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10.1 ENVIRONMENTAL AND DEVELOPMENT SERVICES

10.1.1 Further Report - Review of Existing Policy Relating to Street Walls and Fences

Ward:	Both Wards	Date:	30 January 2004
Precinct:	All Precincts	File Ref:	PLA0022
Attachments:	-		
Reporting Officer(s):	C Mooney		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That the Council RECEIVES the further report relating to the Review of Existing Policy relating to Street Walls and Fences.

FURTHER REPORT:

The Council at its Ordinary Meeting held on 16 December 2003 considered Item IB03 relating to the review of the existing Policy relating to Street Walls and Fences, and resolved the following:

"That;

- (i) the Information Bulletins dated 2 December 2003 and 16 December 2003 as distributed with the Agenda, be received; and*
- (ii) Item IB03 listed in the Information Bulletin dated 2 December 2003 be DEFERRED."*

With respect to clause (iii) and (iv) of the Notice of Motion considered and adopted by the Council at its Ordinary Meeting held on 8 July 2003, the following comments are further provided.

The Town's Officers reviewed the current list of Council Advisory Groups and were of the opinion that, there was not a directly relevant advisory group to consider possible implications on any proposed changes to the Policy.

Any non-compliance with the Town's Policy will be dealt with as unauthorised development, and it is not considered necessary to apply specific compliance requirements relating to this Policy.

The following is a verbatim copy of the Agenda Item placed before the Council at its Ordinary Meeting held on 16 December 2003.

"OFFICER RECOMMENDATION:

That the Council RECEIVES the report relating to the Review of Existing Policy relating to Street Walls and Fences.

BACKGROUND:

The following Notice of Motion was considered and adopted by the Council at its Ordinary Meeting held on 8 July 2003:

"That the Council,

- (i) *REQUESTS the Chief Executive Officer to review the Town of Vincent Street Walls and Fences Policy in light of neighbouring local governments' greater encouragement of open fences and passive surveillance for improved property security;*
- (ii) *REQUESTS the report to consider but not limit itself to; open style fences with a minimum 75% of the surface area being permeable, with any solid component of the wall, excepting piers, being restricted in height to 0.5 metres;*
- (iii) *REFERS the Policy Review to the relevant Council Advisory Group/s for their consideration on any implications the proposed changes in Fencing Policy may have for safety, security, privacy, noise and control; and*
- (iv) *REQUESTS the Policy Review to include compliance to the policy."*

DETAILS:

The Town's Policy relating to Street Walls and Fences incorporates the following definitions:

"A wall or fence is not to exceed a maximum of 1.8 metres above the adjacent footpath level. Decorative capping on the top of piers may go to a maximum of 2 metres above the adjacent footpath level. . . The solid portion of the wall or fence excepting piers is to be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the wall and/or fence being visually permeable, with a minimum of 50 per cent transparency when viewed directly in front of the fence."

The following Table outlines the requirements for street walls and fences between neighbouring Local Governments:

<i>Authority</i>	<i>Maximum Height - Solid Wall Component</i>	<i>Maximum Total Height</i>	<i>Maximum Pier Height</i>	<i>Minimum Percentage of Visual Permeability</i>
<i>WAPC - Residential Design Codes</i>	<i>1.2 metres above natural ground level</i>	<i>n/a</i>	<i>n/a</i>	<i>Visually permeable 1.2 metres above natural ground level</i>
<i>Town of Vincent</i>	<i>1.2 metres above adjacent footpath level</i>	<i>1.8metres</i>	<i>2.0 metres</i>	<i>50 per cent</i>
<i>City of Stirling</i>	<i>1.2 metres above natural ground level</i>	<i>1.2 metres</i>	<i>n/a</i>	<i>n/a</i>
	<i>0.75 metre (for fences above 1.2 metres) above natural ground level</i>	<i>1.8 metres</i>	<i>2.0 metres</i>	<i>Infill panel are 'See through'. Maximum Panel width: 75 millimetres (i.e wrought iron or pickets) and spaced at not less than half the width of the picket.</i>

<i>City of Perth</i>	<i>0.5 metre above natural ground level</i>	<i>n/a</i>	<i>n/a</i>	<i>75 per cent</i>
<i>Town of Cambridge</i>	<i>0.75 metre above natural ground level</i>	<i>1.8 metres</i>	<i>2.0 metres</i>	<i>80 per cent of the area of any wall or fence within the primary street setback area</i>
<i>East Perth Redevelopment Authority Russell Square Precinct - Northbridge</i>	<i>n/a</i>	<i>1.8 metres</i>	<i>n/a</i>	<i>70 per cent</i>
<i>Lake Street Precinct - Northbridge</i>	<i>n/a</i>	<i>0.9 metre</i>	<i>n/a</i>	<i>50 per cent</i>

LEGAL/POLICY:

Any possible change to the street fences and wall requirements, will require an amendment to the Town's Policy relating to Street Walls and Fences and the Town's Local Law relating to Fences, Floodlights and External Lights

STRATEGIC IMPLICATIONS:

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

FINANCIAL/ BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The Town's current Policy relating to Street Walls and Fences is considered to be appropriate to the requirements of most properties within the Town. It allows for diversity in design amongst street walls and fences, and at the same time encourages active interaction between built form and the public domain, as well as allowing for a sense of security, amongst property owners.

Consideration has been given to clause (ii) of the above Notice of Motion, however it is seen that 75 per cent visual permeability and 0.5 metre high solid wall component is seen as too prescriptive in the Town of Vincent Context. Whilst the Town advocates passive surveillance and encourages aesthetic visual transition between the built form and public domain, 50 per cent visual permeability requirement allows for property owners to benefit from a greater 'sense of security'.

It is seen that a 75 per cent visual permeability requirement and the maximum solid fencing to a height of 0.5 metre will reduce the variety of design styles for front fencing. Whilst consideration has been given to the solid component of a wall being restricted to a height of 0.5 metre, it is seen that this would lead to disproportionate design scales and limiting design style capability of street walls and fences, given that the maximum height of piers is 2 metres and height of fencing is 1.8 metres. In addition, 75 per cent of the surface area being open will restrict the use of materials allowed, to mainly wrought iron and the like. This would limit more traditional style fencing such as "picket fencing" to complement character and heritage housing, within the Town.

The Residential Design Codes (R-Codes) permits the solid component of street walls and fences to be a maximum height of 1.2 metres within the acceptable development criteria. The R-Codes take into account the need to provide protection from associated traffic intrusions from primary or district distributors or integrator arterial roads, and allows for front walls and fences to meet performance criteria through surveillance promotion and streetscape enhancement, as well as the requirement for 'privacy screening where there is no alternative outdoor living area in the front setback'.

It has been noted that street wall and fence development control within other Local Governments vary. It has been revealed that each Local Government has different criteria for assessment and is conducive to the individual character of specific areas, which may vary from high density to low density areas and that fencing requirements for each are pertinent to the individual character of the area each allowing for variety of visual design effects. Therefore, it is believed that the Town has its own individual character to fulfill and other Local Governments' Policies may not be deemed to be appropriate for the Town.

In light of the above, it is recommended that the Council receives the report relating to the review of the Town's Policy relating to Street Walls and Fences."

10.1.2 No. 576 (Lot 3 Strata Lots 1 to 24) William Street, Corner Forrest Street and Alma Road, Mount Lawley - Proposed Alterations and Additions to Existing Multiple Dwellings

Ward:	South	Date:	4 February 2004
Precinct:	Norfolk, P10	File Ref:	PRO2549; 00/33/1882
Attachments:	001_002		
Reporting Officer(s):	P Mastrodomenico		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by R E Anthony on behalf of the owner Nonathy Pty Ltd, for alterations and additions to existing multiple dwellings on No.576 (Lot 3, Strata Lots 1 to 24) William Street, corner Forrest Street and Alma Road, Mount Lawley, as shown on the plans stamp dated 19 January 2004, subject to:

- (i) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (ii) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (iii) a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the William Street, Alma Road and Forrest Street verges adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (iv) prior to the first occupation of the development four (4) visitors car parking 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;*
- (v) 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";

- (vi) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (vii) *a road and verge security bond or bank guarantee of \$ 1100 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*
- (viii) *standard visual truncations, in accordance with the Town's Policies and to the satisfaction of the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised; and*
- (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);*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: Nonathy Pty Ltd
APPLICANT: R E Anthony
ZONING: Metropolitan Region Scheme: Urban
 Town Planning Scheme No 1: Residential R60
EXISTING LAND USE: Multiple Dwellings

COMPLIANCE:

Use Class	Multiple Dwelling
Use Classification	"P"
Lot Area	2028 square metres

Requirements	Required	Proposed
Setbacks - Alma Road	6.0 metres	3.5 metres to balcony (6.2 metres to main building wall)
William Street	6.0 metres	4.0 metres
Plot Ratio	0.7	1.08
Car Parking	42 car bays	36 bays
Density	12 Multiple Dwellings (24 single bedroom multiple dwellings existing)	24 multiple dwellings
Street Walls and Fences	Portion above 1.2 metres above adjacent footpath level to be visually permeable , with a minimum of 50 per cent transparency	Sections incorporate solid walls to 1.8 metres high.

SITE HISTORY:

The subject site is located along William Street and has dual frontage to Alma Road and Forrest Street. The existing development accommodates 24 single bedroom multiple dwellings.

DETAILS:

The proposal seeks approval for alterations and additions to the existing 24 single bedroom multiple dwellings, resulting in 12 two bedroom and 12 three bedroom multiple dwellings. This proposal also involves significant upgrading of the landscaping within the setback areas, surrounding the building.

The applicant has submitted written justification for the proposal, and a copy of this document is included as an attachment to this report.

CONSULTATION/ADVERTISING:

An objection to the initial proposal was received from the owner of No 52 Alma Road, during the advertising period. Subsequent discussions between the owner of No 52 Alma Road, the applicant and the Town's Officers, have resulted in amended site plans, which the owner of No.52 Alma Road has since given written consent.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Street Setbacks

The Town's Policies requires upper level front setbacks to be a minimum of 6.0 metres from the boundary. The variation to the upper floor setbacks is generally supported in this instance as the proposal seeks to enhance the existing 24 single bedroom 1960's brick flats and the incursion into the 6.0 metre setback area is not considered to unduly affect the amenity and streetscape of the area.

Plot Ratio

The plot ratio requirement under the Residential R60 zoning is 0.60. The existing building has a plot ratio of 0.70. The alterations and additions will result in increase in plot ratio to 1.08. The increase in plot ratio is considered supportable as there is no increase in building height and the proposal seeks to enhance an the existing building by providing more liveable dwellings with increased floor areas from 36 square metres to 83 square metres (for the two bedroom dwellings) and 100 square metres (for the three bedroom dwellings), and increase the balconies floor areas from an unusable 4 square metres to functional 16 square metres. The proposal will also improve the overall appearance of the development.

Car Parking

The total car parking requirement for the development is 42 bays, including a minimum of 4 visitor bays. The proposal increases the total car parking provision from 29 car bays to 36 car bays (which equates to two bays per three bedroom dwelling and one bay per two bedroom dwelling).

The applicant has undertaken a survey of the current parking on site, and has provided the following information in support of the application;

"The required number of parking bays for this site is 41. We are asking for a reduction in the number of bays to 36.

The current number of bays provided on site is 29 bays for 24 units. In the new scheme we have increased the number of bays to 36. This will provide plenty of parking for the extended units - one bay each for 12 double bedroom units, and two bays each for 12 triple bedroom units, giving a total of 36 bays.

A survey done of the number of bays used by the existing units at full occupancy, indicated that the maximum number of bays used at peak times was 12, well below the 29 bays provided. There are a number of reasons for this. The units are located in an inner city area where people tend to rely less on cars compared to suburban areas. The building is located on William Street, which provides ample public transport into the city, and increased taxi movement, associated with being located on a busy road. Due to the relatively small size of the units, they are likely to attract singles or couples rather than families, and therefore car ownership will be at a minimum. Also, people who choose to live in these apartments will do so being aware of the number of bays allocated to their apartment."

Based on the above the provision of 36 car parking bays is supportable as the site is within close proximity to public transport and there is on street parking along Alma Road and Forrest Street. Also a condition has been applied for (prospective) purchasers of the residential units/dwellings to be advised of the on site car parking situation.

Density

The increase in density is considered supportable as there is no increase in building height and the proposal seeks to enhance the existing building by providing more liveable dwellings, while improving the overall appearance of the development, and as such the increase in density is considered supportable in this instance. The proposed density requires approval by an absolute majority of Council via clause 40 of the Town's Town Planning Scheme No. 1.

Street Walls and Fences

The proposed walls/fences adjacent to William Street, Forrest Street and Alma Road incorporate an appropriate blend of varying design features and finishes to reduce its visual impact, while allowing interaction between the development and the streets, especially in light of William Street being a busy road, and the property having three street frontages.

Summary

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

10.1.3 No. 18 (Lot 15) Brisbane Street, corner Bulwer Street, Perth – Proposed Three Storey Mixed Use Development Comprising Three (3) Offices and Eight (8) Multiple Dwellings

Ward:	South	Date:	2 February 2004
Precinct:	Beaufort, P13	File Ref:	PRO 1838; 00/33/1998
Attachments:	001		
Reporting Officer(s):	V Lee		
Checked/Endorsed by:	D Abel,	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by Property Development Solutions on behalf of the owner Cheir Holdings Pty Ltd for proposed mixed use development comprising three (3) offices and eight (8) multiple dwellings at No. 18 (Lot 15) Brisbane Street, corner Bulwer Street, Perth, as shown on plans stamp-dated 19 December 2003, subject to:

- (i) compliance with all Building, Environmental Health and Engineering requirements, including the provision of access, facilities and car parking for people with disabilities with clearance heights and widths as required by the Australian Standard;*
- (ii) standard visual truncations, in accordance with the Town's Policies and/or to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular access ways to ensure that the safety of pedestrians and other road users is not compromised;*
- (iii) the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (iv) all car-parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications and dimensions specified in the Town's Policy relating to Parking and Access and Australian Standards AS 2890.1 - "Off Street Parking". This may require the relocation of the bay allocated for people with disabilities to meet minimum height above and width requirements;*
- (v) 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;*
- (vi) in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land are to be upgraded, by the applicant, to a brick paved standard to the Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$11000 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the Town's Technical Services Division. An application to the Town for the refund of the upgrading bond must be made in writing;*

- (vii) *a road and verge security deposit bond and/or bank guarantee of \$1100 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*
 - (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;*
 - (x) *prior to the first occupation of the development, a bin compound to be constructed in accordance with the Town's Health Services Section's Specifications, divided into commercial and residential areas and sized to contain:-*
 - Residential - 1 x mobile garbage bin per unit,*
1 x general recycle bin per 2 units.
 - Commercial - 1 x mobile garbage bin per unit,*
1 x paper recycle bin per unit, or per 200 square metres of floor space;
 - (xi) *prior to the first occupation of the development, a minimum of two (2) class one or two bicycle rails shall be provided within, or at a location convenient to the entrance of the development. The design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
 - (xii) *a detailed landscaping plan, including a schedule of plant species, and the landscaping and reticulation of the Brisbane Street and Bulwer Street verges adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
 - (xiii) *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;*
 - (xiv) *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;*
 - (xv) *subject to first obtaining the consent of the owners of No 24 Brisbane 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. 24 Brisbane Street in a good and clean condition;*
 - (xvi) *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:*
 - (a) *they may be subject to activities, traffic, car parking and/or noise not normally associated with a typical residential development; and*
-

- (b) *they should recognise and accept that in selecting to reside in this locality that noise, traffic, car parking and other factors that constitute part of normal commercial and other non-residential activities are likely to occur, which are not normally associated with a typical residential development;*
- (xvii) *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;*
- (xviii) *prior to the first occupation of the development, the car parking spaces provided for the residential component of the development, and the visitors car parking spaces, 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;*
- (xix) *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);*
- (xx) *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 (\$16, 100) shall be submitted to and approved by the Town. The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development and Administrative Services Section with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (xxi) *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";*
- (xxii) *the gross floor area of the office component shall be limited to a maximum of 363 square metres;*
- (xxiii) *any proposed vehicular entry gates adjacent to Bulwer Street shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors for the commercial and residential tenancies at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the development;*
-

- (xxiv) *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;*
- (xxv) *doors and windows and adjacent floor areas fronting Bulwer Street and Brisbane Street shall maintain an active and interactive relationship with these streets;*
- (xxvi) *a report detailing any necessary remedial measures to rectify any unsuitable soil and/or ground water contamination of the subject site in relation to the former use of the site as a service station, to the satisfaction of the Town shall be submitted and approved prior to the issue of a Building Licence. All such measures and works shall be undertaken prior to the first occupation of the development and thereafter maintained, at the applicant's/owners(s)' full expense; and*
- (xxvii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the corner of the building being treated with architectural design features, not increasing its height, which articulates its corner position and landmark aspect. The revised plans shall not result in any greater variation to the Town's policies and the Residential Design Codes;*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: Cheir Holdings Pty Ltd
APPLICANT: Property Development Solutions
ZONING: Metropolitan Region Scheme - Urban
 Town Planning Scheme No. 1 - Residential Commercial
 R 80
EXISTING LAND USE: Vacant

COMPLIANCE:

Requirement	Acceptable	Proposed
Setback to western boundary	Walls on boundary for 2/3 of boundary behind street setback up to 6 metres in height.	Wall to 9.2 metres high on boundary for length of western boundary.
Density	6.9 multiple dwellings	8 multiple dwellings

Use Class	Office building, Multiple dwellings
Use Classification	"AA", "P"
Lot Area	873 square metres

SITE HISTORY:

- 23 October 2001 Council at its Ordinary Meeting resolved to defer an application for the proposed demolition of existing service station and construction of a three-storey mixed use development comprising six (6) offices and eight (8) multiple dwellings.
- 20 November 2001 Council at its Ordinary Meeting resolved to conditionally approve the application for the proposed demolition of existing service station and construction of a three-storey mixed use development comprising of six (6) offices and eight (8) multiple dwellings. The service station has subsequently been demolished and the land is currently vacant. This development approval expired on 5 December 2003.

22 October 2002 Council at its Ordinary Meeting resolved to conditionally approve an application for a change of use from office to eating house in approved three storey mixed use development. This change of use application did not proceed.

DETAILS:

The current application is similar to the development previously approved at the Ordinary Meeting of Council on 20 November 2001. The application now consists of three (3) offices with a gross floor area of 338 square metres. Eighteen (18) car parking bays have been provided including a bay for people with disabilities and five of the residential car parking bays in tandem arrangement.

CONSULTATION/ADVERTISING:

The proposal was advertised for a two week period. Three submissions were received during the advertising period.

The first submission received from the adjoining property objected to the 9.2 metre high wall on the western boundary.

The second submission was received from the Forrest Precinct Group requesting that the matter be presented to an Ordinary Meeting of Council for determination. Concerns are raised regarding the following matters:

1. Concern regarding typographical errors in the advertising and within the plans which affect the density of the residential component of the development, and make the plans confusing to read.
2. Concern that there is provision to sub-let the offices into 6 or 8 offices.
3. Raise that there is a density bonus being sought with allowances due to the fact that the development makes good a contaminated site.
4. Assessment under the new Residential Design Codes.
5. Request coloured and detailed elevation showing what the development will look like, especially as it is opposite Perth Oval.
6. Concern that although the car parking on site appears to comply with the Town's Policy, that there will not be adequate parking provided on site, particularly if the offices are split in the future, and given that there are many uses within that block.
7. Concern that there is no common space as previous approval had a terrazzo open living space with gardens in the centre of the dwellings.
8. Concern that there are parapet walls all around Brewer, Pier and Brisbane Streets.
9. Concern how the adjoining properties will be affected and what the adjoining properties uses are.

The third submission received, endorses the submission made by the Forrest Precinct Group and also raised concerns with privacy from the proposed balconies, given that their bedroom windows are on the opposite side of Bulwer Street.

The proposal was also referred to the Department for Planning and Infrastructure for comment. The Department advised that the proposal is acceptable as it is not affected by any future road widening.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The land is zoned Residential-Commercial and the immediate area could be characterised as a transition area between commercial and residential uses. The Town's Policy relating to the "Beaufort Precinct" provides that:-

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

The proposal represents a comprehensive development for the site and generally satisfies the principles of development within the Beaufort Precinct. The areas of non-compliance are generally not considered to be detrimental to the subject site or the surrounding area, but rather, ensure that the development on the site will contribute to the establishment of a safe and pleasant ambience for the residential component of the site and will positively contribute to the urban form and dynamism of the immediate area.

The three-storey nature of the proposal is considered supportable given the range and scale of buildings within the surrounding area and that this particular corner lends itself to a building of landmark qualities. The building is cognisant of the setbacks of adjoining buildings, however attention should be given to reinforce the corner element of the building.

Density

In terms of the 20 November 2001 approval, the previous proposal effectively required the Council to exercise its discretion in terms of a density bonus in accordance with clause 20 (2) (a) of the Town of Vincent Town Planning Scheme No. 1, which permits the Council to consider an increase in dwelling density where the proposed development effects to discontinuance of a non-conforming use. In light of the previous non-conforming service station has since been removed, the Town is required to consider the density bonus under Clause 40 of the Scheme. It is noted that the Council previously granted a density bonus and has supported eight (8) multiple dwellings on this site when previously considered in 2001. When assessed under the new Residential Design Codes (R Codes) the proposal provides adequate car parking on site for the proposed density. In view of the site's history and the significant contribution to the residential/commercial area that this proposal will provide, it is considered that the density bonus is warranted.

Setback to West Boundary

The Town has previously supported a three storey wall on the boundary at the Ordinary Meeting of Council on 20 November 2001. The neighbour has objected to the wall on the boundary in this location. The majority of the wall on boundary is two storeys, measuring between 5 and 5.4 metres high. Two sections of 9.2 metre high boundary walls are proposed, 9 and 9.2 metres long, where the building for units 8 and 4 abut the western boundary. The proposal is not considered to cause undue overshadowing of the adjoining property as the shadow cast at midday on June 21 would predominantly be over Brisbane Street. It is noted that the affected property is currently used for commercial purposes and currently a driveway separates the existing buildings and the proposed development. Accordingly, this variation to setbacks is supported.

Car Parking

The R Codes allow for a minimum of one car parking bay per residential dwelling where on-site parking required for other users is available outside normal business hours. Five of the dwellings have been allocated two car parking bays in a tandem arrangement, and the remaining three residential units have one allocated car parking bay. This leaves five car parking bays available for the office use and includes the provision of one car parking bay for people with disabilities. Due to the minimum height requirements for the car parking bay for people with disabilities, revised plans are required showing the relocation of this bay so that the minimum height over the bay of 2.5 metres can be met, as currently the location of a stair case may prevent this.

In accordance with the Town's Policy relating to Parking and Access, an office use requires one car parking space per 50 square metres of gross floor area.

Car parking Requirement (nearest whole number) 363 square metres of gross floor office area	7
Apply the adjustment factors <ul style="list-style-type: none"> ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.80 (within 50 metres of an existing public car park with excess of 50 bays.) ▪ 0.80 (mixed use development with at least 45 percent residential) 	0.544
Car parking requirement with adjustment factor applied (7 car bays x 0.544)	3.808 car bays
Minus the car parking provided on site	5 car bays
Minus the most recently approved on-site car parking shortfall	Nil car bays
Resultant surplus	1.192 bays

Accordingly, there is considered to be adequate car parking provided on site.

Bicycle Parking Facilities:

Required	Provided
One class one or class two bicycle parking space per 200 square metres of gross floor area (therefore 2 spaces required	'Nil' shown on plans

In accordance with the Town's Policy relating to Parking and Access, the applicant should liaise with the Town's Technical Services to provide a minimum of two (2) class one or class 2 bicycle parking bays. The applicant is also encouraged to supply showers and lockers for use of the offices to encourage sustainable practises and alternative means of transport to work, such as walking and cycling. This may be accommodated in the toilet facilities provided for people with disabilities.

Plot Ratio

The plot ratio for the residential component complies with the R Codes as it is less than 1.

Overshadowing

The proposed development is not considered to cause overshadowing of the adjoining lot as the shadow cast at midday on June 21 would be predominantly over Brisbane Street.

Objectors' Comments

The proposal is considered to be very similar in terms of density, bulk and scale and layout to the application previously conditionally approved at the Ordinary Meeting of Council held on 20 November 2001. The proposal was assessed under the new Residential Design Codes. Issues relating to density have been covered in the above section relating to density.

The Town's Policy relating to Parking and Access is based on gross floor area in regards to car parking requirements. Subletting the offices will not increase the gross floor area of the offices and therefore will not affect car parking requirements on site.

The previous open space approved was provided in a similar configuration to that approved at the Ordinary Meeting of Council on 20 November 2001, with rear courtyards and balconies on both residential floors over looking the streets. Balconies overlooking the street are encouraged for active and passive surveillance of the street and to add visual interest to the streetscape. The neighbours' privacy on the other side of the roads are not considered to be unduly affected by the presence of the balconies as they are greater than 7.5 metres from the adjoining properties. There is no requirement for communal open space under the new Residential Design Codes for mixed use developments.

Summary

Accordingly, the application is supported subject to standard and appropriate conditions to address the above matters.

10.1.4 No. 50 (Lot 100) (Strata Lot 2) Grosvenor Road, Corner Hutt Street, Mount Lawley - Home Occupation - Mobile Recording Services

Ward:	South	Date:	2 February 2004
Precinct:	Norfolk, P10	File Ref:	PRO2403; 00/33/2000
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by R Carroll on behalf of the owner, RM Johnston, for proposed home occupation- mobile recording services at No.50 (Lot 100) (Strata Lot 2) Grosvenor Road, corner Hutt Street, Mount Lawley, and as shown on the plans stamp dated 17 December 2003, subject to:

- (i) no recording, arranging or mixing of music and the like activities, shall occur at the subject property at any time;*
- (ii) the home occupation is to occupy a maximum area of twenty (20) square metres only, inclusive of all storage areas;*
- (iii) retail sale or display of goods of any nature shall not occur on the subject property;*
- (iv) compliance with the provisions relating to home occupation under the Town of Vincent Town Planning Scheme No. 1;*
- (v) the business shall not entail employment of any person not a member of the occupier's household;*
- (iv) the hours of operation shall be limited to 9.00am to 5:00pm, Monday to Friday, inclusive;*
- (vii) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (viii) a maximum of one client per day is permitted to visit the premises; and*
- (ix) this approval for a home occupation is for a period of 12 months only and should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the Town prior to continuation of the use;*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: RM Johnston
APPLICANT: R Carroll
ZONING: Metropolitan Region Scheme – Urban
Town Planning Scheme No. 1 – Residential R40
EXISTING LAND USE: Single House

COMPLIANCE:

Use Class	Single House
Use Classification	“P”
Lot Area	809 square metres

SITE HISTORY:

The site is occupied by a single storey single house. A previous application for a home occupation –recording studio was received by the Town on 14 June 2003. This application was later withdrawn at the request of the applicant on 23 July 2003.

DETAILS:

Approval is sought for a home occupation permit intended for an office space for a mobile recording service. The proposal is to occupy one room of the dwelling, which is 12.5 square metres. The applicant provides the following information in support of the application;

- “ (a) *My intention is to have an office space.*
(b) *There will be no persons operating from the premises other than myself.*
(c) *The room is to be used as an office space approximately 10 hours of the week between 9am and 5pm, Monday to Friday.*
(d) *The intended work is off-site. The only work to be carried out on-site (50 Grosvenor Road) is office work.*
(e) *Equipment required consists of a computer, printer and telephone. Equipment required is to be kept solely in the home occupation room identified in the diagram (see attachment).*
(f) *There will be no persons attending the site in association with the home occupation.*”

CONSULTATION/ADVERTISING:

The proposal was advertised and two submissions were received in this time. These submissions included the following statements;

Submission 1

“We have no objection, so long as the applicant only carries out “office work” as per his application. This I believe needs clarification. If the applicant is using the ‘Home Occupation- Home Office- Mobile Recording Services’ permit as a use to carry out music mixing and arranging then we strongly object.....”

Submission 2

“ I am concerned that the current application does not provide sufficient details of the proposed operations (and it is unsure) what activities are to be carried (out) at 50 Grosvenor Road as ‘office work’ ... (I) consider the application incomplete for this reason. My view is that Council should not approve the Home Office Application if the use includes any arranging music, recording music, mixing and post recording work....”

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated policies and Residential Design Codes.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

In addressing the concerns of the submissions received, the applicant has confirmed with the Town's Senior Environmental Health Officer that he will not be conducting any recording activities at the subject dwelling. It is reiterated that the proposal entails an office space intended to support the applicant's business. The applicant has indicated that the equipment required for the proposal is a computer, printer and telephone and the office space is to be used for 10 hours of the week. The proposal is therefore regarded compatible with the principle land uses to the surrounding property and is not considered to cause injury to or prejudicially affect the amenity of the neighbourhood.

In light of the above and the proposal's compliance with the 'Home Occupation' provisions in the Town of Vincent Town Planning Scheme, it is recommended that the proposal be granted approval, subject to standard conditions and appropriate conditions to address the above matters.

10.1.5 No. 57 (Lot 19) Redfern Street, Corner Hunter Street, North Perth - Proposed Additions to Carport and Patio to Existing Single House

Ward:	North	Date:	2 February 2004
Precinct:	North Perth, P8	File Ref:	PRO 1963; 00/33/0940
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted Perth Home Improvements on behalf of the owners, I and P Mecuri for proposed additions to carport and patio to existing single house at No. 57 (Lot 19) Redfern Street, corner Hunter Street, North Perth, and as shown on the plans stamp dated 28th November 2003, subject to:

- (i) the carport/patio 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 existing main dwelling southern elevation and eastern /Hunter Street fence;*
- (ii) a right of way security bond and/or bank guarantee for \$220 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
- (iii) detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building Licence application;*
- (iv) 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 he 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) 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/owners;*
- (vi) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division; and*
- (vii) compliance with all relevant Environmental Health, Engineering and Building requirements;*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: I and P Meuri
APPLICANT: Perth Home Improvements
ZONING: Metropolitan Region Scheme – Urban
Town Planning Scheme No. 1 – Residential R30/40
EXISTING LAND USE: Single House

COMPLIANCE:

Use Class	Single House
Use Classification	“P”
Lot Area	481 square metres

Requirements	Required	Proposed
Town's Policy relating to Street Setbacks	Carports located adjacent to a secondary street are to be setback at or behind the line of the front main building wall.	Carport located in front of building line with a nil setback to the secondary street (Hunter Street).

SITE HISTORY:

The subject property is a corner site occupied by a single storey with undercroft single house. Redfern Street is the front primary street and Hunter Street is the secondary street.

On 26 March 2002, the Town under delegated authority from the Council, conditionally approved a development application for alterations, additions and fencing to the existing single house.

A Town owned right of way exists to the rear of the lot. The right of way is unsealed and has a width of 6.1 metres.

DETAILS:

The applicant seeks approval for the extension of the existing carport and patio, thus creating a patio/carport area adjacent to the self contained lift, which was built for the occupiers' daughter, who has physical disabilities. The proposal entails extending the carport/patio by 3 metres, thus reducing the setback to Hunter Street to nil. This is a deviation from the Town's Policy on Street Setbacks, which require carports located adjacent to a secondary street to be setback at or behind the line of the main building wall.

CONSULTATION/ADVERTISING:

No objections were 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:

The Town's Street Setbacks Policy requires carports adjacent to a secondary street to be setback at or behind the line of the front main building wall. In this instance, the proposed carport is located in front of the building line with a nil setback from Hunter Street. Whilst this is a deviation from the requirements of the Town's Policy, this variation can be supported in this particular instance, from a streetscape perspective, as the existing boundary fence conceals the view of the proposed carport/carport extension, due to the slope of the land. The variation is also supported as the width of the carport/patio occupies 15 per cent of the lot boundary width and therefore is not considered to detract from the streetscape or appearance of the dwelling in the circumstance that the boundary fence is removed in the future. It should also be noted that the subject carport is the only carport of the dwelling and vehicular access is to remain from the existing right of way.

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

10.1.6 No. 55 (Lot 25) Ruth Street, Dual Frontage to Amy Street, Perth - Proposed Alterations and Additions to Garage of Existing Single House

Ward:	South	Date:	3 February 2004
Precinct:	Hyde Park, P12	File Ref:	PRO 1995; 00/33/1970
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner, M Barnette for proposed alterations and additions to garage of existing single house at No.55 (Lot 25) Ruth Street, dual frontage to Amy Street, Perth, and as shown on the plans stamp dated 4 April 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) detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building Licence application;*
- (iv) a road and verge security bond or bank guarantee of \$220 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing.*
- (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) 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;*
- (viii) 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);*

- (ix) *subject to first obtaining the consent of the owners of No.51 (Lot 24) Ruth 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.51 (Lot 24) Ruth Street in a good and clean condition; and*
- (x) *prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating the proposed screen wall adjacent to Amy Street incorporating a minimum of two(2) appropriate significant design features, to reduce its visual impact. 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: M Barnette
APPLICANT: M Barnette
ZONING: Metropolitan Region Scheme – Urban
 Town Planning Scheme No. 1 – Residential R80
EXISTING LANDUSE: Single House

COMPLIANCE:

Use Class	Single House
Use Classification	“P”
Lot Area	339 square metres

Requirements	Required	Proposed
Garage setback to Amy Street	6 metres or behind the line of the main building wall	Nil
Sightlines at vehicle access points	Walls truncated or no higher than 0.75metres within 1.5 metres of where wall adjoins vehicle access point	Nil truncation and setback of garage to Amy Street prevents sightlines

SITE HISTORY:

The site is occupied by a two storey single house and has two street frontages, being Ruth Street as the front primary street and Amy Street as the rear secondary street. At its Ordinary Meeting on 23rd April 2002, the Council resolved to conditionally approve a development application for alterations and two-storey additions to existing single house.

DETAILS:

Approval is sought for the construction of a double garage with frontage to the rear secondary street, Amy Street. The proposal entails the widening of the existing garage, construction of brick wall on the rear boundary, construction of a garage parapet wall on the eastern boundary and altering the existing flat roof to a gable roof.

CONSULTATION/ADVERTISING:

The applicant sought and obtained a signature of consent from the neighbouring resident of No. 51 Ruth Street for the garage parapet wall. The proposal was also advertised for a fourteen day period with no objections received by the Town.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Garage Setback

In this instance, the proposed garage setback is nil. Whilst this is a deviation from the Town's street setbacks policy, this variation can be supported from a streetscape perspective due to the precedence in the street. Amy Street is effectively used as an access way to the dwellings and contains a dominance of double garages within the front setback. To illustrate, the dominance of garages with a nil setback on this secondary street, a photograph of the immediate Amy Street streetscape has been provided as a attachment.

Sightlines

The vehicle access from the garage to Amy Street requires visual truncations as specified in the R Codes and the Town's Policy on Visual Sight Line Truncations. This can be achieved by a setback to the garage from both side and end boundaries. Therefore, the present location of the garage is supportable, subject to condition (vii) as stated in the Officer Recommendation.

