

10.1 ENVIRONMENTAL AND DEVELOPMENT SERVICES

10.1.1 No. 58 (Lot 464) Fairfield Street, Mount Hawthorn - Alterations and Additions to Existing Two-Storey with Loft Single House

Ward:	Mount Hawthorn	Date:	1 October 2002
Precinct:	Mount Hawthorn, P1	File Ref:	PRO2097 00/33/1301
Reporting Officer(s):	V Lee		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by W Antoniazzi on behalf of the owners W and J Antoniazzi for proposed alterations and additions to existing two-storey with loft single house at No. 58 (Lot 464) Fairfield Street, Mount Hawthorn, as shown on plans stamp-dated 12 September 2002, subject to:

- (i) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development:*
 - (a) *the windows to the activity room on the northern, eastern and southern elevations, and the windows to bedroom 3 and bedroom 4 on the southern elevation, on the upper floor; and*
 - (b) *the windows to the meals and family rooms on the northern elevation and the windows to the family room on the eastern elevation on the ground floor;*

shall be screened with a permanent obscure material to a minimum of 1.4 metres above the finished upper and ground floor levels. A permanent obscure material does not include a self adhesive material or other material that is easily removed. The obscure portion of the windows shall be fixed in a closed position and any higher part may be openable, or the whole windows be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees;
- (ii) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the northern, eastern and southern sides of the balcony accessible from the family room on the ground floor level shall be screened with a permanent obscure material to a minimum height of 1.4 metres above the finished ground floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*
- (iii) *compliance with all relevant Environmental Health, Engineering and Building requirements, including the modifications to new windows to the meals and family room to comply with fire requirements of the Building Code of Australia;*

- (iv) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to Fairfield Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (v) *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;*
- (vi) *a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
- (vii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (viii) *a road and verge security deposit bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the Town's assets have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (ix) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the activity room on the upper floor being incorporated into the roof and the pitch of the roof shall be a maximum height of 9 metres; and*
- (x) *no trees shall be removed, cut back, pruned or interfered with in any way, without the prior approval of the Town's Parks Services Section;*

to the satisfaction of the Chief Executive Officer.

LANDOWNER:	W and J Antoniazzi
APPLICANT:	W Antoniazzi
ZONING:	Metropolitan Region Scheme - Urban Town Planning Scheme No. 1 - Residential R30
EXISTING LAND USE:	Single House

COMPLIANCE:

At the date of assessment of the proposal and preparation of this report, the Planning Application was assessed under the provisions of the Residential Planning Codes of Western Australia 1991 (R Codes 1991). The new Residential Design Codes of Western Australia (RD Codes 2002) are proposed to be gazetted on Friday 4 October 2002, therefore the application was not assessed under these provisions. Any variations between the R Codes 1991 and RD Codes 2002 can be considered and determined by the Council under clause 40 of the Town's Town Planning Scheme No.1

Requirements	Required	Proposed
Setbacks - Side - North	3.8 metres to upper floor activity room	2.8 metres
- Side - South	3.5 metres to ground floor 3.8 metres to upper floor activity room 4.5 metres to ground floor	0.8 metre 3.2 metres 1.2 metres
Privacy	Screening of windows and balconies where there is unreasonable overlooking	first floor and second floor windows unscreened
Building Scale	9 metres to pitch 6 metres to top of two storey wall	10 metres at highest point 8 metres at rear
Use Class	Single House	
Use Classification	'P'	
Lot Area	516 square metres	

SITE HISTORY:

The existing house is not listed on the Town's Municipal Heritage Inventory.

Council at its Ordinary Meeting held on 27 August 2002 conditionally approved a similar application, which included the following conditions:

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

- (a) the windows to the activity room on the northern and southern elevations, and the windows to bedroom 3 and bedroom 4 on the southern elevation, on the upper floor, and*
- (b) the windows to the meals and family rooms on northern elevation and the windows to the family room on the elevation on the ground floor;*

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

- (ii) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the northern, eastern and southern sides of the balcony accessible from the family room on the ground floor level shall be screened with a permanent obscure material to a minimum height of 1.4 metres above the finished ground floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;"*

The applicant has reapplied to the Town and made the following submission:

"This proposal has been before Council before. However a proposal for the screening to the balcony to be changed to one metre was overlooked and hence we are asking the Council to reconsider this request. My reasons for asking the Council to allow 1 metre screening to the balcony are:

- (i) *There is an existing balcony with no screening.*
- (ii) *Neighbours to the north have a 2nd storey balcony with no screening.*
- (iii) *We have developed extensive screening by means of trees and shrubs on both the northern and southern boundary - it is impossible to see into backyards. (Please see photos)*
- (iv) *Garages to the east of the balcony form a screen to the three properties being built. (Please see photos)*
- (v) *Neighbours were consulted in all aspects of the planning. They signed all pages of plans submitted. There were no objections to the plans."*

DETAILS:

The existing house has a significant roof pitch and it is proposed to modify this space as part of the proposed addition. Vehicular access is proposed from the Town owned and sealed right of way (ROW) along the rear boundary.

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

"We purchased the property at 58 Fairfield Street in 1985. The American bungalow style house, built in the early 1920's was in very good original condition and we have spent a great deal of time and effort over the years restoring it to its former glory... Over this period, we have become very involved in the Mt. Hawthorn community. Now that our two sons are approaching their teenage years, we need more room but are very keen to stay in this house, hence the need for extensions. We were conscious of the need for any extension to retain the original character of the house and to keep the street-scape as unaltered as possible. We are also aware that with the small lots in Mt Hawthorn privacy is an important issue, this coupled with the fact that the house is built on a steep hill created planning challenges. When a new house was built at number 60 a few years ago with an open second storey balcony, we successfully worked together to quickly grow effective screening plants. We get on well with our neighbours and value this relationship. With this in mind, we have consulted them in the planning process. Photos taken from the roof of the back of 58 Fairfield Street show clearly that there will not be any possibility of looking into the backyards of any neighbours. Please also note that the character of the house is carried through to the extension. We believe that the quality of design and the standard of finishes will make this home an asset to the area."

CONSULTATION/ADVERTISING:

This application was not advertised as a similar application was advertised and considered by Council within the past 12 months.

One submission received during the original advertising period requested screening of windows on the upper level to protect privacy. The applicant has advised that they are willing to meet this request and will submit revised plans showing this prior to the issue of a Building Licence.

COMMENTS:

Building Scale

The Ellesmere Locality Policy Statement states that;

"a general height limit of two storeys (including loft) can be considered provided the second storey (including loft) is generally setback a minimum of 6 metres from the street and the amenity of the area is protected in terms of privacy, scale and bulk."

The subject lot has substantial fall to the rear of the lot, of approximately 3 metres from the front of the block to the rear of the lot.

The proposed additions will not significantly alter the affect on the streetscape from Fairfield Street. The proposed additions follow the existing roof line and effectively the building will appear to be two-storey from Fairfield Street.

However, due to the significant slope on the lot, the house visually appears to be three-storey from the ROW at the rear. Visually, the ROW is dominated by rear fences and garages, and therefore there is not considered to be an established streetscape.

The ground floor is proposed to be cut into the slope, so that approximately 600 millimetres of the proposed additions will be below the existing ground level. This cut is encouraged to reduce the overall height of the building and effect on the rear ROW and neighbours.

In order to further reduce the height of the building at the rear, it is recommended that revised plans be submitted and approved showing the continuation of the existing roof line through to the eastern end of the upper floor of the building, resulting in a gable roof end rather than a hipped feature end. This will reduce the height to the pitch of the roof to approximately 9 metres and therefore the proposal will comply with this requirement of the Town's Policy relating to Building Scale. The upper floor will therefore be contained within the existing roof line and the upper floor may be considered as a 'loft' and not a third storey.

The applicant has advised that this option may not be acceptable due to minimum ceiling heights and the location of the staircase. Notwithstanding, it is recommended that an approval be subject to a condition requiring compliance with the Town's Policy relating to Building Scale, in particular, the height to the pitch of the roof, to address concerns regarding the bulk and scale to the rear. It is acknowledged that the Council at its Ordinary Meeting held on 27 August 2002 resolved not to apply a condition to address this non-compliance.

Although the proposal does not strictly comply with the Town's Policy relating to the Ellesmere Locality, it may be considered acceptable to support the proposal due to the significant slope over the lot and as no objections have been received on this matter. From Fairfield Street, the proposal is considered sympathetic to the existing streetscape in terms of bulk and scale.

Privacy

It is acknowledged that the Council at its Ordinary Meeting held on 27 August 2002 did not require the eastern windows to the family room on the ground floor and to the activity room on the upper floor, and the eastern side of the balcony, to be screened.

The applicant comments regarding overlooking are noted and it is also acknowledged that there is currently significant vegetation screening the adjoining properties. However, should the proposed additions be approved, it is considered appropriate that screening be required on all windows and verandahs that potentially may unreasonably overlook adjoining properties, as the screening vegetation may be removed, and the ownership of the affected properties may change, in the future.

In this instance, it is considered appropriate to screen the eastern, northern and southern sides of the balcony on the ground floor. The applicants request for this screening to be a maximum of 1 metre are noted, however to protect the amenity of the adjoining properties, it is recommended that the application be approved subject to the Town's Policy relating to Privacy, which requires screening to a height of 1.4 metres.

To protect the amenity of the adjoining properties, it is recommended that windows to:

- the meals and family room on the northern elevation of the ground floor;
- the family room on the eastern elevation of the ground floor;
- the activity room on the eastern, southern and northern elevations of the upper floor; and
- bedrooms 3 and 4 on the southern elevation of the upper floor;

to comply with the Town's current Policy relating to Privacy.

Setbacks

The ground floor additions are in keeping with the line of the existing house, and will not unduly adversely affect the amenity of the adjoining properties, therefore these variations to setbacks for the ground floor additions are supported.

The setback variation to the proposed activity room on the upper floor is considered acceptable, as no objections have been received on this matter and it will not unduly adversely affect the amenity of the adjoining properties.

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

10.1.2 No.26 (Lot 17) Woodville Street, North Perth - Proposed Additional Multiple Dwelling Above a Two Bay Garage to the Existing Single House and Single Bay Garage to the Multiple Dwelling.

Ward:	Mount Hawthorn	Date:	27 September 2002
Precinct:	Smith's Lake, P6	File Ref:	PRO2137 (00/33/1268)
Reporting Officer(s):	S Turner		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by the landowner M Thornton for a proposed additional multiple dwelling above a two bay garage to the existing single house and single bay garage to the multiple dwelling at No.26 (Lot 17) Woodville Street, North Perth and as shown on plans stamp dated 20 September 2002, subject to;

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

(a) *the setback to the garage being a minimum of 6 metres as measured from the opposite side of the right of way; and*

(b) *the addition of a major opening/window to the eastern side upper level.*

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

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

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

(iv) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate of Title or Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town.*

- (v) *a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
- (vi) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (vii) *a road and verge security deposit bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the Town's assets have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (viii) *compliance with all relevant Environmental Health, Engineering and Building requirements; and*
- (ix) *the provision and construction of a pedestrian accessway with a minimum width of 1.5 metres, except along the existing dwelling where it can be 1.2 metres wide, to the proposed road lot/dwelling;*

to the satisfaction of the Chief Executive Officer.

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

COMPLIANCE:

At the date of assessment of the proposal and preparation of this report, the Planning Application was assessed under the provisions of the Residential Planning Codes of Western Australia 1991 (R Codes 1991). The new Residential Design Codes of Western Australia (RD Codes 2002) are proposed to be gazetted on Friday 4 October 2002, therefore the application was not assessed under these provisions. Any variations between the R Codes 1991 and RD Codes 2002 can be considered and determined by the Council under clause 40 of the Town's Town Planning Scheme No.1.

Requirements	Required	Proposed
Setbacks		
North (grd & 1st flr)	1.2 metres	Nil
South (grd & 1st flr)	1.2 metres	Nil
Pedestrian accessway to street	1.5 metres wide	1.2 metres wide
Use Class	Multiple Dwelling	
Use Classification	'P'	
Lot Area	693 square metres	

SITE HISTORY:

The property is located on the eastern side of Woodville Street and has access to a privately owned 5.0 metres wide sealed right of way along the rear boundary. The surrounding area is characterised predominantly by single houses, with a mix of older and newer styles.

DETAILS:

Approval is sought to construct a two-storey rear building with access from the rear right of way. The development comprises a double garage and a single garage on the ground floor and a multiple dwelling above. The double garage is for the use of the existing single house.

CONSULTATION/ADVERTISING:

No submissions were received during the advertising period.

COMMENTS:

The proposed reduced side setbacks are considered supportable as they comply with Clause 1.2 of the Residential Planning Codes (R-Codes), adjacent to existing structures on the neighbouring properties, no objections were received during consultation, and will not unreasonably adversely affect the amenity of the area.

In order to increase the interaction and passive surveillance with the rear right of way (ROW), a condition is recommended that requires the addition of a major opening/window to the east facing upper level. This window is not considered to cause any overlooking problems as it is in accordance with the Town's Privacy Policy setback requirement of 6.0 metres from the opposite side of the ROW.

The proposal includes a pedestrian access from the rear dwelling to Woodville Street. The Town's Policy Vehicle Access to Dwelling Via a Right of Way requires a pedestrian accessway with a minimum width of 1.5 metres, however will consider a lesser width where it abuts an existing house that is being retained. A reduction therefore in the required width of the accessway from 1.5 metres to 1.2 metres is considered acceptable in accordance with the Policy.

The proposal is being considered as a multiple dwelling in accordance with the R-Codes, as portion of the proposed dwelling is over the proposed garage for the existing house. The proposed development complies with all requirements of a grouped dwelling, which are at a higher standard than that usually required for a multiple dwelling.

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

10.1.3 No. 119 (Lot 373) Walcott Street and No. 6 (Lot 62) Forrest Street, Mount Lawley - Proposed Garage and Storeroom Additions to Existing Single House and Proposed Two-Storey Single House

Ward:	North Perth	Date:	2 October 2002
Precinct:	Norfolk, P10	File Ref:	PRO2131 00/33/1255
Reporting Officer(s):	V Lee		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by M Megaw on behalf of the owners M and M Megaw, for proposed garage and storeroom additions to existing single house and proposed two-storey single house at No. 119 (Lot 373) Walcott Street and No. 6 (Lot 62) Forrest Street, Mount Lawley, as shown on plans stamp-dated 12 August 2002, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) prior to the issue of a Building Licence, the subject land shall be subdivided as generally shown on the approved plans on Certificates of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to subdivide the subject land as generally shown on the approved plans within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (iii) subject to first obtaining the consent of the owners of No. 8 (Lot 61) Forrest Street and No. 115 (Lot 374) Walcott 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. 8 (Lot 61) Forrest Street and No. 115 (Lot 374) Walcott Street, in a good and clean condition;*
- (iv) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to Forrest Street and Walcott Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (v) no street trees shall be removed, cut back, pruned or interfered with in any way, without the prior approval of the town's parks services section;*

- (vi) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the windows to bedroom 2 and 3 on the northern, eastern and western elevations on the first floor shall be screened with a permanent obscure material to a minimum of 1.4 metres above the finished first floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed. The obscure portion of the windows shall be fixed in a closed position and any higher part may be openable, or the whole windows be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees;*
- (vii) *the carport shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted);*
- (viii) *detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building Licence application. This should include the extension of the brick paving area through to Lot 63 carport to assist reversing from the garage ;*
- (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 \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the Town's assets have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (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; and*
- (xiii) *the garage and storeroom additions/structure shall not be used for habitable, commercial or industrial purposes;*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: M and M Megaw
APPLICANT: M Megaw
ZONING: Metropolitan Region Scheme - Urban
Town Planning Scheme No. 1 -
No. 119 Walcott Street - Residential R60
No 6. Forrest Street - Residential R40
EXISTING LAND USE: Single House, vacant

COMPLIANCE:

At the date of assessment of the proposal and preparation of this report, the Planning Application was assessed under the provisions of the Residential Planning Codes of Western Australia 1991 (R Codes 1991). The new Residential Design Codes of Western Australia (RD Codes 2002) are proposed to be gazetted on Friday 4 October 2002, therefore the application was not assessed under these provisions. Any variations between the R Codes 1991 and RD Codes 2002 can be considered and determined by the Council under clause 40 of the Town's Town Planning Scheme No.1.

Requirements	Required	Proposed
Setbacks - Front	6 metres to Forrest Street	3.8 metres to 7.1 metres to Forrest Street
- Rear	4 metres	1.7 metres to 12.6 metres
- Side - west	1 metre	0 metre to western property boundary
- Side - east	1 metre	0 metre to store room
Use Class	Single House, Single House	
Use Classification	'P', 'P'	
Lot Area	1035 square metres, 316 square metres	

SITE HISTORY:

25 January 2002 The Western Australian Planning Commission conditionally approved a subdivision involving a boundary realignment between No. 6 (Lot 62) Forrest Street and No. 119 (Lot 373) Walcott Street, Mount Lawley. The proposal involved the continuation of a portion of No 119 (Lot 64) Walcott Street through to Forrest Street, which potentially provides vehicular access from Forrest Street to No. 199 Walcott Street.

DETAILS:

No. 119 Walcott Street is listed on the Town's Interim Heritage Database. The proposal involves the addition of a garage and store room at the rear of the existing residence at No. 119 Walcott Street. The garage and store will not be visible from Walcott Street and therefore will not effect the streetscape of Walcott Street.

No. 6 Forrest Street is a triangular shaped lot and is currently vacant.

CONSULTATION/ADVERTISING:

No submissions were received during the advertising period.

COMMENTS:

Setbacks

The variations to setbacks are considered acceptable as no objections have been received from the adjoining properties and the proposal is not considered to unreasonably adversely affect the amenity of the adjoining properties.

In this instance, the variation to the front setback may be considered acceptable as Forrest Street is not considered to be an intact streetscape. In addition, 3 two-storey dwellings have been approved and built, on the adjacent No. 10 (Lot 371) Forrest Street, with a minimum setback of 3.6 metres from Forrest Street to both the ground and first floors.

Carport

Due to the irregular configuration of No. 6 Forrest Street, in this instance a carport within the front setback may be considered acceptable. In addition, Forrest Street has a number of carports and garages within the front setback, and is not considered to have an intact streetscape. In light of the above and as no objections have been received, this variation is supported, provided that the carport is open on all sides.

Privacy

In accordance with the Town's Policy relating to Privacy, it is recommended that approval be subject to windows to bedroom 2 and bedroom 3 on the northern, eastern and western elevations on the first floor be screened in accordance with the Town's Policy relating to Privacy, to protect the reasonable privacy of the adjoining residents.

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

10.1.4 No. 38 (Lot 31) Camelia Street, North Perth - Proposed Additional Two-Storey with Loft Grouped Dwelling to Existing Dwelling

Ward:	North Perth	Date:	26 September 2002
Precinct:	Smith's Lake, P6	File Ref:	PRO 2107 00/33/1210
Reporting Officer(s):	V Lee		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

FURTHER OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by the owner L Bruno, for proposed additional two-storey with loft storage area, grouped dwelling and store additions and alterations to existing dwelling at No. 38 (Lot 31) Camelia Street, North Perth, as shown on plans dated 9 September 2002, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (iii) subject to first obtaining the consent of the owners of No 40 (Lot 32) and No 36 (Lot 30) Camelia 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 40 (Lot 32) and No. 36 (Lot 30) Camelia Street, in a good and clean condition;*
- (iv) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to Camelia Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (v) a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Camelia Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (vi) 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;*
- (vii) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the western, northern and southern sides of the balcony accessible from bedroom 1 on the first floor level, and the eastern, northern and southern sides of the balcony accessible from bedroom 2 and the sitting room on the first floor, shall be screened with a permanent obscure material to a minimum height of 1.4 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*

- (viii) *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 Residential Planning Codes, with a minimum length of 5.5 metres;*
- (ix) *the loft floor shall be used for storage purposes only;*
- (x) *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.*
- (xi) *a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
- (xii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division.*
- (xiii) *a road and verge security deposit bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the Town's assets have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (xiv) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (xv) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (xvi) *a pedestrian access way with a minimum width of 1.1 metres along the length of the existing dwelling, and a minimum width of 1.5 metres for the remaining length from Camelia Street to the rear lot / dwelling shall be provided and constructed; and*
- (xvii) *no car parking structures shall be erected within the front setback area adjacent to Camelia Street;*

to the satisfaction of the Chief Executive Officer.

FURTHER REPORT:

The Council at its Ordinary Meeting held on 13 August 2002 received a report relating to a proposed additional two-storey with loft grouped dwelling to existing dwelling on the subject property and deferred its consideration of the application at the request of the applicant.

The applicant has revised the plans to address several of the issues raised in the report.

COMPLIANCE:

At the date of assessment of the proposal and preparation of this report, the Planning Application was assessed under the provisions of the Residential Planning Codes of Western Australia 1991 (R Codes 1991). The new Residential Design Codes of Western Australia (RD Codes 2002) are proposed to be gazetted on Friday 4 October 2002, therefore the application was not assessed under these provisions. Any variations between the R Codes 1991 and RD Codes 2002 can be considered and determined by the Council under clause 40 of the Town's Town Planning Scheme No.1.

Requirements	Required	Proposed
Setbacks - Side - northern	1.5 metres to study and living rooms	0 metre
- Side - southern	1 metre to garage / store	0 metre
Plot Ratio	0.5 (maximum)	0.6
Total Open Space	50 per cent (minimum)	41 per cent
Pedestrian Accessway Width	1.5 metres	1.1 metres
Monastery Precinct Height	Two storeys including loft provided second storey is setback 6 metres from street and the amenity of the area is protected in terms of privacy, scale and bulk	Two storeys plus storage area within loft, second storey setback 4.3 metres
Use Class	Grouped Dwelling	
Use Classification	'P'	
Lot Area	529 square metres	

CONSULTATION/ADVERTISING:

Due to previous objections to the proposal and the modifications to the plans to attempt to address concerns raised, the application was referred to neighbours for further comment for a period of one week.

It is understood that the applicant also met with the adjoining property owners to discuss the issues raised. As a result, one previous objection to the proposal was withdrawn in writing. Three objectors reaffirmed their objection to the proposal with the main concerns being the setback of the proposed building to the right of way (ROW) and that the proposal does not comply with the intent of the Monastery Precinct as the proposal is considered to be two-storey and a loft. Variations to the plot ratio and total open space and the implications on the adjoining neighbours amenity in terms of privacy and sense of space were also reiterated.

The applicant has further advised the Town's Officers that they are willing to compromise and modify the plans, within reason, to address neighbours concerns. They have advised that they have modified the plans to include obscure glazing and are willing to obscure other windows and doors facing the ROW to address any further concerns regarding privacy.

It is also noted that the objector's dwellings at No. 12 Alma Road, approved at the Ordinary Meeting of Council held on 22 March 1999, are setback a similar distance from the ROW, are a similar height, bulk and scale and have a greater variation to plot ratio and open space.

COMMENT:

Car Parking

The applicant has revised the plans, including a minor modification to the existing house to allow for two uncovered cars to be parked at the front of the existing house. Therefore the applicant can now provide two car parking bays for each dwelling in compliance with the R-Codes.

Store Room

The applicant has identified storerooms for both dwellings and therefore the proposal complies with the storeroom requirements of the R - Codes.

Building Scale

The revised plans show some cut and fill on the site. The proposal now generally complies with the Town's Policy relating to Building Scale, in that the maximum height to the ridge of the roof is less than 9 metres and therefore complies with the height restrictions of a two-storey building.

Pedestrian Access Way (PAW) Width

The applicant has identified that there is 1.1 metres width down the northern side of the existing house for the PAW. This variation to the PAW width is considered acceptable, as the existing house is to be retained and will still adequately provide for mail and garbage collection and installation of services.

Monastery Precinct

It is noted that the applicant has modified the plans to reduce the impact of the house in terms of height. However, the owner requests the retention of the feature gable in the roof space to add visual interest to the house. The applicant has also identified the area within the roof space as a "storage area", rather than habitable roof space / loft. The room does not have openable windows and is not considered to have adequate ventilation to be considered a habitable room. The applicant has shown the windows in this area as obscure glazing in an attempt to address neighbours concerns regarding perceived overlooking from this room. It is recommended that this be conditioned to ensure that this roof space can not be used as a habitable room.

Total Open Space and Plot Ratio

The plot ratio and total open space were recalculated on the revised plans received, with reductions being caused by the identification of storage areas. This still resulted in a variation to the standards as required by the R - Codes. These variations are lower than first calculated. It is also acknowledged that the new Residential Design Codes will no longer take into account Plot Ratio at this density, therefore, as the proposal generally complies with the Town's Building Scale Policy, this variation is supported.

