heritage assessments should assess the buildings not only at the state level but also the local level in terms of the Town's Policies relating to Heritage Assessment and Heritage Management – Municipal Heritage Inventory; and*
  - (f) *an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection should be submitted with the heritage assessments.*
- (iii) *advertises the proposal to install a "seagull" island at the intersection of East Parade / Gardiner Street in accordance with Council Policy No. 4.1.21 "Community Consultation" to all affected owners and occupiers for a period of not less than twenty one (21) days and invites written submissions on the proposal;*
- (iv) *receives a further report on the East Parade / Guildford Road / Whatley Crescent - Planning and Traffic Study once a formal response regarding the Town's recommendations has been received from Main Roads WA;*

- (v) *receives a further report on the proposed installation of a "seagull" island at the intersection of East Parade/Gardiner Street at the conclusion of the community consultation period on that specific proposal; and*
  - (vi) *advises the Banks Precinct Action group of its resolution.*
- 

### **COUNCIL DECISION ITEM 10.2.1**

**Moved by Cr Cohen, Seconded by Cr Hall**

*That the recommendation be adopted.*

*Debate ensued.*

**CARRIED (8-0)**

**(Cr Ker on leave of absence)**

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### **BACKGROUND**

At the special meeting of Council held on 15 October 2002, representatives from Main Roads Western Australia (MRWA) made a presentation on the proposed changes to East Parade.

The Council was advised that various MRWA studies had been carried out over a number of years, examining possible improvements in the level of service of the Guildford Road / East Parade intersection before opening of the Graham Farmer Freeway (GFF). However, the studies were limited to East Parade and intersection only.

Further, Council was advised the Metropolitan Regional Scheme boundary on East Parade also requires finalisation to allow for future land development.

In addition, concerns of traffic intrusion into adjacent residential areas had been expressed by the residents of Whatley Crescent (Third Avenue to Guildford Road) and Joel Terrace since the opening of the GFF.

MRWA advised that in May 2001 they recommended an area wide traffic study and the Hon Minister for Planning and Infrastructure announced the study in June 2001. The result of the study was the development of three options, which were presented to the Council via a power point display.

At the special meeting, the following resolution was adopted:

*"That the Council;*

- (i) receives the presentation by MRWA on the proposed changes to East Parade;*
- (ii) requests MRWA for a written report on the proposal; and*
- (iii) refers the proposal to the Council's Local Area Traffic Management Advisory Group for consideration."*

### **DETAILS**

#### **MRWA Issues / Proposals**

The details of the MRWA proposal, as presented to the Council, are summarised below:

### **Scope of Project**

- Review heritage issues along East Parade.
- Determine short and long term improvements.
- Develop concept drawings for each option developed and Analyse each option using a micro simulation traffic modelling package for the year 2011.
- Conduct a public consultation program outlining the above .

### **Heritage Issues**

- Some buildings on East Parade between Guildford Road and Gardiner Street will require demolition. Most are Government owned; the remaining three in private ownership are under negotiation for purchase.
- Heritage Council advice indicates buildings can be demolished subject to relevant documentation. Further discussions to be held with the Heritage Council and the Town.

### **East Parade History**

- Moderate traffic volumes increased during the 1990s until GFF opened.
- Significant increase in volumes after GFF opened.
- Significant congestion at GFF during the morning peak.

### **Lord Street History**

- Relatively stable traffic volumes increase during 1990's until GFF opened.
- Significant decrease in volumes after GFF opened.

### **MRWA Short Term proposals**

- Additional right turn lane from East Parade onto GFF west bound to reduce congestion Currently in detailed design phase.
- Funding allocated in 2002/2003 financial year for implementation. Construction will be completed by end of June 2003

### **MRWA Medium/Long Term Options**

The following three options were developed by MRWA and their Advantages and Disadvantages as determined by MRWA are outlined as follows:

Option 1 - Upgrade East Parade and subway intersection

Option 2 – Cul de sac Whatley Crescent before Guildford Road

Option 3 – As per Option 1 plus extend Third Avenue to Guildford Road

#### **Option 1 (Estimated Cost \$4m)**

##### **Advantages**

- Reduced travel times.
- Reduced congestion on Guilford Road and East Parade.
- Environment benefits from reduced congestion.
- Access to Guildford Road from East Parade.
- Smaller land requirement in comparison to other options.
- Lowest construction cost option.
- Reduced traffic volumes on Whatley Crescent in the PM peak.

##### **Disadvantages**

- Nil

#### **Option 2 (Estimated Cost \$8m)**

##### **Advantages**

- Significant reduction in traffic volumes on Whatley Crescent between Guildford Road and First Avenue

**Disadvantages**

- Travel time double in comparison to Option 1
- Environmentally unfriendly due to additional congestion
- Significant congestion at Guildford Road/East Parade during peak periods
- Additional congestion on First and Second Ave at Guildford Road and Whatley Crescent
- Additional land required on Guildford Road between Whatley Crescent and Second Avenue.
- Significant additional construction costs

**Option 3 (Estimated Cost \$6.5m)**

**Advantages**

- Improved travel times at the Guildford Road/Whatley Crescent/East Parade intersection

**Disadvantages**

- Significant congestion at Third Avenue, which will also impact on Guild Road and Whatley Crescent
- Environmentally unfriendly due to additional congestion at Third Avenue
- Additional land required for Third Avenue extension, which will impact on residents
- Additional construction costs

**City of Bayswater Short Term proposals**

- Widen Whatley Crescent eastbound in the vicinity of Third Avenue.
- Provide two lanes eastbound on Whatley Crescent between Guildford Road and Third Avenue. Dedicate one eastbound lane as left turn only at Third Avenue.
- Provide a right turn lane on Whatley Crescent westbound at Third Avenue.

