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Minutes of the Ordinary Meeting of the Council of the Town of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 9 September 2003, commencing at 6.07pm.

1. DECLARATION OF OPENING

The Presiding Member, Deputy Mayor Ian Ker declared the meeting open at 6.07pm.

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

| | |
|--------------------|------------|
| Cr Basil Franchina | North Ward |
| Cr Maddalena Torre | South Ward |

(b) Present:

| | |
|---------------------------|------------------|
| Mayor Nick Catania, JP | Presiding Member |
| Cr Simon Chester | North Ward |
| Cr Caroline Cohen | South Ward |
| Cr Helen Doran-Wu | North Ward |
| Cr Steed Farrell | North Ward |
| Cr Ian Ker (Deputy Mayor) | South Ward |
| Cr Sally Lake | South Ward |

| | |
|------------------|---|
| John Giorgi, JP | Chief Executive Officer |
| Rob Boardman | Executive Manager, Environmental & Development Services |
| Mike Rootsey | Executive Manager, Corporate Services |
| Rick Lotznicher | Executive Manager, Technical Services |
| Debbie Winfield | Minutes Secretary |
| Marissa Lombardi | Acting Customer Service Centre Co-ordinator (until 7.30pm) |

| | |
|-----------------|---|
| Alia Bath | Journalist - Voice News (in the public gallery) |
| Andrea Tsovleas | Journalist – Guardian Express |

Approximately 36 Members of the Public

(c) Members on Leave of Absence:

Nil

The Chief Executive Officer advised that Cr Basil Franchina was an apology due to the recent death of his mother and that Cr Maddalena Torre had advised this afternoon that she was an apology as she was unwell.

Mayor Catania advised that the following items on tonight's Agenda had been requested to be deferred by the applicants;

Items 10.1.6, 10.1.11, 10.1.14 and 10.1.18.

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

1. Mr Dan Caddy of 44B Fairfield Street, Mount Hawthorn, Chairperson of and representing the Mount Hawthorn Precinct Group - Item 10.1.12. Stated the applicant had been willing to consult with the precinct group, however, a four-storey building in a three-storey area would set a precedent. Also stated that the Mount Hawthorn Precinct Group and residents had not supported the entry statement, however, it had been reinstated as a condition by the Planning Officer, despite the entry statement not being a policy requirement. He requested Councillors delete this condition before consideration of the item.
2. Mr George Sheldon, architect, of 16 Kings Park Avenue, Crawley - Item 10.1.17. He outlined the following points in support of the application.
 - Complies in regard to plot ratio, site coverage and shadowing.
 - Four of non-compliant items do not affect neighbouring properties.
 - Laundry of one bedroom unit will be screened.
 - Paving of ROW will be undertaken.
 - Storeroom size adequate for storage.
 - No windows overlook adjoining properties.
 - Residential Codes will not always yield an optimal result and this is the reason for the performance criteria.He requested Council to support the application.
3. Ms Anna Chin of 108 Harold Street, Mount Lawley - Item 10.2.5. Stated that the Glory Soccer patrons have not been causing parking problems, however, this is because parking restrictions have been in place. Also stated there is a problem with parking in Harold Street and west of Beaufort Street. Advised that she and her neighbours had written to the Town on numerous occasions requesting residents only parking from Thursday to Sunday during the summer evenings, and that the residents of the north side of Harold Street between Smith and Stirling Streets have no off street parking and often cannot park near their homes. She requested Council to refuse the Officer recommendation and to retain the existing parking restrictions, and that the Towns' Officers enforce the current parking restrictions.
4. Ms Alison Fisher of 4/63 The Boulevarde, Mount Hawthorn - Item 10.1.9. Stated that she was the applicant for the development and that she had undertaken considerable effort and expense to consult neighbours and to ensure renovations were in keeping with the existing home and area, and would enhance the streetscape. She also stated that she fully supported the Town Officer's recommendation, and had provided letters of support from adjoining and opposite neighbours. She requested Council to support the application.
5. Mr Michael Abel of 33 Britannia Road, Leederville - Item 10.1.7. Stated that he was the property owner and this was the third time the application had been submitted to Council, despite being previously recommended for approval by the Towns' Officers. He also stated that he had met with Town Officers on numerous occasions to address concerns, and to overcome neighbours objections he had further reduced the setbacks, and that the plans complied. He requested Councillors to support the application.

6. Ms Leonie Crowe of 9 Hyde Street, Mount Lawley - Item 10.1.1. Thanked the Town for the time, effort and financial cost regarding the appeal before the Town Planning Appeal Tribunal (TPAT). She stated that this development was refused by Council three times before being successfully appealed and that the amenities enjoyed by ratepayers and residents were and would be eroded. She also stated that Council should adhere strictly to all policies, codes and guidelines, and make no exceptions.
7. Ms Lucia Dedear of 98 Buxton Street, Mount Hawthorn, and a member of the Mount Hawthorn Precinct Group - Items 10.1.2 and 10.1.12. Item 10.1.2 - Stated that it was of concern that the Town had needed to spend more than \$31,000 on the appeal, and that the TPAT had allowed a development to proceed which will encourage developers to request more discretion and not comply, and which had not considered the neighbours or the community. Also stated that as a result, the Town Planning Scheme would need to be amended because the current scheme could not be defended, and down zoning in Mount Hawthorn needed to be considered. Asked the following questions:
- Q1 Are the plans attached with Agenda report the amended plans as noted in the TPAT report, or the original plans as refused by Council on 13 August 2002, as there is no date stamp on the plans?
- Q2 As it appears there are no retaining walls on the plans could a condition be added, that any retaining walls over 500mm high require Council approval?
- Q3 An affected neighbour has asked - can the Town appeal against the decision of the TPAT?
- Q4 When will the community be invited to actively participate in the Town Planning Scheme (TPS) Review and could an update of the timeframe be provided?
- Q5. Will Council consider the introduction into the TPS of plot ratio as a more effective control of bulk and scale?
- A copy of the above questions was tabled.
- Item 10.1.12 - Stated that the development is in the Commercial centre which allows three-storeys, not four-storeys, and is therefore in the wrong area.

The Mayor clarified that there is a "grey" area in the matter of the number of storeys permitted in the Commercial area of Mount Hawthorn.

The Mayor advised that the questions would be taken on notice.

8. Mr Henry Bethlehem, Director and Principal of Secure West Investments of 17/200 Rokeby Road, Subiaco - Item 10.1.12. Stated that he was a proponent of the development and outlined the following points.
- That the bulk and scale of the building had been substantially reduced in consultation with the Town and Council.
 - The fourth floor has a total floor of 140 sqm over a site of 1193 sqm.
 - The fourth floor has been setback so that it is not visible from the opposing side of either Scarborough Beach Road or Matlock Street.
 - The development covers less than 50% of the site and is therefore over requirements in open space.

- He considers it is an entirely appropriate development for the site and is mindful that Mt Hawthorn is a predominantly single residential precinct.
 - Referred to the Western Australian Planning Commission's continued pressure on the local areas to increase the zoning.
9. Mr Bob Crowe of 9 Hyde Street, Mount Lawley - Item 10.1.1. Stated that he was disappointed in the outcome of the appeal as the development significantly exceeded the guidelines, and it would result in his property losing half its winter sun and his solar panel being in shadow during the day. He thanked the Town and Council for their support in the matter. He also stated that the appeals process and the residential codes and guidelines may need review to ensure that the outcomes are fairer.
10. Ms Sue Bowles of 4/132 Summer Street. Asked for progress on the walk light at the Bulwer and Lord Streets crossing.

The Mayor responded that this matter had been noted from a previous meeting and was currently being addressed. He also requested that questions on items not related to the Agenda be provided in advance.

11. Ms Rachael Jones of 123 Carr Street, West Perth - Item 10.1.15. Stated that the open space ratio would be maintained at exactly the current level which was equal to or higher than other properties in the street. She also stated that she had received conflicting advice from the Towns' Officers on how to amend plans to comply with the R codes, and that Technical Services' Officers had concluded there was no issue with encroachment on the ROW, however, this was not reflected in the Agenda report. She advised that although she had consulted neighbours, there had been objections from them, which apparently were received after the advertising period. She also stated that she was happy to provide screening to alleviate privacy issues and carparking was amended to a single bay in order to comply with access requirements.
12. Mr Peter Kember of 25 Pennant Street, North Perth - Item 10.1.8. Stated that in discussions today in regard to clause (ii) he was advised of Council concerns that the garage may be used to park two cars, and he had suggested that one or two brick stub walls be included within the garage to ensure that only one car can be parked. A plan had been circulated to Councillors. He requested that Council accept this proposal.
13. Mr Paul Royce of 23 Eighth Avenue, Maylands, President of Loton Park Tennis Club - Item 10.4.1. Stated that Loton Park still intended to proceed with a proposal to include an additional two hard courts and would lodge an application to the Town within a CSRFF Funding Application. He also stated that Loton Park Tennis Club supports the Chief Executive Officer's recommendations and these will all be addressed in the Funding Application. He requested Council to support the application.
14. Shaune Arseven of 128A Summer Street, Perth - Item 10.1.1. He stated that he was prepared to accept the Town Officer's recommendation.

There being no further questions from the public, Public Question Time was closed at 6.38pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

IB15, 16 and 17.

4. APPLICATIONS FOR LEAVE OF ABSENCE

The Chief Executive Officer advised that Cr Sally Lake had requested Leave of Absence from 24 September to 3 October 2003 for personal reasons.

Moved Cr Doran-Wu, Seconded Cr Cohen

That Council approve Cr Sally Lake's request for Leave of Absence from 24 September to 3 October 2003.

CARRIED (7-0)

(Crs Franchina and Torre were an apology for the meeting.)

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS

Nil.

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 Ordinary Meeting of Council held on 26 August 2003.

Moved Cr Ker, Seconded Cr Lake

That the Minutes of the Ordinary Meeting of Council held on 26 August 2003 be confirmed as a true and correct record, with the following amendments.

On page 2, before the words "Doris Street", delete "12" and insert "20"

In Item 10.1.17 on page 146, the following words be inserted prior to "COUNCIL DECISION ITEM 10.1.17";

"MOTION AS AMENDED CARRIED (8-0)

(Mayor Catania on approved leave of absence.)"

In Item 10.1.22 on page 161, in the voting details following the words "MOTION AS AMENDED CARRIED (5-1)", "Cr Lake" be recorded as voting "Against", and Deputy Mayor Ker be recorded as voting "For" the item.

CARRIED (7-0)

(Crs Franchina and Torre were an apology for the meeting.)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7.1 Condolences to Cr Franchina

Mayor Catania advised that Councillor Franchina is an apology for tonight's meeting as his elderly mother recently passed away, and on behalf of the Council, he expressed condolences to Councillor Franchina and his family on their sad loss.

Moved Cr Ker, Seconded Cr Lake

That Council express condolences to Cr Franchina on the sad loss of his mother.

CARRIED (7-0)

(Crs Franchina and Torre were an apology for the meeting.)

7.2. Employee of the Month Award for the Town Of Vincent for September 2003

Mayor Catania advised that as members of the public will know, the Council recognises its employees by giving a Monthly Award for outstanding service to the ratepayers and residents of the Town, and the recipients receive a \$75 voucher and a certificate, and their photograph is displayed in the Administration Centre foyer, in the Library and at Beatty Park Leisure Centre.

He announced that for September 2003, the award was presented to Marisa Lombardi, Acting Customer Services Centre Co-ordinator and Marisa was nominated by John Giorgi, Chief Executive Officer.

Mayor Catania advised that Marisa has been employed with the Town since September 1997 and was currently the Acting Co-ordinator in The Town's Customer Service Centre, and that her experience with the Town has proven invaluable, that she provides a most professional approach when attending to the Town's enquiries and that many positive comments are received by the CEO about Marisa's helpful and friendly manner. She is also the Town's Social Club President and willingly organises many events for the Staff Social Club in her own time.

Mayor Catania presented the award to Marisa. The award was received with acclamation.

7.3 Announcement under Section 3.12(2) of the Local Government Act 1995 to Amend a Local Law

The Mayor advised that this announcement referred to late Item 10.4.8 on tonight's Agenda and that it was adopted at the Ordinary Meeting Of Council held on 12 August 2003, and relates to the introduction of paid parking in Pier, Brewer and Stirling Streets, the Stadium Car Park, Pier Street, Perth, the Oxford Street Car Park, and Stuart Street; and proposed Amendments to the Town of Vincent Local Law relating to parking facilities to enable the installation of ticket issuing machines in Pier, Brewer and Stirling Streets, the Oxford Street car park, and Stuart Street.

The Mayor advised that therefore the Town of Vincent hereby gives Public Notice that it intends to amend the Town of Vincent Local Law relating to Parking Facilities, as published in the Government Gazette on 23 May 2003;

To include Pier Street, Brewer Street and Stirling Street, Perth in the First Schedule, as Designated Ticket Machine Zones within the Town of Vincent; and
To include the Stadium Car Park, Pier Street, Perth as a Designated Parking Station within the Town Of Vincent.

Mayor Catania also advised the following.

Local law relating to parking facilities

This amendment will allow for;

Fees to be imposed for parking in the Stadium Car Park, Pier Street, Brewer Street and Stirling Street, Perth; and

The installation of Ticket Issuing Machines in the Stadium Car Park, Pier Street, Brewer Street and Stirling Street, Perth

The previous report contained a number of clerical errors, which are required to be corrected.

7.4 Announcement under Section 3.12(2) of the Local Government Act 1995 to Amend a Local Law

The Mayor advised that this announcement refers to late Item 10.4.9 on tonight's Agenda, and was adopted at the Ordinary Meeting Of Council held on 12 August 2003, and refers to a proposal to increase the penalties under the Town of Vincent parking facilities local law.

The Mayor advised that therefore, the Town Of Vincent hereby gives Public Notice that it intends to amend the Town Of Vincent Local Law relating to parking facilities, as published in the Government Gazette on 23 May 2000 to increase the modified penalties, applicable for a Contravention of the Parking Facilities Local Law, to offset the substantial increase in fees being charged by the Department of Planning and Infrastructure.

Mayor Catania also advised the following.

Local Law relating to parking facilities

This Amendment will allow The Town Of Vincent to offset the substantial increase in fees being charged by the Department of Planning and Infrastructure for the provision of the ownership details of offending vehicles and contact details of persons.

It is recommended that the Council re-adopt the recommendation to comply with the Local Government Act Local Law process requirements.

7.5 Cost of Town Planning Appeals Tribunal

The Mayor expressed his concern at the cost to the Town of Vincent of the appeals process at the Town Planning Appeals Tribunal, and that the cost this year would be approximately \$250,000, 2% of the Town's budget.

The Mayor advised that he considered that the Town would prefer to use these funds in other areas and that the appeal system needed review to ensure that the cost of appeals was not as high and the expense of using solicitors did not need to be undertaken.

8. DECLARATION OF INTERESTS

- 8.1 Chief Executive Officer, John Giorgi declared a Financial Interest in Item 10.4.7 - Confidential Report - Chief Executive Officer's Annual Performance Appraisal 2002-2003 and Contract of Employment. The extent of his interest being that it relates to his Performance Appraisal and Contract of Employment.
- 8.2 Mayor Catania declared a financial interest in Item 10.3.1 - Investment Report. The extent of his interest being that he is Chairperson of the Board of Directors of the North Perth Bendigo Bank and also a shareholder.
- 8.3 Cr Sally Lake declared a proximity interest in Item 10.2.5 - Parking Restrictions in the Area Around the Multi Purpose Rectangular Sports Stadium for the 2003/2004 Soccer Season. The extent of her interest being that she resides and owns a property and part owns an adjoining property, both of which will be affected in regard to the five metres street frontage of the properties. Cr Lake requested that she be permitted to participate in Council debate and vote on this item as she considered this trivial and would not affect the way in which she dealt with this matter.
- 8.4 Cr Sally Lake declared an impartiality interest in Item 10.2.5 - Parking Restrictions in the Area Around the Multi Purpose Rectangular Sports Stadium for the 2003/2004 Soccer Season. The extent of her interest being that she was Chairperson of the Hyde Park Precinct Group, at the time the group submitted a letter proposing a method to creatively handle parking problems around the proposed venue.
- 8.5 Cr Lake declared an impartiality interest in Item 10.4.1 - Consideration of Public Submissions relating to the Concept Plan for the redevelopment of Loton Park (Yoordgoorading) adjacent to the Multi Purpose Rectangular Sports Stadium, Pier Street, Perth. The extent of her interest being that both she and her partner have made submissions.
- 8.6 Cr Lake declared an impartiality interest in Item 10.4.4 - Sustainability Advisory Group - Appointment of Members. The extent of her interest being that her partner has nominated for a position as Community Representative on the Group.
- 8.7 Cr Farrell declared an impartiality interest in Item 10.1.12 - No. 190 (Lots 5 & 6) Scarborough Beach Road, Corner Matlock Street, Mount Hawthorn-Proposed Demolition of Existing Vehicle Sales Premises Buildings and Construction of a Four (4)-Storey Mixed Use Development Comprising One (1) Showroom, Five (5) Shops, Offices on First Floor, Ten (10) Multiple Dwellings, Undercroft Carparking and Stores. The extent of his interest being that he resides and owns property in Matlock Street and will judge the application on its merit.

The Presiding Member requested that Cr Lake give her reasons why Council should allow her request to participate in debate and to vote on Item 10.2.5, and following this Council would need to debate and vote on this matter in her absence.

Cr Lake stated that her interest could be considered trivial and that she would debate the item with impartiality.

Cr Lake departed the Chamber at 6.53pm.

Debate ensued.

Moved Cr Chester, Seconded Cr Cohen

That Council allow Cr Lake's request to participate in Item 10.2.5 of tonight's Agenda.

LOST (2-4)

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

(Crs Franchina and Torre were an apology for the meeting.)

Cr Lake returned to the Chamber at 6.56pm.

Mayor Catania advised Cr Lake that her request had been refused by the Council.

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

Nil.

10. REPORTS

Moved Cr Ker, Seconded Cr Cohen

That Items 10.1.6, 10.1.11, 10.1.14 and 10.1.18 on tonight's Agenda be deferred as requested by the applicants.

CARRIED (7-0)

(Crs Franchina and Torre were an apology for the meeting.)

The remaining Agenda Items were categorised as follows:

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

Items 10.1.12, 10.1.17, 10.2.5, 10.1.9, 10.1.7, 10.1.1, 10.1.2, 10.1.15, 10.1.8 and 10.4.1.

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

Item 10.4.8 and 10.4.9.

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

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

| | |
|---------------|-----------------|
| Cr Ker | 10.2.2, 10.4.6 |
| Cr Lake | 10.1.10, 10.2.1 |
| Cr Chester | 10.4.2, 10.4.5 |
| Cr Doran-Wu | Nil |
| Cr Farrell | Nil |
| Cr Cohen | Nil |
| Mayor Catania | Nil |

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

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

Item 10.3.1.

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

Items 10.1.3, 10.1.4, 10.1.5, 10.1.13, 10.1.16, 10.1.19, 10.2.3, 10.2.4, 10.3.2, 10.3.3 and 10.4.3.

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

Item 10.4.7.

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

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

Items 10.1.3, 10.1.4, 10.1.5, 10.1.13, 10.1.16, 10.1.19, 10.2.3, 10.2.4, 10.3.2, 10.3.3 and 10.4.3.

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

Items 10.1.12, 10.1.17, 10.2.5, 10.1.9, 10.1.7, 10.1.1, 10.1.2, 10.1.15, 10.1.8 and 10.4.1.

Moved Cr Ker, Seconded Cr Chester

That the following unopposed items be moved en bloc;

*Items 10.1.3, 10.1.4, 10.1.5, 10.1.13, 10.1.16, 10.1.19, 10.2.3, 10.2.4, 10.3.2,
10.3.3 and 10.4.3.*

CARRIED (7-0)

(Crs Franchina and Torre were an apology for the meeting.)

10.1.3 No. 68 (Lot W30) Emmerson Street, North Perth – Proposed Three (3) Two - Storey Grouped Dwellings to Existing Single House - Appeal to Town Planning Appeal Tribunal

| | | | |
|------------------------------|------------------|--------------------|-------------------------|
| Ward: | South | Date: | 3 September 2003 |
| Precinct: | Smith's Lake, P6 | File Ref: | PRO 1260; 00/33/1641 |
| Attachments: | - | | |
| Reporting Officer(s): | D Abel | | |
| Checked/Endorsed by: | R Boardman | Amended by: | - |

OFFICER RECOMMENDATION:

That the Council:

- (i) *REQUESTS the Town Planning Appeal Tribunal that the appeal (Appeal No. 233 of 2003) filed against the Council's refusal of the application for proposed three (3) two-storey grouped dwellings to existing single house at No. 68 (Lot W30) Emmerson Street, North Perth, and as shown on plans stamp-dated 22 May 2003, with amendments dated 17 June 2003, be dealt with entirely on the basis of documents; and*
- (ii) *REQUESTS the Town Planning Appeal Tribunal in relation to any future appeals to the Tribunal that those appeals are dealt with entirely on the basis of documents.*

COUNCIL DECISION ITEM 10.1.3

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (7-0)

(Crs Franchina and Torre were an apology for the meeting.)

LANDOWNER: Dalla Riva (Aust) Pty Ltd
APPLICANT: Doepel and Associates Architects
ZONING: Metropolitan Region Scheme: Urban
 Town Planning Scheme No.1: Residential R40
EXISTING LAND USE: Single House

COMPLIANCE:

| | |
|--------------------|-------------------|
| Use Class | Grouped Dwelling |
| Use Classification | "P" |
| Lot Area | 878 square metres |

SITE HISTORY:

The property is currently occupied by a single residence constructed during the 1920's. The lot is bounded on its northern and western boundaries by rights of way, which are sealed and Town owned. The rights of ways are 5.02 metres wide. The surrounding land uses are characterised by grouped dwellings development and single houses.

The Council at its Ordinary Meeting held on 24 June 2003 refused a planning application for proposed three (3) two - storey grouped dwellings to existing single house on the subject property for the following reasons:

"Reasons:

1. *The development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality.*
2. *The non-compliance with the housing density, boundary setbacks, open space, building height and privacy requirements of the Residential Design Codes.*
3. *Consideration of the objections received.*
4. *Lack of parking and store."*

On 22 August 2003, the owner, via Kott Gunning Lawyers, has lodged an appeal against the above Council refusal.

The appeal has been listed for a Directions Hearing on 12 September 2003.

DETAILS/COMMENTS:

In letter dated 3 September 2003, Kott Gunning Lawyers on behalf of the appellant "*has requested that the appeal be dealt with on the papers*".

CONSULTATION/ADVERTISING:

Such matters are not required to be formally advertised.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies, Residential Design Codes, Town Planning and Development Act, and Town Planning Appeal Tribunal Rules 2003.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Based on recent Town Planning Appeal Tribunal appeals pertaining to the Town, the estimated legal expenses, including planning consultant fees, will be approximately \$20,000 to \$30,000, if this appeal is dealt with via a formal hearing, rather than by written submissions.

COMMENTS:

In accordance with the Town Planning and Development Act and Town Planning Appeal Tribunal Rules, an appeal can be dealt with entirely on the basis of documents ("papers") or via a formal hearing. If one or both parties request the appeal to be determined on the documents, the Town Planning Appeal Tribunal will then be required to approve this request or decide to deal with the appeal by a hearing.

If the Tribunal decides to deal with the appeal entirely on the documents, both parties will then prepare a detailed written submission in support of their position and submit the documents to the Tribunal who will then consider these submissions and determine the appeal accordingly.

In light of the above, including the significant funds and staff resources required with proceeding with the appeal by a formal hearing, it is recommended that the Town request the Tribunal that this appeal, and any future appeals to the Town Planning Appeal Tribunal, is dealt with entirely on the basis of documents, rather than a formal hearing.

10.1.4 No. 176 (Lots Pt 11,12, Y232, Y233 and Y234) Fitzgerald Street, Corner Randell Street, Perth-Proposed Alterations and Additions to Existing Tennis Pavilion and New Pro Shop

| | | | |
|------------------------------|-------------------------|--------------------|-------------------------|
| Ward: | South | Date: | 1 September 2003 |
| Precinct: | Hyde Park, P12 | File Ref: | PRO 2013; 00/33/1683 |
| Attachments: | 001 002 | | |
| Reporting Officer(s): | R Rasiah | | |
| Checked/Endorsed by: | D Abel, R Boardman | Amended by: | - |

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1, the Council APPROVES the application submitted by Beilby Design on behalf of the owner Town of Vincent for proposed alterations and additions to existing tennis pavilion and new pro shop at No 176 (Lots Pt 11, 12, Y232, Y233 and Y234) Fitzgerald Street, corner Randell Street, Perth, and as shown on plans dated 17 June 2003, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) a works security deposit bond and/or bank guarantee of \$3,300 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 grounds and carpark have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (iii) all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (iv) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (v) prior to the commencement of any pre-urban ground disturbance works a suitably qualified archaeologist shall obtain the necessary authorisation for the ground disturbance works from the Department of Indigenous Affairs and/or Minister for Aboriginal Affairs, and undertake on-site monitoring as required. Arrangement of the archaeologist, obtaining the authorisation, compliance with the conditions of the authorisation and payment of all costs associated with this condition, is the responsibility of the applicant;*
- (vi) the approval/support of the Heritage Council of Western Australia being obtained prior to the issue of the Building Licence, and compliance with all conditions of the Heritage Council;*
- (vii) 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 or Building Licence, whichever occurs first;*
- (viii) applicant shall liaise with the Town's Parks Services prior to issue of a Building Licence in relation to the proposed bore mainline and associated equipment; and*

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

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.4

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (7-0)

(Cr Franchina and Torre were an apology for the meeting.)

LANDOWNER: Town of Vincent
APPLICANT: Beilby Design
ZONING: Metropolitan Region Scheme: Urban
Town Planning Scheme No.1: Parks and Recreation
(Restricted)
EXISTING LAND USE: Recreational facility

SITE HISTORY:

25 June 2002 At its Ordinary Meeting, the Council conditionally approved the Planning Application for proposed two storey additions to the existing tennis pavilion.

DETAILS:

The applicant seeks approval for a single storey addition to the existing tennis pavilion. The proposal includes a new "captains room", fitout to the existing meeting room, creating new office space for the administration of services, new function room for entertaining, meetings, annual functions and a new pro shop. The new pro shop will be open to the public as is the existing pro shop.

The current membership of the Tennis Association is 963 members. All members have been advised of the proposal, which was approved by the Association on 16 March 2003.

The proposed floor areas are as follows:

- new pro shop is 87.5 square metres; and
- function room area is 145.1 square metres.

In support of the application, the applicant has provided a detailed submission, which has been attached to this report.

CONSULTATION/ADVERTISING:

No advertising was required as the application is being presented to an Ordinary Meeting of Council for its consideration and determination. The application was referred to the Heritage Council of Western Australia for its comments, as Robertson Park is being considered for inclusion on the State Register of Heritage Places, however, to date no response has been received.

LEGAL/POLICY:

Town of Vincent Town Planning Scheme No1 and associated Policies.

FINANCIAL/ BUDGET IMPLICATIONS:

Nil.

STRATEGIC IMPLICATIONS:

Nil.

COMMENTS:

Heritage

The subject building is located within Robertson Park. The Park is included on the Town's Municipal Heritage Inventory, is listed on the Register of Aboriginal Heritage Sites and is included in the Heritage Council of Western Australia (HCWA) assessment program for consideration for inclusion on the State Register of Heritage Places.

In accordance with the requirements of HCWA, the development application was forwarded to HCWA for consideration. No comments have been received from the HCWA at the time of preparation of this report. It is therefore recommended that a general condition be applied requiring the applicant to comply with the conditions which may be applied by HCWA.

In addition, the subject building lies on land registered by the Department of Indigenous Affairs as an Aboriginal Site. All ground disturbing works are required to comply with conditions of the Minister for Aboriginal Affairs in his letter dated 2 January 2001. This requires the Town to obtain a Section 16 permit under the Aboriginal Heritage Act 1972 (issued to a qualified archaeologist), to monitor ground disturbance associated with any portions of the Park with the potential for sub-surface material or burials.

Due to previous development, and the location of the tennis pavilion in relation to the former wetland, the nature of the proposed works and the existing conditions applied by the Minister require the appropriate monitoring to be put in place where necessary, to protect and respect the cultural values associated with this site.

All costs associated with an archaeologist would be limited to on-site monitoring during ground disturbance and the administration for obtaining the permit. Only if material is discovered during works, then additional costs would be incurred. It is recommended that costs for the arrangement of the permit and monitoring be met by the applicant, with advisory assistance by the Town if necessary. The various heritage matters associated with the site has been discussed with the applicant and the Town's Officers. It is also recommended that should HCWA place any conditions on the proposed development, that these are addressed and complied with by the applicant.

Engineering , Parks, Building and Environmental Health Services

The Town's Engineering Services have advised that the proposal is generally supported subject to standard conditions.

The Town's Building Services have advised that the proposal will have to comply with the relevant requirements of the Building Code of Australia, particularly in terms of fire protection and access for people with disabilities.

The Town's Health Services have advised that the proposal generally complies with all relevant health requirements.

The Town's Parks Services have advised that the Town is considering the installation of a new bore water supply mainline for the remaining grass tennis courts located north of the existing pavilion, and if the above proposal was to be constructed prior to November 2003, matters such as conduits will have to be arranged and installed prior to commencement of constructions works. The applicant has been advised of the requirements in writing and it is recommended that these appropriately conditioned.

Summary

The proposal is supported as it is considered a reasonable size development, which would complement the existing facilities on-site, and will not unduly affect the streetscape and the amenity of the adjacent or surrounding properties. Accordingly, it is recommended that the proposal be approved, subject to standard and appropriate conditions to address the above matters.

10.1.5 No. 31 (Lot 230) Plunkett Street, Highgate – Proposed Two-Storey Single House

| | | | |
|------------------------------|---------------------|--------------------|------------------------|
| Ward: | South | Date: | 29 August 2003 |
| Precinct: | Forest, P14 | File Ref: | PRO2385; 00/33/1677 |
| Attachments: | 001 | | |
| Reporting Officer(s): | M Bonini | | |
| Checked/Endorsed by: | D Abel, R Boardman | Amended by: | - |

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Perceptions on behalf of the owner I and E McCue for proposed two storey single house at No.31 (Lot 230) Plunkett Street, Highgate, and as shown on the plans stamp dated 22 August 2003, subject to:

- (i) subject to first obtaining the consent of the owners of No. 29 (Lot 229) and No. 33 (Lot 231) Plunkett Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing of No. 29 (Lot 229) and No. 33 (Lot 231) Plunkett Street in a good and clean condition;*
- (ii) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (iii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (iv) a road and verge security deposit bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (v) the construction of crossovers shall be in accordance with the Town's specifications;*
- (vi) 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;*
- (vii) 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);*
- (viii) standard visual truncations, in accordance with the Town's Policies and to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised; and*

- (ix) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any front fences and gates adjacent to Plunkett Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency; and*
- (x) *prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating the site coverage not exceeding 60 percent of the site area as outlined in the Highgate Design Guidelines. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.5

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (7-0)

(Crs Franchina and Torre were an apology for the meeting.)

LANDOWNER: I and E McCue
APPLICANT: Perceptions
ZONING: Metropolitan Region Scheme: Urban Town Planning Scheme
No.1: Residential R80
EXISTING LAND USE: Vacant land

COMPLIANCE:

| | |
|--------------------|-------------------|
| Use Class | Single House |
| Use Classification | "P" |
| Lot Area | 205 square metres |

| Requirements | Required | Proposed |
|--------------|------------|---------------|
| Open Space | 40 percent | 35.48 percent |

SITE HISTORY:

The subject site is vacant. The surrounding area is characterised by two-storey dwellings.

DETAILS:

Approval is sought for a proposed two-storey single house with its main frontage to Plunkett Street.

CONSULTATION/ADVERTISING:

There were no objections received during the advertising period.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Open Space

The Town's Highgate Design Guidelines require that site coverage shall be a maximum of 60 per cent of the lot area. The development proposes 35.48 percent open space, which represents 64.52 per cent site coverage. Whilst the provision of open space in this instance is considered generally satisfactory, given that the plans depict compliance with the Guidelines in terms of 40 square metres in total for the front and side courtyards, the Town Officers have consistently not supported variations to the Guidelines in this respect. Compliance with this requirement is therefore considered appropriate in this instance, and amended plans should be submitted and approved prior to the issue of a Building Licence.

Summary

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

10.1.13 No. 142 (Lot 2) Scarborough Beach Road, Mount Hawthorn – Proposed Change of Use from Shop to Eating House and Associated, Incidental and Ancillary Take Away Food Outlet

| | | | |
|------------------------------|---------------------------|--------------------|-------------------------|
| Ward: | North | Date: | 29 August 2003 |
| Precinct: | Mount Hawthorn Centre, P2 | File Ref: | PRO 0862; 00/33/1750 |
| Attachments: | 001 | | |
| Reporting Officer(s): | M Bonini | | |
| Checked/Endorsed by: | D Abel, R Boardman | Amended by: | - |

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by E Michalczyk on behalf of the owner V Gvozdenovic for proposed change of use from shop to eating house and associated, incidental and ancillary take away food outlet on No.142 (Lot 2) Scarborough Beach Road, Mount Hawthorn, and as shown on the plans stamp dated 28 July 2003, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (iii) prior to the issue of the Building Licence or first occupation of the development, whichever occurs first, the applicant/owner shall pay a cash-in-lieu contribution of \$3075 for the equivalent value of 1.23 car parking spaces, based on the cost of \$2500 per bay as set out in the Town's 2003/2004 Budget;*
- (iv) all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (v) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (vi) prior to the first occupation of the development, two (2) class three bicycle parking facility shall be provided at a location convenient to the entrance of the proposed development. Details of the design and layout of the bicycle parking facilities shall be submitted to and approved by the Town prior to the installation of such facilities;*
- (vii) prior to the first commencement of the alfresco dining within the Scarborough Beach Road Reserve 1, a separate application shall be lodged to and approved by the Town's Technical Services for pavement demarcation as required for the proposed alfresco area;*
- (viii) the public seating floor area of the restaurant take away food outlet component shall be limited to a maximum of 6.16 square metres, and the queuing area of the take away food outlet component shall be limited to 9.52 square metres; and*
- (ix) the windows, doors and adjacent floor area facing Scarborough Beach Road shall maintain an active and interactive frontage to Scarborough Beach Road;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.13

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (7-0)

(Crs Franchina and Torre were an apology for the meeting.)

LANDOWNER: V Gvozdenovic
APPLICANT: E Michalczyk
ZONING: Metropolitan Region Scheme - Urban
 Town Planning Scheme No. 1 - District Centre
EXISTING LAND USE: Shop
COMPLIANCE:

| | |
|--------------------|-------------------|
| Use Class | Eating House |
| Use Classification | "P" |
| Lot Area | 212 square metres |

Car Parking

| | |
|---|----------------------------|
| Car parking requirement (nearest whole number) - Take away food outlet - 9.52 square metres of queuing area with a minimum of 4 bays - requires 4 bays - Take away food outlet/restaurant - 6.16 square metres of indoor seating area - requires 1.37 bays | 5 car bays |
| Apply the adjustment factors. <ul style="list-style-type: none"> ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.90 (within 400 metres of a public car parking place with in excess of 50 car parking spaces) ▪ 0.90 (the proposed development is within a District Centre Zone) ▪ *0.95 (secure on-site and/or adjacent street bicycle parking (complying with the standards identified in Bikewest guidelines)) | (0.654075) 3.27car bays |
| Minus the car parking provided on site | 0 car bays |
| Minus the most recently approved on site car parking shortfall. 2nd November 1989 - Council supported a proposal involving a shop use. The resultant shortfall totals 2.04. | 2.04 car bays |
| Resultant shortfall | 1.23 car bays |

* This adjustment factor is applied as a reflection of condition (vi) of the Officer Recommendation.

Bicycle Parking Facilities:

| Required | Provided |
|--|-----------------------------------|
| 1 space (Class 1 or 2) per 100 square metres of gross floor area (including restaurant public area for employees). Total area is 41.15 square metres, therefore 0.4 spaces required, therefore 0 required when rounding to nearest whole number. | 0 bicycle parking shown on plans. |

| | |
|--|---|
| <p>2 spaces (Class 3) plus 1 space per 100 square metres of public area for visitor/shopper. Therefore, 2 spaces required.</p> <p>1 space (Class 3) per 50 square metres of gross floor area (excluding restaurant public area) for visitor/shopper. Therefore 0.50 spaces required, therefore 1 required when rounding to nearest whole number.</p> <p>Total bicycle parking bays required are 2.5, therefore 2 required when rounding to nearest whole number.</p> | <p>No bicycle parking shown on plans.</p> |
|--|---|

SITE HISTORY:

Town's records from 1989 indicate that the building subject to this application at No.142 Scarborough Beach Road was previously approved for a shop use, and more specifically occupied by a book shop and lunch bar. No other approval was found subsequent to this.

DETAILS:

The applicant seeks approval for a proposed lunch bar and take away food outlet with associated alfresco area. The site currently accommodates no formal off street parking.

CONSULTATION/ADVERTISING:

The proposal was advertised and no written submissions were received by the Town.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The Town's Policy relating to Parking and Access suggests that the Council may determine to accept a cash-in-lieu payment where the shortfall is greater than 0.5 car bays to provide and/or upgrade parking in other car parking areas. This would equate to a payment of \$3075. The parking shortfall is not considered excessive and is therefore supported with the cash-in-lieu payment.

In accordance with the Town's Policy relating to Parking and Access, there is also a requirement for the provision of bicycle parking. Based on the gross floor area in relation to the bicycle parking requirement, 2 class three bicycle parking spaces for the use of visitor/shopper is required to be provided.

As the building is existing with only minor modifications proposed, the main issue concerning this application relates to the parking shortfall, which is considered to be minimal and appropriately addressed through a cash in lieu payment. The application is therefore considered acceptable, subject to standard and appropriate conditions to address the above matters.

10.1.16 No. 17 (Lot 21) Sydney Street, North Perth – Proposed Additional Two Storey Grouped Dwelling to Existing Single House

| | | | |
|------------------------------|----------------------|--------------------|------------------------|
| Ward: | North | Date: | 27 August 2003 |
| Precinct: | North Perth, P8 | File Ref: | PRO2345; 00/33/1624 |
| Attachments: | 001 | | |
| Reporting Officer(s): | S Crawford, J Barton | | |
| Checked/Endorsed by: | D Abel, R Boardman | Amended by: | J Giorgi |

CHIEF EXECUTIVE OFFICER'S 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, as Amendment No.11 to the Town of Vincent Town Planning Scheme No.1 proposes to rezone the Eton Locality from R30 and R30/40 to R20, and the Minister for Planning and Infrastructure in letter dated 7 August 2003, and the Western Australian Planning Commission in letter dated 20 August 2003, has conditionally approved Amendment No.11; and*
- (ii) the proposed development does not comply with the housing density requirements of the R20 code;*

the Council REFUSES the application submitted by J Corp Pty Ltd trading as Perceptions on behalf of the owner K Feeney for proposed additional two-storey grouped dwelling and alterations and additions to existing single house, at No. 17 (Lot 21) Sydney Street, North Perth, and as shown on amended plans stamp-dated 23 July 2003.

COUNCIL DECISION ITEM 10.1.16

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (7-0)

(Crs Franchina and Torre were an apology for the meeting.)

LANDOWNER: K Feeney
APPLICANT: J Corp Pty Ltd trading as Perceptions
ZONING: Metropolitan Region Scheme - Urban Town Planning Scheme No. 1 - Residential R30/40 (R40 applies)
EXISTING LAND USE: Single House

COMPLIANCE:

| Requirements | Required | Proposed |
|----------------------------------|--|---|
| Setbacks | | |
| Ground Level | | |
| Northern elevation | 1.0 metre | Nil |
| Southern elevation | 1.5 metres | Minimum Nil |
| Western elevation (rear) | 1.5 metres | Minimum Nil |
| Upper Level | | |
| Western elevation (rear) | 1.2 metres | 0.994 metre |
| Southern elevation | 1.5 metres | 1.2 metres |
| Cone of Vision | | |
| Bedroom 2 | 4.5 metres | 3.0 metres |
| Vehicular Accessway Width | The Western Australian Planning Commission requires a 4 metres-wide access leg to the rear lot. while Residential Design Codes require 3 metres width. | The accessway is 2.925 metres in width. |

| | |
|--------------------|-------------------|
| Use Class | Grouped Dwelling |
| Use Classification | "P" |
| Lot Area | 524 square metres |

SITE HISTORY:

At the Ordinary Meeting of Council held on 26 August 2003, the Council considered three (3) subdivision applications, and one (1) development application, in the Eton Locality, and subject to Amendment No. 11 (as amended), to Town Planning Scheme No. 1. The Council resolved to recommend refusal of the subdivision applications, for similar reasons stated above in the Chief Executive Officer's Recommendation, and defer consideration and determination of the development application.

There has been a recent survey strata subdivision application on the site (reference 372-02) to create two lots. The Town recommended approval to the proposal subject to relevant conditions. The application was subsequently refused by the Western Australian Planning Commission (WAPC) on 26 June 2002 due to the undersized access leg, which would provide insufficient vehicular access to the rear lot and that approval would result in an undesirable precedent. The applicant sought a reconsideration of the decision, of which the WAPC subsequently reiterated its earlier decision.

DETAILS:

The site is occupied by a single storey single house.

The applicant seeks approval for an additional two-storey grouped dwelling to the rear of the existing dwelling on the site, as well as alterations to the existing dwelling's porch, verandah and fence, and the addition of a single carport in the front setback area.

Scheme Amendment No. 11

The subject property is located within the Town's Eton Locality, which is subject to Amendment No.11 to the Town of Vincent Town Planning Scheme No. 1. Amendment No.11 proposes to rezone the Eton Locality from R30 and R30/40 to R20. In letter dated 12 August 2003, the Western Australian Planning Commission (WAPC) advised that it *"has decided not to approve the above Amendment until such time as the following modifications are effected:*

1. *modifying the amending plan to delete those areas denoted in cross-hatching on the attached plan from the amendment area, as little or no evidence of support for the change proposed is in evidence in those areas; and*
2. *amending clause 20(4) of the Scheme to insert new provisions to specify the time period within which the proposed R20 density coding is to be applicable."*

Amendment No. 11 is not effective until all the following matters have been completed:

1. Agenda report to the Ordinary Meeting of Council in relation to the above matter.
2. Scheme amending documents to be modified.
3. The modified Scheme amending documents to be signed, sealed and endorsed by the Chief Executive Officer and the Mayor.
4. The modified endorsed Scheme amending documents forwarded to the WAPC and the Minister for Planning and Infrastructure for final approval.
5. Final approval by WAPC and the Minister.
6. Gazettal of final approval of Amendment No. 11.

In light of the above, Amendment No. 11 is not expected to be promulgated for another 2 to 3 months.

The Town's Solicitors have confirmed that the Town's Planning Officers are required to determine any planning and subdivision application in accordance with the provisions of the Town Planning Scheme in force at the time the application comes to be determined. Therefore, the application should be determined in accordance with current density code, and not the proposed modifications the subject of Amendment No. 11. The proposed development is in accordance with the R40 density code.

CONSULTATION/ADVERTISING:

The proposal was advertised and five submissions were received within this time from the owners of Nos. 2, 4 and 6 Eton Street and Nos. 15 and 19 Sydney Street. All owners objected to the proposal on privacy and overlooking grounds. These comments will be addressed within the relevant section of the report.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Setbacks

Ground Level Northern Elevation

The applicant seeks a nil setback to the boundary to accommodate the garage structure, with the Residential Design Codes (R Codes) generally requiring a 1.0 metre setback for such a wall. The proposed parapet wall is located on the northern boundary of the site, thereby causing no overshadowing to the affected neighbour. The wall is limited to being 2.4 metres in height, and will therefore only protrude over a standard dividing fence by 0.6 metre. Such a protrusion is considered to have negligible impact on the amenity of the affected neighbour. This neighbour has sited the plans and provided comment, with comments being limited to the issue of privacy only. As such, due to the negligible impact of the wall with respect to overshadowing or impact on amenity for this neighbour, no objection is raised to the variation to allow more than one parapet to a side boundary in the form of a setback variation.

Ground Level Southern Elevation

The applicant seeks two parapet walls to this boundary to accommodate the master bedroom, ensuite and a store. The parapet wall is designed to be in two separate sections. The R Codes permits, in areas coded R30 or higher, to have a parapet wall to one side boundary for two-thirds of its length where the wall has a maximum height of 3.5 metres and an average height of 3.0 metres. The proposal complies with this provision and the reduced setback is therefore acceptable.

Ground Level Western Elevation (Rear)

The applicant seeks a third parapet wall to the boundary on the rear elevation, which accommodates the store and kitchen elements of the dwelling. The parapet wall is proposed to be 5.06 metres in length and 2.4 metres in height. Again, this wall will only protrude above a dividing fence by 0.6 metre. As the rear properties are to the west of the subject parapet negligible overshadowing will result. The rear affected neighbour has objected to the proposal, based on privacy grounds only. This neighbour actually cited that they have no objection to the wall. Based on the fact that the neighbour did not object to the parapet wall and taking into account that no undue impact on amenity will result from the construction, the proposed parapet is considered acceptable.

Upper Level Western Elevation (Rear)

The R Codes would require a setback of 1.2 metres from the rear boundary, whereas the applicant seeks a setback of 0.994 metre to the activity room. The affected neighbour objected to the proposal based only on privacy grounds. The neighbours did state that they did not object to the "wall" however, this is interpreted as being the proposed rear parapet. It is considered that a two storey wall of 5.2 metres in height will impact upon the amenity of the neighbouring property due to the proximity of the structure. Although there are no privacy concerns with respect to the openings, as these are limited to highlight windows only, the sense of being overlooked and the bulk and scale of the structure located in such close proximity is considered unacceptable. There is adequate scope and ability to comply with the R Code setback requirements, and this should be imposed.

Vehicle Access

Access to the parking area at the rear of the site is provided via a 2.925 metres wide driveway on the northern side of the lot. The Town's minimum width requirement for an access leg for grouped dwelling development is 3.0 metres. Given that the width of the driveway could only be provided with the demolition of the house, and that the Council has previously supported similar reduced driveway widths, the driveway width can be supported.

Cone of Vision – Upper Level Bedroom 2

The R Codes require bedroom windows to be setback from boundaries by 4.5 metres, whereas the applicant achieves a setback of only 3.0 metres from the common boundary between the two properties. This window will pose overlooking issues for the existing house lot and in particular the proposed courtyard provision. In order to address such overlooking, a screening condition should be imposed on the development.

Summary (Officer Recommendation)

The proposal is supportable, as it is not considered to unreasonably adversely affect the amenity of the adjacent properties, or the existing streetscape, and is in accordance with the current density code. Accordingly, it is recommended that the proposal be approved, subject to the following conditions:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;
- (ii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following :
 - (a) the upper floor western facing elevation complying with the Residential Design Code setback requirements;
 - (b) the proposed car parking bays to the existing dwelling being re-orientated so that the bays are angled at 90 degrees to the street,
 - (c) the existing street tree located on Sydney Street being retained requiring the proposed car parking to the existing dwelling being located adjacent to the common property driveway,
 - (d) adequate vehicle manoeuvring area being provided to/ from the car parking area for the proposed dwelling in accordance with the Town's requirements; and
 - (e) the northern, southern, eastern and western elevation plans of the proposed carport alterations and additions to the existing dwelling;

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

- (iii) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the upper floor west facing bedroom 2 windows and north facing activity room windows of the proposed dwelling shall be screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first upper floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole window can be top hinged and the obscure portion of the window openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002;

- (iv) standard visual truncations, in accordance with the Town's Policies and to the satisfaction of the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;
- (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 \$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;
- (vii) the construction of crossovers shall be in accordance with the Town's specifications;
- (viii) 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;
- (ix) subject to first obtaining the consent of the owners of Nos. 15 and 19 Sydney Street and No. 4 Eton Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary walls facing Nos. 15 and 19 Sydney Street and No. 4 Eton Street in a good and clean condition;
- (x) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site; and
- (xi) an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;
- (xii) no fence 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 any new front fences and gates adjacent to Sydney Street, being a maximum being height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency; and
- (xiii) a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Sydney 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);

to the satisfaction of the Chief Executive Officer.