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

10.1.7 Nos. 99-101 (Lot 101) Oxford Street Corner Leederville Parade, Leederville - Proposed Alterations and Additions to Existing Shop and Eating House

Ward:	South	Date:	2 February 2004
Precinct:	Oxford Centre, P4	File Ref:	PRO1104; 00/33/1944
Attachments:	001		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by T Kailis on behalf of the owner Emgekay Investments Pty Ltd, for proposed alterations and additions to existing shop and eating house at Nos. 99-101 (Lot 101) Oxford Street, corner Leederville Parade, Leederville, and as shown on plans stamp dated 17 December 2003, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements, including access, carparking and facilities for people with disabilities;*
- (ii) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (iii) 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 \$27,650 for shortfall of 11.06 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;*
- (iv) 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;*
- (v) no street trees shall be removed, cut back, pruned or interfered with in any way, without the prior approval of the Town's Parks Services Section;*
- (vi) all car parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications and dimensions specified in the Town's Policy relating to Parking and Access and Australian Standards AS2890.1 – "Off Street Parking;*

- (vii) *prior to the first occupation of the development, three (3) class one or two and five (5) 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;*
- (viii) *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;*
- (ix) *doors and windows and adjacent floor areas fronting Oxford Street shall maintain an active and interactive relationship with this street;*
- (x) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (xi) *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;*
- (xii) *a Road and Verge security bond or bank guarantee of \$5000 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*
- (xiii) *subject to obtaining consent of the owners of Lot 100 Oxford Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the extended boundary wall on the northern side that is not abutting the existing parapet wall on the adjoining Lot 100 Oxford Street in a good and clean condition; and*
- (xiv) *the maximum floor space for the uses shall be limited as follows:*
- *eating house -205 square metres of public area; and*
 - *shops – 104 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.

LANDOWNER: Emgekay Investments Pty Ltd
APPLICANT: T Kailis
ZONING: Metropolitan Region Scheme: Urban
Town Planning Scheme No.1: District Centre
EXISTING LAND USE: Shop and eating house

COMPLIANCE:

Requirements	Required	Proposed
Town's Policy relating to the Oxford Centre -Building Height	Minimum two-storey	Single-storey
Rear setback-western side	9 metres	Nil
Landscaping	10 percent of site	Nil as existing

Use Class	Shop and eating house
Use Classification	"P" and "P"
Lot Area	991 square metres

SITE HISTORY:

The adjacent lots to the above property along Oxford Street are also zoned District Centre. The existing building on the site, currently operates as a fish shop and eating house.

21 January 2004 The above proposal was considered under Delegated Authority where the Officer Recommendation was not approved. As such the matter is now referred to this Ordinary Meeting of Council for further consideration and determination.

DETAILS:

The applicant seeks approval for the proposed internal demolition of existing shop and eating house and reconfiguration of the floor space, which includes addition to the existing building and floor area. The current and proposed floor area is as follows:

- Existing retail is 104 square metres.
- Existing restaurant is 120.7 squares metres open to the public.
- Proposed restaurant extension is 84.3 square metres open to the public.

The information provided by the applicant in support of the proposal which is summarised and (attached), is as follows:

- Additions will match existing building, which will include enclosed bin area and storage areas and minimise clutter to the rear of the restaurant.
- Extensions have been designed to accommodate a second storey in the future.
- Provision of bicycle parking and staff shower facilities to promote public transport and bicycle riding by staff. Reduction in the number of carbays provided from 8 carbays to 5 carbays. The intention of the extension is to promote staff using public transport. There is further more good public transport serving the site. The reduction is considered minor for the above reasons.
- New covered walkway along the southern elevation for pedestrian convenience. No increase in staff numbers. Maximum patron numbers would increase from 85 to approximately 130.
- Western elevation has been softened by way of 'false' windows, compressed sheet metal and colour variations. The design of the western wall is partly due to the ongoing vandalism and security to the site and staff.
- The adjoining site to the north (Lot 100) has been purchased by GNTM Pty Ltd (formerly owned by McAllister's), which is a subsidiary of Kailis Bros Group. Future design for the Lot 100 will include using the rear right of way for staff and services access, which will help alleviate the service traffic within the carpark at the rear of the site.
- All Building Code of Australia requirements will be fulfilled at Building Licence stage.

CONSULTATION/ADVERTISING:

No advertising has been carried out as the adjoining Lot 100 (formerly owned by McAllister's) has been recently purchased by GNTM Pty Ltd, which is a subsidiary of Kailis Bros Group (applicant/owner), and the other being the carpark at the rear of the subject site, which is owned by the Town of Vincent.

FINANCIAL/ BUDGET IMPLICATIONS:

Nil.

STRATEGIC IMPLICATIONS:

Nil.

LEGAL/POLICY:

Town of Vincent Town Planning Scheme No. 1 and associated Policies.

COMMENTS:

The site falls within the Oxford Centre. This area predominantly contains pedestrian-based retail and business/commercial land uses. The proposal is an extension of the existing shop and eating house.

Commercial Car Parking Requirements

Requirements as per Parking and Access Policy	Required No. of Carbays
Retail: 1 carbay per 15 square metres gross floor area (existing 104 square metres).	6.93 carbays
Eating Houses: Existing and proposed (120.7 +84.3 squares metres=205 square metres)	45.55 carbays
Total carparking required before adjustment factor (nearest whole number)	52carbays
Apply the parking adjustment factors.	(0.441)
<ul style="list-style-type: none"> ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.80 (within 50 metres of one or more public car parks in excess of 50 spaces) ▪ 0.80 (within 400 metres of a rail station) ▪ 0.90 (proposed development is within a District Centre) ▪ 0.90 (proposed "end of trip" facilities) 	22.93 carbays
Carparking provided on site	5 carbays
Minus the carparking shortfall currently applying to site (<u>after taking into account relevant adjustment factors</u>) i.e. 36carbays x 0.441 = 15.87 carbays <u>Previously, 9 carbays provided for commercial component, resulting in an existing surplus of 6.87carbays</u>	6.87 carbays
Resultant shortfall	11.06carbays

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 11.06 carbays shortfall. Furthermore there is a public carpark with approximately 253 carbays at the rear of the above site.

The Oxford Centre Study has further recommended that the rear public carparking be consolidated into decked parking stations. In this instance, the cash-in-lieu payment is considered acceptable.

Bicycle Parking Facilities:

Requirements	Required	Provided
Shop 1 space per 300 (proposed 104) square metres public area for employees (class 1 or 2). 1 space per 200 (proposed 104) square metres for visitors (class 3).	1 space 1 space	Bicycle parking not shown on plans
Restaurant 1 space per 100 (proposed 205) square metres public area for employees (class 1 or 2). 2 spaces plus 1 per 100 (proposed 205) square metres of public area for visitors (class 3).	2 spaces 4 spaces	

The Town's Parking and Access Policy requires the provision of bicycle parking facilities for relevant commercial uses. The proposed development requires the provision of three (3) class 1 or 2 and five (5) class 3 bicycle parking facilities. As such, an appropriate condition should be applied accordingly. The applicant/owners are providing end of trip facilities for staff.

Height

The Town's Policy relating to the Oxford Centre requires a Building Height minimum of two-storeys. The current building is single storey. The proposed extensions have been designed to accommodate a future second storey in the near future, depending on demand for expansion of the current uses. In this instance, a single-storey development is considered acceptable in the context of the height, scale and nature of surrounding commercial buildings.

Setbacks

Rear-Western Side:

The setback variation is to accommodate the extensions proposed right up to the rear, western boundary to incorporate functionality of the ongoing operations of the business and partly to alleviate the ongoing security and vandalism occurring onsite. The main reason for the 9 metres rear setback is to allow for court yard space for residential developments within the District Centre.

The western elevation has also been "softened" by way of "false windows" and colour variations to the facade.

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

Landscaping

The current building has been previously approved without any landscaping. Most of the developments along Oxford Street within the precinct do not have landscaping, due to the nature of the developments. The variation is therefore supported on the above basis.

Northern Boundary Wall

With the extension to the existing wall on the northern side, it is recommended that the new wall that is not abutting the parapet wall on the adjoining Lot 100 be finished to an acceptable standard.

Traffic and Access

The traffic and access is off the current crossover and acceptable to Town's Engineering Services.

Bin Storage

The Town's Health Services have advised that it is satisfied with the location of the commercial bin storage area as shown on the submitted plans. The applicant is also able to fulfill the relevant requirements of the Building Code of Australia relating to fire issues and facilities for persons with disabilities.

Demolition

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

Summary

The variations proposed are considered acceptable and within reason for the type of development proposed within the District Centre.

The proposal is supported as it is considered not to cause undue impact on the amenity of the adjacent or surrounding properties nor compromise future development in the area. It is therefore recommended that the proposal be approved, subject to standard and appropriate conditions to address the above matters.

Further comments

As part of the delegated authority process for the period of 17 December 2003 till 9 February 2004, the above application was referred to Elected Members, and as a result, concerns were raised by an Elected Member in relation to the following matters, which is summarised as follows:

- the proposal vastly underutilises the potential of the site, even in a two storey development planned for the future, which is contributing to a poor planning outcome.
- The lane way has potential in the future to have a vibrant commercial frontage and as such the nil setback to the lane is not supported.
- View that the development has not taken into account the impact on the development of the land to the north west.

The current proposal has been designed to cater for the immediate needs of the owners. The owners have intentions to maximise the site when there is commercial demand to extend the building to two (2) storeys.

As the owners of this proposal also owns the adjoining Lot 100 to the north through a subsidiary company, they would ensure that the current proposal and any future additions would not result in an adverse impact on the future development of the adjoining Lot 100. The owners have advised as stated above that any future design for adjacent Lot 100 to the north will include using the rear right of way for staff and services access, which will help alleviate the service traffic within the carpark at the rear of the site, as this is the most direct route for any future access to Lot 100, other than accessing from the Town's carpark. As such is it unlikely that this frontage will be viable to be developed as a commercial frontage based on its location and future access needs. Furthermore, the nil setback to the western side is also to combat vandalism and anti-social behaviour affecting this frontage.

10.1.8 No. 17 (Lot 220) Auckland Street, North Perth – Proposed Single House with Loft

Ward:	North	Date:	2 February 2004
Precinct:	North Perth, P8	File Ref:	PRO 2526; 00/33/1921
Attachments:	001		
Reporting Officer(s):	V Lee		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner M and G Nestic for proposed single house with loft at No. 17 (Lot 220) Auckland Street, North Perth, and as shown on plans stamp-dated 6 November 2003, subject to:

- (i) compliance with all Building, Environmental Health and Engineering requirements, in particularly the proposed carport is to comply with the Building Code of Australia;*
- (ii) a road and verge security bond or bank guarantee of \$550 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*
- (iii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (iv) standard visual truncations, in accordance with the Town's Policies and/or to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular access ways to ensure that the safety of pedestrians and other road users is not compromised;*
- (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); and*
- (viii) the carport 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;*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: M and G Nestic
APPLICANT: M and G Nestic
ZONING: Metropolitan Region Scheme - Urban
 Town Planning Scheme No. 1 - Residential R20
EXISTING LAND USE: Single House
COMPLIANCE:

Requirement	Acceptable	Proposed
Buildings on Boundary	In areas coded R20, walls not higher than 3.0m with an average of 2.7 metres up to 9 metres in length up to one side boundary	One wall (store) on boundary proposed, 2 metres long and 3 metres high, and an open carport proposed on northern boundary

Use Class	Single House
Use Classification	"P"
Lot Area	493 square metres

SITE HISTORY:

There is a vacant single house on the lot.

28 November 2003 The Town conditionally approved the demolition of the existing single house under delegated authority.

DETAILS:

The applicant is seeking approval for a single storey plus loft single house with an open car port within the front setback.

CONSULTATION/ADVERTISING:

The proposal was advertised for a two week period in accordance with the requirements of the Residential Design Codes (R Codes) and the Town's Policy relating to Community Consultation. One objection was received and the main concerns are summarised below:

1. Concern that the store has a reduced side setback adjacent to their front setback area and its impact on the streetscape.
2. The objector has no objection to the carport within the front setback provided that it is open style and no doors or side cladding is added in the future. Concern was expressed that a timber carport would not comply with the Building Code of Australia in terms of fire regulations.
3. The objector has no objection to a portion of the northern side wall having a 1.0 metre setback at the rear as indicated, provided the roof over the rear (kitchen, family room etc) is redesigned as a hip and valley structure rather than the large gables indicated. Reducing the scale of the roof would off set the impact of the wall with the reduced setback.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Location of store

It is noted that the proposed store is adjacent to the objectors front setback area. Due to the angle of the road/front boundary, the proposed store is setback in accordance with the setback requirements of the Residential Design Codes (R Codes) within the subject property, and is integrated into the main building. Therefore it is not considered necessary for the applicant to relocate the store.

Building on Boundary

The R Codes allow for walls not higher than 3.0 metres with an average of 2.7 metres up to 9 metre in length up to one side boundary, behind the front setback. The proposed store is 3 metres high and therefore does not meet the average height allowance of 2.7 metres. Due to the length of the wall, this variation is considered to be minor and is therefore supported.

The proposed carport with a nil side setback within the front setback is supportable, provided that all sides are open, except where it abuts the adjoining dwelling, to reduce its visual impact on the streetscape. The applicant should also be advised to site the proposed cross over to allow the retention of the existing street tree.

The applicant is advised to liaise with the Town's Building Surveyors to ensure that the proposed carport complies with the Building Code of Australia.

Northern Setback

The adjoining property owner's comments in regard to the northern setback variation are noted, however the Town's Policies and the R Codes allow for a two storey development in this locality, with a maximum height to the pitch of the roof pitch of 9 metres. The proposed development is single storey plus loft, with a roof pitch height of 6.7 metres, and therefore complies with the maximum pitched roof height allowed under the R Codes. Therefore the applicant is not required to vary the plans.

Summary

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

10.1.9 No. 2 (Lot 8) Farr Avenue, North Perth - Proposed Demolition of Existing Single House

Ward:	South	Date:	2 February 2004
Precinct:	Smith's Lake, P6	File Ref:	PRO2572 00/33/1913
Attachments:	001		
Reporting Officer(s):	N Edgecombe		
Checked/Endorsed by:	D Abel	Amended by:	

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the applicant/owner Hon San Chu, for the proposed demolition of the existing single house at No. 2 (Lot 8) Farr Avenue, North Perth, and as shown on plans stamp-dated 7 November 2003, subject to:

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

to the satisfaction of the Chief Executive Officer.

LANDOWNER: H S Chu
APPLICANT: H S Chu
ZONING: Metropolitan Region Scheme: Urban
Town Planning Scheme No. 1 -Residential R40
EXISTING LAND USE: Single House
LOT AREA: 503 square metres

SITE HISTORY:

The site is occupied by a single storey brick and tile dwelling constructed in 1937.

The above proposal was considered under Delegated Authority on 21st January 2004, where the Officer Recommendation was not approved. As such the matter is now referred to this Ordinary Meeting of Council for further consideration and determination.

DETAILS:

Approval is sought for the demolition of the existing dwelling.

CONSULTATION/ADVERTISING:

Demolition applications are not required to be advertised.

COMMENTS:

A detailed Heritage Assessment is contained in Appendix 10.1.

The subject dwelling at No. 2 Farr Ave, North Perth is a single storey brick and tile residence constructed in 1937. It represents a typical 'pattern book' home of the Inter-War period of 1919-1939, of which there are many in the Town. Most of the original features and fittings of the dwelling remain intact such as ceiling roses, original windows, floorboards and skirtings and while these are of interest, it is not considered that these features alone justify the retention of the house or qualify the place for consideration for entrance into the Town's Municipal Heritage Inventory. The place is not rare and is considered to be of little aesthetic, historic, scientific and social value. The subject dwelling contributes to the streetscape in terms of traditional setbacks, building form and style.

The place has little cultural heritage significance, and does not meet the minimum criteria for entry into the Town's Municipal Heritage Inventory.

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

Further Comments

As part of the Delegated Authority process for the period of 17 December 2003 until 9 February 2004, the above application was referred to Elected Members, and as a result, it was raised by Elected Members that the proposed demolition should be put before Council to ensure adequate discussion. One Elected Member made the following comments in relation to the proposal, which is summarized as follows:

- Farr Avenue is an intact short streetscape of California Bungalows, with only one house having been modified.
- Concern over false expectations of development potential for such sites.

No other comments have been received from Elected Members, although there were three objections to processing the application under Delegated Authority.

In relation to these statements a precedent for demolition along Farr Avenue has already been set as the Council moved to adopt the Officer Recommendation to conditionally approve the demolition of the existing dwelling at No. 12 Farr Avenue, at the Ordinary Meeting of Council held on 8 April 2003. The motion was carried 8-0. To date, no demolition on this site has occurred.

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

Ward:	North	Date:	3 February 2004
Precinct:	Mount Hawthorn; P1	File Ref:	PRO2560; 00/33/1897 & 00/33/2036
Attachments:	001		
Reporting Officer(s):	S Turner, N Edgecombe		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the applications submitted by T Bisignano on behalf of the owner A Ravi, for the proposed demolition of the existing house and construction of a two - two-storey with undercroft garage single houses at No.44 (Lot 33) Bondi Street, Mount Hawthorn, as shown on the plans stamp-dated 23 January 2004, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development dwelling 2 portico and adjacent stair landing 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;*
- (iii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (iv) detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building Licence;*
- (v) 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;*
- (vi) a road and verge security bond or bank guarantee of \$550 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*
- (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) *standard visual truncations, in accordance with the Town's Policies and/or to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*
- (x) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Bondi Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the new front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (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) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted to and approved by the Town prior to the issue of a Demolition Licence; and*
- (xiii) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*

to the satisfaction of the Chief Executive Officer.

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

COMPLIANCE:

Requirement	Required	Provided
Building Height	The Residential Design Codes permit a two-storey building to have a maximum wall height of 6.0 metres, and an overall height of 9.0 metres.	<u>Dwelling 1</u> 5.5 metres wall height to eaves of mid level roof and 8.0 metres wall height to top of wall (upper floor) at the street elevation. <u>Dwelling 2</u> 5.7 metres wall height to eaves of mid level roof and 8.0 metres wall height to top of wall (upper floor) at the street elevation.
Boundary Setbacks:		
<u>Dwelling 1</u> West - Ground floor	1.5 metres	Nil - to portico 1.2 - 2.2 metres to main building 1.5 metres to balcony
Upper floor	5.0 metres	1.2 to main building 3.1 metres to balcony and recessed wall.

Requirement	Required	Provided
East - Ground floor & Upper floor	The Residential Design Codes allow walls built up to a boundary behind the front setback line where both the subject site and the affected adjoining site area created in a plan of subdivision.	Nil - located on proposed new lot boundary.
<u>Dwelling 2</u> East - Ground floor	1.5 metres	1.2 metres to portico. 1.2 metres to main building with a 2.2 metre recessed wall.
Upper floor	5.0 metres	2.9 metres to balcony 1.2 metres to main building with a 2.2 metre recessed wall.
West - Ground floor & Upper floor	The Residential Design Codes allow walls built up to a boundary behind the front setback line where both the subject site and the affected adjoining site area created in a plan of subdivision submitted concurrently with the development application.	Nil - located on proposed new lot boundary.
Setbacks for Privacy:		
<u>Dwelling 1</u> West - Balcony (ground and upper floor)	7.5 metres to boundary	1.2 metres to ground floor balcony and 3.3 metres to the upper floor balcony
Bedroom 2	4.5 metres	3.0 metres
East- Bedroom 3	4.5 metres	2.0 metres
<u>Dwelling 2</u> East - Balcony (ground and upper level) Portico & stair landing	7.5 metres to boundary 7.5 metres to boundary	2.9 metres 1.2 metres (portico) Nil stair landing
Bedroom 2	4.5 metres	3.0 metres
West - Bedroom 3	4.5 metres	2.0 metres

Use Class	Single House
Use Classification	"P"
Lot Area	648 square metres (two proposed lot sizes of 324 square metres)

SITE HISTORY:

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

On 2 December 2003, Council resolved to refuse an application for the development of a single house (referred to as dwelling 1 within this report) on the subject lot for the following reasons:

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

On 21 November 2003, the Town of Vincent received an application for a second dwelling on the subject property. At the time of the submission of this application the first proposal (for dwelling 1) had not been determined.

A new development application that includes demolition of the existing house and minor modifications to the design of dwelling 1 was submitted on 23 January 2004.

DETAILS:

This report encompasses two development applications, both proposing a similar two storey dwelling with undercroft garage. As they are located on the same property and propose similar minor variations, it was deemed appropriate to present them within the same report.

The subject proposal involves the demolition of the existing house and the construction of two, two-storey dwellings with undercroft garage. The design of the dwellings include extensive balconies facing Bondi Street that capture the views of the city and Lake Monger. Given that the proposed lots are only 8 metres in width, the dwellings have been designed with two storey boundary walls to the proposed eastern and western boundary (abutting each other on the proposed internal boundary).

CONSULTATION/ADVERTISING:

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

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Demolition

A detailed Heritage Assessment is included in the Appendix.

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

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

Design

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

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

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

The Locality Statement then states that:

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

The proposal includes a pitched tiled roof above a tall façade comprising a double undercroft garage, mid level roofing, with two levels of balcony and windows visible. The design does not maintain the existing character of the location, however does have design elements that are complimentary to the existing dwellings. The Locality Statement encourages the subdivision of land by splitting the frontage of lots down the middle. Given that both of the proposed allotments will only be 8 metres in width, a Californian style Bungalow would be most difficult to fit on the site. The proposed design is not considered detrimental to the existing character of the locality.

Building Height

The overall building height complies with the R-Codes in that the pitched roof ridge height, measured from natural ground level under the highest point, is 8.0 metres. The R-Codes allow a ridge height of up to 9.0 metres. The wall height however is required to be 6.0 metres measured above natural ground level. The proposal does not comply with this requirement as the front (Bondi Street) elevation measured above natural ground level is:

Dwelling 1

5.5 metres wall height to eaves of mid level roof and 8.0 metres wall height to top of wall (upper floor) at the street elevation.

Dwelling 2

5.7 metres wall height to eaves of mid level roof and 8.0 metres wall height.

The R-Codes do however allow Council discretion to approve wall heights above the acceptable development standards where the proposal does not negatively impact upon adjoining properties and the amenity of the area. The use of mid level roofing is considered appropriate in this instance as it reduces the visual bulk of a wall.

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

Boundary Setbacks

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

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

Both dwelling 1 and 2 propose extensive setback variations to the proposed internal lot boundary by having abutting two storey parapet walls.

Given the conditionally approved subdivision and therefore impending subdivision of the property into two allotments with 8 metres wide frontages, the use of parapet walls is more appropriate to enable sufficient utilisation of the property. The parapet walls comply with the R-Codes in that the R-Codes allow walls built up to a boundary behind the front setback line where both the subject site and the affected adjoining site area created in a plan of subdivision submitted concurrently with the development application.

The boundary walls are considered supportable in this instance as they comply with the R-Codes and the boundary walls will not negatively impact upon adjoining properties.

Setbacks for Privacy

A portion of the balconies on the ground floor and upper floor on the west elevation of dwelling 1 is setback at 1.2 metres and 3.3 metres, respectively, instead of the required 7.5 metres. Bedroom 2 and 3 both do not comply with the cone of vision setback requirement of 4.5 metres to the boundary, being 3.0 and 2.0 metres respectively. Similarly dwelling 2 has reduced setbacks for privacy for the east facing balconies that being 2.9 metres in lieu of the required 7.5 metres. The portico and stair landing is setback less than the required 7.5 metres (as it is considered the same as a balcony as it is greater than 500 millimetres above natural ground level), and a condition requiring screening is recommended to prevent undue overlooking. Bedroom 2 and 3 of Dwelling 2 both do not comply with the cone of vision setback requirement of 4.5 metres to the boundary, being 3.0 and 2.0 metres respectively. In these cases, the written consent from the adjoining property owner has been provided and there are proposed new dwellings for both the adjoining sites that propose limited opportunities for undue overlooking into their dwelling and property.

The reduced privacy setbacks are generally considered supportable, however a privacy screen is appropriate for the portico and stair landing area to dwelling 2, as it is a highly trafficable and functional area adjacent to the balcony that has potential to cause undue overlooking into the neighbour's property.

Modifications to previous design of Dwelling 1

The applicant has amended the previous design of dwelling 1 by introducing a mid level roof at the front elevation to reduce the visual bulk of the dwelling on the streetscape. This is considered quite effective as the previous design had the two storey house above the undercroft garage in one wall, making the dwelling look like a three storey building. The upper level activity/study window has been modified into a highlight window to protect the reasonable privacy of the adjoining property in this instance.

The reasons for refusal of the previous design of dwelling 1 included the following:

Garage door more than 50% of the frontage.

The Town's requirement for the width of carports within the front setback area not being more than 50 percent of the lot frontage width does not apply to this proposal as the proposed garage is setback greater than the minimum front setback requirement of the R-Codes. The R-Codes require a minimum front setback of 4.0 metres whereas this proposal has a 6.7 metres (in keeping with the setback of the existing house).

Incompatible with the bulk and scale of residential development in the area. A precedent will be created.

There are two similar developments constructed along Bondi Street, therefore a precedent has already been created.

Conclusion

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

10.1.11 No. 273 (Lot 5) Walcott Street, North Perth - Proposed Demolition of Existing Single House and Construction of Four (4) Two- Storey Grouped Dwellings

Ward:	North	Date:	3 February 2004
Precinct:	North Perth, P8	File Ref:	PRO2610; 00/33/1967
Attachments:	001		
Reporting Officer(s):	P Mastrodomenico, N Edgecombe		
Checked/Endorsed by:	D Abel	Amended by:	

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the landowners D Condidorio and Esteem Pty. Ltd., for the proposed demolition of the existing single house and construction of four (4) two-storey grouped dwellings at No. 273 (Lot 5) Walcott Street, North Perth, as shown on the plans stamp dated 29 January 2004, subject to:

- (i) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (ii) an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (iii) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (iv) subject to first obtaining the consent of the owners of No.275 Walcott Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No.275 Walcott Street in a good and clean condition;*
- (v) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Walcott 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. The portion of the fences around the private courtyard of unit 1 facing Walcott Street may be solid to a maximum height of 1.8 metres but shall incorporate at least two significant design features. The proposed fencing shall be setback from the property front boundary to accommodate for the future road widening along Walcott Street;*
- (vi) a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Walcott 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);*

- (vii) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(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;*
 - (viii) *prior to the first occupation of the development, the full length and width of the right of way from Paddington Street to the southern most boundary abutting the subject land shall be sealed, drained and paved to the specifications of and supervision under the Town, at the applicant's/owner(s)' full expense;*
 - (ix) *bond and/or bank guarantee for \$7,200 for the full upgrade of the right of way shall be lodged prior to the issue of a Building Licence;*
 - (x) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
 - (xi) *a road and verge security bond or bank guarantee of \$550 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*
 - (xii) *the construction of crossovers shall be in accordance with the Town's specifications;*
 - (xiii) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
 - (xiv) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
 - (xv) *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;*
 - (xvi) *prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating the incorporation of a landscaping strip along the southern boundary to allow overhang of vehicle to assist manoeuvring. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
 - (xvii) *the support/approval of the Department for Planning and Infrastructure and/or the Western Australian Planning Commission and compliance with its comments and conditions in relation to the Other Regional Roads (ORR) reservation;*
 - (xviii) *the visitors car parking space shall be clearly marked and signposted as such, and outside any security barrier;*
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(xix) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development;*

- (a) *the window to bedroom 3 to Unit 2 on first floor level within 4.5 metres of the northern side boundary within a 45 degree 'cone of vision';*
- (b) *the window to bedroom 1 to Unit 3 on first floor level within 4.5 metres of the southern side boundary within a 45 degree 'cone of vision' ;*
- (c) *the windows to bedrooms 2 and 3 to Unit 3 on first floor level within 4.5 metres of the northern side boundary within a 45 degree 'cone of vision'; and*
- (d) *the window to bedroom 1 to Unit 4 on first floor level within 4.5 metres of the northern side boundary within a 45 degree 'cone of vision' ;*

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

to the satisfaction of the Chief Executive Officer.

LANDOWNER: D J Condidorio and Esteem Pty. Ltd.
APPLICANT: D Condidorio
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	855 square metres

Requirements	Required	Proposed
Setbacks		
Unit 2 - North (ground floor)	1.5 metres	1.225 metres
Unit 2 - North (first floor)	1.9 metres	1.225 metres
Unit 3 - North (ground floor)	1.5 metres	1.0 - 1.225 metres
Unit 4 - North (ground floor)	1.0 metre	Nil
Unit 4 - South (ground floor)	1.5 metres	1.206 metres
Unit 4 - West (first floor)	2.5 metres	2.467-2.697 metres
Visitor car bay	Close to or visible from point of entry	approximately 35 metres from point of entry

Privacy Setback Unit 2 - North Unit 3 - North and South Unit 4 - North	Major openings (bedroom windows) within 4.5 metres "cone of vision" of a property boundary on the first floor to be screened	No screening shown
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SITE HISTORY:

The site is occupied by a single storey brick and tile dwelling constructed in 1928. A privately owned unsealed 3 metre wide right of way abuts the western boundary of the subject property.

DETAILS:

Approval is sought for the demolition of the existing dwelling and construction of four two-storey grouped dwellings.

CONSULTATION/ADVERTISING:

There were no objections received during the advertising period.

Referral to the Department for Planning and Infrastructure (DPI) is necessary as the site is affected by an Other Regional Roads (ORR) reservation. As comment has not been received by the DPI a condition should be applied accordingly.

COMMENTS:

Demolition

A detailed heritage assessment is contained the Appendix.

The subject dwelling at No. 273 Walcott Street, North Perth is a single storey brick and tile residence constructed in 1928, and forms part of the building stock from the Inter-war period of 1919-1939, of which there are many in the Town.

The original floor plan of the two bedroom dwelling has undergone minor alteration, such as the kitchen has been moved into the former laundry area, creating a small dining space in the former kitchen. The rear verandah has also been enclosed and is now utilised as a laundry. The majority of original building fabric remains in place despite some additions and alterations. Decorative features and fittings such as picture rails and original lights hung from plaster ceiling vents, are limited to the front rooms of the dwelling and remain intact. While these features are of interest, it is not considered that these features alone justify the retention of the house or qualify the place for consideration for entrance into the Town's Municipal Heritage Inventory. The place is not rare and is considered to be of little aesthetic, historic, scientific and social value. The subject dwelling contributes to the streetscape in terms of traditional setbacks, building form and style.

The place has little cultural heritage significance, and does not meet the minimum criteria for entry into the Town's Municipal Heritage Inventory.

Setbacks

The variations to setbacks are considered minor as the variations to setbacks range from 0.2 metre to 1.0 metre, and no objections were received from adjoining landowners. As such, they are not considered to unduly impact the amenity of the affected neighbours.

Visitor Parking

The variation to the location of the visitor car parking bay is acceptable in this instance due to the irregular shape of the lot and the proposed Other Regional Roads (ORR) Reservation which restricts the location of the visitors bay adjacent to Walcott Street. In light of these restricting factors the location of the visitors car parking bay adjacent to Unit 3 is supportable.

Privacy

With regard to the potential for unreasonable overlooking from the non-compliant bedroom windows it is considered necessary that relevant screening conditions are applied to these openings to comply with the privacy requirements of the Residential Design Codes.

Summary

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

10.1.12 No.216 (Lot 101) Stirling Street, corner of Brewer Street, Perth - Proposed Demolition of Existing Vehicle Sales Premises and Construction of a Three-Storey Mixed Use Development comprising Seven (7) Offices and Seven (7) Multiple Dwellings

Ward:	South	Date:	4 February 2004
Precinct:	Beaufort, P13	File Ref:	PRO1822; 00/33/1966
Attachments	001		
Reporting Officer(s):	V Lee, H Eames		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Metropolitan Region Scheme and the Town of Vincent Town Planning Scheme No.1 the Council APPROVES the application submitted by Doepel and Associates Architects on behalf of the landowner Sidney Anderson Automotives Pty Ltd for proposed demolition of the existing vehicle sales premises and construction of a three-storey mixed-use development comprising seven offices and seven multiple dwellings on No.216 (Lot 101) Stirling Street, corner of Brewer Street, Perth, and as shown on plans dated 1 December 2003, subject to;

- (i) *prior to the issue of a Building Licence, revised plans shall be submitted to and approved by the Town demonstrating,*
 - (a) *the Stirling Street/Brewer Street corner of the building being treated with architectural design features/materials/colours, not increasing its height, which articulates its corner position and landmark aspect; and*
 - (b) *a minimum vehicular access width of four (4) metres.*

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

- (ii) *if applicable, prior to the issue of a Building Licence, the written approval of the Minister for Lands and/or Western Australian Planning Commission, whichever is applicable, for the encroachment of the structure(s) over the adjacent Crown land, including roads, shall be obtained and submitted to and approved by the Town. If this written consent cannot be obtained, revised plans shall be submitted and approved demonstrating the proposed balconies being contained entirely within the lot boundaries and adjacent to the street and shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (iii) *in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land are to be upgraded, by the applicant, to a brick paved standard to the Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$10 000 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the Town's Technical Services Division. An application to the Town for the refund of the upgrading bond must be made in writing;*

- (iv) *a detailed landscaping plan, including a schedule of plant species, the provision of one shade tree per four uncovered car parking spaces and the landscaping and reticulation of the Stirling Street and Brewer Street verges adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
 - (v) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
 - (vi) *a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
 - (vii) *all 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";*
 - (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) *the construction of crossovers shall be in accordance with the Town's specifications;*
 - (x) *standard visual truncations, in accordance with the Town's Policies and/or to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular access ways to ensure that the safety of pedestrians and other road users is not compromised;*
 - (xi) *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;*
 - (xii) *subject to first obtaining the consent of the owners of No.210 Stirling Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing south in a good and clean condition;*
 - (xiii) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
 - (xiv) *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;*
 - (xv) *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:*
-

- (a) *they may be subject to activities, traffic, car parking and/or noise not normally associated with a typical residential development; and*
 - (b) *they should recognise and accept that in selecting to reside in this locality that noise, traffic, car parking and other factors that constitute part of normal commercial and other non-residential activities are likely to occur, which are not normally associated with a typical residential development;*
 - (xvi) *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;*
 - (xvii) *prior to the first occupation of the development, the car parking spaces provided for the residential component of the development, and visitors car parking spaces 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;*
 - (xviii) *prior to the first occupation of the development, three (3) class 1 or 2 bicycle parking facilities shall be provided at locations convenient to the entrance of the offices on Stirling and Brewer Streets. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
 - (xix) *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);*
 - (xx) *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 (\$13,000) shall be submitted to and approved by the Town. The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development and Administrative Services Section with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
 - (xxi) *prior to the issue of the Building Licence, the applicant/owner shall pay a cash-in-lieu contribution of \$1510 for the equivalent value of 0.604 car parking spaces, based on the estimated cost of \$2500 per bay as set out in the Council 2003/2004 Budget;*
 - (xxii) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
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(xxiii) *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";

(xxiv) *the gross floor area of the office component shall be limited to a maximum of 624 square metres;*

(xxv) *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;*

(xxvi) *any proposed vehicular entry gates adjacent to Brewer Street shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors for the commercial and residential tenancies at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the development;*

(xxvii) *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; and*

(xxviii) *doors and windows and adjacent floor areas fronting Stirling Street and Brewer Street shall maintain an active and interactive relationship with these streets;*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: Sidney Anderson Automotives Pty Ltd

APPLICANT: Doepel and Associates Architects

ZONING: Metropolitan Region Scheme - Urban

Town Planning Scheme No.1 –

Residential/Commercial R80

EXISTING LAND USE: Workshop and Vehicles Sales Premises

COMPLIANCE:

Requirements	Required	Provided
Vehicular Access	Driveways for multiple dwellings to have minimum width of 4 metres, and designed to allow vehicles to pass in opposite directions.	Drive way 3.4 metres wide to Brewer Street.
Mixed Use Development - Walls on Boundaries	Walls on boundary for 2/3 of boundary behind the street setback up to 6 metres in height.	Wall on southern boundary up to 9.3 metres high
Use Class	Office Building and Multiple Dwellings	
Use Classification	'AA'; 'P'	
Lot Area	1123 square metres	

SITE HISTORY:

The property is located on the south-eastern corner of Stirling and Brewer Streets. The subject site currently accommodates a vacant vehicles sales premises and associated buildings and display area. The surrounding area is characterised by well established commercial uses, vacant land under the control of the East Perth Redevelopment Authority and residential dwellings concentrated in the street blocks south of Pier Street. Adjacent to the south-eastern corner of the lot is a sealed, privately-owned (by subject landowner), three metres wide right of way.