**LATM Advisory Group / Banks Precinct Action Group Issues/Proposals**

**Banks Precinct Action Group**

The following issues were raised at the Banks Precinct Action Group held on 6 November 2002 regarding the East Parade Proposal:

*Proposed Demolition*

- o What is the timeframe for the demolition of the houses between Gardiner Street and Guildford Road?
- o Undesirable behaviour takes place in the vacant houses, syringes are found in the streets.
- o There is a preference to have vacant land rather than derelict houses?

*Main Roads response.*

- o Aim is to get a decision on a preferred option by February 2003 so that this can be presented to the Department for Planning and Infrastructure (DPI) and then demolition can commence. Heritage assessments are currently under way on the houses. Three houses are still privately owned.

*Safe Crossing of East Parade*

- o What provision was being made for safe access across East Parade for pedestrians? At peak hour traffic times it is too dangerous to cross to get to the train station. Traffic banks up to Gardiner Street regularly. Concern about the airborne pollution created by the queuing traffic.
- o There will be no safe access from the Banks Precinct to the 3.2 million dollar bike path currently under construction on the west side of East Parade.
- o The Town has endorsed the Travel Smart program but the community has difficulty accessing the train station and Principle Shared Path.

- Difficulties in accessing Mt Lawley at the subway intersection with all three proposed options.
- Isolation of the precinct from the Beaufort Street shopping and restaurant area.
- Repeated requests for safe access across East Parade. Overpass, underpass, traffic lights at Bramall Street, pelican pedestrian crossing. All these options discussed including the estimated cost.
- Concern raised about cost factor versus safety factor. Cost appears to be the determinant "does someone have to be killed" before provision is made.
- The Banks Precinct Action Group had been asking for safe pedestrian access across East Parade since 1996 before construction started on the Graham Farmer Freeway. Guest speakers at Precinct meetings have stated that traffic volumes would not increase and that this provision would not be supported.

#### *Gardiner Street - Illegal Movements*

- Two residents concerned about the number of cars turning left into Gardiner Street to 'U' turn and exit by turning right across East Parade, presumably to access Whatley Crescent. Vehicle numbers calculated to be 80-100 per day.
- A suggestion to construct a central median area on East Parade at the end of Gardiner Street. Traffic would be able to left into Gardiner Street and left out of Gardiner Street to address this problem. Numerous small accidents have occurred at this intersection, mainly when cars turn right cross the traffic flow. Main Roads suggested discussion with TOV about this.

#### *East Perth Redevelopment proposals for land South of Summer Street*

- What is the future use for City of Perth land on Summers Street?
- Potential for a large volume of traffic to enter the precinct.
- This land is zoned for Commercial use.

#### LATM Advisory Group

The proposal was further discussed at the LATM Advisory Group's meeting held on 25 November 2002 where the following issues were raised/discussed.

#### ***Redistribution of Traffic***

Since the opening of the GFF there has been a redistribution of traffic on the higher order roads in and around the Banks Precinct area. The major increase in traffic post GFF has been on East Parade where traffic volumes have increased by about 11,000 vehicles per day (vpd). The major decrease in traffic has been in Guildford Road (Lord to East Pde) down about 10,000 vpd and Lord Street (Walcott to Newcastle) down about 5,000 vpd. (refer Table below)

ROAD	SECTION	TRAFFIC VOLUMES		UP	DOWN
		Pre GFF - March 2000	Post GFF Oct 2001		
Walcott St	Beaufort to Lord	9,410	8,130		1,280
Guildford Rd	Lord to East Pde	36,230	26,284		9,946
East Pde	GFF to Guildford	18,290	29,134	10,844	
Lord St	Walcott to Newcastle	27,169	22,495		4,674
William St	Newcastle to Bulwer	18,160	15,417		2,743
Newcastle St	Beaufort to Lord	10,910	12,794	1,884	
Beaufort St	South of Newcastle	18,430	12,054		6,376

Recommendation

*The group considered that any further redistribution of traffic, as would possibly result with implementation of the proposed Guildford Rd / East Pde modifications as outlined in option 2, should not be supported.*

***Pedestrian Crossing facilities East Parade / Vehicular egress onto East parade***

The group and the Banks Precinct Action Group considered there was major requirement for a pedestrian crossing facility across East Parade in the vicinity of the East Perth railway station, which could take the form of either:

- A pedestrian over pass
- A pedestrian tunnel
- An actuated pedestrian crossing

The group and the Banks Precinct Action Group also considered that some measures should be put in place to facilitate vehicular egress onto East Parade.