CHIEF EXECUTIVE OFFICER'S COMMENT:

The Chief Executive Officer is to *"ensure that advice and information is available to the Council so that informed decisions can be made"*, (in accordance with the Local Government Act, Section 5.41(b)). The Chief Executive Officer has the authority to amend an Officer's report to ensure that the Council is fully informed.

The Town's solicitors have verbally advised the Chief Executive Officer that the proposed amendment is a "significant and relevant factor", which the Council can give due consideration to when considering and determining this matter. Accordingly, the Council can refuse such applications "during the interim period" whilst the amendment is being promulgated.

At previous meetings, the Council has indicated that it is of the opinion that subdivision/development applications in the Eton Locality should be REFUSED, whilst Amendment No. 11 to the Town Planning Scheme No. 1 is being promulgated. The Council has previously stated that it is basing its decision on the fact that the proposed subdivisions/developments *"conflict with the intent of the Council and the Minister for Planning and Infrastructure's decision concerning the amendment"*.

10.1.19 Health Standards and Surveillance Council

| | | | |
|------------------------------|---------------|--------------------|----------------|
| Ward: | Both Wards | Date: | 29 August 2003 |
| Precinct: | All Precincts | File Ref: | ORG0032 |
| Attachments: | - | | |
| Reporting Officer(s): | D Brits | | |
| Checked/Endorsed by: | R Boardman | Amended by: | - |

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the Health Standards and Surveillance Council of Western Australia known as 'Watch on Health';*
- (ii) *ACCEPTS the Health Standards and Surveillance Council of Western Australia's invitation to be registered as an Endorsed Agency; and*
- (iii) *NOMINATES the Manager Health Services as the Council's contact person.*

COUNCIL DECISION ITEM 10.1.19

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (7-0)

(Cr's Franchina and Torre were an apology for the meeting.)

BACKGROUND:

The Town was recently invited to register as an 'Endorsed Agency' of the Health Standards and Surveillance Council of Western Australia.

Currently, the Ministerial Advisory Committee comprises of the following members:

- **Voting Members:**
Professor D'Arcy Holman (*Chair*), Professor Charles Watson, Associate Professor Eve Blair, Clinical Associate Professor John Rigg, Dr Jim Codde, Dr Bernard Pearn-Rowe, Dr David Watson, Ms Heather D'Antoine, and Ms Michelle Kosky.
- **Observers:**
Professor Bryant Stokes, Dr Brian Lloyd, Mr Michael Jackson, and Mr Eamon Ryan.
- **Corresponding Member:**
Dr Tracy Westerman.
- **Support Staff:**
Ms Anne Same - Executive Officer, Ms Amy Wiltshire, Ms Alison Daly, Mr Peter Somerford, and Ms Liz Macleod.

A mandate has been granted by the Minister for Health to keep a 'watchful eye' on the public health of the Western Australian population. As posted for public information on the internet pages of the Health Standards and Surveillance Council ('Watch on Health'), their main responsibility is to monitor the health system in Western Australia, to identify at an early stage and to investigate areas of concern in population health or health services and to promote a timely and effective response by the health system.

DETAIL:

The aim of *'Watch on Health'* in the long term is to contribute to improved health outcomes in Western Australia. *'Watch on Health'* has adopted a whole-of-government and whole-of-community perspective, and not limited itself to health concerns that are strictly the areas where the Department of Health WA is most influential. Its jurisdiction includes both population health and clinical services. *'Watch on Health'* has been given a mandate from the Minister for Health in Western Australia to consider any of the following matters:

- "1. *Emerging areas of concern in which trends in one or more identified conditions (eg, diseases or injuries) or factors in the health system, the general environment or human behaviour, have the potential to:*
 - 1.1 *act to the detriment of the health of the population of Western Australia or the quality of health services; or*
 - 1.2 *cause or worsen inequality in health status or access to health services across population subgroups.*
2. *Existing areas of concern in which one or more factors in the health system, the general environment or human behaviour are presently:*
 - 2.1 *acting to the detriment of the health of the population of Western Australia or the quality of health services; or*
 - 2.2 *causing or worsening inequality in health status or access to health services across population subgroups."*

'Watch on Health' focuses on those areas of concern in population health or health services, where the problems are acting to the serious detriment of or causing a gross inequity in public welfare and, meaningful results are likely to be achieved through the Council's efforts. The Committee does not deal with complaints based only on an individual's experience in the health system. It needs to be emphasised that the role of *'Watch on Health'* is not to receive complaints from individuals, as this jurisdiction is the responsibility of other groups such as the Health Consumers' Council of Western Australia and the Office of Health Review. The core values adopted are accessibility, transparency, independence and fairness.

It is envisaged that *'Watch on Health'* may perform any of the following functions:

1. Receive and act on references from the Minister for Health or Director General of Health, requesting *'Watch on Health'* to investigate an emerging or existing area of concern.
2. Receive and make a decision whether or not to act on areas of concern within its remit, drawn to the attention of *'Watch on Health'* by any other body or by a sitting member of the *'Watch on Health'* Council. Individuals may refer an area of concern to *'Watch on Health'* through a sponsoring body such as the Health Consumers' Council of Western Australia.
3. Instigate and conduct investigations for the Minister for Health, Director General of Health and any other body (as considered appropriate).
4. Request information, including narrative and statistical information, in writing or in person from any body or person that *'Watch on Health'* considers to be relevant to the conduct of its investigation.
5. Request the Western Australian Department of Health to provide information and/or to conduct analysis of information concerning an area of concern.
6. Report to the Minister for Health through the Director General of Health on the nature of an area of concern, including any identified factors that have led to the problem.
7. Review and evaluate the overall state of health and the health system.
8. Receive, review and provide an independent commentary on an annual report from the Western Australian Department of Health on the state of health and health services in Western Australia, which the Minister for Health tables in the Parliament.

9. Provide to the Minister for Health through the Director General of Health an annual report on the activities, findings and recommendations of 'Watch on Health', which the Minister for Health tables in the Parliament.

Additional information can be obtained from:

WATCH ON HEALTH

Email: contact@watchonhealth.org

Web address: <http://www.watchonhealth.org/>

Address: M431, 35 Stirling Highway, Crawley, Western Australia, 6009

Telephone: (61-8) 9380 7373 Telefacsimile: (61-8) 9380 1188

ENDORSED AGENCIES:

Organisations that have accepted the invitation to register as Endorsed Agencies include amongst others the Bethesta Hospital, Cancer Foundation Cootage Hospice, CarersWA, Australian Dental Association (WA), City of Stirling, City of Gosnells, City of Armadale, and Asthma Foundation. This list is anticipated to grow as organisations consider the invitation.

FINANCIAL IMPACT:

Nil.

STRATEGIC IMPLICATIONS:

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

COMMENTS:

As the role of the Committee is essentially one of advocacy on behalf of concerned or interest groups with a view of ensuring acceptable public health standards, it is recommended that the Town accepts the invitation to register as an Endorsed Agency so as to articulate justifiable collective health matters on behalf of our ratepayers accordingly.

10.2.3 Association of St Michael - Annual Street Procession

| | | | |
|------------------------------|---------------------------------------|--------------------|------------------|
| Ward: | North Perth | Date: | 2 September 2003 |
| Precinct: | Hyde Park P2, Mt Lawley Centre P11 | File Ref: | CVC0006 |
| Attachments: | - | | |
| Reporting Officer(s): | C Wilson | | |
| Checked/Endorsed by: | R Lotznicher | Amended by: | - |

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES the annual Association of St Michael street procession, to be held on Sunday, 28 September 2003; and*
- (ii) *requests the organisers of the procession to ensure that all emergency services, including Main Roads WA Operations Centre, are notified and all relevant approvals have been obtained prior to holding the procession.*

COUNCIL DECISION ITEM 10.2.3

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (7-0)

(Crs Franchina and Torre were an apology for the meeting.)

BACKGROUND:

The Association of St Michael is seeking the Council's approval to conduct its annual street procession on Sunday, 28 September 2003, in honour of its patron saint, St Michael.

DETAILS:

The procession will commence at 3.30 pm on Sunday, 28 September 2003, from Sacred Heart Church in Mary Street, Highgate. It will travel, under Police escort, west via Mary Street turning left into William Street. From William Street the procession will turn left into Lincoln Street east bound and left again into Beaufort Street north bound. From Beaufort Street the procession turns left into Mary Street with proceedings concluding at approximately 4.15pm at Sacred Heart Church.

The procession will be under Police escort and no actual road closures are involved. The parade is scheduled for a Sunday and does not conflict with any other major event, however, there may be some impact upon traffic in Beaufort Street.

CONSULTATION/ADVERTISING:

Given that the procession causes minimal disruption to residents or businesses and that the cost to advertise the procession would be an additional impost upon the applicants as a voluntary organisation, it is recommended that the applicants not be required to advertise this event.

LEGAL/POLICY

The WA Police Service will be responsible for traffic control in accordance with the relevant Australian Standards and Main Roads WA Code of Practice.

FINANCIAL/BUDGET IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area Two of the Draft Plan 2002-2007 – 2.1 Celebrate and acknowledge the Town's cultural diversity.

COMMENTS:

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

10.2.4 Naming of the Right of Way formerly known as Little Hammond Lane, West Perth

| | | | |
|------------------------------|---------------------|--------------------|-------------------|
| Ward: | South Ward | Date: | 2 September 2003 |
| Precinct: | Cleaver Precinct P5 | File Ref: | TES0114 & TES0120 |
| Attachments: | 001 | | |
| Reporting Officer(s): | C Wilson | | |
| Checked/Endorsed by: | R Lotznicher | Amended by: | - |

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES the application of the name “Sheridan Lane” to the dedicated Right of Way formerly known as “Little Hammond Lane”, bounded by Hammond Street, Florence Street, Janet Street and Oak Lane, West Perth, as illustrated on attached Plan 2065-RP-02; and*
- (ii) *advises the Department of Land Information, Geographic Names Committee, and all adjoining property owners, of its resolution.*

COUNCIL DECISION ITEM 10.2.4

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (7-0)

(Crs Franchina and Torre were an apology for the meeting.)

BACKGROUND:

A report requesting the Council to dedicate the remaining portion of the right of way (ROW) bounded by Hammond Street, Florence Street, Janet Street and Oak Lane, West Perth, being an extension of *Little Hammond Lane*, was presented to the Ordinary Meeting of Council held on 9 July 2002, where the following resolution was adopted:

“That the Council;

- (i) *receives the report on the proposed dedication of the right of way adjacent to Little Hammond Lane;*
- (ii) *APPROVES the dedication of the right of way as a road, as shown on attached Plan No. 2065-RP.01, in accordance with Sections 56 of the Land Administration Act 1997; and*
- (ii) *advises the Department of Land Administration and all adjoining property owners of its resolution.”*

As a consequence of the dedication process, it came to light that the name *Little Hammond Lane* had no official standing and that the Geographic Names Committee would not support its continued use nor its inclusion in the “StreetSmart” road guide.

The Town also received a letter from the Cleaver Precinct Action Group regarding the frequent confusion between *Little Hammond Lane* and *Hammond Street*. They requested that the lane be renamed to overcome this problem. They suggested *St Alban's Lane*, after a house so named in Hammond Street, or alternatively *Rose Lane* in keeping with the botanical theme in the area, (Oak Lane, Ivy Street, Violet Street, etc).

DETAILS:

The suggested names were subsequently forwarded to the Geographic Naming Committee for consideration, who advised that neither name was appropriate. It was thought that as *St Albans Lane* is within 10kms of St Albans Avenue, Highgate, there was potential for confusion.

In respect of the name *Rose Lane* there are nine (9) public roads within the metropolitan area, of which three (3) are within a 10km radius, named *Rose* and therefore the committee would not approve another.

A third suggestion *Sheridan Lane* was presented to the Geographic Names Committee, at the request of the Sheridan family who initiated the original dedication process. The patriarch of the family, Charles Sheridan, established "Sheridan's" badge makers in Florence Street, West Perth, more than 90 years ago. Three generations of the family have maintained the ownership and management of the business, who manufacture badges, engraved buttons, name plates and enamelled products. Further the four existing applications of the name *Sheridan* in the metropolitan area were all outside the 10km radius, which is a criterion the committee applies when deliberating on street names.

Of the three names submitted, the Geographic Names Committee has advised that only *Sheridan Lane* is acceptable and that the Council's endorsement is required.

In the past, the length of a name such as *Sheridan Lane* would have been prohibitive due to not being able to physically accommodate the name in the 'StreetSmart' road guide. However, the latest edition features an enlargement of the southern half of the Town and hence longer names can now be accommodated.

The ROW, of which a majority is already owned by the Town and the remainder currently being dedicated, is 97 metres long and 5 metres wide. It is sealed, drained, and in reasonable condition. A high percentage of adjacent properties also use the ROW for access to rear garaging and there is also a number of dwellings with outdoor living areas oriented towards the ROW. Re-naming of this ROW would be advantageous to all adjacent residents, for delivery purposes, and also for the provision of emergency services should they ever be required.

CONSULTATION/ADVERTISING:

The Cleaver Precinct Action Group was canvassed for suggestions and, for the reasons outlined in the body of the report, the names put forward by the group were rejected by the Geographic Names Committee.

LEGAL/POLICY:

The naming of ROWs is a function of Local Government and needs only to be approved by Council prior to submission to the Geographic Names Committee.

FINANCIAL/BUDGET IMPLICATIONS:

If the Council approves the naming, two additional street nameplates will need to be installed, at an approximate cost of \$250.00.

STRATEGIC IMPLICATIONS:

N/A

COMMENTS:

The re-naming of this ROW will be of benefit to the adjacent residents, particularly should emergency services ever be required. It would also make the ROW easier to locate for delivery drivers.

10.3.2 Financial Statements as at 31st July 2003

| | | | |
|------------------------------|---------------------|--------------------|------------------------------|
| Ward: | - | Date: | 29 th August 2003 |
| Precinct: | - | File Ref: | FIN0026 |
| Attachments: | 001 | | |
| Reporting Officer(s): | Natasha Russell | | |
| Checked/Endorsed by: | Mike Rootsey | Amended by: | |

OFFICER RECOMMENDATION:

That the Financial Reports for the month ended 31 July 2003 be received.

COUNCIL DECISION ITEM 10.3.2

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (7-0)

(Crs Franchina and Torre were an apology for the meeting.)

BACKGROUND:

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

DETAILS:

The Financial Statements comprise:

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

Operating Statement and Detailed Summary of Programmes/Activities

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

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

Operating Revenue

Operating revenue is currently showing 58% of the Budget received to date.

General Purpose Funding (Page 1)

General Purpose Funding is showing 80% of the budget received to date, this is due to rates being levied.

Health (Page 4)

Health is showing 63% of the budget received to date. This is due to Health Licences being issued.

Community Amenities (Page 6)

Community Amenities is showing 13% of the budget received to date. This is due to bin charges being invoiced.

Economic Services (Page 12)

Economic Services is showing 18% of the budget received to date. Swimming Pool Inspection fees have been levied

Operating Expenditure

Operating expenditure for the month is level with Budget (5%).
All programs are within budget.

Capital Expenditure Summary (Pages 17 to 26)

The Capital Expenditure summary details projects included in the 2003/04 budget and reports the original budget and compares actual expenditure to date against these. Capital works show total expenditure for the year to date of \$436,724, which is 2% of the budget.

Statement of Financial Position and Changes in Equity

This statement is unavailable until the 2002/03 financial year is finalised.

Restricted Cash Reserves)

This statement is unavailable until the 2002/03 financial year is finalised.

Debtors and Rates Financial Summary

General Debtors (Page 27)

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

Sundry Debtors of \$486,358 are outstanding at the end of July. Of this \$51,455 (11%) relates to debts outstanding for over 60 days. The Debtor Report identifies significant balances that are well overdue.

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

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

Rate Debtors (Page 28)

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

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

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

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

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

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

10.3.3 Leederville Arty Farty Festival 2003

| | | | |
|------------------------------|--------------------|------------------|----------------|
| Ward: | North Perth | Date: | 25 August 2003 |
| Precinct: | Hyde Park Precinct | File Ref: | CMS0029 |
| Reporting Officer(s): | J. Anthony | | |
| Checked/Endorsed by: | M. Rootsey | | |
| Amended by: | | | |

OFFICER RECOMMENDATION:

That the Council permits the Leederville Community Action Group to organise the "Leederville Arty Farty Festival" on 7 December 2003, subject to;

- (a) a total sponsorship contribution of \$15,000 to assist with the costs of the event as allocated in the 2003-2004 budget;*
- (b) event application fees of \$11,082.50 for the festival at Oxford Street being waived;*
- (c) a bond of \$2,000 being lodged by applicant as security for any damage to or clean-up of the Street;*
- (d) a suitable traffic and risk management plan being submitted to the Town for approval at least twenty-eight days prior to the event;*
- (e) the Leederville Action Group, as event organisers, shall full comply with conditions of use being imposed including Environmental Health and other conditions; and*
- (f) acknowledgement of the Town of Vincent as a major sponsor of the events on all publications and advertising materials subject to the conditions listed in the report;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.3.3

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (7-0)

(Crs Franchina and Torre were an apology for the meeting.)

DETAILS:

The 2003 Leederville Arty Farty Festival is the third festival being coordinated by Leederville Action Group and is designed to promote the Leederville area.

The Festival will be held on Sunday 7th December, 2003 between 11am and 6 pm.

The Festival is planned to be a fun filled variety day for all. Many of last year's performers and street vendors have already approached us to be part of proceedings again. The Festival will be more community oriented this year with acts drawn from the local community. The expected benefits will be the promotion of the Leederville community and the increased use of local performers including members of the ethnic communities of Perth.

The event will consist of a main stage, a smaller second stage incorporating an area for children and young family entertainment such as bouncy castle, farm animals, rides and stalls. They also intend to organise various stalls, and street theatre. It is estimated that such an event would draw a crowd of approximately 6,000 (six thousand) people.

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

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

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

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

As the festival has now become an annual event a debriefing meeting is held as a matter of course. A report to Council is prepared to outline how the event was conducted and address any issues requiring attention prior to the following year's event.

CONDITIONS/POLICY:

The standard conditions for sponsorship would apply to this event:

1. The events must not promote smoking, alcohol, any use of illicit substances and/or adult "R" rated entertainment;
2. The sponsorship funds should be expended in keeping with ethical conduct and practices;
3. The Town of Vincent must be acknowledged in associated publicity and promotional material with the Town's Logo displayed appropriately;
4. Event organisers must liaise with relevant Council officers before proceeding to use the Town's Logo or material;
5. Upon completion of the sponsored event, a report outlining the outcomes of the event, publicity/promotion and how the sponsorship monies were expended must be submitted to Council no more than 30 (thirty) days after the event;
6. The event organisers must take out and hold current a policy of insurance for Public Liability for an amount of not less than \$10,000,000 (ten million dollars) for any one event. A copy of the current certificate is to be provided to Council at least 10 (ten) days before the commencement of the event; and
7. The event organisers must indemnify the Council against any claims, damages, writs, summonses or other legal proceedings and any associated costs, expenses, losses or other liabilities as a result of loss of life, personal injury or damage to property arising from an occurrence in or connected with the sponsored event, regardless of the cause.

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

- (a) All applications for food vendors must be submitted by the specified closing date.
- (b) Assistance from LCAG committee to ensure unauthorised food activities closed by the Town's Environmental Health Officers remain non-operational.
- (c) LCAG is to inform the Town of all food and drinks stalls and Coke and Ice-cream vans, prior to commencement of the Festival.
- (d) All power, water supplies and waste water disposal to be fully operative in all food vans prior to the commencement of the Festival.
- (e) LCAG is to be responsible to ensure that parking permits are issued to stall holders.
- (f) All access ways into the event to be manned by personnel allocated by the organising committee.
- (g) **Noise**
 - No amplified music or public address to be permitted prior to 10:00am or after 9:00pm as detailed in the submissions.
- (h) **Food**
 - All food related stall holders to liaise with Environmental Health Officer to apply for a Temporary Food Handling Permit at least 14 days prior to the event. Please note only fresh food prepared in a commercial kitchen can be sold to the public.
 - It is confirmed that all perishable foods (including food tasting) are to be kept at safe temperatures and protected from contamination.
- (i) **Toilets**
 - In addition to the public facilities available, 4 temporary portable facilities shall be provided, with one be reserved for the use of food handlers (should food vans, and preparation be involved). It is highly recommended that one unisex disabled WC be provided.
 - The toilets to be readily accessible to the public and their location well advertised. Screening of toilets to be provided to ensure privacy and designated signage for which sex they are intended.
 - Consumables (toilet paper, soap & paper hand towels to be replenished during the event. In addition, sanitary bins to be provided in portable toilets designated for females.
 - Servicing and cleaning of toilets to be carried out on a regular basis throughout the event. The contractor for the toilets is to be on call in case toilets become full or blocked.
 - Should the event become an annual function it can be anticipated that connection to sewer will be required.
- (j) **General**
 - The Risk Management Plan referred to in the submission should also contain a noise management plan, which should be updated and provided to the Town's Health Services at least 28 (twenty-eight) days prior to the event.
 - In regards to cleaning and rubbish disposal the event organisers should liaise with the Town's Technical Services. Rubbish and litter collection should occur during the event and a major clean up should be conducted by 12:00 noon the following day.
 - Should Fire Works be intended then application should be made to the Department of Minerals and Energy, Police and Town of Vincent at least 14 days prior to the event.
 - Structural Certification and a copy of Public Liability Cover to be submitted for entertainment such as Fly Motion.
 - No external entertainment is permitted after 9:00pm.
 - Only premises holding a current Alfresco Dining Licence will be permitted to have Alfresco Dining.
 - It is recommended that the Office of Racing, Gaming and Liquor be contacted for the relevant approvals for Liquor Licences.

- The First Aid Posts be suitably positioned to cover the entire event (They should have direct communication with crowd controllers, Police and the event organisers).
 - Please confirm the crowd controller/security company name and 2 mobile contact numbers.
 - A clear site plan to be provided detailing location of all events, toilets, ambulances, entertainment, stalls, and street closures.
 - All activities including displays, street theatre (buskers), amplified music to be contained in the specified area.
 - Animal farm and animal rides to be located a minimum of 18 metres from any food vans, and all animal faeces to be regularly collected and bagged for immediate disposal in a waste receptacle.
 - The event organisers are to require all artists/performers/participants to refrain from using offensive explicit language and behaviour and activities, which could impact on the safety and amenity of the patrons.
 - The event organisers to provide a list of relevant contact mobile phone numbers. This should include at least two contacts for the event organiser and crowd controllers.
- (k) **Public Building Matters**
- Provide details of any temporary public buildings (eg. Marquees) that are to be constructed. Details should include, seating arrangements, exit widths, size and electrical compliance certification.
 - Exclusion zones to be provided around the following:
 - Skate boarding demonstrations and displays, and entertainment such as Fly Motion.
 - Certification for all stage(s) to be provided advising they are structurally sound, and fire safe.
 - Overcrowding – all reasonable precautions to be taken to prevent overcrowding and crowd controllers to take steps where necessary.
- (l) **Street Entertainment**
- All street entertainment to be pre-approved with a site map on allocated spaces provided to the Town. Any inappropriate or hazardous activity will not be approved.
 - The location of street entertainment to be mutually agreed upon by the Town.

STRATEGIC IMPLICATIONS:

Draft Strategic Plan 2003-2008

Key Result Area 2.1 - Celebrate and acknowledge the Town's social diversity.

FINANCIAL/BUDGET IMPLICATIONS:

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

An amount of \$15,000 has been listed in the 2003/2004 Budget for the 2003 festival which is the same as provided last year. The budget amount will enable the group to cover costs such as traffic management and road including all-day attendance by qualified personnel, advertising and the hire of water-filled barriers.

Given the size of this activity they fall within Council's Policy 3.2.5 for Concerts and Events where significant fees and bonds are involved. The following fees (including GST) would apply for this event based on an estimate of 5000 to 12000 patrons:

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

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

COMMENT:

Oxford Reserve has recently been redeveloped and therefore would be restricted in terms of any events being held at the reserve itself. This will be discussed further at the internal working group meetings.

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

10.4.3 Capital Works and Maintenance Program 2004-2024 for the Multi Purpose Rectangular Sports Stadium, Pier Street, Perth

| | | | |
|------------------------------|---------------|--------------------|------------------|
| Ward: | South | Date: | 3 September 2003 |
| Precinct: | Beaufort, P13 | File Ref: | RES0051 |
| Attachments: | Nil | | |
| Reporting Officer(s): | John Giorgi | | |
| Checked/Endorsed by: | - | Amended by: | - |

OFFICER RECOMMENDATION:

That the Council ADOPTS the Capital Works and Maintenance Program 2004-2024 for the Multi Purpose Rectangular Sports Stadium, Pier Street, Perth, as shown in Appendix 10.4.3.

COUNCIL DECISION ITEM 10.4.3

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (7-0)

(Cr's Franchina and Torre were an apology for the meeting.)

BACKGROUND:

At the Special Meeting of Council held on 1 July 2003 the Council approved the final building and landscape plans for the Multi Purpose Rectangular Sports Stadium, Pier Street, Perth. The Council resolved inter alia as follows;

"That the Council; ...

- (v) *REQUESTS the Chief Executive Officer to prepare by 31 August 2003, a Maintenance Program for the proposed Multi Purpose Rectangular Sports Stadium and such Program to include the type of maintenance and repairs required, life cycle cost analysis of major plant and equipment and timing of such repairs and estimated costs, and a report on the matter be prepared for consideration of the Council at the next Ordinary Meeting of Council."*

Meetings have been held with the Project Architect - Peter Hunt Architect, Builder - John Holland Group Pty Ltd and Mr Peter Blunt - Project Quantity Surveyor and Cost Control Consultant to prepare a Capital Works and Maintenance Program for the proposed Stadium. Additional information has been obtained from the various Project Consultants, including WMA Consultants (electrical services, lift and sound), Edmondson Partnership (hydraulic), Steens Gray and Kelly (mechanical services) and BPA Engineering (civil and structural engineers).

The Quantity Surveyor has prepared the program as shown at Appendix 10.4.3.

FINANCIAL/BUDGET IMPLICATIONS:

The Heads of Agreement require that the Town and Allia Holdings Pty Ltd each contribute \$50,000 per annum (to be increased by the Consumer Price Index (CPI)) into the Reserve Fund. Based on an annual average of 3% CPI increase and the Reserve Fund monies being invested by the Town at 4% per annum, the Reserve Fund would contain the following monies;

| | Opening Balance | Annual Amount Increased by CPI (Estimated @ 3%) | Opening Balance and Annual Payment (Invested @ 4%) | Closing Balance |
|---------|----------------------------|--|---|----------------------------|
| Year 1 | | 100,000 | 104,000 | 104,000 |
| Year 2 | 104,000 | 103,000 | 211,120 | 211,120 |
| Year 3 | 211,120 | 106,090 | 321,454 | 321,454 |
| Year 4 | 321,454 | 109,273 | 435,097 | 435,097 |
| Year 5 | 435,097 | 112,551 | 552,150 | 552,150 |
| Year 6 | 552,150 | 115,927 | 672,715 | 672,715 |
| Year 7 | 672,715 | 119,405 | 796,896 | 796,896 |
| Year 8 | 796,896 | 122,987 | 924,803 | 924,803 |
| Year 9 | 924,803 | 126,677 | 1,056,547 | 1,056,547 |
| Year 10 | 1,056,547 | 130,477 | 1,192,243 | 1,192,243 |
| Year 11 | 1,192,243 | 134,392 | 1,332,011 | 1,332,011 |
| Year 12 | 1,332,011 | 138,423 | 1,475,971 | 1,475,971 |
| Year 13 | 1,475,971 | 142,576 | 1,624,250 | 1,624,250 |
| Year 14 | 1,624,250 | 146,853 | 1,776,978 | 1,776,978 |
| Year 15 | 1,776,978 | 151,259 | 1,934,287 | 1,934,287 |
| Year 16 | 1,934,287 | 155,797 | 2,096,316 | 2,096,316 |
| Year 17 | 2,096,316 | 160,471 | 2,263,205 | 2,263,205 |
| Year 18 | 2,263,205 | 165,285 | 2,435,101 | 2,435,101 |
| Year 19 | 2,435,101 | 170,243 | 2,612,154 | 2,612,154 |
| Year 20 | 2,612,154 | 175,351 | 2,794,519 | 2,794,519 |

Allia will pay \$1,600,000* towards the Reserve Fund over a 20 year period. The remaining Reserve Fund money will be paid by the Town or interest monies. (* Note: error corrected by Chief Executive Officer.)

The Heads of Agreement require Allia Holdings Pty Ltd and the Town to each contribute \$50,000 into the Reserve Fund per annum. This money will be paid on 1 January and 1 July each year over the 20 year period.

It should be noted that the Town will be receiving \$400,000 per annum from Allia Holdings Pty Ltd and will be making annual loan repayments of \$370,000. The Town has negotiated that the remaining \$30,000 will be contributed as part of the Town's monies towards the \$50,000 Reserve Fund payment. (Therefore, the Town will only be required to contribute \$20,000 towards the Reserve Fund from its own sources.)

It is important to note that Allia Holdings Pty Ltd will be responsible *"for the repair and maintenance of the Stadium"*. The Reserve Fund monies will be used for capital improvements.

LEGAL/POLICY IMPLICATIONS:

Not applicable.

ADVERTISING/COMMUNITY CONSULTATION:

N/A.

STRATEGIC IMPLICATIONS:

The upgrade and redevelopment of Perth Oval is in accordance with the Town's Strategic Plan 2002-2002 Key Result Area 3.6 *"Develop and Implement Strategies to improve the Town's Parks and Reserves"*, in particular, Key Result Area 3.6(a) - *"Investigate and Develop the future of Perth Oval"*.

This is in keeping with the Town's Draft Strategic Plan 2003-2008 – Key Result Area *"Economic Development"*.

The upgrade of Perth Oval is listed in the Town's Principal Activities Plan.

COMMENT:

The Quantity Surveyor is satisfied that the Reserve Fund will contain sufficient monies to provide capital improvements and maintain the Stadium.

The Capital Works and Maintenance Program will be reviewed and refined annually to ensure that the Town's asset is maintained at a high level.

APPENDIX 10.4.3

MULTI PURPOSE RECTANGULAR SPORTS STADIUM, PIER STREET, PERTH

**SCHEDULE OF POTENTIAL CAPITAL WORKS AND MAINTENANCE
2004-2024**

| Item | No | Year | Cost \$/2004 Each | Cost \$/2004 Total | Comment |
|--|-----|------------------------|-------------------------|--------------------------|--|
| 1.00 <u>Buildings</u> | | | | | |
| <u>Structure</u> | | | | | |
| 1.01 Building Structures | Nil | | | | Generally no action expected to be required over 20 years except for roofs as listed below Opportunity exists to replace this roof in the Redevelopment Contract. John Holland have obtained a quotation for \$36,547.50 Based on condition of function room roof, this roof could also need replacement within the next 5 years (including gutters and fascias) |
| 1.02 Function Room Roofs | 1 | 2004-05 | \$40,000 | \$40,000 | |
| 1.03 Grandstand Roof | 1 | 2009 | \$60,000 | \$60,000 | |
| <u>Fittings And Fixtures</u> | | | | | |
| 1.04 Windows and Doors | nil | | | | |
| 1.05 Furniture and Fittings | nil | | | | |
| <u>Interior Finishes</u> | | | | | |
| 1.06 Redecorate building interiors - Grandstand and Clubrooms | 2 | 2010 and 2017 | \$80,000 | \$160,000 | |
| 1.07 Redecorate building interiors - Outbuildings (gatehouses, toilets, etc) | 3 | 2009 and 2014 and 2019 | \$11,000 | \$33,000 | |
| 1.08 Re-carpet building interiors | 1 | 2015 (average) | \$120,000 | \$120,000 | |
| <u>Exterior Finishes</u> | | | | | |
| 1.09 Redecorate building exteriors - Grandstand & Clubrooms | 2 | 2010 & 2017 | \$100,000 | \$200,000 | |

APPENDIX 10.4.3

| Item | No | Year | Cost \$/2004 Each | Cost \$/2004 Total | Comment |
|--|-----|--------------------|-------------------------|--------------------------|--|
| 1.10 Redecorate building exteriors - Outbuildings (gatehouses, toilets, etc) | 2 | 2010 & 2017 | \$5,000 | \$10,000 | Allow for 2 redecorations over 20 year period |
| 2.00 External Works | | | | | |
| 2.01 Bituminous hot mix carpark paving | 1 | 2020 | \$90,000 | \$90,000 | Allow for one resurface in approx. 15 years time |
| 2.02 Playing Pitch | 50% | 2010 | \$100,000 | \$50,000 | Approx. 50% of pitch replaced during redevelopment works and replacement should not be necessary if it is properly maintained. Allow for replacing the remaining 50% within the next ten years |
| 2.03 Fencing And Gates | Nil | - | - | - | Replacement not expected within 20 year period apart from damage by accident or misuse |
| 3.00 Seating | | | | | |
| 3.01 Outdoor spectator seating | 25% | 2020 | \$700,000 | \$175,000 | Replacement not expected to be required for 15 - 20 years, apart from seats damaged by accident or misuse Allow for partial replacement (say 25%) commencing in approx. 15 years time |
| 4.00 Services Plant And Equipment | | | | | |
| <u>Air Conditioning Plant</u> | | | | | |
| 4.01 Two split units for PGSC office and WARL office | 1 | 2020 | \$20,000 | \$40,000 | Apart from the PGSC and WARL offices, all other AC plant will only run part time. Allow for one replacement of PGSC and WARL office units |
| <u>Light Towers</u> | | | | | |
| 4.02 Flood light lamps | 1 | 2015 (average) | \$70,000 | \$70,000 | The flood light lamps have a 4000 hour design life but lose intensity over time. Allow for one staggered replacement of all lamps over the 20 year period |
| <u>Bore</u> | | | | | |
| 4.03 Bore Pump | 3 | 2009 & 2014 & 2019 | \$6,000 | \$18,000 | Allow for 3 services over 20 year period |

APPENDIX 10.4.3

| <u>Item</u> | No | Year | Cost \$/2004 Each | Cost \$/2004 Total | Comment |
|---|----|-------------------|-------------------------|--------------------------|--|
| <u>Hot Water Units And Boilers</u> | | | | | |
| 4.04 2 off Boilers | 1 | 2020 | \$80,000 | \$80,000 | Allow for both boilers to be replaced at some time over 20 year period |
| 4.05 18 off Hot water Units | 1 | 2020 | \$20,000 | \$20,000 | Allow for one staggered replacement of all units over the 20 year period |
| <u>Tapware</u> | | | | | |
| 4.05 Tapware in Public Toilet blocks | 1 | 2015 (average) | \$14,000 | \$14,000 | Majority of the tapware will not require replacement within 20 years but allow for staggered replacement of tapware in the outer toilet blocks over the 20 year period |
| 5.00 Contingency | | | | 10% | \$1,160,000 \$116,000 |
| ESTIMATED TWENTY YEAR TOTAL (In \$/2004) | | | | | \$1,276,000 |
| 6.00 Provision For Inflation | | | | | |
| 6.01 Allow for inflation @ 2.5% p.a.(compounding) over say 15 years | | say | 40% | \$510,000 | The majority of replacements are likely to be required in approx. 15 years time, and money in the sinking fund will earn interest to partly off-set inflation, so inflation has been discounted to 15 years rather than 20 |
| ESTIMATED TWENTY YEAR TOTAL (In \$/2004-2024) | | | | | \$1,786,000 |
| Average Cost Per Annum | | | | | \$89,300 |

EXCLUSIONS AND NOTES

| <u>Item</u> | <u>Comment</u> |
|--|---|
| • Stage 2 Grandstand and Associated Works | This is the subject of a State Government feasibility study within 5 years |
| • Any other future expansion | This is the subject of a State Government feasibility study within 5 years |
| • Caretaker's house upgrade | No decision has been made. Any upgrade is outside the Heads of Agreement, therefore non-Council funds would be required |
| • Lift maintenance | This is the responsibility of Allia Holdings Ltd |
| • Air conditioning maintenance | This is the responsibility of Allia Holdings Ltd |
| • Catering equipment upgrade | This is the responsibility of Allia Holdings Pty Ltd |
| • General Cleaning | This is the responsibility of Allia Holdings Pty Ltd |
| • General maintenance and incidental repairs due to accidental damage, misuse or general wear and tear | This is the responsibility of Allia Holdings Pty Ltd |

10.1.6 No. 14 (Lot 18) Fairfield Street, Mount Hawthorn – Proposed Additional Two-Storey Grouped Dwelling to Existing Single House

| | | | |
|------------------------------|---------------------|--------------------|------------------------|
| Ward: | North | Date: | 2 September 2003 |
| Precinct: | Mount Hawthorn, P1 | File Ref: | PRO1079; 00/33/1738 |
| Attachments: | 001 | | |
| Reporting Officer(s): | S Crawford | | |
| 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 I Multari on behalf of the owners FI and G Multari for proposed additional two-storey grouped dwelling to existing single house, at No. 14 (Lot 18) Fairfield Street, Mount Hawthorn, and as shown on plans stamp-dated 18 July 2003, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (iii) a road and verge security bond 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;*
- (iv) 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);*
- (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) standard visual truncations, in accordance with the Town's Policies and to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*
- (vii) the construction of crossovers shall be in accordance with the Town's specifications;*

- (viii) *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;*
- (ix) *subject to first obtaining the consent of the owners of No. 10 Fairfield Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 10 Fairfield Street in a good and clean condition;*
- (x) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating vehicular access to the additional grouped dwelling being accessed only from the right of way. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (xi) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Fairfield Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); and*
- (xii) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Fairfield Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.6

Moved Cr Ker, Seconded Cr Cohen

That this item be DEFERRED as requested by the applicant.

CARRIED (7-0)

(Crs Franchina and Torre were an apology for the meeting.)

| | |
|---------------------------|--|
| LANDOWNER: | FI and G Multari |
| APPLICANT: | I Multari |
| ZONING: | Metropolitan Region Scheme - Urban Town Planning Scheme No. 1 - Residential R30 |
| EXISTING LAND USE: | Single House |

COMPLIANCE:

| Requirements | Required | Proposed |
|------------------------------------|---|----------------|
| Southern Upper Floor Setback | 1.2 metres | Nil |
| Cone of Vision | | |
| Master bedroom to western boundary | 4.5 metres | 4.0 metres |
| Bedroom 3 to western boundary | 4.5 metres | 4.0 metres |
| Balcony | 7.5 metres | 4.0-6.0 metres |
| Use Class | Grouped dwelling | |
| Use Classification | "P" | |
| Lot Area | 971 square metres (275 square metres for additional grouped dwelling) | |

SITE HISTORY:

The site is occupied by a single storey dwelling.

An application for an additional two-storey grouped dwelling to an existing single house was conditionally approved under delegated authority on 5 June 2003.

DETAILS:

The applicant seeks reconsideration of two conditions of the Planning Approval issued by the Town on 5 June 2003. These two conditions relate to privacy requirements and access arrangements for the proposed additional dwelling and read as follows;

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

(a) the balcony to the Sitting Room on the upper floor level on the western and southern elevations; and;

(b) the windows to Bedroom 3 and Master Bedroom on the upper floor level on the western elevation;

shall be screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the respective finished floor levels. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002; and

(xi) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating vehicular access to the additional grouped dwelling being accessed only from the right of way. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies."

CONSULTATION/ADVERTISING:

The request for reconsideration was not required to be advertised, as an identical proposal was previously advertised in May 2003.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

All matters relating to compliance of the proposal were addressed at the time of consideration and determination of the previous application, including receipt of written consent from the southern neighbour. Non-compliances with respect to privacy were addressed via conditions of approval at that time and now form a component of the request for reconsideration.

Condition (ix) - Privacy

The above condition required that the proposed new dwelling have appropriate screening imposed to a number of the upper level openings to protect the privacy of the neighbouring properties. The openings requiring screening as included in the subject condition were;

- the upper level balcony to the sitting room for the western and southern elevations; and
- the windows to bedroom 3 and master bedroom on the western elevation.

The applicant sought reconsideration of this requirement as the owner of this site also owns No. 10 Fairfield Street, which is the affected southern neighbour. The western privacy concerns related to the internal views within the development towards the existing house lot.

As the applicant owns the affected surrounding properties, it is appreciated that they are seeking to remove the privacy requirement as the screening will only affect themselves. On this basis, it is considered appropriate to not to apply this condition on the approval.

Condition (xi) – Access to be Via a Right of Way

The applicant in their letter of reconsideration identifies their concern in using the right of way for access. They note it is only 4.0 metres in width, and this would restrict egress to the property to being in forward gear only and generally vehicles require a 6.0 metres reversing area. It was because of this reason that the applicant sought a battle-axe drive configuration for the rear dwelling. The applicant also considers that the driveway provides access for visitors as the street has a one (1) hour parking limit restriction and that the right of way would not provide for visitor parking. The applicant also asks that consideration be given to the fact that the future intention is the development of three dwellings on the site.

The above condition was imposed in accordance with the Town's Policy relating to Vehicle Access to Dwellings Via a Right of Way. This Policy supports primary access to a new dwelling in this configuration to be by the right of way and for the site to be provided with gazetted road frontage through the use of a 1.5 metres pedestrian accessway from the lot to the street frontage, in this case Fairfield Street.

This stance is further supported by the Town's Policy relating to Vehicular Access, which also supports sole access to on-site parking being provided from a right of way where available. Furthermore, the Town's Policy relating to Street Setbacks requires development being setback in accordance with the applicable Locality Statement and/or to be consistent with the general pattern within the street. This requirement provides for an interactive streetscape with active frontages. A latter section of this Policy further prescribes that carports/garages should be located off existing rights of way where legally available. As such, the Town's support for the utilisation of existing rights of way for access to development is consistent with Policy provisions.

Furthermore, the Western Australian Planning Commission have also supported the use of rights of way as sole access to rear lots and infill development as contained within their Policy DC 2.6 relating to Liveable Neighbourhoods: Community Design Code (Planning Bulletin No. 33). This approach is the preferred means of subdivision as it is considered to *'facilitate the greater use of urban land without detrimentally affecting the streetscape particularly in heritage areas. The use of rights-of-way is considered to provide a superior living environment to battleaxe development. In particular it is considered preferable for houses to face streets and laneways rather than be enclosed in backyards. It also contributes to personal safety through surveillance.'*

In relation to the applicant's comments with respect to manoeuvring room, a 6.0 metres reversing area is required. The Town's records indicate that the site abuts a 5.0 metres wide, sealed, Town owned right of way. As such the need for appropriate setbacks of the proposed building, including any car parking structure is the manner in which to achieve manoeuvring requirements as required under the Town's Policy relating to Parking and Access. The applicant's comments that vehicles would be restricted to forward gear is considered incorrect, as appropriate design can address this aspect. The applicant proposed a 1.5 metre setbacks to the garage from the right of way in the approved proposal, which provided the appropriate vehicular manoeuvring room.

Furthermore setback requirements for the building facing a right of way are further addressed within the Residential Design Codes and compliance with such setbacks are assessed at the time of the application. The proposed setback of the residence from the laneway was considered appropriate at that time. As such, by achieving primary access to the property from the right of way is not considered to require any change in design of the dwelling.

The applicant also indicated that it was the future intention for three (3) dwellings to be developed on the lot. Consideration of a development of this nature cannot be taken into account in relation to the existing approval. If the applicant seeks consideration of a larger development, it would be appropriate that an application demonstrating all proposed development be submitted to the Town. It is only at this stage that the appropriateness of a battle-axe configuration and/or use of the right of way can be considered further.

On the basis of the above, it is recommended that the current application be approved, subject to standard and appropriate conditions to address the above matters, and reflect the removal of Condition (ix) and retention of Condition (xi) of the previous Planning Approval issued on 5 June 2003.

10.1.11 No. 10 (Lot 11) Marian Street, Leederville–Demolition of Existing Single House and Construction of a Two-Storey Single House

| | | | |
|------------------------------|---------------------|--------------------|-------------------------|
| Ward: | North | Date: | 3 September 2003 |
| Precinct: | Leederville, P3 | File Ref: | PRO 2394; 00/33/1685 |
| Attachments: | 001 | | |
| Reporting Officer(s): | J Barton | | |
| Checked/Endorsed by: | D Abel, R Boardman | Amended by: | - |

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Anthony Rechichi Architect on behalf of the owners R and D Schairer-Vertannes for proposed demolition of the existing single house and construction of a two-storey single house at No. 10 (Lot 11) Marian Street, Leederville, and as shown on the amended plans stamp-dated 28 August 2003, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) all stormwater produced on the subject land shall be retained on-site to the satisfaction of the Town's Technical Services Division;*
- (iii) a road and verge security deposit bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (iv) the construction of crossovers shall be in accordance with the Town's specifications;*
- (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) 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);*
- (vii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) no fence 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 any new front fences and gates adjacent to Marian Street, including within the front setback area, being a maximum being height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
 - (b) the parapet wall on the western side being an average height of 3 metres, and a maximum height of 3.5 metres, in accordance with the Residential Design Codes acceptable development requirements;*

- (c) *the parapet wall on the eastern side being a maximum height of 3.2 metres, as indicated on the amended floor plans dated 28 August 2003;*
- (d) *the balcony being deleted, as indicated on the amended floor plans dated 28 August 2003; and*
- (e) *the garage and crossover being deleted from the front, and two car parking bays and vehicular access being provided off the right of way at the rear of the subject land;*

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

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

- (a) *the western and eastern sides of the balcony on the upper floor; and*
- (b) *the eastern facing window to the study on the upper floor;*

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

- (ix) *subject to first obtaining the consent of the owners of No. 12 and No. 8 Marian 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. 12 and No. 8 Marian Street, in a good and clean condition;*
- (x) *standard visual truncations, in accordance with the Town's Policies and to the satisfaction of the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*
- (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 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;*
- (xii) *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;*

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

COUNCIL DECISION ITEM 10.1.11

Moved Cr Ker, Seconded Cr Cohen

That this item be DEFERRED as requested by the applicant.

CARRIED (7-0)

(Crs Franchina and Torre were an apology for the meeting.)

FURTHER REPORT:

Further to the applicant's letter of justification, dated 8 September 2003, promoting vehicular access from the primary street, it should be noted that several properties along Marian Street gain vehicular access via the primary street. However, the majority of the street does not have any vehicular access points from Marian Street.

Notwithstanding the above, the purpose of the Town's Street Setback and Vehicular Access Policies is to encourage vehicular access from the right of way, where possible, in order to protect the amenity of the streetscape, while promoting active interaction between the dwelling and the street and casual surveillance between the dwelling and the street and right of way.

Furthermore, even with parking from the right of way at the rear, there will still be sufficient space for an outdoor living area, with a northerly aspect.

In light of the Town's Policies, it is therefore recommended that the proposal be redesigned so that vehicular access is provided from the right of way at the rear of the subject land, as required in clause (vii)(e) of the Officer Recommendation.

LANDOWNER: R and D Schairer-Vertannes
APPLICANT: Anthony Rechichi Architect
ZONING: Metropolitan Region Scheme: Urban
Town Planning Scheme No.1: Residential R30
EXISTING LAND USE: Single House

COMPLIANCE:

| | |
|--------------------|-------------------|
| Use Class | Single House |
| Use Classification | "P" |
| Lot Area | 587 square metres |

| Requirements | Required | Proposed |
|--|---|--|
| Setbacks: | | |
| <u>Ground Floor</u> | | |
| Eastern Side | 3 metres | 1.5 metres |
| <u>Upper Floor</u> | | |
| Eastern Side | 4.6 metres | 1.7 metres |
| Cone of Vision Encroachments: | | |
| Balcony (Upper Floor- Western Side) | 7.5 metres | 3.6 metres |
| Street Walls and Fences | In the front setback area, walls may be solid to 1.2 metres, and shall be visually permeable above, to 1.8 metres. | Solid wall to 1.8 metres in the front setback area and along the eastern side boundary. |
| Boundary Walls | One boundary wall is permitted with an average height of 3 metres and a maximum height of 3.5 metres, for 2/3 length of boundary. | 3.2 metres maximum height for eastern boundary wall. Two boundary walls are proposed, one wall each on the eastern and western sides. |
| Vehicular Access | Vehicular access should be from the right of way. | Vehicular access from the primary street. |

SITE HISTORY:

The site currently supports a single storey single house.