9 October 2001 The Council at its Ordinary Meeting resolved to conditionally approve the demolition of the existing vehicle sales premises and construction of a three storey mixed use development comprising two offices and seven (7) grouped dwellings to an existing workshop.

This application is almost identical to the current application with the main exceptions that the same office space has been split into 7 offices instead of 2 offices, and the land has been amalgamated and subdivided according to the proposed development and so the current application only relates to the newly created Lot 101 Stirling Street. The dwellings are now classified as multiple dwellings in terms of the current Residential Design Codes (R Codes).

14 July 2003 The Western Australian Planning Commission approved the Diagram of Survey for the subdivision/amalgamation of Pt Lot 4, 5, 6, and 7 into new Lot 101 Stirling Street, and Lot 102 Brewer Street.

4 February 2004 The above proposal was considered under Delegated Authority where the Officer Recommendation was not approved. As such the matter is now referred to this Ordinary Meeting of Council for further consideration and determination.

DETAILS:

Approval is sought for demolition of the existing vehicles sales premises and the construction of a three-storey mixed-use development comprising seven offices and seven multiple dwellings.

The plans stamp dated 1 December 2003 show 13 car parking bays provided on site. In discussions with the Town, the applicant has been advised that the vehicular access driveway into the development needs to be a minimum of four (4) metres wide. The applicant has advised that a four metres wide vehicular access drive way from Brewer Street can be accommodated on site, however this will result in the loss of car parking bay number six on the plans, therefore 12 car parking bays will be provided on site.

CONSULTATION/ADVERTISING:

Nil submissions were received during the advertising period.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Heritage

The place has little or no cultural heritage significance and it contributes little to the Stirling Street streetscape. As such, the proposal to demolish the subject building does not warrant a detailed heritage assessment. Accordingly, the demolition of the existing buildings is supported, subject to standard conditions.

Town's Policy relating to the Beaufort Precinct

The proposal is generally considered to comply with the intent of the Town's Policy relating to the Beaufort Precinct. Greater than 66 per cent of the proposal is residential and therefore complies with the intent to encourage predominately residential development. The proposed office uses are considered to be compatible with the residential use in that hours of operation and the type of use, generally do not cause conflict with residential uses.

The three-storey nature of the proposal is considered supportable given the range and scale of buildings within the surrounding area and that this particular corner lends itself to a building of landmark qualities. Reinforcing the corner element of the building however, with architectural design features, materials and/or colours is considered appropriate.

Density

The proposal complies with the density allowed on this site. Effectively 8 dwellings can be accommodated on site and therefore this proposal complies with the density requirements of the Residential Design Codes (R Codes).

Plot Ratio

The proposal has a plot ratio calculation of 0.77 and therefore complies with the plot ratio requirement of 1.0 under the R Codes. It is acknowledged that the Town's Policy relating to the Beaufort Precinct requires a maximum plot ratio requirement of 0.75, however it is considered that this Policy needs to be reviewed in order to make it consistent with the R Codes, and therefore this variation to the Town's Policy relating to the Beaufort Precinct is supported.

Open Space

The R Codes state that in mixed use developments the open space requirement is 'Nil'. Therefore, the proposal complies with the R Codes for open space. The R Codes also state that in mixed use development the communal open space requirement is 'Nil' and therefore, the proposal complies with the communal open space requirement of the R Codes.

Outdoor Living Area

Each dwelling has been provided with a balcony of not less than 1.5 metres in depth and a minimum area of 10 square metres. Therefore, the proposal complies with the requirements of the R Codes in relation to outdoor living area.

Car Parking

The R Codes allows the residential component of a mixed use development to be reduced to 1 car parking bay per dwelling on site where on-site parking required for other users is available outside normal business hours. The proposed office use is considered to be compatible with this variation and therefore it is considered that 1 car parking bay per dwelling is acceptable in this instance. Therefore, a minimum of seven (7) car parking bays are to be allocated for residential component.

This leaves 5 effective car parking bays on site available for the commercial units use. The commercial component of the mixed use development has a gross floor area of 625 square metres, therefore 12.5 car parking bays are required on site.

The Town's Policy relating to Parking and Access allows for adjustments factors to be taken into account as follows:

Car parking Requirement (nearest whole number) 625 square metres of office gross floor area	12 car bays
Apply the adjustment factors <ul style="list-style-type: none"> ▪ 0.85 (within 800 metres of rail station) ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.85 (within 400 metres of an existing public car park with excess of 75 bays.) ▪ 0.95 (provision of bicycle parking facilities) ▪ 0.8 (greater than 45 per cent of gross floor area is for residential purposes) 	0.467
Car parking requirement with adjustment factor applied (12 car bays x 0.467)	5.604 car bays
Minus the car parking provided on site	5 car bays
Minus the most recently approved on-site car parking shortfall	Nil car bays
Resultant shortfall	0.604 car bays

In accordance with the Town's Policy relating to Parking and Access, it is considered appropriate that a cash-in lieu payment of \$1,510 be required as a condition of planning approval.

In addition, the Policy requires that three (3) Class 1 or Class 2 bicycle parking facilities are provided. Accordingly, this should be imposed as a condition of Planning Approval. The applicant is also encouraged to provide showers and locker facilities to encourage environmentally sustainable practices to enable people to walk or ride bicycles to work. A shower may be able to be accommodated within the disabled toilet.

Boundary Wall on Southern Elevation

A three storey parapet wall, 9.3 metres high, is proposed on the southern elevation. This is immediately adjacent to a recently erected three storey parapet wall for the mixed use development on the adjoining property. Therefore, the parapet wall is not considered to unduly affect the streetscape, nor the amenity of the adjoining mixed use development, and is supported.

Vehicular Access

The R Codes require that driveways for multiple dwellings have a minimum width of 4 metres, and are designed to allow vehicles to pass in opposite directions. This is consistent with the Town's Policies.

It is noted that the previous application considered at the Ordinary Meeting of Council held on 9 October 2001, approved the proposal with the currently proposed vehicular access width. It is also noted that the development allows separate pedestrian access into the complex, so the reduced width does not compromise pedestrian safety.

The applicant has advised that they are able to modify the proposal so that a minimum vehicular access drive way into the complex of four metres can be provided. Accordingly, approval of the proposal is subject to revised plans being submitted and approved showing a minimum vehicular access width of 4 metres.

Summary

It is recommended that the application be approved, subject to standard and appropriate conditions to address the above matters and the scale and nature of this proposal.

Further Comments

As part of the delegated authority process for the period of 17 December 2003 till 9 February 2004, the above application was referred to Elected Members, and as a result, concerns were raised by two Elected Members.

Concerns were raised regarding the balconies which overhang the public footpath.

The Town has received written advice from the Department for Planning and Infrastructure (DPI) dated 7 January 2004, advising the following:

"DPI has been dealing with Ray Conrad since September 2002 and has approved the construction of balconies over Stirling and Brewer Streets as outlined in our letter of 11 December 2002. The information in that letter is still current and valid and the balcony encroachments will be processed under the transitional arrangements agreed to by DPI and DLI once the purchase monies have been paid."

Accordingly, condition (ii) of the Officer Recommendation requires approval of the Minister for Lands and/or Western Australian Planning Commission prior to the issue of the Building Licence.

Accordingly, the matter has been referred to an Ordinary Meeting of Council for determination.

10.1.13 No. 348 (Lot 32) Lord Street, Highgate – Proposed Two (2) Two-Storey Grouped Dwellings and One (1) Two-Storey Single Bedroom Grouped Dwelling, with Basement Car Parking and Stores

Ward:	South	Date:	2 February 2004
Precinct:	Banks, P15	File Ref:	PRO 2267; 00/33/1929
Attachments:	001		
Reporting Officer(s):	V Lee		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Team Architects on behalf of the owners M and E Kemeny for proposed two(2) two-storey grouped dwellings and one (1) two-storey single bedroom grouped dwelling, with basement car parking and stores at No. 348 (Lot 32) Lord Street, Highgate, as shown on plans stamped 11 November 2003 (lower ground floor plan (2), upper floor plan/ overshadowing diagram (3), section and elevation (4), elevations (5), feature survey), and 12 December 2003 (site plan and ground floor plan (1)), subject to:

- (i) compliance with all Building, Environmental Health and Engineering requirements;*
- (ii) a road and verge security bond or bank guarantee of \$550 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing.*
- (iii) 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;*
- (iv) standard visual truncations, in accordance with the Town's Policies and/or to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular access ways to ensure that the safety of pedestrians and other road users is not compromised;*
- (v) the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (vi) all car-parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications and dimensions specified in the Town's Policy relating to Parking and Access and Australian Standards AS 2890.1 - "Off Street Parking". Car parking bay two shall be increase to a minimum of 2.7 metres between the columns to assist in manoeuvring;*

- (vii) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(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;*
- (viii) *prior to the first occupation of the development, the full length and width of the right of way from Marlborough Street 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;*
- (ix) *a bond and/or bank guarantee for \$9000 for the full upgrade of the right of way shall be lodged prior to the issue of a Building Licence;*
- (x) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (xi) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (xii) *prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating;*
 - (a) *the boundary fence along the southern boundary, being a consistent height for the full length of the boundary behind the front setback, to a minimum height of 2.1 metres and a maximum height of 2.4 metres above the ground level to provide effective screening from the ground floor balcony. The northern boundary fence shall not exceed a maximum height of 1.8 metres above the ground level, except to provide effective screening from the ground floor balcony where it shall be a minimum height of 2.1 metres and a maximum height of 2.4 metres from the ground level;*
 - (b) *car bay 2 being increased to a minimum of 2.7 metres between the columns to assist manoeuvring; and*
 - (c) *the single bedroom dwelling having a maximum plot ratio floor area of 60 square metres.*

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

- (xiii) *the solid portion of any new front fences and gates adjacent to Lord Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
 - (xiv) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Lord 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);*
 - (xv) *subject to first obtaining the consent of the owners of No. 346 (Lot 31) and No. 350 (Lot 33) Lord 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. 346 (lot 31) and No. 350 (Lot 33) Lord Street in a good and clean condition;*
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- (xvi) *details of site works, including identification of pavement type, drainage and parking shall be submitted with the Building Licence application;*
- (xvii) *details of all street trees adjacent to the subject property shall be submitted with the Building Licence application;*
- (xviii) *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);*
- (xix) *no vehicular access permitted off Lord Street; and*
- (xx) *all vehicular access to be located via the existing right of way at the rear of the block;*

to the satisfaction of the Chief Executive Officer.

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	Grouped dwelling
Use Classification	'P'
Lot Area	556 square metres

Requirement	Acceptable	Proposed
Single Bedroom Dwellings Maximum Plot Ratio Floor Area	60 square metres	71 square metres
Building Height -North East	6 metres	6.12 metres
Setbacks - Buildings on Boundary north east and south west side boundaries	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.	Walls to 6.2 metres on the boundary for 5.2 metres of the length of the balance of the boundary behind the front setback, to two side boundaries. (southern and northern side boundaries)
-North-west	2.1 metres	Nil to 1 metre
- South east	2.1 metres	Nil to 1 metre
Privacy	Balconies to be setback 7.5 metres within the cone of vision, from the boundary.	Balconies on ground floor within 3 metres of boundaries, however effective screening is provided by the boundary fences, which effectively protects the adjoining neighbours' reasonable privacy.

SITE HISTORY:

The site is currently a vacant lot.

- | | |
|------------------|--|
| 25 October 2002 | Demolition Licence for the dwelling issued by the Town. |
| 9 April 2003 | The Town received an Application to Commence Development for a similar designed complex, although the proposal involved multiple dwellings, which are not permitted in the Banks Precinct. |
| 9 September 2003 | The Council at its Ordinary Meeting resolved that the Item " <i>Lie on the table</i> " pending further investigation concerning the classification of multiple dwellings and whether these are permitted in the Banks Precinct. |
| 7 October 2003 | The Council at its Ordinary Meeting resolved to refuse the application for the following reasons:

<ul style="list-style-type: none"><i>"(i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;</i><i>(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;</i><i>(iii) multiple dwellings are not permitted in the Banks Precinct; and</i><i>(iv) in consideration of the objections received."</i> |
| 11 November 2003 | The Town received an Application to Commence Development for three grouped dwellings. |
| 12 December 2003 | The Town received revised plans after further discussions with the Town's Officers. |
| 30 January 2004 | The above proposal was considered under Delegated Authority where the Officer Recommendation was not approved. As such the matter is now referred to this Ordinary Meeting of Council for further consideration and determination. |

DETAILS:

The applicant proposes two (2) two-storey grouped dwellings and one (1) two-storey single bedroom grouped dwelling, with basement car parking 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:

Department for Planning and Infrastructure

The proposal was referred to the Department for Planning and Infrastructure (DPI) with respect to the road widening requirement along Lord Street, which affects the above site. The Department advised that they do not object to the proposed development subject to the following conditions being imposed:

- "1. No access permitted off Lord Street.
2. All access to be located via the existing Right of Way at the rear of the block."

They also advised that the land is affected by the existing 5 metres 'Other Regional Road' reservation under the Metropolitan Region Scheme and may in the future be required for road widening purposes.

Community Consultation

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

- Height of the walls, concern that the 6 metres maximum height requirement will not be met;
- Setbacks variations;
- Concern that the proposed two storey parapet walls will unduly affect their amenity;
- Privacy - concern that the proposed balconies will adversely affect their amenity;
- Request rear access be sealed from Marlborough Street rather than Chapman Street; and
- Boundary fencing - the southern neighbour requests that the boundary fence is continued on the same height for the length of the wall up to a height of 2.5 metres at the rear to protect their privacy.

Applicant's Justification for the Proposal

The applicant has provided comments regarding the current application, advising that the proposal now relates to grouped dwellings, storerooms and parking now comply with the requirements of the R Codes and Town's Policy, and reduction in the height of the wall. A copy of this submission is provided as an attachment.

In addition, the applicant has had an independent assessment (attached) of the proposal undertaken by Ken Adams who was involved in the preparation of the Residential Design Codes, and states as follows:

"The proposed development provides a skilful design solution for accommodating three dwellings on a narrow lot, with adequate spatial and other standards for on-site residents, and due consideration for the amenity of adjoining properties. The development is most appropriate to the zoning and R-coding of the locality.

Four variations from the Acceptable Development provision of the R-Codes are sought:

- (i) a very minor (120mm) increase in the height of part of the building;
- (ii) a relatively small increase in the height of a short length of boundary wall;
- (iii) a reduction in the overall side setback from 2.0m or 2.1m to 1.0m; and
- (iv) an increase in the floor area of the Single Bedroom dwelling from 60m² to about 71m².

In my opinion, in the context of the R-coding, the nature of the locality and the adjoining properties, each of these variations is consistent with the intent of the R-Codes and satisfies the relevant Performance Criterion.

In my opinion....the development ought to be approved."

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Use

The current application relates to grouped dwellings which are a permitted use in Town Planning Scheme No. 1 and the Banks Precinct.

Single Bedroom Plot Ratio Floor Area

The Acceptable Development requirements of the R Codes state that one bedroom units are to have a maximum plot ratio floor area of 60 square metres. The Performance Criteria of the R Codes states that dwellings that provide limited accommodation, suitable for one or two persons.

The plot ratio floor area proposed for the single bedroom dwelling is 71 square metres.

One submission received during the consultation period supports this variation, provided that the same variation would be applicable to the redevelopment of their property.

In support of this variation the applicant has referred to Ken Adam's comments, which reads as follows;

"It is clear from the context that the limit on floor area is not aimed at enforcing low space standards but rather at avoiding abuse of the density and car parking concessions that go with Single Bedroom Dwellings. It would be difficult to argue that the intent of the Codes is to prevent people from enjoying higher than minimal standards.

What is critically important is to ensure that a Single Bedroom dwelling cannot be subdivided so that it becomes a two or more bedroom dwelling. In the present case the design is such that it is not physically feasible to subdivide the space to provide more than one bedroom. Consequently in my opinion, the proposed dwelling adequately satisfies the relevant Performance Criterion."

In this instance, the design of the single bedroom dwelling, being an open plan mezzanine level over two storeys, is clearly a single bedroom dwelling and it is unlikely that more than two people can reside at the dwelling at any one time. Therefore, the requirement for only one car bay for this dwelling seems reasonable. Three dwellings are permitted on this site so no density bonus is being sought for the one bedroom unit.

However, in previous applications involving single bedroom dwellings, the Town has consistently applied this 60 square metres requirement. Therefore, in this instance, the variation for a single bedroom dwelling of 71 square metres is not supported.

Height

The R Codes also state that the maximum wall height for two storey developments is to be 6 metres. The majority of the walls comply with the requirements of the R Codes. The proposed wall height is 6.12 metres at the highest point, which is located on the north east elevation and has an excess height of 120 millimetres. The following comments have been made to justify this variation:

'the very minor excess height of the eaves to the side elevations - 120mm is acceptable in the circumstances, because:

- *the wall is relatively short;*
- *it is setback 1m;*
- *it is no higher than the boundary wall; and*
- *it complies with the relevant Performance Criterion 3.7.1P1 of the R Codes"*

It is noted that the current application has significantly reduced the building height when compared to the previous application that was refused at the Ordinary Meeting of Council, where the building height was 7.2 metres, rather than the acceptable 6 metres.

Building Height has been raised as a concern by the adjoining property owners.

Privacy

Overlooking from the proposed balconies has been raised by both adjoining property owners. Clause 3.8.1 A1 (ii) of the R Codes allows a permanent vertical screen to be erected to restrict views within the cone of vision from any major opening of an active habitable space. The plans indicate that the balconies shown on the southern and northern elevations on ground floor plan are screened to a height of 1.6 metres by boundary fencing, which is 2.1 metres from the natural ground level. Therefore, the privacy requirements of the R Codes are met and the balconies are considered to be adequately screened to protect the adjoining residents' amenity.

Setbacks

It is acknowledged that the subject lot is relatively narrow with a 12.19 metres frontage. The following comments have been provided by Ken Adam to justify the variation to side setbacks:

"The proposed development has boundary walls on both side boundaries, with the majority of the lengths below 2 metres in height. The exceptions are 5.2m lengths of two-storey high wall with a height of 6m to 6.3m. At the single storey level this wall extends a further 1.5m with a height of about 3.6m. In effect, the variation sought is for a 5.2m length of boundary wall extending 2.5m above the Acceptable Development height, at both boundaries.

The building overall, at two-storey level, is up to 17m long with a height varying from 6m to 6.3m. The Acceptable Development setback would be 2.0 to 2.1m, against the 1m provided. The variation sought is therefore up to 1.1m.

I note that the position of the proposed walls in relation to windows of the adjoining building on each side is such that there is no, or negligible, obstruction to light or ventilation to windows, and hence no detrimental impact on the amenity of those properties in their existing state.

I note further that both of these properties are old, and likely to be redevelopment at any time in the future.

An important consideration here is that the area is coded R60, which clearly anticipates that the locality is intended to be redevelopment at medium density. Further, as Multiple Dwellings are prohibited, the clear expectation must be that dwellings will extend close to the side boundaries, especially, as in this case, where the frontage is narrow, in order to accommodate Grouped Dwellings.

In my opinion, the proposed boundary walls meet all five points set out in the relevant Performance Criterion 3.3.2P2 at page 59 of the R Codes.

In my opinion, the proposed building setbacks satisfactorily meet all six points set out in the relevant Performance Criterion 3.3.1 at page 58 of the R Codes."

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

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 Northern and Southern Side Setbacks

The applicant proposes a setback of between nil to 1.0 metre, in lieu of 2.1 metres to both the above boundaries. There are no undue over looking concerns in relation to this variation, which is more of a bulk and scale issue. Due to the narrowness of the lot, the setback variation of nil to 1 metre in lieu of 2.1 metres is considered reasonable, as the remaining portion of the site along the side boundaries is open space.

Wall on Boundary

The two storey wall on the side boundaries are setback over 16 metres from the front setback. The portion of wall on the boundaries is 5.2 metres long on each boundary, in comparison to the total length of the boundary, which is 45.72 metres long. The objectors' concerns are noted, however, given the narrowness of the lot and the density of the land, it is considered that the side setbacks variation is considered acceptable.

Vehicular Access via the Right of Way

One submission received during the public consultation period requested that the ROW be sealed and drained from Marlborough Street, rather than Chapman Street. The Town's Technical Services have advised that as the property is located centrally between the streets, they will support either direction being sealed and drained as part of the application. Accordingly, it is recommended that the ROW between Marlborough Street to the rear of the above property be conditioned as part of an approval.

Overshadowing

The proposal complies with the overshadowing requirements of the R Codes as demonstrated in the attached drawings as less than 50 per cent of the adjoining lots are overshadowed at midday on 21 June.

Boundary Fences

The submission from the south neighbour requests that the common boundary fence be designed to maximise their privacy. Specifically they have requested that a boundary fence be maintained at a minimum of 1.8metres high for the length of the boundary and be of consistent height so that it does not step down with the slope of the land. Towards the rear of the block, this will require the fence to be raised to 2.4 metres. This has been discussed with the applicant, who has advised in writing that:

"In response to, an agreement with, the request from the neighbour on the southern side of my clients' property, the height of the new fence/wall extending down the common boundary of the two properties will be set at 1.8 metres at the Lord Street end and continue horizontally at that level right to the alignment of the western edge of the ROW at the rear. The only interruptions to the continuity of the boundary fence will be where walls are located against that boundary but the relevant height of the fencing, as described above, will be maintained where the walls are possibly not of adequate height, eg the garage walls."

Accordingly, it is recommended that approval be subject to a condition requiring revised plans showing a modified southern boundary fence to a maximum height of 2.4 metres.

Department for Planning and Infrastructure Comments

The proposed plan complies with the conditions of the DPI, and the required conditions have been imposed in the Officer Recommendation.

Summary

The current application addresses most of the concerns, which led to the proposal being refused at the Ordinary Meeting of Council on 7 October 2003. The applicant has liaised extensively with the Town's Officers to revise the drawings. Accordingly, it is recommended that the proposal be approved, subject to standard and appropriate conditions to address the above matters.

Further Comments

As part of the delegated authority process for the period of 17 December 2003 till 9 February 2004, the above application was referred to Elected Members, and as a result, concerns were raised by four Elected Members in relation to the following matters, which is summarised as follows:

1. previous condition (xii) (b) relating to maximum wall height - Elected Members considered that the variation was minor; and
2. previous condition (xii) (d) requiring a maximum plot ratio floor area of 60 metres for the single bedroom dwelling - several Elected Members considered that this variation was minor given that there is no potential for turning the single bedroom dwelling into a two bedroom dwelling.

The Town's Officers acknowledged that both the variations are relatively minor, however the conditions were imposed in order for the Town Officers to be consistent with their recommendations, based on the Town's Policies and the Residential Design Codes.

The matters were reconsidered in light of the comments received from the Elected Members. In this instance it was considered appropriate that condition (xii) (b) relating to maximum wall height be deleted from the previous Officer Recommendation.

10.1.14 No. 386 (Lot 54) Stirling Street, Highgate - Proposed Fourteen (14) Two - Storey Single Bedroom Multiple Dwellings

Ward:	South	Date:	3 February 2004
Precinct:	Forrest, P14	File Ref:	PRO 1929; 00/33/1928
Attachments:	001		
Reporting Officer(s):	V Lee		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by J Conway on behalf of the owner Family Holdings Pty Ltd for proposed fourteen (14) two-storey single bedroom multiple dwellings at No. 386 (Lot 54) Stirling Street, Highgate, as shown on plans stamp dated 11 December 2003, subject to:

- (i) compliance with all Building, Environmental Health and Engineering requirements, including self closing doors to laundries when provided in close proximity to the kitchen;*
- (ii) a road and verge security bond or bank guarantee of \$550 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing.*
- (iii) 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;*
- (iv) standard visual truncations, where possible, in accordance with the Town's Policies and/or to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular access ways to ensure that the safety of pedestrians and other road users is not compromised;*
- (v) detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building Licence application;*
- (vi) a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Stirling Street verge adjacent to the subject property, and the screen landscaping and reticulation of the proposed window planter boxes, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

- (vii) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (viii) *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);*
- (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;*
- (x) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
 - (a) *the porch area in front of the front doors being at the same level as the driveway to facilitate vehicles manoeuvring into the car ports; and*
 - (b) *each single bedroom dwelling having a maximum plot ratio floor area of 60 square metres.*

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

- (xi) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the windows to the void and stairs aligned with the upper floor activity room on the north and south side elevations of all units, 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;*
- (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 Stirling Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency; and*
- (xiii) *subject to first obtaining the consent of the owners of Nos. 374 and 388 Stirling Street, Highgate, for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 374 and 388 Stirling Street in a good and clean condition;*

to the satisfaction of the Chief Executive Officer.

LANDOWNER:	Family Holdings Pty Ltd
APPLICANT:	J Conway
ZONING:	Metropolitan Region Scheme - Urban Town Planning Scheme No. 1 - Residential R80
EXISTING LAND USE:	Vacant Land

COMPLIANCE:

Requirements	Required	Proposed
Rear Setback	1.1 metres	1 metre
Buildings on Boundary	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.	Store room walls to 2.7 metres for less than 2/3 the length of the balance of the boundary behind the front setback to two side boundaries.
Open Space	60 per cent or 743.4 square metres	54.78 per cent or 678.8 square metres
Minimum communal outdoor open space	16 square metres	12 square metres
Privacy	First floor major openings to habitable rooms within 6 metres of the boundary to be screened.	Void windows from the first floor utility within 6 metres of the property boundary
Town's Policy relating to the Brigatti Locality	Two storeys can be considered provided the second storey is setback a minimum of 6 metres to the front boundary.	4 metres to the front boundary, 3 metres to the balconies.

Use Class	Multiple Dwellings
Use Classification	'P'
Lot Area	1239 square metres

SITE HISTORY:

The site is currently vacant.

11 February 2002 The Town under delegated authority conditionally approved the demolition of the brick and tile single dwelling.

10 September 2002 The Council at its Ordinary Meeting conditionally approved the construction of ten (10) multiple dwellings, including two (2), single bedroom dwellings.

DETAILS:

The proposal involves the construction of fourteen (14) two-storey single bedroom multiple dwellings.

The proposal has a central drive way. One car parking space is allocated per dwelling and an additional two visitor bays have been provided on site.

The dwellings visually appear to be like grouped dwellings (town houses), however as the first floor over laps ground floor units the development is classified as multiple dwellings. Multiple Dwellings are permitted in this location and the proposal has been assessed under the Residential Design Codes (R Codes) requirements for multiple dwellings.

CONSULTATION/ADVERTISING:

The proposal was advertised for 14 days as required by the R Codes and the Town's Community Consultation Policy. One submission was received during the consultation period.

Concern was raised regarding potential overshadowing of the lot to the south and potential damage to the garden that this may cause. The submission also requested that the void area be conditioned to have obscure glass to protect their privacy.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Density

Clause 3.1.3A3 i of the R Codes allows for the minimum site area to be reduced by up to one-third provided that the plot ratio floor area does not exceed 60 square metres.

This potentially allows for fourteen (14) multiple dwellings to be developed on the site within the acceptable development criteria of the R Codes.

The units all have an approximate plot ratio floor area of 60 square metres each. Prior to the issue of a Building Licence revised plans shall be received and approved by the Town showing calculations confirming that each dwelling has a maximum plot ratio floor area of 60 square metres.

Car Parking

The R Codes requirements for single bedrooms development require 14 car parking bays for the development at a minimum of one bay per dwelling. In addition, not less than 10 per cent of the required spaces are required for the exclusive use of visitors. The applicant has provided one car parking bay per unit and an additional two visitor car parking bays, making a total of 16 car parking bays provided on site.

Therefore the car parking requirement of the R Codes is met and is provided in a workable and practical configuration.

The Town's Law and Order Services recently surveyed to establish available car parking usage in the area. The results so far have indicated that the area near the proposed development is heavily used for on street car parking especially on weekends. The Town's Law and Order Services have also suggested that the Town encourage the developer to provide as much on site parking as possible. It is considered that that amount of car parking provided on site is adequate in this instance and the provision of uncovered car parking bays within the front setback area is supported.

To ensure adequate manoeuvring area, the Town's Technical Services have requested that the porches, which have been raised 100 millimetres above the driveway level, be lowered to the same level as the drive way to facilitate manoeuvring when cars are moving in and out of the carports. Revised plans showing this should be submitted prior to the issue of the building licence.

Setbacks

The proposal involves a variation to the rear setback. No objections have been received from the affected neighbouring properties. The 0.1 metre variation is considered to be minor in this instance and therefore is supportable.

Walls on Boundary

Boundary walls are proposed on two side boundaries. The storerooms are only 4.3 metres in length and spread the length of the boundaries, therefore breaking up the bulk on the boundary wall. In this instance the fact that there are boundary walls on both side boundaries is not considered to unduly affect the amenity of the adjoining properties. Therefore this is considered to be a minor variation and is supported.

Open Space Requirements

The R Codes state that the objective of Open Space is:

"To ensure that private and communal open space is set aside and landscaped to provide for attractive streetscapes, attractive settings to complement buildings, privacy, direct sun, and the recreational needs of residents."

The applicant is seeking a concession on the minimum communal out door space as only 12 square metres is provided as a landscaping strip within the front setback. The rest of the front setback is allocated as visitor car parking. Visually the proposal appears to be similar to grouped dwellings with each unit having its own courtyard, which includes space for clothes drying, a small outdoor entertaining area, and bin storage. Facilities such as bin storage and clothes drying areas are often accommodated in the communal area of a multiple dwelling development. In this instance, the variation to minimum communal out door space is supported.

Each dwelling complies with the outdoor area requirement of the R Codes (3.4.3 Balconies for Multiple Dwellings), as a courtyard, (which is considered to be equivalent to a balcony) with a minimum dimension of 2 metres with a minimum area of 10 square metres has been provided with access directly from the proposed lounge rooms.

However, the applicant is seeking a five per cent concession on the amount of total open space required, which equates to 64.6 square metres.

It is also noted that the proposed development only utilises 68 per cent of the available plot ratio.

The setback of the dwellings from the adjoining properties is not considered to unduly affect the amenity of the adjoining residents in terms of open air space.

In this instance the variation to open space may be supportable.

Town's Policy relating to the Brigatti Locality

The Town's Policy relating to the Brigatti Locality requires that the second storey is generally setback a minimum of 6 metres to the front / street boundary.

In this instance, the ground floor of units 1 and 14 are setback 6 metres and the first floor (second storey) is setback 4 metres to the main building and 3 metres to the balconies. Visually this design does assist in breaking up the bulk of the front dwellings, providing visual relief, which is the main purpose of this clause within the Town's Policy.

It is also noted that the recently constructed adjoining two storey development to the south has a similarly reduced setback. Photographs of the adjoining streetscape have been provided as an attachment to illustrate the established street setback in the area.

It is considered that support of the reduced front setback for the first floor, will essentially emulate/mimic the form of the adjoining properties creating a uniform streetscape. In this particular inner city location, most of the front setbacks are not staggered with the ground floor setback at the same as the first floor. Due to this established streetscape, this variation to the Town's Policy relating to the Brigatti Locality is supported.

Landscaping

There is some concern that the proposed development has little room for soft landscaping. Potentially this will create maximum amounts of stormwater run off, and may also lead to the perception that the development is visually bulky. For the private courtyards to be functional, for example providing clothes drying area, a table and 2 chairs, bin storage and access to the storage area, it is likely that the majority of the courtyards will be paved, in addition to the car parking area, and vehicle manoeuvring areas. The landscaping area is restricted to two areas of 1.88 metres by 3.195 metres, located at the side boundaries in front of the visitor parking bays.

Planter boxes have been shown on the first floor of each unit, which will assist in breaking up the visual mass of the building and built space. It is considered essential that these planter boxes be incorporated into the Building Licence and be maintained.

Accordingly, the applicant is required to submit and have approved a landscaping plan prior to the issue of the Building Licence, which maximises the amount of open space and landscaping provided on site.

Overshadowing

The objectors concerns regarding overshadowing are noted. The properties to the south have rear courtyards adjacent to the common boundary. It is likely that any two storey proposal would cause some form of overshadowing of these courtyard areas.

The two storey walls proposed which cause the overshadowing are setback 2 metres from the southern boundary, and comply with the setback requirements of the R Codes. It is considered unreasonable to make the applicant setback further than 2 metres from the southern side boundary.

As less than 50 per cent of the adjoining site area is overshadowed, the proposal complies with the requirements of the R Codes.

Privacy

In order to protect the amenity of the adjoining properties, it is recommended that the windows to the voids and stairs aligned with the upper floor utility rooms be screened to a minimum height of 1.6 metres from the first floor level. This should be incorporated as a condition of the approval.

One submission received requests that the windows to the void on the first floor are screened with obscure glass to protect the adjoining neighbour privacy.