Privacy

Should the application be approved, it is considered appropriate that the northern, western and southern sides of the western balcony be screened in accordance with the Town's Policy relating to Privacy. To address neighbours concerns regarding perceived overlooking from the eastern balcony, it is recommended that the southern, eastern and northern sides of the eastern balcony on the first floor are screened in accordance with the Town's Policy relating to Privacy.

Accordingly, it is recommended that the application and accompanying amended plans dated 9 September 2002, 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 13 August 2002:

"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; and*
- (ii) the non-compliance with the car parking, setbacks, plot ratio, pedestrian access, total open space and storeroom requirements of the Residential Planning Codes (R-Codes) and the Town's Policies relating to Building Scale, Monastery Locality and Privacy;*

the Council REFUSES the application stamp dated 10 July 2002 submitted by the owner L Bruno, for proposed additional two-storey with loft grouped dwelling to existing dwelling at No. 38 (Lot 31) Camelia Street, North Perth.

COUNCIL DECISION ITEM 10.1.30

Moved Cr Cohen, Seconded Cr Ker

That the recommendation be adopted.

Moved Cr Franchina; Seconded Cr Hall

That this item be DEFERRED at the applicant's request.

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

(Cr Piper on approved leave of absence)

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

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

COMPLIANCE:

<i>Requirements</i>	<i>Required</i>	<i>Proposed</i>
<i>Setbacks</i> - Rear - ROW - Side - northern - Side - southern	<i>6 metres</i> <i>1 metre to study and living rooms</i> <i>1 metre to garage</i>	<i>1.5 metres to dwelling</i> <i>0 metre</i> <i>0 metre</i>
<i>Car Parking</i>	<i>2 bays per dwelling</i>	<i>one bay shown for existing house</i>
<i>Plot Ratio</i>	<i>0.5 (max)</i>	<i>0.78</i>
<i>Total Open Space</i>	<i>50 per cent (min)</i>	<i>37 per cent</i>
<i>PAW Width</i>	<i>1.5 metres</i>	<i>0.9 metre</i>
<i>Monastery Precinct Height</i>	<i>two storeys including loft provided setback is 6 metres from street and the amenity of the area is protected in terms of privacy, scale and bulk</i>	<i>two storeys plus loft (effectively 3 storeys in terms of privacy and effect on neighbours amenity)</i>
<i>Building Scale Policy</i>	<i>6 metres to top of external wall</i> <i>9 metres to top of pitched roof</i>	<i>7 metres including fill</i> <i>10.4 metres including fill</i>
<i>Store Room</i>	<i>4 metres square store room per dwelling</i>	<i>no store room shown for existing house</i>
<i>Use Class</i>	<i>Grouped Dwelling</i>	
<i>Use Classification</i>	<i>'P'</i>	
<i>Lot Area</i>	<i>529 square metres</i>	

SITE HISTORY:

The existing single storey house is not listed on the Town's Municipal Heritage Inventory.

DETAILS:

The proposal involves the addition of a two-storey and loft grouped dwelling behind the existing single-storey house. Currently the existing house has vehicular access from the rear via the right of way (ROW). The proposed house has vehicular and pedestrian access only from the ROW.

CONSULTATION/ADVERTISING:

Four objections were received during the consultation period. Concerns raised relate to the overall height of the development, overshadowing, overlooking, loss of privacy, loss of sunlight and air circulation, length of parapet walls, reduced setbacks, concern that the design is not in keeping with the area.

COMMENTS:

Building Scale

The proposal involves a significant amount of fill at the rear of the proposed house. The proposal does not comply with the Town's Policy relating to Building Scale in terms of height to top of pitched roof, and top of external wall for a two storey development. The Town's Policy relating to the Monastery Locality states that a general height limit of two storeys (including loft) can be considered. Effectively the proposal is considered to be a three-storey development in terms of the effect on neighbours amenity and privacy, and therefore the proposed variations to Building Scale are not supported.

Privacy

Generally, the windows on the northern and southern elevations have been designed so that there is no adverse affect to the privacy of the adjoining residents.

However, there is considered to be potential overlooking and loss of privacy from windows to the loft and from the first floor balconies. It is considered appropriate that the northern and southern sides of both the balconies on the first floor are screened to protect the privacy of the adjoining residents. Should the Council determine to approve a loft in addition to two storeys, it is considered appropriate that the windows to the loft be screened to address neighbours concerns and as the windows to the loft on the eastern elevation are less than 6 metres from the adjoining properties on the other side of the ROW.

Pedestrian Access

Due to the location of the existing house there is insufficient room down the side of the house to provide a pedestrian access way to Camelia Street for the provision of services, rubbish and mail collection. There is less than 1 metre down each side of the house and therefore this strata development should not be supported.

Alternatively, the applicant may wish to have the ROW at the rear dedicated to provide direct access for vehicles, pedestrians and services. However, this would require the ROW to be widened and require the agreement of other affected landowners to obtain enough land to obtain the minimum width. It is considered appropriate that dedication of the ROW is at the expense of the affected landowners.

Setbacks

Should the application be approved it is considered appropriate that the proposed dwelling and garage be setback to allow the ROW to be widened and reclassified as a dedicated road. This would increase separation distances between the residences on the other side of the ROW and assist in addressing issues relating to privacy and overlooking. Therefore, the variation to the eastern property setback is not supported.

It is acknowledged that the subject property is relatively narrow (11.26 metres). The proposed single storey parapet walls on the northern and southern property boundaries generally comply with the requirements of the R-Codes, in that the walls are less than one quarter of the length of any common boundary. Therefore, these variations to the side boundaries are supported.

Store Room

Should the proposal be supported, revised plans should be submitted and approved showing a store room for the existing house with a minimum dimension of 4 square metres.

Car Parking Bays

Should the proposal be supported, revised plans should be submitted to and approved by the Town, demonstrating the provision of two car parking bays per dwelling.

Accordingly, it is recommended that the proposal be refused."

10.1.5 No.48 (Lot 1) Fairfield Street, Mount Hawthorn - Proposed Two Storey Single House and Two - Two-Storey Grouped Dwellings

Ward:	North Perth	Date:	27 September 2002
Precinct:	Mount Hawthorn, P1	File Ref:	PRO938 (00/33/1272)
Reporting Officer(s):	S Turner		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by Ashley Richards Architect on behalf of the landowner Dalecove Enterprises for the proposed demolition of the existing dwelling and construction of a two-storey single house and two (2) two-storey grouped dwellings at No.48 (Lot 1) Fairfield Street, Mount Hawthorn and as shown on the revised plans stamp dated 25 September 2002, subject to;

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

 - (a) the setback to the front dwelling upper level being a minimum of 6 metres from the front boundary;*
 - (b) the porch columns of the rear dwellings being setback 0.5 metre from the driveway;*
 - (c) the landscaping radius of the rear dwellings being increased to 0.5 metre from the driveway;*
 - (d) adequate provision being made to enable the vehicles of the rear dwellings to leave the property in a forward gear; and*
 - (e) design elements being incorporated to ensure that the driveway is not a through fare connecting the street to the right of way, while still enabling the dwellings to have vehicular access to the right of way.**

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 Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (iii) an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*

- (iv) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the upper level bedroom 2 windows on the rear dwellings shall be screened with a permanent obscure material to a minimum of 1.4 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The obscure portion of the windows shall be fixed in a closed position and any higher part may be openable, or the whole windows be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees;*
 - (v) *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;*
 - (vi) *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 Fairfield 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;*
 - (vii) *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 of Title or Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town.*
 - (viii) *a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
 - (ix) *a visual truncation of 2 metres by 2 metres at the intersections of the driveways and the footpath, and the right of way shall be provided at the owner's cost;*
 - (x) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
 - (xi) *a road and verge security deposit bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the Town's assets have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
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- (xii) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (xiii) *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;*
- (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);*
- (xv) *prior to the issue of a Building Licence, the subject land shall be subdivided as generally shown on the approved plans on Certificates of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to subdivide the subject land as generally shown on the approved plans within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s); and*
- (xvi) *compliance with all relevant Environmental Health, Engineering and Building requirements;*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: Dalecove Enterprises
APPLICANT: Ashley Richards Architect
ZONING: Metropolitan Region Scheme - Urban
Town Planning Scheme No.1 – Residential R30
EXISTING LAND USE: Vacant Land

COMPLIANCE:

At the date of assessment of the proposal and preparation of this report, the Planning Application was assessed under the provisions of the Residential Planning Codes of Western Australia 1991 (R Codes 1991). The new Residential Design Codes of Western Australia (RD Codes 2002) are proposed to be gazetted on Friday 4 October 2002, therefore the application was not assessed under these provisions. Any variations between the R Codes 1991 and RD Codes 2002 can be considered and determined by the Council under clause 40 of the Town's Town Planning Scheme No.1.

Requirements	Required	Proposed
Setbacks		
Front dwelling - Street	6.0 metres	5.36 metres
East (grd flr)	1.5 metres	1.2 - 1.5 metres
South (grd flr)	1.5 metres	1.0 - 1.6 metres
North (grd flr)	1.0 metre	Nil
Rear most dwellings-		
North (store)	1.0 metre	Nil
East (grd flr)	1.5 metres	1.335 - 3.348 metres
Use Class	Single House & Grouped Dwelling	
Use Classification	'P'	
Lot Area	969 square metres	
WAPC conditionally approved lot areas	front lot - 302 square metres rear lot - 667 square metres	

SITE HISTORY:

The subject property is located on the eastern side of Fairfield Street opposite the car park of the Mount Hawthorn Shopping Centre. The existing building consists of a single storey brick and tile dwelling constructed approximately 80 years ago. The housing in the surrounding area consists predominantly of one-storey single dwellings. The lot immediately to the south of the subject property (Nos. 44, 44a and 44b Fairfield Street) comprises two additional one-storey grouped dwellings at the rear of an existing one-storey dwelling. A one-storey development consisting of two (2) grouped dwellings exists at Nos. 42a and 42b Fairfield Street.

- 25 May 1998 The Council refused an application for the demolition of the existing dwelling and construction of three (3) two-storey grouped dwellings, on the grounds of non-compliance with the requirement to be consistent with the orderly and proper planning and the preservation of the amenities of the locality with respect to the detrimental impact on the streetscape and the visual amenity of the locality by virtue of the scale, mass and bulk of the proposed development; and the non-compliance with the density provisions of the Residential Planning Codes (1991).
- 9 September 1998 The Town requested the Minister for Planning to dismiss the appeal against the Council's refusal of the application determined at its Ordinary Meeting held on 25 May 1998.
- 5 January 1999 The Minister for Planning dismissed the appeal against the Council's refusal of the application determined at its Ordinary Meeting held on 25 May 1998.
- 20 June 2002 The Western Australian Planning Commission granted conditional approval for the subdivision of the subject site into two new allotments.

DETAILS:

Approval is sought for the demolition of the existing dwelling and development of three two-storey dwellings, with the front dwelling being considered as a single house and the two rear dwellings as grouped dwellings. Access for the rear dwelling will be off of a Town owned sealed 5.0 metres wide right of way, along the rear boundary.

CONSULTATION/ ADVERTISING:

Sixteen (16) letters of objection were received during the advertising period. The issues raised within the letters are summarised as:

- The proposed two storey development is out of character with the historic character of the locality.
- The density is not in accordance with R30.
- Overlooking from the south facing balconies and major openings into neighbouring courtyards.
- Disregard to solar orientation.
- The driveway will create a through-fare from the street to the Right of Way.
- Single storey development is more appropriate.
- The bulk and scale will affect the streetscape.
- The development will reduce the property values in the area.
- Concern with the affect the earthworks and building may have on the structural soundness of the building on the neighbouring properties.
- A heritage house is being demolished to make way for something that does not fit into the streetscape.
- This development will set a precedent for further two storey out of character development.
- Views enjoyed from neighbouring properties will be negated.
- Object to any filling of the property.

COMMENTS:

Density

The proposal complies with the R30 density, in that the two newly conditionally approved lots allow for the development of one dwelling on the front lot and two dwellings on the rear lot. This has been achieved as the R-Codes require 300 square metres for a single house and 667 square metres for two grouped dwellings.

Setbacks

The reduced front setback from 6.0 metres to 5.36 metres for the ground floor is considered supportable given that this encroachment is situated at least 5.0 metres from both neighbouring property boundaries. However, the reduced front setback is not supported for the upper level given the existing pattern of setbacks along Fairfield Street, which tend to be at least 6.0 metres to the dwellings. The streetscape is dominated by single storey dwellings with large front setbacks that create an open landscaped feel to the street.

The proposed reduced side setbacks are supported as they comply with Clause 1.2 of the R-Codes, and are situated internally to the development and adjacent to the right of way, therefore they do not unreasonably negatively affect the neighbouring property owners or streetscape.

Privacy

The proposed upper level bedroom 2 windows to the rear dwellings have potential to overlook into the northern neighbouring property and directly face each other, which is also undesirable. Therefore, in accordance with the Town's Privacy Policy, a recommended condition is to screen these windows.

The proposed upper levels to the two rear dwellings have balconies and other windows that are setback in accordance with the Town's Policy - Privacy, that being 6.0 metres. The Policy states that when habitable spaces are setback a minimum of 6.0 metres from the common boundary with adjoining residential properties the development is acceptable.

Height

There is a general height limit of two-storeys in all residential areas of the Town, including the Mount Hawthorn area. The height limit includes a 6.0 metres wall height and a 9.0 metres roof ridge height. The proposed development complies with these requirements.

Overshadowing

The proposed two-storey house is not considered to unreasonably overshadow the adjoining lot, as it does not overshadow more than 50 percent of the adjoining lot at midday on the shortest day of the year, as specified in the R-Codes. The proposed upper levels to the dwellings are setback sufficiently and are not significant enough to cause overshadowing.

Filling on Site

The proposal includes some modifications to the existing natural ground levels to create level building pads, however the modifications tend to be cutting rather than filling. The proposed filling associated with the rear dwelling abutting the right of way is approximately 500 millimetres. As the earthworks generally only involve reducing the natural ground level, with no excessive filling, it is considered to have minimal negative impact upon neighbouring properties.

Property Values and Neighbours' Views

These are not considered main planning matters and therefore should not be considered as part of the assessment of this application.

Demolition

A detailed heritage assessment is contained in Appendix 10.1.5

The subject place is a red brick and tile dwelling that was constructed in 1920 as a war service home. It represents a part of the residential building stock that was constructed during the Interwar period from 1919 to 1939. The dwelling has undergone a number of alterations to its windows, doors, ceilings and fireplace and has been subject to some ad-hoc rear additions. The place is not rare and it has little representative value in demonstrating the characteristics of Interwar housing. Furthermore, it is considered to have little aesthetic, historic, scientific and social value.

The place does not meet the minimum criteria for entry in the Town's Municipal Heritage Inventory and as such, it is recommended that the proposal to demolish the place be approved, subject to standard conditions.

Conclusion/ Summary

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

10.1.6 No. 27 (Lot 6) Knutsford Street, North Perth - Proposed Additional Three, Two-storey Grouped Dwellings and Carport Addition to Existing Dwelling

Ward:	Mount Hawthorn	Date:	25 September 2002
Precinct:	North Perth, P8	File Ref:	PRO1217 (00/33/0883)
Reporting Officer(s):	H Coulter		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by Cedar Property Group on behalf of the landowner T Marchese for a proposed additional three, two-storey grouped dwellings and carport addition to the existing dwelling at No.27 (Lot 6) Knutsford Street, North Perth, and as shown on amended plans stamp dated 29 August 2002, subject to;

- (i) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
 - (a) *a pedestrian accessway with a minimum width of 1.5 metres from Knutsford Street to the rear strata lots/units 2 and 3;*
 - (b) *the existing dwelling and units 2 and 3 being provided with a stores, not visible from the adjacent street, accessible from the outside, and of a minimum area of 4 square metres and a minimum dimension of 1.5 metres. The stores shall be provided as a weatherproof enclosure with a lockable door and be built in materials compatible with the development;*
 - (c) *the retention and protection of the jarrah and jacaranda trees on the site adjacent to the northern boundary considered to be of significance; and*
 - (d) *upgrading works to be carried out to the existing dwelling, including a schedule of finishes, materials and colours. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

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) *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 Knutsford Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fence and gate being visually permeable, with a minimum 50 per cent transparency;*

- (iv) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Knutsford 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);*
 - (v) *no street trees shall be removed, cut back, pruned or interfered with in any way, without the prior approval of the Town's Parks Services Section;*
 - (vi) *subject to first obtaining the consent of the owners of No.31 Knutsford Street and No.13 Blake Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing east and north in a good and clean condition;*
 - (vii) *prior to the first occupation of the development, the full length and width of the right of way from Knutsford Street to the western most boundary abutting the subject land shall be sealed, drained and paved to the specifications of and supervision under the Town, at the applicant's/owner(s)' full expense;*
 - (viii) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title 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.*
 - (ix) *a bond and/or bank guarantee for \$9,600 for the full upgrade of the right of way shall be lodged prior to the issue of a Building Licence;*
 - (x) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
 - (xi) *a Road and Verge security bond and /or bank guarantee of \$550 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;*
 - (xii) *the construction of crossovers shall be in accordance with the Town's specifications;*
 - (xiii) *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;*
 - (xiv) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development:*
 - (a) *the windows to bedroom 2 of unit 3 on the first floor western and northern elevation; and*
 - (b) *the windows to bedroom 3 of units 2 and 3 on the first floor northern elevation;*
-

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

(xv) *the jarrah and jacaranda trees on the site adjacent to the northern boundary shall be retained and protected; and*

(xvi) *compliance with the relevant Building, Engineering and Environmental Health requirements;*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: T Marchese
APPLICANT: Cedar Property Group
ZONING: Metropolitan Region Scheme – Urban
 Town Planning Scheme No.1 – Residential R30/40
EXISTING LAND USE: Single House

COMPLIANCE:

At the date of assessment of the proposal and preparation of this report, the Planning Application was assessed under the provisions of the Residential Planning Codes of Western Australia 1991 (R Codes 1991). The new Residential Design Codes of Western Australia (RD Codes 2002) are proposed to be gazetted on Friday 4 October 2002, therefore the application was not assessed under these provisions. Any variations between the R Codes 1991 and RD Codes 2002 can be considered and determined by the Council under clause 40 of the Town's Town Planning Scheme No.1.

Requirements	Required	Proposed
Total Open Space	50 per cent (504.5 square metres)	46 per cent (459.1 square metres)
Stores	4 square metres store for each dwelling	-Nil for existing dwelling -3.9 square metres stores to units 2 and 3
Setbacks		
Front (Knutsford St)	6.0 metres	5.7 metres
North (carport)	1 metre	Nil
West (grd flr)	1 metre	Nil
(1st flr)	3.5 metres	1.5 metres
South (grd flr)	1.5 metres	Nil to ROW *
(1st flr)	3.5 metres	Nil to ROW *
Pedestrian Accessway	1.5 metres wide	Nil
Use Class	Grouped Dwelling	
Use Classification	'P'	
Lot Area	1009 square metres	

**Clause 1.5.8 of the R Codes permits the setback to a right of way to be reduced by up to half of the width of the right of way.*

SITE HISTORY:

The subject property is occupied by a single dwelling indicative of a Californian Bungalow. A privately-owned, unsealed seven (7) metres wide right of way runs along the southern boundary. The surrounding area is characterised by residential dwellings to the north, south and west, and the Knutsford Arms Hotel to the east.

The Council at its Ordinary Meeting held on 26 July 2002 conditionally approved the demolition of the existing dwelling and the construction of three (3) two-storey grouped dwellings on the subject site.

DETAILS:

Approval is sought to construct an additional three, two-storey grouped dwellings to the existing dwelling. In support of the application, the applicant writes:

"This proposal is based upon the support by Council for a density bonus for preserving the existing dwelling. This will allow the construction 3 additional homes upon the site....This section of Knutsford Street has a diverse built form and range of housing types and age. Set backs range from 2 metres for carports and corner homes to 6 metres average while the existing home on site is some 9 metres....The new street elevations have been prepared taking into account both abutting dwellings to demonstrate how the new dwelling can fit compatibly into the streetscape."

CONSULTATION/ADVERTISING:

No submissions were received during the submission period.

COMMENTS:

Density (Dual Coding)

Town Planning Scheme No.1 allows the Council to consider development on lots to a density of Residential R40 where an existing dwelling is retained and the following criteria is met:

- (a) *no unreasonable significant adverse impact on adjacent residences in terms of privacy and amenity;*
- (b) *no unreasonable loss of healthy, mature trees; and*
- (c) *the design responds to the design and character of the existing dwelling on the lot and the streetscape in general.*

The existing dwelling was assessed for cultural heritage value previously whereby it was determined that the place is reasonably sound, although in poor condition. Archival evidence indicates that the place was constructed around 1935 and conforms to the usual style and design of inter-war housing in this era. This type of housing is typical throughout this part of North Perth and whilst the property is not considered as having cultural heritage significance nor likely to cross the threshold for entry on the Municipal Heritage Inventory, it is considered that the place is worthy of retention and hence supportive of a density bonus in terms of its contribution to the streetscape.

Trees

There are several substantial trees located on the property, which are proposed to be removed. The trees, including a jarrah, a jacaranda, a sugar gum, a grevillea robusta, 4 lilac trees and a yellow capped gum, have been included on the Town's Interim Significant Tree Data Base – Reference List however, upon inspection by Parks Services, it was considered that only the jarrah and jacaranda trees located adjacent to the northern boundary of the lot are worthy of retention. In view of the above, the retention and protection of these trees should be required.

Pedestrian Accessway

The provision of a 1.5 metres wide accessway is required where sole vehicular access is to be taken from a right of way. The purpose of the accessway is to provide access to the occupants of the new dwellings to Knutsford Street, the collection of mail and garbage services and the provision of a trench for utilities. Discussions have been held with the applicant regarding the likely location of such an accessway along the northern boundary of the lot requiring the modification of the proposed double carport.

Setbacks

The proposed setbacks of the new dwellings are considered acceptable given the nature of surrounding development and the sense of openness afforded by the adjoining right of way. The variations to the side setbacks are supportable, given the absence of direct objection and it is not considered that the proposed setbacks of the buildings would have an unreasonable adverse impact on the amenity of the area.

The proposed front second storey setback to Knutsford Street is considered acceptable given the erratic pattern of setbacks of dwellings and the recently constructed timeshare apartments to the rear of the Knutsford Hotel opposite the subject site, which have a reduced setback to the street.

Privacy

There is the potential for unreasonable overlooking from the windows to bedroom 2 of unit 3 on the first floor and the windows to bedroom 3 of units 2 and 3 on the first floor northern elevation. In accordance with the Town's Policy relating to Privacy, screening of these windows is considered required.

Open Space

The provision of 46 per cent open space is considered a minor variation given that each dwelling is provided with functional front and rear yards and balconies to the proposed new dwellings. Further, the given the site's proximity to local parks and the growing trend for smaller maintenance-free areas of open space and the sense of openness afforded by the adjoining right of way, the variation is considered acceptable in this instance.

Stores

Stores should be provided in accordance with the Residential Planning Codes.

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

10.1.7 No. 177 (Lot 800) Fitzgerald Street corner of Fitzroy Street, West Perth - Proposed Four, Two-Storey Grouped Dwellings

Ward:	North Perth	Date:	26 September 2002
Precinct:	North Perth, P8	File Ref:	PRO0209 (00/33/1232)
Reporting Officer(s):	H Coulter		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by J Corp Pty Ltd on behalf of the landowner D R Garnham and T J Kilbey for four, two-storey grouped dwellings at No.177 (Lot 800) Fitzgerald Street corner of Fitzroy Street, West Perth and as shown on amended plans stamp dated 19 September 2002, subject to;

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

 - (a) a visual truncation of 2 metres by 2 metres at the intersection of the driveway and the footpath and shall be provided at the owner's cost;*
 - (b) a visual truncation of 3 metres by 3 metres at the corner of Fitzroy and Fitzgerald Streets; and*
 - (c) the bin store being relocated from the front Fitzroy Street setback area**

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

- (ii) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (iii) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to Fitzgerald and Fitzroy Streets shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fence and gate being visually permeable, with a minimum 50 per cent transparency;*
- (iv) a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Fitzgerald Street and Fitzroy 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);*

- (v) *no street trees shall be removed, cut back, pruned or interfered with in any way, without the prior approval of the Town's Parks Services Section;*
- (vi) *subject to first obtaining the consent of the owners of No.173 Fitzgerald Street and No.3 Fitzroy 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 west in a good and clean condition;*
- (vii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (viii) *a Road and Verge security bond and /or bank guarantee of \$880 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;*
- (ix) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (x) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (xi) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the window to the first floor bedroom 3 of unit 1 on the south-western elevation, shall be screened with a permanent obscure material to a minimum of 1.4 metres above the finished first floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed. The obscure portion of the window shall be fixed in a closed position and any higher part may be openable, or the whole window be top hinged and the obscure portion of the window openable to a maximum of 20 degrees;*
- (xii) *the carports shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted), except where it abuts the northern and western boundaries of the lot; and*
- (xiii) *compliance with the relevant Building, Engineering and Environmental Health requirements;*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: D R Garnham and T J Kilbey
APPLICANT: J Corp Pty Ltd
ZONING: Metropolitan Region Scheme – Urban Town Planning Scheme No.1 – Residential R80
EXISTING LAND USE: Vacant Land

COMPLIANCE:

At the date of assessment of the proposal and preparation of this report, the Planning Application was assessed under the provisions of the Residential Planning Codes of Western Australia 1991 (R Codes 1991). The new Residential Design Codes of Western Australia (RD Codes 2002) are proposed to be gazetted on Friday 4 October 2002, therefore the application was not assessed under these provisions. Any variations between the R Codes 1991 and RD Codes 2002 can be considered and determined by the Council under clause 40 of the Town's Town Planning Scheme No.1.