The right of way that runs along the rear of the subject land, is privately owned, unsealed and 5.02 metres wide. Vehicular access is not proposed from the right of way.

DETAILS:

The applicant seeks approval to demolish the existing single house and to construct a new two-storey single house.

Amended plans were received on 28 August 2003, addressing some of the eastern neighbour's concerns.

CONSULTATION/ADVERTISING:

The proposal was advertised from 16 July 2003 to 30 July 2003.

Two submissions were received during the advertising period, being one objection and one letter of non-objection subject to conditions. Both submissions have been summarised below:

- The neighbour across the street at No. 9 Marian Street objects to the proposal due to the proposed setback variations, cone of vision encroachments, boundary walls and streetscape issues (refer to the attached submission - Attachment 1). The solid, front wall, with a total height of 1.8 metres, is not considered acceptable, however this issue has been addressed through a standard condition in the Officer Recommendation, thus bringing the fence into compliance with the Residential Design Codes (R-Codes) and Town's Policy. However, the privacy issues, side setback variations and boundary wall heights do not affect the neighbour across the road, and those neighbours that are directly affected have not objected to such variations. In light of the above, the proposal is not considered to create an undue, adverse impact on No. 9 Marian Street.
- The affected, eastern neighbour at No. 8 Marian Street does not object to the proposal, subject to the 3.8 metres high parapet wall on the eastern boundary complying with the R-Codes acceptable height requirements, and the balcony being appropriately screened on the eastern side. Accordingly, conditions have been recommended to this effect.

Following the above submission from No. 8 Marian Street, the applicants lodged amended plans on 28 August 2003, addressing some of the above mentioned concerns. The amended plans reduced the height of the parapet wall from 3.8 metres to 3.2 metres on the eastern side, and addressed the privacy issues on the eastern side by screening the balcony and study.

Given these changes, the adjoining neighbour signed the plans, and advised in writing that he no longer raises any concerns to the proposed development.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Demolition

A detailed heritage assessment is contained in the Appendix 10.1.11.

The subject dwelling is dated circa 1913 and represents a part of the building stock built during the late Gold Rush period of 1890-1910. The dwelling has a metal roof, is constructed of brick and follows the standard four-roomed plan, with central hallway, rear skillion and front verandah extending the length of the facade. The place has undergone a number of alterations, mostly in the 1930s when windows and decorative features were changed or added to 'modernise' the aesthetics of the dwelling.

As a relatively early dwelling constructed in Leederville during the late Gold Rush period, the place has *little to some historic significance*.

However, it is not considered that the place warrants consideration for listing on the Municipal Heritage Inventory and as such, it is recommended that approval be granted for the demolition of the existing dwelling, subject to standard conditions. The subject dwelling contributes to the streetscape in terms of traditional setbacks, building style and proportion.

Eastern side setback variation- Ground Floor

The applicants are seeking a setback variation of 1.5 metres, in lieu of 3 metres, to the ground floor on the eastern side. In this instance, the setback requirement is slightly greater than "normal" for habitable spaces on the ground floor, due to the 4 metres height of the ground floor, dining, kitchen and alfresco area at the rear.

Although the above mentioned reduced setback seems like a significant variation, the neighbour has not objected to the proposed variation, and the proposal does not overlook, or overshadow this neighbour.

In light of the above, the proposal is not considered to create an undue, adverse effect on the adjoining neighbour, and approval is therefore recommended.

Front Setback Variation- Upper Floor

The applicants previously sought a setback variation to the balcony at the front, on the upper floor, of 5 metres in lieu of the required 6 metres. However, the amended plans dated 28 August 2003 have deleted the non-compliant section of the balcony, therefore, the front setbacks now comply with the Town's Leeder Locality Policy Statement.

Front Walls and Fences

Pursuant to the Town's Policy in relation to Street Walls and Fences, front walls and fences within the primary street setback should be visually permeable 1.2 metres above the adjacent footpath level.

The proposal represents a variation to this requirement, as a 1.8 metre high wall is proposed within the front setback area, 3.5 metres back from the front boundary, and along the eastern side boundary, right up to the front boundary line.

Accordingly, a condition has been recommended for both walls to be visually permeable above 1.2 metres.

Cone of Vision Encroachment

A cone of vision encroachment is proposed from the balcony on the western side, as mentioned in the above Compliance Table. However, this variation has been addressed through a standard privacy condition.

Although there are no cone of vision encroachments on the eastern side, a standard privacy condition has been recommended to ensure that the study and balcony on the eastern sides are appropriately screened to prevent overlooking.

Eastern side setback variation- Upper Floor

The applicants are seeking a setback variation of 1.7 metres, in lieu of 4.6 metres, to the upper floor, eastern side. In light of the above mentioned amendments, the study and balcony are now minor openings, therefore the setback requirement is 2.2 metres.

In light of this, and given that the neighbour does not object to the proposed setback variation, the proposal is not considered to unduly impact on the amenity of the adjoining, eastern property. Approval is therefore recommended.

Buildings on Boundary

The proposal also includes a variation to the height of the parapet wall on the eastern side, as the wall is 3.2 metres in height, in lieu of the 3 metres average height. Also, two parapet walls are proposed on the subject land.

The eastern neighbour raises no objections to the height of the wall at 3.2 metres, and given that the wall does not overshadow the eastern side, this variation is considered supportable. However, a standard condition has been imposed on the approval to ensure that this wall is 3.2 metres maximum height, as the elevation plans do not correctly reflect the height of this wall.

Additionally, given that the western boundary wall does not exceed the acceptable development requirements, nor does it overshadow the adjoining neighbours, the second parapet wall is therefore not considered to unduly impact on the amenity of the adjoining neighbours, or the area generally. Furthermore, the adjoining, western neighbour did not comment in writing on the proposed development during the advertising period.

Notwithstanding the above, a condition has been recommended to ensure that the parapet wall on the western side is constructed in compliance with the Residential Design Codes (R-Codes) acceptable height requirements.

In light of the above, the above variations are considered to be generally acceptable.

Vehicular Access

The Town's Policy relating to Vehicular Access, states that, "*front setbacks areas are to be landscaped and preferably devoid of parking spaces. Where available, on-site parking to be accessed from a right-of-way*". the requirement is also reflected in the Town's Policy relating to Street Setbacks.

Although the proposed garage is setback sufficiently from Marian Street, in accordance with the R-Codes setback requirements and the Town's Policies, there is sufficient space at the rear for vehicle parking to be provided off the right of way. Also, there is not a predominance in the existing streetscape of vehicular access from the primary street.

In light of the above, and given the requirements of the Town's Policies relating to Vehicular Access and Street Setbacks, it is therefore recommended that the garage and vehicular access be re-designed to be provided from the right of way at the rear of the subject land.

Conclusion

Given that conditions have been recommended to address the relevant neighbours concerns, and that the proposal complies with the R-Codes overshadowing requirements, it is considered that the proposal will generally have no unreasonable, detrimental impact on the amenity of the area, or adjoining neighbours.

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

10.1.14 No. 49 (Lot 101) Bourke Street (Corner of Fleet Street), Leederville – Proposed Garage Addition to Existing Single House

| | | | |
|------------------------------|---------------------|--------------------|------------------------|
| Ward: | South | Date: | 2 September 2003 |
| Precinct: | Leederville, P3 | File Ref: | PRO2458; 00/33/1757 |
| Attachments: | 001 | | |
| Reporting Officer(s): | S Crawford | | |
| 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; and*
- (ii) the non-compliance with the Town's Policy relating to Street Setbacks;*

the Council REFUSES the application submitted by the owner SJ Willis for proposed garage addition to an existing single house on No. 49 (Lot 101) Bourke Street (corner of Fleet Street), Leederville, and as shown on plans stamp-dated 28 July 200.

COUNCIL DECISION ITEM 10.1.14

Moved Cr Ker, Seconded Cr Cohen

That this item be DEFERRED as requested by the applicant.

CARRIED (7-0)

(Crs Franchina and Torre were an apology for the meeting.)

LANDOWNER: SJ Willis
APPLICANT: As above
ZONING: Metropolitan Region Scheme - Urban Town Planning Scheme No. 1 - Residential R40
EXISTING LAND USE: Single House
COMPLIANCE:

| Requirements | Required | Proposed |
|---------------------------------|---|-------------------------|
| Setbacks | | |
| Secondary Street (Fleet Street) | To be setback equal to or behind the main wall of the existing dwelling | Nil |
| Side (south) | 1.0 metre | Nil |
| Car Parking | 2 bays | 1 bay (as per existing) |

| | |
|--------------------|-------------------|
| Use Class | Single House |
| Use Classification | "P" |
| Lot Size | 220 square metres |

SITE HISTORY:

The site is occupied by a single storey dwelling.

DETAILS:

The applicant seeks approval to construct a single garage to the rear of the dwelling with access from the property's secondary street, being Fleet Street. The garage is proposed to be fitted with a roller door.

CONSULTATION/ADVERTISING:

The proposal was advertised and no submissions were received within this time.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Setbacks

Garage

The Town's Policy relating to Street Setbacks permits garages to be located off secondary streets, however requires such structures to be setback equal to or behind the existing main building line (excluding consideration of any porch/verandah style element). The applicant proposes a nil setback to Fleet Street to accommodate the structure. The existing lot is 220 square metres in size with the predominant open space being orientated towards Bourke Street. As such, limited outdoor area is available to the rear of the dwelling, which also accommodates a 5.5 square metres shed. In order to accommodate a small court to the rear of the dwelling, the nil setback to Fleet Street has been adopted by the application. The applicant has demonstrated that No. 1 Fleet Street (primary frontage) has a garage with a nil setback, as does No. 35 Bourke Street, which has a garage with nil setback to its secondary street frontage of Loftus Street. However, as there are only two examples within the street, this is not considered to be the dominant trend.

The dwelling has an existing fence and double gate structure to provide access to the existing hardstand car bay in the same location. The existing fencing and gates are approximately 1.8 metres in height. The garage structure piers are proposed to be 2.2 metres in height with the roof line extending to a maximum of 2.8 metres.

Although the application denotes the structure as a carport, under the definitions contained within the Residential Design Codes, the structure is actually a garage.

In order to comply with the Town's Street Setback Policy, the proposed garage would need to achieve a setback from Fleet Street of 3.2 metres, whereas a nil setback is sought. As there is not a predominance of garages within the immediate streetscape with a nil setback to the street, it is considered that this proposal will have an undesirable effect on the streetscape, which in turn will create an undesirable precedent for future development, especially taking into account that the neighbouring lot is vacant. The Residential Design Codes (R Codes) also support such structures being setback in accordance with the general building setback.

The R Codes acknowledges that variation to this principle can be considered where the area, dimension or shape of the site make such placement unfeasible or there is an established, consistent pattern of alternative setbacks in the area. The subject proposal is not strongly affected by such criteria and therefore, it is suggested that the required setback should be imposed.

The reduced side setback could be considered however, in light of the issues associated with the Fleet Street setback, it is not necessary to address this aspect further.

It is further noted that if the structure was designed so that it was 100 per cent open, except where it abuts the main dwelling, the structure could be considered as a carport. This style of structure would be permitted to have open style gates to the Fleet Street frontage for security purposes, and due to it being defined as a carport, could be considered with a nil setback to Fleet Street.

As such, on this basis the reduced secondary street setback for the proposed garage cannot be supported.

Car Parking

The R Codes require two car parking bays to be provided per dwelling. The existing site only accommodates one car bay on-site in the same location as the proposed garage. As the status quo is remaining the same in relation to car parking, this provision is considered acceptable.

The proposed garage is considered to depart from the relevant requirements of the Town's Street Setback Policy. This variation is not supported and it is therefore recommended that the garage be refused.

10.1.18 No. 33 (Lot 73) Smith Street, Highgate - Proposed Demolition of Existing Single House and Construction of Three (3) Three-Storey Grouped Dwellings and One (1) Two-Storey Grouped Dwelling

| | | | |
|------------------------------|---|--------------------|------------------------|
| Ward: | South | Date: | 1 September 2003 |
| Precinct: | Forrest Precinct, P14 | File Ref: | PRO1214; 00/33/1639 |
| Attachments: | 001 002 003 | | |
| Reporting Officer(s): | R Rasiah | | |
| Checked/Endorsed by: | D Abel, R Boardman | Amended by: | - |

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by BTL Architects on behalf of the owner Liming Tank for proposed demolition of the existing single house and construction of three (3) three-storey grouped dwellings and one (1) two-storey grouped dwelling at No. 33 (Lot 73) Smith Street, Highgate, and as shown on plans stamp-dated 8 July and 1 September 2003, for the following reasons:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) non-compliance with the access and car parking, private open space and privacy requirements of the Residential Design Codes; and*
- (iii) in consideration of the objections received.*

COUNCIL DECISION ITEM 10.1.18

Moved Cr Ker, Seconded Cr Cohen

That this item be DEFERRED as requested by the applicant.

CARRIED (7-0)

(Crs Franchina and Torre were an apology for the meeting.)

LANDOWNER: L Tank
APPLICANT: BTL Architects
ZONING: Metropolitan Region Scheme-Urban
Town Planning Scheme No.1-Residential R80
EXISTING LAND USE: Single House

COMPLIANCE:

| Requirements | Required | Proposed |
|---------------------|--|--|
| Open courtyard | 16 square metres, with a 4 metres dimension | 16 squares metres, with one of the courtyard being 2.9 metres long |
| Carparking bays | 8 carbays | 6 carbays and 1 visitor carbay |
| Building height | 2 storeys | 3 storeys |
| Privacy setbacks | 4.5, and 7.5 metres for bedrooms and balconies, respectively | Less than requirements |
| Carparking | Not allowed within front setback area | One carbay within front setback area |

| Setbacks | | |
|-------------------------|------------|--------------|
| Ground floor/side/north | 1.5 metres | 1.2 metres |
| 1st floor/front | 6 metres | 5 metres |
| 1st floor/side/north | 1.9 metres | 1.2 metres |
| 1st floor/side/north | 2.4 metres | 1.2 metres |
| 1st floor/side/south | 3 metres | 2.9 metres |
| 1st floor/side/south | 7 metres | 6.17 metres |
| 1st floor/rear | 1.7 metres | 1.508 metres |
| 2nd floor/side/north | 1.4 metres | 1.2 metres |
| 2nd floor/side/north | 1.4 metres | 1.2 metres |
| 2nd floor/side/north | 1.4 metres | 1.2 metres |

| | |
|--------------------|-------------------|
| Use Class | Grouped dwelling |
| Use Classification | “P” |
| Lot Size | 809 square metres |

SITE HISTORY:

The site currently supports a single house.

28 June 1999 At its Ordinary Meeting, the Council conditionally approved the demolition of the existing dwelling at the above site.

22 November 1999 At its Ordinary Meeting, the Council refused an application for four (4) three storey dwellings at the same site, for the following reasons:

- Non-compliance with the setback.
- Non-compliance with plot ratio.
- Insufficient on-site parking.
- Impact on streetscape.
- Demolition has already been allowed, therefore further concessions will not be given.

DETAILS:

The applicant proposes the demolition of the existing dwelling on-site and the construction of three (3) three-storey grouped dwellings and one (1) two-storey grouped dwelling on the site, accessed via a common driveway.

CONSULTATION/ADVERTISING:

The proposal was advertised and two submissions (objections) were received.

The issues raised in the submissions have been summarised as follows:

- The three-storey building will impinge on the privacy of the services and on the congregation, church and grounds on the adjacent lot to the south side. During church services, the side windows and doors which will be facing 33 Smith Street will be open. The view is that noise from the balconies and driveway would find its way to the church during this period of time. Furthermore, there are church services held on a regular basis, ringing of bells and even processions held on auspicious days. Suggest that balconies be built with brick walls and not with railings. A high wall between the church and the dwellings proposed would relieve the above situation.
- Shortfall in carparking noted. There is currently no parking allowed on the driveway for the church and frontage due in part to allow for funeral and wedding cars access.
- Two-storey development would be acceptable.
- Non-compliance with setbacks, carparking, building height, store room provisions, courtyard sizes and dimensions.

The applicant has submitted a comprehensive submission (attached), addressing the issues raised during the advertising period, which has been summarised as follows:

- Traffic noise will be minimal as the driveway serves four grouped dwellings with carparking available for 7 cars.
- The dwelling closest to Smith Street is two-storeys in height. The height of units 2 and 4 are 0.47 and 0.54 metre higher than the 9 metres allowed for two-storey developments. The third-storey satisfies the performance criteria of the R Codes.
- Proposal does not cause overshadowing over adjoining lots.
- A reduction in carbays is requested on the grounds that the first unit is a single bedroom unit with an additional study, and would appeal to a smaller household, site is in close proximity to public transport along Beaufort Street, availability of on-street parking.
- The private open space provided for unit 4 is 17.98 square metres (required 16 square metres). The 2.9 metres dimension in lieu of 4 metres is considered minimal and should not be considered to limit the usefulness of the space provided.
- Due to the narrowness of the block and the limitations of the site, Council is urged to take this into account in supporting carparking within the front setback area and other variations.

FINANCIAL/ BUDGET IMPLICATIONS:

Nil.

STRATEGIC IMPLICATIONS:

Nil.

LEGAL/POLICY:

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

COMMENTS:

Demolition

The existing dwelling at No. 33 (Lot P73) Smith Street, Highgate, was previously assessed by the Town's Heritage Officer in 1999. A copy of that Heritage Assessment is included as an attachment to this report. The Officer's report included the following information, which has been extracted from the documents previously presented to Council.

"The single storey brick and iron dwelling was constructed by William Culmsee, a Police Constable, in 1904. The place was much more substantial than many of the early workers cottages and represents a later phase of more a middle class community establishing in the area.

The place has a low degree of authenticity, the exterior has been cement rendered, the front sash windows replaced with casement windows which would have required opening up to the wall, the front verandah has been concreted in and the original verandah joinery has been replaced. The four principal rooms of the place remain intact and there is an extensive addition to the rear.

It is listed on the Town's Interim Heritage Data Base but is considered to have little social value. Little remains of the streetscape of which this place was a component".

At the Ordinary Meeting of 28 June 1999, (Item 10.1.5), the Council resolved to conditionally approve the application for the demolition of the existing dwelling at No. 33 (Lot P73) Smith Street, Highgate, given the heritage assessment concludes that the place is of little cultural heritage significance for the Town and does not qualify for entry on the Town of Vincent Municipal Heritage Inventory.

While features such as the gabled hip roof and the overall symmetry of the place are appreciated by the community, it is not considered that these features alone justify the retention of the dwelling. No further documentary evidence has been located to qualify changes to the recommendation.

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

First Floor Front Setback

The setback of 5 metres in lieu of 6 metres for the first floor setback will not unduly affect the streetscape as there are already higher buildings in close proximity of the site. The variation is considered minor and supported.

First Floor Rear Setback

The proposed rear setback of 1.508 metres is in lieu of 1.7 metres. The rear landowner has not lodged a submission. With the visual screening as stated in the below paragraph in relation to the requirements of the cone of vision for the major openings to the rear, there would be no undue overlooking into the rear property and as such, the variation is considered acceptable.

Ground, First and Second Floor Northern Side Setbacks

The proposed setback variations for the development as stated in the Compliance Table above are considered minor and are supported, as it will not unduly affect the amenity of the adjoining landowners and area. The adjoining landowner to the north of the site, where most of the variations are has not lodged a submission in relation to the proposal. With the visual screening as stated in the below paragraph in relation to requirements of the cone of vision for the major openings to the side, there would be no undue overlooking into the side property and as such, the variation is considered acceptable.

First Floor Southern Side Setback

The side to the south abuts a church site. With the visual screening as stated in the below paragraph in relation to requirements of the cone of vision for the major openings to the side, there would be no undue overlooking into the south side property and as such, the variation is considered acceptable.

Overshadowing

The proposal complies with the overshadowing requirements of the Residential Design Codes (R Codes) as demonstrated in the attached drawings.

Privacy Cone of Vision

The proposed plans submitted indicate some of the balconies and windows to bedrooms being within the privacy cone of vision arc of 4.5 and 7.5 metres, respectively, to the adjacent boundaries and therefore not compliant with the cone of vision requirements of the R Codes. The applicant has verbally advised that if the proposal was approved, they would comply with the cone of vision requirements, which include screening with either fixed obscure glass/glazing or have a minimum sill height of 1.6 metres from the finished floor levels, and on the ground floor where the height of the finished floor level is greater than 500 millimetres above the natural ground level.

Carparking

The carparking proposed is 7 carbays, with six (6) bays being within carports. The R-Codes require the provision of 8 carparking spaces for grouped dwelling developments. The reduction in parking is not supported as being a vacant site, this could have been factored in as part of the overall design. The reduction may result in additional demand for on street carparking.

The variation of carparking within the front setback area can be considered as it is a visitor carbay only. There are other instances of carparking bays located within the front setback in the area. With the proposed 1.2 metres solid fencing and 600 millimetres of open fencing above, this variation can be supported.

Private Open Space

The applicant is seeking a variation to the minimum dimension of 2.9 metres, in lieu of 4 metres for private open space. The 16 square metres overall area is however, achieved in this instance. The side dimension proposed is not supported, as it reduces the functionality of the already minimum open space allocated to each unit. Being a vacant lot, this requirement could be achieved with a redesign of the proposal.

Height

There are currently numerous developments along Smith Street, including the development which is directly in front of the above site at No. 34 Smith Street and other properties within close proximity, being three-storeys and more. The above development proposes three storeys for the second, third and fourth unit. The first unit facing Smith Street is a two storey development. The variation for the third storey is supported, as it is considered to blend in with the current height, bulk and scale of buildings in the vicinity.

The R Codes permit two storey developments with pitched roofs to have a maximum roof height of 9.0 metres. From the plans submitted, it is evident that the applicant seeks a roof height of 9.54 metres based from the natural ground level for the three storey dwellings. The R Codes also state that the maximum wall heights for two storey developments is to be 6 metres, and 7 metres for concealed roofs. The proposed wall heights is 7.2 metres and 8.6 metres respectively for the two storey and three storey dwellings. As the three-storey dwellings are considered acceptable and being recommended to be supported in the context of this area, the walls height are also considered acceptable.

It is noted that the height requirements for a three-storey development in the R Codes is 9 metres for the walls and 12 metres for the overall height of the building for pitch roofs.

Building and Health Services

Building Services have advised that the proposal will require to comply with the fire separation requirements of the Building Code of Australia.

Health Services have advised that the laundries need to be provided with self closing doors or the equivalent.

It is noted that the applicant has agreed to comply with the privacy requirements of the R Codes in terms of screening and on this basis, the setback variations are supported. The height of three storeys are also supported on the basis that the development would be compatible with the scale, bulk and height of surrounding buildings, some of which are higher than three-storeys. It is however considered that the proposal will generally have an adverse impact on the amenity of the area, in terms of reduction in the provision of carparking bays on-site and private open space. It is therefore recommended that the application be refused.

10.1.12 No. 190 (Lots 5 & 6) Scarborough Beach Road, Corner Matlock Street, Mount Hawthorn-Proposed Demolition of Existing Vehicle Sales Premises Buildings and Construction of a Four (4)-Storey Mixed Use Development Comprising One (1) Showroom, Five (5) Shops, Offices on First Floor, Ten (10) Multiple Dwellings, Undercroft Carparking and Stores

| | | | |
|------------------------------|---------------------------|--------------------|------------------------|
| Ward: | North | Date: | 1 September 2003 |
| Precinct: | Mount Hawthorn Centre, P2 | File Ref: | PRO0446; 00/33/1796 |
| Attachments: | 001 | | |
| Reporting Officer(s): | R Rasiah | | |
| Checked/Endorsed by: | D Abel, R Boardman | Amended by: | - |

OFFICER RECOMMENDATION:

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by H Betlehem on behalf of the owner Secure West Investments Pty Ltd, for proposed demolition of existing vehicle sales premises buildings and construction of a four (4)-storey mixed use development comprising one (1) showroom, five (5) shops, offices on first floor, ten (10) multiple dwellings, undercroft carparking and stores at No. 190 (Lots 5 and 6) Scarborough Beach Road, corner Matlock Street , Mount Hawthorn, and as shown on plans stamp dated 20 August 2003 (site, basement, second floor, third floor and roof plans, and elevations) and 2 September 2003 (first floor plan and overshadowing diagram), 3 September 2003 (ground floor plan and ramp section), subject to:*
- (a) *compliance with all relevant Environmental Health, Engineering and Building requirements, including access, carparking and facilities for people with disabilities;*
 - (b) *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);*
 - (c) *prior to the issue of a Building Licence, designs for art work(s) valued at a minimum of 1 per cent of the estimated total cost of the development \$32,500 shall be submitted to and approved by the Town. The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development and Administrative Services with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

- (d) 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;*
- (e) subject to first obtaining the consent of the owners of No. 194A (Lot 9) Scarborough Beach Road for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 194A (Lot 9) Scarborough Beach Road description of adjoining land in a good and clean condition;*
- (f) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (g) prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town;*
- (h) 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;*
- (i) 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";*
- (j) prior to the first occupation of the development, four (4) class- one or two and two (2) class- three bicycle parking facilities, shall be provided at a location convenient to the entrance and within the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (k) 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;*
- (l) 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;*
- (m) prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property that the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities. This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;*

- (n) *the residential component of the development shall be adequately sound insulated prior to the first occupation of the development. The necessary sound insulation shall be in accordance with the recommendations, developed in consultation with the Town, of an acoustic consultant registered to conduct noise surveys and assessments in accordance with the Environmental Protection Act 1986. The sound insulation recommendations shall be submitted and approved prior to the issue of a Building Licence. The engagement of and the implementation of the recommendations of this acoustic consultant are to be at the applicant's/owner(s)' costs;*
- (o) *doors and windows and adjacent floor areas fronting Scarborough Beach Road and Matlock Street shall maintain an active and interactive relationship with these streets;*
- (p) *prior to the first occupation of the development, the car parking spaces provided for the residential component of the development, including two (2) visitors bays, shall be clearly marked and signposted for the exclusive use of the residents of the development and shall not be in tandem arrangement unless they service the same residential unit/dwelling;*
- (q) *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;*
- (r) *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;*
- (s) *a road and verge security deposit bond and/or bank guarantee of \$7600 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;*
- (t) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (u) *all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath levels;*
- (v) *a standard visual truncations, in accordance with the Town's Policies and to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*

- (w) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the northern elevation of the balconies for units 8, 9, 17 and 18 on first and second floor levels, within 7.5 metres of the northern side boundary, shall be screened with a permanent obscure material and be non-openable to a minimum height of 1.6 metres above the respective finished balcony floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*
- (x) *prior to the issue of a Building Licence, the written approval of the Minister for Lands and/or the 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;*
- (y) *details of all street trees adjacent to the subject property shall be submitted with the Building Licence application;*
- (z) *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;*
- (aa) *prior to the first occupation of the development, the applicant/owner(s) shall, in at least 12-point size writing, advise (prospective) purchasers of the residential units/dwellings that:*

"the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/dwellings. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development";
- (ab) *prior to the issue of a Building Licence, a Construction Staging Plan shall be submitted to and approved by the Town, indicating the staging of the development and all major construction works associated with each stage, with particular reference to the planning conditions that are required to be complied with 'prior to the first occupation of the development;*
- (ac) *prior to the issue of the Building Licence or first occupation of the development, whichever occurs first, the applicant/owner shall pay a cash-in-lieu contribution of \$3550 for shortfall of 1.42 carbays based on the cost of \$2500 per bay as set out in the Town's 2003/2004 Budget. Alternatively, if the carparking shortfall is reduced as a result of a greater number of carbays being provided or the carparking requirements have decreased as a result of the change in floor area use, the cash in lieu amount can be reduced to reflect the new changes in carparking requirements;*
- (ad) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) *provision of an open pedestrian safety fence at the corner of Scarborough Beach Road and Matlock Street;*
 - (b) *the corner component of the development incorporating design elements to define and accentuate the corner and create a landmark feature without increasing the height or plot ratio of the development;*

- (c) *a traffic mirror being located near the base of the ramp; and*
- (d) *the minimum "head" height at vehicle entrance to basement carpark being 2.3 metres without signage/warnings and 2.1 metres with signage/warnings.*

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

(ae) *the maximum floor space for the uses shall be limited as follows:*

- *showroom - 115 square metres of gross floor area;*
- *shops – 394 square metres of gross floor area; and*
- *offices - 624 square metres of gross floor area;*

unless adequate carparking is provided for the changes in floor area use or floor space area;

to the satisfaction of the Chief Executive Officer; and

- (ii) *the Council advise the applicant/owner that the fee payable for the above development be based at a rate of 50 percent of the scheduled development application fees for the estimated development cost of \$3.25 million, which is \$2937.50, and this fee shall be paid prior to the issue of a Building Licence for the development.*

COUNCIL DECISION ITEM 10.1.12

Moved Cr Lake, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

LOST (2-5)

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

(Crs Franchina and Torre were an apology for the meeting.)

Reasons:

1. **Development is not consistent with the orderly and proper planning and the preservation of amenities within the locality.**
2. **In consideration of the objections received.**
3. **Non compliance with the privacy requirements of the Residential Design Codes, the height requirements of the Town's Policy relating to the Commercial area of the Mount Hawthorn Centre Precinct, and the carparking requirements of the Town's Policy relating to parking and access.**
4. **The bulk and scale of the proposed development.**
5. **Close proximity to a school.**
6. **Impact on traffic.**
7. **Is considered a four-storey development in a maximum three-storey area.**
8. **High proportion of the development that is commercial rather than residential.**

COUNCIL DECISION ITEM 10.1.12

Moved Cr Chester, Seconded Cr Lake

That the Council advise the applicant/owner that the fee payable for the above development be based at a rate of 50 percent of the scheduled development application fees for the estimated development cost of \$3.25 million, which is \$2937.50, and this fee shall be paid prior to the issue of a Building Licence for the development.

CARRIED (7-0)

(Crs Franchina and Torre were an apology for the meeting.)

LANDOWNER: Secure West Investments Pty Ltd
APPLICANT: H Betlehem
ZONING: Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Commercial
EXISTING LAND USE: Vehicle Sales Premises

COMPLIANCE:

| Requirements | Required | Proposed |
|--|--|---|
| Town's Policy relating to the Mount Hawthorn Centre Precinct-Building Height | Maximum height, three storeys, including loft can be considered, provided that the amenity of the adjacent residential area is protected in terms of privacy bulk and scale. | Proposed development is up to four (4) storeys high. A portion of the fourth storey is up to 13.5 metres in height. |
| Privacy-Balconies | Screened balconies or 7.5 metres from the adjoining lot boundary. | Balconies to units 8, 9, 17 and 18 are setback 6.79 metres from the north boundary and are not screened. |

| | |
|--------------------|---|
| Use Class | Showroom, office building, shop and multiple dwelling |
| Use Classification | P, P,P and AA |
| Lot Area | 1311 square metres for 2 lots. |

SITE HISTORY:

The adjacent lots to the above property along Scarborough Beach Road are also zoned commercial with the lots to the north being residential zoned lots. The existing building on the site, which is a vehicle sales premise has ceased operating.

- 8 July 2003: At its Ordinary Meeting, the Council refused a proposal for the demolition of the existing vehicle sales premises building, and the construction of a four-storey mixed use development comprising one showroom, one eating house, four shops, six offices, twelve multiple dwellings and undercroft carparking for the following reasons:
- “1. *Development is not consistent with the orderly and proper planning and the preservation of amenities within the locality.*
 2. *In consideration of the objections received.*

3. *Non compliance with the privacy requirements of the Residential Design Codes, the height requirements of the Town's Policy relating to the Commercial area of the Mount Hawthorn Centre Precinct, and the carparking requirements of the Town's Policy relating to parking and access.*
4. *The bulk and scale of the proposed development.*
5. *Close proximity to a school.*
6. *Impact on traffic”.*

DETAILS:

The applicant seeks approval for the demolition of existing vehicle sales premises building and construction of a four (4)-storey mixed use development comprising one (1) showroom (115 square metres), five (5) shops (394 square metres), offices (624 square metres), ten (10)-multiple dwellings, a basement carpark and stores.

In the previous proposal, one (1) eating house (120 square metres), shops (289 square metres), offices (400 square metres) with the first floor being a combination of retails and offices were proposed, as compared to the current proposal as detailed above.

The information provided by the applicant in support of the proposal which was included in the previous submission considered by Council is still pertinent to this proposal and has been included as a verbatim from the previous report to the Ordinary Meeting of Council held on 8 July 2003.

- *“The proposal is to cater for increased demand for mixed use development within inner city areas and sits well within the Mount Hawthorn streetscape.*
- *The proposal is a 4 storey building at the corner of Scarborough Beach Road and Matlock Street. The proposal is a contemporary design devised to add colour and vibrancy to the streetscape. All apartments having access to the north and south light. Care has been taken to reduce the overall scale and bulk of the building by introduction of human scale and natural elements such as stone and timber.*
- *Carparking is provided at ground level and also at the basement level.*
- *The ground floor and first floor is for commercial tenancies with the remaining floors being used for residential tenancies.*
- *Cypress pines are proposed along the northern boundary to address the overlooking concerns into the adjoining residential property.*
- *An architectural emphasis at the corner has been created with the use of vertical timber screens that span the full height of the building”.*

The architects have submitted a letter dated 1st September 2003 relating to energy efficiency which is attached.

CONSULTATION/ADVERTISING:

In accordance with the Town's Community Consultation Policy, no additional advertising was carried out with this proposal as the variations requested is not greater than that requested in the previous application considered by the Council on 8 July 2003, where two submissions were received.

The concerns raised to the previous proposal when advertised in May/June 2003 has been included as verbatim in this report.

- *“Balconies proposed would be directly overlooking into adjoining lot, which is in the process of being developed with a two storey addition to the existing single house.*

- *Development is of a grand scale and would be an imposing structure within a residential streetscape and may impinge on the adjoining residential lot.*
- *Would like a dilapidation report to be prepared by the applicants/owners prior to commencement of construction to ensure adjoining property is not affected during construction works.*
- *Landscaping shown on submitted plans are considered insufficient to aid privacy.*
- *Locality statement states that development can be two storey including loft and that three storey may be considered.*
- *The proposal does not comply with the locality statement in terms of height. The building on the opposite side is three storey and presents an enormous impact on precinct.*
- *Privacy of adjoining neighbours would be severely compromised due to height and windows at inappropriate locations.*
- *With an R60 density, only 7 dwellings are permitted with a plot ratio of 0.70. The proposal exceeds the above figures.*
- *The proposal would result in the transfer of traffic to Matlock Street thereby increasing danger to children attending Mt Hawthorn Primary School.*
- *The site is a redevelopment site and should be developed in accordance with the requirements of the Town of Vincent Town Planning Scheme and the Residential Design Codes.*
- *A major development such as proposed should have been advertised to a wider community”.*

On 14 August 2003, the applicant and architect held a Briefing Session for the Town's Elected Members and Officers regarding the current proposal being considered in the Agenda. The Town has also written to the applicant at the request of an Elected Member to ensure energy efficiency requirements under the Building Code of Australia were addressed prior to the submission of the development application. The applicant was further advised that if the corner tenancy were to be changed at a latter date to an eating house(café/restaurant), the change in use will require to comply with the carparking standards for that use.

FINANCIAL/ BUDGET IMPLICATIONS:

Nil.

STRATEGIC IMPLICATIONS:

Nil.

LEGAL/POLICY:

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

COMMENTS:

The site falls within the Mount Hawthorn Centre. The Policy relating to the Mount Hawthorn Centre states that all development in the area should take into consideration the scale of surrounding buildings and be of a similar scale to majority of adjacent buildings.

Where mixed use developments are proposed on the same site, they should be compatible so as to function without undue interference from one another so that the amenity of all uses is safeguarded. The Policy statement also states that the Town further encourages the development of residential uses in non-residential areas, which are close to services and attractions and generate after hours activity.

Residential Car Parking Requirements

Car parking requirements for the residential component of the development have been calculated using the requirement for multiple dwellings from the Residential Design Codes (R Codes). The residential component requires 18 carbays, inclusive of 2 visitor carbays. It is considered appropriate that a minimum of 2 visitors carbays are made available for visitors use, which are to be marked and sign posted on-site accordingly even though there would be the potential availability of after hours additional carbays set aside for the commercial tenancies. It is to be noted that the balconies for the units have not been taken into account for carparking calculation purposes, even though they are closed on three sides as opposed to two sides.

A total of 41 carbays have been provided for the entire development, therefore resulting in 23 carbays available for the commercial component.

Commercial Car Parking Requirements

| Requirements as per Parking and Access Policy | Required No. of Carbays |
|---|---------------------------|
| Showroom: 3 carbay for the first 200 square metres (proposed 115 square metres). | 3 car bays |
| Retail: 1 carbay per 15 square metres of gross floor area (proposed 394 square metres). | 26.27 carbays |
| Office: 1 carbay per 50 square metres gross floor area (proposed 624 square metres). | 12.48 carbays |
| Total carparking required before adjustment factor (nearest whole number) | 42 carbays |
| Apply the parking adjustment factors. <ul style="list-style-type: none"> ▪ 0.80 (mix of uses with greater than 45 percent of the gross floor area is residential) ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.90 (within 400 metres of one or more public car parks in excess of 50 spaces) ▪ 0.95 (parking facilities for bicycle users)* | (0.5814) 24.42 carbays |
| Carparking provided on site for commercial component | 23 carbays |
| Resultant shortfall | 1.42 carbays |

*This adjustment factor reflects condition (j) in terms of the provision of bicycle parking facilities.

Cash-in-lieu of carparking is to be considered where non-residential uses have a shortfall in carparking as required by the Town. The applicant is prepared to pay cash in lieu for the 1.42 carbays shortfall. In this instance, the cash in lieu payment is considered acceptable.

Bicycle Parking Facilities:

| Requirements | Required | Provided |
|---|-------------|-----------------------------------|
| Office 1 per 200 (proposed 624) square metres public area for employees (class 1 or 2). | 3.12 spaces | No bicycle parking shown on plans |
| 1 space per 750 square metres over 1000 square metres for visitors. | N/A | |
| Retail 1 per 300(proposed 394) square metres for employees (class 1 or 2). | 1.31 spaces | |
| 1 per 200 (proposed 394) square metres for visitors (Class 3) | 1.97 spaces | |

The Town's Parking and Access Policy requires the provision of bicycle parking facilities for relevant commercial uses. The proposed commercial component of the development requires the provision of four (4) class 1 or 2 and two (2) class 3 bicycle parking facilities, rounded to the nearest whole number. As such, an appropriate condition should be applied accordingly.

No end of trip facilities is required pursuant to the Town's Policy relating to Parking and Access.

Height

The Town's Policy relating to the Mount Hawthorn Centre - Building Height permits a maximum height of three-storeys, including a loft. In this instance, a four-storey development is considered acceptable in the context of the height, scale and nature of surrounding commercial buildings.

The proposed highest point is 13.3 metres on the southern, 15.5 metres on the eastern and 10.3 metres on the western elevations. The part of the building facing the north, which abuts a residential property, is 10.3 metres in height and is setback 6.79 metres to the lot boundary.

The fourth-storey elevation facing Matlock Street has been brought inwards by approximately 3.1 metres towards the lot with a proposed balcony wrapping round unit 19. A person standing at the Matlock Street pedestrian level when viewing the building from this elevation would see a three-storey building, rather than a four-storey building.

Privacy

In the previous application, objection was raised in terms of potential overlooking from balcony openings on the first and second floors on the northern elevation, which are closer than 7.5metres, as the plans submitted indicated no screening. To overcome the potential overlooking aspect, which is still evident in the current proposal, it is recommended that the balcony openings within 7.5metres of the northern boundary be all screened to a height of 1.6 metres from the balcony floor level with fixed obscured glass or other similar material to the satisfaction of the Town, so as to comply with the privacy requirements of the Residential Design Codes. All other major openings have the necessary setback in terms of privacy with respect to the requirements of the Residential Design Codes.

Plot Ratio

There are no specific plot ratio requirements for mixed use development under the Town of Vincent Town Planning Scheme No.1 for the subject commercial zoned land. Plot ratio requirements are only applicable if the development, is a complete residential development. Under the R60 applying to the site for residential development, the plot ratio is 0.70.

The total plot ratio proposed for the development is 1.44, which excludes the ground floor commercial area.

Density

The residential density applying to the site, if developed for solely residential purposes, and the area is R60. The above site is zoned Commercial. The Town may allow variations where acceptable levels of residential amenity can be maintained, especially in Commercial zoned land. In a mixed use developments, the Town in the past has considered development at a higher density provided that the whole project fits in with the surrounding development and the likely overall benefits to be achieved with such mixed use developments. In such situations, bulk and scale are also considered as part of the assessment criteria. The proposed development is four-storeys along the Scarborough Beach Road frontage and is stepped down towards the rear residential lots on the north side and towards the eastern side facing Matlock Street.

Overshadowing

The proposal complies with the solar access requirements as indicated in the Residential Design Codes, with most of the shadowing over Scarborough Beach Road, as the lot is orientated in a north-south alignment.

Traffic and Access

The updated advise on traffic and access due to the reduction in number of residential units and floor space changes proposed is as follows:

The Town's Technical Services have advised that the number of vehicle movements for each residential unit being estimated to be between 6 to 8 vehicles per day with an average of approximately 5 vehicle movements per day for commercial units. This equates to an estimated increase of between 115 to 135 vehicle movements per day. This would increase the average daily volume along Matlock Street between Dover Street and Scarborough Beach Road from 629 to between 744 and 764 vehicles per day.

It is considered that vehicles will be travelling in three directions from Matlock Street, which are as follows:

- East onto Scarborough Beach Road;
- West along Dover Street; and
- North along Matlock Street.

Based on the scenario that a third of the traffic produced by the proposed development will be carried by each of these routes, then the daily increase will be between 38 and 45 vehicle movements for each route.

- The average daily traffic volume for Dover Street is 519 vehicles, an increase of 45 vehicles or a 8.7 per cent increase, which will result in 564 average daily traffic movements.
- The average daily traffic volume for Matlock Street between Dover Street and Woodstock Street is 926 vehicles, an increase of 45 vehicles or a 4.9 per cent increase, which will result in 971 average daily traffic movements.

Dover and Matlock Streets are classified as access roads in accordance with the Metropolitan Regional Functional Road Hierarchy and, in accordance with the access road criteria, an access road should not carry more than 3000 vehicles per day.

Based on the above, the estimated increase in traffic volume from the above development in both Matlock and Dover Streets is not considered excessive with the overall volumes being well below the access road criteria.

In addition, the recent black spot improvements at the Matlock Street/Scarborough Beach Road intersection have resulted in a decrease in permitted traffic movements at this intersection, resulting in an improvement in safety and reduction in traffic volume in the lower end of Matlock Street.

In addition, funds have been allocated in the 2003/2004 Budget for traffic management improvements in Matlock Street between Woodstock and Killarney Streets in the vicinity of the Mount Hawthorn Primary School. This proposal will be discussed by the Local Area Traffic Management Advisory Group before the matter is determined by the Council.

Trees

The Town's Parks Services has advised that the street tree at the north-east corner, where the proposed crossover is proposed to be located, can be removed. All cost associated with this work is to be borne by the applicant/owner.

Dilapidation Report

The comments raised in the previous 8 July 2003 Agenda Report, in relation to the preparation of a "*dilapidation report*" raised by the adjoining landowner in their submission, is a civil matter that needs to be dealt with by both the affected landowners. The architect has been previously advised of this matter by the Town's Officers.

Bin Storage

The Town's Health Services have advised that it is satisfied with the location of the residential and commercial bin storage area as shown on the submitted plans.

Demolition

The buildings at the above site are not listed on the Town of Vincent's Municipal Heritage Inventory, and as such, demolition is supported to accommodate the above proposal.

Energy Efficiency

The Town's Building Services have advised that the energy efficiency requirements of the Building Code of Australia. (BCA) apply to Class 1 Buildings, such as single houses. The above development is a Class 2 Building and as such the provisions of the BCA relating to energy efficiency are not applicable to the above development.

Notwithstanding the above, the applicants architect in letter dated 1 September 2003 advised as follows:

"At building licence stage a thorough assessment will be undertaken but listing the main requirements of the energy efficiency assessment below, we note there should be no significant changes required.

| | |
|-------------------------|--|
| <i>Roof insulation</i> | <i>Will meet R2.7 requirement</i> |
| <i>Wall insulation</i> | <i>Not required in double brick, but where other walls are used insulation will meet R1.4 requirement.</i> |
| <i>Floor insulation</i> | <i>Not required.</i> |
| <i>Air Movement</i> | <i>Minimum Total ventilation opening 5%</i> |
| <i>Glazing</i> | <i>Typically windows are to be standard glazing with shading in the form of timber screens, canopies or canvas awnings where appropriate.</i> |
| <i>Roof Lighting</i> | <i>Not applicable.</i> |
| <i>Building Sealing</i> | <i>Air conditioning is to be provided to all units, building sealing will be applied as per BCA requirements as design development is finalised.</i> |
| <i>Services</i> | <i>Refrigerated cooking is to be located externally hidden behind parapet walls. It will meet the R1.0 requirement."</i> |

Landmark Features

The corner component of this proposal should incorporate design features to define and accentuate the corner to create a landmark feature, without increasing the height and plot ratio of the development.

Fees Payable

The applicant has not as yet paid the planning application fees for the above development. The current schedule planning application fees payable for the above development based on the development cost of \$3.25 million is \$5,875. The applicant has requested that minimal fees be paid. The applicant was advised by the Executive Manager Environmental and Development Services that a reduced fee, of 50 percent which is \$2937.50 could be considered in accordance with the Town's adopted Schedule of Fees and Charges, and that it be paid prior to issue of the Building Licence for the above development. The applicant is seeking a further reduction.

Commensurate with the additional work involved in assessing two sets of amended plans, it is recommended that the fee reduction by 50 per cent to \$ 2937.50 be paid prior to issue of Building Licence, and a Council resolution to this effect is recommended.

Summary

The proposal is supported as is not considered to unreasonably affect the amenity of the adjacent or surrounding properties. The proposed four (4)-storey building is indicative of the continuing changing streetscape in the area and further indicates investor confidence within the Town. It is therefore recommended that the proposal be approved, subject to standard and appropriate conditions to address the above matters and the nature of a mixed use development.

10.1.17 No. 348 (Lot 32) Lord Street, Highgate – Proposed Two (2) Two-Storey Multiple Dwellings and One (1) Two-Storey Single Bedroom Multiple Dwelling with Basement Carparking and Stores

| | | | |
|------------------------------|---------------------|--------------------|-------------------------|
| Ward: | South | Date: | 2 September 2003 |
| Precinct: | Banks, P15 | File Ref: | PRO 2267; 00/33/1588 |
| Attachments: | 001 | | |
| Reporting Officer(s): | R. Rasiah | | |
| Checked/Endorsed by: | D Abel, R Boardman | Amended by: | - |

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by the applicant Team Architects Australia Pty Ltd on behalf of the owners M and E Kemeny for the proposed two (2) two-storey multiple dwellings and one (1) two-storey single bedroom multiple dwelling, with basement carparking and stores at No. 348 (Lot 32) Lord Street, Highgate, and as shown on plans stamp-dated 27 June 2003, for the following reasons:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) non-compliance with the building height, boundary setbacks, store, access and car parking and single bedroom dwelling plot ratio requirements of the Residential Design Codes;*
- (iii) multiple dwellings are not permitted in the Banks Precinct; and*
- (iv) in consideration of the objections received.*

COUNCIL DECISION ITEM 10.1.17

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

Moved Cr Ker, Seconded Cr Chester

That this Item "LIE ON THE TABLE" for further investigation concerning the classification of multiple dwellings and whether these are permitted in the Banks Precinct.

CARRIED (7-0)

(Crs Franchina and Torre were an apology for the meeting.)