Summary

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

10.1.15 Nos. 485 - 495 (Lot 200) Fitzgerald Street, Dual Frontage with Menzies Street, North Perth - Proposed Additional Fourteen (14) Two-Three Storey Multiple Dwellings, Seven (7) Two-Storey Grouped Dwellings , and Associated Car Parking, to Existing Four (4) Single Houses

Ward:	North	Date:	4 February 2004
Precinct:	Smith's Lake, P6	File Ref:	PRO2047; 00/33/1955
Attachments:	001		
Reporting Officer(s):	D Abel		
Checked/Endorsed by:		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 Oldfield Knott Architects Pty Ltd on behalf of the owner Cape Bouvard Developments Pty Ltd for proposed additional fourteen (14) two-three storey multiple dwellings, seven (7) two storey grouped dwellings, and associated car parking, to existing four (4) single houses on Nos. 489-495 (Lot 200) Fitzgerald Street, dual frontage with Menzies Street, North Perth, as shown on the plans stamp dated 15 January 2004 (drawing Nos. P01 to P06) and 27 January 2004 (drawing No. P07), subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (iii) prior to the first occupation of the development, four (4) visitors car parking bays, shall be clearly marked and signposted for such, visible from the point of entry and outside any security barrier;*
- (iv) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to Fitzgerald Street and Menzies 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, prepared in consultation with the Town's Parks Services, demonstrating the following:*
 - (a) a schedule of plant species;*
 - (b) the landscaping and reticulation of the Fitzgerald Street and Menzies Street verges adjacent to the subject property;*
 - (c) the provision of a minimum of one tree per 4 car parking spaces in the uncovered carparking area;*

- (d) *the provision of a minimum of four (4) mature Jacaranda trees (Jacaranda mimosaeifolia.) being a minimum of 500 litres, along the internal driveway;*
- (e) *a minimum of two (2) variegated Queensland Box trees (Lophostemon confertus) being provided along the Menzies Street verge adjacent to the subject site;*
- (f) *a minimum of one (1) mature tree with a minimum height of 3.0 metres at the time of planting being provided in each courtyard of the multiple dwellings adjacent to the Menzies Street boundary;*
- (g) *a minimum of eight (8) mature trees, with a minimum height of 3.0 metres at the time of planting, being provided on the subject property adjacent to the Fitzgerald Street boundary; and*
- (h) *the protection and retention of the relocated Jacaranda tree (Jacaranda mimosaeifolia);*

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) *all car-parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications and dimensions specified in the Town's Policy relating to Parking and Access and Australian Standards AS2890.1 – "Off Street Parking";*
 - (vii) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
 - (viii) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town.*
 - (ix) *a 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;*
 - (x) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
-

- (xi) *a road and verge security bond or bank guarantee of \$1100 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*
- (xii) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (xiii) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (xiv) *prior to the first occupation of the development, the bin compound to be constructed in accordance with the Town's Health Services Section's Specifications, divided into commercial and residential areas and sized to contain;*
 - (a) *Residential - 1 x mobile garbage bin per unit; and 1 x general recycle bin per 2 units; and*
 - (b) *Commercial - 1 x mobile garbage bin per unit; and 1 x paper recycle bin per unit, or per 200 square metres of floor space;*
- (xv) *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;*
- (xvi) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (xvii) *the car parking bays in a tandem arrangement shall service the respective same residential dwellings; and*
- (xviii) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development the terrace to the living room on the first floor level to Unit 6 on the western elevations 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;*

to the satisfaction of the Chief Executive Officer.

LANDOWNER:	Cape Bouvard Developments Pty Ltd
APPLICANT:	Oldfield Knott Architects Pty Ltd
ZONING:	Metropolitan Region Scheme: Urban Town Planning Scheme No 1: Residential R60
EXISTING LAND USE:	Single Houses and Vacant Land

COMPLIANCE:

Use Class	multiple dwelling, grouped dwelling, single house
Use Classification	"P", "P", "P"
Lot Area	4362 square metres

Requirements	Required	Proposed
Wall Height - Units 13, 15, 17, 19 and 21	6.0 metres	7.8 metres
Units 4 and 6	6.0 metres	7.0-7.5 metres

SITE HISTORY:

- 17 December 2002 The Council at its Ordinary Meeting refused an application for twenty-eight (28) two-three storey multiple dwellings, including ten (10) single bedroom multiple dwellings, and associated semi-basement carparking, to the existing four (4) grouped dwellings, on the subject property.
- 14 January 2003 The Town received a copy of the Notice of Appeal lodged with the Town Planning Appeal Tribunal (TPAT) against the above Council's refusal of the planning application.
- 7 March 2003 The first sitting of the TPAT on the appeal held.
- 6 May 2003 Hearing of the TPAT on the appeal held.
- 12 June 2003 Decision of TPAT to dismiss the appeal handed down.
- 21 November 2003 Planning application for subject proposal received.
- 15 January 2004 Subject proposal discussed at Elected Members briefing session.

DETAILS:

The subject site is located along Fitzgerald Street and has dual frontage to Menzies Street, and is located in the 'Knutsford Locality' within close proximity to the North Perth Centre. The area is predominantly characterised by single storey with some two storey residential dwellings, some of which have been converted to low scale commercial uses. A 5.0 metres wide, privately owned and sealed right of way runs along the western boundary of the subject property. It should also be noted that the right of way adjacent to the subject site, although linked to Sholl Lane, is not a gazetted road and is not formally part of Sholl Lane. The site generally slopes down and away from Menzies Street from the south west corner to the north east corner of the property, and there is an approximate fall of 3.87 metres across the site.

The proposal seeks to retain and conserve four existing single house dwellings on the site fronting Fitzgerald Street and construct an additional fourteen (14) two-three storey multiple dwellings, seven (7) two storey grouped dwellings, and associated car parking.

CONSULTATION/ADVERTISING:

There were 15 objections received during the advertising period below is a summary of the issues outlined in the objections and the corresponding Officer's comments.

Town Planning Appeal Tribunal finding in relation to similar development on this site

The proposal has similar set back, bulk and scale to the previous development application, which was refused at Appeal by the Town Planning Appeal Tribunal (Appeal No. 4 of 2003).

Officer's Comments

The current proposal varies significantly to the previously refused proposal, which was also refused via appeal to the Town Planning Appeal Tribunal, mainly in the following manner:

<i>Design Element</i>	<i>Previous Proposal</i>	<i>Current Proposal</i>
<i>Density</i>	<i>32 dwellings</i>	<i>25 dwellings</i>
<i>Maximum Roof Pitch Height</i>	<i>11.3 metres</i>	<i>9 metres</i>
<i>Maximum Wall Height</i>	<i>7.27 metres</i>	<i>7.8 metres</i>
<i>Front/Menzies Street Setback</i>	<i>5.4 - 6.45 metres</i>	<i>Ground floor - 4.0 metres First floor - 6.0 metres</i>
<i>Minimum Right-of-way Setback</i>	<i>Nil</i>	<i>1.2 metres</i>
<i>Car parking</i>	<i>4 car bays surplus</i>	<i>Complies - no shortfall or surplus</i>
<i>Vehicular Access via</i>	<i>Fitzgerald Street and Menzies Street</i>	<i>Fitzgerald Street and right-of-way</i>

Town of Vincent Planning Scheme No 1

The proposal is non-conforming with the Town of Vincent Planning Scheme No 1, clause 4, by virtue of being non-conforming with Council Planning Policies.

Officer's Comments

The assessment of the revised plans indicates that the proposal does not comply with the requirements of the Town's Town Planning Scheme No. 1 and associated Policies and the Residential Design Codes (R Codes), in terms of the requirements relating to the wall height, as detailed in the above Compliance Table.

Residential Design Codes 2002

Clause 3.7.1 (A1.1) Maximum building height

The proposal for 7.8 metres external walls of units 13, 15, 17, 19 and 21 exceed the maximum building height for Category B (2 storey) of 6.0 metres by 1.8 metres or by 30 per cent. This will impose on local residents and contribute to excessive bulk and scale.

Officer's Comments

Refer to comments under Bulk Scale and Height.

Table 2b Boundary setbacks

The proposed setback of units 7 to 11 is 2.5 metres and does not comply with the required boundary set back of 3.8 metres (i.e. a 28 metres long wall of 5.7 metres height requiring a setback of 6.3 metres less half the width of the ROW requiring a net setback of 3.8 metres). More stringent setbacks are also required by the Council in relation to the use of the ROW as a street to access the development.

Officer's Comments

A 5.0 metres wide, privately owned and sealed right of way runs along the western boundary of the subject property. The right of way (ROW) adjacent to the subject site, although linked to Sholl Lane, is not a gazetted road and is not formally part of Sholl Lane. In accordance with clause 3.2.1 A1 ii) (Acceptable Development) of the R Codes, the subject units 7, 8, 9, 10 and 11 having its main frontage to a ROW, requires a setback of 2.5 metres or 1.5 metres to a porch, verandah, balcony or the equivalent. This setback requirement is also generally reflected in clause A1.3 of the Town's Policy relating to Street Setbacks. Units 7, 8, 9, 10 and 11 comply with this 2.5 metres setback requirement.

It is acknowledged that rear rights of ways are becoming increasingly important to facilitate vehicular access and to provide 'streetscapes' to infill developments. There is a different expectation of the scale and character of such streetscapes, with a lesser setback considered appropriate and consistent with the narrowness of the 'street'.

The right of way complies with the general 5.0 metres wide minimum requirement and widening was not required at the time of subdivision/amalgamation of the subject lot. Exponents of urban design also acknowledge that a narrowness at the opening to a 'street', which then widens out, provides a sense of 'streetscape' to a particular area.

POLICY NO: 3.2.1 LOCAL CHARACTER

Performance Criteria (P1)/Acceptable Development (A1)

This Policy states that new developments should complement the streetscape setting of adjoining and nearby buildings (P1) and that they will generally be approved if they are not greater than one storey higher than the predominant height of housing in the area (A1).

The development includes two buildings, which consist of two storeys with a 'loft'. Essentially these are 3- storey buildings, which significantly exceed Council's height limit by being two storeys higher than the existing single storey properties on Woodville and Menzies Street that do not have second storey loft living. New development should be of compatible scale with adjacent residential development and careful control is to be exercised over the nature of any uses proposed, and the design layout, to minimise the impact on adjacent residential development.

Officer's Comments

Refer to comments under Bulk Scale and Height.

TOWN OF VINCENT POLICY: STREET SETBACKS

The Council requires 'rear setbacks are to be restricted to a minimum of 6 metres'. The development proposal is for setbacks to the ROW of between 1.0 and 2.5 metres. The lack of sufficient setback combined with the 3 storeys of accommodation in the Northern Block (units 12 and 13) will impact on the amenity of surrounding residences in terms of bulk and scale.

Officer's Comments

Refer to comments under Bulk Scale and Height.

POLICY NO: 3.2.3 ENVIRONMENTAL DESIGN

Clause 9) Trees

The Council requires details of existing mature trees, which are intended for removal, to be shown on the application drawings.

There are a number of large, healthy and mature (50+ years old) eucalyptus trees on the development site

Officer's Comments

A detailed description of the trees / vegetation on the subject properties has been prepared by the Town's Park Services in late 2002 and is as follows. For ease of clarification, the description relates to the original street numbers of the lots, prior to amalgamation.

*Rear of No. 485: One medium sized (approximately 4.0 metres in height) Olive Tree (*Olea europaea*) estimated to be around fifty years of age and is in average condition. It has been neglected over the years and is of poor structural shape and form and accordingly, its removal is recommended.*

*No. 489: One medium sized Rubber tree (*Ficus elastica*) of which is a very common variety and does not warrant retention.*

*No. 491: One Jacaranda tree (*Jacaranda mimosaeifolia*). This tree is estimated to be around forty years of age and is 10 metres high with a canopy spread of 6 metres, and is in a sound healthy state of growth with no visible signs of insect or pathogen damage evident. This tree should be retained and incorporated within the development.*

*No. 493: This lot contains a tree which is listed on the Town's Interim Significant Tree Database. On inspecting the tree, the Town's Park Services found that the tree has been incorrectly identified. It is currently listed as a Camphor Laurel (*Cinnamomum camphora*). The tree in fact is a Kurrajong (*Brachychiton populneum*), which is estimated to be around 25 years of age with a height of 15 metres and a canopy spread of 8 metres. It is in a sound healthy state of growth with no visible signs of insect or pathogen damage evident. It should be retained and incorporated within the development if possible. Another tree on No. 493 is a Pepper tree (*Schinus molle*). This tree is estimated to be around fifty years of age with a height of 10 metres and a canopy spread of 8 metres. This species of tree is a common planting within the metropolitan area and it can be removed if it cannot be retained within the development.*

*No. 495: This lot contains five eucalyptus trees. One tree is identified as a Mahogany Gum (*Eucalyptus robusta*), which is around 20 metres in height with a canopy, spread of 10 metres. This species of tree is not suitable for residential lots in that the tree tends to shed limbs and branches without warning. It is therefore recommended that it be removed. Another tree is a Lemon Scented Gum (*Eucalyptus citriodora*), which are around 25 metres in height with a canopy spread of 10 metres. This species of tree is not suitable for small residential lots as branches and limbs tend to fall without warning. It is therefore recommended that it be removed. The remaining three (3) trees are Red Flowering Gums (*Eucalyptus rosea*). This species of tree are quite a common planting within the metropolitan area. The condition and poor shape and form of the three trees would not preclude their removal.*

The street verge trees on the Fitzgerald Street frontage of the lots consist of Paper Bark (Melaleuca quinquinervia).

No. 489 - one Paper Bark;

No. 491 - one Paper Bark;

No. 493 - one Paper Bark; and

No. 495 - one Paper Bark.

These street verge trees form an integral part of the streetscape and therefore should be retained.

In addition to this any street verge trees to be planted on the Menzies Street frontage should consist of the existing predominant species of tree, which is the variegated Queensland Box tree (Lophostemon confertus).

It is considered that it may not be practical to retain the Kurrajong (Brachychiton populneum) in the context of the current development. It has been proposed to relocate the mature Jacaranda tree (Jacaranda mimosaeifolia) within the development (a condition has been applied accordingly) and the recommended conditions for planting of appropriate mature species within the development and on the street verge adjacent to the subject site will result in the provision of vegetation which is appropriate, of a potentially more healthily state, that relates to the public realm and is more possible to be retained for a longer period of time.

POLICY NO: 3.2.8 BUILDING SCALE

The building scale of this proposed development is not consistent with the predominant form of development in the surrounding area. The Council's Policy states that 'amalgamation of lots and the development of large scale, multi-storeyed residential buildings are not permitted except in very specific locations where the existing residential character will not be eroded or the amenity of existing housing compromised'.

Also, 'as a general guideline, infill housing is to be restricted to two storeys in height and is to be setback from side boundaries in order to protect the amenity of adjoining houses'

Officer's Comments

Refer to comments under Bulk Scale and Height.

The above Policy does not specify the actual setback a development is to be from the side boundaries. The proposal is setback from all side boundaries, with the exception of separated single-storey stores, which are not considered to create an undue impact on the amenity of the adjoining affected properties.

The proposal will be accommodated on an existing lot, being Lot 200, and does not involve any further amalgamation of land.

POLICY NO: 3.7.1 PARKING AND ACCESS

The developers have requested Council give consideration to allow a 2 car bay shortfall on the basis there is adequate public transport facilities within 100m. The developer claims 49 parking bays are to be provided, however, 4 of the parking bays are in Menzies St and hence are public parking spaces. The on site provision falls four bays short of the 49 bays required for the development.

Officer's Comments

The amended plans comply with the Residential Design Codes in terms of car parking.

OTHER ISSUES

Public Health Concerns

The 21 unit development will produce 21 rubbish bins. The developer has designated one area for the location of 21 rubbish bins. The single location of 21 bins may be a health and environmental hazard. Policy 3.2.6 of the Policy Manual requires all residential development to ensure that servicing of the rear sections of the lot for rubbish removal is provided either along the side of the building or through the building in a proper manner. The ROW is not a designated road and does not permit rubbish removal from the bin location hence compliance with Policy No 3.2.6 is not possible.

Officer's Comments

It is considered reasonable for this matter to be addressed at the Building Licence application stage.

Environmental and Social Concerns

a) Noise

The developer anticipates that the development will not generate significant noise to adversely impact on the residential amenity of the area.

Officer's Comments

It is considered reasonable for this matter to be addressed at the Building Licence application stage.

b) Privacy

Privacy would be a problem with the proposed development as there are viewing areas (balconies, raised outdoor areas and stairwells) above ground level providing direct line of sight into the bedrooms, living areas and outdoor areas of existing properties.

Officer's Comments

It is considered reasonable to require the proposal to comply with the privacy requirements of the R Codes.

c) Traffic Generation (Policy 3.7.1)

The developers state that all traffic movements from the proposed 21 unit development will be off the ROW (not Sholl Lane as stated in submission). They also state that the ROW currently is constructed to a suitable standard and functions as a roadway for access to other developed properties along its length. The developers also state that additional traffic generated by development will not adversely impact on the amenity of the existing community.

Officer's Comments

A 5.0 metres wide, privately owned and sealed right of way runs along the western boundary of the subject property. The right of way (ROW) adjacent to the subject site, although linked to Sholl Lane, is not a gazetted road and is not formally part of Sholl Lane. The Town's Policies relating to Street Setbacks and Vehicular Access and the Western Australian Planning Commission's Policies, requires vehicular access to a development, which abuts a right of way to be off the right of way (, if legally available).

Department for Planning and Infrastructure Comments

The Department for Planning and Infrastructure advised that the proposal is acceptable, and the subject land is affected by the existing 1.5 metre wide "Other Regional Road" reservation under the Metropolitan Region Scheme.

LEGAL/POLICY:

Town of Vincent Town Planning Scheme No.1 and associated policies, and R Codes.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Bulk, Scale and Height

The Town's Policy relating to the 'Knutsford Locality' provides for a general height limit of two storeys including loft. The Town's 'Building Scale' Policy and the 'Building Height' provisions of the Residential Design Codes (R-Codes) limit two storey development to having a maximum external wall height of 6.0 metres and a maximum height to the top of a pitched roof of 9.0 metres.

In this instance the wall height proposed ranges from 7.0 metres to 7.8 metres, in terms of 7 units, which is within the 9 metres total (pitch roof) height permissible. The applicant has also provided plans of east west cross-section of the adjacent right of way, the Menzies Street streetscape and the Fitzgerald Street streetscape, which depict the heights of the proposed development in relation to the surrounding development. In this instance, it is conceded that the increased wall height will not unduly affect the amenity of the surrounding area in terms of height, bulk and scale.

Privacy

Due to limited details on the plans a privacy screening condition has been applied to the terrace to Unit 6 on the west elevation on the first floor, to ensure compliance with the privacy requirements of the Residential Design Codes.

Open Space

The R Codes state that the objective of Open Space is:

"To ensure that private and communal open space is set aside and landscaped to provide for attractive streetscapes, attractive settings to complement buildings, privacy, direct sun, and the recreational needs of residents."

The R Codes also stated that 16 square metres communal open space is required for multiple dwelling development. It is unclear whether the 16 square metres communal open space is the provision required for the total multiple dwellings or for each individual dwelling. Notwithstanding this, each dwelling complies with the outdoor area requirement of the R Codes (3.4.3 Balconies for Multiple Dwellings), as a courtyard, which is considered to be equivalent to a balcony in this instance with a minimum dimension of 2 metres and a minimum area of 10 square metres has been provided with access directly from the proposed living areas.

Summary

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

10.1.16 No. 111 (Lot 163) Flinders Street, Mount Hawthorn – Proposed Demolition of Existing Single House and Outbuildings and Construction of a Single House

Ward:	North	Date:	3 February 2004
Precinct:	Mount Hawthorn, P8	File Ref:	PRO1225; 00/33/1858
Attachments:	001 002		
Reporting Officer(s):	P Mastrodomenico, N Edgecombe		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

(i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by A P Bertolucci on behalf of the owners A P and M Bertolucci for proposed demolition of existing single house and outbuildings at No. 111 (Lot 163) Flinders Street, Mount Hawthorn, and as shown on plans stamp-dated 2 December 2003, subject to:*

- (a) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (b) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (c) *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;*
- (d) *a development proposal for the redevelopment of the subject property shall be submitted and approved prior to the issue of a Demolition Licence; and*
- (e) *support of the demolition application is not to be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property;*

to the satisfaction of the Chief Executive Officer; and

(ii) *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 A P Bertolucci on behalf of the owners A P and M Bertolucci for proposed construction of a single house on No. 111 (Lot 163) Flinders Street, Mount Hawthorn, and as shown on the plans stamp-dated 2 December 2003, for the following reasons:*

- (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
- (b) *the non-compliance with the Town's Policies relating to Street Setbacks and Vehicular Access.*

LANDOWNER: A P and M Bertolucci
APPLICANT: A P Bertolucci
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	701 square metres

Requirements	Required	Proposed
Vehicular access and car parking via a right of way	Vehicular access and car parking to be accessible from existing right of way where (legally) available	Vehicular access/car parking is proposed from primary street within the front setback area

SITE HISTORY:

The site is occupied by a single storey single house. A privately owned right of way exists to the rear of the lot. The right of way is sealed and has a width of 5.8 metres.

- 21 July 1999 The Town under delegated authority from the Council conditionally approved the demolition of the existing dwelling.
- 23 August 1999 The Council at its Ordinary Meeting conditionally approved an application for construction of two, two-storey grouped dwellings.
- 28 October 1999 The Town received a copy of the Notice of Appeal lodged with the Minister for Planning against certain conditions of the above approval.
- 8 March 2000 The Minister determined to uphold the appeal in part.

DETAILS:

The applicant seeks approval for the demolition of an existing single house and the construction of a single storey dwelling with a garage fronting Flinders Street.

CONSULTATION/ADVERTISING:

One objection was received during the advertising period. Issues raised included the setbacks and the proposed parapet wall. In relation to the side setbacks there are no major opening proposed, therefore under the Residential Design Codes a 1 metre setback is acceptable. In relation to the parapet wall, the revised plans have set the wall back to 6 metres in accordance with the Town's requirements. An issue was also raised in relation to site levels. In this instance the site levels proposed are acceptable as they no greater than 500 millimetres above the ground level.

A letter of non-objection was received from a neighbouring property in relation to the overlooking, retaining, garage setback and parapet wall.

The applicant has submitted a letter of justification in support of the proposal, which has been included as an attachment to the report.

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 to this report.

The subject place at No. 111 Flinders Street, Mount Hawthorn was originally constructed circa 1915 in wood, and has undergone extensive additions and alterations in the mid 1960s, including brick veneer, a new tiled roof, garage and laundry. Some internal alterations to the walls and fittings have occurred and the front window fenestration has also been altered. Although the subject dwelling is indicative of the general form and scale of early development in Mount Hawthorn, it has little historic, scientific, social and aesthetic value, is not rare and is not considered to meet the minimum criteria for entry into the Town's Municipal Heritage Inventory.

The place has a low degree of authenticity due to the extensive alterations to the original fabric, and is therefore not considered to warrant the retention of the place.

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

Redevelopment

The Town's Policies relating to Street Setbacks and Vehicular Access does not permit vehicular access and car parking from the front of a property when there is opportunity to utilise the right of way. In this case, there is opportunity for vehicular access and car parking directly from the right of way. The intent of the Town's Policies is to maintain the front aspect of the existing house and to preserve the general streetscape, while promoting safety and security via casual surveillance of both the street and the right of way. The proposed garage fronting and accessed from Flinders Street is considered to depart from the relevant requirements of the Town's Policies. This variation is not supported and it is therefore recommended that the proposal be refused.

10.1.17 Nos. 596-598 (Lot 116) Newcastle Street, Corner Loftus Street, West Perth - Proposed Signage (Billboards) and Associated Retaining Walls and Landscaping

Ward:	South	Date:	2 February 2004
Precinct:	Cleaver, P5	File Ref:	PRO 0799; 00/33/1972
Attachments:	001		
Reporting Officer(s):	J Barton		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by WA Billboards on behalf of the owner G Cerini for proposed signage (Billboards) and associated retaining walls and landscaping at Nos. 596-598 (Lot 116) Newcastle Street, corner Loftus Street, West Perth, and as shown on the plans stamp-dated 4 December 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 with respect to the protection and enhancement of the social, physical and cultural environment of Newcastle Street, Loftus Street and the Cleaver Precinct; and*
- (ii) the non-compliance with the Town's Policy relating to Signs and Advertising.*

LANDOWNER(S): G Cerini
APPLICANT(S): WA Billboards
ZONING: Metropolitan Region Scheme - Urban
Town Planning Scheme No. 1 - Commercial
EXISTING LAND USE: Vacant land

COMPLIANCE:

Use Class	Signage
Use Classification	'Unlisted'
Lot Area	641 square metres

SITE HISTORY:

The subject land has been the subject of a dispute between the landowner, and the then Main Roads Western Australia and Ministry for Planning. A portion of the property was resumed by Main Roads Western Australia as part of the Loftus Street Duplication Project.

24 February 1997 A Health Notice was served on the subject property declaring the house unfit for human habitation.

19 November 2002 Council at its Ordinary Meeting resolved to grant conditional Planning Approval for the demolition of the existing house and refused the Planning Application for signage (billboards) and associated retaining walls and landscaping on the subject property.

- 26 November 2002 The applicant submitted a new application for the proposed retaining walls, landscaping and signage. The proposal was similar to the previous application refused by the Council on 19 November 2002, however, the applicant submitted an addendum to the application.
- 17 December 2002 Council resolved to refuse the abovementioned proposal for the same reasons as the previous application.
- 24 June 2003 Applicant submitted an application for signage (billboards) and associated retaining walls and landscaping. Council resolved to defer the application to investigate alternative access options to the site.
- 26 August 2003 Council resolved to conditionally approve the application for signage and associated retaining walls and landscaping.
- 21 January 2004 The above proposal was considered under Delegated Authority where four (4) Elected Members raised issues in relation to this application. As such the matter is now referred to this Ordinary Meeting of Council for further consideration and determination.

DETAILS:

The applicant seeks approval to erect two billboards, associated site excavation, retaining walls and landscaping, at the corner of Newcastle and Loftus Streets.

The subject proposal is very much similar to the proposal approved by the Council at its Ordinary Meeting held on 26 August 2003, however, the applicants wish to amend the following three (3) aspects of the previous approval (see attached justification letter from WA Billboards):

- Delete Condition (v) of the previous approval, which required the applicant to lodge a separate Planning Approval and Sign Licence for the erection of each individual sign on the billboard. The applicants wish to replace Condition (v) with an alternative condition as follows:

"WA Billboards shall remove within 2 working days any sign or message affixed to the signs on receipt of written notice from the Town of Vincent when the Council determines that a message displayed is offensive or not in the best interests of the residents of the Town of Vincent."

- To increase the size of the approved signage from 12.0 metres by 3.0 metres, to 12.6 metres by 3.3 metres, which is the correct metric size for an Industry Standard Billboard.
- To include an identification and damage reporting sign below each billboard, with an area of approximately 1.08 square metres. These signs will be internally illuminated and they are intended for identification purposes only.

CONSULTATION/ADVERTISING:

The application was not advertised to the adjoining landowners or referred to the Western Australian Planning Commission, as a similar proposal had been advertised and considered within the last 12 months, and this application is for minor changes to the previous application.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Removal of Condition

The applicant's are proposing to delete condition (v) of the previous approval, which requires the applicants to lodge a separate Planning Approval and Sign Licence for the erection of each individual message/ advertising poster on the billboard. The applicants wish to replace condition (v) with the following condition:

"WA Billboards shall remove within 2 working days any sign or message affixed to the signs on receipt of written notice from the Town of Vincent when the Council determines that a message displayed is offensive or not in the best interests of the residents of the Town of Vincent."

In the event that Council's approves the proposed billboards, the removal of condition (v) is considered acceptable, as a separate Sign Licence is not necessary every time the applicants intend to place a new message/advertising poster on the billboards.

Furthermore, the above-mentioned alternative condition is considered an appropriate alternative to the submission of separate Planning Applications for every new sign, as the Town will still have an effective control over the materials being erected, which basically achieves the same result as the previous condition.

Signage

The subject signage is proposed to be utilised by the general public/businesses and is not in any way related to the use of the subject site. The sign constitutes a billboard and is considered to be a form of bill posting. The proposed signage does not comply with the Town's Policy relating to 'Signs and Advertising' as billboards/bill posting is not permitted and as it exceeds more than 10 percent of the total area of the wall in which that signage is located. The Policy states that *"no signage is permitted on fences, walls or the like structures which do not form an integral part of the building"*. It follows that signage is not permitted as the predominant use of the land, and should be associated with and be ancillary and incidental to, the predominant use of the land.

It is acknowledged that the development possibilities of the site are limited and that any future development on the site would require some form of excavation in order to improve vehicular sight lines. However, the site forms an effective 'gateway' into the Town and there is a concern that the presence of such signage within the Town and in particular, on a prominent entry point into the Town, imposes an undesirable and inaccurate image of the Town.

Given that the applicants are proposing to increase the size of the signs, and include additional identification signs, the proposed signage is still considered large and obtrusive, does not complement the area and will create a significant adverse impact on the amenity of the streetscape and the area generally.

Conclusion

Accordingly, it is recommended that the proposed signage and associated excavation, retaining and landscaping be refused for the reasons outlined above. This recommendation reflects and reiterates the Town's consistent approach and strong position in recent years, including favourable Town Planning Appeal Tribunal outcomes, in relation to billboard signage within the Town.

Further Comments

As part of the delegated authority process for the period of 17 December 2003 till 9 February 2004, the above application was referred to Elected Members, and as a result, concerns were raised by Elected Members that the proposed changes should be put before Council to ensure adequate discussion. One Elected Member made the following comments in relation to the proposal, which is summarised as follows:

- The size of the signs should have been dealt with at the time of application.
- This site is the main entrance to the Town and standards, very high ones, should be set.

Another Elected Member commented as follows:

- The previous condition of pre-approval for all the posters is not appropriate.

In relation to these statements the original application that was approved by Council was for billboards sized 12.0metres by 3.0 metres. However, condition (xvii) of the Council approval dated 26 August 2003, states that:

"billboard sizes shall be in keeping with standard industry sizes and are found by Main Roads and the Town to be suitable for this site to the satisfaction of Main Roads Western Australia and the Town."

The applicant states that the standard industry size is in fact larger than that previously presented to and approved by Council. The size of the signage is further addressed above within the Comments section of the report.

10.1.18 No. 412 (Lot 37 and Part Lot Y36) William Street, Perth – Application for Retrospective Planning Approval for Roller Door to Existing Shop

Ward:	South	Date:	3 February 2004
Precinct:	Beaufort, P13	File Ref:	PRO0903; 00/33/1930
Attachments:	001		
Reporting Officer(s):	P Mastrodomenico		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by K S Lai on behalf of the owner J Huyuh for retrospective Planning Approval for roller door to existing shop at No. 412 (Lot 37 and PT Lot Y36) William Street, Perth, and as shown on the plans stamp dated 12 November 2003, for the following reasons:*
- (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
 - (b) *the non-compliance with the requirements of the Town's Policy relating to Security Roller Shutters, Doors and Grilles on Non Residential Buildings; and*
 - (c) *consideration of the objections received; and*
- (ii) *the Council advises the owner and occupier of No. 412 (Lot 37 and Part Lot 36) William Street, Perth, that the unauthorised roller door at No. 412 (Lot 37 and Part Lot 36) William Street, Perth, shall be removed within fourteen (14) days of notification, and the Council AUTHORISES the Chief Executive Officer to continue legal proceedings to remove the unauthorised roller door should the roller door remain.*

LANDOWNER: J Huynh
APPLICANT: K S Lai
ZONING: Metropolitan Region Scheme - Urban
Town Planning Scheme No.1 – Commercial
EXISTING LAND USE: Retail Shops

COMPLIANCE:

Use Class	Shop
Use Classification	'P'
Lot Area	1048 square metres

Requirements	Required	Proposed
Security Roller Doors	Visually permeable with a minimum of 50 per cent visual permeable	Existing non permeable roller door

SITE HISTORY:

The subject site is occupied by a series of retail/commercial properties.

- 8 October 2003 A site inspection was carried out by an officer from the Town's Planning and Building Services Section, in response to complaints from neighbouring property owners, about the construction of two (2) metal roller door structures (hereafter referred to as the "unauthorised structures"), which have been attached to the front facade of the building facing William Street, on the above mentioned property.
- A search of the Town's records has revealed that no Planning Approval nor Building Licence, has been granted for the unauthorised structures on the property.
- 20 October 2003 The Town served Planning and Building Notices to the owner and a copy of the Notices to the occupier, requiring removal of the unauthorised roller door. The owner has appealed against both Notices.
- 12 November 2003 The Town received subject planning application.
- 13 November 2003 The Town received a copy of notice of appeal to the Town Planning Appeal Tribunal (TPAT).
- 4 December 2003 The Town submits its statement by respondent to the TPAT.
- 5 December 2003 TPAT directions hearing heard, and the Tribunal made the order to adjourn the matter to a further directions hearing on 20 February 2004.

DETAILS:

The applicant seeks retrospective Planning Approval for an existing roller door, which fronts William Street.

The applicant provides the following information in support of the application;

"The Premises

The premises are used as a retail Asian Supermarket

They are situated on the east side of William St. Northbridge near the corner of Monger St, in an area outside of the main nightlife zone.

Trading Hours

The premises trade from 9.00am to 7.00pm seven days per week

The Problems

The premises have been subject to numerous attempted break ins, averaging 3 times per month. The Owner's insurance premiums have become unacceptably high in the wake of these break-ins.

The front windows are set back from the street approx 700mm and this setback has been used for, among other things, illegal drug use. The incidence of needles being left there is evidence enough of this.

There is also the real concern of this setback being used as a concealing element for muggers. The unsuspecting public wandering past, could easily be set upon from the shadows created by the setback.

The Solution

In an effort to counter the problems described above, it is proposed to install power operated colorbond roller shutters, in the setback, protecting both the windows to the premises, and the public.

While graffiti is also one of the problems to the area, the roller shutters are in the open position during the day, and should these become defaced after hours, it will not be evident during the day."

CONSULTATION/ADVERTISING:

There was one objection and two non-objections received during the advertising period.

The objector raised concerns regarding the increasing number of roller doors along William Street, which is changing the atmosphere from a bright and friendly area to one that looks unsafe.

"The Town is about to spend a large amount of money upgrading this area. For this to have the maximum impact it is important that business premises promote a more interactive streetscape- something that encourages people to get out of their cars and walk thus increasing community safety and business security. The sight of obscure roller doors creates the impression that the area is unsafe, particularly at night, This discourages pedestrian activity, particularly from visitors to the area."

The submissions received supporting the roller doors raise concerns regarding the crime rate and vandalism in the area. They state that the non-permeable roller door obstructs future offenders' visual access to the store and appears structurally more difficult to enter. They also consider that a non-permeable roller door is cheaper to clean of vandalism than a semi-permeable roller door.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

This portion of the William Street streetscape is dominated by non residential development, of which the facades of these buildings provide active interaction and visual amenity within the streetscape. As such, the existing roller door is not supported due to the non-compliance with the Town's requirements and Policies.

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

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

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

The applicant's comments, have been acknowledged. Nevertheless, in regard to the timing of Policy adoption are not valid, as such works require a development application to be approved and determined by the Town under the Town's Minor Nature Development Policy, which applied as from 27 March 2001, prior to the applicants claims, and states the following:

" 2) Development of a minor nature includes such development/activities as: . . .

- x) shop front alterations where the alignment is unaltered, where not affecting heritage requirements or which do not include the installation of roller doors;*

Given the above, it is recommended that the application be refused, and the Town undertake further action to ensure the unauthorised roller door is removed.

10.1.19 No. 191 (Lot 9) Anzac Road, Mount Hawthorn– Proposed Carport Additions to Existing Single House

Ward:	North	Date:	2 February 2004
Precinct:	Mount Hawthorn, P1	File Ref:	PRO 2642; 00/33/1994
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by Carport Constructions on the behalf on the owners LM Dwyer and PG Kardics for proposed carport additions to existing single house on No. 191 (Lot 9) Anzac Road), Mount Hawthorn, and as shown on the plans stamp-dated 16 December 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; and*
- (ii) the non-compliance with the Town's Policies relating to Street Setbacks and Vehicular Access.*

LANDOWNER: LM Dwyer & PG Kardics
APPLICANT: Carport Constructions
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	445 square metres

Requirements	Required	Proposed
Location and Vehicular Access	Vehicular access and car parking from right of way where legally available	Vehicular access/carport is proposed from primary street (Anzac Road)

SITE HISTORY:

The site is occupied by a single storey single house. A Town owned right of way exists to the rear of the lot. The right of way is unsealed and has a width of 5metres.

DETAILS:

The applicant seeks approval for the proposed carport addition to the existing single house. The carport is proposed in the front setback area of the lot with access from Anzac Road. The site currently accommodates shade-sail covered parking within the front setback area, which is accessed from Anzac Road.