In 2001, the Town received a copy of a feasibility report commissioned by MRWA for the proposed extension of the existing Westrail Centre pedestrian overpass across East Parade.

The report concluded that the cost of such a project could not be justified on current pedestrian numbers. This position was confirmed in a letter to the Town of 22 June 2001 from the Acting Manager Metropolitan Roads, Urban Roads Directorate.

Given the current traffic volumes using East Parade (approximately 30,000 vpd), MRWA were advised that it may be that the low pedestrian numbers were directly attributed to pedestrians not being "brave enough" to cross East Parade to the Westrail Centre.

At the time, MRWA indicated that an allowance had already been made for pedestrians and cyclists with the provision of an underpass adjacent the GFF, however, they were advised it was considered impractical to expect pedestrians crossing to the Westrail Centre to make a 1.0km deviation to use the underpass.

At the time the option of pedestrian actuated signals was also suggested, as it was considered there was a definite need for some kind of pedestrian crossing facility and if, as suggested, there was little pedestrian traffic, the impact on the East Parade traffic flow would be minimal.

The Group considered an actuated pedestrian crossing on East Parade would serve a dual purpose in that it would provide a safe crossing point for pedestrians and provide a short break in the traffic flow to enable vehicles to egress onto East Parade from side streets in the vicinity.

Recommendation

*The group considered that the installation of a pedestrian actuated pedestrian crossing facility on East Parade in the vicinity of the Westrail Centre should be installed as a matter of urgency.*

***Gardiner Street / East Parade***

Residents at the recent Banks Precinct Action meeting expressed concerns regarding the number of vehicles turning left into Gardiner Street to 'U' turn and exiting by turning right across East Parade, presumably to access Whatley Crescent. Vehicle numbers calculated to be about 80-100 per day.

Numerous accidents have also occurred at this intersection, mainly when cars turn right across the traffic flow.



All three of the MRWA options include a proposed continuous median island along East Pde at Gardiner Street which would restrict traffic to "left in left out". The options also show a "seagull" island which it is considered would not be required in conjunction with the continuous median island.

However, in the short term the installation of a "seagull" island on the current road configuration would address the concerns expressed by the residents.

Recommendation

*The group considered that the installation of a "seagull" island at the intersection of Gardiner Street and East Parade as soon as possible should be further investigated in liaison with the affected residents.*

**MRWA Proposed Options for East Parade (and adjoining streets)**

The group considered that the interest of the Council should not be subservient to through traffic, however, it should be recognised that the pressure of traffic through the area may need to be addressed.

The group therefore considered that MRWA should be advised that the Council DOES NOT express a preference for any one of the three options proposed, however, the Council is opposed to several of the proposed traffic modifications outlined in the options including:

- The changing the directional flow at Thirlmere street as outlined in Option 2
- The provision of a right turn movement from Guildford Road into the Mt Lawley subway also as outlined in Option 2.

Recommendation

*The group considered that MRWA should be advised that the Council DOES NOT express a preference for any one of the three options proposed however the Council is OPPOSED to several of the proposed traffic modifications outlined in the options including, but not limited to, changing the directional flow at Thirlmere Street as outlined in Option 2 and the provision of a right turn movement from Guildford Road into the Mt Lawley Subway to replace the existing straight-through movement, as outlined in Option 2.*

**Demolition of the Existing dwellings**

Some of the Group members expressed varying views on whether the existing houses should be retained.

The proposals include the demolition of the houses, which is required to accommodate a dedicated right turn and an extended and improved left turn lane from East Parade into Guildford Road.

The houses, except for two, are owned by the Government, and the Manager Planning and Building Services advised the Group that the Western Australian Planning Commission would have the final say in determining the future of the houses.

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2000-2002 – Key Result Area 1.5 “Develop and implement a plan to manage through traffic and local traffic, and reduce car dependence” and Key Result Area 1.6(b) “Develop streetscape alternatives for local wider streets.”

**FINANCIAL/BUDGET IMPLICATIONS:**

Funds may need to be sourced to install a "seagull" Island at Gardiner Street, however, this will be the subject of a further report to the Council at the conclusion of the community consultation period on this specific issue.

### **CONSULTATION / ADVERTISING:**

MRWA advised that the following consultation process would be followed:

#### Public Consultation:

- Meetings to be held with relevant local interest groups
- Brochures made available from displays, MRWA, local members of Parliament, Council offices and local libraries
- Public comment forms included in the brochures
- Advertisements placed in the West Australian and local newspapers
- Public submissions close on 13 December 2002

#### Public Consultation Review:

- Submissions reviewed and tabulated and Major issues documented
- One option will be selected as the preferred layout and a Report produced
- Stakeholders briefing on outcomes

#### Post Consultation Action:

- Master plan will be amended to reflect preferred option (by DPI)
- MRS revised and formalised (by DPI)
- Options developed for surplus land on corner of Guildford Road and East Parade (by DPI)
- Project submitted for funding consideration (by MRWA)
- East Parade and Guildford Road components submitted for funding consideration (by MRWA)
- Whatley Crescent, Third Avenue and Railway Parade improvements to be considered for funding by the City of Bayswater

### **COMMENTS:**

As a result of the LATM Advisory Group discussions and the issues raised by the Banks Precinct Action Group, it is recommended that the Council advises MRWA that it does not express a preference for any one of the three options proposed, however, it is opposed to several of the proposed traffic modifications outlined in the options including, but not limited to, changing the directional flow at Thirlmere Street as outlined in Option 2 and the provision of a right turn movement from Guildford Road into East Parade, also as outlined in Option 2.