FURTHER REPORT:

Plot Ratio

Under the acceptable development criteria of the Residential Design Codes (R Codes), the maximum plot ratio is 60 square metres. The plot ratio proposed for the single bedroom dwelling is 72 square metres. The Town in the past has consistently applied this 60 square metres requirement, and it is considered that there is no valid justification why this should be increased to accommodate this development.

Windows on Wall Facing Side Boundaries

There is only one window on the wall facing the south-west side boundary. This is however a stairway window. As this window is not an opening to a habitable room/or a major opening, the window has no implications in terms of privacy or the need for greater setback than normally required.

Stores

The R Codes require the minimum dimension for a store to be 1.5 metres. The justification by the applicant that *"the location and access to the stores is considered practical, and therefore the variation in the WIDTH (or Minimum Dimension) of the store is requested"* is considered not a valid justification as the site is a vacant lot and the above store requirement could be achieved.

Height

The additional height of 7.2 metres, in lieu of 6 metres, is considered unacceptable, and would contribute to the overall bulk and scale of the proposal as stated in the report. The amount of additional height proposed is not considered necessary.

Garage Width

It is acknowledged that the entire internal width of the garage is in compliance; however, the Town's Engineering Services have advised that the width of proposed garage 3 between the piers is required to be 2.4 metres in lieu of 2.32 metres. It is considered that there is opportunity to alter the design to accommodate this minor variation.

Executive Manager Environmental and Development Services Comments:

The subject property is located within the Banks Precinct. As stated in the previous Agenda report, the dwellings are vertically above part of another dwelling; therefore they are classified as multiple dwellings, which are not permitted in the Banks Precinct.

The Town previously received legal advice from its solicitors, Minter Ellison, on a similar matter in the Hyde Park Precinct where multiple dwellings are also not permitted in that precinct. In correspondence dated 15 February 2002, Minter Ellison states the following:

"...any development application for multiple dwellings ... would not fall within the scope of clause 40(1)(a) and would not be a 'non-complying application' for those purposes...as it involves a prohibited use...In our view, the Town would need to effect a scheme amendment to facilitate the development of multiple dwellings on the ...land"

The contents of the above correspondence dated 15 February 2002 from Minter Ellison also applies to the Banks Precinct and the subject property.

LANDOWNER: M & E Kemeny
APPLICANT: Team Architects Australia Pty Ltd
ZONING: Metropolitan Region Scheme - Urban
Town Planning Scheme No. 1 – Residential R60
EXISTING LAND USE: Vacant Land

COMPLIANCE:

| | |
|--------------------|---------------------------------|
| Use Class | Multiple dwelling |
| Use Classification | Not Permitted in Banks Precinct |
| Lot Area | 556 square metres |

| Requirements | Required | Proposed |
|--|------------------|---------------------|
| Ground floor setbacks | | |
| Side (north)-stairs | 1.5 metres | Nil to 3.525 metres |
| -garage | 1.5 metres | Nil |
| -lounge | 1.5 metres | 1.0 metre |
| Side (south)-stairs | 1.5 metres | Nil to 1.0 metre |
| -garage | 1.5 metres | Nil |
| -lounge | 1.5 metres | 1.0 metre |
| Lower floor setbacks | | |
| Side (north)-garage | 1.5 metres | Nil |
| Upper floor setbacks | | |
| - Side (north) | 2.3 metres | Nil to 1.0 metre |
| - Side (south) | 2.0 metres | Nil to 1.0 metre |
| Height - wall | 6 metres | 7.2 metres |
| Plot ratio for single bedroom dwelling | 60 square metres | 72 square metres |
| Length of store | 1.5 metres | 1.0 metre |

SITE HISTORY:

The site is currently a vacant lot.

DETAILS:

The applicant proposes two (2) two-storey multiple dwellings and one (1) two-storey single bedroom dwelling, with basement carparking and stores. The lots front onto Lord Street, with vehicular access being proposed via an unsealed 4 metres wide , Town-owned rear right of way (ROW).

CONSULTATION/ADVERTISING:

The proposal was referred to the Western Australian Planning Commission (WAPC) with respect to the road widening requirement along Lord Street, which affects the above site. The road widening requirement along the frontage of the above site is five (5) metres wide. The WAPC has not objected to the proposal, as it complies with the 5 metres road widening requirements and notes that it would affect part of the front courtyard for the single bedroom unit.

The proposal was advertised in accordance with the Town's Community Consultation Policy and the Residential Design Codes. At the end of the 14 days advertising period, two submissions objecting to the proposal were received. The issues raised are summarised as follows:

- The proposed setback variations would have an adverse impact on the lifestyle of adjoining owners with the feeling of being boxed as a result of the development.
- Height of wall at 7.2 metres is far too high.
- Length of store should be 1.5 metres in length.
- Boundary fence is far too high and long. Minimum height of wall should be 1.8 metres, if the boundary fence is to be removed.
- Paving of ROW should start from Marlborough Street to the rear of the development site.

In support of the application, the applicant has provided a detailed submission, which has been summarised as follows and also attached to this report:

- Site is quite narrow with a 12.19 metres frontage and due to the narrowness, it is essential to build to the boundaries. There are no windows on the walls on the boundaries.
- Proposed carparking dimensions are considered adequate.
- The areas for the stores comply with the 4 square metres requirements. The location and access to the stores is considered practical, and therefore the variation to the length of the store is requested.
- The single bedroom dwelling (studio unit) is to provide limited accommodation for one or two persons and complies with the acceptable development requirements of the R Codes including the provision of a high level of accommodation.
- Great care has been taken not to overshadow adjoining properties. No views are obstructed. The variation to the wall height requirement of 6.92 on the north and 6.8 metres on the south, in lieu of 6 metres, is considered minor and of no practical significance to anyone. The height of the walls on the boundary would vary from the adjoining lots due to the slope on the adjoining lots. It is to be noted that the pertinent walls are located 3.525 metres from the common side boundaries. The objection to these wall are considered not valid.
- The applicant is aware that the paving of the ROW at the rear to the property would be imposed by the Town by way of a condition.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Multiple dwellings

As the dwellings are vertically above part of another dwelling, they are classified as multiple dwellings, which are not permitted in the Banks Precinct. In light of the general design and intent of the proposal, it has been assessed under the grouped dwellings standards, which are more stringent when compared with the multiple dwellings requirements.

Lower floor northern side setback

The Residential Design Codes (R-Codes) require a setback of 1.5 metres from the side boundary, whereas the applicant proposes a nil setback. Most of this section of the wall is below ground and the setback variation is acceptable, as it will not unduly affect the amenity of the adjoining lot.

Ground floor northern side setback

The R Codes require this wall to be setback 1.5 metres from the boundary, whereas the applicant proposes a setback of between nil to 3.525 metres in distance. The setback variation is considered minor and will not unduly affect the amenity of the adjoining lot, being the ground floor.

Upper floor northern side setback

The R Codes require a 2.3 metres setback for this elevation and the applicant proposes a setback of between nil to 1.0 metre. It is considered that the upper level will have an undue impact on the affected neighbour with respect to a reduction in amenity.

The length of the wall taken to calculate setbacks is 16.4 metres. The applicant has an opportunity to redesign the dwellings to comply with the R-Codes, being a vacant site at present.

Ground floor southern side setback

The applicant proposes a reduced setback to this boundary of between nil to 1.0 metre in lieu of 1.5 metres from the boundary. The setback variation is considered minor and will not unduly affect the amenity of the adjoining lot being the ground floor.

Upper floor southern side setback

The proposed setback is between nil to 1.0 metre, in lieu of 2.0 metres. It is considered that the upper level will have an undue impact on the affected neighbour with respect to a reduction in amenity. The length of the wall to calculate setbacks is 14 metres. The applicant has an opportunity to redesign the dwellings to comply with the R-Codes.

Plot ratio

The plot ratio proposed for the single bedroom dwelling is 72 square metres in lieu of 60 square metres. The Town in the past has consistently applied this 60 square metres requirement, and it is considered that there is no valid justification why this should be increased to accommodate this development.

Garage Width and ROW

The applicant proposes a combined garage and store area at ground level. The Town's Engineering Services have advised that from the plans submitted, the width of proposed garage 3 is 2.32 metres in lieu of 2.4 metres. The variation is not supported.

The comments raised in relation to the paving of the ROW from Marlborough Street to the rear of the above property is supported, due to the location of the existing bollards.

Stores and laundry

Stores 4 square metres in area with a minimum dimension of 1.5 metres are required to be provided for each dwelling proposed. The site is a vacant lot and the above store requirements should be complied with.

The Town's Health Services have advised that the ground floor laundry requires to be screened from the kitchen by means of bi-fold door or the equivalent.

Overshadowing

The proposal complies with the overshadowing requirements of the R Codes as demonstrated in the attached drawings.

Height

The R Codes also state that the maximum wall height for two storey developments is to be 6 metres. The proposed wall height is 7.2 metres at the highest point. The amount of additional height proposed is not considered necessary. In order to reduce the visual impact of the development to an acceptable level, such that it would not have an undue adverse affect on the amenity of the area, the wall height should be limited to 6.0 metres above the natural ground level in accordance with the R Codes.

Should the applicant/owner consider lodging a new development application for the above site, the design must ensure that buildings are not vertically above part of another dwellings, as defined in the R Codes

It is considered that the proposal will generally have an adverse impact on the amenity of the area, mainly in terms of the building wall height, setbacks, plot ratio and carparking standards. It is therefore recommended that the application be refused for these non-compliances.

Mayor Catania announced that Cr Lake had declared a proximity interest in this item. Cr Lake departed the Chamber at 7.24pm. She did not speak or vote on the item.

10.2.5 Parking Restrictions in the Area Around the Multi Purpose Rectangular Sports Stadium for the 2003/2004 Soccer Season

| | | | |
|------------------------------|--|--------------------|------------------|
| Ward: | South | Date: | 3 September 2003 |
| Precinct: | Beaufort Precinct P 13 | File Ref: | RES0040 |
| Attachments: | 001 | | |
| Reporting Officer(s): | J MacLean, C Wilson | | |
| Checked/Endorsed by: | R Boardman, R Lotznicher, John Giorgi | Amended by: | - |

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on Parking restrictions in the area Around the Multi Purpose Rectangular Sports Stadium for the 2003/2004 Soccer Season;*
- (ii) *APPROVES the 2003-2004 Residential Parking Zone restrictions (as shown in Plan 2206-PP-1 attached to this report), based on the 2002-2003 restrictions, (as shown in Plan "A" attached to this report) subject to the following exclusions:*
 - *Harold Street, Cantle Street, Chapman Street, Marlborough Street, Windsor Street and the north side of Summers Street, between Lord Street and West parade;*
 - *West Parade between Chertsey Street and Summers Street;*
 - *Harold Street, between Beaufort Street and Smith Street;*
 - *Stirling Street, between Harold Street and Broome Street;*
 - *Mary Street, Chatsworth Road and Lincoln Street, between William Street and Beaufort Street;*
 - *St Albans Avenue, between Cavendish Street and Beaufort Street;*
 - *Harley Street and Cavendish Street, between Chatsworth Road and Lincoln Street;*
 - *Knebworth Avenue and Bulwer Avenue, between Lincoln Street and Bulwer Street; and*
 - *Wade Street and Lane Street, between Bulwer Street and Brisbane Street,*
- (iii) *NOTES that a further report will be submitted to the Council in February 2004, once the Residential Parking Zone restrictions in the Multi Purpose Rectangular Sports Stadium area have been monitored by the Town's Rangers, making any appropriate recommendations for changes; and*
- (iv) *advertises the proposed Residential Parking Zone restrictions for a period of twenty one (21) days in accordance with the Town's Consultation Policy and considers any submissions received.*

Moved Cr Ker, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

Moved Cr Doran-Wu, Seconded Cr Chester

That the following amended recommendation be adopted:

That the Council;

- (i) *RECEIVES the report on Parking restrictions in the area around the Multi Purpose Rectangular Sports Stadium for the 2003/2004 Soccer Season; and*
- (iii) *APPROVES the 2003-2004 Residential Parking Zone restrictions (as shown in Plan 2206-PP-1 attached to this report), based on being the same as the 2002-2003 restrictions, (as shown in Plan "A" attached to this report); subject to the following exclusions:*
- ~~*Harold Street, Cattle Street, Chapman Street, Marlborough Street, Windsor Street and the north side of Summers Street, between Lord Street and West parade;*~~
 - ~~*West Parade between Chertsey Street and Summers Street;*~~
 - ~~*Harold Street, between Beaufort Street and Smith Street;*~~
 - ~~*Stirling Street, between Harold Street and Broome Street;*~~
 - ~~*Mary Street, Chatsworth Road and Lincoln Street, between William Street and Beaufort Street;*~~
 - ~~*St Albans Avenue, between Cavendish Street and Beaufort Street;*~~
 - ~~*Harley Street and Cavendish Street, between Chatsworth Road and Lincoln Street;*~~
 - ~~*Knebworth Avenue and Bulwer Avenue, between Lincoln Street and Bulwer Street; and*~~
 - ~~*Wade Street and Lane Street, between Bulwer Street and Brisbane Street;*~~
- (iii) ~~*NOTES that a further report will be submitted to the Council in February 2004, once the Residential Parking Zone restrictions in the Multi Purpose Rectangular Sports Stadium area have been monitored by the Town's Rangers, making any appropriate recommendations for changes; and*~~
- (iv) ~~*advertises the proposed Residential Parking Zone restrictions for a period of twenty one (21) days in accordance with the Town's Consultation Policy and considers any submissions received.*~~

Debate ensued.

AMENDMENT CARRIED (6-0)

(Cr Lake was absent from the Chamber and did not vote. Crs Franchina and Torre were an apology for the meeting.)

Moved Cr Cohen, Seconded Cr Ker

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

- "(iii) *directs that an audit be carried out to determine the level of parking usage in the "Temporary Residential Parking Zone" and adjacent areas, each Saturday, from Saturday 6 December for 6 weeks, covering 3 game weeks and 3 non game weeks, and that a further report be presented to the Ordinary Meeting of Council in February 2004.*"

Debate ensued.

AMENDMENT LOST (0-6)

(Cr Lake was absent from the Chamber and did not vote. Crs Franchina and Torre were an apology for the meeting.)

Moved Cr Chester, Seconded Cr Farrell

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

"(iii) RECEIVES a report no later than December 2003 on the initiatives Perth Glory Soccer Club is pursuing to encourage and promote patrons in the use of public transport;"

Debate ensued.

AMENDMENT CARRIED (6-0)

(Cr Lake was absent from the Chamber and did not vote. Crs Franchina and Torre were an apology for the meeting.)

Moved Cr Cohen, Seconded Cr Ker

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

"(iv) directs that an audit be carried out to determine the level of parking usage in the "Temporary Residential Parking Zone" and adjacent areas, each Saturday, commencing six weeks before the end of the soccer season, (between 4.30pm and 7.30pm), on three occasions when home games are scheduled to be played at the stadium and three weeks when non home games are scheduled."

AMENDMENT CARRIED (6-0)

(Cr Lake was absent from the Chamber and did not vote. Crs Franchina and Torre were an apology for the meeting.)

MOTION AS AMENDED CARRIED (6-0)

(Cr Lake was absent from the Chamber and did not vote. Crs Franchina and Torre were an apology for the meeting.)

COUNCIL DECISION ITEM 10.2.5

That the Council;

- (i) RECEIVES the report on Parking restrictions in the area around the Multi Purpose Rectangular Sports Stadium for the 2003/2004 Soccer Season;*
- (ii) APPROVES the 2003-2004 Residential Parking Zone restrictions being the same as the 2002-2003 restrictions, (as shown in Plan "A" attached to this report);*
- (iii) RECEIVES a report no later than December 2003 on the initiatives Perth Glory Soccer Club is pursuing to encourage and promote patrons in the use of public transport; and*
- (iv) DIRECTS that an audit be carried out to determine the level of parking usage in the "Temporary Residential Parking Zone" and adjacent areas, each Saturday, commencing six weeks before the end of the soccer season, (between 4.30pm and 7.30pm), on three occasions when home games are scheduled to be played at the stadium and three weeks when non home games are scheduled.*

BACKGROUND:

National Soccer League games have been played at Perth Oval since 1996 and parking issues have been reported by local residents and businesses. As a result of the comments from residents and business proprietors, in August 2002, the Town undertook a survey of residents in the area bounded by West Parade, Walcott Street, William Street and Parry Street, in an attempt to establish what restrictions would be most appropriate and what area the restrictions should cover.

Approximately 3000 survey forms were delivered to properties within the regulated zone and 297 people responded to the survey. From these responses, the Town developed the current boundaries for the "Residents Only" parking restrictions.

The crowd numbers averaged 9,645 in 1996, peaked in the 1998/99 season at an average of 14,725 and have now stabilised to an average of 11,000 to 12,000, over the 2000/2001, 2001/2002 and 2002/2003 seasons.

DETAILS:

Since 2000, the Town introduced a "Residents Only" parking restriction, during the Perth Glory soccer season. This restriction covered the following areas:

The areas bounded by:

- William Street, Mary Street, Beaufort Street and Bulwer Street;
- Beaufort Street, Harold Street, Lord Street and Bulwer Street;
- Pier Street, Bulwer street, Lord Street and Parry Street; and
- Lord Street, Chertsey Street, West parade and Summers Street.

The following streets:

- Lacey Street, Greenway Street, Baker Avenue, Lane Street and Wade Street,

refer attached plan.

It is suggested that the area covered in previous years, by the residential restrictions, was extended too far and there were many areas where there were very few vehicles. Rangers reported that the area east of Lord Street, from Summers Street to Chapman Street, was free of traffic congestion on almost every game. It is therefore recommended that the "Residents Only" restricted area should be reduced to the Residential Parking Zone restrictions as approved for the 2002-2003 soccer season, subject to the following exclusions:

- Harold Street, Cattle Street, Chapman Street, Marlborough Street, Windsor Street and the north side of Summers Street, between Lord Street and West parade;
- West Parade between Chertsey Street and Summers Street;
- Harold Street, between Beaufort Street and Smith Street;
- Stirling Street, between Harold Street and Broome Street;
- Mary Street, Chatsworth Road and Lincoln Street, between William Street and Beaufort Street;
- St Albans Avenue, between Cavendish Street and Beaufort Street;
- Harley Street and Cavendish Street, between Chatsworth Road and Lincoln Street;
- Knebworth Avenue and Bulwer Avenue, between Lincoln Street and Bulwer Street; and
- Wade Street and Lane Street, between Bulwer Street and Brisbane Street,

as shown on attached plan 2206-PP-1.

The exclusions are shown as hatched lines in the attached plan of the 2002-2003 Residential Parking Zones.

It is acknowledged that there is currently substantial parking congestion reported in the Beaufort Street, Mount Lawley area, but this congestion is predominantly caused by patrons of the Queens Hotel and the surrounding hospitality industry premises.

In view of this, it is considered inappropriate for restrictions, specifically introduced to combat the parking problems associated with Perth Oval usage, to be attributed to Perth Glory patrons.

As part of the Mount Lawley Parking Strategy, which is currently being considered and developed by Technical Services, the issue of parking in residential streets in the Mount Lawley and Highgate areas, is expected to be considered.

At the Ordinary Meeting of Council held on 12 August 2003, along with other parking related matters, the Council approved the introduction of two-hour (2P) parking time restrictions, operating from 8.00am to 8.00pm Monday to Sunday, in the following streets:

- Edward Street - (north side) Pier Street to Lord Street;
- Delawney Street - Lord Street to end;
- Bulwer Street – Brisbane Street to Lord Street;
- Stirling Street - Parry Street to Brisbane Street;
- Smith Street - Bulwer Street to Lincoln Street; and
- Wright Street - Bulwer Street to Lincoln Street.

However, during soccer games, if a vehicle is parked in these streets after 6.00pm, it could remain there till 8.00am the following morning, so it will be necessary to address this by the introduction of the abovementioned further restrictions.

Possible Option:

Given the restrictions necessary for soccer games, it has been suggested that it may be opportune for a further report to be submitted to the Council, assessing whether the new two hour (2P) time restrictions in these streets in very close proximity to the Multi Purpose Rectangular Sports Stadium, would be more effective, if restricted to one hour (1P), operating at all times. It is suggested that this further report should be presented at the Ordinary Meeting of Council to be held on 24 February 2004. The advantages of this strategy would be as follows:

- The restrictions would negate the need to introduce total or partial “Residents Only” zones to the area bounded by Parry, Lord, Lincoln and Stirling Streets
- Signage, closest to the Multi Purpose Rectangular Sports Stadium, would be standard time restrictions, which would be in place at all times and would therefore be less confusing.
- The restrictions, close to the Oval would be in place at all times so, even when Rugby/Lacrosse/Gridiron games, or other functions are scheduled, there would be no need to change the signage stickers to allow for enforcement.
- Residents would still be able to obtain Residential & Visitor’s Parking Permits.
- Rangers would have the discretion to enforce the restrictions only when there is a problem or when they receive a complaint.
- It would also remove any confusion about parking being permitted on one weekend and then prohibited the next.

The Forrest Precinct Group recently suggested that the Town assess the likely requirement for parking spaces, in the various streets, on a Saturday evening and that any excess should be sold/provided to Perth Glory for their patrons.

However, while the suggestion has some merit, it would be extremely difficult to administer and it is suggested that any decision in this matter be deferred, until the other parking issues have been resolved. Some of the difficulties, likely to be encountered are:

- If permits are provided to Perth Glory, unless they have specific locations on them, drivers will park as close to the Oval as they can. This will result in parking facilities in streets closest to the Oval, being filled by the spectators;
- If the permits, provided to Perth Glory, have a specific location on them and, where residents have arranged a large house-party, the guests may fill up the available parking spaces and spectators would not be able to park. These spectators will have an expectation that, since the permitted section is full, they can move to the next available location
- Likely parking availability, will be based on fairly arbitrary assessments and, since there will be more parties/barbecues as the summer progresses, the demand for resident-related parking will increase. What will be acceptable in October/November may not be acceptable in February/March.
- Unless Registration numbers are written on permits, the same permit could be passed from a driver who had not been booked, to a driver who had been booked and there would be no way to check;
- If registration numbers are written on the permits and a Glory Member arranges for a friend to drive to the ground, the registration number may not be the one to which the permits refers.

It is felt that there are numerous situations where the suggestion of permits, for the "extra" parking bays, would be difficult to administer, the above examples being but a few.

LEGAL/POLICY:

There are no legal impediments associated with this proposal and Rangers would enforce the Residential Parking Zones as they have done in previous years.

STRATEGIC IMPLICATIONS:

This proposal is in keeping with the Town's Strategic Plan 2000-2002 Key Result Area 1.2 *"Develop and implement an overall parking strategy for the Town, including the needs of residents, business proprietors and visitors"*, which requires the development of an on-road parking plan. This proposal is also in keeping with the Town's Strategic Plan 2000-2002 Key Result Area 1.5 *"Develop and Implement a plan to manage through traffic and local traffic, and reduce car dependence."*

FINANCIAL/BUDGET IMPLICATIONS:

There will be a need to extensively advertise the proposal over a number of weeks and this will have cost implications. If the above reduced-area proposal is approved, there will be a cost to the Town but, because many of the existing signs can be re-located within the area proposed above, this cost should be low. However, if the Residential Parking Zone is retained at its current level, or if it is increased in size, there will be additional costs, associated with the purchase and erection of new signage.

COMMENTS:

It is believed that the Residential Parking Zone, introduced in 2001 and retained in 2002, may have been too large. By reducing the area to that recommended above, the number of parking problems will not change, but enforcement will become more manageable and the confusion to the public will be reduced.

The above proposals are recommended for approval.

Cr Lake returned to the Chamber at 7.45pm. Mayor Catania advised that Item 10.2.5 was carried with amendments (6-0).

10.1.9 No. 63 (Lot 294) The Boulevarde, Mount Hawthorn – Proposed Partial Demolition and Alterations and Additions, Including Two-Storey Extension, to Existing Single House

| | | | |
|------------------------------|---------------------|--------------------|------------------------|
| Ward: | North | Date: | 1 September 2003 |
| Precinct: | Mount Hawthorn, P1 | File Ref: | PRO2407; 00/33/1696 |
| Attachments: | 001 | | |
| Reporting Officer(s): | S Crawford | | |
| 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 P Fisher on behalf of the owners P and A Fisher for proposed partial demolition and alterations and additions, including two-storey extension, to existing single house, at No. 63 (Lot 294) The Boulevarde, Mount Hawthorn, and as shown on plans stamp-dated 25 June 2003, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the carport being a maximum width of 6.085 metres.*

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

- (iii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (iv) a 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;*
- (v) the construction of crossovers shall be in accordance with the Town's specifications;*
- (vi) 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*
- (vii) street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.9

Moved Cr Farrell, Seconded Cr Chester

That the recommendation be adopted.

Cr Doran-Wu departed the Chamber at 7.45pm.

CARRIED (6-0)

(Cr Doran-Wu was absent from the Chamber and did not vote. Crs Franchina and Torre were an apology for the meeting.)

LANDOWNER: P and A Fisher
APPLICANT: P Fisher
ZONING: Metropolitan Region Scheme - Urban Town Planning Scheme No. 1 - Residential R30
EXISTING LAND USE: Single House
COMPLIANCE:

| Requirements | Required | Proposed |
|--|-----------------|---|
| Setbacks | | |
| Carport – Front | 4.0 metres | Nil |
| - Northern side | 1.0 metre | Nil |
| Upper level northern elevation | 3.8 metres | Minimum 1.64 metres |
| Upper level southern elevation | 2.1 metres | Minimum 1.07 metres |
| Cone of Vision | | |
| Balcony – to northern boundary | 7.5 metres | Minimum 5.0 metres |
| Front bedroom – to southern boundary | 4.5 metres | 3.2 metres (partial screening demonstrated, however requires clarification) |
| Activity room – view from rear to northern boundary | 6.0 metres | 5.5 metres |
| Activity room – view from smaller rear window to southern boundary | 6.0 metres | 4.0 metres |
| Wall height | 6.0 metres | Maximum 6.4 metres |

| | | |
|--------------------|--|---------------|
| Carport Size | Maximum 50 per cent of the width of the frontage at the point of the building line | 53.4 per cent |
| Use Class | Single House | |
| Use Classification | "P" | |
| Lot Size | 473 square metres | |

SITE HISTORY:

The site is occupied by a substantial single storey dwelling.

DETAILS:

The applicant seeks approval for partial demolition of the rear of the dwelling, and alterations and additions, including two-storey extensions, to the existing single house.

CONSULTATION/ADVERTISING:

The proposal was advertised and no submissions were received within this time. The applicant provided a letter of no objection from the neighbours located at Nos. 61, 62 and 65 The Boulevard, Mount Hawthorn, which are the northern and southern neighbours.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Partial Demolition

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

Setbacks

Carport

The Residential Design Codes (R Codes) permits consideration of carports located within the front setback where a carport does not represent more than 50 per cent of the width of the lot at the point of the building line. In this instance, the lot is 12.17 metres wide and the proposed carport is 6.5 metres wide. Thus the carport represents 53.4 per cent of the frontage. As such, the acceptability of the carport can be addressed via a condition of approval to limit its size in order to comply with the R Code requirements.

Similarly, the reduced side setback is considered suitable under the provisions of the R Codes and furthermore, the northern affected neighbour has provided their consent.

Upper Level Northern Elevation

The rear wall element of the upper level (activity room, bedroom, balcony) requires a 3.8 metres setback from the northern boundary and the application achieves a minimum setback of 1.64 metres, which increases to between 2.84 metres to 3.262 metres. The reduced setback affects the northern neighbour only, and this neighbour had provided their consent to the proposal, thereby deeming the setback variations to this elevation as being acceptable.

Upper Level Southern Setback

The R Codes require a 2.1 metres setback for this elevation to the southern boundary, whereas the application seeks a minimum setback of 1.07 metres, which increases to 2.7 metres and then greater. As such, the element of the wall that is at a reduced setback is limited to the southern side bedroom, bathroom and toilet, which has a 7.8 metres wall length.

This front portion of the wall commences 9.22 metres into the block and finishes at 17.02 metres into uniform 39.0 metres long blocks. As such, this wall will affect the front half of the neighbour's property.

The applicant has provided appropriate overshadowing diagrams illustrating compliance with the R Code requirements.

The overshadowing predominantly falls over the roof of the neighbouring dwelling and only affects a very small portion of a side setback area. As the remainder of the upper level wall complies with the setback requirements, consideration of this latter part is not necessary.

On this basis, it is considered that there is very limited effect on the southern neighbour as a result of the reduced setback for a portion of the upper level wall. In addition, this neighbour has provided their consent to the proposal. On this basis, it is considered that the variation can be supported.

Cone of Vision

Balcony and Activity Room - Views to the Northern Boundary

The R Codes require a 7.5 metres setback to boundaries for a balcony and a 6.0 metres setback for non-bedroom habitable rooms (activity room).

In this instance, the application achieves a minimum 5.0 metres setback to the northern boundary from the balcony. The balcony element has the potential to overlook the neighbouring property from its side elevation as well as its front.

The activity room also has the potential to overlook the neighbour from the rear (west facing) windows, as this window is only setback from the boundary by 5.5 metres rather than the required 6.0 metres.

The proposed setbacks represent variations to the R Codes and would generally require the imposition of a screening requirement as a condition of approval. However, in this instance, the neighbour has specifically advised the Town, in writing, that no objection is raised to the proposal. Furthermore, the neighbours that provided a letter of consent were written to again as part of the Town's community consultation process, whereby the variations were identified to them. On this basis, the variations can be accepted.

Front Bedroom and Activity Room – Views to the Southern Boundary

The R Codes require bedroom windows to be setback 4.5 metres from the boundary, and non-bedroom habitable room windows are again required to be 6.0 metres from any boundary.

The applicant seeks the front bedroom window to be 3.2 metres from the southern boundary. The plans actually denote partial screening to this window, which illustrates the applicant's cognisance of the need to avoid undue overlooking to this neighbour, however the screening method requires clarification on the drawings. As the bedroom window is 9.22 metres into the lot, it is well behind the front setback area and as such would generally require screening.

The second window to the activity room (being the smaller window adjacent to the denoted desk) which faces the western boundary, also has the potential to overlook the southern neighbour. This window would require a 6.0 metres setback whereas only a 4.0 metres setback is achieved. A further screening condition would generally be required for this opening also.

As the affected neighbour has provided their written consent to the proposal, screening to these windows is no longer required as a condition of approval.

Wall Height

Two storey construction is permitted a 6.0 metres wall height as per the R Codes. This application seeks a maximum wall height of 6.4 metres.

This increased height results from the existing single level of the residence having 3.5 metres high walls. The upper level achieves a floor to ceiling height of 2.4 metres and a suspended slab thickness of 0.5 metre.

As such, the wall height of the upper storey is only 2.9 metres, which is in accordance with the height requirements. In addition, the overall roof height also complies with the R Code requirements.

This variation by 0.5 metre is not considered to have any undue impact on the neighbours, and there is limited opportunity to reduce the wall height of the upper level to compensate. As such, on this basis, the increased height is considered acceptable.

Carport Size

This aspect was discussed above under the 'Carport Setback' section, and in accordance with these comments the size of the carport should be reduced to comply with the maximum width requirements of the R Codes, via a suitable condition.

It is considered that the proposal will generally have no undue detrimental impact on the streetscape or amenity of the area. Accordingly, the proposal is recommended for approval, subject to standard and appropriate conditions to address the above matters.

10.1.7 No. 33 (Lot 5) Britannia Road, Leederville – Proposed Additional Two Storey Grouped Dwelling to Existing Single House

| | | | |
|------------------------------|---|--------------------|------------------|
| Ward: | North | Date: | 3 September 2003 |
| Precinct: | Leederville, P3 | File Ref: | PRO 1958 |
| Attachments: | 001 (previous plans) 002 (amended plans) | | |
| Reporting Officer(s): | J Barton | | |
| Checked/Endorsed by: | D Abel, R Boardman | Amended by: | - |

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Cross Fishwick and Associates on behalf of the owners M and L Abel for proposed additional two storey grouped dwelling to existing single house at No. 33 (Lot 5) Britannia Road, Leederville, and as shown on the amended plans stamp-dated 1 September 2003, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (iii) a road and verge security deposit bond and/or bank guarantee of \$500 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (iv) the construction of crossovers shall be in accordance with the Town's specifications and the existing dwelling's crossover shall be upgraded to concrete/brick paving construction and all costs shall be borne by the applicant/owner(s) to the satisfaction of Engineering Services;*
- (v) details of all street trees adjacent to the subject property shall be submitted with the Building Licence application;*
- (vi) 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);*
- (vii) subject to first obtaining the consent of the owners of Nos. 31, 35A and 35B Britannia Road for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing the existing dwelling at No. 33, and Nos. 31, 35A and 35B Britannia Road, in a good and clean condition;*
- (viii) a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Britannia Road verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

(ix) *standard visual truncations, in accordance with the Town's Policies and to the satisfaction of the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised; and*

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

(a) *the western facing window to upper level bedroom two; and*

(b) *the northern facing window to upper level bedroom three;*

shall be screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be a major opening as defined in the Residential Design Codes 2002 OR there shall be no gaps between the proposed screen battens;

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.7

Moved Cr Ker, Seconded Cr Cohen

That the recommendation be adopted.

Debate ensued.

Cr Farrell departed the Chamber at 7.46pm.

Debate ensued.

Cr Doran-Wu returned to the Chamber at 7.47pm

CARRIED (4-2)

For
Mayor Catania
Cr Cohen
Cr Doran-Wu
Cr Ker

Against
Cr Chester
Cr Lake

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

LANDOWNER: M and L Abel
APPLICANT: Cross Fishwick and Associates
ZONING: Metropolitan Region Scheme: Urban Town Planning Scheme
No.1: Residential R60
EXISTING LAND USE: Single House

COMPLIANCE:

| | |
|--------------------|-------------------|
| Use Class | Single House |
| Use Classification | "P" |
| Lot Area | 562 square metres |

| Requirement | Required | Previous Plans Refused by Council on 12/6/2003 | Amended Plans |
|------------------------------------|-----------------------|--|--|
| Setbacks | | | |
| Unit 2 - Proposed Dwelling | | | |
| Northern side ground level | 1.0 metre | Nil | Nil (one boundary wall is permitted, as the wall is less than two-thirds the length of the boundary, and under 3 metres average height and 3.5 metres maximum height). |
| Northern side upper level | 1.2 metres | 1.0 metre | 1.0 metre (abuts property owned by the same landowners, thus no impact on neighbours). |
| Southern side upper level | 1.5 metres | 1.2 metres | 1.5 metres (amended to comply with R-Codes) |
| Eastern side ground level | 1 metre to 1.5 metres | Minimum Nil | Minimum Nil (second boundary wall proposed) rest of the wall complies with setback requirements. |
| Eastern side upper level | 3.6 metres | Minimum metres | 1.2 Amended so that there is a 4 metres separation between the walls without major openings, therefore, the required setbacks are 1.2 metres to 1.8 metres, and the proposal complies with these requirements. |
| Western side ground level | 1.0 metre | Minimum Nil | Minimum Nil (third boundary wall) |
| Western side upper level | 3.3 metres | Minimum metres | 1.2 Minimum 1.2 metres (no 3 metres staggering between walls). |
| Cone of Vision Encroachment | | | |
| Bedroom two-southward view | 4.5 metres | 4 metres | Screening depicted on plans, therefore, no cone of vision encroachment, provided there is no gaps between screening battens. |

SITE HISTORY:

The site currently supports a single storey single house.

The Council at its Ordinary Meeting of 28 May 2002 granted conditional approval for alterations, carport addition and additional two-storey grouped dwelling to the existing dwelling, involving partial demolition.

A subsequent application, submitted on 3 February 2003, proposing a two-storey grouped dwelling at the rear, was recommended for approval in a report to the Ordinary Meeting of Council held on 10 June 2003, subject to the proposal complying with the following conditions to address the non compliance issues:

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

- (a) the southern upper level wall being setback in accordance with the Residential Design Codes;*
- (b) the proposed dwelling having a maximum plot ratio of 0.65 in accordance with the Residential Design Codes;*
- (c) each dwelling being provided with a store in accordance with the Residential Design Codes;*
- (d) deletion of the proposed carport to the existing dwelling;*
- (e) the existing dwelling being provided with two (2) uncovered car parking spaces on-site;*
- (f) the existing dwelling complying with the open space requirements of the Residential Design Codes;*
- (g) the existing dwelling being provided with a minimum outdoor living space of 16 square metres with minimum dimensions of 4.0 metres in accordance with the Residential Design Codes; and*
- (h) the eastern facing parapet wall, being for the store and garage, being reduced in height to comply with the provisions of the Residential Design Codes for walls on the boundaries.*

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

However, the Council at its Ordinary Meeting of 10 June 2003 refused the above proposal for the following reasons:

- "1. The extent of non compliance to Residential Design Codes.*
- 2. The extent of redesign proposed to comply to Residential Design Codes.*
- 3. The adverse affect of overshadowing on the neighbouring properties.*
- 4. Consideration of the objections received."*

On 28 July 2003, the applicant lodged an amended application addressing the non-compliance issues from the previous application. The proposal was almost identical to the previous application, however, the points in condition (viii) mentioned above were addressed through the amended plans.

However, the Council at its Ordinary Meeting on 12 August 2003, resolved to refuse the amended proposal for the following reasons:

- "1. The extent of non-compliance with the Residential Design Codes.*
- 2. Impact on the amenity of the southern neighbour's property.*
- 3. The adverse affect of overshadowing on the neighbouring properties".*

Following discussions with the Manager Planning and Building Services, and the Executive Manager Environmental and Development Services, the applicant lodged another amended application on 1 September 2003, addressing the non-compliance issues from the previous application refused by Council.

DETAILS:

The applicant seeks approval to construct an additional two storey grouped dwelling to the rear of the existing residence.

Again, the proposal is almost identical to the previous application, however, the following changes have been made:

- Cedar screening details depicted to the windows of the upper level bedrooms two and three.
- Southern side, upper floor, setbacks brought into compliance with the Residential Design Codes (R-Codes) 1.5 metres setback requirement.
- Eastern side, upper floor, setbacks brought into compliance with the R-Codes setback requirement by increasing the distance between projecting walls to 4 metres.
- The window to bedroom two on the upper floor has been depicted on the western elevation plan, as it was not indicated on the previous elevation plan.
- The overshadowing diagram has been amended to reflect the exact area of overshadowing affecting the southern neighbours.

CONSULTATION/ADVERTISING:

The previous proposal was advertised and written submissions were received from four owners. These submissions were a mixture of comments, which accompanied the application and objections. These are summarised below;

- No. 31B Britannia Road (eastern neighbour) state that they have sited the plans for the proposed parapet wall to their boundary (garage) and subject to it remaining at 2.7 metres in height and being render finished to their side they raise no objection;
- Nos. 35A and 35B Britannia Road (western neighbours) advised the applicant that prior to signing any such consents they requested further details. As part of the community consultation procedures, these neighbours were advised of the proposal and made aware that a full set of plans were available for viewing at the Town. These owners have subsequently provided a second submission objecting to the proposal.

Further to this objection, each neighbour has provided another additional submission. The owners object on the following grounds: reduction in sunlight, the dwelling's size, the lot size is less than that prescribed in the Residential Design Codes, open space, reduced setbacks, further details are requested as to the parapet wall finish to the western side, upper level western side setback and the windows to the upper level staircase which face the western neighbour;

- A verbal discussion was held with the neighbour to the rear (south) of the subject site, who owns the retirement villa most affected by the proposal. The neighbour is concerned with the effect of the proposal on their courtyard with respect to the effect of the overshadowing and loss of light. This is the objectors primary outdoor space and wishes to maintain their amenity. The objector advised that a written objection would follow. At time of writing the report, the objection had not been received; and
- Owner/resident of one of the retirement village villas to the rear, objects to the proposal based on the proposed lot size, reduced proposed setbacks and the associated externalities this is perceived to create in a similar fashion to other comments made from other neighbours.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Setbacks – Proposed Rear Dwelling

(Note: given that more than one boundary wall is proposed on the subject land, none of the walls have been considered as acceptable development, and the impact of all the boundary walls have been assessed in the report below).

Northern Side Ground Level Setback

The Residential Design Codes (R Codes) require the garage wall to be setback 1 metre from the adjoining boundary, however, a nil setback is proposed.

The proposed wall is located on the southern boundary of the adjoining site and therefore any overshadowing cast by the structure will be onto the proposed dwelling, thereby not affecting the existing dwelling. On this basis, the impact of the parapet wall in this location is considered to provide privacy to the existing residence and will not unduly reduce the amenity of their outdoor living space. As such, the reduced setback can be supported.

Northern Side Upper Level Setback

The R Codes require this wall to be setback 1.2 metres to the boundary, whereas the applicant seeks a reduced setback to 1.0 metre. Again, due to the wall being located to the south of the existing residence, no undue overshadowing is created. Taking into account the form and height of the wall, it is considered that the structure will not unduly affect the amenity and space of the existing residence, and again can be supported.

Southern Side Upper Level Setback

The southern, upper floor setback has been amended to 1.5 metres in compliance with the R-Codes setback requirements. Additionally, the proposal complies with the R-Codes overshadowing requirements.

Eastern Side Ground Level Setback

A second parapet wall is proposed on the eastern boundary. However, the previous amended plans reduced the height of the parapet wall on the eastern elevation, by reducing the height to 2.5 metres from natural ground level. Given this, the proposal complies with the R-Codes height requirements, thus addressing the neighbours' concerns.

In light of the above, and given that the wall does not overshadow the eastern neighbours, the proposal is not considered to unduly impact on the amenity of the adjoining neighbours and approval is recommended.

Eastern Side Upper Floor Setback

Given that the proposal has been amended to include a 4 metres separation between the walls with minor openings, the proposal now complies with the R-Codes setback requirements.

It should also be noted that the previous report stated that this wall was required to be setback 3.6 metres from the eastern side boundary, as the R-Codes setback requirements for this wall was actually only 1.8 metres on the previous plans, as the upper, eastern wall did not contain any major openings.

Western Side Ground Level Setback

The R-Codes require this wall to be setback 1.0 metre from the boundary, whereas the applicant seeks to incorporate a third parapet wall in the proposal to accommodate a family room. The proposed parapet is 5.1 metres in length and 2.8 metres in height. The proposed parapet is adjacent to the affected neighbour's vacant rear yard. The neighbour has raised concerns with respect to the development, however in relation to this parapet wall concerns related to the finish and access arrangements in order to provide the necessary finish. A condition of approval has been included that requires this wall to be suitably finished and for the applicant to seek the neighbour's permission to do so. The finish of the wall will be consistent with the dwelling. The proposed parapet is not considered to unreasonably diminish the amenity of the affected neighbour's outdoor space provision and will result in no undue overshadowing. As such, the proposal is therefore considered acceptable.

Western Side Upper Level Setback

Although there is almost a 3 metres stagger between the walls on the upper floor, the separation falls slightly short of 3 metres, and as such the walls can not be assessed separately.

Given the above, the western, upper storey wall requires a 3.3 metres setback to the boundary, whereas the applicant seeks a reduced setback to between 1.2 metres and 5.42 metres. The reduced setback request affects bedroom 3 and the stairwell, with the stairwell having a 3.0 metres setback from the boundary. Given that there are no major openings to bedroom three on this side, the master bedroom complies with the privacy setbacks, and the stairwell is not a habitable space, this reduced setback will cause no undue overshadowing or overlooking concerns, and therefore is considered acceptable.

Cone of Vision – Upper Level Proposed Rear Dwelling

Cedar screening details have been clearly depicted on the amended plans. There should be no gaps between the screening battens, therefore, a standard screening condition has been imposed to ensure that the proposed screening complies with the Town's requirements relating to privacy.

Other Issues

The previous application was refused due to other non-compliances, such as plot ratio, lack of open space to the existing dwelling, the lack of storage provisions, and the reduced rear battleaxe lot area. However, the proposal now complies with the open space and plot ratio requirements, and two stores have now been indicated on the plans.

Additionally, given that common property has now been allocated on the proposed plans, the rear battleaxe lot area requirement is no longer applicable. Furthermore, the carport to the existing dwelling has already been approved by the Town on 19 June 2002 (00/33/0939).

Conclusion

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

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

NOTE:

The Manager Planning and Building Services, Des Abel, is not related to the owners M and L Abel.

10.1.1 No. 91 (Lot 157) (Strata Lot 2) Raglan Road, Corner Hyde Street, Mount Lawley - Two-Storey Single House- Determination of Town Planning Appeal Tribunal

| | | | |
|------------------------------|---------------------|--------------------|---------------------|
| Ward: | South | Date: | 2 September 2003 |
| Precinct: | Smith's Lake, P6 | File Ref: | PR01861; 00/33/0865 |
| Attachments: | 001 | | |
| Reporting Officer(s): | J Barton | | |
| Checked/Endorsed by: | D Abel, R Boardman | Amended by: | - |

OFFICER RECOMMENDATION:

That;

as a result of the Town Planning Appeal Tribunal decision to uphold an appeal and approve the application submitted by the owner S Arseven for proposed two-storey single house on No.91 (Lot 157) (Strata Lot 2) Raglan Road, corner Hyde Street, North Perth, as shown on the amended plans stamp-dated 19 March 2003, the Council APPLIES THE FOLLOWING CONDITIONS to this proposed development:

- (i) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Raglan Road shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (ii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (iii) a road and verge security bond 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;*
- (iv) a right of way security bond and/or bank guarantee for \$550 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;*
- (v) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (vi) 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;*

- (vii) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (viii) *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;*
- (ix) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (x) *proposed crossovers shall be positioned in consultation with and as directed by the Town's Technical Services Division;*
- (xi) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the windows to the bedroom on the first floor level on the southern elevation, shall be screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be a major opening as defined in the Residential Design Codes 2002;*
- (xii) *the proposed roof loft area shall not be used for habitable purposes;*
- (xiii) *prior to the issue first occupation of the development, the power pole shall be relocated to allow sufficient manoeuvring into/from the car parking bays, at the applicant's/owner's cost;*
- (xiv) *subject to first obtaining the consent of the owners of No. 11 Hyde Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 11 Hyde Street in a good and clean condition; and*
- (xv) *the pergola 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 main dwelling, and the pergola shall be an unroofed, open-framed structure;*

to the satisfaction of the Chief Executive Officer.

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

Debate ensued.

Cr Farrell returned to the Chamber at 7.48pm.

Moved Cr Ker, Seconded Cr Doran-Wu

That clause (v) be amended, and new clauses (xvi) and (xvii) be added, as follows:

- "(v) *compliance with all relevant Environmental Health, Engineering and Building requirements, including the Building Code of Australia; and such compliance shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*"
- (xvi) *the maximum height of the building, to the top of the external walls shall be no higher than 6 metres and to the top of the pitched roof shall be no higher than 9 metres, above the natural ground level, in accordance with the Residential Design Codes 2002 and;*
- (xvii) *no additional fill be allowed above ground level;"*

Debate ensued.

AMENDMENT CARRIED (7-0)

(Crs Franchina and Torre were an apology for the meeting.)

Moved Cr Ker, Seconded Cr Chester

That clause (xi) be amended as follows:

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

Debate ensued.

AMENDMENT CARRIED (7-0)

(Crs Franchina and Torre were an apology for the meeting.)

MOTION AS AMENDED CARRIED (7-0)

(Crs Franchina and Torre were an apology for the meeting.)

COUNCIL DECISION 10.1.1 SUBSEQUENT MOTION:

Moved Cr Ker, Seconded Cr Doran-Wu

That Council write to the Minister of Planning and Infrastructure urging her as a matter of urgency to establish a low cost appeal's mechanism to deal with Town Planning matters

CARRIED (7-0)

(Crs Franchina and Torre were an apology for the meeting.)