The applicant writes the following in support to situate the proposed carport within the front setback area :

- *"The ROW at the rear of the property is overgrown and not maintained properly. The owner is concerned from a safety/security point of view about using the ROW.*
- *If the carport is located at the rear of the property it would not leave enough room for a future pool the owner wishes to install next to an existing gazebo.*
- *The carport is to be built in character with the existing residence with a feature gable facing the street. We believe the proposed carport will not detract from the existing streetscape.*
- *The owner currently parks her vehicles in the location of the proposed carport under an existing shade sail. If the proposal is refused the owner will continue to park her vehicle in this manner as she does not wish to use the rear property because of the aforementioned reasons."*

CONSULTATION/ADVERTISING:

No advertising was required as adjoining neighbours to the subject property signed the plans stating they have no objections.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The Town's Policies relating to Street Setbacks and Vehicular Access require access to on-site parking solely from a right of way, where available. In this case, there is currently sufficient room for this carport to the rear. The intent of the Town's Policies is to preserve the general streetscape, while promoting safety and security via casual surveillance of both the street and the right of way. The proposed carport is considered to depart from the relevant requirements of the Town's Policies.

In response to the comments provided by the applicant, safety in rights of ways is achievable through promoting its utilisation where available and feasible. The promotion of vehicular access via the right of way will lead to better lighting surveillance by adjacent residents through regular vehicle movements and subsequent safer conditions in rights of ways. In regards to the right of way being overgrown and not maintained properly, the subject right of way is on the Towns "short list" for upgrade, and as such, this application is being viewed with the longer term planning benefits in consideration. It is envisaged that the right of way will be upgraded by the Town within five years and possibly the next twelve months, depending on the Town's assessment on right of ways to be conducted in the near future.

In light of the above, the variation is not supported and it is therefore recommended that the carport be refused.

10.1.20 No. 27 (Lot 14) Waugh Street, North Perth – Proposed Carport Additions to Existing Single House

Ward:	North	Date:	2 February 2004
Precinct:	North Perth, P8	File Ref:	PRO 2421; 00/33/1968
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region, the Council REFUSES the application submitted by the owner M & G Reading for the proposed carport additions to existing single house on No. 27 (Lot 14) Waugh Street North Perth, and as shown on the plans stamp-dated 2 December 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; and*
- (ii) the non-compliance with the Town's Policies relating to Street Setbacks and Vehicular Access.*

LANDOWNER: M & G Reading
APPLICANT: M Reading
ZONING: Metropolitan Region Scheme - Urban
Town Planning Scheme No. 1 - Residential R30/40
EXISTING LAND USE: Single House

COMPLIANCE:

Use Class	Single House
Use Classification	“P”
Lot Area	491 square metres

Requirements	Required	Proposed
Location and Vehicular Access	Vehicular access and car parking from right of way where legally available	Vehicular access/carport is proposed from primary street (Waugh Street)

SITE HISTORY:

The site is occupied by a single storey single house. On 26th August 2003, the Council resolved to conditionally approve a development application for a front fence addition to the existing single house. At the same meeting, the Council also considered an application for the addition of a carport. The Council resolved to refuse the carport as it was considered to be inconsistent with the orderly and proper planning and preservation of the amenities of the area, and the carport did not comply with the Town's Street Setbacks and Vehicular Access Policies. There is a 3.6 metres wide sealed right of way at the rear of the property, which is owned by the Town.

DETAILS:

The applicant seeks approval for the proposed carport addition to the existing single house. The carport is proposed in the front setback area of the lot with access from Waugh Street. The site currently accommodates uncovered parking within the front setback area, which is accessed from Waugh Street. The applicant has requested that the application be referred to Council.

CONSULTATION/ADVERTISING:

No objections were 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:

The Town's Policies relating to Street Setbacks and Vehicular Access does not permit carports to be located in the front setback area where there is opportunity to utilise the right of way. In this case there is sufficient room for the carport to the rear. The intent of the Town's Policies is to maintain the front aspect of the existing house and to preserve the general streetscape, while promoting safety and security via casual surveillance of both the street and the right of way. The proposed carport is considered to depart from the relevant requirements of the Town's Policies. This variation is not supported and it is therefore recommended that the carport be refused.

10.1.21 No. 95 (Lot 59) Edinboro Street, Mount Hawthorn – Proposed Carport Additions to Existing Single House

Ward:	North	Date:	3 February 2003
Precinct:	Mount Hawthorn P1	File Ref:	PRO 2581; 00/33/1932
Attachments:	001		
Reporting Officer(s):	P Mastrodomenico		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by Amerex Pty Ltd on behalf of the owners B G and M A Hales for proposed carport additions to existing single house at No. 95 (Lot 59) Edinboro Street, Mount Hawthorn, and as shown on the plans stamp-dated 13 November 2003, or the following reasons:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with the Town's Policies relating to Street Setbacks and Vehicular Access; and*
- (iii) the non-compliance with the access and car parking requirements of the Residential Design Codes.*

LANDOWNER: B G and M A Hales
APPLICANT: Amerex Pty Ltd
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	445 square metres

Requirements	Required	Proposed
Location and vehicular access via a right of way	Vehicular Access and car parking to be accessible from existing right of way where (legally) available	Vehicular access/carport is proposed from primary street within the front setback area
Carport Width	The width not to exceed 50 percent of the frontage width of the lot	51.4 percent
Carport depth	5.4 metres	5.3 metres

SITE HISTORY:

The site is occupied by a single storey single house. A Town owned right of way exists to the rear of the lot. The right of way is unsealed and has a width of 5.0 metres.

DETAILS:

The applicant seeks approval for the proposed carport addition to the existing single house. The carport is proposed within the front setback area of the lot with access from Edinboro Street. The site currently accommodates an uncovered parking area within the front setback area, which is accessed from Edinboro Street.

CONSULTATION/ADVERTISING:

No objections were 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:

The Town's Policies relating to Street Setbacks and Vehicular Access does not permit carports to be located in the front setback area where there is opportunity to utilise the right of way, where legally available, such as applicable to the above site. In this case, there is sufficient room for the single carport to be constructed to the rear of the lot, with direct vehicular access from the right of way. The intent of the Town's Policies in terms of the location and width of and access to the carport, is to maintain the front aspect of the existing house and to preserve the general streetscape, while promoting safety and security via casual surveillance of both the street and the right of way. The depth of the carport is also insufficient and again there is also adequate room for a standard compliant carport to the rear of the subject property.

The proposed carport is considered to depart from the relevant requirements of the Town's Policies. The variations are not supported and it is therefore recommended that the carport be refused.

10.1.22 No. 11 (Lot 4040) Selden Street, North Perth - Proposed Demolition of Existing Single House and Construction of Three - Two-Storey Single Houses

Ward:	North	Date:	3 February 2004
Precinct:	Mount Hawthorn; P1	File Ref:	PRO2580; 00/33/1931
Attachments:	001		
Reporting Officer(s):	S Turner, H Eames		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council REFUSES the applications submitted by Rechichi Architects on behalf of the owner Rockcity Holdings P/L, for the proposed demolition of the existing single house and construction of a three - two-storey single houses at No.11 (Lot 4040) Selden Street, North Perth, as shown on the plans stamp-dated 17 December 2003, for the following reasons:

- (i) *the proposal is not consistent with the orderly and proper planning and the preservation of the amenities of the locality by virtue of the demolition of the existing unit; and*
- (ii) *the existing place has cultural heritage significance in terms of its historic, aesthetic and rarity values.*

LANDOWNER: Rechichi Architects
APPLICANT: Rockcity Pty Ltd
ZONING: Metropolitan Region Scheme: Urban
 Town Planning Scheme No.1: Residential R30/40
EXISTING LAND USE: Single House

COMPLIANCE:

Requirement	Required	Provided
Building Height		
Unit 1	The Residential Design Codes permit a two-storey building to have a maximum wall height of 6.0 metres, and an overall height of 7.0 metres to top of concealed roof.	7.3 metres concealed roof height.
Unit 2		7.3 metres concealed roof height.
Unit 3		6.2 metres wall height.
Boundary Setbacks:		
Unit 1 South – upper level	2.2 metres	1.7 metres
Unit 2 South – upper level	2.2.metres	1.45 metres
Unit 3 South – upper level	2.2 metres	1.0 metres

Boundary Walls	The Residential Design Codes allow walls built up to a boundary behind the front setback line where both the subject site and the affected adjoining site area created in a plan of subdivision.	<p>Unit 1 Two northern boundary walls on proposed lot. Northern parapet wall is 6.0 metres in height (internal proposed new lot boundary)</p> <p>Unit 2 Two northern boundary walls on proposed lot. Northern parapet wall is 6.0 metres in height (internal proposed new lot boundary).</p> <p>Unit 3 Two northern boundary walls on proposed lot. No upper level boundary walls proposed.</p>
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Use Class	Single House
Use Classification	"P"
Lot Area	976 square metres

SITE HISTORY:

The site has an existing 1930's dwelling. A subdivision application has been lodged to subdivide the property into three 8 metre wide narrow green titled blocks. The subdivision was conditionally approved by the Western Australian Planning Commission on 22 December 2003.

DETAILS:

The subject proposal involves the demolition of the existing house and the construction of a three two-storey units. The design of the units includes a central courtyard area, family, dining, lounge, three bedrooms and balconies. It also has a single garage and adjoining carport setback greater than the minimum setback requirement from Selden Street. Given that the proposed lots are narrow in width, two of the proposed units have been designed with abutting two storey boundary walls to the proposed new internal boundaries.

CONSULTATION/ADVERTISING:

The proposal was advertised to adjoining property owners and no objections were received during the consultation period. The applicants have worked closely with adjoining property owners resulting in a design that does not unduly negatively impact upon adjoining properties.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Demolition

A detailed Heritage Assessment is included in the Appendix.

The existing structure on Lot 4040 is a modest brick and tile dwelling built in 1939 by the Worker's Homes Board (WHB). The dwelling was one of nine houses in Selden Street to be built by the WHB. Selden Street was originally subdivided and developed solely by the WHB. The introduction of two-storey redevelopment in recent years in some sections has altered the original streetscape.

The place has been assessed in accordance with the Town's Policy relating to Heritage Management – Municipal Heritage Inventory. The place has been found to have local cultural significance for the following reasons.

The place, being a modest brick and tile dwelling built in accordance with the Workers Homes Board regulations and intentions, has *considerable historic value* as it is demonstrative of the last phase of government housing development in North Perth just prior to the Second World War, a phase of development that would be altered significantly in the following years as a result of the Second World War, and the physical and ideological implications this historic event had on the design and construction of domestic architecture.

The place has *considerable aesthetic value* for its contribution to overall aesthetic qualities of the landscape, being the relatively intact Worker's Homes Board development of Selden and Eton Streets between 1937 and 1940.

The place is a fine representation of a Worker's Homes Board dwelling constructed at the start of the Second World War, illustrating the principle characteristics that define Worker's Homes Board dwellings in terms of the political ideology and design philosophy of the time.

On the basis of this information, it is recommended that the application for demolition of the existing dwelling be refused.

Building Height

The overall building heights are marginally higher than the R-Code requirements. The R-Codes allow a wall height of up to 6.0 metres and a ridge height for concealed roofs of 7.0 metres. The proposed wall height of unit 3 is 6.2 metres and the concealed roof height of unit 1 and 2 is 7.3 metres. The applicant has agreed to lower these heights in accordance with the R-Code requirements. In this instance the recommendation would be to place a condition of approval requiring amended plans to reflect this reduction in building height.

Boundary Setbacks

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

The proposal however proposes minor variations to the side boundary setbacks that are considered supportable, as the development will not impact negatively on the adjoining properties.

The proposed setback variations to the internal boundaries of the development are much greater as two-storey parapet walls are proposed for units 1 and 2. The R-Codes allow walls built up to a boundary behind the front setback line where both the subject site and the affected adjoining site area created in a plan of subdivision. This is the situation in this case, therefore the proposed boundary walls comply with the R-Codes.

Given the conditionally approved subdivision and therefore impending subdivision of the property into three allotments with 8 metres wide frontages, the use of parapet walls is more appropriate to enable sufficient utilisation of the property. The parapet walls are considered supportable in this instance, mainly due to the detachment and varying styles, roof form, and finishes between the dwellings at the first floor level, and the "light weight" scale of the attachment element between the dwellings at the ground floor level, the parapet walls will not negatively impact upon adjoining properties and the streetscape.

Conclusion

Following an assessment of the proposal, the application for redevelopment is considered generally acceptable, however as the demolition is not supported on heritage grounds the overall application for demolition and redevelopment is not recommended for approval.

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

Ward:	South	Date:	2 February 2004
Precinct:	Smith's Lake, P6	File Ref:	PRO 1260; 00/33/1845
Attachments:	001		
Reporting Officer(s):	M Bonini		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in light of the Town Planning Appeal Tribunal decision to allow an appeal and approve the application submitted by Doepel and Associates on behalf of the owner, Dalla Riva (Aust) Pty Ltd, for proposed three (3) two - storey grouped dwellings to existing single house at No. 68 (Lot W30) Emmerson Street, North Perth, as shown on plans stamp-dated 22 May 2003, with amendments dated 17 June 2003, the Council APPLIES THE FOLLOWING CONDITIONS to this proposed development:

- (i) standard visual truncations, in accordance with the Town's Policies and to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromise;*
- (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) a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*

- (vii) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (viii) *subject to first obtaining the consent of the owners of No. 66C Emmerson 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. 66C Emmerson Street, in a good and clean condition;*
- (ix) *no future fence shall exceed a maximum of 1.8 metres above the adjacent footpath. 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 Emmerson Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the new front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (x) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the window to bedroom 3 of unit 3 on the south elevation shall be screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed. The whole window can be top hinged and the obscure portion of the window openable to a maximum of 20 degrees;*
- (xi) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the south side of the deck of unit 3 shall be screened with a permanent obscure material to a minimum height 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;*
- (xii) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Emmerson Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (xiii) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town; and*
- (xiv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) *the proposed garages being setback a minimum of 1.0 metre from the north boundary; and*
 - (b) *an enclosed lockable storage area being provided for the existing dwelling in accordance with the Residential Design Codes.*

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: 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

Use Class	Single House
Use Classification	"P"
Lot Area	878 square metres

SITE HISTORY:

- 13 September 1999 The Council approved an application for proposed three (3) two-storey grouped dwellings to existing single house subject to standard and appropriate conditions.
- 24 June 2003 Subsequent to the previous approval lapsing, the applicants reapplied for the same proposal. Council refused the application at its Ordinary Meeting held on 24 June 2003.
- 22 August 2003 Notice of Appeal was lodged by the applicant's lawyers to the Town Planning Appeal Tribunal (TPAT). Appeal to be conducted entirely on the basis of the documents.
- 12 September 2003 TPAT directions hearing on the appeal.
- 30 September 2003 The applicants reapplied to the Town and placed the appeal on hold, pending determination of the application.
- 21 October 2003 Council refused the further application at its Ordinary Meeting held on 21 October 2003.
- 13 November 2003 Witness statements to TPAT filed and served.
- 10 December 2003 The Town lodged the Respondent Statement with the Town Planning Appeal Tribunal (TPAT).
- 12 December 2003 TPAT directions hearing on the appeal.
- 16 January 2004 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 \$3683.46, as at 23 December 2003.

DETAILS/COMMENTS:

In a letter dated 16 January 2004, the Town Planning Appeal Tribunal (TPAT) referred to an attached copy of the Reasons for Decision. The TPAT letter, dated 16 January 2004, and accompanying Reasons for Decision are included as an attachment to this report. Extracts from the Reasons for Decision are as follows:

" Conclusion

57. *For the abovementioned reasons, I am satisfied that the development application meets the objectives of all relevant planning instruments and is consistent with the expected outcome.*

58. *For those reasons there will be orders as follows:*

1. *Appeal allowed.*
2. *Development approval granted.*
3. *The parties have 30 days to liaise in relation to conditions to attach to this grant of approval.*
4. *Liberty to the Appellant to apply in the event that the agreement is not reached in relation to all relevant conditions.*

The proposed development approved by the TPAT, is identical to the plans dated 22 May 2003, with amendments dated 17 June 2003, which were refused by the Council for three (3) two-storey grouped dwellings to existing single house.

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 letter dated 28 January 2004, the owner advised that *"...the original conditions on the above DA's were acceptable."*

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 24 June 2003.

**10.1.24 No. 14 (Lot 5) Bulwer Street, Corner Wright Street, Perth –
Unauthorised Roller Door to Existing Carport of Existing Single House**

Ward:	North	Date:	3 February 2004
Precinct:	Forrest, P14	File Ref:	PRO0085; 00/33/1111
Attachments:	001		
Reporting Officer(s):	M Bonini		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *in relation to the appeal lodged against the Notice issued pursuant to Section 10 of the Town Planning and Development Act and clauses 51 and 53 of the Town of Vincent Town Planning Scheme No.1, requiring the removal of the unauthorised roller door to existing carport of existing single house, at No. 14 (Lot 5) Bulwer Street, Corner Wright Street, Perth, the Council REITERATES the removal of the roller door for the following reasons:*
- (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
- (b) *the non-compliance with the relevant requirements of the Town's Policies relating to Street Setbacks and the Residential Design Codes; and*
- (ii) *the Council AUTHORIZES the Chief Executive Officer to continue legal proceedings to remove the unauthorised roller door at No.14 (Lot 5) Bulwer Street, corner Wright Street, Perth.*

LANDOWNER: DD and EJ Nair
APPLICANT: As Above
ZONING: Metropolitan Region Scheme - Urban
Town Planning Scheme No.1 – Residential R80
EXISTING LAND USE: Single House

COMPLIANCE:

Use Class	Single House
Use Classification	'P'
Lot Area	437 square metres

Requirements	Required	Proposed
Carport Door as per Residential Design Codes	Carport to be without a door unless that door is visually permeable.	Solid garage door
Carport Door as per Towns Policy relating to Street Setbacks	Carport means...unenclosed except to the extent that it abuts the existing dwelling and /or a property boundary on one side, and being without a door or panels unless...visually permeable.	Solid garage door

SITE HISTORY:

- 28 May 2002 Council at its Ordinary Meeting conditionally approved the proposed demolition of an existing unauthorised carport construction and construction of a new carport addition to the existing grouped dwelling.
- 17 September 2003 The owners of the subject property were issued Notices under section 10 of the Town Planning and Development Act and clauses 51 and 53 of the Town's Town Planning Scheme No. 1, and section 401 (1) (c) of the Local Government (Miscellaneous Provisions) Act 1960, advising that a roller door has been constructed to an existing carport structure without permission of the Town of Vincent as required, and requiring the unauthorised roller door to be removed.
- 16 October 2003 An appeal was filed to the Town Planning Appeal Tribunal (TPAT) against the Planning Notice issued by the Town.
- 28 November 2003 A directions hearing was held giving orders adjourning the appeal to mediation on 15 December 2003.
- 15 December 2003 The Tribunal mediation was held adjourning the matter to a directions hearing on Friday 13 February 2004.

At the Tribunal mediation of 15 December 2004, a Tribunal member suggested that the appellant provide a detailed justification for the subject roller door and that the matter be referred to Council for reconsideration.

DETAILS:

Subsequent to a new carport being conditionally approved by the Town on 28 May 2002, the appellants installed an unauthorised solid roller door to the façade of the carport. The matter is currently in the process of an appeal to contest the Planning Notice issued by the Town to remove the unauthorised roller door. The unauthorised roller door is being referred to Council for consideration.

CONSULTATION/ADVERTISING:

The matter did not require advertising. The owners of the subject property provided the following justification for the roller door.

"Further to a recent mediation meeting which took place between a representative of the Town of Vincent in relation to the section 10 Notice issued on 14 Bulwer Street, we wish to make the following submission for consideration by the Elected Members in preparation for the Ordinary Meeting of Council to be held on the 10/02/2004.

- *Two years ago we purchased the property at 14 Bulwer Street Perth, unaware of the serious social problems manifesting from a detoxification clinic located diagonally across from our property.*
 - *Bridge house, directly across the road from the property (on Wright Street) is a source of constant concern due to the ongoing daily traffic of persons affected by substance abuse and concomitant antisocial behavior.*
-

- *We are frequently confronted by verbal abuse and drunken (aggressive) individuals on our verge forcing us to postpone entry onto our property. Furthermore we have observed solicitation of prostitutes loitering on our verge and occasional parking by the needle exchange van outside our Wright Street entry. We have found numerous discarded syringes on our lawn and in our shrubs. Our home has been burgled on two occasions as reported to the police.*
- *We are not at liberty to enjoy our home as we had anticipated. The nature of the disruption is emotionally disturbing and will force us to sell the property should we be required to remove the roller door and the small measure of security that it affords our residence.*

In response to our letter of appeal mailed to the Town of Vincent Mayor, CEO and Councilors we received one response only. The response provided by the Town of Vincent detailed concerns in the following areas. Our position on each matter has also been noted below.

1. *Whilst the Town of Vincent acknowledges the serious social problems that Bridge House brings to the area this is a matter for the Police.*

Whilst it may be a matter for the WA police, this does not in anyway reduce council responsibility to act in the interest of the community members which it serves. The Councils' confirmation and awareness of the gravity of the problems only validates our concerns and the urgency in providing a solution.

2. *The offending roller door does not allow passive surveillance of the property.*

The property is located on an elevated corner block ensuring that property can largely be viewed from the street with the exception of the holding area for our vehicles and our front courtyard. Given the nature of the pedestrian traffic in the area (clients and visitors to the Bridge House facility, persons affected by substance abuse, prostitutes), passive surveillance of the property has resulted in two burglaries and ongoing concern for our safety. While we understand the concept of passive surveillance, in light of these unique circumstances we believe this is an unreasonable proposition. We ask the councilors if the aforementioned pedestrian traffic is suitable to survey our property, or if indeed, the councilors themselves would be satisfied placed in a similar situation.

3. *Detraction from the Streetscape*

Over the period which we have owned the property, we have invested an estimated \$70,000 to beautify the property both internally and externally, increasing the value of the property and the streetscape.

The claim by council that we have detracted from the streetscape is highly subjective and is open for interpretation by individual councilors and members of our community.

Prior to installing the roller door we considered a number of options to ensure the character of the property was not compromised and that the streetscape would be improved. We believe that we were successful in achieving this outcome.

4. *Interaction with Neighbours*

When purchasing our home, we expected that we would be able to foster neighbourly relations with our immediate neighbours and our community. Unfortunately due to the 'neighbours' which surround our immediate property (the bridge house facility and a men's half way house), we are limited in our ability to interact with our neighbours and enjoy the type of interaction which we had hoped for. The only interaction we are afforded are our neighbours directly behind us with whom we have excellent neighbourhood communication.

Summary

In coming to a determination, I would hope that all councillors would firstly consider their own willingness to have their property and family constantly surveyed by the clients and visitors to the Bridge House facility and secondly their willingness to foster a neighbourly relationship with these same individuals.

In conclusion, while we appreciate that council regulations exist to enhance and modulate the development and renovation of properties our situation is somewhat unique. In light of the extenuating circumstances we believe a reasonable conclusion would be to allow the door to stay given that it is in keeping with the property and offers a greater degree of personal security and privacy for us, the benefits of which we notice on a daily basis."

COMMENTS:

The existing carport was granted conditional Planning Approval on 28 May 2002. Condition (ii) of the conditional approval states the following;

" the carport shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted)"

The carport in its current state does not adhere to the above condition. The condition is reflective of the Town's Policy relating to Street Setbacks and the subsequent Residential Design Codes, clause 3.2.3 A3.4.

Town's Policy defines carport as *"...a roofed structure designed to accommodate one or more motor vehicles unenclosed except to the extent that abuts the existing dwelling and/or a property boundary on one side, and being without doors or panels unless these doors and/or panels are visually permeable such as with open grills."*

The Residential Design Codes state the following in regards to carport structures in clause 3.2.3 A3.4;

"Carports within the street setback area, provided that the width of the carport does not exceed 50 per cent of the frontage at the building line and the construction allows an unobstructed view between the dwelling and street..."

With consideration to the Residential Design Codes and the Town's Policy relating to Street Setbacks, the carport clearly does not comply with the requirements. The above stated justification provided by the appellants as noted, and states major problems and concerns deriving from anti-social behaviour within the community. There appears to be anti-social problems being faced on a regular basis relating to the Bridge House development which exists as a detoxification clinic and is located diagonally across the road from the subject property along Wright Street.

The Town's Safer Vincent Coordinator has provided the following information in relation to the Bridge House development.

"Bridge House at its previous address attracted on average one complaint to, and attendance by Police from January 2003 to December 2003. These complaints were mostly general disturbances.

In the last month since their move to Bulwer Street there have been two miscellaneous complaints which require Police attendance.

The facility now only admits up to six clients and those clients are assessed to be manageable before given accommodation.

Bridge House is represented on the Integration Committee which meets each month at TOV; as such we are able to monitor issues that may arise."

The above comments indicate that measures have been taken to curb the anti-social problems in the immediate area that have been occurring as a result of the Bridge House facility. Close monitoring through monthly meetings and control of client admissions are efforts that seek to improve the anti-social problems.

There is provision within the Town's Policy allowing owners to secure carports via an open aspect, that is, visually permeable doors or panels such as with open grills. The intent of the Town's Policy and the Residential Design Codes is to prevent structures such as carports within the front setback from dominating the streetscape area whilst still allowing an acceptable amount of security to be maintained. It is considered that a solid garage door to the existing carport will have an undue adverse impact on the streetscape and discourage safety and security via limited surveillance between the dwelling and the street. Furthermore, it will create an undesirable precedence to the general streetscape area.

Given the above, it is recommended that the Council reiterates the removal of the subject unauthorised roller door and undertakes further action to ensure the roller door is removed.

10.1.25 No. 220 (Swan Location 1618, Reserve 884) Vincent Street, North Perth (Beatty Park Leisure Centre and Beatty Park) - Proposed Permanent Entry on the State Register of Heritage Places

Ward:	South	Date:	3 February 2004
Precinct:	Smith's Lake, P6	File Ref:	PRO1149
Attachments:	001		
Reporting Officer(s):	H Eames		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That the Council advises the Heritage Council of Western Australia that it:

- (i) **SUPPORTS** the entry of Beatty Park Leisure Centre and Beatty Park, at No.220 (Swan Location 1618, Reserve 884) Vincent Street, North Perth in the State Register of Heritage Places on a permanent basis; and
- (ii) **NOMINATES** the Executive Manager Environmental and Development Services to attend the meeting of the Heritage Council when the proposed permanent registration of the above place will be considered.

SITE HISTORY:

The subject site at Swan Location 884 are occupied by *Beatty Park Aquatic Centre and Beatty Park*, which comprises the first Olympic size swimming pool, diving pool, and spectator gallery built in Western Australia for international competition, which was upgraded in 1993-94, to become a State and Australian awarded leisure centre re-named *Beatty Park Leisure Centre*.

DETAILS:

On 11 September 2003, the Town received correspondence from the Heritage Council of Western Australia advising that Beatty Park Leisure Centre and Beatty Park, Vincent Street, North Perth, were being considered for entry in the State Register of Heritage Places.

At its Ordinary Meeting of Council held on 23 September 2003, the Council resolved the following:

"That the Council advises the Heritage Council of Western Australia that it:

- (i) **SUPPORTS** the proposed entry of Beatty Park Leisure (Aquatic) Centre, at No.220 (Swan Location 884, Reserve 884) Vincent Street, North Perth on the State Register of Heritage Places; and
- (ii) **NOMINATES** the Executive Manager Environmental and Development Services to attend the meeting of the Heritage Council when the proposed registration of the above place will be considered."

Following on from this resolution, the Town has been advised in letter dated 23 January 2004, that Beatty Park Leisure Centre and Beatty Park have been included on the State Register of Heritage Places on an Interim basis. This report relates to the proposed inclusion of the place on a Permanent basis, which is the next stage of registration. A copy of the attached documentation is included as an attachment to this report. The document states as follows:

"Beatty Park Leisure Centre and Beatty Park, a swimming pool complex constructed in brick and concrete with a fibrous cement roof structure in the Late Twentieth Century International style and aquatic leisure centre complex constructed in steel and blockwork, with metal roofs in the Late Twentieth Century Structuralist style, in a park like recreation ground setting, has cultural heritage significance for the following reasons:

the City of Perth Aquatic Centre portion of the place was built as the aquatic centre for the VIIth British Empire and Commonwealth Games, and was the first purpose built aquatic centre in Western Australia designed and built for international competition and one of three major projects undertaken by the City of Perth for the Games, the first such international competition held in Perth;

the City of Perth Aquatic Centre component of the Beatty Park Leisure Centre is a good example of the Late Twentieth Century International style applied to a major sporting facility;

the place was designed by W.A. McI. Green, the influential Town Clerk for City of Perth from 1945 to 1966, Milton Boyce, City of Perth Architect, and Lionel H. Steenbohm, Director of Parks and Gardens, who were responsible for a number of British Empire and Commonwealth Games facilities that played an important role in the success of the games;

Beatty park was important as part of a number of reserves, parks and gardens developed by the City of Perth between 1890 and 1936; and,

the place is highly valued by the community as one of the older recreational reserves in the metropolitan area, as a significant reminder of the VIIth British Empire and Commonwealth Games, as a swimming centre for the public and schools, and as a well recognised landmark in the Town of Vincent.

The 1994 adaptations of the original City of Perth Aquatic Centre, the later additions to the north of the original complex in 1994, together with the associated car park, and the Alfred Spencer Pavilion are of little cultural heritage significance."

The Heritage Council of Western Australia notified of the Interim Listing of the place in the Government Gazette on 23 January 2004 and in the West Australian newspaper on 30 January 2004, in accordance with the Heritage of WA Act 1990.

CONSULTATION/ADVERTISING:

The Town has until 5 March 2004 to provide comments to the Heritage Council of Western Australia on the proposed entry of the place in the State Register of Heritage Places Act.

LEGAL POLICY:

Town Planning Scheme No.1 and associated Policies, and Heritage of Western Australia Act 1990.

STRATEGIC IMPLICATIONS:

The permanent listing is likely to impact on the processes for future development proposals as referral to the Heritage Council is required when impacting on significant fabric.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The Town has had the opportunity to consider the assessment of cultural heritage significance for Beatty Park Leisure Centre and Beatty Park and concurs with the statement of significance for the place. As a place included on the Register, the Town is required to refer any development proposals to the Heritage Council of Western Australia for consideration. It is possible to make arrangements with the Heritage Council of Western Australia whereby smaller items affecting the fabric (maintenance and the like) do not require a referral, but larger works do. This will be assessed in terms of the impact on the elements considered to be significant about the place. Listing on the State Register also qualifies the Town for eligibility for financial grants to undertake certain works and projects, which protect or enhance the significance of the place.

It is recommended that the Council advises the Heritage Council of Western Australia that it supports the proposed permanent entry of Beatty Park Leisure Centre and Beatty Park in the State Register of Heritage Places and that it nominates Executive Manager Environmental and Development Services to attend the meeting of the Heritage Council when the proposed permanent registration of the above place will be considered.

10.1.26 Oxford Centre Study Implementation and Mount Hawthorn Centre Strategy

Ward:	Both Wards	Date:	2 February 2004
Precinct:	All Precincts	File Ref:	PLA0058; PLA0100; PLA0140
Attachments:	-		
Reporting Officer(s):	Y Scheidegger		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council:

- (i) *RECEIVES the report relating to the Oxford Centre Study Implementation and Mount Hawthorn Centre - Place Development Strategy; and*
- (ii) *DEFERS progression of the projects relating to the Oxford Centre Study Implementation and Mount Hawthorn Centre Strategy pending the final outcome of the Leederville Masterplan project in terms of the Oxford Centre Study Implementation and the Community Visioning project in terms of both deferred projects.*

BACKGROUND:

The Council at its Ordinary Meeting held on 2 December 2003 considered the above matter and resolved the following:

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

The Council at its Ordinary Meeting held on 16 December 2003, resolved to endorse the Project Briefs (with modifications) for the Leederville Masterplan and Community Visioning projects, and authorise the Chief Executive Officer to call Tenders for the delivery of these two projects.

DETAILS:

Oxford Centre Study Implementation

To date, in relation to the Oxford Centre Study Implementation, a draft Development Implementation Plan (DIP) has been prepared and mainly relates to the preparation of a Special Control Area, which includes:

- Prepare a draft Development Plan (DP);
- Investigate means of obtaining contributions for the DIP;
- Liaise with the Water Corporation, owners, occupiers, businesses regarding contributions and funding for the draft DIP;
- Advertise the draft DP;
- Report back to the Council for the adoption of the draft DP;
- Prepare appropriate amendments to the Town Planning Scheme No. 1 (TPSNo. 1);
- Advertise amendments to the TPSNo. 1; and
- Gazette the amendments to the TPSNo. 1.

Mount Hawthorn Centre Strategy

In terms of the progress of the Mount Hawthorn Centre Strategy, research of the content of the Project Brief has been carried out, however the written document has not been finalised. The Executive Manager Technical Services has advised that the budget allocation of \$320,000 for infrastructure improvement works has been included in the capital works program for this financial year as 'to be advised', however no infrastructure upgrade works will be implemented until the Mount Hawthorn Centre Strategy has been prepared and adopted.

In light of the Council's recent adoption of the Project Briefs for the Leederville Masterplan and Community Visioning projects, it is considered premature to continue with the Oxford Centre Study Implementation and Mount Hawthorn Centre Strategy project until such time that the Leederville Masterplan and Community Visioning projects have been completed. In addition, the Leederville Masterplan will encompass the recommendations of the Oxford Centre Study.

The Leederville Masterplan is expected to be completed in July 2004, and the Community Visioning is due to be completed by October 2004. As such the Oxford Centre Study Implementation and Mount Hawthorn Centre Strategy can commence after this time.

CONSULTATION/ADVERTISING:

Nil.

STRATEGIC IMPLICATIONS:

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

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

Action Plans to implement this strategy include:

- c) *Review and release within an agreed time frame, the Town Planning Scheme, in accordance with the community vision."*

FINANCIAL/BUDGET IMPLICATIONS:

The current 2003/2004 Budget allocates:

- \$80,000 (\$50,000 reallocated from the original \$130,000 to Leederville Masterplan) for Town Planning Scheme Amendments and Policies;
 - \$25,000 for Oxford Centre Study Implementation Year 1 of 5;
 - \$30,000 for Mount Hawthorn Centre Strategy;
 - \$50,000 for Leederville Masterplan; and
 - \$40,000 for a Community Visioning process.
-

COMMENTS:

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

It is therefore recommended that the Council receives the report and resolves to defer progression of the strategies/projects relating to the Oxford Centre Study Implementation and Mount Hawthorn Centre Strategy pending the final outcome of the Leederville Masterplan project in terms of the Oxford Centre Study Implementation and the Community Visioning project in terms of both deferred projects.

10.1.27 Planning and Building Policies - Amendment No. 12 Relating to Appendix No. 10 - Glossary of Terminology

Ward:	Both Wards	Date:	3 February 2004
Precinct:	All Precincts	File Ref:	PLA0022
Attachments:	001		
Reporting Officer(s):	Y Scheidegger		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *receives the amended Policy relating to Appendix No. 10 - Glossary of Terminology, as shown in Appendix 10.1.27 (a);*
- (ii) *advertises the amended Policy relating to Appendix No. 10 - Glossary of Terminology for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
 - (a) *advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
 - (b) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and*
 - (c) *forwarding a copy of the subject Policy to the Western Australian Planning Commission; and*
- (iii) *after the expiry of the period for submissions:*
 - (a) *reviews the amended Policy relating to Appendix No. 10 - Glossary of Terminology, having regard to any written submissions; and*
 - (b) *determines the amended Policy relating to Appendix No. 10 - Glossary of Terminology, with or without amendment, to or not to proceed with them.*

BACKGROUND:

The Council at its Ordinary Meeting held on 27 March 2001 resolved to adopt the Planning and Building Policy Manual, which included Appendix No. 10 - Glossary of Terminology.