It is also recommended that the Council further advises MRWA that any further redistribution of traffic, as would possibly result with implementation of the proposed Guildford Rd / East Parade modifications as outlined in option 2, is not supported; the installation of a pedestrian actuated pedestrian crossing facility on East Parade in the vicinity of the Westrail Centre should be installed as a matter of urgency, and the installation of a "seagull" island at the intersection of Gardiner Street and East Parade should be installed as soon as possible once the matter has been further investigated in liaison with the affected residents.

In addition, it is further recommended that the Council receives a further report on the East Parade / Guildford Road / Whatley Crescent - Planning and Traffic Study once a formal response regarding the Town's recommendations has been received from MRWA and on the proposed installation of a "seagull" island at the intersection of East Parade/Gardiner Street at the conclusion of the community consultation period.

**10.4.2 Independent Organisational Review - Approval of Documentation**

Ward:	-	Date:	22 November 2002
Precinct:	-	File Ref:	FIN0025
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:			
Amended by:	-		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *APPROVES of the Independent Organisational Review Project Objectives, Outcomes, Project Brief and Selection Criteria, as shown in Appendix 10.4.2; and*
- (ii) *AUTHORISES the Chief Executive Officer to advertise a tender inviting suitably qualified and experienced persons and/or organisations to carry out the Independent Organisational Review.*

**Moved by Cr Drewett, Seconded by Cr Piper**

*That the recommendation be adopted.*

*Debate ensued.*

**Moved by Cr Drewett, Seconded by Cr Franchina**

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

*“(iii) calls a Special Meeting of Council to be held on 28 January 2003 to consider the awarding of the tender for the Independent Organisational Review;*

*Debate ensued.*

**AMENDMENT CARRIED (7-1)**

**For**  
Mayor Catania  
Cr Chester  
Cr Cohen  
Cr Drewett  
Cr Franchina  
Cr Hall  
Cr Piper

**Against**  
Cr Doran-Wu

(Cr Ker on leave of absence.)

**Moved by Cr Piper, Seconded by Cr Cohen**

*That,*

*page 18 of Attachment 10.4.2, in the table under Documentation, dot point 6, the words “when available” be deleted and replaced with “on 18 December 2002”.*

*Debate ensued.*

**AMENDMENT CARRIED (8-0)**

(Cr Ker on leave of absence.)

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

(Cr Ker on leave of absence.)

### **COUNCIL DECISION ITEM 10.4.2**

*That the Council;*

- (i) *APPROVES of the Independent Organisational Review Project Objectives, Outcomes, Project Brief and Selection Criteria, as shown in Appendix 10.4.2;*
- (ii) *AUTHORISES the Chief Executive Officer to advertise a tender inviting suitably qualified and experienced persons and/or organisations to carry out the Independent Organisational Review;*
- (iii) *calls a Special Meeting of Council to be held on 28 January 2003 to consider the awarding of the tender for the Independent Organisational Review; and*
- (iv) *the attachment 10.4.2 for Agenda Item 10.4.2 of the Ordinary Meeting of Council held on 3 December 2002 be amended on page 18, in the table under Documentation, dot point 6, with the words "when available" deleted and replaced with "on 18 December 2002".*

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### **BACKGROUND**

At the Ordinary Meeting of Council held on 22 October 2002, the Council considered the matter of an Independent Organisational Review and resolved inter-alia as follows;

*"That; ...*

- (4) *the Council RESOLVES BY AN ABSOLUTE MAJORITY to change the decision by;*
  - (i) *changing the Independent Organisational Review timeline scheduled for February – May 2003;*
  - (ii) *changing the Capital Works Schedule 2002-2003 to reflect the new timetable;*
  - (iii) *endorsing the required processes to facilitate the Independent Organisational Review to commence immediately; and requests the Chief Executive Officer to prepare Project Objectives, Outcomes, Project Brief and Selection Criteria, in liaison with the Elected Members, for the consideration and approval of the Council;*
  - (iv) *AUTHORISING the Chief Executive Officer to prepare the necessary documentation to advertise a tender inviting suitably qualified and experienced persons and/or organizations to carry out the Independent Organisational Review and for the Review to commence in January 2003; and*
  - (v) *ADOPTING the amended Terms of Reference approved at the Special Meeting of Council held on 15 October 2002."*

### **DETAILS:**

Following the Council decision of 22 October 2002, draft Objectives, Outcomes, Project Brief have been prepared in consultation with the Staff. As the proposed Independent Organisational Review will involve all sections of the organisation, a Working Group comprising members from all of the Town's Administrative divisions was formed to have input into the above.

On 11 November 2002, the draft documentation was sent to all Elected Members for their consideration and comment by 18 November 2002. A copy of the draft documentation is attached at Appendix 10.4.2.