COUNCIL DECISION ITEM 10.1.1

That;

as a result of the Town Planning Appeal Tribunal decision to uphold an appeal and approve the application submitted by the owner S Arseven for proposed two-storey single house on No.91 (Lot 157) (Strata Lot 2) Raglan Road, corner Hyde Street, North Perth, as shown on the amended plans stamp-dated 19 March 2003, the Council APPLIES THE FOLLOWING CONDITIONS to this proposed development:

- (i) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Raglan Road shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (ii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (iii) a road and verge security bond 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;*
- (iv) a right of way security bond and/or bank guarantee for \$550 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;*
- (v) compliance with all relevant Environmental Health, Engineering and Building requirements, including the Building Code of Australia; and such compliance shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (vi) 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;*
- (vii) the construction of crossovers shall be in accordance with the Town's specifications;*
- (viii) 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;*
- (ix) street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*

- (x) *proposed crossovers shall be positioned in consultation with and as directed by the Town's Technical Services Division;*
- (xi) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the windows to the bedroom on the first floor level on the southern elevation, shall be screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be a major opening as defined in the Residential Design Codes 2002;*
- (xii) *the proposed roof loft area shall not be used for habitable purposes;*
- (xiii) *prior to the issue first occupation of the development, the power pole shall be relocated to allow sufficient manoeuvring into/from the car parking bays, at the applicant's/owner's cost;*
- (xiv) *subject to first obtaining the consent of the owners of No. 11 Hyde Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 11 Hyde Street in a good and clean condition;*
- (xv) *the pergola 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 main dwelling, and the pergola shall be an unroofed, open-framed structure;*
- (xvi) *the maximum height of the building, to the top of the external walls shall be no higher than 6 metres and to the top of the pitched roof shall be no higher than 9 metres, above the natural ground level, in accordance with the Residential Design Codes 2002 and;*
- (xvii) *no additional fill be allowed above ground level;*
- to the satisfaction of the Chief Executive Officer.*

LANDOWNER: S Arseven
APPLICANT: S Arseven
ZONING: Metropolitan Region Scheme – Urban
Town Planning Scheme No. 1 – Residential R40
EXISTING LAND USE: Vacant survey strata lot

COMPLIANCE:

| | |
|--------------------|--|
| Use Class | Single House |
| Use Classification | “P” |
| Lot Area | 541 square metres Survey strata Lot 2 - 190 square metres |

SITE HISTORY:

- 11 April 2000 The Western Australian Planning Commission (WAPC) issued conditional approval for a vacant survey strata subdivision.
- 14 August 2001 The Council, at its Ordinary Meeting, resolved to defer consideration of a similar proposal for an additional three-storey grouped dwelling to existing dwelling.
- 18 December 2001 The Council, at its Ordinary Meeting, resolved to refuse the proposed additional three-storey grouped dwelling to existing dwelling.
- 13 August 2002 The Council, at its Ordinary Meeting, received a report relating to the proposed additional two-storey grouped dwelling with uncovered roof storage area/terrace to existing dwelling. The item was deferred at the request of the applicant.
- 27 August 2002 The Council, at its Ordinary Meeting, resolved to refuse the application for the proposed additional two-storey grouped dwelling with uncovered roof storage area/terrace to existing dwelling.
- 12 September 2002 The applicant lodged an appeal with the Town Planning Appeal Tribunal against the Council's refusal.
- 11 October 2002 The first sitting of the Town Planning Appeal Tribunal. A copy of the grounds of appeal received by the Town from the appellant by hand at this sitting.
- 18 October 2002 The Town lodged the Respondent Statement with the Town Planning Appeal Tribunal (TPAT).
- 28 October 2002 The Mediation of the subject Appeal was adjourned to enable revised plans to be prepared by the applicant and submitted to the Council for its consideration.
- 17 December 2002 The Council, at its Ordinary Meeting, resolved to refuse the revised plans.
- 6 March 2003 TPAT directions hearing on the appeal.
- 7 April and
9 May 2003 TPAT hearing on the appeal. The Town was represented by Minter Ellison.
- 25 August 2003 Handing down of TPAT determination on the appeal.

CONSULTATION/ADVERTISING:

No formal consultation is required for such matters.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

The total legal expenses, including planning consultant fees, incurred by the Town in relation to the subject appeal are \$21, 812.90, as at 22 May 2003.

DETAILS/COMMENTS:

In a letter dated 25 August 2003, the Town Planning Appeal Tribunal (TPAT) referred to an attached copy of the Reasons for Decision. The TPAT letter, dated 25 August 2003, and accompanying Reasons for Decision are included as an attachment to this report. Extracts from the Reasons for Decision are as follows:

" Conclusion

56. *The Tribunal is of the view, taking into account:*

- (a) the size of the lot;*
- (b) the proposed development's compliance with the Codes;*
- (c) the fact that as a consequence of reduced setbacks extra adverse impact on adjoining landowners is limited;*

that the appeal be allowed.

57. *The parties have 14 days to formulate the usual conditions of approval, after which time, where the parties cannot agree on conditions, either party has the liberty to apply to the Tribunal for the issue of conditions to be determined.*

Appeal allowed."

The proposed development approved by the TPAT, is identical to the previous plans refused by the Council for a two-storey single house, including a loft storage area contained within the roof space, except for minor modifications to the carport, which has been changed to a pergola.

The conditions to be applied by the Town on the approved development should not result in a significant alteration to the development. The Town is also required to negotiate with the appellant to achieve a common set of conditions, and if there are any disputes the matter will be referred to the TPAT for arbitration/ determination.

In light of the above, it is recommended that the Council apply the conditions to the subject development, as detailed in the Officer Recommendation. These conditions are similar to those applied in the Officer Recommendation contained in the report to the Ordinary Meeting of Council held on 17 December 2002, and has been amended to reflect updated conditions and the current Residential Design Codes.

10.1.2 No. 138 (Lots 276 & 277) Matlock Street, Mount Hawthorn - Proposed Four (4) Two-Storey Single Houses - Determination of Town Planning Appeal Tribunal

| | | | |
|------------------------------|---------------------|--------------------|------------------------|
| Ward: | North | Date: | 3 September 2003 |
| Precinct: | Mount Hawthorn, P1 | File Ref: | PR00706; 00/33/1166 |
| Attachments: | 001 | | |
| Reporting Officer(s): | M Bonini | | |
| Checked/Endorsed by: | D Abel, R Boardman | Amended by: | - |

OFFICER RECOMMENDATION:

That;

as a result of the Town Planning Appeal Tribunal decision to uphold an appeal and approve the application submitted by the landowners C and R Stoinis Pty Ltd for proposed four

(4) two-storey single houses at No.138 (Lots 276 and 277) Matlock Street, Mount Hawthorn, as shown on amended plans dated 1 April 2003 approved by the Tribunal, the Council APPLIES THE FOLLOWING CONDITIONS to this proposed development:

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

- (a) the north side of the balcony accessible from bedroom 4 on the first floor level of dwelling 4:*
- (b) the west facing window of the lounge on the first floor level of dwelling 1; and*
- (c) the east facing window of bedroom three on the first floor level of dwellings 1 and 4;*

shall be screened with a permanent obscured material and be non-openable to a minimum height of 1.6 metres above the finished floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002;

(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) 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 fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Matlock Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (v) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Matlock Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (vi) *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;*
- (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) *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) *details of all street trees adjacent to the subject property shall be submitted with the Building Licence application;*
- (xii) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (xiii) *a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
- (xiv) *subject to first obtaining the consent of the owners of Nos.134 and 140 Matlock Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 134 and 140 Matlock Street in a good and clean condition;*

- (xv) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (xvi) *prior to the first occupation of the development, the full length and width of the right of way from the existing sealed right of way to the northern most boundary abutting the subject land shall be sealed, drained and paved to the specifications of and supervision under the Town, at the applicant's/owner(s)' full expense;*
- (xvii) *a bond and/or bank guarantee for \$15,000.00 for the full upgrade of the right of way shall be lodged prior to the issue of a Building Licence; and*
- (xviii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating that the setbacks to the first floor of houses numbered three and four be the same as the setbacks of the first floor of houses one and two.*

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

to the satisfaction of the Chief Executive Officer.

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Moved Cr Farrell, Seconded Cr Lake

That clause (xv) be amended as follows:

"(xv) compliance with all relevant Environmental Health, Engineering and Building requirements, including the Building Code of Australia; and such compliance shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;"

AMENDMENT CARRIED (7-0)

(Crs Franchina and Torre were an apology for the meeting.)

Moved Cr Lake, Seconded Cr Cohen

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

"(ixx) That the retaining wall be no higher than 500mm without further Council approval;"

AMENDMENT CARRIED (7-0)

(Crs Franchina and Torre were an apology for the meeting.)

MOTION AS AMENDED CARRIED (7-0)

(Crs Franchina and Torre were an apology for the meeting.)

COUNCIL DECISION ITEM 10.1.2

That;

as a result of the Town Planning Appeal Tribunal decision to uphold an appeal and approve the application submitted by the landowners C and R Stoinis Pty Ltd for proposed four

(4) two-storey single houses at No.138 (Lots 276 and 277) Matlock Street, Mount Hawthorn, as shown on amended plans dated 1 April 2003 approved by the Tribunal, the Council APPLIES THE FOLLOWING CONDITIONS to this proposed development:

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

(a) the north side of the balcony accessible from bedroom 4 on the first floor level of dwelling 4:

(b) the west facing window of the lounge on the first floor level of dwelling 1; and

(c) the east facing window of bedroom three on the first floor level of dwellings 1 and 4;

shall be screened with a permanent obscured material and be non-openable to a minimum height of 1.6 metres above the finished floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002;

(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) 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 fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Matlock Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;

- (v) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Matlock Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (vi) *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;*
- (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) *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) *details of all street trees adjacent to the subject property shall be submitted with the Building Licence application;*
- (xii) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (xiii) *a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
- (xiv) *subject to first obtaining the consent of the owners of Nos.134 and 140 Matlock Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 134 and 140 Matlock Street in a good and clean condition;*
- (xv) *compliance with all relevant Environmental Health, Engineering and Building requirements, including the Building Code of Australia; and such compliance shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*

(xvi) *prior to the first occupation of the development, the full length and width of the right of way from the existing sealed right of way to the northern most boundary abutting the subject land shall be sealed, drained and paved to the specifications of and supervision under the Town, at the applicant's/owner(s)' full expense;*

(xvii) *a bond and/or bank guarantee for \$15,000.00 for the full upgrade of the right of way shall be lodged prior to the issue of a Building Licence;*

(xviii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating that the setbacks to the first floor of houses numbered three and four be the same as the setbacks of the first floor of houses one and two.*

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

(xix) *That the retaining wall be no higher than 500mm without further Council approval;*

to the satisfaction of the Chief Executive Officer.

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

COMPLIANCE:

| | |
|--------------------|--------------------|
| Use Class | Single Houses |
| Use Classification | "P" |
| Lot Area | 1208 square metres |

SITE HISTORY:

13 August 2002 The Council at its Ordinary Meeting refused an application for four (4) two-storey single houses and conditionally approved of the demolition of the existing building.

24 September 2002 The Council at its Ordinary Meeting refused an application for four (4) two-storey single houses.

25 October 2002 The applicant/owner lodged an appeal with the Town Planning Appeal Tribunal (TPAT) against the Council's refusal of 13 August 2002.

31 October 2002 TPAT first sitting on the appeal.

25 November 2002 TPAT directions hearing on the appeal.

16 December 2002 TPAT mediation session on the appeal.

1 and 24 April 2003 TPAT hearing on the appeal. The Town was represented by Minter Ellison.

19 August 2003 Handing down of TPAT determination on the appeal. Attended by the Town's solicitors, Minter Ellison on behalf of the Town.

CONSULTATION/ADVERTISING:

No formal consultation is required for such matters.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

The total legal fees, including planning consultant fees, incurred by the Town in relation to this subject appeal is \$31375.31, as at 22 May 2003.

DETAILS/COMMENTS:

In letter dated 19 August 2003, the Town Planning Appeal Tribunal (TPAT) referred to an attached copy of the Reasons for Decision. The TPAT letter dated 19 August 2003 and accompanying Reasons for Decision are included as an attachment to this report. Extracts from the Reasons for Decision are as follows:

"Conclusion

- 31. It follows that the appeal will be allowed on the basis that approval be granted for the development shown in the amended plans dated 1 April 2003 subject to the condition that the setback to the first floor of houses numbered three and four be the same as the setbacks of the first floor of houses one and two.*
- 32. The approval should otherwise be subject to such other reasonable conditions as the Respondent would impose. The parties should submit a list of agreed conditions to the Tribunal within 14 days of the date of delivery of this decision. In the event that agreement cannot be reached as to the conditions, the parties will have liberty to apply to have the conditions determined by the Tribunal."*

The plans approved by the Tribunal are essentially the same as the plans submitted in the initial application made to the Town dated 20 June 2002 and refused by the Council at its Ordinary Meeting held on 13 August 2002. However, the differences that have been noted are as follows:

- The front setback distance from the Matlock Street boundary to the main building is a greater distance than initially proposed. Dwellings 1 and 2 were initially proposed at 5.107 metres and dwellings 3 and 4 were proposed at 5.355 metres. The approved TPAT plans propose 6 metres for dwellings 1 and 2 and 6.175 metres for dwellings 3 and 4.
- The north and south elevations of the approved plans indicate screening to the front balconies of dwellings 1 and 4 where there is viewing available to the northern and southern properties, respectively. The initial plans did not show this.

- The minimum sill height of the stairwells is notated on the approved plans where in the initial plans this was not provided.

In letter dated 25 August 2003, the Town's solicitors, Minter Ellison, advised that "*... the Tribunal upheld the appeal and has provided the parties with 14 days within which to provide the Tribunal with a list of agreed conditions*".

The conditions to be applied by the Town on the approved development should not result in a significant alteration to the development. The Town is also required to negotiate with the appellant to achieve a common set of conditions, and if there are any disputes the matter will be referred to the TPAT for arbitration/determination.

In light of the above, it is recommended that the Council apply the conditions to the subject development as detailed in the Officer Recommendation. These conditions are similar to those applied in the Officer Recommendation contained in the report to the Ordinary Meeting of Council held on 13 August 2002 and has been amended to reflect updated conditions, the new Residential Design Codes, and the TPAT's condition relating to the first floor setbacks of dwellings 3 and 4.

10.1.15 No.123 (Lot 503) (Strata Lot 3) Carr Street, West Perth - Proposed Garage with Studio Above Additions to Existing Single House

| | | | |
|------------------------------|---------------------|--------------------|--------------------------|
| Ward: | South | Date: | 1 September 2003 |
| Precinct: | Cleaver, P5 | File Ref: | PRO2281; (00/33/1522) |
| Reporting Officer(s): | J Barton | | |
| Attachments | 001 | | |
| Checked/Endorsed by: | D Abel, R Boardman | Amended by: | - |

OFFICER RECOMMENDATION:

That;

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

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with the privacy, boundary setbacks, open space, access and carparking requirements of the Residential Design Codes; and*
- (iii) consideration of objections received;*

the Council REFUSES the application submitted by the owners S Gaschk and R Jones for proposed garage with studio above additions to existing single house at No.123 (Lot 503) (Strata Lot 3) Carr Street, West Perth, and as shown on amended plans stamp-dated 4 August 2003.

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

COUNCIL DECISION ITEM 10.1.15

Moved Cr Doran-Wu, Seconded Cr Farrell

That this item be DEFERRED to allow the applicant to address the neighbour's objections and the information received from the Town's Officers.

CARRIED (4-3)

For
Mayor Catania
Cr Chester
Cr Doran-Wu
Cr Farrell

Against
Cr Cohen
Cr Ker
Cr Lake

(Crs Franchina and Torre were an apology for the meeting.)

LANDOWNER: M Gaschk & R Jones
APPLICANT: M Gaschk & R Jones
ZONING: Metropolitan Region Scheme – Urban Town Planning Scheme No. 1 – Residential R80
EXISTING LANDUSE: Single House

COMPLIANCE:

| Requirements | Required | Proposed |
|---|------------|------------|
| Setbacks: Western and Eastern Elevations, Upper Floor (Studio) | 1.1 metres | 1 metre |
| Cone of Vision Encroachments: Northern Elevation, Upper Floor (Balcony) | 7.5 metres | 1.6 metres |

| Requirements | Required | Proposed |
|--|---|---|
| Buildings on Boundaries Eastern and Western Elevations, Ground Floor (Garage). | In areas coded R30 and higher, walls not higher than 3.5 metres maximum, with an average height of 3 metres, for two thirds the length of the balance of the boundary behind the front setback, to one side boundary. | Parapet walls proposed to two side boundaries, to a height of 3 metres. |
| Open Space | 45 per cent | 35 per cent |
| Car Parking Provisions | 2 bays | 1 bay (existing provisions) |

| | |
|--------------------------|-------------------|
| Use Class | Single House |
| Use Classification | “P” |
| Lot Area (Strata Lot 3) | 213 square metres |

SITE HISTORY:

The subject site retains an existing single storey dwelling, which is a semi-detached residential dwelling constructed circa 1900's and the architectural style can be described as Federation.

The original application was lodged on 10 March 2003, and it was advertised from 21 March 2003 to 4 April 2003. Three objections were received during the advertising period, and the objections predominantly related to the two-storey parapet walls on both side boundaries.

The Town's Officer dealing with the proposal at the time, advised the applicant that the proposal could not be supported in its current form, mainly due the objections received. Therefore, the applicant amended the plans to address some of the non-compliance issues.

Amended plans were received on 4 August 2003, reducing the two-storey parapet walls to single storey parapets. However, the proposal still does not comply with the Residential Design Codes (R-Codes) requirements in relation to open space, setbacks, privacy, car parking and buildings on boundaries, and two objections were received when the proposal was re-advertised.

DETAILS:

The proposal includes a garage with a studio (habitable room) addition above, to an existing single house at the rear of the property.

The subject land abuts a right of carriageway, which has a designated depth of 6.28 metres. The right of carriageway consists of Part Lots 107, 108 and 109 Cleaver Street.

However, development has occurred over Part Lots 107, 108 and 109 Cleaver Street, which encroaches into the abovementioned right of carriageway. Therefore, this encroachment has resulted in a right of carriageway of approximately 3 metres in effective width, as advised by the Town's Technical Services.

CONSULTATION/ADVERTISING:

Three objections were received during the previous advertising period from 21 March 2003 to 4 April 2003, inclusive. The primary concerns raised by the objectors related to the height of the boundary walls, impact on amenity on the neighbouring/adjacent properties, as well as concerns regarding overlooking and overshadowing.

The following statements were received by the objectors:

- *"I wish to object to the proposed development, in particular due to the planned breach of the Residential Design Code . . . as the plans show that the parapet wall to my side boundary and that to the property at 121 Carr Street, adjoining 123, will be a height of 4.629 metres.*

The height above 3.5 metres will cut out further light to my back garden and block view to trees and to the sky. This will detrimentally affect the enjoyment of my property.

I am also concerned about the impact the second storey dwelling will have upon my privacy.

It is my understanding that the additions to No 123 also require approval or notification to the Body Corporate, as 123 is part of a strata title, which includes 6 residential dwelling, including no 125 and 121. To my knowledge, this did not occur prior to the plans being submitted to the Council".

- *"I wish to object to the development proposal, because it does not meet the acceptable development requirements of the Residential Design Codes.*

I am concerned that my privacy and the enjoyment of my premises will be affected by the planned breach of the Residential Design Codes 3.3.2 A2 iii:

". . . walls not higher than 3.5 metres, with an average of 3 metres for 2/3 the length of the balance of the boundary behind the front setback, to one side boundary"

as the plans show that the brick walls of the development will be 4.629 metres and the roofed area will have a height of 6 metres. At the rear of my premises I have a garden and entertaining area which will lose a considerable amount of light as a result of the new studio second storey. My enjoyment of my property will be affected as a result.

The Body Corporate was not notified of the planned changes, prior to the plans being submitted to Council."

- *"I formally advise that I object to the proposed development application which does not meet the acceptable development requirements of the Residential Design Codes.*

". . . walls not higher than 3.5 metres, with an average of 3 metres for 2/3 the length of the balance of the boundary behind the front setback, to one side boundary"

The second storey dwelling will affect my privacy and restrict the enjoyment of my property, as the walls to both side boundaries will be to a height of 4.629 metres. The rear garden of my property will loose access to daylight, and views of nearby trees will be restricted. The high brick wall will also be visually unattractive.

I request that the development be modified so that it complies with the Design Codes".

The amended plans, which reduced the height of the parapet walls, were re-advertised from 5 August 2003 to 19 August 2003, inclusive.

Two submissions were received during the re-advertising period, being two letters of objection.

The following statements were received by the objectors:

- *"I am writing in order to object to the proposed development in its current form. I have been informed that all or most aspects of the proposed development now comply (albeit narrowly) with Council regulations. It is however, not just one of those requirements that I object to- it is the total amount of design codes that are being pushed to the limit..."*
- *"123 Carr Street is a 1904-1906 Federation semi-detached house in a row of 8 such properties, 6 of which (117-127) form part of a single Strata Plan.*

The owners of 117-127 Carr Street have not been consulted in relation to the amended plans (or in connection with the proposed development as a whole) and should not be assumed to be in agreement with the proposed development. I am not.

123 Carr Street is paired with 121 Carr Street. The proposed 0 metre Western setback at the boundary level with 125 Carr Street is therefore out of keeping with the existing alignment of the properties as well as contravening the R-Codes.

All of the properties 113-127 Carr Street are single storey and, where any development or renovation has been undertaken, all development or renovation of these properties has been carried out in a manner, deign and style that is sympathetic to the age, design and layout of the original properties.

The 123 Carr Street proposal, being two storey and exceeding the maximum development plot ratio in the R-Codes is not in keeping with the existing properties.

In light of these issues, I believe the application should be refused".

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Privacy

The balcony to the studio on the upper floor overlooks the adjoining eastern and western neighbour's properties. However, such issues can be addressed via a standard screening condition.

Parking and Access

The proposal is utilising an existing parking situation located adjacent to the right of carriageway at the rear.

Whilst the proposal aims to retain this existing situation, the proposal does not comply with the minimum requirements of the R-Codes, as only 1 bay has been provided.

The depth of the right of carriageway indicated on the previous plans is 4.5 metres. However, as mentioned above, the right of carriageway has a designated depth of 6.28 metres on the Certificate Of Title.

The right of carriageway consists of Part Lots 107, 108 and 109 Cleaver Street. However, development has occurred over Part Lots 107, 108 and 109 Cleaver Street, which encroaches into the abovementioned right of carriageway. This encroachment has resulted in a right of carriageway of approximately 3 metres in effective width, which has reduced the ability for safe and convenient manoeuvrability to the proposed garage.

Parapet Walls

The proposal includes two parapet walls, located on both the eastern and western boundaries, with a maximum height of 3 metres.

Although both the walls comply with the R-Codes' height, length and overshadowing requirements, the R-Codes only permit one parapet wall up to one boundary.

In this instance, the proposal is considered to unduly impact on the adjoining properties, in terms of the affect of bulk and scale on the eastern and western neighbouring properties. Also, the visual impact of the walls, combined with the existing parapet walls to the main dwelling, is considered to exacerbate the undue, adverse impact on the neighbours.

In light of the above, and given the neighbours' objections, the proposed parapets walls are not supported.

Setbacks

A minor setback variation of 100 millimetres is proposed to the eastern and western sides of the upper storey addition. This variation is minor, and is considered supportable on its own. However, in light of the amount of variations sought, and the neighbours' objections, the proposal is not considered supportable.

Open Space

The proposal does not comply with the R-Codes' open space requirements. Given the nature of the structure, and the objections received, the variation is considered to unduly impact on the amenity of adjoining neighbours, and the area generally. Therefore, this variation is not supportable.

It should be noted that there is an existing parking arrangement at the rear of the dwelling, however, the proposed garage is slightly larger than the existing carport. Additionally, the Town of Vincent has no record of a Building Licence or Planning Approval being issued for this carport.

It should also be noted that a plot ratio variation was advertised, however, this was a misprint as the plot ratio provisions comply with the requirements of the R-Codes (0.65), as garages are not included in the plot ratio area calculation.

Summary

In light of the above, and given the extent of the variations sought, and the objections received, the proposal is considered to unduly impact on the amenity of the adjoining neighbours, in terms of bulk and scale and visual impact.

Furthermore, the strata body has not consented to the proposal, and the proposed development is not considered to be in keeping with the character of the immediate area. Therefore, refusal is recommended.

10.1.8 No. 25 (Lot 34) Pennant Street, North Perth – Proposed Partial Demolition of and Alterations and Additions, Including Two Storey Extension, to Existing Single House

| | | | |
|------------------------------|---------------------|--------------------|------------------------|
| Ward: | North | Date: | 1 September 2003 |
| Precinct: | Smith's Lake, P6 | File Ref: | PRO2432; 00/33/1725 |
| Attachments: | 001 | | |
| Reporting Officer(s): | S Crawford | | |
| Checked/Endorsed by: | D Abel, R Boardman | Amended by: | - |

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner P Kember for proposed partial demolition of and alterations and additions, including two storey extension, to existing single house, at No. 25 (Lot 34) Pennant Street, North Perth, and as shown on plans stamp-dated 11 July 2003, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the garage being setback a minimum of 1.0 metre from the rear boundary to provided a minimum vehicle reversing area of 6.0 metres. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (iii) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development;*
 - (a) the upper level west facing window to bedroom 1; and*
 - (b) the upper level east facing windows to the study and foyer;*

shall be screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the respective finished floor levels where major openings are within 45 degree cone of vision to the northern and southern boundaries. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002;

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

- (v) *a 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) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (vii) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (viii) *standard visual truncations, in accordance with the Town's Policies and to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve and for right of way boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*
- (ix) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (x) *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;*
- (xi) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Pennant Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency; and*
- (xii) *subject to first obtaining the consent of the owners of No. 23 Pennant Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 23 Pennant Street in a good and clean condition;*

to the satisfaction of the Chief Executive Officer.

Moved Cr Chester, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued

Moved Cr Farrell, Seconded Cr Doran-Wu

That the existing clause (ii) be deleted and a new clause (ii) be inserted as follows:

"(ii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating an L-shaped structure be constructed in the garage to create a separated workshop area as per the plans stamp dated 9 September 2003 and circulated to Council, and that the garage be restricted to the accommodation of one motor vehicle. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;"

Debate ensued.

AMENDMENT CARRIED (5-2)

For
Mayor Catania
Cr Chester
Cr Cohen
Cr Doran-Wu
Cr Farrell

Against
Cr Ker
Cr Lake

(Crs Franchina and Torre were an apology for the meeting.)

Debate ensued.

Moved Cr Lake, Seconded Cr Cohen

That the amendment be re-committed.

MOTION CARRIED (5-2)

For
Cr Chester
Cr Cohen
Cr Farrell
Cr Ker
Cr Lake

Against
Mayor Catania
Cr Doran-Wu

(Crs Franchina and Torre were an apology for the meeting.))

Debate ensued.

At 8.25pm, **Moved Cr Chester, Seconded Cr Farrell**

That Standing Orders be suspended to allow a member of the public from the public gallery to speak.

MOTION CARRIED (5-2)

For
Mayor Catania
Cr Chester
Cr Cohen
Cr Doran-Wu
Cr Farrell

Against
Cr Ker
Cr Lake

(Crs Franchina and Torre were an apology for the meeting.))

Debate and discussion ensued.

At 8.26pm, Moved Cr Chester, Seconded Cr Farrell

That Standing Orders be resumed.

MOTION CARRIED (7-0)

(Crs Franchina and Torre were an apology for the meeting.)

The Presiding Member ruled that the amendment stands as it was not rescinded or changed.

MOTION AS AMENDED CARRIED (5-2)

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

(Crs Franchina and Torre were an apology for the meeting.)

COUNCIL DECISION ITEM 10.1.8

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner P Kember for proposed partial demolition of and alterations and additions, including two storey extension, to existing single house, at No. 25 (Lot 34) Pennant Street, North Perth, and as shown on plans stamp-dated 11 July 2003, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating an L-shaped structure be constructed in the garage to create a separated workshop area as per the plans stamp dated 9 September 2003 and circulated to Council, and that the garage be restricted to the accommodation of one motor vehicle. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (iii) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development;*
 - (a) the upper level west facing window to bedroom 1; and*
 - (b) the upper level east facing windows to the study and foyer;*

shall be screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the respective finished floor levels where major openings are within 45 degree cone of vision to the northern and southern boundaries. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002;

- (iv) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (v) *a 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) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (vii) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (viii) *standard visual truncations, in accordance with the Town's Policies and to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve and for right of way boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*
- (ix) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (x) *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;*
- (xi) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Pennant Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency; and*
- (xii) *subject to first obtaining the consent of the owners of No. 23 Pennant Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 23 Pennant Street in a good and clean condition;*

to the satisfaction of the Chief Executive Officer.

| | |
|---------------------------|--|
| LANDOWNER: | P Kember |
| APPLICANT: | As above |
| ZONING: | Metropolitan Region Scheme - Urban Town Planning Scheme No. 1 - Residential R30 |
| EXISTING LAND USE: | Single House |

COMPLIANCE:

| Requirements | Required | Proposed |
|--------------------------------|------------------------------|---------------------------------|
| Setbacks | | |
| Rear (garage) | 1.0 metre | Nil to right of way |
| Ground level – southern side | 1.5 metres | Nil |
| Upper level – northern side | 1.6 metres | 1.5 metres |
| Cone of Vision | | |
| Bedroom 1 (rear facing window) | 4.5 metres | 3.0 metres to northern boundary |
| Study (front facing window) | 6.0 metres | 4.0 metres to northern boundary |
| Foyer (front facing window) | 6.0 metres | 4.0 metres to southern boundary |
| Wall height | 3.0 metres for single storey | 3.5 metres maximum |
| | 6.0 metres for two storey | 6.3 metres maximum |
| Vehicle Maneuvering | 6.0 metres reversing area | 5.0 metres |
| Use Class | Single House | |
| Use Classification | "P" | |
| Lot Area | 407 square metres | |

SITE HISTORY:

The site is occupied by a single storey dwelling.

DETAILS:

The applicant seeks approval for partial demolition of the side garage and the rear of the dwelling, and alterations and additions, including two storey extensions, to the existing single house. The lot has rear access to a Town-owned right of way that is unsealed and 5.0 metres in width.

CONSULTATION/ADVERTISING:

The proposal was advertised and one submission was received within this time from the western neighbour located on the opposite side of the right of way at No. 10 Coronation Street. This neighbour raises concerns regarding potential overlooking from bedroom 1 into their property and requests screening. In addition, the objector considers that the reversing area provided by the applicant will be insufficient.

In relation to the above comments, these aspects have been dealt with in the body of the report as part of the assessment.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Partial Demolition

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

Setbacks

The Residential Design Codes (R Codes) would require that the garage structure be setback 1.0 metre from the rear boundary. As the rear boundary is a right of way in this case, reduced setbacks can be considered subject to vehicle manoeuvrability being satisfied. A 6.0 metres reversing area is required to the rear of a parking bay. In light of the fact that the right of way is only 5.0 metres wide, the garage structure would need to be setback 1.0 metre from the rear boundary to achieve such manoeuvrability. The garage as proposed is 7.07 metres in length and as such has the scope to be "cropped" to comply with these requirements. As such, a suitable condition should be imposed on the proposal.

Ground Level – Southern Side

The R Codes permit parapet walls in areas coded R30 or higher to one side boundary for two-thirds of its length subject to the wall being no greater than 3.5 metres in height with an average height of 3.0 metres. The subject proposal complies with this requirement and is therefore considered acceptable.

Upper Level – Northern Side

The upper level should be setback 1.6 metres from the boundary in accordance with the R Codes' requirements, whereas the applicant only achieves a 1.5 metres setback to this boundary. In light of the fact that the variation is only 100 millimetres and that no undue overshadowing is caused as a result of the proposal, the minor reduction in setback is considered supportable.

Cone of Vision

Bedroom 1

The rear (west) facing window to bedroom 1 is required to be 4.5 metres from the northern boundary, whereas the window is located 3.0 metres from this boundary. To prevent undue overlooking arising, the window should be appropriately screened.

Study

The east facing window to the study would be required to be 6.0 metres from the northern boundary to prevent undue overlooking to the neighbouring property. As designed, this window only achieves a 4.0 metres setback. As this window is located behind the front setback line, the imposition of screening is considered necessary.

Foyer

The east facing window to this space would be required to be setback 6.0 metres from the southern boundary, whereas the applicant achieves a setback of 4.0 metres to this boundary. Again, as this window is located behind the front setback line, the imposition of screening is considered necessary.

Wall Height

Single storey construction is permitted to have a wall height of 3.0 metres and two storey construction is permitted to have a height of 6.0 metres. In this instance, the applicant seeks height of 3.5 metres and 6.3 metres respectively.

This increased height results from the existing single level of the residence having over-height walls of up to 3.9 metres. The upper level achieves a floor to ceiling height of 2.4 metres with a standard suspended slab thickness. As such, the wall height of the ground level is predetermined by the existing in order to achieve a consistent finished floor level within the dwelling. Due to the increases at ground level, also results in an increased overall height affecting the upper storey as well.

The Town's Policy relating to Local Character supports seamless extensions of this nature and coupled with the fact that the proposed variations are not considered to have any undue impact on the neighbours, and there is limited opportunity to reduce the wall height of the upper level to compensate, the increased height is considered acceptable.

Vehicle Manoeuvring

This aspect was adequately addressed in the 'Rear Setback' discussion above.

It is considered that the proposal will generally have no undue detrimental impact on the streetscape or amenity of the area. Accordingly, the proposal is recommended for approval, subject to standard and appropriate conditions to address the above matters.

10.4.1 Consideration of Public Submissions relating to the Concept Plan for the redevelopment of Loton Park (Yoordgoorading) adjacent to the Multi Purpose Rectangular Sports Stadium, Pier Street, Perth

| | | | |
|------------------------------|----------------------|--------------------|------------------|
| Ward: | South | Date: | 1 September 2003 |
| Precinct: | Beaufort, P13 | File Ref: | RES0051 |
| Attachments: | 001 | | |
| Reporting Officer(s): | Various, John Giorgi | | |
| Checked/Endorsed by: | - | Amended by: | - |

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report and considers the submissions on the Concept Plan for the redevelopment of Loton Park (Yoordgoorading) adjacent to the Multi Purpose Rectangular Sports Stadium, Pier Street Perth;*
- (ii) *APPROVES of the Loton Park (Yoordgoorading) Concept Plans No. 2169-DC-1A and 2169-DC-2A as shown in Appendix 10.4.1; and*
- (iii) *AUTHORISES the Chief Executive Officer to make minor changes to the plans which may arise during the construction of the public open space.*

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

Debate ensued.

Cr Doran-Wu departed the Chamber at 8.35pm.

Moved Cr Chester, Seconded Cr Cohen

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

"(iv) approves the substitution of the London Plane trees around the training pitch with species of Flooded Gum and Marri trees."

Debate ensued.

Cr Doran-Wu returned to the Chamber at 8.37pm.

AMENDMENT CARRIED (7-0)

(Crs Franchina and Torre were an apology for the meeting.)

Debate ensued.

Moved Cr Lake, Seconded _____

That the Rose garden be deleted.

There was no seconder and therefore the Motion lapsed.

MOTION AS AMENDED CARRIED (7-0)

(Crs Franchina and Torre were an apology for the meeting.)

COUNCIL DECISION ITEM 10.4.1

That the Council;

- (i) *RECEIVES the report and considers the submissions on the Concept Plan for the redevelopment of Loton Park (Yoordgoorading) adjacent to the Multi Purpose Rectangular Sports Stadium, Pier Street Perth;*
- (ii) *APPROVES of the Loton Park (Yoordgoorading) Concept Plans No. 2169-DC-1A and 2169-DC-2A as shown in Appendix 10.4.1;*
- (iii) *AUTHORISES the Chief Executive Officer to make minor changes to the plans which may arise during the construction of the public open space; and*
- (iv) *APPROVES the substitution of the London Plane trees around the training pitch with species of Flooded Gum and Marri trees.*

BACKGROUND:

At the Special Meeting of Council held on 16 December 2002, Council considered the matter of the Multi Purpose Rectangular Sports Stadium and redevelopment of Perth Oval and resolved inter alia as follows;

“That the Council; ...

- (17) *the proposed Public Open Space on Perth Oval be named "LOTON PARK" (in recognition of William Thorley LOTON, the original landowner, who transferred the land to the former City of Perth - now the Town of Vincent - to be used as a public park and recreation ground in perpetuity) subject to;*
 - (i) *this matter being advertised for public comment for a period of forty two (42) days (as part of the Major Land Transaction); and*
 - (ii) *the Chief Executive Officer submitting a further report to the Council to consider any submissions received at the end of the public consultation period.”*

PUBLIC CONSULTATION

Concept Plan

The Town advertised the Concept Plan locally on 19 July 2003. Letters were also sent to all Precinct/Community and Business Groups in the Town. Submissions closed on 8 August 2003 and at the close of submissions, six (6) responses were received. Details are as follows;

1. Forrest Precinct Group Inc:

This group stated;

- "1. Members of the community who attended the 21 July 2003 FPG public meeting were unanimous in opposing any future permanent carparks within the Public Open Space (POS). There is more than sufficient car parking and street parking for the Loton Park Tennis Club to utilise without losing any more public open space.
2. Members of the community were also opposed to the proposed possible future tennis courts (as reflected in our original submission on the whole of the development). The public open space should be for use by the public, not exclusive use by an individual club.
3. We would recommend the Town of Vincent charge a suitable amount for parking on the temporary carpark on game nights, collected by the Town of Vincent to cover the costs of maintaining the public open space utilised for the temporary parking. The figure suggested by members was \$10 per vehicle as charged by Subiaco Council.
4. Temporary car bays in South East corner of ground - the plans do not indicate how the cars could access this area without driving along the pedestrian footpath and past the pedestrian gates to the oval. This would seem excessive utilisation for temporary parking.
5. Following a site inspection on 27 July, we would recommend the 'Roses' intended for the corner of Pier and Bulwer Streets be placed directly in front of the 3 palms in the forecourt, which are in proportion to the main gates, which then have 3 Norfolk Pines which are proportionally placed behind the gates. This would appear to be more aesthetically pleasing to the eye than to have the rose beds stuck out on an angle. Also, on the plans the curve of the forecourt area on the Pier Street sides seems to be reduced to the area currently bituminised. Was this intentional or is the road being widened?
6. Bullnosed retaining wall around the existing palms in the forecourt - whilst we don't have a problem with this treatment, we would recommend that a similar treatment to the landscaping on the roundabout in front of the forecourt may be more appropriate and 'green'.
7. A query as to whether the old AFL Goal Posts are in storage anywhere, and if so if they could be incorporated as art work in the public open space / part of a memorial area to the area's earlier occupation?
8. The plans do not indicate what would occur at the Brewer Street end of the ground. Currently the retaining wall level is considerably higher than the road. How is it intended to integrate the grounds / fencing / embayed parking on Brewer Street.
9. Drainage - Brewer Street. We previously questioned why only the main drains in Bulwer St were being upgraded and not the old wooden drainage in Brewer St as well and were advised that the drainage from the oval would be diverted north to Bulwer St and therefore not affect the capacity of the Brewer St drainage.

A recent site visit clearly shows there are large drainage pipes laid and which appear to be leading into Brewer Street. Is the infrastructure in Brewer Street being upgraded to cope with the extra drainage.

10. As indicated earlier, we would have preferred the BBQ area to be located in the public open space rather than inside the oval grounds where it can only be used on game days by spectators.

Thank you again for this opportunity to comment. We look forward to utilising this rejuvenated area in the near future."

Chief Executive Officer's Comments

- 1.-2. These comments are noted. At the Ordinary Meeting of Council dated 8 April 2003, the Council resolved to;

"(iv) NOTES the request from Loton Park Tennis Club for additional courts, parking and ramp for the disabled and advises that;

(a) Loton Park Tennis Club is to provide information to support and justify the above additional facilities (and including membership numbers, number of members who are residents/ratepayers of the Town, usage, benefits and indicative costs, funding arrangements); and

(b) subject to (a) above being satisfactorily complied with, the Town will consider this request as part of the Town's Community Recreation and Sporting Facilities Fund (CRSFF application 2003/04."

To date the Clubs have not provided the sporting information.

3. The temporary parking will be controlled by the Council. Appropriate fees will be investigated. The cost for temporary parking on Mueller Park at Subiaco Oval is \$10. However, it is reduced by \$1 for each additional person in the vehicle (e.g. \$9 for 2, \$8 for 3, \$7 for 4, \$6 for 5 persons).
4. Temporary carparking in the POS area will be investigated to ensure that there is no conflict with persons. The plan will be finalised after the POS has been constructed.
5. The preference is to keep the main forecourt area open to allow easy access and egress across the forecourt area and through the main gates. Therefore the garden area has been placed to the side, thus breaking up an otherwise large area of brick paving. This concept of "openness" is supported by the Heritage Council, who prefer to see the views to the gates as unrestricted. The plan shows the curve of the forecourt area as it currently exists on site. There are no plans to widen the road.
6. The Heritage Council has since advised that the bull-nosed wall is not supported. Therefore, a flush concrete kerb is now proposed to be installed 1.5-2metres around each palm following removal of the bitumen. A small garden area will be created around each palm with lighting installed to shine into the palm canopies. This will also assist with water and drainage to the palms.
7. Goalposts were previously removed many years ago (by EPFC) and cannot be located.
8. Due to the steep grade on the embankment along the Brewer Street frontage a portion of the existing retaining wall will remain and a portion of the frontage will be fenced for safety reasons. The bank will be planted with ground cover.

9. Drainage in Bulwer Street has not been upgraded as part of this project. The recent works were for the redirection of the main sewer. The drainage infrastructure currently being constructed within Perth Oval is a combination infiltration and retention system with an overflow to the Brewer Street drain. The section of large diameter (750mm) pipe currently visible adjacent the Brewer Street frontage is for additional storage and will be reduced to a 600mm connection (matching the original connection). It should also be noted the City of Perth upgraded the Brewer Street drain to a 900mm diameter pipe in the early 1990s. The only remaining timber structures which form the base of the original drainage gullies in Brewer Street, will be upgraded in late 2003 with the construction of the proposed angled parking. The Water Corporation are satisfied with the drainage and have approved of the hydraulic plans.
10. The electric Barbeque is currently located within the Public Open Space (POS) area and is not within the stadium land. It will therefore be available to the public.

2. Mr Dudley Maier, Highgate:

"Driveways

The public open space should be a park that can be used as a carpark and not vice versa.

The plan shows two significant driveways. These reduce the recreational value of the park, are excessive in size, promote car use by making car access easier, and most importantly, reduce pedestrian safety by increasing the potential for car-pedestrian conflict.

- There should only be one 'driveway'. While providing parking on the park has some benefit for the local community, the Town should not be making it even easier for people to use their cars. A single entrance/exit point should therefore be encouraged. Although the Bulwer Street entrance has the advantage of reducing the conflict with pedestrians going to/from the train stations, it does not provide efficient access for parking. It should be dropped completely.
- The 'driveway' off Lord St should only go a short distance into the park and should not have the dogleg that leads to the eastern gate.
- The pedestrian path to the north east of the eastern gate should be entirely separate from the 'driveway' in order to reduce potential car-pedestrian conflict. They should not overlap at all.
- There should be large signs on any driveway stating "Pedestrians have right of way".
- Car access to the two proposed parking areas on the east (19 bays) and south east (54 bays) is not clear. Surely it isn't proposed to have cars use the pedestrian path from the south east corner? These areas should not be used for car parking (see below).

- The bitumen should be red not black. The only exception should be on the short driveway from Lord St which could be black to differentiate it from the pedestrian paths.

Parking – South East and East

The parking areas on the south east (54 bays) and east (19 bays) should be removed. Car access to these areas is problematical (above).

These areas should be retained as park land and as a place to congregate on match day. The area would be a good spot to put up a child sized goal so that children can have a kick around prior to the match. This use would also be encouraged if more seating was provided in the immediate area and possibly a second barbeque installed.

Trees

I'm against the use of the Cut Leaf Plane Tree to surround the carpark/practice pitch. Deciduous trees may provide certain advantages in small spaces, allowing the area to be used both in summer and winter. However, the area in question is large and very open. There is no need to get that extra bit of sunlight in winter.

The suggested trees are low in 'biodiversity value'. The Town should be planting trees to support the local fauna and therefore should select more appropriate Western Australian trees.

I do not support planting large non native trees simply to continue the theme. The open space provides a rare opportunity to have large trees but make them a suitable species.

Seating

There should be a lot more seating provided. The seating should meet two needs:

- There should be groupings of seats in a 'U' formation to make it easy for groups to get together similar to the seating which is so successful in Hyde Park. This will encourage locals to use the park as a meeting place.
- There should be more seating near the entrances to the stadium so that people can sit while waiting for fellow patrons. These should be in the shade.

Seating must have high visibility from the roads for security reasons and to discourage anti-social behaviour.

Future carparks

I do not support the 'possible future car parks' within the public open space. The Town is providing 69 bays on Pier St and 69 bays on Brewer St. Both are in easy walking distance of the tennis courts and former caretaker's cottage.

Consideration should be given to providing pedestrian gates in the western and north eastern fences of the stadium so that tennis players can take a short cut when there is no event at the stadium. This public access is in accordance with Loton's original condition.

Consideration could also be given to giving the tennis club special windscreen tickets allowing them exclusive access to bays along Bulwer St adjacent to the club on match days.

Forecourt

Scrap the rose garden – put in a formal garden with natives. Lets have the ‘twentieth century rose garden’. I like roses but let home gardeners grow them.

I support the grassed area but would like to see more shade trees. There should also be some seating provided, in the shade, for people waiting for their friends.

Lights

These should be the model with the pedestal base. They look much better than the simple pole model used elsewhere in the Town (eg Royal Park).

The positioning looks fine to me but should be reviewed professionally to ensure that there aren't any dark spots which may either be unsafe or encourage anti-social behaviour. I'm not sure if there will be enough spill from Brewer St to fully illuminate the south east corner.

Public transport

While I appreciate that this has nothing to do with the redevelopment plan, the grassed parking area should only be available when the cost of public transport is built into the cost of the event."

Chief Executive Officer's Comments

Driveways

The access driveways to the Stadium land have been prepared in conjunction with the various Emergency Services Authorities. It is essential that the driveways off Bulwer and Lord Streets meet their safety requirements. The driveways will be kept to a minimum width. The existing driveway along the Lord Street frontage is required to allow Emergency Services Vehicles to access the grounds, in the event of an emergency. This is the current entry and egress of vehicles (including maintenance vehicles) onto the POS area. The driveway itself, is required to be 6 metres wide to allow both entry and egress, however the path is narrowed towards the stadium entry and red asphalt can be used (in lieu of black) to signify it is a pedestrian path more so than a vehicle access/egress road. (Plan has been updated to reflect the change.)

The driveway from Bulwer Street is required to allow emergency service vehicles (and other services) access into the stadium from the Northern end and will allow an alternative entry/exit for vehicles parking on the Public Open Space during match days.

Signage will be considered and where appropriate installed to advise of specific requirements. (Plan has been amended)

Other than a portion of driveway crossovers onto the surrounding streets, all other paving in the POS will be constructed in red asphalt.

Parking

See previous comment.

Trees

The vegetation in and around Perth Oval is predominantly exotic, not native and this theme should be maintained. Whilst the introduction of additional exotic or European trees is favourable, the addition of native trees will alter the existing landscape significantly and is not supported. London Plane Trees will be planted, instead of "Cut Leaf Plane Trees".

Seating

Adequate seating will be provided at various locations. The location of seating on the concept plan is conceptual only and the exact numbers of seats will be determined in accordance with the budget allocation. However, additional seating can be added at any future stage and installed either individually or in a group formation where this type of installation is appropriate.

Future Carparks

See previous comment.

Forecourt

The planting of this area with roses is considered to be in keeping with the heritage theme of the Oval. The Heritage Council whilst supporting the forecourt landscaping, do not support the additional planting of trees or construction of any type in the forecourt area as it obstructs the main gates.

Lights

Model with the pedestal base is some \$400-\$600 more per pole dependant on the style of pole used. The extra cost for this model would be \$8,800-\$13,200. The lighting budget has not made allowance for use of such fixtures and all other applications of this type within the Town have used a straight 90mm galvanised powder coated black pole. The lights have been located in accordance with the Australian Standards for lighting within recreational areas.

Public Transport

This is not a part of the landscape plan. However, initiatives will be investigated to increase and promote the use of public transport.