A Notice of Motion was considered and adopted by the Council at its Ordinary Meeting held on 22 July 2003, and is summarised as follows:

"That the Council requests the Chief Executive Officer to prepare a report, no later than September 2003, that:-

- (i) *addresses any ambiguity or contradiction in the Towns Planning and Building Policy manual in so far as its regulations on building height and specifically, the effect of the current policies wording in their provision for lofts, and the distinction between allowable overall height and allowable wall height;*
 - (ii) *provides recommendations that provide greater clarity in the Town's policies as to the height of development considered appropriate in the Town's Localities;*
 - (iii) *examines the alternative mechanism of governing the maximum scale of development by reference to a maximum number of storeys to a maximum overall height, and where the number of storeys takes precedence; and*
-

- (iv) *examines the appeals to the Town Planning Appeal Tribunal against the decisions of Council concerning No. 190 Grosvenor Road, North Perth, and No. 91 Raglan Road, Mount Lawley, and the Charles Street/Oak Lane development, and provides recommendations as to how the Town's Policies regarding building height could be modified to provide greater support to and better defend Council's decision in those instances."*

A further Notice of Motion was considered and adopted by the Council at its Ordinary Meeting held on 18 November 2003, and is summarised as follows:

"That;

- (i) *the Council AUTHORISES the Chief Executive Officer to write a report regarding;*
(a) *defining the word "loft"; and*
(b) *incorporating the definition into the Town of Vincent Policy Manual; and*
(ii) *the Chief Executive Officer prepares a report to Council on this matter to be submitted to the first Meeting in February 2004."*

DETAILS:

The Residential Design Codes (R-Codes) permit local governments to prepare Local Planning Policies to argument, clarify or vary building height provisions as stated below:

"Building Height (Element 7, A1)

Local Planning Policies may be prepared for building height that apply:

- The Area A provisions of Table 3 to the whole district, or individual precincts;*
- The Area C provisions of Table 3 to the whole district, or individual precincts;*
- The Areas A standards of Table 3 to specific development situations such as rear battleaxe development or Aged or Dependent Persons' Dwellings; and*
- Alternative approaches to controlling the height of buildings."*

The Town's Policy relating to Building Scale incorporates a diagram, which illustrates what a loft is; however, there is no definition to describe what the actual meaning of a loft in "words".

As such, there have been instances in which developments have been received by the Town that incorporate lofts in such a manner that these lofts could be considered as an additional storey. It has become imperative to further define the actual meaning of loft, and a definition, information and amended diagrams have been included Appendix No. 10 - Glossary of Terminology.

It is considered that the changes to, especially the diagrams in, the Planning and Building Policies will provide a more stringent and clear way of dealing with height and lofts within the Town, and will reduce appeals such as those relating to the proposed developments at No. 190 Grosvenor Road, North Perth, No. 91 Raglan Road, Mount Lawley and Nos. 179 - 183 Charles Street/Oak Lane.

The Town is currently reviewing its Policies relating to Building Scale and other Policies in relation to the implications of the Residential Design Codes. This review is being finalised, and it is anticipated that a report will be submitted to an Ordinary Meeting of Council in February/March 2004 regarding this matter. As such, the Policy relating to Building Scale will be considered at that Ordinary Meeting and only Appendix No. 10 - Glossary of Terminology is considered in this Report.

CONSULTATION/ADVERTISING:

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

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

There is provision of \$130,000 in the 2003/2004 budget for Town Planning Scheme Amendments and Policies.

COMMENTS:

In light of the above, it is recommended that the Council advertises the amended Policy relating Appendix No. 10 - Glossary of Terminology in accordance with Clause 47 of the Town Planning Scheme No. 1.

10.1.28 Petition Seeking a Portion of Forrest Park to be Set Aside as a Dog Exercise Area

Ward:	South	Date:	2 February 2004
Precinct:	Forrest; P14	File Ref:	RES0003
Attachments:	001		
Reporting Officer(s):	J MacLean, J van den Bok		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council DOES NOT set aside a portion of Forrest Park to enable dogs to be exercised off-leash at all times.

BACKGROUND:

In 1987, when the Dog Act 1976 was amended to enable Local Governments to set aside areas for dog-exercise, Forrest Park was considered, by the City of Perth, for designation as a "Free Exercise Area". However, this reserve was an "Active Sporting Reserve", as opposed to a passive recreation reserve, so the City decided to include the reserve in the Animal Control By-law, with the condition that dogs could only be off-leash at such times as the reserve was not being used for sporting purposes. When the Local Law Relating to Dogs was reviewed by the Town a number of years ago, it was decided that this designation continued to meet the needs of the sporting clubs, while continuing to provide a free exercise area, where dogs could be off-leash, when sports were not being played.

A petition containing sixty three (63) signatures was received by the Town of Vincent on 11 December 2003 and was read out at the Ordinary Meeting of the Council on 16 December 2003. A further petition-sheet, containing an additional twelve (12) signatures was received on 18 December 2003, bringing the total number of signatures to seventy five (75). The petition had the following heading:

"We the undersigned Rate Payers of the Town of Vincent request Council to allot an area of Forrest Reserve specifically for passive recreation and dog exercise"

The cover page to the petition is included as an attachment to this report.

DETAILS:

Because of the area used by the sporting clubs, any portion that was excised from the reserve, for use by dog owners, would of necessity be very small. The plan, attached at Appendix 1, shows the circular cricket pitches and the rectangular soccer pitches as they are set out on Forrest Park during the summer and winter seasons. Due to the proximity of such a portion to training and playing children, Perth Soccer Club, which hires the reserve on a seasonal basis has indicated that they would be opposed to the Town allocating an area for dog exercise. The Cricket Club, which uses less of the reserve for playing, may be less affected if such an area were to be set aside. However, should the Council decide to provide a dog exercise area, for reasons of children's safety, it would therefore be necessary to erect a boundary fence.

The Manager Parks Services has been consulted and he believes that, if a fenced area were to be set aside for dog exercise, it would make it more difficult to mow the grass and would require a gardener to use a "whipper-snipper" on both sides of the fence, to keep the grass at a manageable level. This would be time consuming and would have an additional cost associated with it.

For some time, Rangers have adopted the principle that, where off-leash dogs are not adversely affecting sporting functions or training, there is no need to intervene. While technically not permitted, dog owners were permitted to use the areas well away from the sports games and training sessions, provided there was no interference.

However, over the past year or so, there has been an increasing number of complaints being dealt with by the Rangers, that animals were being allowed to run off-leash on and adjacent to training and sports games. In a number of recent cases complaints were received that at least one owner was actively encouraging his dog to run among the children, by throwing a “dog-toy” on to the pitch. This has been confirmed by a number of people, including one of the Town’s Rangers.

As a result of the increasing number of complaints, Rangers were asked to visit the reserve as often as possible and to try to obtain compliance with the Local Law, without issuing infringement notices. Rangers spent a number of weeks speaking to dog owners, explaining the need to have dogs on-leash, when sports games and training was in progress but, while compliance was obtained at that specific time, the same dog owners were seen to be re-offending over and over again. Rangers warned offenders by issuing Official Cautions and making them aware that a recurrence would result in the issuing of infringement notices, but many of these owners disregarded the warnings and were subsequently fined under the Dog Act 1976.

Forrest Park is used by Perth Soccer Club during the cooler months and by Tuart Hill Cricket Club during the summer months. The soccer club, who oppose any change in the dog exercise area, have provided details of their maximum usage of the reserve, where three full-size and three half-size pitches are marked out. While only two (2) cricket pitches are marked out during the summer months, both are large and take up a substantial part of the park area. During the soccer season, there is almost no available free space on the reserve, which could be used as a dog exercise area and during the cricket season the availability of space that can be used as a dog exercise area is limited.

As a result of enforcement measures by Rangers, dog owners have lobbied hard to have an area permanently set aside for dog exercise, within the boundaries of Forrest Park and this petition is an extension of this lobbying. However, because of the area currently used by the sporting clubs and the limited size of dog exercise area that would be available, it is considered to be impractical to set aside a portion of this area for this purpose. This would be further complicated by the need to erect fencing to maintain a separation between dogs and children.

It is suggested that, since the Town spends a substantial amount of money on maintaining Forrest Park as an active sporting venue, it may be inappropriate to reduce the available space by allowing a section to be excised for dogs to be exercised off-leash. A few months ago, a similar petition was received from dog owners in the vicinity of Charles Veryard Reserve, Bourke Street, North Perth and it was decided that, for similar reasons, it was not appropriate to agree to the request.

On the same evening as the above petition was read out at the Ordinary Meeting of Council, a similar petition, relating to Britannia Road Reserve, was also read out. This matter is still under investigation and a report will be submitted to the Council in due course.

During numerous telephone calls with dog owners who seek to have larger areas set aside for exercising dogs, a common theme of the complainants is that, while they pay their rates, unless the sporting clubs provide a service predominantly to Vincent residents, they should not be allowed to train or play. While it is acknowledged that many sporting clubs encourage non-Vincent children to join, this should not preclude the clubs from operating within the Town.

In the case of Forrest Park patrons, it has been suggested that dog owners use Jack Marks Reserve, a passive recreation reserve, designated as a dog exercise area at all times, which is close by. The general responses to this suggestion have been that the reserve is too small and that there is an unfenced children's play park. However, in comparison to any available portion of Forrest Park, this reserve would be much larger. It is understood that Parks Services intend to seek an amount in the 2004/2005 Budget to fence the children's play area in Jack Marks Reserve.

CONSULTATION/ADVERTISING:

It is suggested that this issue is a highly polarised one and it is highly unlikely that a compromise agreement could be reached between the sporting clubs and the dog owners. Substantial consultation has already occurred on an individual basis and the petition clearly outlines the feelings of the dog owners. In discussion with other officers of the Town and the sporting clubs, a contrary view has been put forward.

LEGAL/POLICY:

There are no legal implications associated with the continuation of the designation of Forrest Park as a dog exercise area, when games or training functions are not being undertaken.

STRATEGIC IMPLICATIONS:

The above recommendation is in keeping with the Town of Vincent Strategic Plan 2003 – 2008, at area 2.5 (c) *“Implement a holistic and pro-active community safety programme”* and at 2.5(f) *“Provide services for the control of animals within the Town”*.

FINANCIAL/BUDGET IMPLICATIONS:

There are no financial implications associated with the report.

COMMENTS:

While it is acknowledged that dog owners may be inconvenienced by their inability to use Forrest Park Reserve at all times as a dog exercise area, it must be stressed that the park is primarily set aside as an active sporting reserve. Under the Dog Act 1976, the Town may designate an area for use as a dog exercise facility. However, it would be considered inappropriate to do so, if it is to the detriment of children's sporting clubs.

The recommendation that Forrest Park remains a dog exercise area only when the ground is not being used for sporting pursuits, is recommended for approval.

10.1.29 Rosemount Hotel - Application for an Extended Trading Permit

Ward:	North	Date:	2 February 2004
Precinct:	North Perth Centre, P9	File Ref:	ENS0053 & PRO0315
Attachments:	Nil		
Reporting Officer(s):	J Newham, D Brits		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in relation to the application for an Extended Trading Permit at the Rosemount Hotel located on Lot 8 (No. 459), Fitzgerald Street, North Perth, the Director of Liquor Licensing, Department of Racing and Gaming and Liquor, be advised that the Council;

(i) DOES NOT SUPPORT:

(a) additional trading hours as follows:

Thursday - (Corner Bar and Beer Garden) from 12 midnight to 1.00am

Friday - (Corner Bar and Beer Garden) from 1.00am to 2.00am

- (Four 5 Nine Bar) from 12 midnight to 1.00am

Saturday - (Corner Bar and Beer Garden) from 1.00am to 2.00am

- (Four 5 Nine Bar) from 12 midnight to 1.00am

(b) external amplified music and sound; and

(ii) CONDITIONALLY SUPPORTS the continuation of existing extended trading hours for a further twelve (12) months as follows:

Thursday - (Corner Bar & Beer Garden) to 12 midnight

Friday - (Corner Bar & Beer Garden) to 1.00 am

- (Four 5 Nine Bar) to 12 midnight

Saturday - (Corner Bar & Beer Garden) to 1.00 am

- (Four 5 Nine Bar) to 12 midnight;

subject to:

(a) sound levels being restricted so as to not create unreasonable noise at nearby residences or businesses; and

(b) the Department of Racing, Gaming and Liquor Management Plan remain subject to Council review in relation to live entertainment, anti-social behaviour, overcrowding, irresponsible drinking promotions, litter around the establishment, public safety and amenity;

to the satisfaction of the Chief Executive Officer.

BACKGROUND:

On 12 January 2004, the Town received a letter from the Department of Racing, Gaming and Liquor, advising that an application had been received from the Licensee of the Rosemount Hotel for an on-going Extended Trading Permit at the Rosemount Hotel, No. 459 Fitzgerald Street, North Perth.

The Department of Racing, Gaming and Liquor now requires advertising to a 200 metres radius, and a management plan as part of the application. In keeping with the Harm Minimisation Policy, applicants are required by the Director Liquor Licensing to show that they have the following three documents:

(i) **House Management Policy**

This document is to comprise a generic statement of intent on the way the Licensee wishes to operate the premises. It should be supported by the Code of Conduct and the more detailed Management Plan.

(ii) **Code of Conduct**

Ideally, this is a concise document, which covers the Licensees' commitment to:

- controlling intoxicated persons;
- controlling juveniles;
- resolving complaints from customers and residents;
- patron care (harm minimisation strategies which encourage the availability of food, non-alcoholic products, staff training, effective transport of patrons, and discourage disorderly behaviour);
- respect the neighbours (the statement should encourage patrons to respect the rights of neighbours and not to disturb the amenity of the local area); and
- responsible server practices (to adopt the Director's Guideline on responsible promotion of liquor).

(iii) **Management Plan**

This document should describe in detail how the House Policy and the Code of Conduct will be implemented. For example, the Management Plan should confirm that the Licensee and approved manager have demonstrated their knowledge of the liquor licensing laws (or successfully completed the approved liquor licensing training course). Details should also be provided:

on in-house training;

- how responsible server practices will be adopted;
- the display of responsible services posters on the licensed premises;
- the way in which licensed security (if applicable) undertake their duties;
- the practices adopted to control juveniles on the premises;
- the way in which intoxicated patrons are refused service; and
- the procedures in place to respond to complaints and protect the amenity of the area.

The above is not an exhaustive list, as the Management Plan is a working document that is likely to change and expand over time.

DETAILS:

In particular, the Rosemount Hotel Application requests approval to grant on-going extended trading hours for two different areas at the Hotel. The First area includes the "*Corner Bar and the Beer Garden*" and the second area is the "*Cocktail Bar (Four5Nine)*" located at the Fitzgerald Street elevation. The proposed extended hours for the on-going period are as follows:

- Thursday - (Corner Bar & Beer Garden) from 12 midnight to 1.00am
[Currently midnight]
 - Friday - (Corner Bar & Beer Garden) from 12 midnight to 2.00am
[Currently 1.00am]
-

- (Four 5 Nine Bar) from 12 midnight to 1.00am
[Currently midnight]
- Saturday - (Corner Bar & Bear Garden) from 12 midnight to 2.00am
[Currently 1.00am]
- (Four 5 Nine Bar) from 12 midnight to 1.00am
[Currently midnight]

The Applicant submitted additional information by e-mail on Friday, 23 January 2004 as follows: *"Thank you for your time yesterday, the opportunity to meet with yourself and Jim Newham was both helpful and informative. In this email I hope to address all of the points we discussed:*

1. Existing Conditions:

I have been the Approved Manager of the Rosemount Hotel since March 2001. During this time the Rosemount Hotel has operated with an Extended Trading Permit (E.T.P.) on Friday and Saturday nights covering the hours from midnight to one A.M. This E.T.P. was renewed in December 2001 following the same process as the current application with no objections. To my knowledge the Rosemount Hotel has held an E.T.P. of this nature since 1996.

2. What is being Proposed ?:

The current application does go further than simply a renewal of the existing E.T.P. The proposed hours of trading in the current application is from midnight to one A.M. on Thursday nights and from midnight until two A.M. on Friday and Saturday nights. The reason for the additional hours is to reduce the impact on our neighbourhood by offering our patrons the option of staying at the venue to wind down or wait for a Taxi which are scarce at our closing time. The net result would be a slower and better controlled dispersal of our customers at the end of the night and not having to leave on mass. This obviously raises the question that if we can trade later then we will continue the entertainment later. This is a condition I am happy to have written into any successful permit, i.e.; "The performance of live amplified music is to cease at or before midnight on Thursday and one A.M. on Friday and Saturday nights".

3. Sound Issues being addressed

During 2002 the owners of the Rosemount Hotel undertook a dramatic renovation of the "Corner Bar" with the idea to offer a medium sized entertainment venue. During this renovation particular attention was paid to acoustics, sound proofing and direction. Additional to this the Rosemount is currently undergoing renovations to the garden area. Part of these works are to infill the areas between piers and to raise the height and of the existing wall separating the garden and car park area. This is being done to help reduce any ambient noise pushing out to the car park and toward Woodville Street.

4. Security/Crowd Control

The Rosemount Hotel engages Protective Services, a registered security company to supply us with Crowd controllers/Security Guards. The role of these crowd controllers is to monitor patrons entering and leaving the premises plus they are to patrol the immediate vicinity of the hotel to stop people loitering and "acting up". The crowd controllers also patrol on the premises to ensure the patrons within the hotels licensed area are also not "acting up". Additionally they work with the hotels management to ensure the hotel stays within its accommodation limit under section 178 (1) of the Health Act.

5. Parking

The Rosemount Hotel is second only to the Leederville Hotel with the amount of privately owned parking available to patrons of licensed premises in the Town of Vincent. We have 53 bays plus the council owned View Street parking area is adjacent to our own. Additionally there is more street parking on Angove and Fitzgerald Streets.

6. Music in the Beer Garden

The Rosemount has in the past held events that included live amplified music in the garden area. This is a practice we would like to continue. Past events were held on Saturdays and we stopped the music at ten P.M. The music volume is monitored for the duration of the events. These events would only happen two of three times a year with the same controls and I would undertake advising our neighbours of them well in advance.

7. Sound Levels

I have arranged for a sound decibel monitor to be made available to me for the coming weekend. I will use this monitor to take sound level readings in our car park and the streets that form a boundary of the hotel i.e.; Angove, Fitzgerald, View and Woodville Streets on both Friday and Saturday nights. I will forward the results to you on Tuesday January 27th.

Health Services Comment:

Sound level readings were taken at 9.00 pm and 10.10 pm on Saturday 24 January 2004. Levels submitted ranged between "not audible" to 62 decibels at the corner of Woodville Street and View Street, North Perth. No noise complaints have been received by Health Services since the Hotel was advised of a complaint regarding an event on 6 September 2003. However, levels are event specific and the practice to self-monitor levels and log readings is encouraged to ensure early intervention by venue management.

8. The Western Accord

I have contacted the (Police Sergeant) with regard to being informed of the Western Accord meetings so I can be involved with this program.

9. Resolving Issues

Over the past six weeks I have worked closely with the Proprietor of the premises ... located on the opposite corner of Angove and Fitzgerald Streets. (He previously experienced) a problem with glass and general litter on the forecourt of his property. Whilst I believe that the patrons of the Rosemount Hotel may have contributed to the problem other persons were certainly involved. This belief is due to the fact that products including fast food and drink bottles that are not sold by The Rosemount make up a large portion of the litter found. After consultation with myself a strategy was put in place for the security/crowd controllers to increase their patrolling of the area. I then had my cleaning staff go to the property every morning to clean the forecourt of any glass and rubbish.

10. Past Complaints

During the three years I have been managing the Rosemount Hotel I have not received any formal complaints regarding any issues arising from our operation. As you are aware I have been advised by your department of a ... "noise" complaint arising from an event held at the hotel on Saturday September 6 2003. I refer you to your letter to me dated September 17 2003. Additionally, I have had the Police attend on one occasion due to calls received by them from residents in the area with a complaint of people in the streets "Acting up". Since both of these occasions I have redoubled my efforts to ensure these situations do not reoccur.

11. My History

I have been in the Hospitality industry for twenty years and have held management positions for the last fifteen. During this time I have been the approved manager of 6 businesses and the licensee of one. I was the licensee and approved manager of the Grosvenor Hotel in East Perth from 1995 until 2000. During this time the Grosvenor presented live amplified music five nights a week. I did have noise issues whilst there (however) the situation was kept under control by myself. Unfortunately for The Grosvenor once I left the business the succeeding operators could not maintain the status quo with the resident involved and have as a consequence had to cease their operation of live amplified music. I believe my empathy

with my neighbours and an understanding of the dynamics of the product I deal with helps me maintain an equitable balance between our desire to present live amplified music and the rights of people in our close proximity to enjoy their peace and quiet in their homes.

I hope this information helps you with your decision and further recommendations to the Council. If you need further information or clarification please contact me.

*Kevin Robe
Manager
Rosemount Hotel"*

COMMUNITY CONSULTATION/ADVERTISING:

As required by the Director Liquor Licensing, the Applicant advertised the intent in a 200 metres radius to nearby business and residents. Copies of the notice and the subsequent required declaration have been submitted to the Town.

One objection was submitted to the Director of Liquor Licensing from Casson Homes Incorporated, an aged psychiatric care facility. The objection outlines noise as the reason for opposing extended trading. The Applicant provided the Town with a copy of the objection.

The Safer Vincent Co-ordinator indicated that no problems in relation to the Rosemount Hotel have been reported to her. The Town's Health Services confirmed one recent noise complaint regarding an event on 6 September 2003 and the Hotel was advised accordingly. However, no further complaints have been received and unreasonable sound levels could not be established. Notwithstanding, the Venue Manager agreed to conduct self-monitoring during future live entertainment.

STRATEGIC IMPLICATIONS:

Strategic Plan 2003-2008:

VISION

We will be a safe and healthy inner city area, rich in heritage and cultural diversity.

Key Result Area One:

The Physical Environment –

1.3 Develop and implement strategies to enhance the environment.

Key Result Area Three:

Economic Development

e) Foster improved liaison between business groups, community groups, precinct groups, the Town and other relevant stakeholders.

Key Result Area Four:

Governance and Management

e) Ensure that the community are kept informed of the benefits and strategies, through the Community Consultation policy.

COMMENTS:

It is deemed appropriate to conditionally support the continuation of the existing hours, as limited problems have been reported or established.

10.2 TECHNICAL SERVICES

10.2.1 Mindarie Regional Council – Resource Recovery Facility – Public Environmental Review

Ward:	Both	Date:	2 February 2004
Precinct:	All	File Ref:	ENS0008
Attachments:	001 ;		
Reporting Officer(s):	R Lotznicher		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *receives the report on the Mindarie Regional Council's Resource Recovery Facility – Public Environmental Review as "Laid on the Table"; and*
- (ii) *encourages the Town's Precinct and Business Groups to obtain a copy of the Public Environmental Review document and submit their comments to the Environmental Protection Authority by the closing date of submissions on 23 March 2004.*

BACKGROUND:

The Mindarie Regional Council proposes to construct and operate a Resource Recovery Facility to process around 100,000 tonnes of municipal solid waste per year. In accordance with the Environmental Protection Act, a Public Environmental Review (PER) document has been prepared which describes this proposal and its likely affects on the environment. The PER is available for a public review period of eight (8) weeks from 27 January 2004 to 23 March 2004 (copy of the PER is laid on the table).

The Environmental Protection Authority (EPA) has invited people to make a submission on the proposal.

DETAILS:

The Mindarie Regional Council (MRC) proposes to construct and operate a Resource Recovery Facility (RRF). The RRF will treat approximately 100,000 tonnes of municipal solid waste and assist the State Government in achieving its vision of zero waste by 2020 (Waste 2020, 2001).

The MRC is a formally constituted Regional Council that comprises the Town of Cambridge, City of Joondalup, City of Perth, City of Stirling, Town of Victoria Park, Town of Vincent and City of Wanneroo. The MRC currently leases and manages the Tamala Park landfill site, which is a 251 hectare Class II landfill facility that receives approximately 350,000 tonnes of waste per year.

The proposed RRF will be located at one of three potential sites in the Neerabup Industrial Area, which is approximately 30 kms north of the Perth city centre. Site 3 is the closest site to any future residential properties south of Flynn drive around 685 metres from the proposed RRF (refer attached Figure 3.2.3). The RRF is permitted in a general industrial zone and will be compatible with other operations in the Industrial Area.

It is intended that the proposal will be developed through a Build-Own-Operate (BOO) contract, where the MRC will own the site and lease part of it to the successful company, who will charge the MRC an agreed fee to process the municipal solid waste. The MRC and the successful company will enter into a legally binding contract, which may have a life of 20 to 30 years. It is envisaged that the contract will be awarded in mid-2004 following a tender process with the RRF, expected to be commissioned in early 2006.

Seven (7) companies were initially short listed from the “expression of interest” phase (one company has subsequently withdrawn). These companies are proposing to use one or a combination of biological treatment processes:

- Biological – composting; and
- Biological – digestion (aerobic and/or anaerobic)

Nearly all of the waste in Western Australia is currently sent to landfill. The waste in landfill anaerobically degrades over many years, releasing contaminated leachate water and greenhouse gases (GHG). Landfill operations also have the potential to raise problems associated with vegetation/fauna loss, land sterilisation, noise, dust, litter, odour and visual amenity. On the other hand, the proposed RRF represents a sustainable waste management alternative that will provide the following benefits:

- Sustainable alternative to landfilling
- Substantial increase in recycling rates
- Produce a valuable resource – compost and/or “green” electricity
- Reduced GFH emissions
- Significantly reduce the potential for impacts on human health and the environment
- Reduced land requirements and vegetation/fauna loss
- Will be appropriately located and aesthetically more attractive
- Assist Australia in meeting Kyoto Protocol targets
- Reduce groundwater contamination, litter, dust and noise problems

Pursuant to Part IV (Environmental Impact Assessment) of the Environmental Protection Act, the PER has been prepared to openly and transparently document the proposal, why it is needed, the technology options, the potential impacts of each technology option and how the environmental issues will be avoided, minimised and managed during the design, construction and operation phases.

This PER has been prepared in accordance with the Environmental Scoping Report approved by the EPA and has been released for an eight week public submission period.

The main potential environmental impacts/issues (outlined in the PER) that will require ongoing rigorous monitoring, audit and compliance reporting to the Department of Environment (DoE) [formerly the Department of Environmental Protection], to demonstrate that the environmental performance outlined in the PER is achieved as summarised below:

- Biophysical
 - Health risk assessment
 - Greenhouse gases
 - Odour emissions
 - Surface water quality
 - Noise emissions
 - Dust emissions
 - Management
-

CONSULTATION/ADVERTISING:

Printed copies of the PER document may be obtained from:

BSD Consultants
2 Bagot Road
Subiaco WA 6008

at a cost of \$10.00 per copy. Copies may also be obtained from www.mrc.wag.gov.au and CD copies can be obtained from BSD Consultants. Copies are available for viewing in the Town's Library and Administration & Civic Centre.

LEGAL/POLICY:

N/A.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of the Draft Plan 2002-2008 – 1.1 Protect and enhance environmental sustainability and biodiversity. “j) *Develop a waste management strategy that is aligned with the Mindarie Regional Council’s Secondary Waste Treatment initiatives and has positive environmental outcomes.*”

FINANCIAL/BUDGET IMPLICATIONS:

As previously reported to the Council, future waste handling systems will be required to meet the requirements of the RRF. The cost of resource recovery will obviously mean an increase in the disposal costs for the member Councils.

COMMENTS:

The MRC currently disposes all MSW from the member local governments at the Tamala Park landfill facility. By its very nature, landfill wastes a potential resource and limits recycling. Tamala Park is closer to residents than the proposed RRF and has long term environmental approval from the EPA and the DoE. When seen in this broader context, in light of the benefits outlined above and relative to the potential environmental impacts associated with landfill, the RRF is likely to result in a net environmental benefit and fulfil the community’s aspirations for a more sustainable city.

Following the eight (8) week submission period, the Minister for the Environment will consider the proposal following release of the EPA’s Report and Recommendations. In preparing its Report and Recommendations, the EPA will give consideration to the information in the PER, public submissions, the MRC’s response to those submissions, advice from the DoE and other sources.

As the future RRF will impact on the Town’s future Waste Manager strategy, it is considered that the Town’s precinct groups should be encouraged to obtain a copy of the PER and submit their comments to the EPA by 23 March 2004.

10.2.2 Naming of New Dedicated Road off Leederville Parade

Ward:	South Ward	Date:	19 January 2004
Precinct:	Oxford Centre P4	File Ref:	TES0497, TES0462
Attachments:	001;		
Reporting Officer(s):	A Munyard		
Checked/Endorsed by:	R Lotznicher	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the naming of the new dedicated road as illustrated on attached Plan 2044-RP-02;*
- (ii) *APPROVES the name “Mac’s Lane” for the new road; and*
- (iii) *NOTIFIES the Geographic Names Committee of the Department of Land Information of the Council’s resolution.*

BACKGROUND:

The Ministry for Planning and Infrastructure have advised the Town of the Minister’s approval of the dedication of an under-width road as illustrated on attached Plan 2044-RP-02. The road must now be named so that the dedication can be finalised.

DETAILS:

At its Ordinary Meeting held on 9 April 2002, the Council resolved to dedicate two adjacent ROWs as a public road. Having now received Ministerial approval for the dedication, a name must now be allocated to the new road.

The dedication of the two adjacent ROWs was sought so that legal access could be provided to a proposed future commercial and residential development at Lot 100 Oxford Street. The two ROWs which are the subject of the proposed dedication are together 9m wide, are already paved and drained, and have been used by the public for well in excess of twenty (20) years.

Now that all necessary steps have been taken to achieve the dedication of the ROWs, it is necessary to name them. Positioned between the Town’s “The Avenue” car park and the existing Kailis market property, it is not anticipated the road will be used for a property address.

A study of the history of the site and surrounds was undertaken so that a significant name could be chosen for the road. The Town’s heritage officers applied the following conditions of development approval:

- (a) *the placement of a plaque in or on the wall of the building facing Oxford Street with the following words: “This land was the site of Mac’s Joinery Works for 31 years from 1947 to 1973. Part of the land was later purchased for the Mitchell Freeway construction. Prior to 1947 the land was cultivated as Chinese market gardens” at a height of between 1227millimetres and 1709millimetres in plain style lettering in contrast to the background;*
- (b) *an acknowledgment on the parapet of the building facing Oxford Street with the following wording formed in the render : “Mac’s Joinery Works Est. 1947”;*

It would therefore seem fitting to name the new road, which provided access to the joinery works "Mac's Lane". The Geographic Names Committee were consulted regarding the proposal and advised that whilst they would not approve the use of the apostrophe, the name "Macs Lane" would be approved in accordance with their guidelines.

Therefore, as the name has historical significance, and has received preliminary approval from the Geographic Names Committee, it is recommended that the Council resolve to approve the application of the name "Macs Lane" to the new road.

CONSULTATION/ADVERTISING:

Preliminary approval has been granted by the Geographic Names Committee of the Department for Planning and Infrastructure.

LEGAL/POLICY:

There are no legal implications associated with the naming of the new road.

STRATEGIC IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

The cost of naming the road will be limited to the supply and installation of one (1) street name plate, estimated to be approximately \$150.00.

COMMENTS:

A name must be applied to the new road to enable the dedication to be completed. "Macs Lane" is an appropriate name with reference to the history of the location and it is recommended that the Council resolve to approve its application.

10.2.3 Traffic Management – Requests Various Locations

Ward:	Both	Date:	4 February 2004
Precinct:	Norfolk P10, Forrest P14, North Perth P8, Beaufort P13, Hyde Park P12, Mt Hawthorn P1	File Ref:	TES0173&TES0334
Attachments:	-		
Reporting Officer(s):	R Lotznicher		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on Traffic Management matters at various locations;*
- (ii) *REFERS the seven (7) locations listed in the report to the Town's Local Area Traffic Management Advisory Group for their consideration; and*
- (iii) *RECEIVES a further report on each of the locations listed in the report once the Town's Local Area Traffic Management Advisory Group have considered the matters.*

BACKGROUND:

At the Local Area Traffic Management (LATM) Advisory Group meeting held on 3 December 2003, the Group was provided with a list of locations with requests from the public and other sources for traffic management.

It was agreed at the meeting that requests that warranted further investigation/determination be reported to the council, with a recommendation that the matters be referred to the Town's LATM Advisory Group.

DETAILS:

It is considered that the following locations should be referred to the LATM Advisory Group:

Location 1	Forrest Street
Location 2	Lincoln / Beaufort Streets
Location 3	Eton Street
Location 4	Monger Street
Location 5	Hobart Street
Location 6	Brookman Street, Moir Street and Forbes Road
Location 7	Woodstock / Edinboro Street

A brief outline of each location is outlined below:

Location 1

Street: Forrest
Section: Fitzgerald St to William St
Request: Traffic calming

Traffic Data

<i>Section</i>	<i>Volume (vpd)</i>	<i>85% Speed (kph)</i>
• Fitzgerald - Norfolk	1,932	60
• Norfolk – Hyde	1,411	52
• Hyde – William	1,415	61

Classification: Access Road

Budget: \$10,000

Comments: Forrest Street provides a link between Fitzgerald and William Street. There are approximately 90 properties serviced by this section of Forrest Street. Resident only traffic would therefore account for about 900 vpd. It also provides access to a nursing home, child care facility and some commercial businesses at Fitzgerald Street, which would account for part of the non-residential component of traffic in the street.

The remaining traffic comprises traffic accessing Norfolk and Hyde Streets and through traffic from Fitzgerald to William Street.

The posted speed is 50 kph and the 85% speed is approximately 10 kph above the posted speed.

Location 2

Street: Lincoln / Beaufort Street intersection

Request: State Blackspot Program

Accident Recurrence Rate

23 reported accidents over the five (5) year period – 1998 to 2002 inclusive.

Classification: Access Road / District Distributor

Budget: \$20,000

Details: There have been 23 reported accidents at this location over the five (5) year period – 1998 to 2002 inclusive, resulting in its designation as a “Blackspot”. The predominant accident type is right angled and right angled through. The most cost effective and practical preventative measure is to eliminate the right turn movement into and out of Lincoln Street (both sides of intersection) from Beaufort Street.

Comments: Whilst it is relatively simple to block the right turn movements, it has potential implications for the surrounding streets, particularly Chatsworth Road, St Albans Avenue and Cavendish Street and, to a lesser extent, Broome Street.

Location 3

Street: Eton
Section: Gill / Hobart

Traffic Data

<i>Section</i>	<i>Volume (vpd)</i>	<i>85% Speed (kph)</i>
• Gill – Hobart	562	62

Classification: Access Road

Budget: \$15,000

Request: Residents are concerned about the speed at which vehicles approach the existing curve in Eton Street, located at the crest of the hill. There are site distance issues for residents, accessing their properties.