Requirements	Required	Proposed
Total Open Space	50 per cent (338.9 square metres)	40 per cent (271.38 square metres)
Private Open Space	Courtyard of 24 square metres with a minimum dimension of 4 metres	Units 1-3 - courtyard of 22.14 square metres (4.2 x 5.3 metres)
Plot Ratio	0.55:1 (375.1 square metres)	0.67:1 (460.28 square metres)
Setbacks		
Front (Fitzgerald St)	6.0 metres	2.006 metres
Secondary (Fitzroy St)	6.0 metres	1.5 metres
South (carport)	1 metre	Nil
South (grd flr)	1.5 metres	Nil
(1st flr)	2 metres	Nil
West (carport)	1.5 metres	Nil
Use Class	Grouped Dwelling	
Use Classification	'P'	
Lot Area	682 square metres	

SITE HISTORY:

The subject site is currently vacant and is located on the corner of Fitzgerald and Fitzroy Streets, West Perth. The surrounding area is characterised by single residential to the north, west and immediate south, and Robertson Park to the east.

On 29 August 1996, the Town issued a Demolition License for the demolition of a single storey custom orb roof building on the site.

The Council at its Ordinary Meeting held on 22 February 2000 refused a development application for four, two-storey plus loft grouped dwellings on the subject site for the following reasons:

- "(i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality, with respect to the visual amenity of the locality by virtue of the scale, mass and bulk of the proposed development on the Fitzgerald Street and Fitzroy Street streetscapes and the adjacent properties;*
- (ii) non-compliance with the plot ratio, open space and setback requirements of the Residential Planning Codes; and*
- (iii) consideration of objections received."*

DETAILS:

Approval is sought to construct four, two-storey grouped dwellings. The amended plans have been submitted as a result of discussions with the applicant regarding the orientation and addressing of the dwellings, the provision of crossovers from Fitzroy Street and the visual amenity of the development.

CONSULTATION/ADVERTISING:

Three submissions were received during the initial advertising period however, nil submissions have been received during the advertising of the amended plans. Excerpts of the previous submissions are as follows:

"It appears that unit one parapet wall will be 5.2 metres high and will not only block a considerable amount of light from my kitchen and bathroom but will also block out the northerly sun making rear courtyard cold and damp."

"..I would like to lodge an appeal ...on the grounds of severe loss of privacy for my tenants and their probable loss of street parking."

"...there are several reasons for our objections...invasion of our backyard privacy...the increased vehicles parking on Fitzgerald Street ..."

The Metropolitan Region Scheme was amended in 1995 to reduce the land required on the subject lot for road purposes. Currently, a 5 square metres (3 metres by 3 metres) truncation is reserved at the corner of Fitzgerald Street and Fitzroy Street.

COMMENTS:

Setbacks

The proposed setbacks of the new dwellings are considered acceptable, given the nature of surrounding development and the sense of openness afforded by the two street frontages. Adjoining dwellings along Fitzgerald and Fitzroy Streets have reduced setbacks and it is not considered that the proposal would have an unreasonable adverse impact on the amenity and streetscape of the area.

The proposed second storey setbacks to Fitzgerald and Fitzroy Streets are considered acceptable, given the pattern of setbacks of dwellings, in particular in relation to two storey development north along Fitzgerald Street.

The variations to the side setbacks are supportable, given the absence of direct objection, the amended plans have addressed concerns regarding overshadowing and it is not considered that the proposed setbacks of the buildings would have an unreasonable adverse impact on the amenity of the area.

Trees

There are two trees located within the front setback area of which one is listed on the Town's Interim Significant Tree Data Base – Reference List. An inspection by Parks Services however revealed that the listed tree was particularly affected by termite damage, which eventually would impinge on its lifespan. The other tree, whilst reasonably healthy was determined as not being a particularly good species. Removal of these trees therefore is considered supportable.

Privacy

There is the potential for unreasonable overlooking from the south-western window of unit one's first floor bedroom three, and in accordance with the Town's Policy relating to Privacy, screening of the window is considered required.

Overshadowing

Calculation of overshadowing for the proposed development reveals that the dwellings will effectively cast shadow in a southerly direction across the front yard of the adjoining dwelling and Fitzgerald Street. The amended plans have extensively reduced the impact of the dwellings ability to overshadow the adjoining dwelling at No.173 Fitzgerald Street and results in significantly less than 50 per cent of the adjoining lot being overshadowed as stipulated by Clause 1.7.2 of the Residential Planning Codes (R Codes).

Plot Ratio

The variation to the plot ratio floor requirement is supported, given the scale of the overall development, the sense of openness afforded to the site by virtue of the two street frontages, the scale of surrounding development and it is not considered that strict compliance would result in any particular benefit to the streetscape or amenity of the development.

Open Space

The provision of 40 per cent open space is considered an acceptable variation, given that each dwelling is provided with functional front and rear yards. Further, given each dwelling is provided with a balcony overlooking Robertson Park, the site's proximity to this and Hyde Park, the growing trend for smaller maintenance-free areas of open space and the sense of openness afforded by the two street frontages and Robertson Park opposite, the variation is considered acceptable in this instance.

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

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

Ward:	North Perth, P8	Date:	1 October 2002
Precinct:	Banks, P15	File Ref:	PRO2126 00/33/1249
Reporting Officer(s):	S Turner		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

FURTHER OFFICER RECOMMENDATION:

That;

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

- (i) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to West Parade shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (ii) a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
- (iii) a road and verge security bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (iv) prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
- (v) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*

- (vi) *compliance with all relevant Environmental Health, Engineering and Building requirements; and*
- (vii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating that the proposed external metal cladding to the first floor northern side elevation being of a colour and material that does not unreasonably contribute to solar glare and refracted heating;*

to the satisfaction of the Chief Executive Officer.

FURTHER REPORT:

The Council at its Ordinary Meeting held on 24 September 2002 received a Report relating to proposed alterations and two-storey additions to the existing grouped dwelling on the subject property and deferred its consideration of the application pending further clarification of non-compliance matters, including overshadowing, type of external cladding to be used and setbacks.

The applicant submitted a letter, dated 26 September 2002, to the Town in support of their application. This is reproduced in part below:

“The northern side neighbours at 99 West Parade have been approached prior to submitting the application in an attempt to include them in the selection of cladding to meet their aesthetic needs. As a result the cladding was changed from a reflective mini-orb to a Hardies fibre-cement cladding with paint finish to suit both parties. Unknown to us until the Planning meeting the objection has changed, to the proposed addition blocking out the light to their side windows. Most importantly these windows are on the inert south facing side of the house and will not have direct sunlight blocked by the addition. Due to this, they have suggested moving the addition over towards the southern side of the block, this would not be economically viable, requiring a raised brick parapet to the other side, creating the problems of overloading existing footings and walls and now creating over-shadowing of the opposite neighbours to the south.

Every aspect has been thought of in the design stage of proposed addition. Including accommodating the neighbours and surrounding area.”

Most of the following information was also provided as a Further Report to the Ordinary Meeting of Council held on the 24 September 2002:

“Northern Elevation Materials

The proposed material for the addition's northern elevation is Mini-orb, which is the owner's preferred material. However, the owner discussed the proposal with the adjoining property owner and agreed to change the material to hardi-plank if it helped to appease the concerns relating to reflection. Hence the northern elevation is shown in handwriting as having hardi-plank instead of mini-orb. The recommended condition as stated above addresses the concerns of the neighbouring property owner, rather than limiting the type of building material.

In light of the above, it is recommended that a further condition be added requiring the colour and material of the addition not unreasonably contribute to the solar glare and refracted heating that may negatively impact upon adjoining properties.

Available Light

A further letter of objection dated 20 September 2002 has been received from the owners at No. 99 West Parade. The letter states that the proposed second storey addition at No. 97 West Parade would reduce the amount of light entering the property. *"Currently light from the sky is available at an angle of only 31°. The proposed second storey addition at 97 West Parade would reduce the illumination at these two windows to 1/3 of the current value, namely 10°".*

The neighbouring property to the north at No. 99 West Parade currently does not have any direct light on the southern side of their house. The proposed second storey addition will not alter this, however will reduce the perception of light as the ambient light will be reduced, that is, the amount of sky as seen from a ground floor window above a 1.8 metres high fence will be reduced. This is not considered to be unreasonable, as increasing the setback to the upper level will not alter this situation.

Bulk and Scale

By increasing the side setback from 0.81 metre to 1.8 metres to the upper level, the perceived issue of building bulk and scale will not change. In accordance with the Town's Building Scale Policy the proposal complies with:

- *Wall height - the proposed wall height of 5.5 metres is less than the permitted 6.0 metres wall height; and*
- *Roof ridge height - the roof ridge height at 6.6 metres is less than the permitted 9.0 metres roof ridge height.*

Side Setback

The proposed reduced side setback to the upper level addition from 1.8 metres to 0.81 metre is not considered to dramatically impact upon the current amenity of the adjoining property. Given that the subject property is only just over 6.0 metres in width, any upper level development would reasonably require some concession to the required setbacks. For example should the upper level require 1.8 metres setbacks from both side boundaries, the total width of any upper level addition would be restricted to 2.4 metres in width. The proposed upper level addition has similar setbacks to both side boundaries and is positioned to take advantage of the structural features of the existing dwelling.

The neighbouring property to the south of the subject site shares a ground floor parapet wall with the subject site. It may be considered reasonable to "flip" the upper level to reduce the setback to this southern boundary, thus creating an increased setback to the northern boundary, however this may increase the cost of development and would not necessarily overcome the concerns of the neighbour. In addition, comments should be sought from the neighbouring property owner to the south of the subject site.

In light of the above, it is recommended that approval be granted for the reduced northern setback to the upper level extension from 1.8 metres to 0.81 metre.

Authorisation of Owners of Land on MRS Form 1

A further letter of objection dated 24 September 2002 has been received from the owners at No. 95 West Parade.

"We have received advice from both the Department of Land Administration and an independent town planner stating that the above proposal should be refused for the following reasons;

- *Being a strata the lot is common property therefore we are joint landowners, the development application form was not signed by all landowners and therefore should not have been assessed by council officers.*
- *If the development is approved and proceeds it will be illegal without the written consent of the strata owners, this should have been taken into account in the assessment."*

The Town has previously received legal advice from its Solicitors in relation to such matters, which stated the following:

"...where development is proposed on land that is part of a strata or survey strata lot, and the development is not to occur on land that is common property, then only the consent of the owner of the individual strata lot is required. It is not necessary to obtain the consent of an owner on an adjoining lot when a proposed development does not cover any or all of that lot or any common property."

The subject site does not include any common property. The neighbouring strata property owner was consulted as part of the consultation/advertising period for the proposal. No objections were received from the neighbouring strata owner.

At the date of assessment of the proposal and preparation of this report, the Planning Application was assessed under the provisions of the Residential Planning Codes of Western Australia 1991 (R Codes 1991). The new Residential Design Codes of Western Australia (RD Codes 2002) are proposed to be gazetted on Friday 4 October 2002, therefore the application was not assessed under these provisions. Any variations between the R Codes 1991 and RD Codes 2002 can be considered and determined by the Council under clause 40 of the Town's Town Planning Scheme No.1.

The previous further report to Council also recommended the following amended recommendation by adding clause (vii) to the previous recommendation, as follows:

- (vii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating that the proposed external metal cladding to the first floor northern side elevation being of a colour and material that does not unreasonably contribute to solar glare and refracted heating*

In light of the above, the previous conditional approval recommendation remains unchanged, except for the inclusion of the above clause (vii).

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 24 September 2002:

"OFFICER RECOMMENDATION:

That;

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

- (i) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to West Parade shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (ii) *a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
- (iii) *a road and verge security bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (iv) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
- (v) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division; and*
- (vi) *compliance with all relevant Environmental Health, Engineering and Building requirements;*

to the satisfaction of the Chief Executive Officer.

Moved by Cr Cohen, Seconded by Cr Hall

That the recommendation be adopted.

COUNCIL DECISION ITEM 10.1.13

Moved by Cr Cohen, Seconded by Cr Doran-Wu

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

CARRIED (5-2)

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

(Cr Ker on leave of absence)

(Cr Piper - apology for the meeting)

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

COMPLIANCE:

<i>Use Class</i>	<i>Grouped Dwelling</i>
<i>Use Classification</i>	<i>"P"</i>
<i>Lot Area</i>	<i>549 square metres</i>

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

SITE HISTORY:

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

CONSULTATION/ADVERTISING:

There were two objections received during the advertising period.

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

DETAILS:

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

COMMENTS:

Setbacks and Bulk and Scale

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

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

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

Overlooking

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

Overshadowing

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

Plot Ratio

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

Zincalume Roof

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

Summary

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

10.1.9 Nos. 134-136 (Lot 14) Summers Street, Perth – Proposed Additional Four, Two-Storey With Loft Grouped Dwellings and Alterations and Additions to Two Existing Dwellings

Ward:	North Perth	Date:	18 September 2002
Precinct:	Banks; P15	File Ref:	PRO0874 00/33/1259
Reporting Officer(s):	H Coulter		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by P Melanko on behalf of the landowners Jarrandale Pty Ltd for proposed additional four, two-storey with loft grouped dwellings and alterations and additions to two existing dwellings on Lots 14 (Nos. 134-136) Summers Street, Perth, and as shown on plans stamp-dated 13 August 2002, subject to;

- (i) *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); OR alternatively, prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the deletion of any proposed building over the portion of land marked 'A' on the Certificate of Title for Lot 14;*
- (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) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development:*
 - (a) *the windows to the bedrooms and the lofts of rear units 4, 5 and 6 on the first and loft floor levels on the northern elevation;*
 - (b) *the windows to the lofts on the loft floor level of units 4 and 6 on the southern elevation; and*
 - (c) *the eastern most windows to bedrooms two and one of unit three on the northern and southern elevations respectively;*

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

- (iv) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Summers 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 owners/occupiers;*
 - (v) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to Summers 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;*
 - (vi) *subject to first obtaining the consent of the owners of Nos. 132 and 138 Summers 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 east and west in a good and clean condition;*
 - (vii) *prior to the first occupation of the development:*
 - (a) *the applicant/landowner shall provide two signs, one at each end of the 2.42 metres wide driveway, clearly visible to users of the driveway and stating the following in red letters 100 millimetres high on a white background:*
“Caution – Narrow driveway (2.42 metres wide) – Proceed with Care”; and
 - (b) *visual truncations of 2 metres by 2 metres at the intersection of the driveway and the footpath and 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. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant.*
 - (ix) *a Road and Verge security bond and /or bank guarantee of \$550 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;*
 - (x) *the construction of crossovers shall be in accordance with the Town's specifications;*
 - (xi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
 - (a) *all parking bays having satisfactory manouervring room for access/egress;*
 - (b) *upgrading works to be carried out on the existing dwelling and including a schedule of finishes, materials and colours to the satisfaction of the Town's Senior Heritage Officer;*
-

- (xii) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the western side of unit 4's balcony and the eastern side of unit 6's balcony accessible from the living room and bedroom one on the first floor level shall be screened with a permanent obscure material to a minimum height of 1.4 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed; and*
- (xiii) *compliance with the relevant Building, Engineering and Environmental Health requirements;*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: Jarrandale Pty Ltd
APPLICANT: P Melanko
ZONING: Metropolitan Region Scheme – Urban
 Town Planning Scheme No.1 – Residential R60
EXISTING LAND USE: Two Residential Dwellings

COMPLIANCE:

At the date of assessment of the proposal and preparation of this report, the Planning Application was assessed under the provisions of the Residential Planning Codes of Western Australia 1991 (R Codes 1991). The new Residential Design Codes of Western Australia (RD Codes 2002) are proposed to be gazetted on Friday 4 October 2002, therefore the application was not assessed under these provisions. Any variations between the R Codes 1991 and RD Codes 2002 can be considered and determined by the Council under clause 40 of the Town's Town Planning Scheme No.1.

Requirements	Required	Proposed
Setbacks		
- Rear (1 st floor)	5.8 metres	3.4 metres
- West (grd)	1.5 metres	Nil
(1 st floor)	2.2 metres	Nil
- East (grd)	1.5 metres	Nil
(1 st floor)	2.2 metres	Nil
Building Scale Policy	Top of external wall (roof above) - 6.0 metres Overall Height - 9 metres	6.4 metres 9.5 metres
Car Parking	11 bays	10 bays
Driveway Access	3.0 metres minimum width	2.42 metres width
Total Open Space	50 per cent	45 per cent
Plot Ratio	0.55:1 (612.7 square metres)	0.72:1 (803.19 square metres)
Private Open Space	40 square metres average per dwelling with a minimum dimension of four metres	25.2 square metres average; minimum dimension of four metres not achieved
Use Class	Grouped Dwellings	
Use Classification	'P'	
Lot Area	1114 square metres (inclusive of Part Lot 14)	

SITE HISTORY:

The Council at its Ordinary Meeting held on 24 November 1997 conditionally approved the retention of the two existing dwellings and the construction of four two-storey dwellings to the rear on the subject site, including the following condition:

“(iii) the applicant/landowner to demonstrate that the portion of land marked ‘A’ on the Certificate of Title is held in fee simple by the owner of Lot 14;”

In addition, a note on the Planning Approval issued 8 December 1997, stated:

“In relation to conditions (iv) and (v), the applicant/landowner is required to demonstrate that the right of way/right of carriageway has been closed/surrendered and the owners or occupants of any other land are not permitted to use this portion of land. This process, which may involve the formal closure/surrendering of the right of way/right of carriageway and its amalgamation with Pt Lot 14 into one lot on certificate of title, shall be completed prior to the issue of a Building Licence.”

The Council at its Ordinary Meeting held on 13 June 2000 refused an application to demolish the two existing dwellings and the construction of six, two-storey grouped dwellings on the subject land. The Council also resolved to:

- (a) refer the places on the subject land to the Heritage Council of Western Australia for consideration to list the properties on the State Register of Heritage Places;*
- (b) advise the applicant/landowner that the Council is prepared to give consideration to a development proposal which includes the retention and upgrading of the existing dwellings on the site; and*
- (c) investigate the matter of the removal of the trees on the site, obtains necessary legal advice concerning whether this is a breach of Council’s approval and, if appropriate, be authorised to institute legal action.*

Certificate of Title Volume 1011 Folio 172 contains a small part of the original Lot 14 in the north western corner. The two parts of Lot 14 were created by ‘sketch on transfer’ on Transfer 3985-1940. Although a ‘paper’ subdivision, it received the formal approval of the Town Planning Board at that time. As such, both portions could be considered to be ‘lots’ under the Town Planning and Development Act. Although the current owner of the eastern part of Lot 14 has an expressed right of carriageway over the western part of lot 14, there does not appear to be other beneficiaries, expressed or implied from any other adjoining lots.

To date, the owners of the subject site have successfully closed the redundant private accessway and have gained approval from the Department of Land Administration to amalgamate the land with Lot 14. A title is due to be issued in the immediate future.

The two dwellings on the property were entered onto the Town’s Municipal Heritage Inventory on 22 December 1997 and referred to the Heritage Council under section 9 of the Heritage of Western Australia Act 1990 for inclusion on the State Register. The Heritage Council, in a letter dated 25 February 2002 have advised: *‘while the place may have some cultural heritage significance, it was unlikely that the place would meet the threshold for entry on the State Register of Heritage Places.*

With regard to the removal of the trees on the subject site, the Town's Solicitors have advised that as the Planning Approval, which included a condition requiring the retention of the five gum trees, had expired without the commencement of the development, the condition has no application and the Town cannot enforce it.

The Council at its Ordinary Meeting held on 26 September 2000 conditionally approved an identical development application to that approved by the Council at its Ordinary Meeting held on 24 November 1997 to retain two existing dwellings and to construct four, two-storey grouped dwellings to the rear.

DETAILS:

Approval is sought to retain the two existing dwellings and to construct four, two-storey grouped dwellings to the rear. The submitted plans are identical to those considered by the Council in November 1997 and September 2000.

CONSULTATION/ADVERTISING:

No submissions were received during the consultation period.

COMMENTS:

As outlined above, the Council supported an identical development proposal for the site on the grounds that the existing dwellings were to be retained.

Plot Ratio

The variation is considered supportable, given that the development has been designed around the retention of two existing houses of significant heritage value and that the proposed new dwellings will not unreasonably impact on the streetscape and amenity of the area.

Setbacks

The variations to setbacks, whilst significant in terms of the two-storey parapet walls, can be supported given that no objections have been received and the setbacks will not unreasonably impact on the streetscape or adjoining properties.

Open Space

The shortfall in total open space is considered acceptable, given that the four, new dwellings are provided with functional areas of private open space, including first floor balconies and verandahs and the site's proximity to Perth Oval, the Swan River Foreshore and Banks Reserve. One of the existing dwellings is provided with a rear 6.5 square metres area, however, the provision of private, rear courtyard areas, is not shown.

Private Open Space

Although none of the proposed dwellings comply with the 40 square metres requirement for private open space, each of the four new dwellings has a private courtyard of at least 24 square metres. The two existing dwellings do not have the required private open space courtyard area of 24 square metres as defined under the Residential Planning Codes (R Codes), but this could be achieved if the area under the verandah is included in the calculation.

Car Parking

The car parking shortfall of one bay is considered acceptable, given the proximity of the site to public transport options and the minor nature of the variation.

Driveway Width

Access to the car parking area is proposed via an existing 2.42 metres wide driveway off Summers Street between the two existing houses. Council's Technical Services have objected to this driveway being used, as it is below the minimum required driveway width of three metres, and have associated safety concerns. They have submitted a diagram demonstrating that a GLI Ford Falcon would have only 70 millimetres clearance on either side of the wing mirrors.

It is considered that the retention of the two existing dwellings are compelling grounds given their heritage significance and that the provision of a driveway that complies with Council policy would involve the demolition of at least one or possibly both of the dwellings. To partially alleviate concerns over safety, it is recommended that the applicant/landowner provides two signs, one at both ends of the driveway, warning that the driveway is narrow and should be negotiated carefully.

Height and Scale

The proposal represents reasonable development to the rear of two significant dwellings however, the height of the proposed walls exceed the Town's requirements for wall heights as outlined in the Building Scale Policy. Given the scale and nature of surrounding two-storey development, the proposed wall and overall building heights are not considered unreasonable or out of character for the area and as such, is supported.

Privacy and Overlooking

There is the potential for unreasonable overlooking from the first floor bedrooms and loft windows on the northern elevation of units 4, 5 and 6, balconies of the western and eastern sides of units 4 and 6, and two of the first floor bedroom windows of unit three. In accordance with the Town's Policy relating to Privacy, screening of these windows and balconies is considered required.

Although this application seeks a number of variations, it is considered that it has considerable merit as it involves the retention of two dwellings of significant heritage value. Given the above, it is recommended that the application be approved, subject to standard and appropriate conditions to address the matters discussed above.