Comments have been received from Councillor Caroline Cohen and Councillor David Drewett, who advised that they agree with the draft documentation and stated that the matter should be promptly advertised.

**ADVERTISING/CONSULTATION:**

A tender will need to be advertised, in accordance with the Local Government (Functions and General) Regulations 1996, seeking consultants to carry out this Independent Organisational Review.

**FINANCIAL/BUDGET IMPLICATIONS:**

An amount of \$75,000 is included in the Budget 2002/2003 to carry out an Independent Organisational Review.

**LEGAL/POLICY:**

The Local Government (Functions and General) Regulations 1996 requires a criteria to be specified in writing under which the tender will be assessed and awarded.

**Local Government (Functions and General) Regulations 1996**

*“Tenders to be invited for certain contracts*

*11.(1) Tenders are to be publicly invited according to the requirements of this Part before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$50,000 unless sub regulation (2) states otherwise.” (Underlining added.)*

**STRATEGIC IMPLICATIONS:**

The Town's Strategic Plan 2000/2002 - Key Result Area 4: Leadership and Management and in particular, 4.2 states: *"introduce mechanisms to ensure continuous improvements in our service delivery."*

An Independent Organisational Review is not specifically identified in the Town's Strategic Plan.

**COMMENTS:**

It will now be necessary for the Council to determine and approve of the Project Objectives and Outcomes, Project Brief and Selection Criteria for this important project, as resolved by the Council at the Special Meeting of the Council held on 15 October 2002.

**10.4.3 Planning and Building Policies - Amendment No. 7 Relating to Appendix No. 12 Design Guidelines for Elven on the Park and Fletcher - Locality Plan 13**

<b>Ward:</b>	Both Wards	<b>Date:</b>	25 November 2002
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	PLA0138
<b>Reporting Officer(s):</b>	B Mirco		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *receives the final version of the Policy relating to Appendix No. 12 Design Guidelines for Elven on the Park and Fletcher - Locality Plan 13 as shown in Appendices 10.4.3(b) and (c) resulting from the advertised version having been reviewed and regard to the nil written submissions received during the formal advertising period in accordance with Clause 47 (3), (4) and (5)(a) of the Town of Vincent Town Planning Scheme No. 1;*
- (ii) *adopts the final version of the Policy relating to Appendix No. 12 Design for Elven on the Park and Fletcher - Locality Plan 13 as shown in Appendices 10.4.3(b) and (c) in accordance with Clause 47 (5) (b) of Town Planning Scheme No. 1; and*
- (iii) *authorises the Chief Executive Officer to advertise the adopted final version of the Policy relating to Appendix No. 12 Design for Elven on the Park and Fletcher - Locality Plan 13 as shown in Appendices 10.4.3(b) and (c) in accordance with Clause 47 (6) of Town Planning Scheme No. 1.*

**Moved by Cr Chester, Seconded by Cr Hall**

*That the recommendation be adopted with the following amendments to Appendix 10.4.3(b) of the Agenda for the Ordinary Meeting of Council held on 3 December 2002;*

- a) *page 2, point 3 second paragraph, add the words “including the Policy relating to the Fletcher – Locality Plan 13”; and*
- b) *page 4, point f under Height, delete the words “(including loft)”, and replace with the words “and the corresponding building height is to be in accordance with the Residential Design Codes”*

Cr Hall departed the Chamber at 8.47pm.

*Debated ensued.*

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

(Cr Hall was absent from the Chamber and did not vote. Cr Ker on leave of absence.)

**COUNCIL DECISION ITEM 10.4.3**

*That the Council;*

- (i) *receives the final version of the Policy relating to Appendix No. 12 Design Guidelines for Elven on the Park and Fletcher - Locality Plan 13 as shown in Appendices 10.4.3(b) and (c) resulting from the advertised version having been reviewed and regard to the nil written submissions received during the formal advertising period in accordance with Clause 47 (3), (4) and (5)(a) of the Town of Vincent Town Planning Scheme No. 1;*

- (ii) *adopts the final version of the Policy relating to Appendix No. 12 Design for Elven on the Park and Fletcher - Locality Plan 13 as shown in Appendices 10.4.3(b) and (c) in accordance with Clause 47 (5) (b) of Town Planning Scheme No. 1;*
- (iii) *authorises the Chief Executive Officer to advertise the adopted final version of the Policy relating to Appendix No. 12 Design for Elven on the Park and Fletcher - Locality Plan 13 as shown in Appendices 10.4.3(b) and (c) in accordance with Clause 47 (6) of Town Planning Scheme No. ;*
- (iv) *adopts the following amendments to Appendix 10.4.3(b) of the Agenda for the Ordinary Meeting of Council held on 3 December 2002:*
  - a) *page 2, point 3 second paragraph, add the words "including the Policy relating to the Fletcher – Locality Plan 13"; and*
  - b) *page 4, point f under Height, delete the words "(including loft)", and replace with the words "and the corresponding building height is to be in accordance with the Residential Design Codes".*