3. Claise Brook Catchment Group:

- "1. Given the large areas of turf and the closeness to groundwater, the Town should prepare a fertiliser plan for the entire site, including the turfed rectangular playing field, to ensure that no excess fertiliser is added to the site which could affect the groundwater or surface runoff. This should include testing of all soil prior to the application of any fertiliser. Guidelines for the preparation of a turf management plan can be obtained from the Water and Rivers Commission.
2. The rich history of this site gives many opportunities for expression through interpretive materials, including signs, artwork, planting and other structures. The original shoreline of the wetland, which passed across the upper levels of the site, just south of Bulwer St, could be expressed in a number of ways. Suggestions include a) a row of paperbark trees, b) a low wall which could also be used as a seat, c) a line of brick or other material embedded into the ground. Different methods can be used to express the former shoreline depending on location (ie through open space, crossing a pathway, through the stadium etc). The former lake shore is shown in Fig 41 of the Conservation Plan.

We would like to congratulate the Town for creating this area of open space on a site of great significance."

Chief Executive Officer's Comments

- 1) The fertilising of Parks & Reserves is undertaken in accordance with the recommendations outlined in the Turf & Irrigation Nutrient Study (TINS) document completed in 1996. In addition the Town's staff undertake Phosphorous Retention Index (PRI) and Leaf Tissue Analysis, of turf and soils prior to the make up and application of specific turf fertilisers.
- 2) These comments are noted and whilst these additional works may not be implemented at this point in time due to budget constraints, they may be considered as part of the Towns future capital works.

The Town recognises the importance of the history of the area and wherever practicable will endeavour to recreate or express former features in some way.

4. Councillor Sally Lake, Highgate:

1. The Perth Oval Gates are quite symmetrical at present with the 3 Washington palms in front and 3 Norfolk pines behind. Creating a rose garden off to one side will spoil that symmetry. Instead I would suggest that landscaped areas be created around the 3 palms, following the plan marked 9/30 in the Perth Oval Archival Record. The landscaping could include a rose garden around the central palm; however the garden should be managed in responsible way in regards to fertiliser and water use. Rose colours should be chosen to complement the soft colours of the gates, perhaps older varieties that were available in Perth during the 1930s (and therefore probably not standard roses). Soft landscaping around the palms would also achieve the recommendation in the Conservation Plan to remove bitumen from the root zone of the Washington Palms.
2. The location of the proposed rose garden could be planted instead with native plants as an oblique reminder of what was removed entirely from this location.
3. Charlie's tree and the olive tree behind the entrance gates could be marked with plaques explaining their significance.

4. The proposed line of trees along the western side of the open space should be as large a tree as possible since there is nothing to limit their size (powerlines etc). I'm concerned that cut-leaf plane trees, while attractive, only grow to about 8m. This is a place that could take a magnificent tree. The tree could be chosen from the range already growing on site appropriate to the era when the oval was first planted out, or else a large Western Australian tree to complement/contrast with the existing plantings.
5. On the Brewer St frontage the ground rises up quickly from the footpath. If a fence is necessary to hold back the sloping ground, then careful consideration should be given to the placement of the fence so as not to create areas within the public open space which have difficult access or are hidden from street surveillance. It might be better to include the space behind the fence within the stadium.
6. Bitumen paving should be removed from the root zone of all Moreton Bay figs at the corner of Lord and Brewer (as per the recommendation of the Conservation Plan).
7. Bitumen should be kept clear of all trees where the carparking is created on the Pier St side.
8. Seating should be provided in a U formation to encourage conversation/meeting with the back to prevailing breezes.
9. There are great opportunities for interpretation of the rich history of this site. Useful fixtures within the park, could reflect the history of the site, including natural history and cultural history. Suggestions include marking the former lake edge. Making park furniture out of materials from the former oval, or fun things like a seat made from footballs.
10. I am concerned that using every bit of the open space for parking on match days may cause a conflict between pedestrians entering the grounds, and cars crossing the paths, I would prefer that parking was restricted to the single large area of open space, with traffic very strictly controlled.
11. Car-parking on the open space should only be allowed when justified. Perhaps the users of the oval could "earn" the right to use the open space for parking only when they have included the cost of public transport within the event tickets.
12. I do not support the creation of permanent carparks within parkland. This area will be well supplied with on-street and off-street parking once the redevelopment is complete.
13. I am concerned about the location on Lord St of the proposed future tennis courts. They will create an area of parkland which is not visible from surrounding streets creating an unsafe situation. Please reconsider the placement of the additional tennis courts.

Thank you for the opportunity to comment. I think this will be a magnificent new park and a great asset to the area."

Chief Executive Officer's Comments

1. The existing large hardstand "nib" to the west of the main gates along Pier Street spoils the symmetry of the main gates and rather than merely pave this area, it is considered that a garden would be more appropriate. The rose species and colours will be selected by the Town's staff. Given its location to the side of the main gates, it is not seen as obtrusive. Garden areas will be created around the base of the palm trees and therefore the bitumen will be removed. Decorative lighting will be installed shining into the canopies of the palm trees. (Plan has been modified to reflect this)
2. See previous comments.
3. Plaques will be considered for installation outlining the significance of features such as "Charlie's" Tree.
4. The vegetation in and around Perth Oval is predominantly exotic, not native and this theme should be maintained. Whilst the introduction of additional exotic or European Trees is favourable, the addition of native trees will alter the existing landscape significantly. In keeping with the large tree species planted around Perth Oval, the tree species being proposed around the POS area is the London Plane tree.
5. The fence along the Brewer Street frontage will not act as a retaining wall, simply a barrier to deter people from using this area for access as the steep slope is likely to be hazardous and potentially public liability issues could arise if the area were left open.
6. All bitumen will be removed from around the base of all trees and appropriate mulch and irrigation installed where required.
7. As above.
8. This is noted and will be addressed. The location of seating on the concept plan is conceptual and the exact numbers of seats will be determined subject to budget allocation. However, additional seating can be added at any future stage and installed either individually or in a group formation where this type of installation is appropriate.
9. These comments are noted and whilst these additional works may not be implemented at this point in time due to budget constraints, they may be considered as part of the Town's future capital works.
- 10.-13 See previous comments.

5. Norfolk Precinct Group Inc:

This Group stated;

"Tree Selection

As the park consists of mainly fig and plane trees, the planting of some flowering trees such as the Illawarra flame tree, Queensland lacebark, Indian bean tree or Paulownia would bring some seasonal colour in the grounds and enhance the predominantly green canopy as well as providing shade in the proposed open grassed area.

Roses

The location of the rose bed would upset the balance of the impressive formal entrance with its symmetrical planting of the Canary Island date palms backed by the three Norfolk Island pines. The siting of the bed in an area that would have high pedestrian use during peak times may see problems with vandalism or trampling of plants. A relocation to the proposed open grassed area would reinforce the park concept as well as introduce additional colour.

Ground Covers

Due to the excessive build up of leaf litter that is evident in the areas on the Brewer and Lord Street sides of the grounds, the dense shady canopy of the figs and the reduced amount of sunshine, the star jasmine and snake vine may not be the most successful plant selection.

The range of plants proposed for the ground covers (three species in all) seems limited, as a greater plant selection would provide more visual interest as well as complement the park concept. Plant selection could be made from species tolerant of shade, lower light levels and of various foliage colours as has been done successfully on the Vincent Street side of Beatty Park Reserve with the use of philodendrons, marantas and dracaenas.

Paved Surfaces

The large areas of brick paving proposed could be replaced with red bitumen that in colour and texture is more historically appropriate in a park that was developed in the first decades of the twentieth century.

Grassed Areas

The introduction of a large, open, grassed area in the eastern section of the park is highly commendable as it reinforces the concept of public open space and therefore should not at any time be compromised by becoming a de facto parking area in times of peak usage of the park.

The Norfolk Precinct Group strongly recommends that these points be considered prior to any final decision being made."

Chief Executive Officer's Comment

Tree Selection: Comments are noted, however it is preferred that an existing species of tree within Perth Oval be used where any additional planting is required. The London Plane tree is now proposed to be planted around the POS area.

Roses: See previous comments

Groundcovers: All the groundcovers listed in the concept plan have been trialled in other areas of the Town, under trees and with great success. Plant species whilst indicated may be subject to change due to the availability of specific stock. Other alternative species may therefore be utilised and comments in relation to other species types are noted.

Paved Surfaces There are no large sections of brick paving within the POS, all path/road areas will be constructed from red or black asphalt. The only brick paved areas are the footpaths around the oval and a portion of the car parking area off Pier Street. This car park area will be paved as advised by an arboricultural consultant.

Grassed Areas: See previous comments.

6. Karl and Lesley Penirschke:

"General

It is with a great deal of disappointment that we reply to this concept plan. When originally proposed, the concept was sold to the ToV residents as making further public open space available to the public and it is without a doubt that the donators of the land would turn in their graves if they know what is becoming of the land they donated.

Comments:

1. We would prefer not to see any permanent car parks on the land. (These are not available at Hyde Park and look how busy it is.) Let's leave what little is remaining of the open space as open space.
2. If it is necessary to allocate further space to tennis courts, then these should be where the current groundskeeper's cottage is. This building is not worthy of preservation and the land is currently unavailable to the general public, so they will notice no great loss.
3. Although not clear, it would appear that the land available for public recreation purposes is limited to those areas directly fronting Lord and Bulwer Streets, on game days (soccer, league, rugby, lacrosse, etc) and when the practice pitch is in use. Five days a week training for Glory and training for other clubs during their seasons? So just when is the "Created Public Parkland" really going to be available?
4. Embayed parking on Brewer Street has its merits. Having reviewed the concept plan regards the location of these, and surveyed the street, it appears that either the footpath is going to be greatly lowered or the street greatly raised to allow the access required. The most likely appears to be a lowering of the footpath. The "Fairview" style fence (quite what is this?) coloured black seems a very mean way of holding the resulting embankment in place. The heavy leaf litter that collects behind the current fence provides an unhealthy breeding ground for mosquitos. A solid fence would provide an even greater health hazard. And if the metal will be subject to rot. We would like to see something more permanent.
5. Upgrading of street lighting in this area has in the past only attracted street workers. With the handy location of an open park this will be an open invitation for the return of this type of activity. The street lighting should not be altered at least until the impact of the park has been assessed.

6. It is disappointing to see that proposed tree removals were completed prior to public comment. Such moves make a mockery of "public comment time".
7. Walkways should be circular and intersecting (a good example in Hyde Park) as this leads to the public walking around and enjoying the park. Simple "through" paths simply lead to the use of an area as a shortcut. So, a path around the perimeter of the practice area, along with a few trees to take shade under while watching, would be desirable.
8. Lighting is non-essential as most desirable recreation is not a night time activity.
9. Seating would be a happy addition, along with adequate rubbish disposal facilities. And artwork in this day has little general appeal. Perhaps a plaque of apology to the donators of the land."

Chief Executive Officer's Comments

1. Car parking will be temporary, not permanent - see previous comments.
2. Comments regarding the extension of future tennis courts into the POS have been noted and this matter will need to be further investigated.
3. Comment noted. The POS will be available for the public. Training on the practice pitch (POS) will be for several hours during the day mid week, to conserve the main pitch. This is not exclusive and therefore will not unduly restrict the public access to the POS. In fact, it will be an attraction for the local community interested in sport.
4. Neither the existing footpath nor the road will need to be lowered to accommodate the proposed angle parking. The engineering involved will have little impact on existing levels.

The colour and type of "Fairview" style fencing has been successfully used throughout the Town in other reserves and may positive comments have been received.
5. It is considered appropriate to upgrade the level of street lighting in Brewer Street in conjunction with the Oval redevelopment for the following reasons:
 - (a) As a consequence of the installation of angled parking there will an increase in traffic movements in Brewer Street and as many of the games will be played at night enhanced, street lighting will reduce the potential for accidents.
 - (b) Similarly there will be an increase in pedestrian activity in Brewer Street, particularly the north side, which is currently inadequately illuminated because spacing and low wattage of the existing streetlights located on the southern side of the road and canopy spread of the fig trees on the northern side of Brewer Street.
The comment about the street lighting attracting streetwalkers is not justified.
6. Only one (1) tree removal has taken place prior to the public comment period. This was a dead Oak tree located within Perth Oval at the corner of Brewer Street and Pier Street. It was removed for safety reasons and not as part of the redevelopment project.
7. Walkways - it is considered that the current walkway locations suit the needs of the POS.

8. Lighting - this is essential for evening use of the POS and for safety reasons.
9. Seating and Artwork - this will be incorporated with the POS.

FINANCIAL/BUDGET IMPLICATIONS:

Additional annual maintenance costs will be increased to maintain the Public Open Space (POS). An additional Parks employee will need to be engaged.

The creation of the POS will cost approximately \$460,000. The proposed artwork will cost approximately \$92,000. No additional funds are required, as both amounts are available in the Perth Oval Redevelopment project.

LEGAL/POLICY IMPLICATIONS:

Nil.

ADVERTISING/COMMUNITY CONSULTATION:

N/A.

PRINCIPAL ACTIVITIES PLAN:

This is included in the Town's Principal Activities Plan 2003-2008, Page 68 – *“Major Capital Works – Land and Buildings”*.

STRATEGIC IMPLICATIONS:

This project is in keeping with the Town's Strategic Plan 2000-2002, Key Result Area 3 - The Physical Infrastructure - *"3.5 - Develop and implement strategies to improve the Town's physical infrastructure, including buildings and land"*; and *"3.6 - Develop and implement strategies to improve the Town's Parks and Reserves"*.

COMMENT:

The creation of Loton Park (Yoordgoorading) will provide up to 35,000m² of Public Open Space (POS) to the community. Access to this land was previously restricted to Western Australian Football League (WAFL) and Perth Glory Soccer Club (PGSC) games at Perth Oval. This POS will greatly improve the amenity of the area and will be a major benefit to the community.

10.4.8 Late Item - Introduction of Paid Parking in Pier, Brewer and Stirling Streets, the Stadium Car Park, Pier Street, Perth, the Oxford Street Car Park, and Stuart Street; and Proposed Amendments to the Town of Vincent Local Law Relating to Parking Facilities to Enable the Installation of Ticket Issuing Machines in Pier, Brewer and Stirling Streets, the Oxford Street Car Park, and Stuart Street

OFFICER RECOMMENDATION:

That;

- (1) *the Council, at its Ordinary Meeting held on 12 August 2003 (Item 10.4.9), approved of a recommendation as detailed in this report;*
- (2) *Councillor MOVES a motion to CHANGE the decision to correct errors;*
- (3) *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, three Elected Members, namely Mayor Catania, Councillor and Councillor, being one third of the number of offices of members of the Council, support this motion;*
- (4) *the Council RESOLVES BY A SPECIAL MAJORITY to CHANGE the decision as follows:*
 - (i) *amending clause (iii)(b) by deleting the word "Sunday" and inserting the word "Friday" in line one;*
 - (ii) *amending clause (iii)(c) by deleting the word "Sunday" and inserting the word "Friday" in line one and by deleting "Salisbury Street" and inserting "Britannia Road" in line 4;*
 - (iii) *amending clause (viii)(a)(5) by deleting the word "Stirling" and inserting the word "Pier" (Street) in line 1;*
 - (iv) *deleting clause (viii)(b) and inserting the following:*

"(b) Amending the existing the Second Schedule relating to Parking Stations, as follows:

 - (1) *by inserting in column 1 "Oxford Street Car Park situated between Oxford Street and Faraday Street, Mount Hawthorn";*
 - (2) *by inserting in column 2 "~~DAY PARKING~~"; "Monday to Sunday, 8.00am to 8.00pm inclusive";*
 - (3) *by inserting in column 3 "~~Monday to Sunday, 8.00am to 8.00pm inclusive~~"; "Not Applicable"*
 - (4) *by inserting in column 4 "Not Applicable"*

(4)-(5) by inserting in column 1 "Oxford Street Car Park situated between Oxford Street and Faraday Street, Mount Hawthorn";

- (5) (6) *by inserting in column 2 "NIGHT PARKING" "Monday to Sunday, 8.00pm to 8.00am inclusive";*
(6) (7) *by inserting in column 3 "Monday to Sunday, 8.00pm to 8.00am inclusive"; "Not Applicable";*
(8) *by inserting in column 4 "Not Applicable"*
(7) (9) *by inserting in column 1 "Stadium Car Park situated within Perth Oval Reserve, Pier Street, Perth, between the eastern side of Pier Street, eastward to the delineating fence-line of the leased area of the proposed Multi-Purpose Rectangular Sports Stadium";*
(8) (10) *by inserting in column 2 "DAY PARKING"; "Monday to Sunday, 8.00am to 8.00pm 10.00pm inclusive";*
(9) (11) *by inserting in column 3 "Monday to Sunday, 8.00am to 8.00pm 10.00pm inclusive"; "Not Applicable"*
(12) *by inserting in column 4 "Not Applicable"."*

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted and clause (2) be moved by Cr Ker and clause (3) be supported by Mayor Catania, Cr Lake and Cr Farrell.

MOTION CARRIED BY A SPECIAL MAJORITY (7-0)

(Crs Franchina and Torre were an apology for the meeting.)

COUNCIL DECISION ITEM 10.4.8

That;

- (1) the Council, at its Ordinary Meeting held on 12 August 2003 (Item 10.4.9), approved of a recommendation as detailed in this report;*
- (2) Councillor Ker MOVES a motion to CHANGE the decision to correct errors;*
- (3) 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, three Elected Members, namely Mayor Catania, Councillor Lake and Councillor Farrell, being one third of the number of offices of members of the Council, support this motion;*
- (4) the Council RESOLVES BY A SPECIAL MAJORITY to CHANGE the decision as follows:*
 - (i) amending clause (iii)(b) by deleting the word "Sunday" and inserting the word "Friday" in line one;*
 - (ii) amending clause (iii)(c) by deleting the word "Sunday" and inserting the word "Friday" in line one and by deleting "Salisbury Street" and inserting "Britannia Road" in line 4;*
 - (iii) amending clause (viii)(a)(5) by deleting the word "Stirling" and inserting the word "Pier" (Street) in line 1;*

(iv) *deleting clause (viii)(b) and inserting the following:*

"(b) Amending the existing the Second Schedule relating to Parking Stations, as follows:

- (1) by inserting in column 1; "Oxford Street Car Park situated between Oxford Street and Faraday Street, Mount Hawthorn";*
- (2) by inserting in column 2; "Monday to Sunday, 8.00am to 8.00pm inclusive";*
- (3) by inserting in column 3; "Not Applicable";*
- (4) by inserting in column 4; "Not Applicable";*
- (5) by inserting in column 1; "Oxford Street Car Park situated between Oxford Street and Faraday Street, Mount Hawthorn";*
- (6) by inserting in column 2; "Monday to Sunday, 8.00pm to 8.00am inclusive";*
- (7) by inserting in column 3; "Not Applicable";*
- (8) by inserting in column 4; "Not Applicable";*
- (9) by inserting in column 1; "Stadium Car Park situated within Perth Oval Reserve, Pier Street, Perth, between the eastern side of Pier Street, eastward to the delineating fence-line of the leased area of the proposed Multi-Purpose Rectangular Sports Stadium";*
- (10) by inserting in column 2; "Monday to Sunday, 8.00am to 10.00pm inclusive";*
- (11) by inserting in column 3; "Not Applicable"; and*
- (12) by inserting in column 4; "Not Applicable".*

BACKGROUND:

At the Ordinary Meeting of Council held on 12 August 2003 the Council adopted a decision relating to parking. Due to a clerical error, a number of corrections are required and these are shown by ~~striketrough~~ and underlining.

"That the Council:

- (i) RECEIVES the report on the introduction of paid parking in Pier, Brewer and Stirling Streets, the Stadium Car Park, Pier Street, Perth, the Oxford Street Car Park, and Stuart Street; and the proposed amendments to the Town of Vincent Local Law Relating to Parking Facilities to enable the installation of Ticket Issuing Machines in Pier, Brewer and Stirling Streets, the Stadium Car Park, Pier Street, Perth, the Oxford Street Car Park, and Stuart Street;*
- (ii) DEFERS the introduction of paid parking in Richmond Street for the reasons outlined in the report and, once the matter has been further assessed, receives a further report in June 2004;*

- (iii) *APPROVES the extension of on-road parking restrictions, as indicated, at the following locations outlined in (a), (b) and (c), as shown on attached Plan Nos. 2188-PP-1, 2189-PP-1 and 2190-PP-1, consults with all adjoining householders/businesses for 21 days, and receives a further report on the matter at the conclusion of the consultation period;*
- (a) *2 hour parking 8.00 am to 8.00pm Monday to Sunday;*
- *Edward Street - (north side) Pier Street to Lord Street*
 - *Delawney Street - Lord Street to end*
 - *Bulwer Street – Brisbane Street to Lord Street*
 - *Stirling Street - Parry Street to Brisbane Street*
 - *Smith Street - Bulwer Street to Lincoln Street*
 - *Wright Street - Bulwer Street to Lincoln Street*
- (b) *2 hour parking 8.00am to 5.30pm Monday to ~~Sunday~~ Friday and 8.00am to 12noon Saturday;*
- *Randell Street - (south side) Palmerston Street to Fitzgerald Street*
 - *Fitzgerald Street - Stuart Street to Lawley Street*
 - *Carr Street - (south side) Charles Street to Fitzgerald Street*
 - *Cowle Street - Charles Street to Fitzgerald Street*
 - *Fitzroy Street - Fitzgerald Street to end*
 - *Palmerston Street west side - Stuart to Randell Street*
- (c) *1 hour parking 8.00am to 5.30pm Monday to ~~Sunday~~ Friday and 8am to 12noon Saturday;*
- *Anzac Road - Oxford Street to Flinders Street*
 - *Oxford Street - (west side) Anzac Road to ~~Salisbury Street~~ Britannia Road*
 - *Shakespeare Street - Anzac Road to Scarborough Beach Road*
 - *Anzac Road - Harrow Street to Shakespeare Street;*
- (iv) *APPROVES the installation of:*
- (a) *three (3) Ticket Issuing Machines, in the centre median island of Pier Street, Perth between Brisbane Street and Brewer Street, as shown on attached Plan No. 2194-CP-1;*
- (b) *four (4) Ticket Issuing Machines on the north side of Brewer Street, Perth between Lord Street and Pier Street, as shown on attached Plan No. 2194-CP-2;*
- (c) *four (4) Ticket Issuing Machines in the centre of road angled parking in Stirling Street between Parry Street and Brisbane Street, as shown on attached Plan No. 2194-CP-3;*
- (d) *two (2) Ticket Issuing Machines into Oxford Street Car Park, Mount Hawthorn, which occupies the land between Oxford Street and Faraday Street, as shown on attached Plan No. 2194-CP-4;*
- (e) *five (5) Ticket Issuing Machines into the proposed Stadium Car Park, Pier Street, Perth, which occupies the land between the eastern side of Pier Street and the western side of the leased area of the proposed Multi-Purpose Rectangular Sports Stadium, between Brisbane Street and Brewer Street, as shown on attached Plan No. 2192-CP-2;*

- (f) *four (4) Ticket Issuing Machines on the north side of Stuart Street, Perth between Palmerston Street and Fitzgerald Street, as shown on attached Plan No. 2194-CP-5;*
- (v) *APPROVES the imposition of an hourly parking fee of:*
 - (a) *eighty (80) cents per hour to a maximum of \$4.40 per day from 8.00am to 10.00pm Monday to Sunday, to the ticket issuing machines referred to in clauses (iv)(a), (iv)(b), (iv)(c) and (iv)(e) above;*
 - (b) *eighty (80) cents per hour to a maximum of \$4.40 per day from 8.00am to 8.00pm Monday to Sunday, and 60 cents per hour to a maximum of \$3.30 per night from 8.00pm to 8.00am Monday to Sunday, to the ticket issuing machines referred to at clause (iv)(d) above; and*
 - (c) *sixty (60) cents per hour to a maximum of \$3.30 per day from 8.00am to 5.30pm Monday to Friday and 8.00am to 12 noon Saturday, to the ticket issuing machines referred to at clause (iv)(f) above;*
- (vi) *AMENDS the First Schedule of the Town of Vincent Local Law Relating to Parking Facilities to include the following Streets within the Town of Vincent;*
 - (a) *the eastern and western sides of Pier Street between Brewer Street and Brisbane Street, Perth;*
 - (b) *the northern side of Brewer Street, between Lord Street and Pier Street, Perth;*
 - (c) *in the median angled parking in Stirling Street between Parry Street and Brisbane Street, Perth; and*
 - (d) *Stuart Street, between Fitzgerald Street and Palmerston Street, Perth;*
- (vii) *AMENDS the Second Schedule of the Town of Vincent Local Law Relating to Parking Facilities to include the Stadium Car Park and the Oxford Street Car Park as designated car parks within the Town of Vincent;*
- (viii) *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 Parking Facilities as follows:*

LOCAL GOVERNMENT ACT 1995 (as amended)

TOWN OF VINCENT PARKING FACILITIES LOCAL LAW

AMENDMENT

In pursuance of the powers conferred upon it by the Local Government Act 1995, and all other powers enabling it, the Council of the Town of Vincent HEREBY RECORDS having resolved on 12 August 2003 to amend the Town of Vincent Parking Facilities Local Law published in the Government Gazette on 23 May 2000 by:

- (a) *Amending the existing First Schedule relating to Ticket Machine Zones – Periods and Fees, as follows:*

- (1) *by inserting in column 1 "East and west sides of Pier Street, Perth";*
 - (2) *by inserting in column 2 "Between Parry Street and Brisbane Street";*
 - (3) *by inserting in column 3 "8.00am to 10.00pm Monday to Sunday";*
 - (4) *by inserting in column 1 "North side of Brewer Street, Perth";*
 - (5) *by inserting in column 2 "Between Lord Street and ~~Stirling~~ Pier Street";*
 - (6) *by inserting in column 3 "8.00am to 10.00pm Monday to Sunday";*
 - (7) *by inserting in column 1 "Median Parking in Stirling Street, Perth";*
 - (8) *by inserting in column 2 "Between Parry Street and Brisbane Street";*
 - (9) *by inserting in column 3 "8.00am to 10.00pm Monday to Sunday";*
 - (10) *by inserting in column 1 "north side of Stuart Street, Perth";*
 - (11) *by inserting in column 2 "Between Palmerston Street and Fitzgerald Street"; and*
 - (12) *by inserting in column 3 "8.00am to 8.00pm Monday to Friday and 8.00am to 12 noon Saturday"; and*
- (b) *Amending the existing the Second Schedule relating to Parking Stations, as follows:*
- (1) *by inserting in column 1 "Oxford Street Car Park situated between Oxford Street and Faraday Street, Mount Hawthorn";*
 - (2) *by inserting in column 2 "~~DAY PARKING~~"; "Monday to Sunday, 8.00am to 8.00pm inclusive";*
 - (3) *by inserting in column 3 "~~Monday to Sunday, 8.00am to 8.00pm inclusive~~"; "Not Applicable"*
 - (4) *by inserting in column 4 "Not Applicable"*
 - ~~(4)~~ (5) *by inserting in column 1 "Oxford Street Car Park situated between Oxford Street and Faraday Street, Mount Hawthorn";*
 - ~~(5)~~ (6) *by inserting in column 2 "~~NIGHT PARKING~~"; "Monday to Sunday, 8.00pm to 8.00am inclusive";*
 - ~~(6)~~ (7) *by inserting in column 3 "~~Monday to Sunday, 8.00pm to 8.00am inclusive~~"; "Not Applicable";*
 - (8) *by inserting in column 4 "Not Applicable"*
 - ~~(7)~~ (9) *by inserting in column 1 "Stadium Car Park situated within Perth Oval Reserve, Pier Street, Perth, between the eastern side of Pier Street, eastward to the delineating fence-line of the leased area of the proposed Multi-Purpose Rectangular Sports Stadium";*
 - ~~(8)~~ (10) *by inserting in column 2 "~~DAY PARKING~~"; "Monday to Sunday, 8.00am to 8.00pm 10.00pm inclusive";*
 - (9) (11) *by inserting in column 3 "~~Monday to Sunday, 8.00am to 8.00pm 10.00pm inclusive~~"; "Not Applicable"*
 - (12) *by inserting in column 4 "Not Applicable"*
- (ix) *RECEIVES a further report, at the expiry of the statutory consultation period, listing any comments from the public and providing any further recommendations considered appropriate;*

- (x) *AUTHORISES the Chief Executive Officer to call tenders for the supply of twenty (20) parking ticket issuing machines for use in the above areas; and*
- (xi) *the ticket parking machines in the Perth Oval area charge up to 10pm.*
- to the satisfaction of the Chief Executive Officer."*

As the matter pertains to a Local Law, it is recommended that the previous decision be rescinded and the new recommendation be adopted. The report is unchanged (and is therefore not repeated in this item.)

10.4.9 Late Item - Town of Vincent Parking Facilities Local Law - Penalty Increase to the Sixth Schedule

| | | | |
|------------------------------|-----------------------|--------------------|---------------|
| Ward: | Both | Date: | 4 August 2003 |
| Precinct: | All | File Ref: | LEG0047 |
| Attachments: | Nil | | |
| Reporting Officer(s): | S Beanland, J MacLean | | |
| Checked/Endorsed by: | R Boardman | Amended by: | - |

OFFICER RECOMMENDATION:

That the Council RE-ADOPTS its decision relating to Item 10.4.8 - Town of Vincent Parking Facilities Local Law - Penalty Increase to the Sixth Schedule of the Ordinary Meeting of Council held on 12 August 2002 as follows:

- (i) *RECEIVES the report of an increase in the amount being charged by the Department of Planning and Infrastructure, for vehicle search fees; and*
- (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 Parking Facilities as follows:*

**LOCAL GOVERNMENT ACT 1995 (as amended)
TOWN OF VINCENT PARKING FACILITIES LOCAL LAW
AMENDMENT**

In pursuance of the powers conferred upon it by the Local Government Act 1995, and all other powers enabling it, the Council of the Town of Vincent HEREBY RECORDS having resolved on 12 August 2003 to amend the Town of Vincent Parking Facilities Local Law published in the Government Gazette on 23 May 2000.

That the existing Sixth Schedule relating to "Modified Penalties" be amended as follows:

- (a) *In column 3, opposite Item No. 1, by replacing the words "\$100.00" with the words "\$105.00";*
- (b) *In Column 3, opposite Item No. 2, by replacing the words "\$80.00" with the words "\$85.00";*
- (c) *In column 3, opposite Item No. 3, by replacing the words "\$50.00" with the words "\$55.00";*
- (d) *In Column 3, opposite Item No. 4, by replacing the words "\$30.00" with the words "\$35.00";*
- (e) *In column 3, opposite Item No. 5, by replacing the words "thirty dollars (\$30.00)" with the words "thirty five dollars (\$35.00)" wherever it appears; and*
- (f) *In column 3, opposite Item No 6, by replacing the words "thirty dollars (\$30.00)" with the words "thirty five dollars (\$35.00)" wherever it appears.*

COUNCIL DECISION ITEM 10.4.9

Moved Cr Ker, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

CARRIED BY A SPECIAL MAJORITY (7-0)

(Crs Franchina and Torre were an apology for the meeting.)

FURTHER REPORT

This report is re-submitted to the Council for re-adoption to ensure compliance with the Local Government Act 1995, Local Law procedures. Unfortunately, the required announcement at the beginning of the meeting was not made. Therefore, to avoid any legal complications, it is recommended that the Council re-adopt the recommendation. The report is unchanged.

DETAILS:

On 26 June 2003, the Department of Planning and Infrastructure advised the Town of Vincent in writing of an increase in the cost of vehicle ownership searches as outlined below;

| | To 30 June 2003 | After 1 July 2003 |
|---|-----------------|-------------------|
| A computer search fee by magnetic tape per vehicle | \$0.25 | \$2.50 |
| Production of an extract of current vehicle owner status | \$9.75 | \$13.00 |
| Production of an extract of a previous vehicle owner status | \$15.60 | \$16.00 |
| Manual search fee per vehicle | \$0.55 | \$12.00 |

Following discussions with WALGA and various local governments, the date for the fee increase was postponed until 1 October 2003 to allow Local Governments to amend their Local Laws to reflect these additional fees.

BACKGROUND:

When Rangers issue infringement notices, for a contravention of the Parking Facilities Local Law, they leave a copy of the infringement notice under the windscreen wiper. However, in some cases, the infringement notice is removed from the vehicle prior to the driver seeing it.

So that the Town complies with the requirement of Section 9.13 of the Local Government Act 1995 to make the driver aware of the offence and to provide sufficient information for him/her to pay the modified penalty, the Town sends a "Reminder Notice, after approximately fourteen (14) days. The Town makes use of the Department of Planning and Infrastructure to obtain ownership details and are invoiced every month for the total costs of these searches.

As a courtesy to the recipient of a parking infringement, where an infringement remains unpaid, the Town of Vincent undertakes a number of registration searches over a four months period, before lodging the infringement with the Fines Enforcement Registry. This allows for notifying alleged offenders of parking infringements, where they have changed address.

In total, Law and Order Services performs approximately 900 computer searches, at a cost of \$225.00 per month. The above increase will result in the same number of searches costing \$2,250.00.

In addition to this, where a vehicle is found or reported in circumstances, which suggest that it has been abandoned, the Town undertakes a manual search to establish the details of the last registered owner. Approximately 20 of these manual searches are undertaken each month, with a current cost of \$11.00. The cost of the same number of searches is to be increased to \$240.00.

Due to the huge increase in search fees, it is considered appropriate for the Town of Vincent to recoup these costs from persons receiving infringement notices, by increasing all Modified Penalties by \$5.00 each.

CONSULTATION/ADVERTISING:

There will be a need to advertise the above proposal in a Statewide publication and to seek public comment on the amendments.

LEGAL/POLICY:

Section 3.12 of the Local Government Act 1995, as amended, sets out the procedure to be adopted when amending Local Laws.

This requires that the Council formally approves the amendments before issuing Statewide advertisement seeking public comment on the proposals. After a statutory public consultation period of 6 weeks, any comments or objections should be taken into account and the Council, having taken cognisance of these comments may approve or further amend the proposed changes.

Where any further amendment is considered to significantly alter the proposal, the public consultation period must recommence.

STRATEGIC IMPLICATIONS:

In the 2000 – 2002 Strategic Plan, Key Result Area 4, “Leadership & Management”, Part 4.3, deals with the strategy to “*Continue to improve financial management*”. In keeping with this strategy, increased costs associated with the expense of vehicle ownership searches are indirectly shifted to the persons incurring the original penalty.

FINANCIAL/BUDGET IMPLICATIONS:

There will be small costs associated with the advertising of the proposal.

The increase in parking infringement modified penalties will result in an increase in revenue. This increase will offset the increased expenditure resulting from the raise in the vehicle ownership search fees.

COMMENTS:

The above proposal is consistent with the current operating procedures of the Town and it should not adversely affect ratepayers and residents. The amendments above are recommended for approval.

Mayor Catania advised that he had declared a financial interest in this item. He departed the Chamber at 8.42pm and Deputy Mayor Cr Ker assumed the Chair. Mayor Catania did not vote or speak on this item.

10.3.1 Investment Report

| | | | |
|------------------------------|---------------------|--------------------|-------------------|
| Ward: | - | Date: | 02 September 2003 |
| Precinct: | - | File Ref: | FIN0005 |
| Attachments: | 001 | | |
| Reporting Officer(s): | C Liddelow | | |
| Checked/Endorsed by: | N Russell | Amended by: | |

OFFICER RECOMMENDATION:

That the Investment Report for the month ended 31 August 2003 be received.

COUNCIL DECISION ITEM 10.3.1

Moved Cr Chester, Seconded Cr Cohen

That the recommendation be adopted.

Debate ensued.

CARRIED (6-0)

(Mayor Catania was absent from the Chamber and did not vote. Crs Franchina and Torre were an apology for the meeting.)

BACKGROUND:

The purpose of this report is to advise the Council of the level of funds available, the distribution of surplus funds in the short term money market and the interest earned to date. Details are attached. Interest from investments is a significant source of funds for the Town, where surplus funds are deposited in the short term money market for various terms.

Council's Investment Portfolio is spread across several Financial Institutions in accordance with Policy Number 1.3.8.

DETAILS:

Total Investments for the period ended 31 August 2003 were \$7,355,692 compared with \$7,605,692 at 31 July 2003. At 31 August 2002, \$8,671,385 was invested.

Total accrued interest earned on Investments as at 31 August 2003:

| | Budget | Actual | % |
|-----------|---------|--------|-------|
| | \$ | \$ | |
| Municipal | 300,000 | 10,506 | 3.50 |
| Reserve | 342,000 | 58,474 | 17.10 |

COMMENT:

As the Town performs only a custodial role in respect of monies held in Trust Fund Investments these monies cannot be used for Council purposes, and are excluded from the Financial Statements.

Mayor Catania returned to the Chamber at 8.43pm and resumed the Chair. Deputy Mayor Cr Ker advised that Item 10.3.1 was carried (6-0).

10.1.10 No. 12 (Lot 26) Egina Street, Mount Hawthorn – Proposed Partial Demolition of and Alterations and Additions to Existing Single House

| | | | |
|------------------------------|---------------------|--------------------|------------------------|
| Ward: | North | Date: | 1 September 2003 |
| Precinct: | Mount Hawthorn, P1 | File Ref: | PRO2444; 00/33/1736 |
| Attachments: | 001 | | |
| Reporting Officer(s): | S Crawford | | |
| 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 Daniel Cassetai Designs on behalf of the owner E O'Loughlin for proposed partial demolition of and alterations and additions to existing single house, at No. 12 (Lot 26) Egina Street, Mount Hawthorn, and as shown on plans stamp-dated 18 July 2003, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the garage being setback a minimum of 1.0 metre from the rear boundary to provided a minimum vehicle reversing area of 6.0 metres. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (iii) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the kitchen window with a finished floor level greater than 0.5 metre above the natural ground level at the adjacent boundary shall be screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed. The 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; OR prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the subject window not exceeding one square metre in aggregate in the respective subject wall, so that it is not considered to be a major opening as defined in the Residential Design Codes 2002;*
- (iv) prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title or Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*

- (v) *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 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;*
- (viii) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (ix) *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*
- (x) *standard visual truncations, in accordance with the Town's Policies and to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*
- (xi) *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);*
- (xii) *subject to first obtaining the consent of the owners of No. 10 Egina Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 10 Egina Street in a good and clean condition; and*
- (xiii) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Egina Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*

to the satisfaction of the Chief Executive Officer.

Moved Cr Lake, Seconded Cr Cohen

That the recommendation be adopted with the addition of the following new clause (xiv):

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

- (a) *the parapet wall to the garage and laundry being limited in height to have an average height of 3.0 metres and a maximum height of 3.5 metres; and*
- (b) *additional screening adjacent to the southern boundary via screen fencing or vegetation adjacent to the kitchen window to protect the reasonable privacy of the adjacent neighbour;*

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

Debate ensued.

MOTION AS AMENDED CARRIED (7-0)

(Crs Franchina and Torre were an apology for the meeting.)

COUNCIL DECISION ITEM 10.1.10

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Daniel Cassetai Designs on behalf of the owner E O'Loughlin for proposed partial demolition of and alterations and additions to existing single house, at No. 12 (Lot 26) Egina Street, Mount Hawthorn, and as shown on plans stamp-dated 18 July 2003, subject to:

- (i) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the garage being setback a minimum of 1.0 metre from the rear boundary to provided a minimum vehicle reversing area of 6.0 metres. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (iii) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the kitchen window with a finished floor level greater than 0.5 metre above the natural ground level at the adjacent boundary shall be screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed. The 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; OR prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the subject window not exceeding one square metre in aggregate in the respective subject wall, so that it is not considered to be a major opening as defined in the Residential Design Codes 2002;*
- (iv) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title or Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*

- (v) *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 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;*
- (viii) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (ix) *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*
- (x) *standard visual truncations, in accordance with the Town's Policies and to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*
- (xi) *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);*
- (xii) *subject to first obtaining the consent of the owners of No. 10 Egina Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 10 Egina Street in a good and clean condition;*
- (xiii) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Egina Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency; and*
- (xiv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) *the parapet wall to the garage and laundry being limited in height to have an average height of 3.0 metres and a maximum height of 3.5 metres; and*
 - (b) *additional screening adjacent to the southern boundary via screen fencing or vegetation adjacent to the kitchen window to protect the reasonable privacy of the adjacent neighbour;*

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

to the satisfaction of the Chief Executive Officer.

LANDOWNER: E O'Loughlin
APPLICANT: Daniel Cassetai Designs
ZONING: Metropolitan Region Scheme - Urban Town Planning Scheme No. 1 - Residential R30
EXISTING LAND USE: Single House

COMPLIANCE:

| Requirements | Required | Proposed |
|---------------------|-------------------|-------------------|
| Setbacks | | |
| Northern Side | 1.5 metres | Minimum 0.9 metre |
| Southern side | 5.0 metres | Minimum nil |
| Rear | 1.0 metre | 0.52 metre |
| Cone of Vision | | |
| Kitchen | 6.0 metres | 1.5 metres |
| Vehicle maneuvering | 6.0 metres | 5.0 metres |
| Use Class | Single House | |
| Use Classification | "P" | |
| Lot Area | 425 square metres | |

SITE HISTORY:

The site is occupied by a single storey dwelling. A 5.03 metres wide unsealed Town-owned right of way exists to the rear of the property.

DETAILS:

The applicant seeks approval for partial demolition of the rear of the dwelling and single storey alterations and additions to the existing single house.

CONSULTATION/ADVERTISING:

The proposal was advertised and no submissions were received within this time.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Demolition

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

Setbacks

Northern Side Setback

The Residential Design Codes (R Codes) would require this 16.7 metres long elevation to be setback from the boundary by 1.5 metres, whereas the applicant seeks a minimum setback of 0.9 metre, which increases to a maximum of 1.08 metres.

The proposed 0.9 metre setback is to accommodate the new ensuite and walk in robe to bedroom 1. The new openings on this elevation have been designed to be highlight windows with a sill height greater than 1.6 metres above the finished floor level. It is the existing encasement window which is the only major opening to the elevation. Even if no major openings were present, the R Codes would still require a 1.5 metres setback due to the wall length.

The proposed 0.9 metre setback is for a distance of 5.65 metres and is located adjacent to the front portion of the affected neighbour's dwelling, which also has an approximate setback from the common boundary of 0.9 metre. Therefore, the reduced setback for the front portion of the residence, based on the single storey nature of the construction and no undue overshadowing effects, is not considered to have any undue impact on the affected neighbouring property.

The rear portion of the dwelling, which is the area of the major extension, seeks a 1.08 metres setback. This accommodates a living, dining and alfresco area (not raised). The applicant has not provided any justification for the reduced setback in their application. However, the 8.06 metres extension to accommodate the living and dining area is considered to have minimal effect on the amenity of the neighbouring dwelling, due to the structure being generally of single storey height, and the fact that the neighbour is on the northern side of the development, thereby preventing overshadowing. The alfresco area is roofed, however reduced setbacks for such structures are generally permissible. On this basis, the proposed northern elevation reduced setbacks are considered suitable.

Southern Side Setback

The R Codes would require this elevation of 25.9 metres to be setback 5.0 metres from the boundary, whereas the applicant seeks a setback of between nil to 0.9 metre.

A nil setback can be considered in areas coded R30 or higher, where the wall has a maximum height of 3.5 metres and an average height of 3.0 metres for two-thirds of the length of the boundary. The applicant proposes a 9.53 metres long wall to accommodate the garage and laundry, which has an average height of 4.1 metres. The actual wall height is a continuation of the existing wall height of the dwelling. The Town's Policy relating to Local Character actually promotes seamless extensions of this nature, which would provide consideration of the increased wall height of 3.7 metres. The overall wall height of 4.1 metres is to accommodate a concealed gutter to address drainage issues. In light of the permissibility of parapet walls in areas coded R30 or higher, and in consideration of the Town's Policy relating to Local Character, the increased wall height is a valid consideration. The parapet wall does result in overshadowing to the affected neighbour as they are located on the southern side, however from the shadow diagrams provided by the applicant such effect is well within the limits permitted by the R Codes. In addition, taking into account that the affected neighbour did not object to the proposal during community consultation, the parapet wall is considered suitable.

The remainder of the reduced setback of 0.9 metre is a continuation of the alignment of the existing dwelling. The Town's Policy relating to Local Character permits seamless extensions that follow existing setbacks. As such, subject to privacy considerations being addressed, the reduced setback for the remainder of the wall would also be acceptable.

Rear Setback

The R Codes would require that the garage structure be setback 1.0 metre from the rear boundary. As the rear boundary is a right of way, in this case, reduced setbacks can be considered subject to vehicle manoeuvrability being satisfied. A 6.0 metres reversing area is required to the rear of a parking bay. In light of the fact that the right of way is only 5.03 metres wide the garage structure would need to be setback 1.0 metre from the rear boundary to achieve such manoeuvrability.

The garage as proposed is generally 7.0 metres in length and, as such, has the scope to be "cropped" to comply with these requirements. As such, a suitable condition should be imposed on the proposal.

Vehicle Manoeuvring

This aspect was adequately addressed in the 'Rear Setback' discussion.

Cone of Vision

The southern side of the dwelling has an elevated finished floor level above natural ground level of greater than 0.5 metre. As such, there is the potential for the kitchen window to pose overlooking issues to the neighbour. The applicant has addressed the remainder of the elevation by incorporating highlight windows to address this aspect. As such, in order to prevent undue overlooking, appropriate screening should be imposed.

It is considered that the proposal will generally have no undue detrimental impact on the streetscape or amenity of the area. Accordingly, the proposal is recommended for approval, subject to standard and appropriate conditions to address the above matters.

10.2.1 Street Trees Located In the Town Of Vincent's Town Centres

| | | | |
|------------------------------|-----------------------------|--------------------|----------------|
| Ward: | Both | Date: | 18 August 2003 |
| Precinct: | All | File Ref: | TES0234 |
| Attachments: | - | | |
| Reporting Officer(s): | J van den Bok, R Lotznicher | | |
| Checked/Endorsed by: | R Lotznicher | Amended by: | - |

OFFICER RECOMMENDATION:

That the Council;

- (i) receives the report in relation to street trees located in the Town of Vincent's Town Centres;*
- (ii) notes the principles and recommendations outlined in the report in relation to improvements to existing and future streetscape improvements in the Town;*
- (iii) notes that increased budget allocations will be required in subsequent financial years to implement a higher level of streetscape improvements; and*
- (iv) considers implementing a staged upgrade of existing streetscapes, commencing in the 2004/05 financial year to incorporate the principles outlined in the report, subject to the preparation of a further report outlining a proposed implementation timetable, details of individual improvement proposals and financial implications.*

Moved Cr Lake, Seconded Cr Chester

That the recommendation be adopted.

Debate ensued.

Moved Cr Chester Seconded Cr Doran-Wu

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

"(v) consistent with the Angove Street project, supports shade and street trees and plantings being considered as a major element in any future streetscape upgrades."

AMENDMENT CARRIED (7-0)

(Crs Franchina and Torre were an apology for the meeting.)

Moved Cr Lake, Seconded Cr Cohen

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

"(vi) refers the report to the Sustainability Advisory Group to consider the matter of tree species selection."

AMENDMENT CARRIED (7-0)

(Crs Franchina and Torre were an apology for the meeting.)

MOTION AS AMENDED CARRIED (7-0)

(Crs Franchina and Torre were an apology for the meeting.)

COUNCIL DECISION ITEM 10.2.1

That the Council;

- (i) receives the report in relation to street trees located in the Town of Vincent's Town Centres;*
- (ii) notes the principles and recommendations outlined in the report in relation to improvements to existing and future streetscape improvements in the Town;*
- (iii) notes that increased budget allocations will be required in subsequent financial years to implement a higher level of streetscape improvements;*
- (iv) considers implementing a staged upgrade of existing streetscapes, commencing in the 2004/05 financial year to incorporate the principles outlined in the report, subject to the preparation of a further report outlining a proposed implementation timetable, details of individual improvement proposals and financial implications;*
- (v) consistent with the Angove Street project, supports shade and street trees and plantings being considered as a major element in any future streetscape upgrades; and*
- (vi) refers the report to the Sustainability Advisory Group to consider the matter of tree species selection.*

BACKGROUND:

The Town of Vincent's Town's commercial centres are outlined below:

- Oxford Street, Mt Hawthorn - between Leederville Parade and Richmond Street.
- William Street, Northbridge - between Newcastle Street and Brisbane Street.
- Angove Street, North Perth - between Fitzgerald Street and Raglan Road.
- Fitzgerald Street, North Perth – between Angove Street and Chelmsford Road.
- Scarborough Beach Road, Mt. Hawthorn – between Oxford Street and The Boulevard.
- Beaufort Street, Mount Lawley – between Walcott Street and Bulwer Street.