10.1.10 Nos.156-158 (Lot 23) Lincoln Street, Highgate - Proposed Alterations and Additions to Twelve (12) of Existing Twenty-four (24) Multiple Dwellings Including New Carports and Stores

Ward:	North Perth	Date:	1 October 2002
Precinct:	Forrest, P14	File Ref:	PRO2135 00/33/1266
Reporting Officer(s):	H Coulter		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by G L Stenton on behalf of the landowners S & L Dimitrovski for proposed alterations and additions to twelve (12) of the existing twenty-four (24) multiple dwellings including new carports and stores at Nos. 156-158 (Lot 23) Lincoln Street, Highgate and as shown on plans dated 16 August 2002, subject to:

- (i) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (ii) subject to first obtaining the consent of the owners of the adjoining Nos.140 and 160 (Lots 22 and 84) Lincoln Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing adjoining Nos.140 and 160 (Lots 22 and 84) Lincoln Street in a good and clean condition;*
- (iii) a road and verge security bond and/or bank guarantee of \$880 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to existing Towns assets have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (iv) a detailed landscaping plan prepared in consultation with the Town's Parks Services Section (including a schedule of plant species and the landscaping and reticulation of the Lincoln 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);*
- (v) prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (vi) the construction of crossovers shall be in accordance with the Town's specifications;*
- (vii) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any proposed front fences and gates adjacent to Lincoln Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fence and gate being visually permeable, with a minimum 50 per cent transparency;*

- (viii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (ix) *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";*
- (x) *prior to the first occupation of the development, the full length and width of the right of way from the existing sealed portion to the eastern-most boundary of the right of way shall be sealed, drained and paved to the specifications of and supervision under the Town, at the applicant's/owner(s)' full expense;*
- (xi) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title or Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
- (xii) *prior to the first occupation of the development, the existing sealed portion of the right of way to Saint Albans Avenue shall be repaired and re-sealed to the specifications of and supervision under the Town, at the applicant's/owner(s)' full expense;*
- (xiii) *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;*
- (xiv) *a bond and/or bank guarantee for \$12,300 for the full upgrade of the right of way shall be lodged prior to the issue of a Building Licence; and*
- (xv) *compliance with all relevant Environmental Health, Engineering and Building requirements;*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: S & L Dimitrovski
APPLICANT: G L Stenton
ZONING: Metropolitan Region Scheme: Urban
Town Planning Scheme No. 1: Residential R80
EXISTING LAND USE: 24 Multiple Dwellings

COMPLIANCE:

At the date of assessment of the proposal and preparation of this report, the Planning Application was assessed under the provisions of the Residential Planning Codes of Western Australia 1991 (R Codes 1991). The new Residential Design Codes of Western Australia (RD Codes 2002) are proposed to be gazetted on Friday 4 October 2002, therefore the application was not assessed under these provisions. Any variations between the R Codes 1991 and RD Codes 2002 can be considered and determined by the Council under clause 40 of the Town's Town Planning Scheme No.1.

Requirements	Required	Proposed
Density	17 multiple dwellings	12 x 2 bedroom dwellings 12 x 1 bedroom dwellings
Car Parking	35 bays	24 bays *
Setbacks - Front East (1st, 2nd flrs) West (1st, 2nd flrs)	9.0 metres 1-1.5 metres 8 metres 1-1.5 metres 8 metres	5.4 metres 1.1 - Nil 6.4 metres 1.1 - Nil 6.517 metres
Total Open Space	60 per cent (1308 square metres)	51 per cent (1111.8 square metres)
Communal Open Space	20 per cent (436 square metres)	8 per cent (181 square metres)
Use Class	Multiple Dwellings	
Use Classification	'P'	
Lot Area	2180 square metres	

* Clause 4.3.1 (c) of the Residential Planning Codes makes provision for a minimum of at least one car bay per multiple dwelling.

SITE HISTORY:

The site currently accommodates a three level block of flats constructed during the mid 1960's. Two privately-owned, unsealed rights of way skirt the rear and partial side of the property.

DETAILS:

Approval is sought for alterations and additions to the existing 24 multiple dwellings. The plans detail the addition of an additional bedroom and balcony to 12 of the dwellings located at the very front and rear of the two blocks. In addition, new carports at the front and rear of the site, along with storage facilities and substantial renovation of the buildings and grounds are proposed.

CONSULTATION/ADVERTISING:

Five submissions and a petition with 67 signatures objecting to the proposal was received during the submission period, excerpts of which are as follows:

"The main reason for my objection ..is that for the health and safety of the residences of 2-18 Cavendish Street and 7-17 St Albans Avenue because of the close proximity of the two bin pads.

Furthermore, Department of Land Administration has advised... that the owner(s) of 156-158 Lincoln Street and their residents are not permitted to use the right of way that is parallel to Cavendish Street..."

"...there is an insufficient amount of parking bays available for the residents of 156-158 Lincoln Street. Some have more than one car. If the Council allows the owner(s) to put an additional 24 store rooms, hence removing the much needed car parking bays that are available, where would these residents park their cars?"

"...I notice from the plans that there will be extensive landscaping of the Lincoln Street frontage but apparently nothing to the rear of the units facing the laneway."

COMMENTS:

Density

The development proposes a 14 percent increase in the permitted dwelling density by virtue of the inclusion of secondary bedrooms to 12 of the existing dwellings. The site exists with 24, single bedroom dwellings and it is not considered that the inclusion of additional bedrooms will result in an unreasonable impact on the amenity of the surrounding area but rather, the proposed upgrading works will significantly contribute to an improvement on-site.

Setbacks

The proposed ground and first floor front setbacks proposed as a result of the additions are supported, given the pattern of reduced and varied setbacks along Lincoln Street. The variations to the side setbacks are supportable, given the absence of direct objection and it is not considered they would have an unreasonable adverse impact on the amenity of the area.

Car Parking

As outlined in Clause 4.3.1 (c) of the R Codes relating to car parking for multiple dwellings, *'at least one space shall be exclusive to each dwelling...'*. The proposal details one bay each for the one and two bedroom dwellings which, given the current on-site situation whereby parking bays are not marked out nor paved, is supported and encouraged. Accordingly, it is considered that the provision of car parking for the dwellings is adequate and is in compliance with the intent of the R Codes.

Total Open Space

The variation to the total open space requirement can be supported, as the plans detail provision for private open space in terms of new functional courtyards to the ground floor units and improved balcony areas for 8 of the upper level dwellings. In addition, given the site's inner urban location, its proximity to Hyde Park and the adjacent rights of way providing the development with a sense of openness, the variation is considered acceptable.

Communal Open Space

The proposal provides some areas of communal open space and improved areas of private open space for the units. Notwithstanding the non-compliance with communal open space, the provision of private open space for each of the units is considered to be more beneficial and functional to the occupants of the dwellings and is more likely to be utilised than large areas of communal open space. Given the above, the non-compliance with the provision of communal open space is supported.

Rights of Way

The concerns regarding the rights of way are acknowledged however, the onus is on the applicant to ensure that a legal right of access over the rights of way for access to the property is in place and appropriate conditions to ensure this should be imposed.

Bin Stores

The adjoining landowners concerns regarding the location of the bin enclosure is acknowledged, however it is considered that providing the enclosure is constructed and maintained in accordance with the Town's Environmental Health requirements, the area should not have an unreasonable adverse impact on the amenity of the adjoining property.

Summary

The proposal represents a reasonable upgrade of the development on-site which currently have a particularly low level of amenity. The non-compliance with density, open space and car parking are considered supportable on the basis that the provision of basic storage and parking facilities are not currently provided on-site and the proposed works will result in a vast improvement to the immediate and surrounding area. It is therefore recommended that the application be approved, subject to standard and appropriate conditions to address the issues discussed above.

10.1.11 Nos.178-182 (Lot 28) Stirling Street corner of Parry Street, Perth - Proposed Warehouse

Ward:	North Perth	Date:	1 October 2002
Precinct:	Beaufort, P13	File Ref:	PRO0956 (00/33/1235)
Reporting Officer(s):	H Coulter		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by Commercial Design Management on behalf of the landowner Galvin Properties Pty Ltd for proposed warehouse on Nos.178-182 (Lot 28) Stirling Street corner of Parry Street, Perth, and as shown on plans dated 23 July 2002, subject to;

- (i) prior to the issue of the Building Licence, amended plans shall be submitted and approved depicting:
 - (a) access, facilities and car parking for persons with disabilities in accordance with the Building Codes of Australia;*
 - (b) a visual truncation of 2 metres by 2 metres at the intersection of the driveway and the footpath; and*
 - (c) the Parry Street frontage of the building incorporating a minimum of two appropriate significant design features to reduce its visual impact on the streetscape, and improve its visual permeability and interface with Parry Street such as the incorporation of openings such as windows;**

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

- (ii) a detailed landscaping plan, including a schedule of plant species, the landscaping and reticulation of the Stirling Street and Parry Street verges adjacent to the subject property and one shade tree per four car parking spaces, 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);*
- (iii) a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*

- (iv) *in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land are to be upgraded, by the applicant, to a brick paved standard to the Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$4,800 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the Town's Technical Services Division. An application to the Town for the refund of the upgrading bond must be made in writing;*
 - (v) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
 - (vi) *all car parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications and dimensions specified in the Town's Policy relating to Parking and Access and Australian Standards AS2890.1 – "Off Street Parking";*
 - (vii) *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;*
 - (viii) *no street trees shall be removed, cut back, pruned or interfered with in any way, without the prior approval of the Town's Parks Services Section;*
 - (ix) *the Town accepts no liability for the cost of relocating any services that may be required as a consequence of this development. The applicant/owner(s) shall ensure that all services are identified prior to submitting a Building Licence application and that the cost of any service relocations is to be borne by the applicant/owner(s);*
 - (x) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating no fence or gate exceeding 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 fence/screen wall and gate adjacent to Parry Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fence/screen wall and gate being visually permeable, with a minimum 50 per cent transparency; OR incorporate significant design features to reduce their visual impact and increase interaction between the development and Parry Street;*
 - (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) *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;*
 - (xiii) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of carriageway and/or right of way and the right of carriageway and/or 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 carriageway and/or right of way, to the satisfaction of the Town;*
-

- (xiv) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (xv) *if applicable, prior to the issue of a Building Licence, the written approval of the Minister for Lands and/or Western Australian Planning Commission, whichever is applicable, for the encroachment of the structure(s) over the adjacent Crown land, including roads, shall be obtained and submitted to and approved by the Town;*
- (xvi) *those doors and windows fronting Stirling Street and Parry Street shall maintain an active and interactive relationship with the streets. The installation of roller shutters and/or the like are not permitted; and*
- (xvii) *compliance with all relevant Environmental Health, Engineering and Building requirements;*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: Galvin Properties Pty Ltd
APPLICANT: Commercial Design Management
ZONING: Metropolitan Region Scheme - Urban
 Town Planning Scheme No.1 – Residential/Commercial R80
EXISTING LAND USE: Vacant Land

COMPLIANCE:

Requirements	Required	Provided
Residential Component	66 per cent	Nil
Use Class	Warehouse	
Use Classification	'SA'	
Lot Area	1506 square metres	

SITE HISTORY:

The property is located on the north-eastern corner of Stirling and Parry Streets and is currently vacant. The surrounding area is characterised by well established commercial uses, vacant land under the control of the East Perth Redevelopment Authority and residential dwellings concentrated in the street blocks south of Pier Street. A sealed, privately-owned easement on the eastern side of the lot provides a legal right of carriageway between Edward and Parry Streets.

23 October 2001 The Council at its Ordinary Meeting conditionally approved a warehouse, two showrooms, one shop and two offices on the subject site.

14 May 2002 The Council at its Ordinary Meeting conditionally approved a mezzanine level to the above proposal.

DETAILS:

Approval is sought for construction of a single level warehouse building. In support of the application, the applicant writes:

"This is a new application as the previously approved application was not viable or cost effective to our client. The new proposal will be for the sole purpose of Galvin Hardware as an office/warehouse/distribution centre. The building will be predominately white and light grey, with their corporate logo being red (colour scheme as per previous approval)."

CONSULTATION/ADVERTISING:

Two submissions were received during the submission period and excerpts are as follows:

"We note that this proposal is substantially reduced in scale from that approved in October 2001 and we believe it would allow for a residential component to be incorporated as the Town Planning Scheme No.1 deems to be desirable, especially as the EPRA land on the south side of Parry Street is intended to be commercial/residential mix."

*"...the Town should be mindful of the existing and proposed uses of the land on the southern side of Parry Street, within The Village Northbridge project,..
..the southern side of Parry Street comprises existing residential development of reasonably high amenity. Any uses proposed on the north side of Parry Street should therefore be aimed at maintaining this amenity, and comprise uses that are generally compatible with residential development."*

COMMENTS:

The land is zoned residential-commercial with the immediate area characterised by significant purpose-built commercial buildings. The Town's Policy relating to the "Beaufort Precinct" provides that:-

"Commercial uses will not be permitted to develop independently of residential uses. Mixed-use developments proposing the integration of, or close relationship between work and residence, will be favored where acceptable levels of residential amenity can be maintained."

The clear objective of the residential-commercial zone is to transform the bulk of the area bounded by Lord, Bulwer, Beaufort and Parry Streets from predominantly commercial into an area of "*compatible residential and commercial uses*". By virtue of the firmly commercial amenity immediately adjoining and surrounding the subject site, enforcing a residential component on the subject site is not considered reasonable. Further, it is unlikely that the adjoining properties, namely the 'Bookland' and 'Gordon and Gotch' properties, in that the Council approved a two storey shop/office/warehouse in March 1998 and a change of use to self-lock storage in September 2001, respectively, will convert to predominantly residential uses in the short term.

It is noted that the Council has on numerous occasions, where considered appropriate, supported proposals which effectively do not meet the requirements for 66 per cent of the floor area to be residential in this zone on the grounds that the mixed-use requirement may be more effective in the short term in streets and neighbourhoods where the predominant use is residential, rather than the higher yielding commercial uses.

The proposal represents renewed interest in this particular section of Perth as a result of the completion of the Northbridge Tunnel works. The nature and scale of the proposal is considered supportable given the range and scale of buildings within the surrounding area and that this particular corner lends itself to a building of landmark qualities. The building has been setback in accordance with the Policy relating to this area and the design of the building is cognisant of the setbacks of adjoining buildings and suitable attention has been given to reinforce the corner element of the building. Further attention to the elevation of the building, fencing and gates facing Parry Street, however, is considered necessary to reduce their visual impact and improve the interaction with the street.

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

10.1.12 Nos. 103-105 (Lot 100) Oxford Street, Leederville - Alterations and Loft Additions to Approved Mixed Use Development (1x Showroom, 3x Offices, 1x Restaurant, 7x Multiple Dwellings and 1x Grouped Dwelling)

Ward:	North Perth	Date:	1 October 2002
Precinct:	Oxford Centre, P4	File Ref:	PRO0452 00/33/1288
Reporting Officer(s):	S Robertson		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by G McAlister on behalf of the owners TW McAlister Holdings Pty Ltd, for proposed alterations and loft additions to approved mixed use development (1x Showroom, 3x Offices, 1x Restaurant, 7x Multiple Dwellings and 1x Grouped Dwelling), at Nos. 103-105 (Lot 100) Oxford Street, Leederville as shown on plans stamp dated 30 August 2002, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements; and*
- (ii) compliance with the conditions of Planning Approval (Serial No. 00/33/0886) dated 21 February 2002 for the demolition of existing building and development of mixed use building (1x Showroom, 3x Offices, 1x Restaurant, 7x Multiple Dwellings and 1x Grouped Dwelling);*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: T W McAlister Holdings Pty Ltd
APPLICANT: G McAlister
ZONING: Metropolitan Region Scheme - Urban
Town Planning Scheme No. 1 - District Centre
EXISTING LAND USE: Existing Commercial Building

COMPLIANCE:

At the date of assessment of the proposal and preparation of this report, the Planning Application was assessed under the provisions of the Residential Planning Codes of Western Australia 1991 (R Codes 1991). The new Residential Design Codes of Western Australia (RD Codes 2002) are proposed to be gazetted on Friday 4 October 2002, therefore the application was not assessed under these provisions. Any variations between the R Codes 1991 and RD Codes 2002 can be considered and determined by the Council under clause 40 of the Town's Town Planning Scheme No.1.

Use Class	Multiple Dwellings
Use Classification	"P"
Lot Area	1835 square metres

Requirements	Required	Proposed
Plot Ratio	0.75*	0.97 (previously approved 0.69)

* The proposed new Residential Design Codes provide for a maximum plot ratio of 1.00 for Multiple Dwellings under the Residential R80 density code.

SITE HISTORY:

- April 1982: The Council of the City of Perth considered 5 applications for the construction of a two/three-storey commercial building accommodating office and retail uses on the subject land.
- 19 April 1982: The Council of the City of Perth **approved** a three storey commercial building on the subject land accommodating retail and office uses.
- 17 November 1986: The Council of the City of Perth **refused** a three storey mixed retail and office building on the subject land.
- 15 August 1988: The Council of the City of Perth **approved** a two storey commercial building accommodating retail/restaurant and office uses on the subject land.
- 18 March 1991: The Council of the City of Perth **approved** a two storey commercial building accommodating retail, restaurant and office uses on the subject land.
- 28 January 1995: The Commissioners of the Town of Vincent **refused** an application for 8 shops, 1 restaurant and 10 residential units due to non-compliance with car parking requirements. The applicant was advised that the Council will consider a mixed commercial/residential development on its merit, provided that the intensity of uses is decreased and adequate car parking is provided.
- 29 July 1996: At the Ordinary Meeting, the Council **refused** a proposal for three shops, five offices and two caretaker's residences for the following reasons:
- (i) *the non-compliance with the plot ratio requirement of the Town of Vincent Town Planning Scheme; and*
 - (ii) *the non-compliance with the requirements concerning the orderly and proper planning of the locality and the preservation of amenities of the locality, with respect to the detrimental impact on the visual amenity of the locality by virtue of the scale, mass and bulk of the proposed three storey development.*
- 20 January 1997: At the Ordinary Meeting, the Council **refused** an application for three shops, five offices, two caretaker's residences and one showroom office for the following reasons:

- (a) *the non-compliance with the plot ratio requirement of the Town of Vincent Town Planning Scheme; and*
- (b) *the non-compliance with the requirements concerning the orderly and proper planning of the locality and the preservation of amenities of the locality, with respect to the detrimental impact on the visual amenity of the locality by virtue of the scale, mass and bulk of the proposed three storey development.*
- (i) *the concept of an urban village type development accommodating a range of uses is supported however, a new development application will be required to be submitted depicting a reduction in the plot ratio and a maximum of two storeys in a form, scale and design sympathetic and complementary to the existing streetscape; and*
- (ii) *detailed urban design guidelines be formulated for new and existing commercial developments within the Leederville Centre to complement the existing urban stock and a further report be presented to the Council.*

- 22 February 2000 At the Ordinary Meeting, the Council conditionally **approved** the partial demolition of existing building and development of mixed use building (1 x showroom, 3 x offices, 3 x shops and 6 x grouped dwellings).
- 28 March 2000 Appeal against condition of approval requiring partial retention of existing buildings submitted to Minister for Planning.
- 7 June 2000 Condition of approval requiring partial retention of existing building waived by the Council following Appeal mediation process.
- 15 September 2000 Application made to the Town for an amended proposal.
- 24 October 2000 At the Ordinary Meeting, the Council conditionally **approved** amended proposal for mixed use development containing 1 x showroom, 3 x offices, 1 x restaurant, 7 x grouped dwellings and 1 x multiple dwelling.
- 12 February 2002 At the Ordinary Meeting, the Council conditionally **approved** the demolition of existing building and development of mixed use building (1 x showroom, 3 x offices, 1 x eating house, 7 x multiple dwellings and 1 x grouped dwelling).
- 13 August 2002 At the Ordinary Meeting, the Council conditionally **approved** alterations and additions to the eating house within the approved Mixed Use Development.
-

DETAILS:

This proposal seeks to utilise the roof space within the approved mixed use development to form additional floor area within 5 of the previously approved 7 multiple dwellings as loft area. There will be no change to the approved external appearance of the building.

CONSULTATION/ADVERTISING:

The current planning application was not advertised, as it represents an amendment to a planning application that has been advertised and considered by the Council within the past 12 months, is being referred to the Council for its determination, and the greater variation to the plot ratio requirement complies with the plot ratio requirement of the new Residential Design Codes, which will be gazetted prior to consideration of this application by the Council on 8 October 2002. No objections were received during the previous advertising period.

COMMENTS:

The proposed increase in plot ratio is within the approved roof space and will not result in any external modification to the previously approved development. The approved development provided for 2 carparking spaces for each of the dwellings, and the increase in floor area will not result in a greater carparking requirement.

It is considered that the proposal will not have an unreasonable adverse impact on the adjoining landowners or the Oxford Centre in general. Accordingly, it is recommended that the proposal be approved, subject to similar conditions being applied to the previous Planning Approval dated 21 February 2002.

10.1.13 No.83 (Lot 521) Federation Street, Mount Hawthorn - Proposed Gazebo Additions to Existing Single House

Ward:	Mount Hawthorn	Date:	24 September 2002
Precinct:	Mount Hawthorn, P1	File Ref:	PR02158 00/33/ 1312
Reporting Officer(s):	S Ward		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by P Spencer on behalf of the owners P Spencer and S Collins, for the proposed gazebo additions to the existing single house on No. 83 (Lot 521) Federation Street, Mount Hawthorn and as shown on the plans received 5 September 2002, subject to:

- (i) no part of the roof cladding to the gazebo shall be setback nearer than 450 millimetres from the allotment boundary;*
- (ii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services; and*
- (iii) compliance with all relevant Environmental Health, Building and Engineering requirements;*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: P Spencer and S Collins
APPLICANT: P Spencer
ZONING: Metropolitan Region Scheme – Urban
 Town Planning Scheme No. 1 – Residential R30
EXISTING LANDUSE: Single House

COMPLIANCE:

At the date of assessment of the proposal and preparation of this report, the Planning Application was assessed under the provisions of the Residential Planning Codes of Western Australia 1991 (R Codes 1991). The new Residential Design Codes of Western Australia (RD Codes 2002) are proposed to be gazetted on Friday 4 October 2002, therefore the application was not assessed under these provisions. Any variations between the R Codes 1991 and RD Codes 2002 can be considered and determined by the Council under clause 40 of the Town's Town Planning Scheme No.1.

Requirements	Required	Proposed
Southern Side Setback	1.0 metre	600 millimetres
Use Class	Single House	
Use Classification	'P'	
Lot Area	484 square metres	

SITE HISTORY:

The property currently accommodates a single storey brick and pitched metal roof dwelling.

DETAILS:

An application was received to construct gazebo additions to the rear of the existing single house. It was proposed to construct the gazebo abutting the southern side boundary to an overall maximum height of approximately 4.2 metres. Due to objections from the adjoining landowners, revised plans have been submitted setting the gazebo back 600 millimetres from the southern side boundary and reducing the overall height to approximately 3.5 metres.

In support of the application, the applicant has submitted a letter which can be summarised as follows:

1. No. 81 Federation Street is 300 millimetres higher and therefore the visual aspect of the gazebo is less than that shown on the plans.
2. No. 81 Federation Street is a two-storey dwelling with windows and a balcony that overlooks into the rear of the subject property.
3. Overshadowing from the gazebo would be minimal as existing trees already overshadow No. 81 Federation Street.
4. The thatched roof is not considered a fire hazard as confirmed by the installer.
5. The gazebo will provide privacy from the adjoining property.
6. No. 81 Federation Street has a zincalume shed on the fence line which would be camouflaged by the proposed gazebo.

CONSULTATION/ADVERTISING:

One letter of objection was received. A summary of the concerns are follows:

1. According to the Residential Planning Codes the gazebo should be setback 1.5 metres from the boundary. The area will be used for entertaining and will impinge upon acoustic and visual privacy.
2. The main sewer interferes with the proposed location of the gazebo and the overall length of the gazebo and the existing dwelling will dominate the property and reduce sunlight and a sense of open space.
3. Fire risk and health concerns from the thatched roofing material proposed to be used in the gazebo.

The full submissions of objection and support, including photographs, are circulated separately to Elected Members.

COMMENTS:

In accordance with the Residential Planning Codes (R Codes), the gazebo has been assessed independently of the existing dwelling as they are not attached, resulting in a minimum southern side setback requirement of 1.0 metre. However, the variation to the side setback to the proposed gazebo addition is considered relatively minor, and is acceptable in the context of the limited space available due to the location of the existing below ground swimming pool, there being an existing steel framed outbuilding located against the common boundary on the adjoining property, providing screening from a first floor balcony from the adjoining property, and not unreasonably adversely affecting the amenity of the adjoining property.

Matters relating to the existing sewer location are not for the Town to consider and must be resolved by owner with the Water Corporation.

Due to the scale of the existing dwelling and proposed gazebo, the proposal will not overshadow the R Codes.

Subject to the roof cladding to the proposed gazebo being setback no closer than 450 millimetres from the allotment boundary, the gazebo will comply with Part 3.7.1 "Fire Separation" of the Building Code of Australia.