---

### **BACKGROUND:**

The Town applied to the Western Australian Planning Commission (WAPC) to subdivide a portion of its land on Elven Street, corner Emmerson Street, North Perth into seven lots. Conditional approval for the subdivision was received from the WAPC on 19 September 2002. The WAPC approval included the following condition:

- "3. *Detailed Residential Design Guidelines for the subdivisional area being submitted to the Western Australian Planning Commission for approval and adopted by the Town of Vincent pursuant to Clause 47 of the Town of Vincent Town Planning Scheme No.1 to address such issues as building orientation, site coverage, setbacks, the location and width of driveway crossovers, location of party walls, common fencing and parking."*

Therefore, the Town is required to develop and adopt a new Policy that contains appropriate development guidelines. The subdivision has been named "Elven on the Park", at this stage, to reflect the adjacent street and the naming of the nearby subdivision of "Richmond on the Park".

A copy of the approved subdivision plan is included as Appendix No.10.4.3(a) to this agenda report.

The proposed subdivision forms part of the Smith's Lake Redevelopment Plan.

At the Ordinary Meeting of Council held on 8 October 2002, the Council resolved the following:

*"That the Council;*

- (i) *RECEIVES the amended version of the Policy relating to Fletcher - Locality Plan 13 and the draft new Policy relating to Appendix No. 12 Design Guidelines for Elven on the Park, as shown in Appendices 10.4.2 (b) and (c);*
- (ii) *ADOPTS the amended version of the Policy relating to Fletcher - Locality Plan 13 and the draft new Policy relating to Appendix No. 12 Design Guidelines for Elven on the Park to be applied immediately;*

- (iii) *ADVERTISES the amended version of the Policy relating to Fletcher - Locality Plan 13 and the draft new Policy relating to Appendix No. 12 Design Guidelines for Elven on the Park for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
- (a) *advertising a summary of the subject Policies once a week for four consecutive weeks in a newspaper circulating in the locality;*
  - (b) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policies; and*
  - (c) *forwarding a copy of the subject Policies to the Western Australian Planning Commission; and*
- (iv) *after the expiry of the period for submissions:*
- (a) *REVIEWS the amended version of the Policy relating to Fletcher - Locality Plan 13 and the draft new Policy relating to Appendix No. 12 Design Guidelines for Elven on the Park, having regard to any written submissions; and*
  - (b) *DETERMINES the amended version of the Policy relating to Fletcher - Locality Plan 13 and the draft new Policy relating to Appendix No. 12 Design Guidelines for Elven on the Park, with or without amendment, to or not to proceed with them."*

**DETAILS:**

The final version of the Policy relating to Appendix No.12 Design Guidelines for Elven on the Park and Fletcher - Locality Plan 13 is shown in Appendices No. 10.4.3 (b) and (c) to this Report.

**CONSULTATION/ADVERTISING:**

The advertising period commenced on 15 November 2002 and concluded on 2 December 2002. The advertising included an advertisement circulating once a week for four consecutive weeks in a local newspaper. At the completion of the advertising period, no submissions were received by the Town.

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2000-2002 – Key Result Areas: 1.1 *“Implement Town Planning Scheme No. 1 and associated policies and guidelines”.*

**COMMENTS:**

It is recommended that the Council receives, adopts and authorises the Chief Executive Officer to advertise the final adopted version of the Policy relating to Appendix No. 12 Design Guidelines for Elven on the Park and Fletcher - Locality Plan 13 as shown in Appendices 10.4.3(b) and (c) in accordance with the Town of Vincent Town Planning Scheme No. 1.



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<b>11.1 Notice of Motion – Councillor Ian Ker – Disability Access Award</b>
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*That the Council write to the Western Australian Local Government Association urging it to work with ACROD, People with Disabilities and other peak disability organisations;*

*(i) to establish an annual state-wide award for local government contributions to disability access; and*

*to promote a similar concept of national awards to the Australian Local Government Association.*

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**COUNCIL DECISION ITEM 11.1**

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

*That the motion be adopted.*

Cr Hall returned to the Chamber at 8.52pm.

**CARRIED (8-0)**

(Cr Ker on leave of absence)

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**10.1.9 No.147 (Lot 505 and 506), Raglan Road, North Perth – Proposed Home Occupation - 'Therapeutic Massage'**

<b>Ward:</b>	North Perth	<b>Date:</b>	25 November 2002
<b>Precinct:</b>	Smith's Lake P6	<b>File Ref:</b>	PRO0512 00/33/1362
<b>Reporting Officer(s):</b>	S Robertson		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That;*

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

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality with respect to the adverse effect on the amenity of the neighbourhood;*
- (ii) non compliance with the definition of and requirements relating to Home Occupation under the Town's Town Planning Scheme No.1 and the Town's Policy relating to the Smith's Lake Precinct; and*
- (iii) consideration of the objections received;*

*the Council REFUSES the application, submitted by S Shellaear on behalf of the owner M Hoffman for proposed home occupation - 'therapeutic massage' on No. 147 (Lots 505 and 506) Raglan Road, North Perth, and as shown on the plans stamp dated 29 October 2002.*

**Moved by Cr Hall, Seconded by Cr Cohen.**

*That the recommendation be adopted with new clauses (i) and (ii) as follows and the remaining clauses be renumbered accordingly:*