Prior to 2002, the Town implemented a number of streetscape upgrade works, however, the main focus was the upgrade of the engineering infrastructure such as roads, footpaths and drainage. While street trees were incorporated in the works, they were not considered to be the main priority and were generally accommodated into the overall works where appropriate and where costs permitted.

In 2002, however, as part of the Angove Street streetscape upgrade works, local business proprietors and the Council were keen to develop an attractive streetscape which included street furniture and large trees.

In finalising the design for Angove Street, a landscape architect met with both Engineering and Parks staff and outlined many design principles that could be included to assist in creating an aesthetically pleasing streetscape.

The advice provided by the landscape architect was useful, particularly in reinforcing the views of Parks staff and ensuring future Engineering designs gave greater priority to planted areas, tree locations and spacings.

The Angove Street project was a good example where the landscape theme dictated the infrastructure upgrade proposal. For example, the type of trees chosen for the centre of the road dictated the width of the central median island. Tree spacings were carefully thought out, etc.

This required a higher budget allocation and it was fortunate that a domestic bore could be incorporated in the proposal to establish and maintain the landscaping.

As a result of the success of the Angove Street Project, in future a more unified approach in the design stage should result in a better overall outcome and improved streetscape design. This of course will be determined by the amount of funding available for each particular project, the materials used, and the road geometry, i.e. available road and verge space.

At the Ordinary Meeting of Council held on 24 June 2003, Councillor Simon Chester presented a notice of motion, where it was resolved as follow:

That;

- (i) the Chief Executive Officer be requested to submit a report on street trees in the Town's Town Centres for Council's consideration no later than August 2003;*
- (ii) the report to include;*
 - (a) identifying ways of improving the amenity and aesthetic contribution of street trees, including but not limited to, consideration of more appropriate species and / or a higher level of maintenance;*
 - (b) examining whether other local authorities have, in similar situations, identified ways of achieving greater amenity and aesthetic contribution from their street trees, and*
 - (c) identifying an amount of money required to implement the findings of the report.*

DETAILS:

In accordance with clause (ii) of the above resolution, each of the Town's six (6) commercial centres (outlined in the Background) have been discussed to address clause (ii) of the resolution as follows:

Recommendations for the respective Town Centres are as follows:-

Oxford Street, Leederville.

At the Ordinary Meeting of Council held on 27 March 2001, the Council adopted the principles of the Oxford Centre Study, which included the upgrade of streetscapes within and around the Leederville Town Centre.

The Town's officers prepared an implementation schedule of the recommendations outlined in the Oxford Centre Study, however, to date no priorities have been given to it by the Council.

While various works have been implemented within the Leederville Town Centre that are not necessarily in accordance with the recommendations outlined in the Study, it would be prudent not to undertake major streetscaping of the Town Centre, including the planting of new street trees, until the Council prioritises what works will be undertaken.

Recommendation:

That no streetscaping works, including the planting of additional street trees, be undertaken until the Council has resolved what recommendations should be progressed and budgeted accordingly.

William Street, Northbridge.

This streetscape has been referred to as the possible future "Asia Town" area which is still subject to further investigation and feasibility studies as per the resolution of the Council at its Ordinary Meeting held on 23 April 2002.

It was proposed to upgrade the streetscape in William Street incorporating an "Asian" theme. Street tree species being proposed were as follows:-

- Chinese Tallow
- Chinese Elm
- Magnolia
- Flowering Plum / Cherry

Recommendation:

That no streetscaping works including the planting of street trees be implemented until the Council further determines how the "Asia Town" proposal will be progressed.

Angove Street, North Perth

Beautification works in Angove Street, North Perth commenced in 2002 and have resulted in the creation of a leafy lined street with various items of street furniture that are functional and attractive.

Further works being proposed during the 2003/04 financial year, will include road resurfacing and the planting of additional verge and new median island trees between Daphne Street and Charles Street, to create a consistent planting theme along the entire length of Angove Street.

Recommendation:

No additional upgrade works of Angove Street North Perth will be required, upon completion of the works outlined for implementation during the 2003/04 financial year.

Fitzgerald Street, North Perth.

Fitzgerald Street is classified as a district distributor A road in the Metropolitan Functional Road Hierarchy. The road carriageway is contained within a 20 metre road reservation.

In 1998/99 the Council, with the assistance of Metropolitan Regional Road funding upgraded the infrastructure along the commercial strip.

Notwithstanding the above, Funds have been included in the 2003/04 budget for a streetscape upgrade of the Fitzgerald Street commercial precinct.

While the scope of the works has not yet been determined, it is envisaged that tree planting, additional street furniture and decorative street lighting, similar to Angove Street, will be included.

The existing Fitzgerald Street median island is only 800mm in width (inside kerb to inside kerb). Passing traffic, creates too “hostile” an environment to successfully allow for any species of tree to grow to maturity. The median island must be widened if trees are to be located centrally along this section of Fitzgerald Street and survive.

In addition, the existing verge tree species (Prunus/Flowering plum) have not proven successful, due to their vase shape creating visual and physical obstructions to both vehicular and pedestrian access.

Recommendation:

Should it be possible to widen the central median island, the existing Claret Ash trees could be replaced with larger specimens of the same species or, alternatively, with another appropriate species, such as Cutleaf Plane (*Platanus digitalis*) following consultation with the local business community.

Should it not be possible to widen the median island, larger trees of the existing species or an alternative species, may be planted as a trial, however their long-term future is not guaranteed in such proximity to passing traffic.

The existing Flowering Plum verge trees could be transplanted to an appropriate location within parks and gardens throughout the Town. A new street verge tree species, such as Evergreen Ash, would be selected in consultation with the local business community and suitable planting locations at regular spacing be identified, to achieve a more attractive and tree lined street.

The above works can be funded from the budget allocation, “Commercial Precincts Upgrade” or alternatively funding be sourced from the Street tree management & enhancement budget allocation.

Scarborough Beach Road, Mount Hawthorn

At the Ordinary Meeting of Council held on 25 March 2003, the Council resolved to adopt “in principle” the streetscape enhancement proposal for Scarborough Beach Road, Mount Hawthorn and funds have been included in the 2003/04 budget for the works and a study.

The works proposed, include the addition of street furniture, artworks, garden areas and additional tree planting to compliment the existing native tree species already established within this Mount Hawthorn Town Centre. It would also be desirable to extend the in-ground reticulation line from Axford Park to provide water for the landscaping.

Recommendation:

Following the completion of the Mt Hawthorn Centre study and consultation with the relevant stakeholders, businesses and community groups to outline and further develop the proposal, it is recommended that after further consideration by Council, the approved works be implemented.

Beaufort Street, Mount Lawley.

As with Fitzgerald Street, the Beaufort Street “Streetscape” was progressively upgraded from Chelmsford road to Brisbane Street, from 1997 through to 2000. The works included re-kerbing, new brickpaved footpaths and road rehabilitation. As with Fitzgerald Street, the works also included the installation of a central median island, comprising solid and painted chevron.

Due to a multitude of existing shop front awnings located “hard up” against the existing kerbline and existing services, i.e. wooden power poles, it was not possible to widen the roadway to accommodate the central median island. Instead, the existing four traffic lanes were all narrowed slightly to accommodate a minimum width central median.

The resulting streetscape upgrade was generally based on the Eighth Avenue, Maylands streetscape theme within the City of Bayswater. Again, as with Fitzgerald Street, the median is not ideal for the establishment of trees. In addition, the former tramway located along the centre of Beaufort Street, resulted in tree locations being very difficult to establish through a very thick layer of compacted road base material. Several trees are slowly establishing themselves in what too is considered a “hostile” environment given the passing traffic.

The existing “Flowering Plum” verge trees are creating problems with access and therefore require replacement with a more appropriate small tree species. Regular spacing of verge trees is of paramount importance in creation of a more attractive and leafy streetscape.

A further problem experienced in Beaufort Street is the continual vandalism of trees, particularly along verge areas.

Recommendation:

As it is unlikely that the existing median island can be widened, therefore it is recommended that larger trees be planted within the median island and that additional solid islands be installed where required so that additional trees can be planted at regular spacings identified and planted with larger trees accordingly.

The existing verge trees can be transplanted to other locations within the Town’s parks and gardens and a more appropriate tree species, such as Evergreen, Ash or Chinese Tallow, be planted at regular spacings.

It is also recommended that tree guards be installed around the new street verge trees to assist in protection of the trees until semi maturity is reached.

Conclusion

Ways of Improving Amenity

As can be seen from the above, for centre of road planting, a wider median is required for separation from passing traffic and greater area at the base of the tree for future growth expansion, etc.

This is obviously not possible in Beaufort Street (cost prohibitive), however, other options could be considered, such as changing tree species, planting additional trees at regular spacings, and tree guards to protect verge trees. A wider median may possibly be accommodated in Fitzgerald Street pending the development of the scope of the proposed streetscape upgrade.

Other Local Governments

In consultation with other Local Governments regarding their experiences with the successful implementation of streetscape improvement projects, it has been identified that improvement themes should primarily revolve around the soft landscaping component of the project.

Funding

Fitzgerald St

Funds totalling \$190,000 have been included in the 2003/04 budget. The scope of works is yet to be determined.

Beaufort Street (Walcott St to Brisbane St)

The estimated cost to install new median islands to accommodate new trees, replacement of existing trees with another specimen (median and verges), the installation of tree guards, and inground reticulation, is in the order of \$250,000.

Oxford St

To be determined.

William St

Currently \$500,000 has been allocated in the 2003/04 budget. Scope of work is yet to be determined.

Angove St

Works to upgrade the streetscape between Daphne and Fitzgerald Streets have been completed except for the road resurfacing component. Works are currently in progress on the streetscape upgrade between Daphne and Farmer Streets.

Scarborough Beach Rd

Currently \$350,000 has been allocated in the 2003/04 budget for streetscape improvements and a study.

Future Streetscape Works

The principles outlined in the report should be considered in all future streetscape upgrade proposals, i.e:

- Adequate median island widths
- Uniform spacing of trees (where possible)
- Inground reticulation preferable, linked to a domestic bore most desirable
- Tree guards around verge trees located where there is high pedestrian traffic
- Suitable tree specimens to be selected from the following table

| Native Species | | | |
|-------------------------|----------------------|------------------------------|------------------------|
| Median * | | Verge * | |
| Botanical Name | Common Name | Botanical Name | Common Name |
| Angophora costata | Apple Gum | Agonis flexuosa | Weeping Peppermint |
| Brachychiton acerifolia | Illawarra Flame Tree | Callistemon viminalis | Weeping Bottlebrush |
| Eucalyptus maculata | Spotted Gum | Callistemon "Perth Pink" | Perth Pink Bottlebrush |
| Melaleuca quinquinervia | Paper Bark | Eucalyptus ficifolia | Red Flowering Gum |
| | | Eucalyptus leucoxlyn "rosea" | Pink Flowering Gum |
| | | Eucalyptus torquata | Coral Gum |
| | | Melaleuca linarifolia | Snow in Summer |

* Dependent on width of median island and verges, various other native species may be suitable.

| Exotic Species | | | |
|-------------------------|-----------------|---------------------|------------------|
| Median * | | Verge * | |
| Botanical Name | Common Name | Botanical Name | Common Name |
| Fraxinus raywoodii | Claret Ash | Fraxinus griffithii | Evergreen Ash |
| Jacaranda mimosaefolia | Jacaranda | Sapium sebiferum | Chinese Tallow |
| Liquidamber styracaflua | Liquid Amber | Olea europa | Olive |
| Platanus x acerifolia | London Plane | Tipuana tipu | Pride of Bolivia |
| Platanus orientalis | Oriental Plane | | |
| Pyrus ussuriensis | Manchurian Pear | | |
| Ulmus parvifolia | Chinese Elm | | |

* Dependent on width of median island and verges, various other exotic species may be suitable.

CONSULTATION/ADVERTISING:

Where any major streetscape upgrades are to be implemented, community consultation is undertaken and public meetings convened, to advise residents and business owners of pending projects, including details pertaining to the works, such as tree/plant species, street furniture and lighting fixtures.

LEGAL/POLICY

In addition to the difficulty of growing trees to maturity within a sometimes "hostile" environment, further safety considerations are now seriously being taken into account due to the litigious society in which we now live, thus potentially creating further restrictions on the planting of trees.

Main Roads (WA) has recently compiled a draft document referring to the placement of vegetation within a road reserve. The information is based on the AASHTO (2002) *Roadside Design Guide*, American Association of State Highway Transportation Officials.

Dependant on the speed restrictions, location and road conditions the document makes various recommendations in relation to the type and height of vegetation and how close it is planted to the nearest driving lane edge.

Whilst the planting of trees along street verges and within median islands is common practice, in future, Local Governments and other Road controlling bodies may have to consider the legal ramifications prior to planting large trees in restrictive areas.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of the Draft Strategic Plan 2002-2007: - 1.4 Maintain and Enhance the Town's Infrastructure to provide a safe, healthy, sustainable and functional environment. (b) *Develop and Implement streetscape enhancements and wider street initiatives.*

FINANCIAL/BUDGET IMPLICATIONS:

For the principles outlined in this report, for future streetscape improvement works, additional budget allocation will be required to accommodate:

- Wider median island widths and more uniform spacings
- Inground reticulation
- Tree guards
- Suitable tree specimens (mature where possible)

As indicated above, further investigation is required in Beaufort Street where various streetscape improvement works have been identified for implementation in future financial years. Other identified streetscape upgrades listed above have either been allocated a specific budget, or in the case of Fitzgerald Street where works will be actioned during 2003/04, the Street Tree management & enhancement budget may be utilised should there be a funding shortfall.

COMMENTS:

The report details principles and makes recommendations on how to improve existing streetscapes and what should be considered in future street works.

It is therefore recommended that the principles and recommendations outlined in the report in relation to improvements to existing and future streetscape improvements in the Town be considered. It is also recommended that increased budget allocations be considered in subsequent financial years to implement a higher level of streetscape improvements, and consideration be given to implementing a staged upgrade of existing streetscapes, commencing in the 2004/05 financial year to incorporate the principles outlined in the report, subject to the preparation of a further report outlining a proposed implementation timetable, details of individual improvement proposals and future financial implications.

10.2.2 Hill's Weeping Figs – (Ficus hillii)

| | | | |
|------------------------------|-------------------------------|--------------------|------------------|
| Ward: | Both | Date: | 18th August 2003 |
| Precinct: | All | File Ref: | TES0234 |
| Attachments: | 001; | | |
| Reporting Officer(s): | J. van den Bok, R. Lotznicher | | |
| Checked/Endorsed by: | R. Lotznicher | Amended by: | - |

OFFICER RECOMMENDATION:

That the Council;

- (i) *receives the report on the Hill's Weeping Fig Street Trees;*
- (ii) *APPROVES the retention of the Hill's Weeping Fig Street Trees in Mary Street Highgate, Daphne Street North Perth and Pier Street East Perth;*
- (iii) *APPROVES the progressive removal /replacement of the Hill's Weeping Fig Street Trees in Ashby Street Mt Hawthorn, Burt Street, Eton Street and View Street North Perth when / if required;*
- (iv) *addresses any minor issues concerning individual trees in both Mary Street, Highgate, and Daphne Street, North Perth, as they arise, or when notified by an adjacent property owner of a specific safety issue or of any potential property damage to private property; and*
- (v) *advises the Municipal Liability Scheme, and the Mary Street and Daphne Street residents of its resolution.*

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

Debate ensued.

Moved Cr Ker, Seconded Cr Doran-Wu

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

- "(vi) *reinstates the two missing street trees in front of the Sacred Heart Primary School and Convent with a suitable species of tree when the school's building work is completed.*"

AMENDMENT CARRIED (7-0)

(Crs Franchina and Torre were an apology for the meeting.)

MOTION AS AMENDED CARRIED (7-0)

(Crs Franchina and Torre were an apology for the meeting.)

COUNCIL DECISION ITEM 10.2.2

That the Council;

- (i) receives the report on the Hill's Weeping Fig Street Trees;*
- (ii) APPROVES the retention of the Hill's Weeping Fig Street Trees in Mary Street Highgate, Daphne Street North Perth and Pier Street East Perth;*
- (iii) APPROVES the progressive removal /replacement of the Hill's Weeping Fig Street Trees in Ashby Street Mt Hawthorn, Burt Street, Eton Street and View Street North Perth when / if required;*
- (iv) addresses any minor issues concerning individual trees in both Mary Street, Highgate, and Daphne Street, North Perth, as they arise, or when notified by an adjacent property owner of a specific safety issue or of any potential property damage to private property;*
- (v) advises the Municipal Liability Scheme, and the Mary Street and Daphne Street residents of its resolution; and*
- (vi) reinstates the two missing street trees in front of the Sacred Heart Primary School and Convent with a suitable species of tree when the school's building work is completed.*

BACKGROUND:

Following the receipt of a petition from some Daphne Street residents in May 2002 and concerns raised by the Town's Insurers in relation to the Hill's Weeping Fig (*Ficus hillii*) street trees in general, an Arboricultural Consultant was commissioned in June 2002 to undertake the following:-

- Inspect the trees in both Mary Street and Daphne Street
- Prepare a report that would deal with the following:
 - health and condition of trees
 - circumstances of their locations
 - the inherent characteristics of the species
 - the possible impact they have on both Council property and private properties

Following an inspection / assessment, the consultant identified three (3) options to address the future potential liability resulting from these trees (Copy of consultants report is attached)

Option 1 - Staged removal and replacement of a new species of tree

Option 2 - Root pruning and installation of root barriers

Option 3 - Addressing each root damage issue as it arises

As indicated in previous reports presented to the Council in relation to this species of tree, the Hill's Weeping Fig (*Ficus hillii*) is a native of north eastern Australia and can attain a height of around 15 metres with a canopy of approximately 20 metres.

The Town has this species of tree planted in the following streets: -

- Ashby Street, Mount Hawthorn
- Burt Street, North Perth
- Daphne Street, North Perth
- Eton Street, Mount Hawthorn
- Mary Street, Highgate
- View Street, North Perth
- Pier Street, East Perth

This species of tree has been progressively removed / replaced with a more suitable species by both the former City of Perth and the Town in the following streets:

- Ashby Street, Mount Hawthorn
- Burt Street, North Perth
- Eton Street, Mount Hawthorn
- View Street, North Perth

This has been due to the damage individual trees have caused to both private and Council property. However, the Ficus species has remained intact as a streetscape planting in Mary Street, Pier Street and to a lesser extent in Daphne Street, North Perth.

Recent remedial works in Pier Street, including root pruning and repairs to the adjacent road and installation of a deep barrier kerb, will ensure that this avenue of trees located in the median island, will remain intact without further damage occurring for at least another 5-10 years.

Various reports have previously been presented to the Council in relation to this species of tree. These reports identified specific trees for removal or recommended the implementation of programs for the removal and replacement of existing avenues of the Ficus species.

However, there was a general reluctance by the Council to remove the existing avenues of the Ficus species in Daphne Street and particularly in Mary Street, Highgate, where a consistent avenue of trees is still relatively intact.

The most recent report dealing with the Hills Weeping Fig trees was presented to Council at its Ordinary Meeting held on 5 November 2002, where the following resolution was adopted:

"That the Council;

- (i) receives the report on the Hill's Weeping Fig Street Trees;*
- (ii) seeks further information;*
 - (a) from other Council's on their experience with Ficus hilli and root barriers, and insurance, and*
 - (b) on the potential for canopy lopping to reduce potential instability of the trees;*
- (iii) consults with Mary Street and Daphne Street property owners and resident about the future management of the street trees;*
- (iv) defers the remaining items for fuller consideration of alternative strategies and the results of community consultation;*

And the following clauses be DEFERRED;

- (v) *APPROVES the staged removal of the Hill's Weeping Fig trees and replacement with a new species in the streets listed on the attached program, due to possible future long term liability implications for the Town caused by the invasive root system of this species;*
- (vi) *prior to implementing Stage 1 of the proposed program, to commence in 2003/04, advises all residents and consults with the residents in Mary Street and Daphne Street to select an appropriate replacement tree species;*
- (vii) *lists an amount of \$44,000 for consideration in the 2003/04 draft budget to undertake Stage 1 of the program and considers allocating similar funds in future budgets; and*
- (viii) *advises the Municipal Liability Scheme and the Daphne Street petitioners of its resolution."*

DETAILS:

Since November 2002, Officers have investigated issues concerning this tree species and have undertaken various surveys of both the residents in Mary and Daphne Street and other Local Governments facing similar issues.

A detailed feature survey of both Mary Street and Daphne Streets was also undertaken and where required, remedial works have been carried out to the Town's infrastructure and to the street trees, to ensure any identified hazards were made safe.

Survey of Local Governments

In January 2003, five Local Government were approached and requested to provide a response to the following questions.

- Q.1 Do you consider the Hill's Weeping Fig as a suitable species for planting on street verges?
- Q.2 Does your Council currently have this species planted as street verge trees?
- Q.3 If Yes to (Q2), are the trees mature and if so, are they currently causing damage to Council or Private Property?
- Q.4 Have claims against the Council been received in relation to this species damaging Private Property?
- Q.5 Does your Council have a formalised program for the removal / replacement of the Hill's Weeping Fig street verge trees?
- Q.6 If No to (Q5), what action is taken when damage is identified?
- Q.7 Has your Council considered installing root barriers?
- Q.8 Please provide any other comments

The responses are summarised in Table 1.

TABLE 1

| | City of Stirling | Town of Victoria Park | City of Belmont | Town of Cambridge | City of Subiaco |
|-----|---|--|---|---|---|
| Q1. | No | No | No | No | No |
| Q2. | Yes | Yes | Yes | Yes | Yes |
| Q3. | Nearing maturity | Yes | Yes | Yes | Yes |
| Q4. | Minimal claims received | Minimal | No | Yes | Minimal |
| Q5. | No formal program implemented. Identified as an unsuitable species as part of Street Tree Management Program. Addresses issues as they arise. | No formal program implemented. Actively promote removal and have removed/replaced an avenue of this species recently. | No formal program implemented. Issues addressed as the need arises. | Formal program for removal and replacement of Ficus species has been approved by Council. | No program implemented, However with the completion of underground power a replacement program is being investigated in view that some trees are unsuitable |
| Q6. | Trees are removed and root pruning undertaken as required. | Trees are removed and root pruning undertaken as required. | Trees are removed. | | Prior to removing a tree, every available option is considered and implemented. Removal of trees is a last resort |
| Q7. | Yes, however long term effectiveness is questionable. Dependant on width of verge and where roots can be severed. | No – Peace offering. Costs better directed towards removal/ replacement. | Have undertaken the installation of root barriers, however doubt their effectiveness. | Did not consider the installation of root barriers as practicable and cost effective. | Yes, have root barriers installed in addition to rubberised kerbs and use flexible rubber softfall in pedestrian areas |
| Q8. | Generally all tree removals are considered on their merits. | Consider a removal/ replacement program to be the best option. Root pruning and confining root spread may affect the overall structural integrity of the tree. | Nil | Nil | Nil |

Officer's Comments

In summary, all the Local Governments responding to this survey have indicated that they have this species as verge trees and they are nearing maturity and in most instances have already caused damage to Council or private property. Whilst damage has occurred it has been mainly restricted to Council property and claims received by the respective Local Governments have been minimal.

The Town of Cambridge is the only Local Government with a formalised removal / replacement program, however this has been implemented with objections from some residents.

Other than the Town of Cambridge, all other Local Governments are generally addressing issues with this species as they arise. Either removal & replacement / root pruning and /or root barriers are being considered

The City of Subiaco is the exemption, in that they are prepared to exhaust every available option prior to removing any species of tree. They have even trialled the use of flexible type kerbing and rubber flexible softfall where once concrete footpaths existed.

All the Local Governments responding did, however, indicate that they would not consider using this species as a street tree in future.

Owner / Occupier Survey – Mary Street & Daphne Street

On 19 June 2003, a survey was distributed to all the owner /occupiers in Mary Street and Daphne Street requesting their preference to various options being considered as part of the long-term management of the Hill’s Weeping Fig trees located in their respective streets.

Mary Street

A total of 70 letters were distributed to owner/occupiers in Mary Street. At the conclusion of the consultation period, 37 responses were received (refer Table 2).

Daphne Street

A total of 40 letters were distributed to owner/occupiers in Daphne Street. At the conclusion of the consultation period, 11 responses were received (refer Table 2).

The responses are summarised in Table 2.

TABLE 2

| Options | Mary Street | Daphne Street |
|--|---|--|
| Staged removal / replacement with alternative species | 11 | 5 |
| Undertake root pruning and installation of root barriers | 13 | 3 |
| Retain trees and address issues as they arise | 12 | 2 |
| Alternative option | 1 (All of the above are worth considering) | 1 (Thin out tree canopies and assess current root damage) |

Officer's Comments

In Mary Street, 25 (68%) out of the 37 respondents were in favour of retaining the trees and for the Town to undertake remedial measures (other than removal) as required. Only 30% of respondents considered that a staged removal of the trees should be considered. One respondent was in favour of all options suggested.

In Daphne Street, 5 (45%) respondents supported staged removal and 6 (55%) of respondents supported remedial measures (other than removal) as required.

The majority of respondents would prefer the trees be retained.

Staged removal / replacement with alternative species

Initially this was the officers preferred option, as a number of issues could be addressed at the one time. A new species could be introduced and with the undergrounding of power either completed or likely in the near future, a new species could be established without its shape previously being compromised by pruning or lopping. In addition, a species could be selected that would not have an invasive root system and possibly a deciduous species, allowing light to penetrate (another issue that has been identified).

Removal / replacement, if undertaken, could have been implemented by removing every 2nd, 3rd, 4th or 5th tree if so desired. Therefore, reducing the likelihood of a “moonscape” type streetscape, where previously a leafy lined street was in existence.

Whilst this option one day may have to be implemented, due to the potential future damage, it is acknowledged that claims received have been minimal and as noted by the arboricultural consultant, damage is negligible and none of the trees present an unacceptable level of danger at present. Therefore, given the negative response to this option both previously and recently, it is not being considered further at this point in time.

Root pruning and installation of root barriers

As noted in the arboricultural consultant’s report, the application of root barrier material requires that a trench be excavated along the line beyond where it is desired the roots would grow. In both Daphne and Mary Street this would involve removal and ultimately the reinstatement of the existing footpath. All roots would be severed during the course of the excavation and the root barrier material would then be inserted and the trench backfilled accordingly.

There are several shortcomings associated with the application of root barriers including:-

- Cost of application and reinstatement of infrastructure
- Damage to existing private property and Council infrastructure
- Existing underground services would possibly compromise the long-term effectiveness of the root barrier material.
- Adverse health affects to tree
- No long-term guarantee that the root barrier material will be effective

In addition to the above, an article in the “Arbor Age”, a magazine that the Town subscribes to, which informs arborists and horticulturists alike of various tree issues, referred to the installation of root barriers. In particular, the article discussed the root-pruning requirement and the detrimental affects that this may have on the tree if not carefully considered.

A general guide to the minimum distance for root cutting has been developed and is outlined in Table 3:

TABLE 3

| Trunk Diameter – measured 30cm above ground level | Minimum Root cutting distance from trunk (3 x trunk diameter) |
|--|---|
| 100mm | 300mm |
| 150mm | 450mm |
| 200mm | 600mm |
| 250mm | 750mm |
| 300mm | 900mm |
| 350mm | 1.05 metres |
| 400mm | 1.20 metres |
| 450mm | 1.35 metres |
| 500mm | 1.5 metres |
| 550mm | 1.65 metres |
| 600mm | 1.8 metres |
| 650mm | 1.95 metres |
| 700mm | 2.10 metres |
| 750mm | 2.25 metres |

The information also refers to the limits of root pruning. For example when root pruning is undertaken within 7 x trunk diameters of the trunk, pruning and installation of a root barrier should be undertaken on only one side of the tree in any one year.

Root pruning closer than 3 x trunk diameters is not recommended due to the increased injury or infection at the pruning site and the increased danger of tree fall resulting from impaired anchorage. Although there are benefits of the installation of root barriers at the time of planting, there are no long-term results to suggest that they are a permanent solution.

It is considered the installation of root barriers could only provide an additional 5-10 years of “tree life”.

Given that the average trunk diameter of the trees in both Daphne and Mary Street is around 600 – 700 mm, root cutting would have to be undertaken no closer than 2.10 metres from the trunk. This would require removal / reinstatement of the footpath and due to the closeness of adjoining fences/ walls etc. may cause considerable damage to private property.

All of the above work would be extremely costly, would have to be staged over at least two (2) years, and may potentially cause more damage, all for an extended “tree life” of possibly five to ten years.

While a report (via the Internet) from the City of Canterbury in N.S.W. was referred to previously at the Council meeting held on 5 November 2002, it should be noted that the verge width was considerably wider than is the case both in Daphne and Mary Streets. In addition, upon further investigating the matter, the soil type in the area is predominantly clay, which tends to confine the root spread. Therefore, root barriers and root pruning could be implemented in this situation without the problems associated with such an installation in Daphne or Mary Street.

In view of the above information this option has also not been considered as a preferred option.

Addressing tree issues and damage as it arises

As indicated in previous reports to the Council, this was considered impractical, as it would result in root damage not being addressed until after it had occurred. However, this practice is widely used by the majority of Local Governments surveyed to address this rather controversial issue of the future management of this species of tree.

From the Town's perspective, the trees in both Daphne and Mary Streets are currently not causing extensive amounts of damage. Minimal claims have been received and where identified, remedial works have been implemented without the removal of the trees and to the satisfaction of the adjacent owner / occupiers.

It is therefore recommended that this is the preferred option available to the Town at this point in time.

CONSULTATION/ADVERTISING:

Residents in both Daphne Street and Mary Street will be advised of the Council's resolution.

Where removal of trees is required in any street and at any stage, adjacent residents are advised of pending removals, the reasons for such removals and consulted in relation to the species of tree to be replanted.

LEGAL/POLICY:

The Town's Insurance policy requires the Town to act prudently and take due diligence in appropriate action to remove any hazards.

The Town has a legal responsibility and a "duty of care" to act responsibly and promptly. Failure to do so, will expose the Town to potential legal action and liability for compensation, in the event that a successful claim is made against the Town.

Following a previous report presented to the Council on 26 March 2002 in relation to this matter, the Risk Manager from the Municipal Liability Scheme had requested the Town's advice on what steps were in place to minimize the future potential damage from this species of tree.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of the Draft Plan 2002-2007 - 1.4 Maintain and Enhance the Town's Infrastructure to provide a safe, healthy, sustainable and functional environment. *(b) Develop and implement streetscape enhancements and wider street initiatives.*

FINANCIAL/BUDGET IMPLICATIONS:

Generally, individual requests for remedial works or tree removals / replacement can be accommodated as part of the Street Tree Maintenance budget or the Street Tree Management and Enhancement budget.

Where a removal or replacement program is implemented within an entire street and with trees of such proportions as Mary Street and Daphne Street, a separate budget allocated would be required to be listed for consideration as part of the annual budget process.

COMMENTS:

While it is recommended that a street tree removal / replacement program within Daphne and Mary Streets has been reconsidered at this point in time, it is inevitable that in the future this will have to be re-visited.

It should be noted that it is likely that requests for further action from residents, particularly in Daphne Street where some properties are being affected as a result of these trees, will be received.

Should such requests be received, they will be investigated and a report presented to the Council making recommendations on individual trees and indicating the cost implications to the Town of implementing the works, as has been the case recently in Burt Street North Perth.

10.4.2 Construction of an Office Building to accommodate the Department of Sport and Recreation (DSR) – Leederville Oval, No. 246 Vincent Street, Leederville

| | | | |
|------------------------------|---------------------|--------------------|------------------|
| Ward: | South | Date: | 2 September 2003 |
| Precinct: | Oxford Centre, P4 | File Ref: | RES0062 |
| Attachments: | 001 | | |
| Reporting Officer(s): | John Giorgi | | |
| Checked/Endorsed by: | - | Amended by: | - |

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES of the proposed Office Building at 246 Vincent Street, Leederville for the Department of Sport and Recreation, as shown in Plan Nos. A01, A02, A03, A04, A05, A07, A08, A09, and A10; and*
- (ii) *AUTHORISES the Chief Executive Officer to make minor changes to the proposed Office Building, which may arise during the construction period.*

Moved Cr Chester, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

Moved Cr Chester, Seconded Cr Lake

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

"(iii) NOTES that there is an Asset Management/Maintenance Report pending for this project."

AMENDMENT CARRIED (7-0)

(Crs Franchina and Torre were an apology for the meeting.)

MOTION AS AMENDED CARRIED (7-0)

(Crs Franchina and Torre were an apology for the meeting.)

COUNCIL DECISION ITEM 10.4.2

That the Council;

- (i) *APPROVES of the proposed Office Building at 246 Vincent Street, Leederville for the Department of Sport and Recreation, as shown in Plan Nos. A01, A02, A03, A04, A05, A07, A08, A09, and A10;*
- (ii) *AUTHORISES the Chief Executive Officer to make minor changes to the proposed Office Building, which may arise during the construction period; and*
- (iii) *NOTES that there is an Asset Management/Maintenance Report pending for this project.*

FURTHER REPORT:

In August 2002, Arboricultural Consultant, John Banks, was commissioned to inspect the trees located along the Vincent Street frontage of Leederville Oval, and submitted his report to the Manager Parks Services on 9 September 2002. A copy of the report is "Laid on the Table".

There are ten (10) trees of various species planted along the Vincent Street frontage of Leederville Oval. The trees were the subject of the Arboricultural Consultant's report and are planted from west to east from the existing turnstiles.

The trees were identified as follows, commencing with the tree located directly adjacent to the turnstile building (refer tabled plan No. AO1B).

| | |
|---------|-------------------------------------|
| Tree 1 | Melaleuca preissiana (Paperbark) |
| Tree 2 | Eucalyptus botryoides (Bangalay) |
| Tree 3 | Eucalyptus botryoides (Bangalay) |
| Tree 4 | Eucalyptus botryoides (Bangalay) |
| Tree 5 | Ficus rubiginosa (Port Jackson Fig) |
| Tree 6 | Eucalyptus botryoides (Bangalay) |
| Tree 7 | Eucalyptus botryoides (Bangalay) |
| Tree 8 | Eucalyptus botryoides (Bangalay) |
| Tree 9 | Ficus rubiginosa (Port Jackson Fig) |
| Tree 10 | Ficus macrophylla (Moreton Bay Fig) |

Note: Trees 1 - 5 are located within the proposed building envelope.

Tree 1 Melaleuca preissiana (Paperbark)

General Comments - Inherent characteristics

This tree is native to Western Australia and parts of the Perth area. It is a small bushy crowned tree that grows to a maximum height of approximately 8 metres. Healthy specimens are not notable for shedding branches.

Actual Tree - Arboricultural Consultant's Comments

This specimen has a height of 8.1 metres, a canopy diameter of 4.5 metres from north to south, 3.5 metres from east to west and a BDH (trunk diameter measured at breast height (1.5 metres above ground level) of 580mm.

The trunk is located 800mm from the concrete retaining wall to the south, 5 metres from the retaining wall to the north-east and only 2.5 metres from the trunk of Tree 2. The canopy grows south over the fence and then the footpath for a distance of 1 metre only.

Although the canopy supports an acceptable amount of living foliage, it also supports a significant percentage of foliage that is dead. The canopy is over-shadowed by the much larger canopy of Tree 2.

A leader which once grew to the east/south-east from a point on the trunk 4.5 metres above ground level was long ago lopped off to remove it from above the footpath and road. The resultant stub is rotting.

The trunk has a 100mm wide basal wound on its eastern side and extending from ground level to a point 1 metre above. A similar wound is located on the western side of the trunk and extending from 1.2 metres to 1.8 metres above ground level. The exposed heart wood of the two wounds is dead.

In an endeavour to determine the structural integrity (solidness) of the trunk, this consultant used a 6mm diameter, 380mm long drill bit to drill into the trunk from its northern and southern sides and at a height of 1.2 metres above ground level. The northern trunk section was sound for a depth (radially) of 180mm and the southern section for a depth of 220mm, thereby indicating a centre that was hollow for radial distances of approximately 100mm and 70mm respectively.

Conclusion

Although this tree is in a state of slow decline, all things being equal it can be expected to 'linger' for some years - at least five years. Based on the exploratory drilling, it is believed that sufficient solid wood remains for the trunk to support itself.

Officer Recommendation

It has been identified that this tree is in a state of decline and has a life expectancy of only five or so years. Therefore, based on the Arboriculturalist's report, removal of this tree is supported.

Tree 2 Eucalyptus botryoides (Bangalay)

General Comments - Inherent characteristics

This tree is native to the forests of eastern Victoria and the south coast of New South Wales. In some parts of its natural range it can grow to 40 metres in height. Although it will not grow this tall in Perth, it will nevertheless grow to a lesser but still substantial height of about 25 metres.

It is an extremely brittle wooded tree and has a high propensity for shedding large branches. In its natural habitat, it grows beside other trees of the same species and under such conditions the canopy of each tree is protected from wind damage by the canopies of other surrounding trees.

When grown as an individual specimen, however, it becomes increasingly exposed to wind and this, combined with its brittle wooded nature, renders it highly susceptible to wind damage. It is not uncommon for the top/s of large specimens, as well as branches, to blow off completely. As a result, this consultant has had the onerous task of having to condemn scores of Eucalyptus botryoides located in private gardens, school grounds, parks and on road verges, which were the subject of considerable concern due to their history of shedding large branches.

The Bangalay is also a very messy tree and drops large amounts of leaves, fruit, bark and twigs.

Actual Tree - Arboricultural Consultant's comments

This specimen has a height of 15.9 metres, a canopy diameter of 8 metres from north to south, 13 metres from east to west and a DBH of 1.02 metres.

Its trunk is located 2.5 metres to the east of that of Tree 1, 16 metres to the west of that of Tree 3, 400mm from the retaining wall to the south and 3 metres from the retaining wall to the north. The canopy grows south over the fence and then over the footpath for a distance of 500mm only.

Although the canopy was acceptably dense, there are indications of die back from the periphery and as evidenced by the large number of small dead branches. The southern section of the canopy which once grew over the road has been completely removed (pruned off). The tree supported a significant number of water shoots.

Termite trails led up all sides of the trunk. This consultant drilled into the western side of the trunk at 1.2 metre above ground level and found it to be hollow after a depth of 280mm thereby indicating a hollow (radially) of approximately 230mm.

Conclusion

Although termite activity has been extensive, based on the exploratory drilling it is believed that the trunk currently has sufficient sound wood surrounding its hollow centre to support itself. The slight indications of dieback from the periphery of its canopy (as evidenced by the twiggy dead wood) indicate that it is not in optimum health.

Officer Recommendation

This Eastern States species has a propensity to shed limbs and is not recommended for planting in parkland or public areas. This specimen is not in optimum health and shows evidence of termite activity. Removal of this specimen is therefore supported.

Tree 3 Eucalyptus botryoides (Bangalay)

Actual Tree - Arboricultural Consultant's Comments

This specimen has a height of 18 metres, a canopy diameter of 11 metres from north to south, 13 metres from east to west and a DBH of 750mm.

Its trunk is located 16 metres from that of Tree 2, 4.5 metres from that of Tree 4, 600mm from the southern retaining wall and 3 metres from the northern retaining wall. The canopy grows south over the fence and then over the footpath for a distance of 500mm only.

The structure grows at a conspicuous angle to the north-west and what little of its southern canopy grew over the fence to the south has been pruned off and, in some cases, lopped off. The canopy was conspicuously sparse. Water shoots have grown from numerous stubs and branches. The heart wood of many stubs was rotting.

Termite trails led up all sides of the trunk. This consultant drilled into the eastern and western sides of the trunk from 1.5 metres above ground level and found it to be sound for 300mm and 240mm respectively thereby indicating a centre that was hollow for radial distances of approximately 75mm and 135mm.

Conclusion

Although termite activity has been extensive, based on the exploratory drilling it is believed that the trunk has sufficient sound wood surrounding its hollow centre to support itself. The conspicuous sparseness of the canopy reflects low vigour.

Officer Recommendation

This Eastern States species has a propensity to shed limbs and is not recommended for planting in parkland or public areas. In addition, this together with the other like specimens are in varying degrees of health and structural integrity and show evidence of termite activity. Removal of this specimen is therefore supported.

Tree 4 Eucalyptus botryoides (Bangalay)

Actual Tree - Arboricultural Consultant's Comments

This specimen has a height of 20 metres, a canopy diameter of 15 metres from north to south, 18 metres from east to west and a DBH of 1.32m.

Its trunk is located 4.5 metres from those of Trees 3 and 5, 400mm from the southern retaining wall and 3 metres from the northern retaining wall. The canopy grows over the fence and then the footpath for a distance of 3 metres.

The structure grows at an angle to the north and away from the road. What little vegetation and timber once grew to the south and over the road has been pruned off. Although the canopy appeared acceptably dense and healthy, there are indications of dieback from the periphery and a significant amount of twiggy dead wood is supported throughout the canopy.

An extremely large branch (800mm diameter) grows almost horizontally to the north from a point on the trunk 1.3 metres above ground level and almost reaches the fence which surrounds the oval.

Its roots have also moved and cracked the low retaining wall to the south. Aerial roots from the nearby Fig tree (Tree 5) have attached themselves to and grown down the trunk of subject tree (Tree 4).

Termite trails were evident leading up all sides of the trunk. This consultant therefore drilled into the eastern and western sides of the trunk at points 800mm above ground level. The wood was solid for distances of 320 and 300mm respectively thereby indicating radial hollows of 340mm and 360mm respectively.

Conclusion

Although termite activity has been extensive, the exploratory drilling indicated that the trunk currently has sufficient sound wood surrounding its hollow centre to support itself. The slight sparseness of the canopy and dieback from the periphery reflects a lack of optimum vigour.

Officer Recommendation

This Eastern States species has a propensity to shed limbs and is not recommended for planting in parkland or public areas. This specimen is not in optimum health and structural integrity and shows evidence of termite activity. Removal of this specimen is therefore supported.

Tree 5 Ficus rubiginosa (Port Jackson Fig)

General Comments - Arboricultural Consultant

The Port Jackson Fig is native to Queensland and New South Wales and, therefore, is exotic to WA. It has the ability to grow to a height of about 19 metres and has a tall upright form.

It is quick growing, casts heavy shades and develops aerial roots from its above ground parts. By comparison with most other large trees which are grown for their ornamental value, healthy trees seldom shed branches.

Actual Tree - Arboricultural Consultant's Comments

This specimen has a height of 11 metres, a canopy diameter of 11 metres from north to south, 18 metres from east to west and a trunk diameter of 1.03 metres measured at a point 1 metre above ground level.

Its trunk is located 4.5 metres from that of Tree 4, 16 metres from that of Tree 6, 1 metre from the southern retaining wall and 2.5 metres from the northern retaining wall. Its buttress roots, which are located 600mm from the low concrete wall, have cracked it. The canopy does not grow over the fence to the south.

The tree has been repeatedly and extensively lopped and to the extent whereby the remaining structure represents approximately only 1/4 of its optimum dimensions. A number of the resultant stubs are rotting. Most of the existing foliage is represented by water shoots and a significant amount of which is dying back.

There is an excessive amount of bark peel from the trunk and branches. Due to the severe lopping that has been inflicted upon it, the specimen now has an extremely poor (ugly) form and is in decline.

As mentioned above (in the discussion of Tree 4), the roots of this Fig tree have attached themselves to the trunk of Tree 4 and, if they are not removed, will eventually strangle it. The canopies of the two trees intermingle.

There was an absence of any signs of insect (termite) activity.

Conclusion

This specimen has been severely and badly pruned (lopped) and to the extent whereby its form has been irreparably destroyed and is now unsightly. It also lacks vigour, it is growing too close to Tree 4 and is inhibiting its development. Its roots are also starting to strangle Tree 4.

Officer Recommendation

Removal of this tree is recommended due to its very poor condition. It lacks vigour and has very little amenity value.

Tree 6 Eucalyptus botryoides (Bangalay)

Actual Tree - Arboricultural Consultant's Comments

This specimen has a height of 10 metres, a canopy diameter of 4 metres from north to south, 5 metres from east to west and a trunk diameter of 370mm measured at a point 800mm above ground level.

The trunk is located 16 metres from that of Tree 5, 4 metres from that of Tree 7, 600mm from the southern retaining wall and 3.5 metres from the northern retaining wall. The canopy grows south over the fence and then the footpath for a distance of 1 metre.

The three main leaders have been lopped at points 1.6, 3 and 4 metres above ground level and the entire canopy now consists of water shoots that have developed in responses to the lopping operation. This canopy was conspicuously sparse and the foliage was suffering from leaf miner activity.

The specimen is extremely ugly and lacks vigour.

Termite trails were evident leading up the trunk. This consultant drilled into the eastern and western sides of the trunk at points 800 mm above ground level. The wood was solid for distances of only 50 mm and 100 mm respectively thereby indicating radial hollows of 135 mm and 85 mm respectively.

Conclusion

The form of this specimen has been forever destroyed and it has extremely low amenity value. Termite activity is extensive and the perceived extent of the hollow in the trunk is critical (only 27% of sound wood on one side of the trunk). It also has extremely low vigour.

Officer Recommendation

This Eastern States species has a propensity to shed limbs and is not recommended for planting in parkland or public areas. This specimen is in poor health and structural integrity and shows evidence of termite activity. Removal of this specimen is therefore supported.

Tree 7 *Eucalyptus botryoides* (Bangalay)

Actual Tree - Arboricultural Consultant's Comments

This specimen has a height of 8 metres, a canopy diameter of 5 metres from north to south, 4 metres from east to west and a DBH of 460 mm.

Its trunk is located 4 metres from those of both Tree 6 and 8, 600 mm from the southern retaining wall and 3.5 metres from the northern retaining wall. The canopy extends over the fence and then the foot path for a distance of 2.5 metres.

Its two main leaders have both been lopped at 4.5 and 5 metres above ground level. One of the resultant stubs is almost dead. The water shoots which grow from the other stub represents much of the remaining (existing) canopy and was affected by leaf miners.

Due to the severe lopping that was inflicted on this tree, it now has an extremely poor form (is ugly), very low vigour and is in decline.

Termite trails were evident leading up all sides of the trunk. This consultant therefore drilled into the western side of the trunk and found the wood to be solid for a depth of 150 mm before entering a hollow centre with a radial diameter of 80 mm.

Conclusion

The form of this specimen has been forever destroyed and it has extremely low amenity value and vigour. Although termite activity is extensive, there remains sufficient sound wood in the trunk to support itself.

Officer Recommendation

This Eastern States species has a propensity to shed limbs and is not recommended for planting in parkland or public areas. This specimen is in poor health and structural integrity and shows evidence of termite activity. Removal of this specimen is therefore supported.

Tree 8 *Eucalyptus botryoides* (Bangalay)

Actual Tree - Arboricultural Consultant's Comments

This specimen has a height of 20 metres, a canopy diameter of 12 meters from north to south, 17 metres from east to west and a DBH of 1.11 metres.

The trunk is located 4 metres from that of Tree 7, only 3 metres from that of Tree 9, 300 mm from the southern retaining wall and 2.5 metres from the northern retaining wall. Its roots have moved and cracked the southern retaining wall. The canopy grows south over the fence and then over the foot path for a distance of 2.5 metres.

The canopy was dying back from its periphery and as evidenced by the significant amount of 'twiggy sized' dead wood. Additional dead wood within the canopy has attained lengths of 4 metres and diameters of 350 mm. Numerous torn stubs also indicated that branches have separated. Timber which would once have grown over the road has been pruned off.