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

10.1.14 Nos. 217-225 (Lots 23-25) Fitzgerald Street, West Perth – Proposed Alterations and Additions to Existing Club Premises (W. A. Italian Club)

Ward:	North Perth	Date:	1 October 2002
Precinct:	Hyde Park, P12	File Ref:	PRO0579 (00/33/1206)
Reporting Officer(s):	H Coulter		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Anthony J Cassella Designers on behalf of the landowner W A Italian Club Inc (Community Centre) for proposed alterations and additions to the existing club premises (W. A. Italian Club) at Nos. 217-225 (Lots 23-25) Fitzgerald Street, West Perth and as shown on plans dated 8 July 2002 and amended plans dated 15 August 2002, subject to:

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

(a) *a 2 metres x 2 metres visual truncation of the building at the intersection of the right of way and the Water Corporation Easement to ensure safety for pedestrians and vehicles using the accessways; and*

(b) *the proposed new entrances to the south-western (entry 3 and portico) and southern (entry 5) sides of the building respectively, being deleted;*

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

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

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

- (v) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (vi) *a road and verge security bond and/or bank guarantee of \$500.00 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to existing Towns assets have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (vii) *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;*
- (viii) *those doors and windows fronting Fitzgerald Street are to maintain an active and interactive relationship with the street. The installation of roller shutters and the like are not permitted;*
- (ix) *the club premises shall be limited to the following floor areas: restaurant - 411 square metres, recreation/leisure - 297 square metres, night club - 454 square metres, offices - 290 square metres, and public assembly area - 495 square metres of gross public assembly area; and*
- (x) *compliance with all relevant Environmental Health, Engineering and Building requirements;*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: Anthony J Cassella Designers
APPLICANT: W.A Italian Club Inc. (Community Centre)
ZONING: Metropolitan Region Scheme – Urban
 Town Planning Scheme No.1 – Commercial
EXISTING LANDUSE: Club Premises

COMPLIANCE:

Requirements	Required	Proposed
Car Parking	319 bays	Nil bays
Use Class	Private Club	
Use Classification	'SA'	
Lot Area	1755 square metres	

SITE HISTORY:

The subject site is located on the northern side of Fitzgerald Street opposite the Robertson Park Tennis Courts. The site is bounded by a Town-owned carpark and Dorrien Gardens, the W.A. Bocce Club, office uses and the Italo-Australian Welfare and Cultural Centre Inc. The existing building is built from boundary to boundary without parking provision. A privately-owned, sealed 4.2 metres wide right of way runs along the rear boundary of the property whereas a sealed 3.5 metres wide Water Corporation Easement runs along the southern boundary.

The Town's archive records indicate that the WA Italian Club premises were established in April 1954. A number of alterations and additions to the premises were approved in March 1962, November 1970, August 1985 and August 1986.

DETAILS:

Approval is sought for alterations and additions to the existing club premises including the rearrangement of ground floor uses. The major changes occur on the ground floor where existing office uses located at the front of the building will be relocated to the rear of the building. A larger dining area with function areas and a new kitchen will be located to the front of the building. Other changes include upgrading and relocating ablution facilities and providing disabled access such as new lifts and entrances to the building. On the upper floor, the uses remain as is, in terms of providing large function and eating areas however, the plans detail a new cocktail bar area and the lesser hall being used for youth activities and training.

In support of the application, the applicant has submitted a detailed letter, excerpts of which are as follows:

“..

With these renovations, we plan to bring in a new interior design in keeping with the club members' needs. After many discussions and meeting with both committee representatives and our members, it is our intention to include the following changes:

1. Grande Multicultural Community Convention Centre (formerly the Main Hall)

...At present the décor in this area is very “70's”, so we plan to modernise the interior design to bring it up to today's standards.

2. Cultural & Italio-Australian Youth Development, Education, Training, and Skills Workshop Performance and Seminar Hall. (Formerly the lesser Hall)

This hall will and is used predominately for community services, including youth activities, training and workshops.

3. Club Room

...in view of the aging population, we will be making our club room and in fact all areas of the building accessible to people with disabilities, the frail and aged.

4. Lower Level of the Building

Community Museum of Italian-Australian Culture and History & Art Exhibition Lounge.

Community Languages, Education and Support Seminar Room

The proposed renovations to the club will ensure that we may continue to improve our services for the benefit of our members and the wider community both now and in the future.”

CONSULTATION/ADVERTISING:

One submission was received during the advertising period and excerpts are as follows:

“1....

Proposed positioning of a second main entrance with subsequent lift on the south side of the build adjacent to the laneway:

Currently the traffic flow, coupled with the number of stationary delivery trucks/vans and/or other obstacles such as scaffolding, equipment, etc parked in the laneway at times for hours on end, is quite intense. With the proposed new enhance usage of the laneway as a main thorough-way, the traffic flow will become more of a dangerous hazard for drivers and pedestrians alike.

...

2. Proposed Intensification of usage of Club premises:

The intensification of the usage of the Club premises will cause increased car parking congestion as many more patrons will be frequenting the Club."

COMMENTS:

The submitted plans indicate uses which are existing on-site however their floor areas and their location within the building are proposed to be amended. The amended floor areas and corresponding car parking requirement are detailed in the following car parking table:

Use/Method of Calculation	No. of Car Bays Required - Existing	No. of Car Bays Required - Proposed
Place of Public Assembly (1 bay per 4.5 square metres of public assembly area)	(399.08 square metres) 89 bays	(495 square metres) 110 bays
Office (one bay for every 50 square metres of gross floor area)	(173.1 square metres) 3 bays	(290 square metres) 6 bays
Restaurant (1 bay for every 4.5 square metres of public area)	(412.25 square metres) 92 bays	(410.5 square metres) 92 bays
Recreation/Leisure (1 bay per 30 square metres of gross floor area)	(465.9 square metres) 16 bays	(297 square metres) 11 bays
Night Club (1 bay for every 4.5 square metres of gross public assembly area)	(934 square metres) 208 bays	(453.6 square metres) 101 bays
Total Number Required	408 bays	320 bays
Apply Adjustment Factors	312 bays	245 bays
Total No. Bays Provided	Nil	
Less Existing Shortfall (adjustment factors applied)	312 bays	
Proposed Shortfall	67 bays (surplus)	

The Town's Technical Services has advised that in regard to the concerns over the right of way and the Water Corporation easement bounding the subject site, in the interest of ensuring that the safety of both pedestrians and motorists is not compromised, it is recommended that the proposed entry to the building from the Water Corporation Easement on the south side of the existing building be deleted. For similar reasons, it is recommended that the proposed entry to the rear of the building at the south west corner also be deleted and if possible a visual truncation be incorporated in the building upgrade proposal.

In view of the proposed upgrading and renovation of the site and the resultant changes to the configuration of uses within the club premises not requiring additional parking, it is recommended that the application be approved, subject to standard and appropriate conditions to address the above matters.

10.1.15 Nos. 183 - 187 (Lot 334) Lord Street, Corner Edward Street, Perth - Change of Use from Shop/Office/Showroom to Office and Shop, Including Drive-Through Bottleshop, and Associated Alterations and Additions.

Ward:	North Perth	Date:	25 September 2002
Precinct:	Beaufort, P13	File Ref:	PRO0716 00/33/1152
Reporting Officer(s):	S Robertson		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by HTS Consultants Pty Ltd on behalf of the owners Ardom Holdings Pty Ltd for the change of use from shop/office/showroom to office and shop, including drive-through bottleshop, and associated alterations and additions at Nos. 183-187 (Lot 334) Lord Street, corner Edward Street, Perth as shown on the plans stamp dated 11 June 2002, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) the support/approval of the Department for Planning and Infrastructure and/or the Western Australian Planning Commission and compliance with its comments and conditions at the applicant(s)/owner(s) full expense;*
- (iii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) a continuous awning being provided on the Lord Street and Edward Street elevations, over the adjacent footpaths;*
 - (b) the existing Lord Street median island being modified to prevent right hand turn exit into Lord Street to the satisfaction of the Town in consultation with the Department for Planning and Infrastructure;*
 - (c) a visual truncation of 2.0 metres by 2.0 metres being provided at either side of the proposed motor vehicle exit to Lord Street; and*
 - (d) the security roller shutter/roller door on the eastern Lord Street elevation being visually permeable with a minimum 50 per cent visual permeability when viewed from the street. The selected security screen/roller door shall be designed as an integral part of the design and/or form of the building in accordance with the Town's Policy relating to 'Security Roller Shutters, Doors and Grilles on Non-Residential Buildings';*
- (iv) a bond and/or bank guarantee for \$1000 for the modification to the existing Lord Street median island shall be lodged prior to the issue of a Building Licence;*

- (v) *all car parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications and dimensions specified in the Town's Policy relating to 'Parking and Access' and Australian Standards AS2890.1 – "Off Street Parking".*
- (vi) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (vii) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (viii) *the activities, doors and windows at the ground floor level along Lord Street and Edward Street shall maintain an active and interactive relationship with Lord Street and Edward Street;*
- (ix) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (x) *the construction of crossovers shall be in accordance with the Town's specifications and shall be positioned in consultation with and as directed by the Town's Technical Services Division; and*
- (xi) *a road and verge security deposit bond and/or bank guarantee of \$1100 shall be lodged prior to the issue of any Building Licence, as required, 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;*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: Ardom Holdings Pty Ltd
APPLICANT: HTS Consultants Pty Ltd
ZONING: Metropolitan Region Scheme: Urban Town Planning
 Scheme No.1: Residential-Commercial R80
EXISTING LAND USE: Shop, Office, and Showroom

COMPLIANCE:

Use Class	Shop and Office
Use Classification	"AA" and "AA"
Lot Area	809 square metres

Car Parking:

Car parking requirement (nearest whole number): <ul style="list-style-type: none"> ▪ Shop-18 bays; ▪ Office-1 bay; 	19 carbays
Apply the adjustment factors: <ul style="list-style-type: none"> ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.8 (within 400 metres of a train station) ▪ 0.9 (within 400 metres of a public car park) 	(0.612) 11.628 carbays
Minus the car parking provided on site.	15 carbays
Minus the most recently approved on site car parking shortfall.	nil
Resultant shortfall/surplus	3.372 car bay surplus

DETAILS:

The site is located along Lord Street at the intersection with Edward Street. The application seeks approval for alterations and additions to an existing corner building to accommodate a bottleshop with a drive-through component having a left turn only exit on to Lord Street and an ancillary office component on the first floor level. There will be a separate retail tenancy at the ground floor level. Car parking will be provided to the rear of the existing building with access from Edward Street.

CONSULTATION/ADVERTISING:

As the development abuts and proposes access to Lord Street, which is reserved under the Metropolitan Region Scheme as 'Other Regional Road', the application was referred to the Department for Planning and Infrastructure (DPI) for its comments. The initial correspondence from the DPI, did not support the proposed access on to Lord Street. The applicant submitted a traffic study to the DPI that generally addressed the DPI's concerns. The DPI has verbally confirmed that they would not have any objection to a left only exit on to Lord Street providing that the existing median strip was modified to prevent vehicles turning right on to Lord Street, and have advised that they will provide this information in writing.

No other comments were received during the advertising period.

COMMENTS:

Use

The general area is characterised by a residential buildings that are inhabited as dwellings or that have been converted for commercial use along with purpose-built commercial buildings.

The Town's Policy relating to the "Beaufort Precinct" states that:-

"Commercial uses will not be permitted to develop independently of residential uses. Mixed-use developments proposing the integration of, or close relationship between work and residence, will be favoured where acceptable levels of residential amenity can be maintained."

The clear objective of the Residential-Commercial Zone is to transform the bulk of the area bounded by Lord, Bulwer, Beaufort and Parry Streets from predominantly commercial into an area of "compatible residential and commercial uses". Enforcing a residential component on the subject site will not transform, even marginally, the current conspicuously and firmly entrenched commercial amenity of Edward Street and this section of Lord Street in the short term. Furthermore, the proposed retail use is not considered to unreasonably adversely impact on the amenity of the surrounding landuses or the streetscape providing it retains an interactive frontage with Lord and Edward Streets and provides appropriate weather protection for pedestrians.

Car Parking

The development requires 19 carparking bays which after applying the Town's carparking adjustment factor of 0.612 results in a carparking requirement of 11.6 bays. The proposal provides 15 bays on site, which generally complies with the carparking requirement as specified in the Town's Policy relating to "Parking and Access".

Heritage

The proposals includes the removal of the existing metal and timber awning. The building is not included on the Town's Interim Heritage Data Base or the Municipal Heritage Inventory. The awning is unlikely to date to the original construction date of the building, but rather would have been an addition in circa 1930.

The awning is somewhat damaged and sections of the pressed tin ceiling has been replaced with a variety of metal sheeting. The awning retains some of its original pressed metal ceiling and the overall condition is considered to be fair-poor. The removal of the awning is considered to be acceptable.

It is recommended that the proposed application be approved, subject to standard and appropriate conditions to address the above matters and the support and conditions of the Department for Planning and Infrastructure.

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

Ward:	Mount Hawthorn	Date:	1 October 2002
Precinct:	Charles Centre, P7	File Ref:	PRO0155, 00/33/1257
Reporting Officer(s):	S Turner		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

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

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

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

FURTHER REPORT:

The Council at its Ordinary Meeting held on 24 September 2002 received a report relating to proposed alterations and additions to existing two-storey commercial building, and change of use to recreational facility on the ground floor. The Council deferred its consideration of the application pending further information.

A Business Plan was submitted as part of the application, detailing the proposed day spa. Previously the applicant requested that this document remain confidential, however has now asked that it be tabled as part of the application. The following excerpts are from the Business Plan:

"The Purpose of this Plan

Great interest has been shown by myself Sonya Brown and Victor Hatzis in providing an all in one centre, 'Inner and Exterior Health Centre' combined with a 'Day Spa', 'Beauticians Work Salon' and a 'Hairdressing Salon' which will be convenient, relaxing, professional, health and safe for both staff members and patrons alike.

Executive Summary

This business is about individual attention with 'all services available' to each person. Allowing them to feel relaxed and re-vitalised as well as getting away from it all for awhile, in a friendly, relaxed and private atmosphere.

Professionalism is of the utmost importance. Making the customer feel special, but at the same time making sure all treatments are carried out as they should be.

- i) Hygiene and Safety*
- ii) Service from the Staff*
- iii) Privacy for Individuals*
- iv) Maintenance*
- v) Comfortable Premises*

Our aim is to provide a high quality range of services from simple manicuring, to the ultimate self indulgent experience lasting an 8 hours. As well as providing specialist treatments for both women and men, our premises will include a gymnasium, spa, ice dip pool, Turkish steam area, tai-chi and yoga areas, creche, beauticians shop and a hairdressing salon. This will achieve in delivering a total body service without having to take more time out of ones busy life by moving from one place to the other.

A special feature of our business that is not offered elsewhere is a 'pregnancy package' consisting of relaxing massage (on a customised maternity massage table), floatation tanks, multi spa jet systems for relief of tension, pedicures and relaxing facials all with natural ingredients highly beneficial to pregnant women."

The Business Plan is attached as Appendix to the Further Report.

In light of the above, the previous conditional approval Officer Recommendation remains unchanged.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on the 24 September 2002:

"OFFICER RECOMMENDATION:

That;

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

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

- (viii) a road and verge security bond and/or bank guarantee of \$550 shall be lodge prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to existing Towns assets have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing; and
- (ix) a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division; and
- to the satisfaction of the Chief Executive Officer.

Moved by Cr Doran-Wu, Seconded by Cr Hall

That the recommendation be adopted.

COUNCIL DECISION ITEM 10.1.16

Moved by Cr Doran-Wu, Seconded by Cr Franchina

That this item be DEFERRED to obtain further information.

CARRIED (7-0)

(Cr Ker on leave of absence)

(Cr Piper - apology for the meeting)

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

COMPLIANCE:

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

Car Parking:

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

SITE HISTORY:

28 July 1997 *The Council approved an application for a change of use of the ground floor from recreational facility/eating house to commercial hall.*

28 April 1999 *Approval was granted for an eating house on the ground floor.*

DETAILS:

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

CONSULTATION/ADVERTISING:

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

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

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

COMMENTS:

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

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

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

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

10.1.17 No.96 (Lot 185) Shakespeare Street, Mount Hawthorn - Proposed Additions and Alterations to Existing Single House

Ward:	Mount Hawthorn	Date:	26 September 2002
Precinct:	Mount hawthorn, P1	File Ref:	PR00149 00/33/1300
Reporting Officer(s):	W. Bow		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

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

- (i) the application is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) non compliance with the Town's Policies relating to Street Setbacks and Vehicular Access; and*
- (iii) consideration of the objection received;*

the Council REFUSES the application submitted by the owners M and J Barnao, for the proposed carport additions to an existing single house as shown on the plans dated 9 September 2002 at No. 96 (Lot 185) Shakespeare Street, Mount Lawley.

LANDOWNER: M and J Barnao
APPLICANT: M and J Barnao
ZONING: Metropolitan Region Scheme – Urban
 Town Planning Scheme No. 1 – Residential R30
EXISTING LANDUSE: Single House

COMPLIANCE:

Requirements	Required	Proposed
Setbacks		
Carport -		
Front	6 metres	0.4 metre
Southern side	1 metre	0.45 metre
Patio -		
Southern Side	1.5 metres	1.15 metres
Use Class	Single House	
Use Classification	'P'	
Lot Area	453 square metres	

At the date of assessment of the proposal and preparation of this report, the Planning Application was assessed under the provisions of the Residential Planning Codes of Western Australia 1991 (R Codes 1991). The new Residential Design Codes of Western Australia (RD Codes 2002) are proposed to be gazetted on Friday 4 October 2002, therefore the application was not assessed under these provisions. Any variations between the R Codes 1991 and RD Codes 2002 can be considered and determined by the Council under clause 40 of the Town's Town Planning Scheme No.1.

SITE HISTORY:

The property currently accommodates a double storey dwelling. There is a Town owned sealed right of way along the rear of the property which is in good repair.

DETAILS:

An application has been received to construct a timber framed, pitched iron roofed carport located within the street setback area and to replace an existing patio at the rear of the property with a new timber framed, pitched clear sheet ("Laser Lite") roofed patio.

CONSULTATION/ADVERTISING:

One letter of objection was received during the advertising period and this can be summarised as follows:

1. The size of the proposed carport will impact the visual amenity;
2. Previous access arrangements via the right of way at the rear of the property exist and do 3. not affect the visual amenity of the Shakespeare Street streetscape;
3. Roof of the structure will be approximately 2500 millimetres from adjoining lounge room window, affecting interior light and external shading of adjoining property;
4. Reduction in aesthetics and contribution to glare problems;
5. Request for re-design of front carport to minimise impact; and
6. No objection raised to the proposed patio building works to the rear of the property.

COMMENTS:

The side setback variation to the proposed patio is considered acceptable as it follows the side setback of the existing dwelling, no objection to the patio was received, and it will not unreasonably adversely affect the amenity of the adjacent property.

The Town's Policies on Street Setbacks and Vehicular Access states that *"car parking to be accessible from an existing right of way where (legally) available"*.

The proposed carport is within the street setback, however trafficable access to the rear of the property for parking purposes is available for this particular site. There is also area at the rear of the property to accommodate a single carport.

In light of the above, it is recommended that the proposed carport be refused.

10.1.18 No. 91 (Lot 10) Lindsay Street and Nos. 99-103 (Lot 4) Brisbane Street, Perth - Proposed Demolition of Existing Buildings

Ward:	North Perth	Date:	25 September 2002
Precinct:	Forrest, P14	File Ref:	PRO1473 (00/33/1284)
Reporting Officer(s):	H Eames		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme and having regard to the matters it is required to consider generally, and in particular;*
- (a) *is not consistent with the orderly and proper planning and the preservation of the amenities of the locality with respect to the visual amenity of the locality by virtue of the demolition of the existing buildings; and*
- (b) *the existing places have cultural heritage significance in terms of their historic, representative and streetscape values;*

the Council REFUSES the application stamp-dated 30 August 2002 submitted by Ian Xuyen Lu and Associates on behalf of the landowners M Ryan, N Tran, E Tran, T Quach, S Quach, I Lu and D Tran for the demolition of the existing shop with attached dwelling at No.99 (Lot 4) Brisbane Street, semi-detached dwellings at No.101-103 (Lot 4) Brisbane Street and single dwelling at No.91 (Lot 10) Lindsay Street, Perth; and

- (ii) *the landowner be advised that the Council is prepared to give consideration to a development proposal which includes the retention and upgrading of the existing buildings on the site.*

LANDOWNER: M Ryan, N Tran, E Tran, T Quach, S Quach, I Lu and D Tran
APPLICANT: Ian Xuyen Lu & Associates
ZONING: Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential/Commercial (R80)
EXISTING LAND USE: Residential/Vacant Shop
LOT AREA: 761 square metres

SITE HISTORY:

The site is occupied by one single dwelling, two semi-detached dwellings and one shop with attached dwelling.

At the Ordinary Council Meeting held on 7 November 2000 Council refused an application for the demolition of the subject buildings in addition to the dwelling at No.105 (Lot 4) Brisbane Street, Perth.

Further, the Council resolved to refer the subject buildings to the Hocking Planning and Architecture Collaboration for consideration for listing on the Town of Vincent Municipal Heritage Inventory (MHI). The Council also resolved to refer the area bounded by Brisbane Street (both sides), William Street, Bulwer Street (both sides) and Beaufort Street for consideration as part of the MHI review.

The applicant lodged an appeal with the Office of the Minister for Planning on 28 November 2000 against the Town's refusal of the planning application for demolition of the subject buildings. The appeal was determined in a letter from the current Minister dated 18 April 2001, in which the Minister found favour in the position taken by the Town and dismissed the appeal. The Town's position was that the subject places had local cultural significance in terms of historic, representative and streetscape values.

The applicant has since received conditional approval at the Ordinary Meeting of Council held on 12 March 2002 for alterations and additions including a carport to the existing dwelling and four additional two-storey grouped dwellings at No.105 (Lot 4) Brisbane Street, Perth.

DETAILS:

Approval is sought for the demolition of the single dwelling at No.91 (Lot 10) Lindsay Street, the shop with attached dwelling at No.99 (Lot 4) Brisbane Street and two semi-detached dwellings at No.101-103 (Lot 4) Brisbane Street, Perth.

The 'Independent Heritage Assessment' received by the applicant at the time of submitting the original development proposal for the demolition of the subject buildings has also been received for the subject application. The officers have previously assessed this document and have found it to be a building condition report and does not meet the prescribed requirements for a Heritage Assessment as detailed in the policy '*Heritage Management - Municipal Heritage Inventory*'. No detailed physical analysis or documentary research was presented in this report in order to provide evidence that the statement of significance, claiming the places had no heritage value, was justified.

The assessment provided by the applicant stated that "*with exception of 105 Brisbane Street, which was probably built between 60 and 70 years ago, all other buildings were probably built between 70 –80 years ago*". Physical and documentary evidence indicate this statement is incorrect. Research by the Town's Heritage Officers have shown that No.91 Lindsay and Nos 101-103 Brisbane Street were built circa 1897. The shop with attached dwelling at No.99 Brisbane Street was probably built circa 1905. It is most unlikely that the dwellings were built in the 1920s, 1930s or 1940s, as suggested by the assessment, though later additions and renovations of these eras may have occurred.

The contrast of building specification and architectural design between the subject buildings is what makes the subject places of interest and historic value and does not detract from the significance of the properties. All of the subject dwellings were constructed towards the end of the Gold Rush, when land was less easily available in the inner city areas, and when the increase in population required an increase in the service industry, calling for greater demands for shop-houses and denser housing facilities (such as the shop house at No.99 Brisbane Street and Nos.101-103, a semi detached). The "low specification" of Nos.101 and 103 Brisbane Street are indicative of the change in housing style during the Gold Rush, to accommodate for a greater number of affordable workers housing and services in the city.

The Statement of Significance provided in the assessment is considered unacceptable. A Statement of Significance cannot be derived from minimal physical evidence and no documentary or historical research. It is clear from additional physical and documentary undertaken by officers that the subject properties have *historic value* for their role in the evolution or pattern of the history of the Town particularly for their ability to demonstrate the changes and requirements of housing in the inner city area during the Gold Rush years, *representative value* in demonstrating the characteristics of a class of cultural place or environs in the Town and *streetscape value* as an intact section of late nineteenth century housing facing Birdwood Square.

Documentary research by the Town's Heritage Officers have revealed that No.91 (Lot 10) Lindsay Street and Nos. 101-103 (Lot 4) Brisbane Street were constructed circa 1897. The shop at No. 99 (Lot 4) Brisbane Street was most likely constructed shortly after in circa 1905 and Post Office Directories indicates it was an active street corner shop through until the late 1940s.

The subject buildings make a strong contribution to the overall streetscape along Brisbane Street, facing Birdwood Square. They form a part of a largely intact area of late nineteenth century housing stock, demonstrating the diversity of building requirements throughout the Gold Rush years in Perth. The places individually and collectively are of cultural heritage significance for their *historic, representative and streetscape* values. As such, they have considerable cultural heritage significance for the Town.

CONSULTATION/ADVERTISING:

Applications involving demolition only are not required to be advertised.

COMMENTS:

The subject application has previously been assessed by the Town and determined by Council. It has subsequently been to appeal against the refusal by the Town for the proposed demolition of the subject properties and the appeal was dismissed by the Minister. It is considered that while the properties have had minimal maintenance they remain viable for residential living and retain their historic, representative and streetscape significance as previously documented to the Council. The places individually and collectively are of cultural heritage significance for the Town and therefore it is recommended that demolition be refused.