*That Council,*

- “(i) advises the owner(s) and occupier(s) of No.147 (Lots 505 and 506) Raglan Road, North Perth, that the unauthorised use and activity are to cease within seven (7) days of notification, and that the Council will commence legal proceedings should this requirement not be complied with; and*
- (ii) authorises the Chief Executive Officer to commence legal proceedings against the owner(s) and/or occupier(s) should the above requirements not be complied with.”*

*Debate ensued.*

**CARRIED (8-0)**

**(Cr Ker on leave of absence)**

**COUNCIL DECISION ITEM 10.1.9**

*That;*

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

- (i) advises the owner(s) and occupier(s) of No.147 (Lots 505 and 506) Raglan Road, North Perth, that the unauthorised use and activity are to cease within seven (7) days of notification, and that the Council will commence legal proceedings should this requirement not be complied with; and*
- (ii) authorises the Chief Executive Officer to commence legal proceedings against the owner(s) and/or occupier(s) should the above requirements not be complied with;*
- (iii) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality with respect to the adverse effect on the amenity of the neighbourhood; and*
- (iv) non compliance with the definition of and requirements relating to Home Occupation under the Town's Town Planning Scheme No.1 and the Town's Policy relating to the Smith's Lake Precinct; and*
- (v) consideration of the objections received;*

*the Council REFUSES the application, submitted by S Shellaeer on behalf of the owner M Hoffman for proposed home occupation - 'therapeutic massage' on No. 147 (Lots 505 and 506) Raglan Road, North Perth, and as shown on the plans stamp dated 29 October 2002.*

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**LANDOWNER:** M Hoffman  
**APPLICANT:** S Shellabear  
**ZONING:** Metropolitan Region Scheme: Urban  
Town Planning Scheme No.1: Residential R40  
**EXISTING LAND USE:** Single house

**COMPLIANCE:**

Use Class	Home Occupation
Use Classification	"P"
Lot Area	288 square metres

**SITE HISTORY:**

- 6 August 2002 Letter from the Town to the owner and occupier of the subject premises in relation to an alleged unauthorised and illegal use on the property and requesting this use cease within 14 days, as a result of complaints from surrounding residents.
- 19 August 2002 Letter received from a lawyer acting on behalf of the occupier seeking an extension of time to complete the planning application.
- 9 October 2002 A further letter written to the occupier seeking the use to cease as a valid planning application had not been received by the Town.

29 October 2002            Planning Application received by the Town for a home occupation - non sexual therapeutic massage on the subject property. The proposal will use one bedroom and one bathroom.

**CONSULTATION/ADVERTISING:**

Three (3) submissions were received during the advertising period and a petition signed by 9 surrounding residents. The submissions object to the proposed home occupation as the proposal is seen as being used for illegal massage consulting rooms and seeks assurances that the Council would ensure that the use remains legal and appropriately controlled.

The following are excerpts from these letters:

*"I wish to strongly object to the issue of the above licence. The occupant has been there for a period of six month during that time there has been a continuous number of men visiting the house at all times of the day, early morning and evening, . . ."*

*"...living on my own I find this . . . a great concern to my personal safety and the security of my property".*

*"The applicants credentials regarding 'Therapeutic Massage'. What college were (they) obtained from. Hours of accredited massage. Association that the massage therapist belongs to . . . I have reason to believe that the occupier is operating a facility for prostitution rather than massage."*

In conjunction with the above mentioned letters, a petition from residents in the locality was read and tabled at the Ordinary Meeting of Council held on 19 November 2002, which strongly objected to the issue of a home occupation approval for the subject applicant.

The Town has received a comprehensive submission that included an observational history on the site. The submission includes the occurrence of numerous male clients visiting the premise at frequent intervals and at all hours, every day of the week.

The applicant's submission letter summarised that the proposal would be a non-sexual massage business, with the use of one bedroom upstairs and separate toilet facilities. The applicant indicated that the hours of operation would be Monday to Friday during the hours of 9am to 6pm, and advised that there was plenty of street parking including a double garage located on the subject property that could be used to support clientele parking requirements.

**COMMENTS:**

The definition of Home Occupation under the Town's Town Planning Scheme No. 1 reads as follows.

- (b) *does not cause injury to or prejudicially affect the amenity of the neighbourhood;*
- (g) *in the opinion of the Council is compatible with the principal uses to which land in the zone in which it is located may be put;*
- (h) *will not result in the requirement for a greater number of parking facilities than normally reserved for a single dwelling, and will not result in a substantial increase in the amount of vehicular traffic in the vicinity;*

The general area is characterised by residential buildings. The Policy relating to the 'Smiths Lake' Precinct states that the Town should endeavour to manage traffic flow in accordance with its functional road hierarchy and in particular the Town is to discourage the movement of commercial traffic into adjacent residential streets.

The proposal appears to contravene the above requirements given the nature of the home occupation, that traffic increase will be inevitable and that the applicant has not stipulated the expected number of clientele. The letters of objection by neighbouring residential owners and occupiers, both prior to and during the advertising period clearly indicates that there has been an increase in traffic due to the applicant's presence and current non-approved operation of the subject business from the residence.