Termite rails led up all sides of the trunk. The exposed heart wood of a large pruning wound has been eaten by termites. This consultant drilled into both the eastern and western sides of the trunk. The wood was solid for radial distances of 330 mm and 200 mm thereby indicating radial hollows of 225 mm and 355 mm respectively.

The canopy of the nearby Fig tree (Tree 9) grows into and hides much of the canopy of this Bangalay. A part of the Bangalay trunk is also being strangled by the roots of the nearby Fig tree.

Conclusion

This tree has extremely low vigour and has in the past shed considerable sized branches. Termite activity has been extensive and although there appears to be sufficient sound wood in the trunk to support itself (59% and 39%), the remaining extent of this sound wood has been significantly reduced and is close to critical limit of 30% (failure point).

It is also growing too close to Tree 9 (only 3 metres distant) and they are inhibiting each other's development.

Officer Recommendation

This Eastern States species has a propensity to shed limbs and is not recommended for planting in parkland or public areas. This specimen is in extremely poor health and structural integrity and shows evidence of termite activity. Removal of this specimen is therefore supported.

Tree 9 *Ficus rubiginosa* (Port Jackson Fig)

General Comments - Inherent characteristics

The Port Jackson Fig is native to Queensland and New South Wales and, therefore, is exotic to WA. It has the ability to grow to a height of about 19 metres and has a tall upright form.

It is quick growing, casts heavy shades and develops aerial roots from its above ground parts. By comparison with most other large trees which are grown for their ornamental value, healthy trees seldom shed branches.

Actual Tree - Arboricultural Consultant's Comments

This specimen has a height of 19 metres, a canopy diameter of 18 metres from north to south, 25 metres from east to west and a DBH of 1.9 metres.

Its trunk is located only 3 metres from that of Tree 8 but 37 metres from that of Tree 10. Its trunk is located 800 mm from the southern retaining wall and 2 metres from the northern retaining wall. Its buttress roots, however, are growing against the wall, pushing it outwards (to the south) and have caused cracks.

The southern canopy has been extensively pruned to remove it from above the road and foot path. Considerable amounts of water shoot growth have developed from that side of the tree to replace the vegetation which has been removed. The remaining canopy was suitably dense and the foliage healthy.

There was an absence of any signs of a disease, damaging insect activity or a physiological disorder. Dead wood was negligible in both its size and amount.

The southern canopy grows over the fence, the foot path for 3 metres and then the road for another 6 metres. Sections of the canopy which are situated above the location of the reserve grow down to touch the ground.

Conclusion

Apart from the stubs which have been created as a result of lopping this specimen appeared attractive, has good health and vigour and has significant amenity value.

Officer Recommendation

This tree is not within the building footprint. Whilst somewhat lop-sided due to branches being removed over the adjacent road and footpath, this tree is in good health and has a high amenity value. This tree is to be retained.

Tree 10 Ficus macrophylla (Moreton Bay Fig)

Inherent Characteristics

The Moreton Bay Fig is also native to Queensland and New South Wales and, therefore, is exotic to WA. Historically, it has been widely grown throughout the Perth metropolitan area for its stunning ornamental value. In its native habitat it has the potential to grow to a height of 30 metres but, in Perth, grows to a lesser maximum height of about 18 metres with a wide spreading, dome shaped canopy that is often broader than its height and often attaining 25 metres.

Actual Tree - Arboricultural Consultant's Comments

This specimen has a height of 15 metres, a canopy diameter of 20 metres from north to south, 24 metres from east to west and a DBH of 1.8 metres.

Its trunk is located 37 metres from that of Tree 9 and 1.2 metres from the low retaining wall. Its buttress roots have, however, grown against the wall and caused damage (cracking). There is no retaining wall located to the north.

The southern canopy grows over the fence then over the foot path for 3 metres and then over the road for a further distance of 6 metres and, therefore, for a total distance of 9 metres beyond the fence. The section of the canopy which is situated above the road has been carefully crown lifted (professionally pruned) to allow for the free passage of vehicles.

The canopy was dense, well balanced and extremely healthy.

There was an absence of any signs of a disease, damaging insect activity or physiological disorder. Dead wood was negligible in both its size and amount.

Sections of the canopy which are situated above the location of the reserve grow to within 1.5 metres of the ground.

Conclusion

This specimen appeared extremely attractive, healthy and vigorous and has high amenity value.

Officer Recommendation

This tree is not within the building footprint. An excellent specimen with high amenity value. This tree is to be retained.

BACKGROUND:

At the Ordinary Meeting of Council held on 13 May 2003, the Council approved of a Major Land Transaction to construct an office building at 246 Vincent Street, Leederville. The Council resolved inter alia as follows;

"(6) *AUTHORISES;*

- (i) *the Chief Executive Officer to negotiate with the Department of Sport and Recreation and Department of Housing and Works and report back to the Council concerning the plans, tender documents, proposed lease documents, and to make minor variations to the plans, if necessary;*
- (ii) *the Project Architect to proceed with the preparation of the necessary documentation and working drawings;*
- (iii) *the Chief Executive Officer to prepare the necessary documentation and advertise tenders for the construction of the proposed office building and for this to be carried out after the Council has considered submissions to its Major Land Transaction; and*
- (iv) *the Chief Executive Officer to review and obtain legal advice (if required) for the necessary Agreement to Lease and Lease documents, which are part of the tender process; ..."*

Elected Members' Briefing

On 27 August 2003, Mr Peter Hunt and Mr Con Lampropoulos of Peter Hunt Architect attended a Briefing Session for Elected Members and Senior Officers. The final plans were displayed and explained in detail.

PROPOSED OFFICE BUILDING:

The Town proposes to construct an office building comprising of a basement and two (2) levels. The basement will comprise twenty-two (22) parking bays (and one (1) disabled bay), archives and storage.

Site Details

Address

246 Vincent Street, Leederville

Land Area

The building and associated secure car parking area (i.e. inclusive of the land for the office expansion) is approximately 3,100m² in area and 2,300m² of net lettable area. The total lot is 53,088m² (i.e. Leederville Oval). The 3,100m² site for the proposed Office Building and future expansion is included within the overall lot Reserve No. 3839 and located at the south west corner of the Leederville Oval site, fronting Vincent Street.

Peter Hunt Architect has advised of the following;

"Visible External Features and Finishes

The architectural character of the new Sport and Recreation Office Building will be contemporary and this is achieved through a mix of solid, light weight and transparent materials on the four facades. Plans are attached to this report and Business Plan.

The sculptural massing of the building follows a strong geometric plan rigorously configured to a 1200 x 1200 planning module.

The external features comprise of two masonry elements ("book ends") clad in Donnybrook stone in keeping with the Town of Vincent Administration Centre; high performance slightly tinted glazing on all facades, painted compressed sheet to the building podiums; and powder coated perforated sun shading devices on the North, East and West facades. In accordance with the Tender Brief, all handrails will be stainless steel with glazed infill panels to the stairs. The entry canopies will be clad in a prefinished metallic panelling system.

An elevated shade canopy in the form of a light steel structure will create a visual counterpoint over the entrance to the building and will announce the building to the street in a most distinctive manner.

Internal Features and Finishes

The building is configured around a centralised core on the south with clearly identifiable pedestrian access from Vincent Street on the south and the secure and visitor's car parks to the north.

The ground floor lobby is generous in proportions, incorporating a waiting area (20m²), 16 person lift and a 1900 clear width interconnecting stair.

The building's design ensures that virtually no point within the office space is more than 10 metres from a natural light source, thus minimising dependence on artificial lighting.

The location of the core permits 4 potential independent access points from the lobby on each floor level thus maximising flexibility when planning floor utilisation.

The central zone for each floor has the structural capacity to accommodate the records compactus requirements as demonstrated in the structural loading diagram.

The shower and change room facilities exceed the Tender Brief requirements through the inclusion of an additional toilet and a unisex shower/change cubicle.

The internal finishes will be in accordance with the Tender Part 2 - Technical Requirements, being carpeted flooring in office spaces, lobbies with tiles and vinyl in wet areas. The walls construction will be rendered brickwork or concrete within the core and plasterboard to all perimeter walls (paint finished).

Type of Construction

The building is based on an 8.4 x 8.4 metre structural grid of reinforced concrete columns supporting a ground and first floor slab. We have adopted a solution in which all internal and external walls are not structural and therefore permit future manipulation of building elements.

Typically on the external walls, we employ a light weight construction technique using a variety of cladding materials supported by a galvanised steel framework with insulation and vapour barriers. Similarly the internal skin of these walls are gyprock with insulation.

The building's core will be constructed from brickwork and rendered or tiled as required.

Net Lettable Area and Gross Floor Area

| Level | Gross Area | Net Area |
|---------------------|--------------------------|--------------------------|
| <i>Basement</i> | <i>967m²</i> | <i>140m²</i> |
| <i>Ground Floor</i> | <i>1351m²</i> | <i>1017m²</i> |
| <i>First Floor</i> | <i>1455m²</i> | <i>1150m²</i> |

Total Net Lettable Area *2,307m²*
Gross Area of Ground and First Floor *2,806m²*

Number of Car Park Bays

The following number of car parking bays have been provided in this proposal;

1. Secure and covered car parking bays
 - 22 bays
 - 1 Disabled
2. Secure open car parking bays
 - ~~19~~ 18 bays
 - ~~1~~ 2 Disabled bays
3. Visitors open car parking bays
 - 10 dedicated bays, 2 disabled bays (located adjacent to western boundary of the Office Building site)
4. Overflow car parking bays
 - 30 bays (approx) - (located behind adjacent grandstand).
5. Drop off bays
 - 5 minutes restricted drop off parking for 2 cars in Vincent Street, opposite the main entrance to the proposed DSR building."

BUILDING COSTS:

The project Quantity Surveyor (Ralph Beattie Bosworth) has estimated the final cost as follows;

Final Anticipated Construction Cost **\$5,696,900** (excludes GST)

Exclusions

The estimate specifically excludes;

- Architects and consultants fees
- Geotechnical survey - *completed*
- Site survey - *completed*
- Office fit-out and associated PABX, telephone handsets, computer hardware and LAN hardware (by tenant)
- Window treatments (by tenant)
- External building signage (by tenant)
- GST (recoverable)

Project Cost Estimates (excluding GST)

| | | |
|----|---|---|
| A. | <p>Construction Tender Costs including:</p> <ol style="list-style-type: none"> 1. Construction Costs (as per Quantity Surveyor RBB estimate reviewed on 11 August 2003) 2. Other Building Costs as agreed between the Landlord and the Tenant, including the following, as agreed on 12 August 2003; <ul style="list-style-type: none"> • Create new basement store (30m²) \$4,830 • Create new stair to ground floor & store room \$23,100 • Additional Coms./Data Riser - ground floor \$1,560 • First Floor Partitions & Screens Adjustment \$13,100 • Additional Coms/Data Riser - first floor \$1,560 • Mechanical Fitout - extra costs \$21,000 • Electrical Lighting Fitout \$9,450 • Power Switch Coms. Data \$21,000 • Security/Fire Access (doors) \$ 4,200 3. Energy Efficiency Management System 4. Soft landscaping and paving 5. Separate supply of carpet by Government contract | <p>\$5,696,000</p> <p>\$99,800</p> <p>\$42,000</p> <p>\$50,000</p> <p>TBA</p> |
| B. | <p>Consultant Fees</p> <ul style="list-style-type: none"> • Architect \$199,932 • Structural Engineers \$ 36,034 • Electrical Engineer \$ 25,572 • Mechanical Engineer \$ 28,478 • Hydraulics Engineer \$ 33,709 • Quantity Surveyor \$ 42,427 • Landscape Services \$ 5,000 | <p>\$371,152</p> |
| C. | <p>Other Consultant Fees:</p> <ul style="list-style-type: none"> • Geotechnical Report \$ 3,930 • Site Survey \$ 3,688 • Valuation and Leasing \$ 3,360 • TR Preedy and Associates \$ 1,080 • Arboriculturalist \$ 1,190 • Environmental Report \$ 4,050 | <p>\$17,298</p> |
| D. | <p>Interest Costs for moneys drawn down during construction period</p> | <p>\$214,000</p> |
| | <p>Expected Total Project Costs</p> | <p><u>\$6,490,250</u></p> |

PROPOSED TIMETABLE:

The following is a revised indicative timetable for this project;

| Project | Weeks Duration | Start Date | Finish Date |
|---|---------------------------|-------------------|--------------------|
| Council to approve Major Land Transaction | - | 12 August 2003 | Completed |
| Briefing to Elected Members | - | 27 August 2003 | Completed |
| Council to approve of plans | - | 9 September 2003 | |
| Advertise Tender | 4 | 24 September 2003 | 29 October 2003 |
| Tender Assessment/Award Tender | 2 | 29 October 2003 | 4 November 2003 |
| Council to Award Tender | - | 11 November 2003 | - |
| Construction Commences | - | 18 November 2003 | 15 October 2004 |
| Fit out (by tenant) | 8-10 | 18 October 2004 | 24 December 2004 |

FINANCIAL/BUDGET IMPLICATIONS:

The Budget 2002-2003 includes an amount of \$1.5 million for this financial year. The total project cost is estimated to be up to \$6.5 million. This project will be funded from rent from the tenant (DSR) and therefore no rates income will be required.

It should be noted that the Town's proposal will be on the basis that the rent will cover all borrowings for the construction of the office building and also an annual "Sinking Fund" amount to be placed in a Reserve Fund for future maintenance and repairs.

Reserve Fund

A Reserve Fund has been created to ensure that sufficient funds are available in future years to maintain the building, carry out capital works improvements and replace carpets and plant.

Loan

The Town is monitoring the interest rates on a weekly basis and a further report will be submitted to Council at a later date for approval.

Capital Works and Maintenance Program

At this stage the plans are being finalised. A program will be prepared and reported to the Council.

LEGAL/POLICY IMPLICATIONS:**Lease Documentation**

A Lease document and Agreement for Lease document have been agreed between the DSR and the Town.

ADVERTISING/COMMUNITY CONSULTATION:

N/A.

PRINCIPAL ACTIVITIES PLAN:

This is included in the Town's Principal Activities Plan, Page 42 – *“Major Capital Works – Land and Buildings”*.

STRATEGIC IMPLICATIONS:

This project is in keeping with the Town's Strategic Plan 2000-2002, Key Result Area 3 - The Physical Infrastructure - *“3.5 - Develop and implement strategies to improve the Town's physical infrastructure, including buildings and land”*; and *“3.6 - Develop and implement strategies to improve the Town's Parks and Reserves”*.

This project is in keeping with the Town's Draft Strategic Plan 2003-2008, Key Result Area 4 – *“Economic Development - Clause 3.3(a) - Explore Federal, State and Local Government opportunities for investment and effective service delivery”* and *“Clause 3.4 – Investigate relationships at the State, Inter-State and International level to attract investment to the Town”*.

The construction of an office building on Leederville Oval to accommodate the DSR will provide a focus for the numerous sporting facilities within the Town. Furthermore, it will bring an additional 120 employees into the area and this will result in increased patronage to the Leederville and surrounding areas business proprietors.

COMMENT:

The Town is to be congratulated on successfully winning the State Government Tender to construct the Office Building for the DSR. This will also further strengthen the Town's partnership with the State Government of Western Australia to provide upgraded and new sporting facilities within the Town of Vincent, as part of the State Sporting Facilities Plan. It is considered that this project will complement the Leederville Oval and Loftus Land redevelopment projects.

Accordingly, it is recommended that the Council approves the recommendation.

10.4.5 Draft Strategic Plan 2003-2008

| | | | |
|------------------------------|---------------------|--------------------|------------------|
| Ward: | Both | Date: | 3 September 2003 |
| Precinct: | All | File Ref: | ADM0038 |
| Attachments: | 001 | | |
| Reporting Officer(s): | John Giorgi | | |
| Checked/Endorsed by: | - | Amended by: | - |

OFFICER RECOMMENDATION:

That the Council;

- (i) *ADOPTS the Draft Strategic Plan 2003-2008, as shown in Appendix 10.4.5; and*
- (ii) *NOTES that Key Performance Indicators (KPI's), priorities and indicative financial implications will be prepared and reported to the Council for approval.*

Moved Cr Chester, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

Moved Cr Chester, Seconded Cr Doran-Wu

That a new clause (iii) be added as follows

"(iii) meets with Executive Officers to review the effectiveness of the relative strategies and action plans, priorities and indicative financial implications of the Draft Strategic Plan 2003-2008."

AMENDMENT CARRIED (7-0)

(Crs Franchina and Torre were an apology for the meeting.)

MOTION AS AMENDED CARRIED (7-0)

(Crs Franchina and Torre were an apology for the meeting.)

COUNCIL DECISION ITEM 10.4.5

That the Council;

- (i) *ADOPTS the Draft Strategic Plan 2003-2008, as shown in Appendix 10.4.5;*
- (ii) *NOTES that Key Performance Indicators (KPI's), priorities and indicative financial implications will be prepared and reported to the Council for approval; and*
- (iii) *meets with Executive Officers to review the effectiveness of the relative strategies and action plans, priorities and indicative financial implications of the Draft Strategic Plan 2003-2008.*

BACKGROUND:

Further Report

At the Ordinary Meeting of the Council held on 12 August 2003 the Council resolved as follows:

"That this item be DEFERRED for a written response to be provided to Council by the consultant Bessen Consulting Services for the Ordinary Meeting of Council to be held in September 2003, specifying the actions taken and those which could be undertaken in aligning the Draft Strategic Plan presented to Council on 12 August 2003, with the findings and recommendations of the Independent Organisational Review."

Following the Ordinary Meeting of Council held on 12 August 2003 the draft strategic plan and Independent Organisational Review Recommendations were reviewed by Bessen Consulting Services.

On 2 September 2003, Beven Bessen Consulting Services provided the following details:

" (Written response to be provided to Council by the consultant, Bessen Consulting Services, for the Ordinary Meeting of Council to be held in September 2003, specifying the actions taken in aligning the Draft Strategic Plan to Council on 12 August 2003, with the findings and recommendations of the Independent Organisational Review).

Recommendation 1. of the Independent Organisational Report is that the 2002 – 2007 strategic planning process be revisited and include:

- "a focus on social, environmental and economic outcomes and include quantitative and qualitative evaluations of Key Result Areas, using key performance indicators and effectiveness indicators that are outcomes oriented, relevant and useful for future planning;*
- the vision has the benefit of critical analysis and reflects the majority stakeholder views;*
- the mission describes the shared view of what services and activities the Town provides;*
- the values describe the philosophical approach to the way of "doing business" in the Town."*

The Draft Strategic Plan has been developed through a comprehensive consultation process, i.e.:

- Planning Workshop One – 7 November 2002
(elected members and management staff; focus on auditing the achievements of the previous Strategic Plan; identifying key issues; then moving onto Vision, Values, Mission and Challenges).*
- Planning Workshop Two – 26 November 2002
(elected members and management staff; review of draft Vision, Mission, Values and Challenges; focus on Key Result Areas and Strategies).*
- Planning Workshop Three – 4 December 2002
(community members; review and amendment of draft Vision, Mission, Values and Key Result Areas).*
- Review Session with key management staff on Action Plans (mid December 2002).
Draft Strategic Plan adopted at the Ordinary Meeting of Council held on 17 December 2002.*

- Planning Workshop Four – 30 January 2003
(community members; review of Strategies and Actions).
The results of the Planning Workshop Four (30/1/03) were submitted to the Town on 20 February 2003.
The Draft Strategic Plan was advertised for community consultation on 28 February 2003 and submissions closed on 11 April 2003. A report was considered at the Ordinary Meeting of Council held on 13 May 2003.
- Planning Workshop Five – 9 July 2003
(elected members and management staff; review of community input; focus on the Key Result Areas; Objectives and Performance Indicators).

The Vision has been reviewed comprehensively and has settled to a consensus view, which combined with the “Challenges” paints a realistic and reflective view of what the Town will be in five years time.

The Mission summarises the role of the Town. Details of services are provided in the Key Results Areas.

The Values have been honed as the guiding principles for the Town.

The Key Result Areas give the scope, the key objectives, the strategies and the action plans. The Key Performance Indicators are contained in the Performance Measures and were reviewed during the 9 July 2003 Workshop, in light of the comments of the Independent Organisational Review.

If any of the Performance Measures are not outcome oriented, relevant or useful for future planning, they need to be identified for further discussion between key management staff and the consultant.”

At the Ordinary Meeting of the Council held on 13 May 2003 the Council resolved as follows:

“That the Council;

- (i) considers the submissions received concerning the Draft Strategic Plan adopted at the Ordinary Meeting of Council held on 17 December 2002;*
- (ii) DEFERS the final approval of the Draft Strategic Plan; and*
- (iii) further considers the Draft Strategic Plan 2002-2007 taking cognisance of the Independent Organisational Review - Recommendation 1 and comments of the public submissions.”*

At the Ordinary Meeting of Council held on 17 December 2002, Council resolved as follows;

“That the Council;

- (i) ADOPTS the Draft Strategic Plan 2002-2007, as shown in Appendix 10.4.3;*
- (ii) advertises the Draft Strategic Plan 2002-2007 for a period of forty two (42) days, effective from 28 January 2003, for public comment and considers any submissions received, at the end of the public consultation period; and*
- (iii) APPROVES of a second Community Workshop to be held in early/mid January 2003.”*

DETAILS:

Independent Organisational Review Recommendation

The Independent Organisational Review consultants reported that:

"At the time of this Review the draft strategic plan was subject to the process of community comment. Based on the interviews with Elected Members and Senior Officers, it is clear the draft 2002 – 2007 strategic planning process was very useful in terms of a collaborative approach between Elected Members and Officers to identify the critical issues (key result areas) expected during the period 2002 - 2007. The majority however believed the duration of the process was inadequate to achieve a clearly defined direction or vision statement or to inject sufficient detail into the key result areas. It was reported to the review team that there was limited opportunity for qualitative evaluation of suggestions."

"It was noted the process was a review only however a fundamental gap in the strategic planning process was the lack of engagement of the whole organisation in the process. It is not intended for every member of staff be involved in setting the key objectives, however they must be given the opportunity of setting the operational objectives and key performance indicators for measuring outcomes and assisting with decision making."

"Strategy

RECOMMENDATION 1

The 2002 – 2007 strategic planning process be revisited and include the following approach and elements:

The strategic planning process focus on social, environmental and economic outcomes and include quantitative and qualitative evaluations of Key Result Areas using key performance indicators and effectiveness indicators that are outcomes oriented, relevant and useful for future planning. The process to include the following elements.

Vision:

Set the shared view on what the Town will be in 5 years time. The end result must be an outcome that has the benefit of critical analysis and reflects the majority stakeholder views as being realistic and affordable.

Mission:

Describe the shared view of what services and activities the Town provides.

Values:

Describe the shared values that will be used as the basis for the philosophical approach to the way of "doing business" in the Town. The values to be supported by Behaviour Standards or Codes of Conduct.

Key Result Areas (the main functional areas):

Identify the functional areas that when achieved will collectively satisfy the vision statement. For each key result area there must be identified:

- *The Scope (i.e. a description of what is to be included in the key result area)*
- *Key Objectives/Outcomes that collectively will achieve the Key Result Area*
- *Strategies and Action Plans for those key objectives/outcomes and*
- *Key Performance Indicators that are outcomes oriented, relevant and useful for future planning."*

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

It is not a legal requirement to have a Strategic Plan however, it is considered "*Best Practice*" management that a Strategic Plan be adopted to complement and be linked and aligned to both the Principal Activities Plan and the Annual Budget.

The Chief Executive Officer will meet with the Town's senior staff to prepare Key Performance Indicators, timelines and indicative costings for items included in the Strategic Plan. This will be the subject of a further report to Council.

In view of the time that has elapsed since the Council considered the Draft in 2002, it is recommended that the Strategic Plan be referred to as "2003-2008".

STRATEGIC IMPLICATIONS:

The Strategic Plan provides the elected Council and administration with its aims, goals and objectives (key result areas) for the next five (5) years.

FINANCIAL/BUDGET IMPLICATIONS:

Costs of approximately \$1,500 will be required for printing purposes.

COMMENTS:

The Strategic Plan is a very important document for the Town, as it will provide the future direction to the Council for the next five (5) years. The workshops conducted were very successful and the input received was positive and constructive. The new Draft Plan reflects input by the Elected Members, the Administration and the Community. This will give the Town its future direction and is therefore recommended for adoption.

It is therefore recommended that the Draft Strategic Plan be adopted.

10.4.4 Sustainability Advisory Group - Appointment of Members

| | | | |
|------------------------------|-------------|--------------------|------------------|
| Ward: | - | Date: | 2 September 2003 |
| Precinct: | - | File Ref: | ORG0079 |
| Attachments: | Nil | | |
| Reporting Officer(s): | John Giorgi | | |
| Checked/Endorsed by: | - | Amended by: | - |

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPOINTS the Mayor Nick Catania (Chair), along with Cr, Cr; and Cr to the Group; and*
- (ii) *APPOINTS the following community representatives to its Sustainability Advisory Group for the period 1 September 2003 to 30 June 2005;*
 - (a) *Mr Gordon (Tony) Keene;*
 - (b) *Mr Dudley Maier; and*
 - (c) *Mr David Plowright.*

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (7-0)

(Crs Franchina and Torre were an apology for the meeting.)

Moved Cr Ker, Seconded Cr Cohen

That this Item be re-committed as it was carried en bloc and requires nominations to be made.

MOTION CARRIED (7-0)

(Crs Franchina and Torre were an apology for the meeting.)

COUNCIL DECISION ITEM 10.4.4

Moved Cr Ker, Seconded Cr Cohen

That the recommendation be adopted with the following nominations being approved:

That the Council;

- (i) *APPOINTS the Mayor Nick Catania (Chair), along with Cr Sally Lake, Cr Helen Doran-Wu; and Cr Caroline Cohen to the Group; and*
- (ii) *APPOINTS the following community representatives to its Sustainability Advisory Group for the period 1 September 2003 to 30 June 2005;*

- (a) *Mr Gordon (Tony) Keene;*
- (b) *Mr Dudley Maier;*
- (c) *Mr David Plowright; and*
- (d) *Mr Andrew Del Marco.*

MOTION CARRIED (7-0)

(Crs Franchina and Torre were an apology for the meeting.)

CHIEF EXECUTIVE OFFICER'S COMMENTS:

Mr Del Marco's nomination was received on 22 August 2003, however due to a clerical error his nomination was not included in the original report. Mr Del Marco's details are as follows;

(Amendment to Appendix 10.4.4)

Name: Mr Andrew Del Marco
Address: North Perth
Qualifications: BSc (Environmental Science)
Membership of Community Groups: Highgate Catholic Parish Community Centre, Serpentine-Jarrahdale Land Conservation District Comm.

Reasons to be considered as a Community Representative:

- Professional knowledge in natural environment.
- Knowledge of;
 - Cities for Climate Protection
 - Water Wise Gardens
 - Water Sensitive Streetscaping
- Long term resident of North Perth and member of community
- Desire to work with others to change our forms of development to make them more community and environment friendly.

BACKGROUND:

At the Ordinary Meeting of Council held on 24 June 2003, the matter of the Sustainability Advisory Group was considered and Council resolved inter alia as follows;

"That the Council; ...

(iii) APPROVES;

- (a) the creation of a new Advisory Group to be known as the "Sustainability Advisory Group" with the Terms of Reference and Composition as shown in Appendix 10.4.2(b);*
- (b) the calling of Community Representatives for the proposed Sustainability Advisory Group; ..."*

"TERMS OF REFERENCE AND COMPOSITION:

SUSTAINABILITY ADVISORY GROUP

1. MEMBERSHIP

The membership of the Town of Vincent Sustainability Working Group shall comprise up to thirteen persons being:

1.1 Four Elected Members

*Mayor (Chair)
Three Councillors*

1.2 Up to Five Community Representatives

Having specialist knowledge and interest in the sustainability of the Town of Vincent.

1.3 Council Staff

- Executive Manager Environmental and Development Services*
- Executive Manager Technical Services*
- Manager Planning and Building Services*
- Senior Planning Officer (Strategic)*
- Council Officers as required*

2. TERM OF OFFICE

Sustainability Working Group membership shall be for a period of two (2) years from the period of the ratification of the advisory group by the Council. (Generally for the term from 1 July each year to 30 June of the following year).

3. VACANCIES

Vacancies shall be filled by calling for nominations of either the Council or community representatives. Members filling a vacated position will hold that position for the two (2) years duration of the convened Advisory Group as ratified by the Council.

4. MEETING PROCEDURES

- 4.1 Unless approved by the Council or there is a need to address an urgent issue (the latter to be agreed by the Chair and the Chief Executive Officer), the Advisory Group to meet as required.*
- 4.2 A quorum will be by simple majority plus one.*
- 4.3 A record will be made of the Minutes of the Meeting and distributed to members not less than one week prior to the next scheduled meeting date.*
- 4.4 The Working Group shall only deal with matters which have been referred to them by the Council; however they may propose matters for the consideration of the Council.*
- 4.5 Any items which have been dealt with by the Working Group will not be implemented by the Town's Administration until a report has been submitted to the Council for a decision.*
- 4.6 The Town's staff will not action Working Group requests unless in accordance with 4.4 and 4.5 above.*
- 4.7 The Town's Code of Conduct shall apply to members of the Working Group.*
- 4.8 All Working Group members shall be required to declare any conflicts of interest in matters being considered by the Group.*

5. *OBJECTIVES*

5.1 *Act in an advisory capacity in sustainability matters pertaining to environmental (natural and built), social and economic issues as requested by the Council.*

6. *FUNCTIONS*

6.1 *Provide comments and recommendation to the Council in the formulation of a community and Council vision of sustainability.*

6.2 *Provide comments and recommendation to the Council in relation to the development of the Town's proposed Sustainability Management System, Sustainability Strategy, and on-the-ground projects to deliver financial and environmental returns to the Council.*

6.3 *Provide comments and recommendations to the Council in relation to other sustainability initiatives and programs.*

6.4 *Provide comments and recommendations to the Council in relation to sustainability issues, including, but not limited to:*

- (i) Local Agenda 21;*
- (ii) Cities for Climate Protection;*
- (iii) The Western Australian State Sustainability Strategy;*
- (iv) Town of Vincent Town Planning Scheme No.1 and associated Policies;*
- (v) Transport;*
- (vi) Vegetation;*
- (vii) Waste management;*
- (viii) Recycling; and*
- (ix) Environmental issues.*

6.5 *Provide comments and recommendations to the Council in relation to education and awareness initiatives and programs, to inform, educate and raise awareness in the community regarding sustainability and its initiatives and programs.*

6.6 *Support the community to fully participate in achieving sustainability, through the development of partnerships, initiatives and programs with the community.*

6.7 *Identify resourcing sources to support sustainability initiatives and programs.*

6.8 *Identify potential links with intrastate, interstate and international local governments to provide learning opportunities for the Town and the community."*

CONSULTATION/ADVERTISING:

Nominations were advertised on a local basis (community newspapers, letters to Precinct/Business Groups and the Town's website) and at the close of the nomination period on 22 August 2003, three (3) nominations had been received and these shown in Appendix 10.4.4.

LEGAL IMPLICATIONS:

Nil.

STRATEGIC IMPLICATIONS:

Nil, however, the use of Advisory Groups is in keeping with the Council's philosophy of involving the community in the decision making process.

FINANCIAL IMPLICATIONS:

Nil.

COMMENT:

It is recommended that all three community representatives be appointed to the Advisory Group.

APPENDIX 10.4.4

**TOWN OF VINCENT SUSTAINABILITY ADVISORY GROUP
COMMUNITY REPRESENTATIVES**

SUMMARY OF NOMINATIONS RECEIVED

1. **Name:** Mr Gordon (Tony) Keene
Address: Mount Hawthorn
Qualifications: OND Building/HNC Building
Membership of Community Groups: Mount Hawthorn Precinct Group Inc
Reasons to be considered as a Community Representative:
Is a resident of the Town of Vincent and feels can contribute his experience in building design and planning to advance the principles of a more energy efficient environment in the Town. By default, this should mean the Town is a better place to live in.

2. **Name:** Mr Dudley Maier
Address: Highgate
Qualifications: N/A
Membership of Community Groups: Chair - Hyde Park Precinct Group, Treasurer - Claise Brook Catchment Group, Committee Member - Perth Inner City Society
Reasons to be considered as a Community Representative:
Resident of the Town of Vincent who has been interested in sustainability issues for some time, and in particular the role that local government can plan as part of an integrated approach.
Natural environment: As an active member of the Claise Brook Catchment Group, has worked with Council on improving the natural environment. Apart from on-ground projects I have worked to raise community awareness of issues which, hopefully, will lead to modified behaviour by individuals.
Built Environment: Was member of Town's Design Guidelines Working Group which incorporated environmental elements in the Town's policies. Encouraged community participation in the development of the guidelines by producing flyers and delivering them, along with questionnaires, to all properties in own precinct.
Transport: Lobbied for Travelsmart when it was under threat. Was also a founding member of the Perth Inner City Society whose objectives include working for improved transport policies and minimising the impact of motorised traffic.

APPENDIX 10.4.4

- 2 -

Waste Management: Has been following progress of the Town's waste minimisation strategies, in particular, progress with the secondary waste treatment facility. Made a submission on the location of the facility earlier this year.

Has provided input to a number of the Town's policies and strategies (eg Greenhouse Gas Strategy, Car Parking Strategy, Parking and Access Policy). Is familiar with the operation of advisory groups and the roles and responsibilities of Council. Has broad contacts within the community and have a track record of encouraging increased awareness and participation in council activities.

3. **Name:** Mr David Plowright
Address: Northbridge
Qualifications: Dip.Arch., BA Education
Membership of Community Groups: Building Designers Association of WA

Reasons to be considered as a Community Representative:

Resident of the Town of Vincent who has an interest in sustainability, particularly in the building design area and construction. Has a small design practice with sustainability and energy efficient design a major focus. Lectures at Central TAFE in the Building Design Study area and specialises in Sustainable Design and Energy Efficient Design. Feels that as a member of this Group he could share his knowledge with others in an advisory position and develop his skills further.

- Name:** Mr Andrew Del Marco
Address: North Perth
Qualifications: BSc (Environmental Science)
Membership of Community Groups: Highgate Catholic Parish Community Centre, Serpentine-Jarrahdale Land Conservation District Comm.

Reasons to be considered as a Community Representative:

- Professional knowledge in natural environment.
- Knowledge of;
 - Cities for Climate Protection
 - Water Wise Gardens
 - Water Sensitive Streetscaping
- Long term resident of North Perth and member of community
- Desire to work with others to change our forms of development to make them more community and environment friendly.

10.4.6 Information Bulletin

| | | | |
|------------------------------|---------------------|--------------------|------------------|
| Ward: | - | Date: | 3 September 2003 |
| Precinct: | - | File Ref: | - |
| Attachments: | 001 | | |
| Reporting Officer(s): | A Smith | | |
| Checked/Endorsed by: | J Giorgi | Amended by: | - |

RECOMMENDATION:

That the Information Bulletin dated 09 September 2003, as distributed with the Agenda, be received.

COUNCIL DECISION ITEM 10.4.6**Moved Cr Ker, Seconded Cr Doran-Wu**

That the recommendation be adopted.

Debate ensued.

CARRIED (7-0)

(Crs Franchina and Torre were an apology for the meeting.)

DETAILS:

The items included in the Information Bulletin dated 09 September 2003 are as follows:

| ITEM | DESCRIPTION |
|-------------|---|
| IB01 | Letter from Heritage Council of Western Australia - Register of Heritage Places - Highgate Primary School located at No. 147 Lincoln Street, Highgate |
| IB02 | Letter from Town Planning Appeal Tribunal - Appeal No. 233 of 2003 Dalla Riva (Australia) Pty Ltd v Town of Vincent - No. 68 Emmerson Street, North Perth |
| IB03 | Letter from Town Planning Appeal Tribunal - Appeal No. 73 of 2003 Dynamo Pty Ltd v Town of Vincent - No. 133 Scarborough Beach Road, Mount Hawthorn |
| IB04 | Letter from Town Planning Appeal Tribunal - Appeal No. 202 of 2003 Greg and Vicki Lynch v Town of Vincent - No. 12 Haynes Street, North Perth |
| IB05 | Letter from Minter Ellison Lawyers - Town Planning Appeal Tribunal Decision - Choice Construction Pty Ltd v Town of Vincent - Nos.179-183 (Lot 102) Charles Street, Dual Frontage with Oak Lane, West Perth |
| IB06 | Letter from Minter Ellison Lawyers - Town Planning Appeal Tribunal Decision - Arseven v Town of Vincent - No.91 Raglan Road, Mount Lawley |

- IB07 Western Australian Local Government Association - Infopage - Planning Processes Review Study
- IB08 Letter from State Records Commission of Western Australia re State Records Act 2000 - correction of misinformation about the operation and requirements of the State Records Act 2000
- IB09 Letter from Minister for Planning and Infrastructure - Amendment No 11 to Town Planning Scheme No 1
- IB10 Western Australian Electoral Commission - Local Government Report - Town of Vincent Ordinary Elections 3 May 2003
- IB11 Elected Members Briefing Session - 27 August 2003
- IB12 Register of Petitions - Progress Report - September 2003
- IB13 Register of Notices of Motion - Progress Report - September 2003
- IB14 Register of Reports to be Actioned - Progress Report - September 2003
- IB15 Letter to Mr D Maier, 51 Chatsworth Road, Highgate – Response to Questions Taken on Notice asked at the Ordinary Meeting of Council – 26 August 2003
- IB16 Letter to Mr T Palermo, 284 Oxford Street, Leederville – Response to Questions Taken on Notice asked at the Ordinary Meeting of Council – 26 August 2003
- IB17 Letter to Ms L Vincisone, 73 Sydney Street, North Perth – Response to Questions Taken on Notice asked at the Ordinary Meeting of Council – 26 August 2003
- IB18 Email from Louise Brown of Palmerston Street, Perth - Expression of Appreciation

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

12.1 WALGA Nominations – Road Safety Council (Re-advertised)

| | | | |
|------------------------------|---------------------|--------------------|------------------|
| Ward: | - | Date: | 2 September 2003 |
| Precinct: | - | File Ref: | ORG0045 |
| Attachments: | 001 | | |
| Reporting Officer(s): | M McKahey | | |
| Checked/Endorsed by: | John Giorgi | Amended by: | - |

OFFICER RECOMMENDATION:

That;

- (i) _____ *..be nominated as WALGA Member –Road Safety Council (Approval by Minister) (Panel of 3 Names for each position) - (Re-advertised); and*
- (i) _____ *..be nominated as WALGA Deputy Member – Road Safety Council (Approval by Minister) (Panel of 3 Names for each position) - (Re-advertised).*

COUNCIL DECISION ITEM 12.1

Moved Cr Lake, Seconded Cr Ker

That nil nominations be adopted.

CARRIED (7-0)

(Crs Franchina and Torre were an apology for the meeting.)

BACKGROUND:

Re-Advertised Positions

The Western Australian Local Government Association (WALGA) has written to all Councils seeking their help in relation to the vacancies that have occurred on the above mentioned Committee.

Vacancy notices and nomination forms were sent to all Councils earlier in 2003, however two of the panel of three candidates have withdrawn their nominations due to personal reasons. Under these unusual circumstances the Association has determined that the appropriate course of action is to undertake the nomination process again, to ensure a suitable and representative panel. The Minister's Office has indicated support.

Please see Appendix 12.1 for further details.

NOMINATIONS CLOSE COB WEDNESDAY 17 SEPTEMBER 2003.

REPORT 10.4.7 RELEASED (IN PART) FOR PUBLIC INFORMATION BY THE CHIEF EXECUTIVE OFFICER ON 7 OCTOBER 2003 - REFER TO MINUTES OF THE ORDINARY MEETING OF COUNCIL FOR 7 OCTOBER 2003

Moved Cr Chester, Seconded Cr Doran-Wu

That the Council proceed behind closed doors to consider Confidential Item 10.4.7 - Chief Executive Officer's Annual Performance Appraisal 2002-3 and Contract of Employment; as this relates to a staff matter.

CARRIED (7-0)

(Crs Franchina and Torre were an apology for the meeting).

At 9.05pm Mayor Catania stated that the meeting will adjourn for ten minutes.

The Chief Executive Officer, Executive Manager Environmental and Development Services, Executive Manager Corporate Services, Executive Manager Technical Services, Minutes Secretary, journalist Andrea Tsoveas and 3-4 members of the public departed the Chamber.

At 9.15pm Mayor Catania declared the meeting had resumed with the following Elected Members present;

| | |
|---------------------------|------------------|
| Mayor Nick Catania, JP | Presiding Member |
| Cr Simon Chester | North Ward |
| Cr Caroline Cohen | South Ward |
| Cr Helen Doran-Wu | North Ward |
| Cr Steed Farrell | North Ward |
| Cr Ian Ker (Deputy Mayor) | South Ward |
| Cr Sally Lake | South Ward |

10.4.7 Confidential Report - Chief Executive Officer's Annual Performance Appraisal 2002-2003 and Contract of Employment

| | | | |
|------------------------------|---|--------------------|------------------|
| Ward: | - | Date: | 3 September 2003 |
| Precinct: | - | File Ref: | |
| Attachments: | | | |
| Reporting Officer(s): | Mayor Nick Catania and CEO, John Giorgi | | |
| Checked/Endorsed by: | - | Amended by: | - |

COMMITTEE RECOMMENDATION:

That;

- (i) the report of the Mayor (and Committee of the Council) authorised to conduct the Chief Executive Officer's Performance Review 2002-2003 and Contract of Employment, be received;*
- (ii) the Contract of Employment for the Chief Executive Officer, John Giorgi, be renewed for a further period of five (5) years (in accordance with Clause 8.3 of the Contract of Employment), subject to;*

- (a) *the Contract of Employment (Clause 5) being varied and to determine with the Council (and an external facilitator/consultant if required) key performance outcomes into the Contract of Employment and that those outcomes be strategic in nature and include a focus on goal setting and continuous improvement and these be qualitative and quantitative in nature (as recommended in the Independent Organisational Review, Recommendation 16);*
 - (b) *the Contract of Employment (Clause 5) being varied to allow the Council to determine the most appropriate method of conducting the CEO Annual Performance Appraisal and that this process include the use of an external facilitator/consultant, in conjunction with the Mayor and Elected Members; and*
 - (c) *the Chief Executive Officer's salary being increased to \$136,896; and*
- (iii) *the Mayor and Deputy Mayor be authorised to finalise the contract negotiations between the Town and the Chief Executive Officer.*

Moved by Cr Doran-Wu, Seconded by Cr Chester

That the following amended recommendation be adopted;

"AMENDED COMMITTEE RECOMMENDATION:

That;

- (i) *the report of the Mayor (and Committee of the Council) authorised to conduct the Chief Executive Officer's Performance Review 2002-2003 and Contract of Employment, be received;*
- (ii) *the Contract of Employment for the Chief Executive Officer, John Giorgi, be renewed for a further period of five (5) years (in accordance with Clause 8.3 of the Contract of Employment), subject to;*
 - (a) *the Contract of Employment (Clause 5) being varied and to determine with the Council (and an external facilitator/consultant ~~if required~~) key performance outcomes into the Contract of Employment and that those outcomes be strategic in nature and include a focus on goal setting and continuous improvement and these be qualitative and quantitative in nature (as recommended in the Independent Organisational Review, Recommendation 16);*
 - (b) *the Contract of Employment (Clause 5) being varied to allow the Council to determine the most appropriate method of conducting the CEO Annual Performance Appraisal and that this process include the use of an external facilitator/consultant, in conjunction with the Mayor and Elected Members; and*
 - (c) *the Chief Executive Officer's salary being increased to \$136,896; and*
- (iii) **the Chief Executive Officer;**
 - (a) **be authorised to obtain written quotations and engage an external facilitator (in liaison with the Mayor and Deputy Mayor);**

- (b) engage the external facilitator to undertake to fulfil the requirements of Clause (ii)(a) and (b) above;
- (c) arrange for the appointed facilitator to conduct a briefing session for Elected Members on;
1. the Elected Members' roles and responsibilities and the Council's role as an employer; and
 2. the proposed Key Performance Outcomes for the Chief Executive Officer;
- (iv) the external facilitator (in liaison with the Chief Executive Officer) completes the above no later than 31 October 2003, and that a report be submitted to the Ordinary Meeting of Council to be held on 4 November 2003; and
- (v) the Mayor and Deputy Mayor be authorised to finalise the contract negotiations between the Town and the Chief Executive Officer."

Debate ensued.

Moved by Cr Chester, Seconded by Cr Doran-Wu

That a new Clause (vi) be added as follows;

"(vi) Council NOTES potential benefits in engaging consultants to facilitate the CEO's appraisal on an ongoing basis."

AMENDMENT CARRIED (7-0)

MOTION AS AMENDED CARRIED (7-0)

(Crs Franchina and Torre were absent from the Meeting and did not vote.)

COUNCIL DECISION ITEM 10.4.7

That;

- (i) the report of the Mayor (and Committee of the Council) authorised to conduct the Chief Executive Officer's Performance Review 2002-2003 and Contract of Employment, be received;*
- (ii) the Contract of Employment for the Chief Executive Officer, John Giorgi, be renewed for a further period of five (5) years (in accordance with Clause 8.3 of the Contract of Employment), subject to;*
 - (a) the Contract of Employment (Clause 5) being varied and to determine with the Council (and an external facilitator/consultant) key performance outcomes into the Contract of Employment and that those outcomes be strategic in nature and include a focus on goal setting and continuous improvement and these be qualitative and quantitative in nature (as recommended in the Independent Organisational Review, Recommendation 16);*

- (b) the Contract of Employment (Clause 5) being varied to allow the Council to determine the most appropriate method of conducting the CEO Annual Performance Appraisal and that this process include the use of an external facilitator/consultant, in conjunction with the Mayor and Elected Members; and*
- (c) the Chief Executive Officer's salary being increased to \$136,896;*
- (iii) the Chief Executive Officer;*
 - (a) be authorised to obtain written quotations and engage an external facilitator (in liaison with the Mayor and Deputy Mayor);*
 - (b) engage the external facilitator to undertake to fulfil the requirements of Clause (ii)(a) and (b) above;*
 - (c) arrange for the appointed facilitator to conduct a briefing session for Elected Members on;*
 - 1. the Elected Members' roles and responsibilities and the Council's role as an employer; and*
 - 2. the proposed Key Performance Outcomes for the Chief Executive Officer;*
- (iv) the external facilitator (in liaison with the Chief Executive Officer) completes the above no later than 31 October 2003, and that a report be submitted to the Ordinary Meeting of Council to be held on 4 November 2003;*
- (v) the Mayor and Deputy Mayor be authorised to finalise the contract negotiations between the Town and the Chief Executive Officer; and*
- (vi) Council NOTES potential benefits in engaging consultants to facilitate the Chief Executive Officer's appraisal on an ongoing basis.*

At 9.50pm Deputy Mayor Cr Ker departed the Chamber to request the attendance of the Chief Executive Officer at the meeting.

At 9.53pm Deputy Mayor Cr Ker and the Chief Executive Officer John Giorgi entered the meeting.

Mayor Catania advised the Chief Executive Officer that the Council had unanimously approved of the Committee Recommendation, with one amendment. He congratulated the Chief Executive Officer and thanked him for his services.

Chief Executive Officer, John Giorgi thanked the Council for their support and approval of the Committee Recommendation.

At 9.56pm Moved Cr Ker, Seconded Cr Chester

That the Council resume an open meeting.

CARRIED (7-0)

(Crs Franchina and Torre were an apology for the meeting.)

13. URGENT BUSINESS

Nil.

14. CLOSURE

Presiding Member, Mayor Catania declared the meeting closed at 9.57pm with the following persons present;

| | |
|---------------------------|------------|
| Cr Simon Chester | North Ward |
| Cr Caroline Cohen | South Ward |
| Cr Helen Doran-Wu | North Ward |
| Cr Steed Farrell | North Ward |
| Cr Ian Ker (Deputy Mayor) | South Ward |
| Cr Sally Lake | South Ward |

John Giorgi, JP Chief Executive Officer

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 9 September 2003.

Signed: Presiding Member
Mayor Nick Catania, JP

Dated this day of 2003