Comments: While there have been no reported accidents at this location, the combination of factors, i.e. speed, the curve and the crest, warrants further investigation.

Location 4

Street: Monger
Section: Beaufort St to William St
Request: Petition signed by 88 persons requesting consideration to the conversion of Monger Street to one-way traffic from East to West.

Traffic Data

<i>Section</i>	<i>Volume (vpd)</i>	<i>85% Speed (kph)</i>
• Beaufort – Lindsay	1,299	37.5
• Lindsay – William	1,296	44

Classification: Access Road

Budget: N/A

Details: Residents are concerned regarding the narrow width of the street. They consider the William/Monger intersection to be dangerous.

Comments: the Town has only two (2) residential one-way streets, which include Moir and Brookman Streets. William and Beaufort Streets are also one-way streets. When considering changing a road to one-way, many factors need to be considered, including impact on adjoining streets, residents/emergency vehicle access, and implications on traffic speeds.

Location 5

Street: Hobart
Section: Charles to London Street
Request: Petition signed by 48 residents requesting traffic calming, and inclusion in the wider street program and other modifications.

Traffic Data

<i>Section</i>	<i>Volume (vpd)</i>	<i>85% Speed (kph)</i>
• London – Auckland	1,871	57
• Eton – Charles	1,557	57

Classification: Access Road

Budget: N/A

Details: Residents are concerned that the street is being used as a short cut during the peak periods due to the peak right turn ban at London/Scarborough Beach Road.

Comments: While the traffic data indicates a reasonable 85th percentile speed, it is considered this street needs to be assessed in terms of improving its level of service for residents.

Location 6

Street: Brookman / Moir/ Forbes Road
Section: Various
Request: Safety improvements

Traffic Data

<i>Street</i>	<i>Section</i>	<i>Volume (vpd)</i>	<i>85% Speed (kph)</i>
• Brookman	Robinson – Forbes	103	31
• Moir	Robinson – Forbes	119	34
• Robinson	Brookman – Moir	457	44
• Forbes	Brookman – Wellman	1,259	36

Classifications: Access Roads

Budget: N/A

Details: This area was the subject of several Council reports in the late 1990s, but no improvement works were implemented.

Comments: It is considered that while volumes and speeds are generally reasonable, some safety improvements may be warranted.

Location 7

Street: Woodstock / Edinboro Street
Section: Intersection
Request: Safety improvements

Traffic Data

<i>Street</i>	<i>Section</i>	<i>Volume (vpd)</i>	<i>85% Speed (kph)</i>
• Woodstock	Edinboro – Fairfield	967	53
• Woodstock	Edinboro – Shakespeare	795	58
• Edinboro	Hobart – Woodstock	885	58.5
• Edinboro	Ellesmere – Woodstock	650	59

Classifications: Access Roads

Budget: N/A

Details: Residents in the vicinity of the intersection have requested safety improvements due to vehicles speeding down Woodstock Street and vehicles travelling along Edinboro Street not stopping at the compulsory stop sign.

Comments: The geometry of the existing roads at this location need to be improved.

Recommendation:

It is recommended that the above matters be referred to the Town's LATM Advisory Group and that, where appropriate, community representatives for each of the respective matters be invited to attend the meeting/s.

CONSULTATION/ADVERTISING:

Once the matter/s have been considered by the LATM Advisory Group and are referred to the Council, consultation with the wider community may be recommended.

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of the Draft Plan 2002-2008 – 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. “o) Investigate and implement traffic management improvements in liaison with the Local Area Traffic Management (LATM) Advisory Group.”

FINANCIAL/BUDGET IMPLICATIONS:

Funds for the following projects have been allocated in the 2003/2004 budget:

Location 1:	Forrest Street	\$10,000
Location 2:	Lincoln/Beaufort Streets	\$20,000
Location 3:	Eton Street	\$15,000
Location 4:	Monger Street	Nil
Location 5:	Hobart Street	Nil
Location 6:	Brookman / Moir/ Forbes Road	Nil
Location 7:	Woodstock / Edinboro Street	\$35,000 *

* Note: Wider area Traffic Management Study funds.

COMMENTS:

The Town receives many requests for Traffic Management from time to time. Most requests received are addressed by the officers as vehicle classifier results usually indicate that there is a perceived problem rather than an actual problem. Other matters are referred to the police Services for enforcement of the legal speed limit.

The locations listed in this report either require further investigation or have been funded in the 2003/2004 budget or from the State Black Spot program.

It is therefore recommended that the seven (7) locations listed in the report be referred to the Town's Local Area Traffic Management Advisory Group for their consideration and a further report on each of the locations listed in the report be referred to the Council once the Town's Local Area Traffic Management Advisory Group have considered the matters.

10.2.4 Waste Management and Recycling Fund - Resource Recovery Rebate

Ward:	Both	Date:	4 February 2004
Precinct:	All	File Ref:	ENS0008&FINS0078
Attachments:	-		
Reporting Officer(s):	N Vaughan		
Checked/Endorsed by:	R Lotznicher	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the Town's successful application for grant funding from the Waste Management and Recycling Fund Resource Recovery Rebate for Periods 8 and 9;*
- (ii) *NOTES that the grant funding received totals \$19,899.97 being \$10,104.14 for period 8 and \$9795.83 for period 9 and these funds have been included as revenue in the 2003/2004 Recycling Operating budget; and*
- (iii) *CONTINUES to promote its current recycling service to the Town's residents pending the outcome of the Mindarie Regional Council's Secondary Waste Treatment investigations.*

BACKGROUND:

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

The State Government determined that the levy funds raised will:

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

DETAILS:

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

- Encourage the conservation of resources and energy through waste reduction and recycling.
- Promote, support and encourage viable alternatives to landfill disposal of waste.
- Encourage the development of appropriate waste management, waste reduction and recycling infrastructure and markets.

- Support and encourage applied research and development into waste management, waste reduction and recycling that assists in meeting the State's objectives.
- Ensure that Western Australians have access to appropriate waste management, waste reduction and recycling services.
- To provide for an educated and aware community to assist in achieving these ends.
- Promote State and regional co-ordination of recycling and waste reduction.

Revenue for the fund is sourced from a levy on waste dumped in metropolitan landfill disposal sites.

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

Town of Vincent Submission

On 30 June 2002, the Technical Services division submitted an application for a rebate from the Waste Management and Recycling Fund for the period January 2002 to June 2002 (Period 8), claiming 939 tonnes, and for the period July 2002 to December 2002 (Period 9), claiming 1,079.3 tonnes of recyclable material. The material also included the recycling of metals and green waste during the bulk verge collections, and abandoned vehicles.

On 20 January 2004, the Minister for the Environment and Heritage advised that the Town had received a grant of \$10,104.14 for Period 8, and \$9,795.83 for Period 9, total of \$19,899.97.

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of the Draft Plan 2002-2008 – 1.1 Protect and enhance environmental sustainability and biodiversity. “j) *Develop a waste management strategy that is aligned with the Mindarie Regional Council's Secondary Waste Treatment initiatives and has positive environmental outcomes.*”

FINANCIAL/BUDGET IMPLICATIONS:

The grant funds have been recorded as revenue in the 2003/2004 Recycling Operating Budget. The budgeted amount on the budget is \$13,000 and the Town has received \$19,899.97.

COMMENTS:

In the Town's application for a rebate from the Resource Recovery Rebate Scheme, the Municipal Waste Advisory Council was advised that the grant monies received would be used to subsidise the Town's recycling operating budget. It is also recommended that the Council continues to promote its current recycling service to the Town's residents pending the outcome of the Mindarie Regional Council's Secondary Waste Treatment investigations.

10.2.5 Proposed Traffic Calming & Streetscape Enhancement – Scarborough Beach Road, Mount Hawthorn

Ward:	North	Date:	4 February 2004
Precinct:	Mt Hawthorn Precinct P2	File Ref:	TES0077
Attachments:	001:		
Reporting Officer(s):	C Wilson		
Checked/Endorsed by:	R Lotznicher	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the proposed Traffic Calming and Streetscape Enhancement works Scarborough Beach Road, Mt Hawthorn, Dover Street to Kalgoorlie Street;*
- (ii) *ADOPTS the revised design as outlined on attached Plan No. 2218-CP-1, which replaces the previously proposed Scarborough Beach Road - Kalgoorlie Street intersection realignment with a raised median island in Scarborough Beach Road;*
- (iii) *APPROVES the implementation of the proposed works as shown on attached Plan No. 2218-CP-1; and*
- (iv) *ADVISES the Mt Hawthorn Precinct Group, the residents of Kalgoorlie Street, Berryman Street to Scarborough Beach, and the Mt Hawthorn Primary Schools of its resolution.*

BACKGROUND

In October 2002 the Town introduced a number of pedestrian safety improvements and traffic calming measures in Scarborough Beach Road through the Mt Hawthorn Centre Precinct (Fairfield Street to Dover Street). In conjunction with these works the Town also wrote to Main Roads WA (MRWA) requesting that the speed limit within the precinct be reduced from 60kph to 50kph.

In June 2003 MRWA wrote to the Town advising that they had completed a *speed zoning assessment* of the aforementioned section of Scarborough Beach Road and that the results supported the downgrading to 50kph.

In a unrelated report to its Ordinary Meeting of 8 July 2003 the Council approved the introduction of traffic calming measures in Kalgoorlie Street, Mt Hawthorn, adjacent Braithwaite Park, between Berryman Street and Scarborough Beach Road, as shown on attached plan 2114-CP-1B. Part of the approved works included modifying the intersection of Kalgoorlie Street and Scarborough Beach Road to deter motorist from making an illegal right turn into Kalgoorlie Street from Scarborough Beach Road.

DETAILS:

In October 2003 MRWA advised the Town (and advertised in the local newspapers) of the introduction of the 50kph speed limit in Scarborough Beach Road from Kalgoorlie Street to Oxford Street.

The section of Scarborough Beach Road, between Dover Street and Kalgoorlie Street, is bounded the Mt Hawthorn Primary Schools and Baithwaite Park and operates as a two lane road in either direction, with no on-road parking. Currently west bound traffic diverges from the single lane into two lanes resulting in many vehicles prematurely exceeding the 50kph limit. Conversely east bound traffic tends to converge early in anticipation of the single lane ahead.

Therefore in light of Council's resolution of 8 July 2003 and the change in road operating conditions in Scarborough Beach Road, Officers sought a meeting with MRWA in October 2003 to consider further improvements in Scarborough Beach Road, which would achieve the Kalgoorlie Street resident's aims, reinforce the 50kph speed limit and enhance the streetscape.

The resultant attached concept plan, No. 2218-CP-1, was formally submitted to MRWA in October 2003 for consideration.

In early November 2003 MRWA provided an in principle approval with minor modifications and pending the final design confirming to the relevant standards.

Kalgoorlie Street

At its Ordinary Meeting of 8 July 2003 the Council in part resolved to modify the intersection of Kalgoorlie Street and Scarborough Beach Road to prevent the illegal right turn movement into Kalgoorlie Street. The proposed works required that the existing left turn slip out (from Kalgoorlie Street to Scarborough Beach Road) be realigned making the aforementioned illegal movement more difficult.

The proposed realignment, as shown on attached plan 2114-CP-1B, would be costly in the context of the overall project, result in a loss of the garden bed adjacent the pedestrian overpass, and is unlikely to have a significant impact upon those motorists intent upon making the illegal turning movement.

Scarborough Beach Road

Due to the apparent success of the traffic calming measure introduced in Mt Hawthorn Precinct (in late 2002) in October 2003 MRWA, in response to the Town's request, reduced the speed limit in Scarborough Beach Road, between Kalgoorlie Street and Oxford Street, to 50kph.

As a consequence the operating environment of Scarborough Beach Road between Kalgoorlie Street and Dover Street, while posted as 50kph, is not consistent with that of the remainder of the 50kph zone, i.e. single lane either direction.

Further the road is bounded by Braithwaite Park to the south and the Mt Hawthorn Primary School to the north with no on-road parking allowed. Therefore in theory the road, between Kalgoorlie Street and Dover Street operates as a two lane road in either direction. However in practice west bound traffic diverges from the single lane into two lanes resulting in many vehicles prematurely exceeding the 50kph limit. Conversely east bound traffic tends to converge early in anticipation of the single lane ahead.

Proposed Streetscape Enhancement

As an alternative to re-aligning the Kalgoorlie Street - Scarborough Beach Road intersection, Officers considered installing a raised median in Scarborough Beach as more cost effective method of blocking the right turn movement.

However in light of the reduction of the speed limit in Scarborough Beach Road the proposal evolved into installing a continuous median from Kalgoorlie Street to the existing island at Dover Street, effectively reducing the road to a single lane in either direction. This has the benefit of reinforcing the 50kph speed with no significant loss of road capacity and/or efficiency. Further it provides an opportunity to plant street trees in the median strip similar to those planted in Angove Street. The remaining lane widths of 4.0m, either direction, caters for buses and large vehicles, and while not of sufficient width to provide a dedicated bike lane, will improve conditions for cyclists.

As a further safety enhancement and in conjunction with the above works it is also proposed to install a barrier fence, parallel with the kerb line, either side of Scarborough Beach Road, at the base of the pedestrian overpass to prevent children (and parents) from running across the road rather than using the overpass.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of the Strategic Plan 2003-2008 - Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. "1.4 e) *"Continue to develop and implement streetscape enhancements"*.

CONSULTATION/ADVERTISING:

The local Precinct Group, interested parties such as the Mt Hawthorn Primary Schools and affected Kalgoorlie Street residents be advised of the Council's resolution.

FINANCIAL IMPLICATIONS:

On the basis that the median island option is approved rather than realigning the Kalgoorlie Street intersection the estimated combined cost of the two proposals, as outlined on attached Plans Nos. 2218-CP-1B (Scarborough Beach Road) and 2114-CP-1B (Kalgoorlie Street), is \$30,000. In 2002/03 capital works budget \$30,000 was allocated, and since carried forward, for *Scarborough Beach Road vehicle safety barrier and pedestrian island* for which the proposed works fulfil Council's intention.

LEGAL/POLICY IMPLICATIONS:

Nil

COMMENT

The Kalgoorlie Street works, as approved by Council at its Ordinary Meeting of the 8 July 2003, are yet to commence. This is in part due to the opportunity presented by proposed Scarborough Beach Road works, as shown on attached Plan 2118-CP-1, to achieve not only a primary objective of the Kalgoorlie Street residents but to also significantly enhance the safety and aesthetics of Scarborough Beach Road. The resultant streetscape enhancement, if approved, also will provide a focal point or entry statement to the Mt Hawthorn Precinct.

10.3 CORPORATE SERVICES

10.3.1 Financial Statements as at 30 November 2003

Ward:	Both	Date:	10 December 2003
Precinct:	All	File Ref:	FIN0026
Attachments:	001		
Reporting Officer(s):	N Russell		
Checked/Endorsed by:	M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Financial Reports for the month ended 30 November 2003 as shown in Appendix 10.3.1.

BACKGROUND:

The Local Government Act and Local Government (Financial Management) Regulations 1996 require monthly reports and quarterly financial reports to be submitted to Council. The Financial Statements attached are for the month ended 30 November 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 75% of the Budget received to date.

General Purpose Funding (Page 1)

General Purpose Funding is showing 93% of the budget received to date, this is due to rates being levied.

Health (Page 4)

Health is showing 99% of the budget received to date. This is due to Health Licences being issued.

Community Amenities (Page 6)

Community Amenities is showing 46% of the budget received to date. This is due to bin charges being invoiced.

Economic Services (Page 12)

Economic Services is showing 44% of the budget received to date. Swimming Pool Inspection fees have been levied

Operating Expenditure

Operating expenditure for the month is level with Budget (36%).

Recreation & Culture (Page 7)

Water rates have been paid on the properties in the Town. The budget result to date is 40%

Other Property & Services (Page 13)

The back pay and increase in salaries for the outside workforce has contributed to budget result of 74%.

Capital Expenditure Summary (Pages 17 to 27)

The Capital Expenditure summary details projects included in the 2003/04 budget and reports the original budget and compares actual expenditure to date against these. Capital works show total expenditure for the year to date of \$7,650,938, which is 29% of the budget.

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

This statement is in essence the Balance Sheet of the Town as at 30 November 2003 and shows current assets of \$22,514,087 less current liabilities of \$7,083,076, for a current position of \$15,431,012. Total non-current assets amount to \$104,022,134 for total net assets of \$119,154,963.

Restricted Cash Reserves (Page 30)

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

Transfer of interest occurs as it is earned and investments mature. The amounts funded for the Municipal Fund are transferred on a monthly basis. Contributions received, which are transferred to Reserves occur at the end of month during which the cash contribution is received. To the 30th November 2003, interest of \$144,618 was transferred. Transfers to Reserves totalled \$566,770 and transfers from Reserves amounted to \$98,040. Restricted cash reserves total \$7,846,765 at the end of November 2003.

Debtors and Rates Financial Summary

General Debtors (Page 31)

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

Sundry Debtors of \$2,045,441 are outstanding at the end of November. Of this \$1,412,514 (69%) relates to debts outstanding for over 60 days. The majority of the debt that has been outstanding for over 60 days is \$1,329,000 for Treasury Corporation which is the remainder of the loan that is to be received by the Town. The Debtor Report identifies significant balances that are well overdue.

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

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

Rate Debtors (Page 32)

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

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

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

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

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

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

10.3.2 Financial Statements as at 31 December 2003

Ward:	Both	Date:	20 January 2004
Precinct:	All	File Ref:	FIN0026
Attachments:	001		
Reporting Officer(s):	N Russell		
Checked/Endorsed by:	M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Financial Reports for the month ended 31 December 2003 as shown in Appendix 10.3.2.

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 December 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 78% of the Budget received to date.

General Purpose Funding (Page 1)

General Purpose Funding is showing 94% of the budget received to date, this is due to rates being levied.

Health (Page 4)

Health is showing 100% This is due to Health Licences being issued.

Community Amenities (Page 6)

Community Amenities is showing 51% of the budget received to date. This is due to bin charges being invoiced.

Economic Services (Page 12)

Economic Services is showing 56% of the budget received to date. Swimming Pool Inspection fees have been levied

Operating Expenditure

Operating expenditure for the month is level with Budget (55%).

General Purpose Funding (Page 1)

The budget has been exceeded due to a payment for the Emergency Services Levy being posted to the operating statements and will be transferred to the balance sheet.

Recreation & Culture (Page 7)

Water rates have been paid on the properties in the Town. The budget result to date is 50%

Capital Expenditure Summary (Pages 17 to 27)

The Capital Expenditure summary details projects included in the 2003/04 budget and reports the original budget and compares actual expenditure to date against these. Capital works show total expenditure for the year to date of \$10,339,710, which is 40% of the budget.

Detailed comments on the financial performance to 31 December 2003 will be provided with the second quarter Budget Review at the Ordinary Meeting of Council on 24 February 2004.

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

This statement is in essence the Balance Sheet of the Town as at 31 December 2003 and shows current assets of \$26,442,638 less current liabilities of \$3,767,472, for a current position of \$22,675,165. Total non-current assets amount to \$105,554,365 for total net assets of \$115,614,347.

Restricted Cash Reserves (Page 30)

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

Transfer of interest occurs as it is earned and investments mature. The amounts funded for the Municipal Fund are transferred on a monthly basis. Contributions received, which are transferred to Reserves occur at the end of month during which the cash contribution is received. To the 31st December 2003, interest of \$144,618 was transferred. Transfers to Reserves totalled \$566,770 and transfers from Reserves amounted to \$98,040. Restricted cash reserves total \$7,846,765 at the end of December 2003.

Debtors and Rates Financial Summary

General Debtors (Page 31)

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

Sundry Debtors of \$6,800,689 are outstanding at the end of December. Of this \$492,848 (7%) relates to debts outstanding for over 60 days. The majority of the debt is \$5,778,000 for WA Treasury Corporation which is the remainder of the loan that is to be received by the Town. The Debtor Report identifies significant balances that are well overdue.

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

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

Rate Debtors (Page 32)

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

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

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

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

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

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

10.3.3 Investment Report for the month ended 31 December 2003

Ward:	Both	Date:	06 January 2004
Precinct:	All	File Ref:	FIN0005
Attachments:	001		
Reporting Officer(s):	C Liddelow		
Checked/Endorsed by:	M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Investment Report for the month ended 31 December 2003 as detailed in Appendix 10.3.3.

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 in Appendix 10.3.3. 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 December 2003 were \$11,855,963 compared with \$11,715,963 at 30 November 2003. At 31 December 2002, \$13,748,318 was invested.

Total accrued interest earned on Investments as at 31 December 2003:

	Budget	Actual	%
	\$	\$	
Municipal	300,000	94,376	31.46
Reserve	342,000	180,192	52.69

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.

10.3.4 Investment Report for the month ended 31 January 2004

Ward:	Both	Date:	02 February 2004
Precinct:	All	File Ref:	FIN0005
Attachments:	001		
Reporting Officer(s):	C Liddelow		
Checked/Endorsed by:	N Russell	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Investment Report for the month ended 31 January 2004 as detailed in Appendix 10.3.4.

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 in Appendix 10.3.4. 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 January 2004 were \$9,951,125 compared with \$11,855,963 at 31 December 2003. At 31 January 2003, \$13,159,734 was invested.

Total accrued interest earned on Investments as at 31 January 2004:

	Budget	Actual	%
	\$	\$	
Municipal	300,000	122,654	40.88
Reserve	342,000	215,307	62.96

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.

10.3.5 Authorisation of Expenditure for the Period 01 - 31 December 2003

Ward:	Both	Date:	13 January 2003
Precinct:	All	File Ref:	FIN0005
Attachments:	001		
Reporting Officer(s):	P Forte		
Checked/Endorsed by:	C Liddelow	Amended by:	

OFFICER RECOMMENDATION:

That the Council CONFIRMS the;

- (i) *Schedule of Accounts for the period 1 December – 31 December 2003 and the list of payments;*
- (ii) *direct lodgement of payroll payments to the personal bank account of employees;*
- (iii) *direct lodgement of PAYG taxes to the Australian Taxation Office;*
- (iv) *direct lodgement of Child Support to the Australian Taxation Office;*
- (v) *direct lodgement of creditors payments to the individual bank accounts of creditors;*
- (vi) *direct lodgement of Superannuation to Local Government and City of Perth superannuation plans;*

as shown in Appendix 10.3.5.

DECLARATION OF INTEREST

Members/ Officers	Voucher	Extent of Interest
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Nil.

BACKGROUND:

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

DETAILS:

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

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT
Municipal Account		
Town of Vincent Advance Account	EFT	\$1,000,000.00
	EFT	\$695,164.67
Total Municipal Account		\$1,695,164.67
Advance Account		
Automatic Cheques	45610-45778, 45794-45830, 45832-45871, 45873-45982, 45984-46137, 46139-46140	\$811,067.34
Manual Cheques		\$0.00
Transfer of Creditors by EFT Batch 175-179, 183-184, 186, 188-190, 192		\$2,956,584.00
Transfer of PAYG Tax by EFT	December 2003	\$207,357.45
Transfer of GST by EFT	December 2003	\$39,970.14
Transfer of Child Support by EFT	December 2003	\$737.31
Transfer of Superannuation by EFT City of Perth		\$25,291.32
Local Government		\$62,992.80
Total Advance Account		\$4,104,000.36
Transfer of Payroll by EFT	December 2003	\$679,457.17
Bank Charges & Other Direct Debits		
Bank Charges – CBA		\$4,770.49
Lease Fees		\$1,540.10
Corporate MasterCards		\$5,750.73
Australia Post Lease Equipment		\$311.77
2 Way Rental		\$3,229.60
Loan Repayment		\$30,835.13
Total Bank Charges & Other Direct Debits		\$46,437.82
Less GST effect on Advance Account		-\$1,579,397.57
Total Payments		\$4,945,662.45

STRATEGIC IMPLICATIONS:

Strategic Plan 2003-2008 – Key Result Area 4.2 – Governance and Management

“Deliver services in ways that accord with the expectations of the community, whilst maintaining statutory compliance.”

ADVERTISING/CONSULTATION:

Nil.

COMMENT:

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

10.3.6 Authorisation of Expenditure for the Period 01 January - 31 January 2004

Ward:	Both	Date:	04 February 2004
Precinct:	All	File Ref:	FIN0005
Attachments:	001		
Reporting Officer(s):	M Orchard		
Checked/Endorsed by:	N Russell	Amended by:	

OFFICER RECOMMENDATION:

That the Council CONFIRMS the;

- (i) *Schedule of Accounts for the period 1 January – 31 January 2004 and the list of payments;*
- (ii) *direct lodgement of payroll payments to the personal bank account of employees;*
- (iii) *direct lodgement of PAYG taxes to the Australian Taxation Office;*
- (iv) *direct lodgement of Child Support to the Australian Taxation Office;*
- (v) *direct lodgement of creditors payments to the individual bank accounts of creditors; and*
- (vi) *direct lodgement of Superannuation to Local Government and City of Perth superannuation plans;*

as shown in Appendix 10.3.6.

DECLARATION OF INTEREST

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

Nil.

BACKGROUND:

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

DETAILS:

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

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT
Municipal Account		
Town of Vincent Advance Account	EFT	\$1,000,000.00
	EFT	\$1,000,000.00
	EFT	\$1,000,000.00
	EFT	\$902,699.87
Total Municipal Account		\$3,902,699.87
Advance Account		
Automatic Cheques	46141-46242, 46245-46287, 46289-46337, 46339-46414,	\$658,786.54
Manual Cheques		\$0.00
Transfer of Creditors by EFT Batch 194, 196, 197, 199, 201, 202, 204		\$3,942,890.78
Transfer of PAYG Tax by EFT	January 2004	\$133,717.99
Transfer of GST by EFT	January 2004	0
Transfer of Child Support by EFT	January 2004	\$491.54
Transfer of Superannuation by EFT City of Perth		\$49,149.16
Local Government		\$121,927.80
Total Advance Account		\$4,906,963.81
Transfer of Payroll by EFT	January 2004	\$440,917.24
Bank Charges & Other Direct Debits		
Bank Charges – CBA		\$2,766.94
Lease Fees		\$1,540.10
Corporate MasterCards		\$3,513.27
Australia Post Lease Equipment		0
2 Way Rental		0
Loan Repayment		0
Total Bank Charges & Other Direct Debits		\$7,820.31
Less GST effect on Advance Account		-\$19,985.07
Total Payments		\$9,238,416.16

STRATEGIC IMPLICATIONS:

Strategic Plan 2003-2008 – Key Result Area 4.2 – Governance and Management

“Deliver services in ways that accord with the expectations of the community, whilst maintaining statutory compliance.”

ADVERTISING/CONSULTATION:

Nil.

COMMENT:

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

10.3.7 Timetable – Budget 2004/2005

Ward:	Both	Date:	22 December 2003
Precinct:	All	File Ref:	FIN0025
Attachments:	Nil		
Reporting Officer(s):	M Rootsey		
Checked/Endorsed by:	J Giorgi	Amended by:	

OFFICER RECOMMENDATION:

That the Council APPROVES the timetable for the 2004/2005 Budget as detailed in this report.

BACKGROUND:

The Administration has commenced preparation of the 2004/2005 Budget. It is the intention to adopt the 2004/2005 Budget at the first Council meeting on 13 July 2004. It is therefore important that the Council approves the timetable as outlined to ensure that the Budget is adopted on the proposed date.

DETAILS:

It is important that the Annual Budget links to the Town of Vincent adopted Strategic Plan 2003-2008 and the Principal Activities Plan for 2004-2008 which will be prepared in February 2004. The timetable proposed allows for suitable community and Elected Members review. The Town of Vincent prides itself on being one of a limited number of Councils that invites its community to comment on the Budget, prior to adoption.

The proposed Budget Timetable is outlined below:

<i>Date</i>	<i>Topic</i>
1-30 April	Executive Management Team (EMT) to review Budget input and prepare initial report
TBA-April	Budget briefing for Community input held
30 April	First draft to Elected Members issued
5 May	1 st Budget briefing/Special Council Meeting
19 May	2 nd Budget briefing/Special Council Meeting
20-21 May	Finalise budget documentation for public comment
24 May	Advertise for public comment
11 June	Public comment closes
14-30 June	Final Budget documentation and report for Council prepared
7 July	Agenda report issued
13 July	Adoption of Annual Budget first Council meeting in July

CONSULTATION/ADVERTISING:

Nil

LEGAL/POLICY:

Nil

STRATEGIC IMPLICATIONS:

Draft Strategic Plan 2003-2008 – Key Result Area 4 – Governance and Management

4.2 *Deliver Services in ways that accord with the expectations of the community, whilst maintaining statutory compliance.*

4.2d *Ensure that processes comply with relevant legislation.*

FINANCIAL/BUDGET IMPLICATIONS:

Nil

COMMENTS:

To enable this timetable to be met it is important that both the Administration and the Council adheres to the deadlines identified in the timetable.

10.4 CHIEF EXECUTIVE OFFICER

10.4.1 Use of Common Seal

Ward:	-	Date:	4 February 2004
Precinct:	-	File Ref:	ADM0042
Attachments:	-		
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

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

DETAILS:

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

Date	Document	No of copies	Details
1/12/03	Mortgage Document (General Funds of a Local Government)	2	Town of Vincent and Commonwealth Bank of Australia, St George's Terrace, Perth re: Short term loan for Members Equity Stadium, Pier Street, Perth
1/12/03	Deed relating to Subdivision Condition on Plate Height	3	Town of Vincent and Mr R.J. Hockey and Ms B.K. Hockey of Craig Street, Port Hedland re; Nos. 110, 112, 116 and 118 Richmond Street, Leederville
2/12/03	Deed of Covenant	4	Town of Vincent and Pefama Pty Ltd of 28 West Parade, West Ryde, NSW regarding Nos. 434-446 (Lot 1) Lord Street and No. 349 (Lot 140) West Parade, Mount Lawley - Change of use from showroom/warehouses to shop, warehouse, eating house and associated office to existing five (5) showroom/warehouses and change of use from warehouse to carparking
2/12/03	Local Law Amendment	1	Amendment relating to Town of Vincent Parking Facilities Local Law
12/12/03	Deed of Settlement and Release - Contract of Employment	2	Town of Vincent and Mr Ian Bramich
17/12/03	Right of Entry - for catering goods, mortgages, hire purchase lease	4	Town of Vincent, CBFC Limited and Total Corporation at Members Equity Stadium
24/12/03	Interim Licensing Agreement	2	Town of Vincent and Allia Holdings Pty Ltd for use of Members Equity Stadium, 310 Pier Street, Perth on 27 December 2003
31/12/03	Interim Licensing Agreement	2	Town of Vincent and Allia Holdings Pty Ltd for use of Members Equity Stadium, 310 Pier Street, Perth on 3 January 2004

31/12/03	Interim Licensing Agreement	2	Town of Vincent and Allia Holdings Pty Ltd for use of Members Equity Stadium, 310 Pier Street, Perth on 7 January 2004
9/01/04	Interim Licensing Agreement	2	Town of Vincent and Allia Holdings Pty Ltd for use of Members Equity Stadium, 310 Pier Street, Perth on 10 January 2004
14/01/04	Interim Licensing Agreement	2	Town of Vincent and Allia Holdings Pty Ltd for use of Members Equity Stadium, 310 Pier Street, Perth on 17 January 2004
18/01/04	Interim Licensing Agreement	2	Town of Vincent and Allia Holdings Pty Ltd for use of Members Equity Stadium, 310 Pier Street, Perth on 21 January 2004
21/01/04	Debenture	2	Town of Vincent and Western Australian Treasury Corporation, Perth re: Loan 2 for \$6.28 million at 6.48% p..a. repayable by 1/12/2019
29/01/04	Confidentiality Agreement	2	Town of Vincent and Omega Environmental Pty Ltd of Suite 13/14 IMB Arcade, 110-116 Crown Street, Wollongong NSW 2500 re: Tender No. 284/03 - Sustainability Management System
30/01/04	Easement in Gross	4	Town of Vincent and C.J. and T. Andony of Sydney Street, North Perth re: No. 46 (Lots 64 and 65) Sydney Street, North Perth
03/02/04	Withdrawal of Caveat	1	Town of Vincent and Minter Ellison of Central Park, St Georges Terrace, Perth re: No. 8 (Lots PT 21 and 22) Campsie Street, North Perth
04/02/04	Transfer of Land	1	Town of Vincent and R.C. Foster of 119 Federation St, Mt Hawthorn and J.F. Foster of Unit 2, 46 Tyler St, Joondana re: Lot 1 on Diagram 10386 being portion of C/T 1075/445, cnr Federation and Purslowe Streets, Mount Hawthorn
04/02/04	Application for a Balance Title	1	Town of Vincent and R.C. Foster of 119 Federation St, Mt Hawthorn and J.F. Foster of Unit 2, 46 Tyler St, Joondana re: Lot 1 on Diagram 10386 being portion of C/T 1075/445, cnr Federation and Purslowe Streets, Mount Hawthorn
04/02/04	Additional Page to Application for a Balance Title	1	Town of Vincent and R.C. Foster of 119 Federation St, Mt Hawthorn and J.F. Foster of Unit 2, 46 Tyler St, Joondana re: Lot 1 on Diagram 10386 being portion of C/T 1075/445, cnr Federation and Purslowe Streets, Mount Hawthorn

10.4.2 Delegated Authority 2003-2004 Reports

Ward:	-	Date:	3 February 2004
Precinct:	-	File Ref:	ADM0018
Attachments:	001		
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

RECOMMENDATION:

That the Council NOTES the items approved under Delegated Authority over the period 17 December 2003 to 9 February 2004, as shown in Appendix 10.4.2 and as "Laid on the Table".

DETAILS:

At the Ordinary Council Meeting held on 16 December 2003, it was resolved as follows;

"That pursuant to Section 5.42 of the Local Government Act 1995, the Council APPROVES BY AN ABSOLUTE MAJORITY, delegated authority to the Chief Executive Officer, in consultation with the Mayor and all available Councillors, to deal with any items of business (other than those requiring and Absolute Majority) that may arise from 17 December 2003 to 9 February 2004, subject to;

- (i) the action taken only being in accordance with the Officer's recommendation;*
- (ii) a simple majority be accepted while Elected Members are absent;*
- (iii) a report summarising the items of business dealt with under delegated authority being submitted for information to the Council at its meeting to be held on 24 February 2004;*
- (iv) a delegation register of items be kept and made available for public inspection during the period that the delegation applies; and*
- (v) items being displayed in the Town of Vincent Administration Centre, the Library and on the Town's Website for a period of four (4) days, prior to approval."*

DETAILS:

A complete list of reports considered under delegated authority for the period 17 December 2003 to 9 February 2004 is attached at Appendix 10.4.2.

A copy of the reports is "Laid on the Table" and will be included in the Minutes.

10.4.3 Minutes of the Annual General Meeting of Electors held on 9 December 2003

Ward:	Both Wards	Date:	3 February 2004
Precinct:	All Precincts	File Ref:	ADM0009
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

RECOMMENDATION:

That the Council;

- (i) **RECEIVES and CONFIRMS** the Minutes of the Annual General Meeting of Electors held at 6.00pm on Tuesday 9 December 2003, attached at Appendix 10.4.3;
- (ii) **CONSIDERS** the various matters, which require funding, as detailed in this report during the 2004/05 Budget process; and
- (ii) **ENDORSES** the proposed action comments of the various matters, as detailed in this report.