The proposal does not display any due regard to the protection of character and amenity of the locality and the scale of the non-approved business and nature of activities is considered to be non-compatible with the surrounding residential area.

The applicant has not produced any formal certification from an accredited institution of massage therapy and there appears to be sufficient uncertainty as to whether the activities will be legitimate and legal.

It is considered that the proposal will have an unreasonable detrimental impact on the amenity of the area mainly due to the proposal resulting in non-compliance with the requirements for a home occupation, especially in due regard to a substantial increase in traffic in the vicinity and car parking requirement. Accordingly, it is recommended that the proposal be refused.

**Presiding Member, Mayor Nick Catania, advised under Item 3 that Item 10.4.4 had been withdrawn by the Chief Executive Officer - for further clarification.**

**10.4.4 Town Planning Scheme No. 1 - Authorisation of Officers to Inspect Premises**

<b>Ward:</b>	Both Wards	<b>Date:</b>	21 November 2002
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	ADM0018
<b>Reporting Officer(s):</b>	Y Scheidegger		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That;*

*the Council authorises the following officers of the Town of Vincent, pursuant to and for the purposes of Clause 52 of the Town of Vincent Town Planning Scheme No. 1;*

- (i) **John Giorgi;**
- (ii) **Robert Boardman;**
- (iii) **Desmond Abel;**
- (iv) **Stephen Robertson;**
- (v) **Verity Lee;**
- (vi) **Caroline Mooney;**
- (vii) **Pina Mastrodomenico;**
- (viii) **Yolanda Scheidegger;**
- (ix) **Helen Coulter;**
- (x) **Matthew Turnbull;**
- (xi) **Hannah Eames;**
- (xii) **Amy Nancarrow;**
- (xiii) **Belinda Mirco;**
- (xiv) **Rosalind Beatty;**
- (xv) **Grenville Snelling;**
- (xvi) **Stephen Ward; and**
- (xvii) **Ba-Hoa Tran.**

**DETAILS:**

The Town recently received advice dated 6 November 2002 from its lawyers; Minter Ellison Lawyers advising that:

*" The relevant statutory provisions that provide the Town's officers with the power to inspect ..... premises are:*

- (a) *Clause 52 of the Town Planning Scheme No. 1 which allows an officer authorised by the Council of the Town to enter any building or land within the Town's district to determine whether the provisions of that scheme have or are being observed.*
- (b) *Section 349 of the Health Act 1911 which provides that:  
'...the local government and its officers, shall have the power to enter from time to time into and upon any house or premises, for the purposes of examining...whether any of the provisions of the Act are being contravened... at any time between the hours of 7.00 a.m. and 6.00 p.m. of any day'*
- (c) *Section 420 of the Local Government (Miscellaneous Provisions) Act 1960 which provides that:*

*'[t]he Minister or the Building Surveyor or any person authorised in writing by either of them, may at reasonable times enter and inspect buildings.'*

Minter Ellison Lawyers confirm that the Chief Executive Officer of the Town previously authorised certain officers for the purpose of Town Planning Scheme No. 1 (TPSNo. 1) in September 2001, but did not specifically allow for the authorisation under clause 52 of TPSNo. 1. As such, Minter Ellison Lawyers recommend that authorisation be granted to the Town's officers specifically relating to this clause in TPSNo. 1.

In terms with the Local Government (Miscellaneous Provisions) Act 1960, the Town's Building Surveyor or a person authorised in writing by the Town's Building Surveyor can enter and inspect buildings. As such Minter Ellison Lawyers recommend that prior to the Town's officers entering a building, the Town's Building Surveyor provide the following written authorisation:

*"I, [insert name of Building Surveyor], being a Building Surveyor for the Town of Vincent, do authorise [insert name of officer/s to inspect... ..premises] under section 420(1) of the Local Government (Miscellaneous Provisions) Act 1960, to at reasonable times enter and inspect the building situated on ... ".*

No specific Council authorisation is required under the Health Act 1911, as this is issued by the Health Department of WA.

**COMMENTS:**

In view of the above, and to remove any ambiguity, it is recommended that the Council authorises the relevant officers of the Town of Vincent pursuant to and for the purposes of clause 52 of the Town of Vincent Town Planning Scheme No. 1.

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

Nil.

**13. URGENT BUSINESS**

Nil.

**14. CLOSURE**

Presiding Member, Mayor Nick Catania JP, declared the Meeting closed at 9.00pm with Councillors Chester, Cohen, Doran-Wu, Drewett JP, Franchina, Hall, Piper JP, Chief Executive Officer, John Giorgi JP, Executive Manager Corporate Services, Mike Rootsey, Executive Manager Environmental & Development Services, Rob Boardman, Executive Manager Technical Services, Rick Lotznicher, Minute Secretary, Debbie Winfield, Deon Brits, Manager Health and Environment, Voice News journalist, Ms Jenny D'Anger, Guardian Express journalist, Ryan Sturman and five members of the public present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 3 December 2002.

Signed: .....Presiding Member  
Mayor Nick Catania, JP

Dated this ..... day of ..... 2002