10.1.19 No. 368 (Lots 8, 9 & 10) Oxford Street Corner of Anzac Road, Mount Hawthorn – Proposed Alterations and Additions to Existing Hotel and Ancillary First Floor Uses

Ward:	Mount Hawthorn	Date:	26 September 2002
Precinct:	Mount Hawthorn Centre, P2	File Ref:	PRO0748 (00/33/1093)
Reporting Officer(s):	H Coulter		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme 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 affect on the amenity of the locality by virtue of the non-compliance with the car parking requirement;*
- (ii) non-compliance with the Town's Policy relating to Parking and Access; and*
- (iii) consideration of objections received;*

the Council REFUSES the application submitted by Planning Solutions (Aust.) Pty Ltd on behalf of the landowner Active Holdings Pty Ltd for proposed alterations and additions to the existing hotel and ancillary first floor uses at No.368 (Lots 8, 9 and 10) Oxford Street corner of Anzac Road, Mount Hawthorn, and as shown on plans stamp dated 9 June 2002.

LANDOWNER: Active Holdings Pty Ltd
APPLICANT: Planning Solutions (Aust.) Pty Ltd
ZONING: Metropolitan Region Scheme – Urban
 Town Planning Scheme No.1 – Commercial
EXISTING LANDUSE: Hotel

COMPLIANCE:

Requirements	Required	Proposed
Car Parking	170 bays	10 bays
Use Class	Hotel	
Use Classification	'SA'	
Lot Area	1389 square metres	

SITE HISTORY:

The site is occupied by the Oxford Hotel, located on the south-eastern corner of Oxford Street and Anzac Road. The surrounding land uses in the immediate vicinity include residential to the east and commercial to the north and south.

The site history relevant to the application is as follows:-

- 26 January 1990 An application was lodged with the City of Perth for the alterations and additions to the hotel, including the additions of a bottle shop and beer garden.
- 19 January 1998 Application for alterations and additions to the hotel was refused by Council for the following reasons:
- (i) the non-compliance with the orderly and proper planning of the locality and the preservation of the amenities of the locality in respect to the inadequate provision of car parking and landscaping on the site; and
 - (ii) consideration of the objections received.
- Council advised the applicant that it was prepared to consider a development application for the change of use of the hotel to an eating house.
- 10 August 1998 At the Ordinary Meeting the Council approved an application for alterations and additions to the hotel subject to standard conditions and more specific conditions restricting the use of the existing bar areas and denying the use of the southern courtyard as a 'beer garden'.
- 14 March 2000 The Council at its Ordinary Meeting conditionally approved proposed alterations and additions to the Oxford Hotel.
- 11 October 2000 Following an appeal to the Minister for Planning, namely a condition relating to a \$17,600 lump sum cash contribution to be paid to the Town for the upgrading of street parking on Anzac Road adjacent to the property, the Minister upheld the applicant's appeal.
- 5 December 2000 The Council at its Ordinary Meeting considered and approved a proposed residential parking zone along Anzac Road along with traffic management works.
- 9 May 2001 A Building Licence was issued in accordance with the above approval.
- 25 September 2001 The Council at its Ordinary Meeting made the following resolution with respect to an application for an extended trading permit:
- "(a) *an after-hours mobile contact telephone number for the Duty Manager be made available to nearby residents to expedite remedial action regarding any unreasonable noise, anti-social behaviour, or parking matters;*
-

- (b) *the existing 'Premises Management Plan for the Oxford Hotel' be upgraded and detailed to include the extended trading hours after midnight and relevant contingency planning and resolution action. The Sections relating to control of noise, traffic, car parking, litter and anti-social behaviour to be upgraded accordingly and a copy provided to the Town and the Office of Racing, Gaming and Liquor within 14 days of approval; and*
- (c) *that the conditional approval be reviewed in 6 months."*

DETAILS:

Approval is sought for alterations and additions to the existing hotel to change the use of the first floor from hotel (accommodation) rooms to a place of public assembly.

In support of the application, the applicant has submitted a detailed report, excerpts of which are as follows:

"The application ...has been prepared to achieve a Function Room on the first floor...

The proposal is simply for the reconfiguration of the layout to accommodate its continued 'Public Use'.The first floor level was previously used as the accommodation section of the Oxford Hotel with 16 separate bedrooms, lounge areas, ablutions of the ground floor level with a net change in the car parking and passageways. A Licensed balcony also formed part of the previous first floor use. Large 'public' areas exist on the first floor, which are proposed to be retained as 'public' areas...The 'public' areas comprise passageways, ablutions, the balcony, and a 'public' lounge.

The hotel, which has operated from the site since the 1920's, is intended to continue to provide a range of family based opportunities and improve the range of services provided to its patrons...The plans presented reflect the hotel management's proven shift in philosophy from one that was previously orientated to maximising 'drinking area' to one providing the opportunity to improve the 'dining experience' for patrons, and providing function opportunities aimed primarily at corporate clients and weddings."

The subject application was accompanied by a request for rezoning of the adjoining No.55 (Lot 12) Anzac Road from Residential R30 to 'Special Use' - Car Park however, the application has been pended by the applicant.

CONSULTATION/ADVERTISING:

The application was advertised in accordance with the 'SA' (special application) procedure. Eight submissions, of which four support the proposal, have been received. Excerpts of the submissions are as follows:

"The parking problems we residents have experienced...are still ongoing. They have not been resolved. The residential parking on the south side of Anzac Road has been of some deterrent to the general public, however we still have great difficulty parking there from Friday and Saturday afternoons to Hotel closing at midnight....Late night disturbances, which are very common, every Friday and Saturday night from 10 pm to 1 am will increase."

"Our concerns relate to our amenity and can be summed up as:

- * *parking issues*
- * *noise and nuisance issues."*

"Parking - while parking for the hotel has been slightly improved along Oxford Street and Anzac Road, there is still a considerable deficit in the number of parking spaces required compared to those available."

"As a past committee member of the Mt. Hawthorn Business Association, it was always the intention of the Association to promote the development of the Mt Hawthorn area and as such I for one would fully endorse the Oxford Hotel development as befitting this charter. Advantages, I believe would far outweigh any negatives associated to the proposal,"

"The proposals to develop the first floor area as a function room and conference room seems to us to be very logical step and will provide facilities that are not currently available in the area. Whilst we are sure that the council may have concerns regarding parking, we would point out that there is more than adequate parking for over 100 vehicles within 250 metres of the hotel."

"I do not foresee any problems with the proposed modifications to the hotel....I believe it will provide an opportunity to extend on the current 'popular' and high quality venue that exists."

The Town's Health Services advises that only one (1) noise complaint has been received by Health Services in the last year. The complaint was received some six months ago.

The following comments have been provided by the Town's Law and Order Services with regard to on-street parking.

Most of the parking complaints received are from the residents residing along Anzac Road, Mount Hawthorn. The complaints relate to patrons of the Oxford Hotel parking in Anzac Road which is a Residential Parking Only Zone. The Oxford Hotel has a larger patronage during the week-end period. It would be fair to say the number of complaints received is now considerably less than three months ago. On average, the complaints received by Law and Order Services for the Residential Zone, on the South side of Anzac Road, has diminished dramatically and only one formal written complaint has been received since February 2002. The Rangers continue to patrol the area, although the regularity of the visits has diminished. They deal with offending vehicles as appropriate and 66 routine infringements have been issued since 1 June 2002.

Complaints have also been received that residents along Anzac Road are parking their vehicles on the north side of the road, leaving the Residential Parking Zone, on the south side, almost empty. This is allegedly being done to prevent patrons of the Oxford Hotel from parking anywhere close to the Hotel, in Anzac Road. Rangers are monitoring the matter and a report will be made in due course.

COMMENTS:

The proposed change of use of the first floor of the hotel for public assembly is considerably more intensive than accommodation rooms and it is considered that the use will significantly affect the provision and availability of on-site car parking.

Car Parking

The following table denotes the car parking requirements calculated by the Town for the previous application considered by the Council at its Ordinary Meeting held on 14 March 2000. The table does not include the rear 'lounge' area (ground floor).

USE	METHOD OF CALCULATION	NO. CAR BAYS REQUIRED
Assembly area (480 square metres)	1 car bay for every 4.5 square metres of assembly area	106.6 car bays
Hotel Rooms (16 rooms)	1 car bay for every bedroom	16 car bays
TOTAL NO. OF CAR BAYS REQUIRED		122.6 car bays
TOTAL NO. OF CAR BAYS PROVIDED		11 car bays
LESS EXISTING SHORTFALL (current assembly area)		115.5 car bays
TOTAL INCREASED SHORTFALL		nil car bays

The following table details the parking situation in relation to the subject proposal:

USE	METHOD OF CALCULATION	NO. CAR BAYS REQUIRED
Assembly area (existing) (480 square metres)	1 car bay for every 4.5 square metres of assembly area	106.6 car bays
Assembly area (proposed) (286.33 square metres)	1 car bay for every 4.5 square metres of assembly area	63.5 car bays
TOTAL NO. OF CAR BAYS REQUIRED		170 car bays
APPLY ADJUSTMENT FACTORS		129.2 car bays
TOTAL NO. OF CAR BAYS PROVIDED		10 car bays
LESS EXISTING SHORTFALL (adjustment factors applied)		87 car bays
PROPOSED SHORTFALL		32.2 car bays

It is noted that the previous parking calculations were not subject to adjustment factors. Accordingly, application of the relevant adjustment factors to the existing shortfall was required in order to rationalise the calculations, in accordance with the current Parking and Access Policy.

It is considered that given the site's location within a largely residential area, the provision of on-site parking to meet the needs of both staff and patrons is a necessity to ensure that vehicles associated with the use are reasonably contained within the site and not adversely affecting the amenity of the area. The surrounding area provides on-street parking, however in view of on-going parking concerns from residents, it is considered that intensification of the hotel's activities as proposed, which requires a significant additional parking requirement which is not met on the site, would create unreasonable disturbance to surrounding residential and commercial properties. Given that a total of 10 bays are provided on the site and the proposed new use will attract large groups to the site for weddings and functions, it is not considered that the site is appropriate for such further intensification.

Further, in accordance with clause 22 of the Town's Amended Parking and Access Policy, in determining whether a development should be refused on car parking grounds, the following aspects support refusal of the application:

- i) the shortfall is in excess of 10 bays, hence precluding cash-in-lieu; and
- ii) less than 40 per cent of the total (adjusted) required bays is provided on site.

Accordingly, it is recommended that the application be refused.

10.1.20 Nos.20-40 (Lots 350, 35, 36 and 40) Mary Street and Lots 9-12 Harold Street and Crown Land, Highgate - Proposed Alterations and Partial Demolition of, and Additions to Existing Educational Establishment

Ward:	North Perth	Date:	3 October 2002
Precinct:	Hyde Park, P12	File Ref:	PRO1520 (00/33/1186)
Reporting Officer(s):	H Coulter		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme the Council APPROVES the application submitted by Philip McAllister Architect Pty Ltd on behalf of the landowner Roman Catholic Archbishop of Perth for proposed alterations and partial demolition of, and additions to existing educational establishment at Nos.20-40 (Lots 350, 35, 36 and 40) Mary Street, Lots 9-12 Harold Street and Crown Land, Highgate and as shown on plans dated 28 June 2002, subject to;

- (i) a detailed landscaping plan, including a schedule of plant species, the landscaping and reticulation of the Mary Street and Harold Street verges adjacent to the subject property and the provision of a minimum one shade tree per four car parking spaces, 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);*
- (ii) all car parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications and dimensions specified in the Town's Policy relating to Parking and Access and Australian Standards AS2890.1 – "Off Street Parking";*
- (iii) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (iv) no street trees shall be removed, cut back, pruned or interfered with in any way, without the prior approval of the Town's Parks Services Section;*
- (v) the Town accepts no liability for the cost of relocating any services that may be required as a consequence of this development. The applicant/owner(s) shall ensure that all services are identified prior to submitting a Building Licence application and that the cost of any service relocations is to be borne by the applicant/owner(s);*
- (vi) a road and verge security bond and /or bank guarantee of \$1320 shall be lodged prior to the issue of a Building License and be held until all works have been completed and/or any damage to existing Towns assets have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*

- (vii) *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) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (ix) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (x) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating a visual truncation of 2 metres by 2 metres at the intersection of the driveways and footpaths and shall be provided at the owner's cost;*
- (xi) *detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building Licence application;*
- (xii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (xiii) *compliance with all conditions required by the Heritage Council of Western Australia regarding the development;*
- (xiv) *all front fences and gates shall comply with the Town's Policy relating to Front Fences and Screen Walls, and full details shall be submitted and approved prior to the erection of such fences and gates;*
- (xv) *details of any trees within the boundary of the property shall be submitted prior to the commencement of works on site;*
- (xvi) *trees within the property can only be removed with the written consent of the Town's Parks Services and all costs shall be borne by the applicant/owner(s);*
- (xvii) *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); and*
- (xviii) *compliance with all relevant Environmental Health, Engineering and Building requirements;*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: Roman Catholic Archbishop of Perth
APPLICANT: Philip McAllister Architect Pty Ltd
ZONING: Metropolitan Region Scheme - Urban
Town Planning Scheme No.1 – Residential R80
EXISTING LAND USE: School and Church

COMPLIANCE:

Requirements	Required	Provided
Car Parking	As determined by Council	51 bays
Use Class	Educational Establishment	
Use Classification	'AA'	
Lot Area	8029 square metres	

SITE HISTORY:

The property is located on the northern side of Mary Street with dual frontage to Harold Street. The site accommodates the school buildings and convent of the Sacred Heart Primary School.

DETAILS:

Approval is sought for alterations and partial demolition of, and additions to the existing school buildings. In support of the application, the applicant has provided a detailed account of the range of proposed works, excerpts of which are as follows:

"The School are extending into the 1899 Convent Building at both levels. Existing rooms, openings and significant fabric have been retained. The existing spaces have been utilised and modified to accommodate the School's requirements into the 21st century.

New services will be incorporated into the existing building in ducted skirtings with minimal impact on significant fabric.

....

As part of the new works a new ramp...is provided at the northern end of the east school wing of the building. This will link all upper levels of the school with the ground floor facilities, covered area and play spaces.

The original form of the northern part of the Convent building has been altered over time...We are proposing retention of the external form of this area and removing ground and first floor structure to develop a Covered Outdoor Area of 200 square metres. A new shared canteen is located at the western end of this covered area.

The existing 1960's two storey wing north of the original buildings, 1930's single storey classroom and Laundry out buildings north of the original building are to be removed to provide new hardstanding play area for the School. ...

The Archdiocese offices will be incorporated into the western end of the existing Convent building using existing spaces and openings.

The existing chapel will be retained intact...The existing dining room will be retained...The other large space on the second floor, above the dining room will be partitioned into offices....

The single storey 1970's hostel building west of the Convent building is to be demolished and provide car parking space for the Archdiocese and will return the western elevation of the building to its original form.

The existing elevations of the buildings to the east, south (Mary Street) and west will be retained and conserved with recent accretions removed.

The north elevations of the building will be modified with removal of the 1960's wing and development of the new ramp and covered area. However, the original and existing roof and upper level building form will remain.

The existing boundary walls to Mary and Harold Streets are largely retained...the two panels of wall damaged by the adjacent tree ...be removed and a new crossover from Mary Street provided to allow 'drive-in/drive out' drop off area A new entry gate and openings ...is proposed at the western end...to provide a 'street' entry to the Archdiocese Offices for pedestrians.....The existing openings onto Harold Street from that boundary fence are retained.

....

The Archdiocese plans to sell Lots 13-17 Harold Street and these sites will be cleared and boundary wall removed....these do not form part of this development application."

CONSULTATION/ADVERTISING:

No submissions were received during the advertising period.

COMMENTS:

Heritage

The subject place is included on the State Register of Heritage Places. The development application was forwarded by the applicant to the Heritage Council of Western Australia (HCWA) as required by the Heritage of Western Australia Act 1990. Conditional support for the development proposal was provided by HCWA in correspondence dated 15 August 2002, a copy of which was forwarded to the Town for information. This document is included as Appendix 10.1.20 to this report. Conditions required by HCWA relate primarily to the provision of a Schedule of Works, an interpretation strategy and photographic record of the place prior to commencement of works.

Car Parking

The Town's Policy relating to Parking and Access does not stipulate a parking requirement for educational establishments however, in this instance, it is considered that the proposed new parking areas totalling 51 bays adequately caters for the requirements of the school's staff, early childhood education centre and office uses of the Archdiocese. Provision of shade trees to the new parking areas nominated as Archdiocese and staff is considered appropriate to maintain a reasonable level of amenity to the school grounds.

Given that the use and buildings exist and that the proposed works will essentially improve the amenity and integrity of the buildings and grounds and provide new parking provision, the proposal is supported. Accordingly, it is recommended that the application be approved, subject to standard and appropriate conditions to address the matters discussed above.

10.2 TECHNICAL SERVICES

10.2.1 St Rocco Association – Annual Street Procession

Ward:	Mt Hawthorn	Date:	2 October 2002
Precinct:	Leederville P3	File Ref:	CVC 0006
Reporting Officer(s):	C Wilson		
Checked/Endorsed by:	R Lotznicher		
Amended by:	-		

OFFICER RECOMMENDATION:

That the Council;

- (i) *supports the annual St Rocco Association's street procession to be held on Sunday, 10 November 2002, as shown in Plan A4-00-106; 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.*

BACKGROUND:

The St Rocco Association Incorporated is seeking Council's approval to conduct its annual street procession on Sunday 10 November 2002 in honour of St Rocco.

DETAILS:

The procession will commence at 3.00 pm on Sunday, 10 November 2002 from St Mary's Catholic Church in Franklin Street, Leederville. It will travel, under Police escort, south via Shakespeare Street turning left into Marian Street. From Marian Street the procession will turn left into Loftus Street north bound, where it will be confined to a single lane so as not to impede normal traffic. From Loftus Street the pageant turns left into Anzac Road west bound, returning to St Mary's via Shakespeare Street (as per attached Plan No. A4-00-106).

The procession will be under Police escort and no actual road closures will be 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 St Rocco Procession is a colourful religious celebration that draws many people of diverse backgrounds to the Town. As in the past, conditional approval will be granted on behalf of the Town by the Executive Manager Technical Services. These conditions pertain to traffic management, police approval and attendance to ensure a both safe and successful event for both participates and motorists alike.

10.2.2 Introduction of a One Hour Parking Restriction in Tennyson Street adjacent to Tran's Store

Ward:	Mt Hawthorn	Date:	1-October-2002
Precinct:	Leederville Precinct P3	File Ref:	TES0071
Reporting Officer(s):	A. Munyard		
Checked/Endorsed by:	R Lotznicher		
Amended by:	-		

RECOMMENDATION:

That the Council;

- (i) *APPROVES the introduction of a one (1) hour parking restriction from 8.00am until 5.30pm Monday to Friday and 8.00am until 12noon Saturday on the North side of Tennyson Street, Leederville, as shown on plan 2098-PP.1;*
- (ii) *places a moratorium on issuing infringement notices for a period of two weeks from the installation of the new parking restriction signs; and*
- (iii) *notifies the adjacent business of its resolution.*

BACKGROUND:

A request has been received from the proprietor of Tran's Oriental Import and Export Pty Ltd, located in Oxford Street at the intersection of Tennyson Street, for time restricted parking to be introduced in Tennyson Street adjacent to his premises.

DETAILS:

The applicant's oriental grocery store has no adjacent parking in Oxford Street. A nineteen (19) metre "NO STOPPING" zone is in place on the west side of Oxford Street, north of Tennyson Street and north of the "NO STOPPING" restriction is a "BUS ZONE". Grouped together, these restrictions mean that no parking is permitted at the front of the business, and additionally, increases the demand on the resultant reduced available bays.

The applicant has requested that the kerb side parking in Tennyson Street, adjacent to his premises, be time restricted to increase the likelihood of available parking for his customers. Following the "NO STOPPING" restriction on the north side of Tennyson Street, thirty three (33) metres adjacent to the building, could be restricted to provide five (5) one (1) hour parking bays between 8.00am and 5.30pm Monday to Friday, and between 8.00am and 12noon on Saturdays. The Manager, Law and Order Services has been consulted and sees no impediment to the introduction of the time restriction.

CONSULTATION/ADVERTISING:

It is proposed that the time restriction will be introduced only adjacent to the applicant's premises, and therefore will not impact on residents. Other nearby businesses can only benefit from the resultant improvement in parking availability, and therefore consultation is not necessary.

STRATEGIC IMPLICATIONS:

Strategic Plan 2000-2002, at key result Area 1.4, "*Develop and implement a Transport and Car Parking Strategy*".

FINANCIAL/BUDGET IMPLICATIONS:

The cost of installation of two (2) new parking restriction signs and would be approximately \$180.00.

COMMENTS:

The introduction of timed restrictions to parking adjacent to the applicant's premises is a reasonable request, and will be beneficial to him and his customer's, without adversely affecting residents. The customers of other similarly affected businesses in the vicinity will also be appreciative of an improvement in the availability of convenient parking spaces.

10.2.3 New Loading Zone in Newcastle Street Near the Intersection of Oxford Street

Ward:	North Perth Ward	Date:	2 October 2002
Precinct:	Oxford Centre Precinct P4	File Ref:	PKG0012
Reporting Officer(s):	A. Munyard		
Checked/Endorsed by:	R Lotznicher		
Amended by:			

RECOMMENDATION:

That the Council;

- (i) *APPROVES the introduction of a "LOADING ZONE" to be in force between 8.00am and 5.30pm Monday to Friday and 8.00am and 12noon Saturday in Newcastle Street near the intersection of Oxford Street, as illustrated on plan 2101-PP-1; and*
- (ii) *advises the adjacent business proprietors of its resolution.*

BACKGROUND:

A request has been received from the proprietor of the Leederville Newsagency, located on the south side of Newcastle Street near the intersection of Oxford Street, requesting the introduction of a Loading Zone adjacent to his premises.

DETAILS:

The Leederville Newsagency and adjacent food outlets, all require frequent delivery of goods. At present, there is no nearby Loading Zone and goods must be transported a considerable distance by trolley. At times drivers of delivery vehicles have had no option but to park in the rear right of way, creating an obstruction, or illegally on the current "No Stopping" restriction.

There is an existing Loading Zone on the west side of Oxford Street, however, transporting goods across Oxford Street is hazardous and not desirable.

A 25 metre "No Stopping" restriction is currently in place on the South side of Newcastle Street. A 12-metre Loading Zone could be accommodated within the eastern sector of this zone without creating any impediment to traffic.

The introduction of the Loading Zone, positioned at a safe distance east of the intersection, will provide a safe and convenient facility for goods delivery. The Manager, Law and Order Services, has been consulted and is in favour of the introduction of the new Loading Zone.

FINANCIAL/BUDGET IMPLICATIONS:

The costs involved in the removal and relocation of existing signs, the installation of two (2) new "LOADING ZONE" signs and all associated line marking is estimated to be about \$250.00.

STRATEGIC IMPLICATIONS:

In accordance with the Strategic Plan 2000-2002, key Result Area 1.4 (d) *"Develop and implement a Transport and Car Parking Strategy"*.

COMMENTS:

It is considered that the introduction of the "LOADING ZONE" on the south side of Newcastle Street, near the intersection of Oxford Street, would ensure safe and convenient parking for deliveries to the adjacent businesses. It is therefore recommended that the Council approve the introduction of the loading zone, as per plan 2101-PP-01.

10.2.4 2002/03 Perth Bicycle Network Improvement Grants

Ward:	Both	Date:	2 October 2002
Precinct:	All	File Ref:	TES0172
Reporting Officer(s):	C Wilson		
Checked/Endorsed by:	R Lotznicher		
Amended by:	-		

OFFICER RECOMMENDATION:

That the Council;

- (i) *receives the report on the 2002/03 Perth Bicycle Network Local Government Grants; and*
- (ii) *supports additional and ongoing cycling facility improvements within the Town, as outlined in the report.*

BACKGROUND:

In February 2002, the Town was invited by the Department for Planning and Infrastructure (DPI), Metropolitan Infrastructure Directorate, to apply for 2002/03 Local Government Grants for Perth Bicycle Network (PBN) Improvements and End of Trip Facilities with funding to be allocated on a dollar for dollar basis.

DETAILS:

The Town has undertaken a number of PBN route improvements over past years as part of Stage 1, and more recently Stage 2, of the program. These projects included extensive works in Forrest Park and Walcott Street, Mt Lawley, as part of route NE26, median islands in Scarborough Beach Road, Mt Hawthorn, route NE9, and more recently the Blackford Street, Mt Hawthorn cul-de-sac as an improvement for route NE2.

Given that funding is allocated on a 50/50 basis and in view of the Town's significant current capital works program, the 2002/03 funding application specifically targeted Generic Minor Works and End of Trip Facilities grants, rather than a major project.

Generic Minor Works include line marking cycle lanes, removing obstructions in the middle of dual use paths, fixing unfriendly kerb ramps and drainage grates and constructing missing links in dual use paths.