BACKGROUND:

The Annual General Meeting of Electors of the Town of Vincent was held on Tuesday 9 December 2003 at 6.00pm.

DETAILS:

It is standard practice for the Minutes of the Meeting of Electors to be presented to the Council for information. Under the Local Government Act 1995, Section 5.33, all decisions taken at Electors Meetings are required to be considered at the next Ordinary Meeting of the Council.

The Minutes are attached for the information of the Council. The following decisions were taken at that meeting.

1. Moved Mr Brian Fleay of 59 View Street, North Perth, Seconded Mr Dan Caddy of 44 Fairfield Street, Mt Hawthorn

"That;

- (i) *in principle we do not support the introduction of multi-storey carparking as a solution to parking problems in the Town of Vincent for the following reasons;*
 - (a) *building roads and parking infrastructure to meet peak demand is recognized as inefficient;*
 - (b) *the immediate impacts of induced traffic on the local environment will be negative - people drive more if it is convenient to park;*
 - (c) *the strategic consequence will be to compromise the advantages of Vincent as an accessible place for access without a car, and to set it up for failure in the event of rising oil prices;*

- (d) *they would not be financially viable due to the small peak demand for parking;*
- (ii) *we urge Council to stick to the intent and philosophy of the adopted Carparking Strategy which sought to solve parking problems in the Town of Vincent by a range of means which recognize the importance of protecting the local amenity and character of our residential and business areas; and*
- (iii) *multi-storey carparks should only be considered if:*
 - (a) *they do not increase the number of parking bays available except in response to substantial increases in the level of activity in the area;*
 - (b) *they free up land for more productive purposes (eg commercial properties, residential, usable public open space);*
 - (c) *the ensuing development has a positive impact on the streetscape (eg carparks located behind interactive frontages, vehicle crossovers do not impact on pedestrian amenity etc); and*
 - (d) *parking restrictions are introduced and effectively enforced in surrounding residential streets to ensure that carparking for businesses is concentrated in the commercial area."*

Debate ensued.

MOTION CARRIED (24-5)

CEO's Comment:

The matter of multi-storey carparks has not been formally considered by the Council. Comments in the local papers have been speculation. There are no current proposals to investigate the matter and there are no funds included in the Budget 2003/04. The proposed MasterPlan study for Leederville (which is currently being advertised for consultants) will consider parking needs in the Leederville area.

2. Moved Mr Dudley Maier of 53 Chatsworth Road, Highgate, Seconded Ms Marie Slyth of 89 Carr Street, West Perth

"That;

- (i) *all future Council Briefing Sessions be open to the public unless Council explicitly votes to hold the session behind closed doors; and*
- (ii) *the general public be given at least fourteen (14) days notice of those briefings that are open to the public."*

MOTION CARRIED (24-2)

CEO's Comment:

This matter has been the subject of a Notice of Motion and briefing guidelines will be prepared and reported to the Council for consideration as part of the Independent Organisational Review recommendations relating to Council Meetings and Briefings. It is envisaged that this will be carried out in the first quarter of 2004.

3. Moved Mr Andrew Del Marco of 91 Forrest Street, North Perth, Seconded Mr Dudley Maier of 53 Chatsworth Road, Highgate

"That the Council considers options for how it can maintain the momentum created by Travelsmart."

MOTION CARRIED UNANIMOUS

CEO's Comment:

This matter will be investigated by the Town's Executive Manager Technical Services and a report will be submitted to the Council for consideration.

4. Moved Mr Karl Penirschke of 21 Brewer Street, North Perth, Seconded Mr Dudley Maier of 53 Chatsworth Road, Highgate

"That some urgency be given to improve the performance of the Council's front counter staff."

SUBSTANTIVE MOTION WAS PUT AND CARRIED (11-2)

CEO's Comment:

Action has already commenced as follows;

- responsibility for Customer Service was assumed by the CEO on 1 January 2004;
- a new Co-ordinator - Customer Services (Megan Smith) has been appointed and commenced on 27 January 2004;
- a new position of Senior Customer Service Officer has been created by upgrading one of the current positions and this has been filled by the Acting Co-ordinator, Marisa Lombardi.
- a strategy, with short, medium and long term objectives is being prepared;
- a "training needs" analysis for staff is being formulated; and
- a review of current procedures has commenced (as part of the Independent Organisational Review recommendations) and will be completed in February 2004.

5. Moved Mr Dudley Maier of 53 Chatsworth Road, Highgate, Seconded Mr Dan Caddy of 44b Fairfield Street, Mt Hawthorn

"That the Town;

- (i) *investigate the proposal of;*
- *committing to move 50% of its car fleet to fuel efficient vehicles by 2008 and 90% by 2012;*
 - *Offering staff multi-riders for business trips;*
 - *Offering staff cash instead of salary packaged vehicles;*
 - *Developing a green travel plan for Vincent as an employer;*
 - *Changing some of the duties of an existing position (equivalent to 0.5FTE) to take on the role as the Town's TravelSmart Officer; and*
- (ii) *lobby the Federal Government and the Federal Minister for Perth to seek release of the report of Fringe Benefits Tax and personal travel and seek action to remove FBT bias that favours the private car in salary packaging.*

AMENDMENT CARRIED UNANIMOUS

CEO's Comment:

This matter will be investigated by the Town's Executive Manager Technical Services and Senior Staff. A report will be prepared for the Council for consideration.

Clause (ii) is supported and it is recommended that the CEO be authorised to write to the Federal Government and local Federal Members to seek the release of the report.

CONSULTATION/ADVERTISING:

Notice of the Annual General Meeting of Electors was advertised in the local newspapers ("*Voice News*" and "*Guardian Express*") and "*The West Australian*" Newspaper. Notices were displayed on all notice boards. It was also displayed on the Town's website.

The Minutes are attached for the information of the Council. No decisions were taken at that meeting.

LEGAL/POLICY:

The Local Government Act 1995 states;

- "5.27 (1) *A general meeting of the electors of a district is to be held once every financial year.*
- (2) *A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year."*
- "5.33 (1) *All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable -*
- (a) *at the first ordinary meeting after that meeting; or*

(b) *at a special meeting called for that purpose,
whichever happens first.*

(2) *If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the council meeting."*

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

There are no funds on the 2003/04 Budget to implement the various matters raised at the meeting. These will need to be costed and considered during the draft 2004/05 Budget.

COMMENTS:

The various matters raised at the Annual General Meeting of Electors will be progressed and appropriate reports will be submitted to the Council.

10.4.4 Local Government (Official Conduct) Amendment Bill 2003 (White Paper)

Ward:	-	Date:	3 February 2004
Precinct:	-	File Ref:	ORG0044
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:		Amended by:	

OFFICER RECOMMENDATION:

That the Council advises the Western Australian Local Government Association (WALGA) that it SUPPORTS IN PRINCIPLE the proposed Local Government (Official Conduct) Amendment Bill 2003 (White Paper) as "Laid on the Table" and, in particular, the following;

- (i) a State-wide Standards Panel be established for all local governments to provide consistency of approach and interpretation;*
- (ii) the proposed penalties are considered appropriate; and*
- (iii) WALGA be kept informed and advised of any proposed changes which may occur in the draft legislation.*

BACKGROUND:

In late December 2003, WALGA wrote to the Town seeking feedback on the proposed Local Government (Official Conduct) Amendment Bill 2003 (White Paper). This Amendment Bill is released for public comment for eight weeks and the closing date for submissions in 20 February 2004.

The relevant details of the proposed Amendment Bill are as follows;

"SUBMISSIONS AND COMMENTS INVITED

General Comments

Members of the public and organisations are encouraged to make submissions about the draft Bill. Such comments will assist in developing legislation that can operate smoothly.

General comments on the provisions of the Bill would be helpful but specific comments on particular provisions referred to by their particular clause number in the draft Bill, would be of particular value. When you wish to make a comment on a particular provision, please indicate the clause number to assist with consideration of submissions.

Specific Comments

You are also encouraged to provide your comments on the following particular matters:

- Should the current proposal in relation to the establishment of separate standards panels by each local government be endorsed?

OR

- Should a Statewide standards panel be established for all local governments to provide consistency of approach and interpretation?
- Are the proposed penalties that may be issued by the standards panels and the Tribunal appropriate?

Written or email submissions should be forwarded by 20 February 2004. They should be forwarded to:

Tribunal Review Co-ordinator
Department of Local Government and Regional Development
GPO Box R1250
PERTH WA 6844
Phone: 08 9217 1494
Fax: 08 9217 1555
Email: tribunal@dlgrd.wa.gov.au

YOUR COMMENTS AND SUBMISSIONS ARE IMPORTANT. PLEASE ENSURE THEY ARE PROVIDED BY THE CLOSING DATE.

SUMMARY OF SIGNIFICANT PROPOSALS

Introduction

The development of the Local Government (Official Conduct) Amendment Bill is a new initiative for both local government and the general Western Australian community.

The purpose of the Bill is to amend the *Local Government Act 1995* to provide a disciplinary framework to deal with individual misconduct by local government council members. At present, apart from prosecution, the only avenue for action in response to inappropriate behaviour is against the whole council.

The Bill provides a mechanism to take action against individual council members where they do not comply with a code of conduct (rules) or they contravene particular laws applying to them in Acts and Regulations.

The key matters in the Bill are:

- the establishment of standards panels for each local government to deal with contraventions of a new code (rules);
- for serious complaints to be made to the Department of Local Government and Regional Development for possible referral to the State Administrative Tribunal for determination;
- providing for new types of penalties where a council member has committed a minor breach (includes public censure, public apology or training), and
- providing for further penalties for serious breaches including suspension and dismissal of individual members by a decision of a tribunal (State Administrative Tribunal).

As previously indicated, comment is sought on the adequacy of the proposed penalties that may be issued by the standards panels or the tribunal. This document contains a summary of the draft Bill's proposals and brief notes explaining each clause of the proposed Bill. This is designed to highlight the structure and main features of each part of the Bill. The summary is not intended to be comprehensive but can be used as a starting point for locating specific provisions in the Bill. The second part of this document presents the draft Bill itself.

Rules of Conduct

The Bill contains detailed provisions enabling regulations to be made prescribing the uniform rules of conduct for council members.

The proposed new rules of conduct will include standards of honesty, integrity, personal interests relating to impartiality and gifts, appropriate behaviour towards other people and misuse of council resources, particularly for election purposes.

The rules are to cover the following key areas:

- a) standards of general behaviour;
- b) use of information;
- c) securing unauthorised advantages or disadvantages;
- d) disclosing certain interests; and
- e) restriction and disclosure of certain gifts.

The Bill provides that contraventions of the rules are a minor breach and are to be referred to a local government standards panel adopted by each local government.

Standards Panel

Complaints of minor breaches will initially be received by the relevant local government's complaints officer.

Each council must appoint a complaints officer who will be the chief executive officer unless another person is appointed. Complaints referred to the local government must be in writing and it shall be an offence to give false or misleading information. Standards panels will deal with minor breaches and details of their decisions will need to be included in a public register and are to be entered into the council's annual report.

Within a period of 28 days after the day on which a complaints officer receives a complaint, the local government is required to ensure that a standards panel is appointed. A panel shall consist of three persons, at least one of whom has experience in the operation of local government.

Complaints referred to a standards panel are to be kept confidential and the parties to the matter are only to have legal representation before the panel where all the parties agree.

The Bill provides for new types of penalties where standards panels find that a person has committed a breach. These include a panel making an order that publicly censures the council member, requires the council member to apologise publicly or requires the member to undertake training. A person not agreeing with these determinations will have a right of appeal to the tribunal.

In circumstances where a standards panel has had its findings altered by the tribunal, the Minister will have the power to replace the standards panel members within a three month period of the tribunal determination. This has been included to ensure that standards panels operate correctly and should they be found to be making inappropriate decisions, then there is a remedy to overcome that problem. The appeal right to the tribunal is not considered sufficient in circumstances where this consistently occurs.

As previously indicated, the Government welcomes comments on whether it would be preferable to have a single Statewide standards panel for the purposes of uniformity.

Tribunal

Allegations of repeated minor breaches, or serious contraventions of legislation, such as financial interest contraventions or the misuse of information for personal gain, are to be referred to the Executive Director (now Director General) of the Department of Local Government and Regional Development.

The Director General may then direct those matters to the new State Administrative Tribunal (SAT) for assessment and the imposition of particular penalties. This will be an alternative to undertaking prosecution and other types of enforcement action.

For serious breaches referred to the tribunal by the Director General, the tribunal will have the penalties of standards panels at its disposal, as well as being able to suspend the council member for a period of not more than six months, or disqualify the council member for a period of not more than five years, from holding office as a member of a council.

Allegations of criminal or corrupt behaviour would continue to be referred to the police or other appropriate authorities.

The serious breaches to be dealt with by SAT are those matters for which there is an offence in an Act or regulation and the offence is particular to the actions of council members. The most common will include non declarations of financial interest, the improper use of information to gain advantage or cause detriment and the failure to complete annual financial returns.

The details of how SAT is intended to operate are included in the proposed new SAT legislation currently before the Parliament. These Bills and clause notes may be viewed on the Parliament's website at www.parliament.wa.gov.au. The Bills are the State Administrative Tribunal Bill 2003 and the State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Bill 2003."

CONSULTATION WITH ELECTED MEMBERS

On 2 January 2004, the draft details were circulated to Elected Members for comment and in particular, seeking feedback on the following:

- *Should the current proposal in relation to the establishment of separate standards panels by each local government be endorsed?*

OR

Should a Statewide standards panel be established for all local governments to provide consistency of approach and interpretation?

- *Are the proposed penalties that may be issued by the standards panels and the Tribunal appropriate?*
-

The only response received was from Mayor Catania who supported the proposal. Mayor Catania indicated that he believed that a state-wide standards panel was considered preferable as this would provide for consistency. In addition, he considered the proposed penalties to be appropriate.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

LEGAL/POLICY IMPLICATIONS:

The proposed Amendment Bill will form part of the Local Government Act once it has been passed in Parliament.

ADVERTISING/COMMUNITY CONSULTATION:

This document was advertised on a state-wide basis by the Department of Local Government.

PRINCIPAL ACTIVITIES PLAN:

Nil.

STRATEGIC IMPLICATIONS:

Nil.

COMMENT:

The creation of a Standards Panel and State administrative Tribunal has been considered by the State Government over the previous 18 months. If approved, this will supersede many of the investigative duties of the Department of Local Government.

10.4.5 Progress Report No. 5 - Redevelopment of Perth Oval (Members Equity Stadium), 310 Pier Street, Perth and Loton Park, Lord Street, Perth

Ward:	South	Date:	3 February 2004
Precinct:	Beaufort, P13	File Ref:	RES0051
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Progress Report No. 6 as at 3 February 2004, relating to the redevelopment of Perth Oval (Members Equity Stadium) and Loton Park, Lord Street, Perth;*
- (ii) *ADVISES the Department of Sport and Recreation of the progress of various projects; and*
- (iii) *APPROVES BY AN ABSOLUTE MAJORITY pursuant to the Local Government Act, Section 6.16 to adopt a fee for the administration and processing of Licence Agreements for Members Equity Stadium, as follows;*
 - (a) *Commercial Organisations/Groups* *\$250*
 - (b) *Community Groups and Not-for Profit Organisations* *\$ 25*

BACKGROUND:

At the Special Council Meetings held on 30 October 2001 and 16 December 2002, and Ordinary Council Meeting held on 10 December 2002, the Council approved of entering into a partnership with the State Government of Western Australia to redevelop and construct a number of sporting facilities, including a Multi-Purpose Rectangular Sports Stadium on Perth Oval, State Indoor Multi-Use Sports Centre on Loftus Centre land and the redevelopment of Leederville Oval into a "Football Centre of Excellence" for joint use by EPFC and SFC. It also approved to construct an office building on a part of Leederville Oval.

Redevelopment of Perth Oval (Members Equity Stadium) - Progress of Works

All major works have been substantially completed at the time of writing this report. Completion of minor details is well in progress.

On 16 December 2003, the Town was advised by the builder that Unions had advised the builder, John Holland Group, that they would be ceasing works for the Festive Season break on Friday 19 December 2003 (instead of 23 December 2003 as originally proposed).

The builder advised the Town that this change of dates resulted in a substantial number of works unable to be completed in time for the first game to be held on Saturday 27 December 2003. The builder would not recommence until 5 January 2004.

Games proposed to be held on 27 December 2003, 3 January 2004, 7 January 2004 and 10 January 2004 would therefore not be able to be played at the Stadium.

The builder authorised the Town to carry out essential works to enable the Stadium to be ready for the playing of games and also safe to patrons and spectators. The Town would be re-imbursed for these works. A similar agreement was obtained from Total Corporation to complete the electrical and plumbing to the kitchens and food concessions. Costs for these works are to be recouped from the builder. An interim account has been sent to Allia for payment of the Total Corporation works.

The Town's staff and contractors carried out substantial works and formal possession of the site took place on Tuesday 23 December 2003.

The builder was then requested to complete all outstanding works by Friday 6 February 2004.

Insurances

The Project Quantity Surveyor and Construction Cost Consultants (Rawlinsons [WA]) have valued the buildings at \$16.3 million. Accordingly, the insurance has been increased to cover this amount and the insurance costs are being recouped from Allia Holdings Pty Ltd. Public Liability Insurance is \$100 million for any one claim and Allia Holdings have been requested to re-imburse the Town for insurances to an amount of \$20 million for any one claim, as part of the Heads of Agreement.

First Game

The first game was held on Saturday 27 December 2003 between Perth Glory Soccer Club and the Brisbane Strikers and attracted a crowd of approximately 13,500 spectators. The first game went off without any major problems and the usual teething problems were dealt with on the night.

This game was attended by the Premier, Minister for Sport and Recreation, Government Ministers, Mayor, Councillors, CEO and Department of Sport and Recreation (DSR) senior staff.

Loton Park - Public Open Space

At the time of writing this report, work was well advanced as follows;

- Access Roads and Paths - completed.
- Lighting - completed.
- Area "A" (Practice Pitch) - turf laid on 5 January 2004.
- Area "B" (fronting Lord Street) - cleared, levelled and irrigation installed.
- Area "C" (fronting Brewer Street) - cleared, levelled and irrigation installed.
- Area - Bulwer Street - turf laid on 2-3 February 2004.
- Former caretaker's cottage - perimeter fence made secure. Cleaning in progress.
- Ticket machines Stadium carpark and Brewer Street - currently being installed.
- Stadium carpark - completed.
- Perimeter fence - Brewer Street and Lord Street - lowered, Bulwer Street - removed, Pier Street - fence realigned.
- Practice pitch lighting - installed.
- New bore - installed.

Legal Agreements

At the Ordinary Meeting of Council held on 16 December 2003, the Mayor and CEO verbally advised the Council advised of the progress of the recent negotiations between the Town and Allia Holdings Pty Ltd. The progress of these negotiations is as follows;

(a) Heads of Agreement

The Heads of Agreement have been signed and executed. As part of this document, a personal guarantee has been required by Allia Holdings Pty Ltd, Nick Tana and David Rodwell. Mr Tana has provided the Town and its solicitors with the necessary information relating to the mortgage, however at the time of writing this report, the Town's solicitors have not been able to finalise the mortgage. This is currently being progressed.

(b) Deed of Covenant

A Deed of Covenant has been signed by Nick Tana and David Rodwell. This protects the Town's position in relation to ensuring that all Stadium catering equipment (valued at approximately \$450,000) will remain with the Town, in the event that Allia ceases. Legal costs of approximately \$2,500 will be paid by Allia.

(c) Right of Entry Document

A Right of Entry document between the Town and Total Corporation's finance company has been signed. This has enabled Total Corporation to install catering equipment valued at approximately \$450,000 at the Stadium. The Deed of Covenant mentioned above protects the Town's position in this matter.

(d) Licence to Use

In view of matters not being finalised, the Town has issued interim Licence to Use to PGSC to play National Soccer League (NSL) games at the Stadium. In addition one interim Licence to Use was issued to Allia Holdings Pty Ltd to allow a game between Korea Under 23s and Australia Under 23s to play on 7 January 2004.

Allia Holdings have been advised that they will not be given possession of the Stadium until all legal matters have been finalised to the Town's satisfaction. The following games remain;

Saturday 7 February 2004	Perth Glory v Wollongong Wolves (<i>Official Opening</i>)
Saturday 14 February 2004	Perth Glory v Newcastle United
Wednesday 18 February 2004	Perth Glory v Sydney United
Saturday 28 February 2004	Perth Glory v Marconi Stallions

Semi-Final to be held on date to be determined in March 2004.

It has been suggested that the Council impose a fee to cover the cost of processing Licences. The costs imposed are to offset the cost of the Town's staff to process and prepare the licence. Allia will be able to recover this from the users.

Perth Glory Soccer Club (PGSC) Offices

Works have been completed and offices are currently ready for occupancy. A draft lease has been issued to PGSC for comment and several meetings have been held. Advertising of this lease for public comment has been carried out and a report will be submitted to the Council concerning submissions and the outcome of lease negotiations.

An interim invoice will be sent to PGSC for approximately \$18,500 for office fitout.

Western Australian Rugby League (WARL) Offices

Works substantially completed and will be ready for occupancy mid to late February 2004. A draft lease has been issued to WARL for comment and will be reported to Council for approval.

LEGAL/POLICY IMPLICATIONS:

The Local Government Act, Section 6.16 gives power to a local government to impose and recover a fee or charge for any cost or service it provides or proposes to provide other than a service for which a service charge is imposed.

An Absolute Majority decision of the Council is required to adopt a new fee.

The Council is required to consider any submissions it receives concerning its proposal to lease an area to a private organisation (PGSC).

ADVERTISING/COMMUNITY CONSULTATION:

N/A.

FINANCIAL/BUDGET IMPLICATIONS:

Several meetings have been held with the Project Architect and Quantity Survey. At the time of writing this report, the project costs are being finalised. Two progress payments are yet to be made, totalling approximately \$1.7 million.

STRATEGIC IMPLICATIONS:

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

COMMENT:

It is very pleasing to note that this project was completed with the co-operation of all involved. Significant positive media comment was received. Feedback from all users and the public has also been extremely positive.

10.4.6 Progress Report No. 4 - Construction of an Office Building to accommodate the Department of Sport and Recreation (DSR) – Leederville Oval, No. 246 Vincent Street, Leederville

Ward:	South	Date:	3 February 2004
Precinct:	Oxford Centre, P4	File Ref:	RES0062
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the Progress Report No. 4 as at 3 February 2004, relating to the construction of an Office Building to accommodate the Department of Sport and Recreation (DSR) at 246 Vincent Street, Leederville; and
- (ii) **ADVISES** the Department of Sport and Recreation of the progress of the project.

BACKGROUND:

At the Ordinary Meeting of Council held on 4 November 2003, the Council approved of the tender to construct an Office Building at 246 Vincent Street, Leederville.

Monthly meetings have been held with the Project Architect and Builder since the works commenced on 17 November 2003.

The builder has submitted a Gantt chart outlining the proposed timetable for works. At the time of writing this report the following works have been completed;

- Basement excavation - completed
- Sewer diverted around site
- Footings poured
- Basement and lift walls substantially completed
- Electrical transformer being installed

The project is on target and no cost variations have been received to date.

A 4 metre accessway has been provided to Leederville Oval from Vincent Street and negotiations have commenced with the Schools of Isolated and Distance Education (SIDE) to use alternative access through their carpark via Oxford Street.

A temporary footpath on the north side of Vincent Street adjoining the construction site has been installed and this is working satisfactorily.

LEGAL/POLICY IMPLICATIONS:

Nil.

ADVERTISING/COMMUNITY CONSULTATION:

Nil.

STRATEGIC IMPLICATIONS:

These projects are in keeping with the Town's Strategic Plan 2003-2008, Key Result Area 3 - Economic Development, in particular 3.1 *"Promote business opportunities in the Town."*

COMMENT:

This is a progress report to update the Council on the status of works to date.

10.4.7 Department of Sport and Recreation (DSR) Office Building, 246 Vincent Street, Leederville - Adoption of Capital Works and Maintenance Program 2005-2025

Ward:	South	Date:	3 February 2004
Precinct:	Oxford Centre, P4	File Ref:	RES0062
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council ADOPTS the Capital Works and Maintenance Program 2005-2025 for the Department of Sport and Recreation (DSR) Office Building, 246 Vincent Street, Leederville, as shown in Appendix 10.4.7.

BACKGROUND:

At the Ordinary Meeting of Council held on 12 August 2003, the Council approved of the Major Land Transaction for the Department of Sport and Recreation (DSR) Office Building, 246 Vincent Street, Leederville. The Council resolved inter alia as follows;

"That the Council; ...

- (ii) *APPROVES BY AN ABSOLUTE MAJORITY to proceed with the Major Land Transaction, and notes the Chief Executive Officer will be submitting a further report detailing;*
 - (a) *the financial arrangement/loan for the Council's consideration and approval;*
 - (b) *the necessary Agreement to Lease and Lease documents; and*
 - (c) *an asset management/maintenance report and its recommendations to Council and that information be provided on the amount of monies appropriate to contribute to a Building Sinking (Reserve) Fund over the life cycle of the building."*

A meeting has been held with the Project Architect, Peter Hunt Architect. The Project Quantity Surveyor and Cost Control Consultant has submitted details for the proposed Office Building.

A Capital Works and Maintenance Program is shown at Appendix 10.4.7.

FINANCIAL/BUDGET IMPLICATIONS:

Sinking Fund Contribution

The Town's negotiated rent payment includes an amount of \$20,000 which will be placed in the Office Building Reserve Fund (Sinking Fund). The building contract requires the Town to have "Practical Completion" on or before 18 October 2004. The Department of Sport and Recreation will commence rent payments 14 days after this date. Therefore, rent of approximately \$65,000 is expected for the period November and December 2004. The Town commences loan repayments on 1 January 2005. The rent for November-December 2004 is recommended to be paid into the Building Reserve Fund. This annual amount will increase to \$37,207 per annum at year 2024. The Reserve Fund will hold \$171,185 after five (5) years, \$294,282 after ten (10) years, \$436,985 after fifteen (15) years and \$675,748 after twenty-two (22) years. This amount is on the basis that none of these monies will be used during the

period. This is not realistic, as maintenance, repairs and replacement of carpets, etc., will be required throughout the period. However, the contributions towards the Sinking Fund are considered adequate and at the end of 22.7 years, the Reserve Fund could potentially contain \$675,748.

Apart from any unknown or unexpected expenditure, monies will not be required until the ten (10) year period.

The Sinking Fund contributions are shown as follows;

Year	Sinking Fund Monthly Payment	Sinking Fund Payment Annualised	Total
Initial Contribution		65,000	
Year 1	1,667	20,000	
Year 2	1,717	20,600	
Year 3	1,768	21,218	
Year 4	1,821	21,855	
Year 5	1,876	22,511	
			\$171,185
Year 6	1,932	23,186	
Year 7	1,990	23,882	
Year 8	2,050	24,598	
Year 9	2,111	25,336	
Year 10	2,175	26,096	
			\$294,282
Year 11	2,240	26,879	
Year 12	2,307	27,685	
Year 13	2,376	28,516	
Year 14	2,448	29,371	
Year 15	2,521	30,252	
			\$436,985
Year 16	2,597	31,160	
Year 17	2,675	32,095	
Year 18	2,755	33,058	
Year 19	2,837	34,049	
Year 20	2,923	35,071	
Year 21	3,010	36,123	
Year 22	3,101	37,207	
Total			\$675,748

LEGAL/POLICY IMPLICATIONS:

Not applicable.

ADVERTISING/COMMUNITY CONSULTATION:

N/A.

STRATEGIC IMPLICATIONS:

This project is in keeping with the Town's Strategic Plan 2003-2008, Key Result Area 3 - Economic Development, in particular 3.1 *"Promote business opportunities in the Town."*

COMMENT:

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

APPENDIX 10.4.7

DEPARTMENT OF SPORT AND RECREATION OFFICE BUILDING

**SCHEDULE OF POTENTIAL CAPITAL WORKS AND MAINTENANCE
2005-2025**

Item	No	Year	Cost \$/2005 Each	Cost \$/2005 Total	Comment
1.00 Buildings					
<u>Structure</u>					
1.01 Building Structures	Nil				Generally no action expected to be required over 20 years except for roofs as listed below Replacement not expected within 20 year period apart from damage by accident or misuse
1.02 Office Building Roof	Nil				
<u>Fittings And Fixtures</u>					
1.03 Windows and Doors	Nil				Replacement not expected within 20 year period apart from damage by accident or misuse
1.04 Automatic Sliding Entrance Doors	1	2015	20,000	20,000	Allow for 1 motor replacement over 20 year period
1.05 Furniture and Fittings	Nil				Replacement not expected within 20 year period apart from damage by accident or misuse
<u>Interior Finishes</u>					
1.06 Redecorate building interiors	2	2015 and 2025	25,000	50,000	Allow for 2 redecorations over 20 year period
1.07 Re-carpet building interiors	1	2015 (average)	98,000	98,000	Allow for at least one replacement of all carpets staggered over 20 years
<u>Exterior Finishes</u>					
1.08 Redecorate building exteriors	2	2015 & 2025	20,000	40,000	Allow for 2 redecorations over 20 year period
2.00 External Works					
2.01 Fencing and Gates	Nil				Replacement not expected within 20 year period apart from damage by accident or misuse
2.02 Automatic sliding gate	2	2015 and 2025	2,500	5,000	Allow for 2 motor replacements over 20 year period

10.4.8 Progress Report No. 6 - Redevelopment of Leederville Oval and State Indoor Multi Use Sports Centre

Ward:	South	Date:	3 February 2004
Precinct:	Oxford Centre, P4	File Ref:	RES0052/ RES0061
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Progress Report No. 6 as at 3 February 2004, relating to the Redevelopment of Leederville Oval and State Indoor Multi Use Sports Centre; and*
- (ii) *ADVISES the Department of Sport and Recreation of the progress of various projects.*

BACKGROUND:

At the Special Council Meetings held on 30 October 2001 and 16 December 2002, and Ordinary Council Meeting held on 10 December 2002, the Council approved of entering into a partnership with the State Government of Western Australia to redevelop and construct a number of sporting facilities, including a Multi-Purpose Rectangular Sports Stadium on Perth Oval, State Indoor Multi-Use Sports Centre on Loftus Centre land and the redevelopment of Leederville Oval into a "Football Centre of Excellence" for joint use by EPFC and SFC. It also approved to construct an office building on a part of Leederville Oval.

Leederville Oval Redevelopment

1. Works:

Subiaco Football Club (SFC) clubrooms and offices were completed in early November 2003. SFC relocated their furniture on 21 November 2003 and commenced operations on 24 November 2003. A "snag" list has been prepared by the Architect and Clubs and at the time of writing this report, these items were slowly being completed. On 2 February 2004, the Project Architect was instructed to request the Project Builder to complete these outstanding items.

2. Leederville Oval Working Group:

The Working Group comprising of the Town, Department of Sport and Recreation (DSR), WA Football Commission and League, EPFC and SFC met on 28 January 2003 to discuss the progress of works, installation of floodlighting and completion of public open space.

3. Leases:

Draft leases were issued to both Clubs and several meetings have been held. Minor details are still being finalised and it is anticipated to report to Council in February/March 2004.

4. Floodlighting:

At the time of writing this report, the floodlighting tower footings have been poured and electrical cable partly installed. The contractors have commenced work and it is anticipated that the floodlights will be erected in the week commencing 23 February 2004.

5. Public Open Space

Plans are still being prepared and it is proposed to report to the Council in February 2004 for approval of the final concept plan.

State Indoor Multi Use Sports Centre

This project has been placed "on hold" whilst the DSR carries out a feasibility study on Challenge Stadium. This study is almost complete and the findings may have an impact on the final composition of this project.

LEGAL/POLICY IMPLICATIONS:

N/A.

ADVERTISING/COMMUNITY CONSULTATION:

N/A.

FINANCIAL/BUDGET IMPLICATIONS:

At the time of writing this report, all projects were within the approved budgets.

STRATEGIC IMPLICATIONS:

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

COMMENT:

It is pleasing to note that the projects are proceeding within the prescribed timeframe and without any significant problems being encountered.

10.4.9 Information Bulletin

Ward:	-	Date:	4 February 2004
Precinct:	-	File Ref:	
Attachments:	001		
Reporting Officer(s):	A Smith		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Information Bulletin dated 10 February 2004 as distributed with the Agenda, be received.

DETAILS:

The items included in the Information Bulletin dated 10 February 2004 are as follows:

ITEM	DESCRIPTION
IB01	Rangers' Statistics for October, November and December 2003
IB02	Progress report on Local Studies and History Collection - July to December 2003
IB03	Letter to Department of Housing and Works - No. 159A (Lot 3) Scarborough Beach Road, Mount Hawthorn - Notice Appeal
IB04	Letter to Department of Housing and Works - Nos. 411, 413 & 415 (Lots 4, 5 & 6) William Street, Perth - Notice Appeal
IB05	Town Planning Appeal Tribunal - Statement by respondent - No. 159A (Lot 3) Scarborough Beach Road, Mount Hawthorn
IB06	Letter from Town Planning Appeal Tribunal - Appeal No. 217 of 2003 - Nos. 475-481 (Lots 113, 114 & Pt115) Beaufort Street (Cnr Chatsworth Road), Highgate
IB07	Reasons for Decision from Town Planning Appeal Tribunal - Appeal No. 272 of 2003 - No. 86a (Lot 9) Bourke Street, Leederville
IB08	Letter from Department for Planning and Infrastructure - Review of Existing Policy relating to Privacy
IB09	Letter from Office of the Prime Minister - Cities for Climate Protection Programme
IB10	Section 9 Referral - Heritage Council of Western Australia - Norwood Hotel, 282 Lord Street corner Windsor Street, East Perth
IB11	Section 9 Referral - Heritage Council of Western Australia - Royal Standard Hotel (fmr), 196-198 Brisbane Street, Northbridge; Oxford Hotel, 368 Oxford Street, Leederville; Leederville Hotel, 742 Newcastle Street, Leederville; Queens Hotel (fmr), 512-522 Beaufort Street, Mount Lawley
IB12	Register of Heritage Places - Heritage Council of Western Australia - North Perth Fire Station (fmr) located at 21 View Street, North Perth
IB13	Letter from Western Australian Planning Commission - Town Planning

ITEM	DESCRIPTION
	Scheme No. 1 Amendment No. 10
IB14	Letter from Western Australian Planning Commission - Town Planning Scheme No. 1 Amendment No. 20
IB15	Letter from Heritage Council of Western Australia - Heritage Assessment Commissioned, North Perth Primary School, Albert Street, North Perth
IB16	Further Reply to Mr G Budrikis of 108 Chelmsford Road, Mt Lawley - Questions asked at the Ordinary Meeting of Council held on 2 December 2003
IB17	Letter of Thanks from the Leederville Community Action Group for the Town's support for the Leederville Festival
IB18	Certificate of Appreciation from the Young at Heart Association - Italian Australian Community Services
IB19	WA Local Government Excellence in Road Safety Awards 2004 - Call for Nominations
IB20	Elected Members Briefing Session - 15 January 2004
IB21	Register of Petitions - Progress Report - February 2004
IB22	Register of Notices of Motion - Progress Report - February 2004
IB23	Register of Reports to be Actioned - Progress Report - February 2004

- 11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

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

 - 13. URGENT BUSINESS**

 - 14. CLOSURE**
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