End of Trip Facilities, as installed by the Town, such as bicycle parking rails, are located at sites that have significant local attractions requiring short to medium term parking facilities. Over the past three (3) years in excess of fifty (50) of the Town's distinctive bicycle parking rails have been installed throughout the various centre precincts.

In a letter dated 16 September 2002 the Hon. Alannah MacTiernan MLA, Minister for Planning and Infrastructure, advised that the Town had been successful in securing funding for the following PBN improvements.

Generic Minor Works

- Carr Street cycle lanes line marking and signage - \$750. To be installed in conjunction with the 2002/03 'Wider Streets' capital works project, Carr Street, Charles Street to Fitzgerald Street.

- Improve and install ramps, grab rails, kerbing and other minor works, various locations - \$900.

End of Trip Facilities

- Bicycle parking facilities (14 Town of Vincent distinctive bicycle parking rails), \$2,450.

Total 2002/03 PBN Local Government grants \$4,100.

FINANCIAL IMPLICATIONS

The Council allocated \$20,000 in the 2002/03 budget to undertake Local Bicycle Network Improvements in accordance with the adopted plan. Therefore, it is intended to use a portion of these funds, to a maximum \$4,100, to undertake the above works.

STRATEGIC IMPLICATIONS:

In line with Strategic Plan 2000-2002 - Key Result Area 1 "*The physical Environment Objectives*

- *to enhance the richness of our natural environment, built environment and heritage.*
- *To create an accessible, safe and healthy environment for our community"*

COMMENTS

End of trip bicycle parking facilities will continue to be installed in locations identified in the Town's Local Bicycle Network Plan, focusing on the commercial centre precincts.

Locations in which parking rails will be installed in 2002/03 include Scarborough Beach Road, Mt Hawthorn to service the Mt Hawthorn Post Office while additional rails will be installed in Oxford and Richmond Streets, Leederville, to service the commercial area north of Melrose Street and Leederville College of TAFE. Further, it is also intended to install parking rails in the North Perth Centre Precinct including Fitzgerald Street, View Street and the soon to be upgraded Angove Street.

It is considered that the ongoing implementation of the Perth Bicycle Network will continue to be of benefit to the Town of Vincent and further enhance the concept that "every street is a bicycle street".

It is therefore recommended that Council support the continued implementation of the Perth Bicycle Network within the Town of Vincent.

10.3 CORPORATE SERVICES

10.3.1 Leederville Gardens Inc. Constitution Changes

Ward:	Mount Hawthorn	Date:	1 October 2002
Precinct:	All	File Ref:	PRO1479
Reporting Officer(s):	M Rootsey		
Checked/Endorsed by:			
Amended by:			

OFFICER RECOMMENDATION:

That the Council ACCEPTS the changes to the Leederville Gardens Inc Constitution as adopted by the members of the Leederville Gardens Retirement Village at the Annual General meeting held on 25 September 2002.

BACKGROUND:

The following Notice of Motion was proposed by Mr Ian Aitken of 3 Leederville Gardens in accordance with the requirement of Clause 28 of the Constitution. The Notice of Motion is presented in italics with the existing clause in the Constitution in regular font. The adopted clause is printed in italic bold. Any changes to the Constitution of Leederville Gardens Inc. requires written approval of the Town and Deputy Commissioner of Taxation in accordance with Clause 45 of the Constitution.

DETAILS:

Outlined below are the details of the proposed resolutions and changes adopted.

Current Clause

14. If any members of the Board (other than a member appointed by the Town pursuant to Clause 9 hereof) resigns, is unwilling to act, becomes incapable of acting, dies or permanently resides out of the State of West Australia or for any reasons whatsoever ceases to act as a member of the Board then, such members as remain upon the Board, shall appoint anew member to the Board to hold the place from the date of his/her election until the expiration of the term. The Board shall appoint such fit and proper persons who will in its opinion assist in attaining the objects of the Association.

Recommendation:

THAT Clause 14 be amended by deleting the word "election" and inserting the word "appointment" in lieu.

Resolution:

- 14. If any members of the Board (other than a member appointed by the Town pursuant to Clause 9 hereof) resigns, is unwilling to act, becomes incapable of acting, dies or permanently resides out of the State of West Australia or for any reasons whatsoever ceases to act as a member of the Board then, such members as remain upon the Board, shall appoint a new member to the Board to hold the place from the date of his/her appointment until the expiration of the term. The Board shall appoint such fit and proper persons who will in its opinion assist in attaining the objects of the Association.***

Current Clause

15. The election to fill vacant places shall be held in the year at the expiration of which the places become vacant.

Recommendation:

THAT Clause 15 be amended by deleting it in its entirety and substituting the following in lieu:

An election to fill places becoming vacant at the expiration of the term of a Board member shall be held at the Annual General meeting next following that expiration. The Secretary shall call for nominations for candidates for election to the Board to fill places becoming vacant at an annual General meeting, at least twenty-one (21) days before the annual General meeting at which such elections are to take place.

A candidate for election to membership of the Board:

- a) must be nominated in writing by a Member of the Association, and*
- b) must signify in writing his or her willingness to stand for election.*

Resolution:

- 15. *An election to fill places becoming vacant at the expiration of the term of a Board member shall be held at the Annual General meeting next following that expiration. The Secretary shall call for nominations for candidates for election to the Board to fill places becoming vacant at an annual General meeting, at least twenty-one (21) days before the annual General meeting at which such elections are to take place. A candidate for election to membership of the Board:***
- a) must be nominated in writing by a Member of the Association; and***
 - b) must signify in writing his or her willingness to stand for election.***

Current Clause

18. Subject to Clause 19 hereof, the Board shall meet at such times as the Board may from time to time decide. The chairman or any two (2) members of the Board may call a meeting of the board at any time.

Recommendation:

THAT Clause 18 be amended by inserting the words "at least every two months", after the word "meet".

Resolution:

- 18. *Subject to Clause 19 hereof, the Board shall meet where possible and at least every three months at such times as the Board may from time to time decide. The chairman or any two (2) members of the Board may call a meeting of the board at any time.***

Current Clause

28. Any member may on giving to the Secretary written notice together with a copy of the proposed resolution on or before the 15th day of August in any year submit any resolution shall be given to the members with notice of the Annual General meeting as hereinafter required.

Recommendation:

THAT Clause 28 be amended by deleting it in its entirety and substituting the following in lieu:

28. *Any member may submit a resolution to an Annual General meeting. A member intending to submit a resolution shall give to the Secretary written notice, together with a copy of the proposed resolution, on or before the 15th day of August in any year. The Secretary shall give a copy of the proposed resolution to the members with the notice of the Annual General Meeting as hereinafter required.*

Resolution:

- 28. Any member may submit a resolution to an Annual General meeting. A member intending to submit a resolution shall give to the Secretary written notice, together with a copy of the proposed resolution, on or before the 15th day of August in any year. The Secretary shall give a copy of the proposed resolution to the members with the notice of the Annual General Meeting as hereinafter required.**

Current Clause

31. The Secretary shall give at least fourteen (14) days' notice of all General meetings to the members by posting or causing to be delivered notice thereof to each member at the address appearing in the records of the Association for the time being. Such notice shall specify the name of the business to be transacted at the meeting, and notice shall be deemed to have been delivered on the second day after the notice has been put into the post.

Recommendation:

THAT Clause 31 be amended by deleting the word "name" and insert the word "nature" in lieu.

Resolution:

- 31. The Secretary shall give at least fourteen (14) days' notice of all General meetings to the members by posting or causing to be delivered notice thereof to each member at the address appearing in the records of the Association for the time being. Such notice shall specify the nature of the business to be transacted at the meeting, and notice shall be deemed to have been delivered on the second day after the notice has been put into the post.**

Current Clause

45. Subject to the prior written approval of the Town and Deputy Commissioner of Taxation in West Australia the Constitution of the Association may be altered added to or repealed at any General meeting of the Association by a special resolution passed by the members of the Association.

Recommendation:

THAT Clause 45 be amended by deleting the words "Subject to the prior written approval of the Town and Deputy Commissioner of Taxation in West Australia".

Clause 45 be further amended by adding a new sentence as follows:

"Any such alteration, addition or repeal shall not become effective until such time as the written approval of the Town and Deputy Commissioner of Taxation in West Australia has been obtained."

Resolution:

- | |
|---|
| <p>45. <i>The Constitution of the Association may be altered added to or repealed at any General meeting of the Association by a special resolution passed by the members of the Association. Any such alteration, addition or repeal shall not become effective until such time as the written approval of the Town and Ministry of Fair Trading in West Australia has been obtained.</i></p> |
|---|

Each clause of the motion was voted on by the meeting individually. In accordance with the Associations Incorporation Act 1987 a 75% majority was required for each motion to be passed.

CONSULTATION/ADVERTISING:

Proposed amendments accepted by 75% majority of voters at the Leederville Gardens Annual General meeting.

LEGAL/POLICY:

Constitution changes in accordance with Clause 45 of Constitution require approval from the Town and Deputy Commission of Taxation. Each clause required 75% majority in accordance with Associations Incorporation Act 1987.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

There have been no changes to the Constitution since the document was prepared in 1992. The proposed amendments improve the document and will make it more practical for the operation of the Village. It is intended this year to form a sub-committee to review the Constitution as a whole document to ensure it maintains its relevance to the operation of the Village. It is therefore recommended that the proposed changes to the Constitution be supported.

10.3.2 Community and Welfare Grants and Donations Policy Amendments

Ward:	Both	Date:	25 September 2002
Precinct:	All	File Ref:	FIN0098
Reporting Officer(s):	A Hope		
Checked/Endorsed by:	J Anthony/M Rootsey		
Amended by:			

OFFICER RECOMMENDATION:

That the Council adopts the amended Draft “Community and Welfare Grants and Donations Policy Guidelines” (Policy No: 3.2.7), shown as an Attachment 10.3.2.

BACKGROUND:

The current Community and Welfare Grants and Donations Policy (see attachment 10.3.2) was adopted 22 February 2000. The intent of the policy is to maintain clear guidelines relating to the provision of financial assistance by Council to eligible community groups and organisations whose services directly benefit the Town and its residents, and individual residents who are disadvantaged due to social isolation, socio-economic status, race or disability.

DETAILS:

A review of the above policy has highlighted a number of issues that require addressing.

There is a need to clearly distinguish between the following categories of grants and donations.

- i) Grants available to groups and organisations on an annual basis;
- ii) Ad hoc donations available throughout the year to groups and organisations who are not the recipients of a Community and Welfare Grant; and
- iii) Donations available throughout the year to individual residents.

Currently, there is no limit to the amount of money that can be requested as an ad hoc donation in any one financial year. This creates inconsistencies in the amount of funding organisations and groups receive.

There is a need to state more clearly what the Town will provide funds for. There is also a need to be more specific about the way in which the Town expects grants and ad hoc donations to be publicly acknowledged. The process for assessment of applications needs to be set out in more detail.

Amended Community and Welfare Grants and Donations Policy Guidelines

Separate guidelines have been written for annual grants, ad hoc donations and donations to individuals. This will ensure that potential applicants are given the information that is most relevant to the purpose for which they are seeking financial assistance.

The amended guidelines also do the following:

- Set out the assessment process for applications more clearly and in more detail.

- Clearly state what the Town will and won't provide funds for.
- Identify the Town's expectations in regard to public acknowledgment of grants and ad hoc donations.
- Set a limit of \$500 for each financial year available as an ad hoc donation to groups and organisations providing community and welfare services, making the distribution of funds set aside for this purpose more equitable.

STRATEGIC IMPLICATIONS:

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

and

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

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

FINANCIAL/BUDGET IMPLICATIONS:

The amendments to the Community and Welfare Grants and Donations Policy will not alter the level of assistance provided by the Town through its Community and Welfare Donations scheme. It will, however, make the distribution of funds more equitable.

COMMENTS:

Amendments to the guidelines relating to Community and Welfare Donations and Donations will ensure that the Town is able to provide applicants with clear, consistent information about the purpose and administration of donations. It is expected that the amendments will promote an improvement in the quality of applications received and allow for more efficient processing of donations.

10.3.3 Donation to Therapy Focus Inc.

Ward:	Both	Date:	1 October 2002
Precinct:	All	File Ref:	FIN0008
Reporting Officer(s):	D. Casey		
Checked/Endorsed by:	J. Anthony/M. Rootsey		
Amended by:			

OFFICER RECOMMENDATION:

That the Council APPROVES a donation of \$500 (five hundred dollars) to Therapy Focus Inc as a contribution towards the costs of providing therapy to school children with disabilities in the Town of Vincent.

DETAILS:

Therapy Focus Inc is a not for profit organisation providing a full range of therapy services to children with disabilities attending schools throughout Western Australia. This includes physiotherapy, occupational therapy and speech pathology. The service aims to ensure that the children are able to participate fully in all school activities, to maximise their potential and improve the quality of their lives and ensure they are able to enjoy an independent life within an integrated community.

Therapy Focus seeks to work in partnership with local communities and is keen to develop partnerships with local government authorities to assist in identifying and meeting community needs.

Therapy Focus Inc currently provides therapy to forty seven (47) students within the Town of Vincent, with a further six on the waiting list who are unable to receive services due to the lack of funding available. These services are provided at six local schools enabling people from all areas of the Town to have access to the therapy they require.

Therapy Focus have assisted the Town in meeting the needs of community members with a disability over the past year by promoting Town of Vincent events in their newsletters and distributing information to children and parents through therapists working in the schools.

STRATEGIC IMPLICATIONS:

Strategic Plan 2000 - 2002

- Key Result Area 2.4: Review the range of community services provided to the people of the Town of Vincent.
- 2.4.a: *To facilitate the provision of services and programs which are relevant to the needs of our community.*
 - 2.4.b: *Promote community development and cultural diversity of the Town.*
 - 2.4.c: *Provide opportunities for people in our community to enhance their quality of life.*

FINANCIAL/BUDGET IMPLICATIONS:

\$500 will be allocated from the Donations Account.

COMMENTS:

The organisation will be required to submit a report outlining the outcomes of the project and how the grant funds were expended no more than thirty (30) days after the end of the financial year 2002/2003.

The number of children being supported by Therapy Focus in local schools indicates that there is a need to support services for children with disabilities in the Town. Supporting Therapy Focus will complement our existing strategies to offer services to people with disabilities, which enable them to be fully involved in community life.

In return for sponsorship the Town will be recognised at relevant events and in the Annual Report. Additionally they will try to organise publicity in the local press to publicly acknowledge the support we have given them as well as including information in their staff and membership newsletters. Therapy Focus will also distribute promotional material on events that are relevant to their clients. As therapists have direct contact with children and families this will assist in ensuring that promotion reaches people with disabilities.

Therapy Focus will be included in the mailing list for the annual community and welfare donations to ensure that they have the same opportunity to apply for funding as other local agencies.

10.3.4 Community Sporting and Recreation Facility Fund (CSRFF)

Ward:	Both	Date:	1 October 2002
Precinct:	All	File Ref:	FIN0074
Reporting Officer(s):	D Spurgeon		
Checked/Endorsed by:	J Anthony/M Rootsey		
Amended by:			

OFFICER RECOMMENDATION:

That the Council endorses the following applications in support of Community Sport and Recreation Facility Funds (CSRFF), prior to their lodgement with the Department of Sport and Recreation, on the condition that the Department of Sport and Recreation support these applications through the CSRFF program.

The applications are listed in order of priority:

<i>Ranking</i>	<i>Rating</i>	<i>Applicant</i>	<i>Recommended Council contribution (exclusive of GST)</i>
<i>1</i>	<i>High</i>	<i>Leederville Oval redevelopment</i>	<i>\$2,720,000</i>
<i>2</i>	<i>Medium</i>	<i>French and Mauritian Society of WA</i>	<i>\$5,926</i>
<i>3</i>	<i>Medium</i>	<i>North Perth Bowling & Recreation Club</i>	<i>\$80,000</i>
<i>4</i>	<i>Low</i>	<i>Headquarters Youth Facility</i>	<i>\$19,697</i>

BACKGROUND:

The purpose of the Community Sport and Recreation Facility Fund is to help the Western Australian Government provide assistance to community groups and local government authorities to develop well-planned facilities for sport and recreation. The types of projects that will be considered for funding include the construction of new facilities and upgrading, modification or additions to existing facilities to better suit community needs and provide greater opportunities for participation.

In July 2002 the Community Sporting and Recreation Facilities Fund (CSRFF) grant applications were advertised in the newspaper and application forms were available from local authorities and The Department of Sport and Recreation web site. CSRFF applications had to be submitted to the Town of Vincent by 5.00pm Monday 23rd September 2002. Applications must be lodged at the Department of Sport and Recreation no later than 4pm, Thursday 31st October 2002.

The maximum grant funded by the Department of Sport and Recreation will be no greater than one-third of the total cost of a project. The grant must be at least matched by the applicant's own cash contribution.

DETAILS:

1. *LEEDERVILLE OVAL REDEVELOPMENT*

Proposed Project

The Leederville Oval Redevelopment Project

Total Cost

\$4,020,000 (exclusive of GST)

Amount sought from Council

\$2,720,000 (exclusive of GST)

Background

The Leederville Oval Redevelopment Project will involve the upgrade of existing facilities and construction of new facilities to incorporate the redevelopment of Leederville Oval into a "Football Centre of Excellence".

The proposed redevelopment of Leederville Oval will be the largest and most significant project undertaken by the Town. It will have a major positive impact on the amenity and character of the Town.

The opportunity to enter into a partnership proposal with the State Government of Western Australia to provide a number of major sports facilities will provide many potential benefits for the Town, the State Government of Western Australia and the many sports organisations involved.

The Town of Vincent is managing this exciting project in consultation with its partners to provide additional sporting and recreational facilities that is beneficial to the region.

The proposed partnership proposal will include the redevelopment and upgrade of Leederville Oval for use as a West Australian Football League "Centre of Excellence" and for the co-location of East Perth Football Club and Subiaco Football Club clubrooms and home ground.

Recommendation

This project has been supported by Council through a number of progress reports, the latest being a confidential report presented on 24 September 2002 where Council authorised the Chief Executive Officer to apply to the Department of Sport and Recreation Community Sport and Recreation Facilities Funding (CSRFF) for the redevelopment of Leederville Oval, estimated to cost \$4,020,000 in total.

2. *FRENCH AND MAURITIAN SOCIETY OF WA INC*

Proposed Project

Construction of Petanque alleys with children's play area and volleyball court.

Total Cost

\$17,780 (exclusive of GST)

Amount sought from Council

\$5,926 (exclusive of GST)

Background

The French and Mauritian Society of WA are currently in the process of integrating with the North Perth Bowling Club on Farmer Street. For 2001/2002 the French and Mauritian Society of WA had a membership of 83 adults all of whom are social members of North Perth Bowling Club.

The proposal by the French and Mauritian Society of WA to build petanque rinks or lanes fits into the *Woodville Reserve: Optimal Facility Utilisation and Management* report, under Recommendation 1,

“The fallow bowling green can be used for 6 lanes of Petanque rinks (28.5m by 15m) for the North Perth Bowling Club and the French - Mauritius Society of WA. Both the North Perth Bowling Club and French-Mauritius Club are willing to contribute towards a portion of the costs. North Perth Bowling Club would like the petanque rinks to be included as part of their lease.

This proposal will increase the usage of Woodville Reserve and make the facility more multi-purpose.”

Recommendation

This project is supported in principle and it is recommended that Council support this application with the provision of \$5,926 to construct 6 petanque alleys at Woodville Reserve in North Perth as identified in the *Woodville Reserve: Optimal Facility Utilisation and Management* as Recommendation 1.

3. NORTH PERTH BOWLING & RECREATION CLUB INC

Proposed Project

Installation of two synthetic greens

Total Cost

\$240,000 (exclusive of GST)

Amount sought from Council

\$80,000 (exclusive of GST)

Background

This application was submitted in October last year and was supported by council however the application was unsuccessful when assessed by the Department of Sport and Recreation.

The North Perth Bowling Club was founded in 1907. The club officially opened in 1912 when the clubhouse was built. The club is the 11th oldest in WA and the sixth oldest in Perth. The club currently has 80 members and is the only bowling club in the Town of Vincent. The facilities at North Perth Bowling Club include a dining room for functions and a licensed bar where members enjoy a quiet drink. Social pool and winter darts competitions are also held at the club.

Currently North Perth Bowling Club pay a groundsman approximately \$600 a week for the maintenance and upkeep of the three greens and at a total of \$37,000 for the year which includes fertiliser and other things necessary with the greens. The transition from grass to synthetic greens would allow the club to play all year round by being involved in winter pennants and would likely increase the clubs membership, as it would be the only club in the metropolitan area to have synthetic greens. This project will assist with the long term viability and survival of the sport in the Town.

Recommendation

This project is supported in principle and it is recommended that Council support this application with the provision of \$80,000 to replace two existing grass bowling greens with two synthetic greens.

4. HEADQUARTERS

Proposed Project

Installation of a vertical ramp

Total Cost

\$59,091 (exclusive of GST)

Amount sought from Council

\$19,697 (exclusive of GST)

Background

Headquarters youth facility, situated at 60a Frame Court, has been operational since 1 December 2001. The Town of Vincent has contributed over \$157,000 dollars to Headquarters.

Staff at Headquarters feel that a vertical ramp at the facility would provide young people with an "accessible, world class venue for skateboarding and BMX". Headquarters currently have a vertical ramp on loan that they would like to purchase with the aid of CSRFF funding.

Headquarters have identified an interest by "many young skaters" in participating in vertical ramp workshops in order to learn how to safely skateboard, BMX or inline skate on a vertical ramp. Headquarters would like to run such workshops during the coming summer of 2002/2003.

Recommendation

This project is deemed a low priority as the Town of Vincent has already provided extensive funding to the Headquarters facility.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

The support of CSRFF grants is in keeping with the Town's Strategic Plan 2000-2002:
KRA 3.6

"Develop and implement strategies to improve the Town's parks and reserves"; and

KRA 2.4(a)

"To facilitate the provision of services and programs which are relevant to the needs of our community".

FINANCIAL/BUDGET IMPLICATIONS:

Recommended funding for the projects will be listed in the 2002/2003 Budget for further consideration.

COMMENTS:

Council's endorsement of the above CSRFF applications is dependent upon the support of these applications through the CSRFF program by the Department of Sport and Recreation.

Following Council's consideration of these projects, completed applications will be forwarded to the Department of Sport and Recreation for their consideration. The Town of Vincent will be notified in February 2003 of each project's success or failure to receive state funding. Grant monies will be made available from July 2003.

As part of the CSRFF process, the Town of Vincent is required to list projects in order of priority for funding. The priority ranking has been made in consideration to the benefits of the proposal to the Town and its community.

10.4 CHIEF EXECUTIVE OFFICER

10.4.1 Use of Common Seal

Ward:	-	Date:	2 October 2002
Precinct:	-	File Ref:	ADM0042
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi		
Amended by:	-		

OFFICER RECOMMENDATION:

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

DETAILS:

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

Date	Document	No of copies	Details
13/09/02	Contact Document	2	Town of Vincent and Leederville Gardens (Inc) of 37 Britannia Road, Leederville and Ms M.M. Vlok of Unit 48, Leederville Gardens
13/09/02	Deed for Reduction in Service Fees	2	Town of Vincent and Leederville Gardens (Inc) of 37 Britannia Road, Leederville and Ms M.M. Vlok of Unit 48, Leederville Gardens
24/09/02	Lease	3	Town of Vincent and Earlybirds Playgroup (Inc), 87 The Boulevard, Mount Hawthorn WA 6016 re: 87 The Boulevard, Mount Hawthorn (Cert. of Title Volume 650, Folio 11)
24/09/02	Town Planning Scheme No. 1 – Amendment No. 16 – Scheme Amendment Documents	4	Town of Vincent Town Planning Scheme No. 1 – District Zoning Scheme, Amendment No. 16 – To rezone a portion of Lot Y246, Part Lot Y246 and Lot Y247 (proposed Lot 1) Palmerston Street, corner Stuart Street, Perth from “Residential R80” to “Town of Vincent Scheme Reserve Parks and Recreation”
24/09/02	Contact Document	2	Town of Vincent and Leederville Gardens (Inc) of 37 Britannia Road, Leederville and Ms H.J. Curran of Unit 31, Leederville Gardens

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

Ward:	Both Wards	Date:	26 September 2002
Precinct:	All Precincts	File Ref:	PLA0138
Reporting Officer(s):	M Turnbull		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

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.*

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 draft a new Policy that contain 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.10.4.2(a) to this agenda report.

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

CONSULTATION/ADVERTISING:

Any new Planning Policy is required to be advertised for public comment in accordance with Clause 47 of the Town's Town Planning Scheme No. 1.

DETAILS:

New Policy relating to Appendix No. 12 Design Guidelines for "Elven on the Park"

A new Policy is required relating to design guidelines for "*Elven on the Park*", as required by the WAPC. The proposed guidelines are similar to the Policy relating to Appendix No.3 Design Guidelines for Richmond on the Park, which is in close proximity to the subject site.

The draft new Policy relating to Appendix No. 12 Design Guidelines for Elven on the Park Policy is shown as Appendix No.10.4.2(b) to this Report.

Policy relating to Fletcher - Locality Plan 13

The proposed new Policy relating to Appendix No. 12 Design Guidelines for Elven on the Park is also required to be identified and referenced in the related Locality Statement.

The draft amended Policy relating to Fletcher - Locality Plan 13 is shown as Appendix No.10.4.2(c) to this Report.

STRATEGIC IMPLICATIONS:

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

COMMENTS:

In light of the above, it is recommended that the Council approves and 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.

10.4.3 Review of Council Meeting Procedures and Proposed Amendment to the Town of Vincent Local Law Relating to Standing Orders

Ward:	Nil	Date:	2 October 2002
Precinct:	Nil	File Ref:	LEG0019
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	John Giorgi		
Amended by:			

OFFICER RECOMMENDATION:

That;

- (i) *the Council RECEIVES the report relating to a review of Council meeting procedures and proposed amendments to the Town of Vincent Local Law Relating to Standing Orders;*
- (ii) *pursuant to Sections 3.12 to 3.17 of Subdivision 2 of Division 2 of Part 3 of the Local Government Act 1995 the Council APPROVES BY A SPECIAL MAJORITY to amend the Town of Vincent Local Law Relating to Standing Orders gazetted on 11 September 2001 as follows,*

LOCAL GOVERNMENT ACT 1995

TOWN OF VINCENT

LOCAL LAW RELATING TO STANDING ORDERS

In pursuance of the powers conferred upon it by Section 3.12 of the Local Government Act 1995, the above-mentioned Local Law and all other powers enabling it, the Council of the Town of Vincent HEREBY RECORDS having resolved on 8 October 2002 to amend the Town of Vincent Local Law Relating to Standing Orders published in the Government Gazette on 11 September 2001 as follows:

1. *Clause 2.8 be amended by inserting a new subclause (4) as follows;*
 - “(4) Notwithstanding subclauses (1) and (2), reports listed in the agenda are to be considered in the new order in which they are raised and include;*
 - (a) items which are the subject of a question or comment from members of the Public;*
 - (b) items which require an Absolute or Special Majority;*
 - (c) items which Members or officers have declared a financial or proximity interest*
 - (d) items which Elected Members wish to discuss;*
 - (e) unopposed items which will be moved en bloc”*
2. *Clause 3.3.7(1) be amended by deleting the word “Councillor” and inserting the words “Member, other than the Presiding Member,”.*
3. *Clause 3.3.7(2) be amended by deleting the word “Councillor” and inserting the words “Member, other than the Presiding Member,”*

4. *Clause 3.3.12 be amended by inserting a new subclause (3) as follows:*
 - “(3) *The Presiding Member is not permitted to move a motion, therefore does not have a right of reply.*”;
 5. *Clause 3.6.4(1)(ii) be amended by inserting the word “other” before the word “Member”, where it appears in line 1;*
 6. *Clause 3.7.3 be amended by:*
 - (a) *inserting the words “, other than the Presiding Member” after the word “Member” where it appears in subclause (3); and*
 - (b) *inserting a new subclause (4) as follows:*
 - “(4) *The Presiding Member may, or upon the request of a Member (without debate), order an amendment to be divided and put in the form of two or more amendments.*”
 7. *Clause 5.9 be amended by inserting “(1)” before the first paragraph;*
 8. *Clause 5.9 be amended by inserting a new subclause (2) as follows:*
 - “(2) *Any motion, amendment of action taken which is in breach of, or contrary to these Standing Orders is deemed invalid.*
- (iii) *the proposed amendments to the Local Law be advertised for statewide public comment for a period of six (6) weeks and the Council to consider any submissions received from the public.*

BACKGROUND

At the Council meeting held on 28 August 2001, the Council resolved as follows:

"That:

- (1) *the Council introduces a meeting procedure (as used by the majority of Councils and by the Western Australian Municipal Association [WAMA]), to move items on the Meeting Agenda, “on block”, excluding the following items;*
 - (i) *where an absolute majority or special majority decision is required;*
 - (ii) *reports which are the subject of a question or comment, by members of the public during public question time; and/or*
 - (iii) *where an Elected Member requests the matter be debated or considered; and*
- (2) *this matter be reassessed at the conclusion of a 6 month period."*

Statistics have been recorded for each meeting and these are summarised below:

Council Meeting - Reports and Notices of Motion (1 June 2001 – 30 June 2002)

Item	Env & Dev	Corp	Technical	CEO	Notice of Motions	Total	%
Carried	276	90	93	87	15	561	65
Carried as amended	166	8	21	19	11	225	26
Deferred	27	1	1	0	3	32	4
Laid on the Table	5	0	0	0	3	8	1
Lost	26	0	4	0	2	32	4
Total	500	99	119	106	34	858	100

Reports Carried En Bloc (1.9.2001 – 30.6.2002)

Item	No of Items	% of Total Reports
Carried En Bloc	251	30.46

Time (1.6.2001-30.6.2002)

2001/2002	Hours	Minutes
Public Question Time (Average)	-	38.65
Meeting Time (Average)	3	12

Public question time varied from nil questions to 52 minutes. The average period being 37 minutes. The average meeting duration increased to 3 hours 12 minutes, an increase of 22 minutes over the previous year.

Decisions of Council 1996 - 2002

	96/97	%	97/98	%	98/99	%
Items considered	895		816		829	
Items deferred	81	9	44	5	25	3
Recommendations Adopted	575	65	574	71	581	70
Recommendations Amended	208	23	181	22	186	23
Recommendations Not Adopted	31	3	17	2	37	4
Notices of Motion	53		29		22	
Meeting Time	3hrs 34mins		3hrs		3hrs 10 mins	

	99/00	%	00/01	%	01/02	%
Items considered	832		738		824	
Items deferred	17	2.2	11	1.49	30	
Recommendations Adopted	567	68.14	549	74.3	546	66
Recommendations Amended	215	25.8	169	22.8	214	26
Recommendations Not Adopted	33	3.9	9	1.21	33	4
Notices of Motion	33		17		32	
Meeting Time	2hrs 37mins		2hrs 50mins		3hrs 12 mins	

A detailed record for each meeting is shown in Appendix 10.4.3.

Standing Orders

Earlier this year an Elected Member queried the interpretation of various Standing Order clauses. This matter has been researched including obtaining a legal interpretation, and the following is advised;

The legal advice recommends that the Standing Orders be amended to clarify several clauses, as they are open to more than one interpretation. These clauses include:

- 3.6.4 Permissible Motions
- 3.7.3 Amendments
- 3.3.7 Speaking twice
- 3.3.12 The right of Presiding Members to move motions.
- 5.9 Validity of Standing Orders

Clause 3.3.7 - Mover and Seconder deemed to have spoken

The amendment to this clause is necessary to clarify that the Presiding Member cannot move motions or amendments.

Clause 3.3.12 - Right of Reply

The amendment to this clause clarifies that the Presiding Member does not have a right of reply.

Clause 3.6.4 - Permissible Motions or Recommendations

This amendment will make it specific; that the Presiding Member cannot move motions.

Clause 3.7.3 - One Amendment at a Time

This amendment clarifies the role of the Presiding Member to allow an amendment to be considered in two or more parts. Also that the Presiding Member cannot move amendments.

Clause 5.9 - Breach of Standing Orders

This amendment will remove any ambiguity of the legal validity of motions, amendments or action taken which are contrary to Standing Orders.

In addition to clarifying the above clauses, it is recommended that the Standing Order be amended to incorporate the meetings practice of dealing with “en-bloc” items, This will require an amendment to clause 2.8 – “Order of Business”.

Presiding Member’s Role

The Town’s solicitors advise of the following;

“The rights of the chair of a meeting to participate in a debate at that meeting must be considered in the context of the role and duties of the chair. The role and duties are identified, in broad terms, in Joske’s Law and Procedure at Meetings in Australia (9th Edition 2001) at pages 36 and 42. In essence these are:

1. *to preside at meetings;*
2. *to conduct the proceedings regularly;*
3. *to determine the sense of the meeting;*
4. *to preserve order;*
5. *to adjourn the meeting if necessary;*
6. *to control the voting process;*
7. *to declare the meeting closed; and*
8. *to sign the minutes.”*

Therefore, the effect of the proposed amendments will clarify the role of the Presiding Member (Chair) at Council meetings.

ADVERTISING/CONSULTATION

The proposed amendments will be required to be advertised for a statutory period of 6 weeks and for the Council to consider any submissions received.

FINANCIAL/BUDGET IMPLICATIONS

Nil.

LEGAL/POLICY

The Town’s Standing Order Local Law was gazetted on 11 September 2002.

STRATEGIC IMPLICATIONS

Nil.

COMMENTS

The proposed changes to the meeting procedure and the Standing Orders will improve the meeting process and remove any ambiguity in the Standing Orders. It is recommended that the Local Law Relating to Standing Orders amendments and meeting procedure be approved.

10.4.4 Information Bulletin

Ward:	-	Date:	2 October 2002
Precinct:	-	File Ref:	-
Reporting Officer(s):	A Smith		
Checked/Endorsed by:	J Giorgi		
Amended by:	-		

RECOMMENDATION:

That the Information Bulletin dated 8 October 2002 and distributed to Elected Members with the Agenda be received.

DETAILS:

The items included in the Information Bulletin dated 8 October 2002 are as follows:

ITEM	DESCRIPTION
IB01	Residential Design Codes of WA - Information Sessions
IB02	Development Control Under The Metropolitan Regional Scheme - Delegation to Local Governments
IB03	Provision of Local Government Noise Service
IB04	Minister for Planning and Infrastructure - Letter regarding Perth Bicycle Network Grants 2002-2003
IB05	Response dated 1 October 2002 to Questions from Dudley Maier – Council Meeting 10 September 2002

10.4.5 Capital Works Schedule - Independent Organisational Review – Motion to Change a Council Decision

Ward:	-	Date:	2 October 2002
Precinct:	-	File Ref:	FIN0025
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:			
Amended by:	-		

OFFICER RECOMMENDATION:

That;

- (1) *the Council RECEIVES the report relating to the Motion to Change a Council Decision concerning the adopted Capital Works Schedule - Independent Organisational Review;*
- (2) *the Council NOTES that;*
 - (a) *in accordance with the Town of Vincent Local Law relating to Standing Orders, Clause 3.21(3), the Council cannot vote on a Motion to Change a Council Decision without having first considered a Statement of Impact prepared by the Chief Executive Officer of the legal and financial consequences of the proposed change; and*
 - (b) *a Statement of Impact, in accordance with the Town's Standing Orders, will be submitted to the Ordinary Meeting of Council to be held on 22 October 2002;*
- (3) *in accordance with the Town of Vincent Local Law relating to Standing Orders, Clause 3.8(1), a Motion be moved "THAT THE QUESTION – CLAUSES (4), (5), (6) AND (7) – BE DEFERRED" until the Ordinary Meeting of Council to be held on 22 October 2002;*
- (4) *the Council, at its Ordinary Meeting held on 23 July 2002 (Item No. 10.2.4.) decided (inter alia);*

COUNCIL DECISION ITEM 10.2.4

"That the Council APPROVES the attached 2002/2003 Capital Works Schedule subject to the Angove Street Upgrade Works being moved from December (to avoid the festive season) and the project commence in October; ...

Independent Organisation Review: February – May 2003";

- (5) *Councillors Chester, Doran-Wu, Drewett, Franchina, Hall and Piper MOVE a motion to change the decision by;*

"changing the timeline proposed for the Independent Organisation Review scheduled for February – May 2003";
- (6) *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, Councillors Chester, Doran-Wu, Drewett, Franchina, Hall and Piper, being more than one third of the number of offices of members of the Council, support this motion; and*

- (7) *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) *carrying out the Independent Organisational Review scheduled for October – December 2002;*
 - (iii) *changing the Capital Works Schedule 2002-2003 to reflect the new timetable;*
 - (iv) *endorsing the required processes to facilitate the Independent Organisational Review to commence immediately; and*
 - (v) *as a basis, uses the Terms of Reference as distributed to Elected Members, as shown below;*

“Terms of Reference

1. *Examine Council’s Strategic Plans, identify critical issues and determine the capacity of the Council to achieve stated objectives given staffing structure, resources and timelines. Prepare a draft strategic plan for discussion.*
 2. *Review the organisational structure and reporting lines including staffing levels to determine cost effectiveness and capacity to deliver the strategic and operational objectives of Council.*
 3. *Examine Council in terms of;*
 - 3.1 *Agenda preparation, quality and timeliness of reports;*
 - 3.2 *Preparation and research of documentation through from the Executive Group to Council;*
 - 3.3 *Measurable outcomes and commitment to follow through on Council decisions by the Executive Group.*
 4. *Review the employment contracts, letters of offer for all Senior Executives including;*
 - 4.1 *Current Executive performance management methodology against Key Performance Indicators (KPIs);*
 - 4.2 *Performance incentive arrangements and practices;*
 - 4.3 *Effectiveness and measurement of any Enterprise Bargaining Agreements (EBAs) or Work Place Agreements (WPAs);*
 - 4.4 *Remuneration review practices.*
 5. *Examine financial arrangements in direct measurement to;*
 - 5.1 *Budget performance preparation, management and performance;*
 - 5.2 *Performance against industry benchmarks/best practice in government and commerce;*
 - 5.3 *Financial reporting at the Elected Members, Executive Group and operational levels;*
 - 5.4 *Audit performance.*
-

6. *Review level of commercial acumen and awareness of business and financial transactions as they relate to;*
 - 6.1 *Outsourced contracts;*
 - 6.2 *Council trading enterprises (i.e. revenue generating activities);*
 - 6.3 *Internal/External Service Level Agreements.*
7. *Review the extent to which Senior Executives are suited to meet the future requirements of the organisation.*
8. *Survey the level of staff satisfaction covering;*
 - 8.1 *Councillors;*
 - 8.2 *Senior Executives;*
 - 8.3 *Available resources;*
 - 8.4 *Implementation of objectives;*
 - 8.5 *Follow through on stated initiatives;*
 - 8.6 *Satisfaction with Management.*
9. *On site review to be completed in six (6) weeks and final report to be delivered within four (4) weeks.”*

BACKGROUND:

On 1 October 2002, at approximately 8.33pm, documentation was received by the Chief Executive Officer, signed by Councillors Chester, Doran-Wu, Drewett, Franchina, Hall and Piper requesting that a Council decision be changed. A copy of the documentation is “Laid on the Table”.

This documentation also included information from a private organisation - Gerard Daniels Australia - Executive Search and Selection, detailing the Terms of Reference and a letter dated 24 September 2002 to Councillor Drewett, which stated the following;

*“Mr David Drewett
Councillor
Town of Vincent*

Fax: 9228 2685

Dear David,

RE: ORGANISATIONAL REVIEW

Based on the Terms of Reference having been sent to you previously, my estimation is that the cost would vary somewhere between \$30,000 and \$45,000 depending on the final agreement as to the Terms of Reference.

As part of our review, it would be important in any event to examine strategy to look at the organisation structure and this would be incorporated within that review cost. I have amended the Terms of Reference, elevating strategy to number 1 to reflect the initial focus on strategy.”

At the Ordinary Meeting of Council held on 12 March 2002, the Council resolved inter alia as follows;

"The Council considers allocating funds for an independent review of all management areas in the 2002/2003 Budget."

At the Ordinary Meeting of Council held on 23 July 2002, the Council considered the Capital Works Schedule 2002/2003 and resolved as follows;

"That the Council APPROVES the attached 2002/2003 Capital Works Schedule subject to the Angove Street Upgrade Works being moved from December (to avoid the festive season) and the project commence in October."

The Capital Works schedule at Page 8 lists "inter alia" the following;

Executive Management

- *Independent Organisational Review - Budget: \$75,000 - Time: mid-February to mid-May 2003.*
- *Strategic Plan - Budget: \$8,500 - Time: October - December 2002.*
- *Lot 118 Marmion Avenue (Tamala Park Studies) - Budget: \$50,000 - Timeline: Ongoing.*

STRATEGIC PLAN:

In accordance with the Town's adopted Capital Works Schedule 2002-2003, an advertisement was placed in "The West Australian" newspaper on 21 September 2002 calling for quotations to be submitted for a review of the Town's Strategic Plan. Quotations are to be submitted by 8 October 2002. It is proposed to submit a report to the Ordinary Meeting of Council to be held on 22 October 2002 for Council to appoint a consultant.

On 23 September 2002, a memorandum was sent to all Elected Members with copies to Executive Managers and Managers outlining the indicative program and selection criteria and requesting comment on dates to carry out group sessions with Elected Members and Staff.

Independent Organisational Review – Proposed Terms of Reference

The proposed Terms of Reference No 1. for the Organisational Review states; *"Examine Council's Strategic Plans, identify critical issues and determine the capacity of the Council to achieve stated objectives given staffing structure, resources and timelines. Prepare a draft strategic plan for discussion."* (Underlining added.)

As the review of the Strategic Plan is proposed to be carried out separately, it is recommended that the words; *"Prepare a draft strategic plan for discussion."* should be deleted from the Terms of Reference as it will be a duplication of the Strategic Plan review and may result in cost savings.

In view of the short duration allowed in preparing this report, further comment on the Terms of Reference is not made. However, it is noted that none of the Terms of Reference refer to a review of internal processes (e.g. development approval). As many anecdotal comments primarily relate to this matter, it is recommended that this be included in the "Terms of Reference".

The Chief Executive Officer strongly recommends that the "Terms of Reference" be further considered and the Town's administration be given the opportunity to have input.

ADVERTISING/CONSULTATION:

A tender will need to be advertised, in accordance with the Local Government Act (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 Act (Functions and General) Regulations 1996 requires a criteria to be specified in writing in which the tender will be assessed and awarded.

The Chief Executive Officer expresses strong concerns that he has not had any input, prior liaison or consultation in the preparation of the Terms of Reference, particularly as the Local Government Act Section 5.41 prescribes the Chief Executive Officer's functions and these include providing advice and information to the Council. The Chief Executive Officer's functions are;

"5.41 The CEO's functions are to –

- (a) advise the council in relation to the functions of a local government under this Act and other written laws;*
- (b) ensure that advice and information is available to the council so that informed decisions can be made;*
- (c) cause council decisions to be implemented;*
- (d) manage the day to day operations of the local government;*
- (e) liaise with the mayor or president on the local government's affairs and the performance of the local government's functions;*
- (f) speak on behalf of the local government if the mayor or president agrees;*
- (g) be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees);*
- (h) ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and*
- (i) perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO."*

Furthermore, to change the adopted Capital Works Program to conduct an independent organisational review which, as indicated, will involve a minimum period of 6-10 weeks, will require a commitment of staff resources. The full extent of the time and resources is not known at this stage. This may impact on the service delivery of other Capital Works Programs scheduled for this period. However, in view of the short duration provided in preparing this report, a full assessment cannot be made and this will be reported to the next Council Meeting.

The Town of Vincent Local Law Relating to Standing Orders, Clause 3.21(3) states as follows;

“(3) *The Council or a committee shall not vote on a motion to revoke or change a decision of the Council or committee whether the motion of revocation or change is moved with or without notice, if at the time the motion is moved or notice is given –*

- (a) *action has been taken to implement the decision; or*
- (b) *where the decision concerns the issue of an approval or the authorisation of a licence, permit or certificate and where that approval or authorisation of a licence, permit or certificate has been put into effect by the Council in writing to the applicant or the applicant’s agent by an employee of the Council authorised to do so;*

without having considered a statement of impact prepared by or at the direction of the CEO of the legal and financial consequences of the proposed revocation or change. (Underlining added.)

The implementation of the adopted Capital Works Schedule 2002-2003 has commenced and a progress report will be submitted to the Ordinary Meeting of Council to be held on 22 October 2002, detailing the first quarter of the schedule.

As the Council cannot vote on this matter, it is recommended that the Council moves a Motion in accordance with the Town of Vincent Local Law relating to Standing Orders, Clause 3.8, *“that the question be DEFERRED”*.

PREPARATION OF IMPACT STATEMENT

In accordance with the Town’s Standing Orders, the Chief Executive Officer is required to prepare a “Statement of Impact” of the legal and financial consequences of the proposed revocation or change.

As the documentation was received at 8.33pm on Tuesday 1 October 2002 and the closing time for this Agenda was 12 Noon on Wednesday 2 October 2002, there has been insufficient time for the Chief Executive Officer to prepare the necessary Statement of Impact. This will be prepared and submitted to the Ordinary Meeting of Council to be held on 22 October 2002. However, the following brief comments are submitted;

1. Legal Consequences

It is one of the Chief Executive Officer’s prime functions to provide advice and information to the Council, as required by S.5.41(a) and (b) of the Local Government Act 1995. Neither the Chief Executive Officer nor any of the Town's Staff have had any input into the preparation of the Terms of Reference. Furthermore, there has been no liaison/consultation with the Chief Executive Officer concerning the independent organisational review. The Chief Executive Officer requests that the Town’s administration be given the opportunity to have input into the proposed “Terms of Reference”.

2. Financial Consequences

2.1 Capital Works Projects

In view of the short duration provided in preparing this report, a full assessment of the impact on capital works projects and their completion cannot be made at this point of time. Executive Managers have been requested to review their specific areas of responsibilities and provide a report. This will be reported to the next Council Meeting.

2.2 Amended Capital Works Program

A review of the Capital Works Program may result in a rescheduling of programs to avoid any cost increases, which will impact on the Town's budget. It is difficult to provide these details, at this stage, until the matter has been carefully assessed.

2.3 Day to Day Operational Matters and Service Delivery

- (a) The impact on day to day operational matters and service delivery will need to be carefully assessed to ensure that it is maintained at its current high level and there is no inconvenience to our ratepayers and residents.
- (b) It will also be necessary to review the Town's staff leave roster to ensure that adequate staffing levels are maintained, particularly in key operational areas.
- (c) It will be necessary to review the staff leave roster and ensure that Senior Officers and key staff will be available to participate in the review, as any delay will extend the consultancy with resultant cost increases.
- (d) In view of the above, it may be necessary to investigate the need for possible temporary staff to cover any absences and maintain service delivery.

A report will need to be provided.

2.4 State Sporting Facilities Projects

The Town's Chief Executive Officer (and Senior Officers) have been progressing these projects, which have a combined total value of \$19,320,000, in partnership with the State Government of Western Australia. These require considerable time and input. Recent progress reports to the Council have specified timelines. Careful consideration will need to be given to these adopted timelines and "critical dates", as any delay will have significant cost escalations to these projects. At this stage, it is difficult to provide any specific information and the matter will need to be discussed with the Project Architects and Consultants. A report will be submitted to the next Council Meeting.

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:

Notwithstanding the above, the Chief Executive Officer considers that an Independent Organisational Review could yield positive results for the organisation should it be carried out in accordance with the appropriate Terms of Reference and follow the due process.

10.4.6 Confidential Report - Hill's Weeping Figs (*Ficus hilli*) – Proposed Staged Removal/Planting Program

Ward:	North Perth	Date:	2 October 2002
Precinct:	Mt Hawthorn P1, Smith's Lake P6, North Perth P8, Norfolk P10, Hyde Park P12 & Beaufort P13	File Ref:	TES0234
Reporting Officer(s):	J van den Bok		
Checked/Endorsed by:	R Lotznicher		
Amended by:			

OFFICER RECOMMENDATION:

*That pursuant to section 5.95 of the Local Government Act 1995 and clause 2.15 of the Town of Vincent Local Law Relating to Standing Orders, the Council proceeds "behind closed doors" at the conclusion of the items, to consider the confidential report, circulated separately to Elected Members, relating to the Proposed Staged Removal/Planting Program of Hill's Weeping Figs (*Ficus hilli*).*

DETAILS:

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

LEGAL:

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

"2.15 Confidential business

- (1) *All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is –*
- (i) *to be treated as strictly confidential; and*
 - (ii) *not, without the authority of Council, to be disclosed to any person other than–*
 - (a) *the Members; and*
 - (b) *Officers of the Council but only to the extent necessary for the purpose of carrying out their duties;*
- prior to the discussion of that matter at a meeting of the council held with open doors.*
- (2) *Any report, document or correspondence which is to be placed before the Council or any committee and which is in the opinion of the Chief Executive Officer of a confidential nature, may at his or her discretion be marked as such and –*
- (i) *then to be treated as strictly confidential; and*
 - (ii) *is not without the authority of the Council to be disclosed to any person other than the Mayor, Councillors or the Officers of the Council referred to in sub-clause (1)."*

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

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

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

14. CLOSURE
