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(10 MAY 2005)

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Minutes of the Ordinary Meeting of Council of the Town of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 10 May 2005, commencing at 6.40pm.

1. DECLARATION OF OPENING

The Presiding Member, Mayor Nick Catania JP, declared the meeting open at 6.40pm.

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Nil.

(b) Present:

Mayor Nick Catania, JP	Presiding Member
Cr Simon Chester	North Ward
Cr Helen Doran-Wu	North Ward
Cr Steed Farrell	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental and Development Services
Rick Lotznicher	Executive Manager Technical Services
Mike Rootsey	Executive Manager, Corporate Services
Annie Smith	Executive Assistant (Minutes Secretary)
Mark Fletcher	Journalist – Voice News (until 8.37pm)

Approximately 19 Members of the Public

(c) Members on Leave of Absence:

- Cr Maddalena Torre for the period 26 April to 14 June 2005 (inclusive) for personal reasons.

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

1. Ms Sonia Bell of 17 Caddy Avenue, West Leederville – Item 10.1.8 – Addressed concerns raised by Council at its meeting held in February 2005. Stated that there have been no objections from adjoining owners.
2. Mr Russell Rogers of 85 Glendower Street, Perth – Item 10.1.13 – Requested that the Item be brought forward. Does not believe that the increased size of the dormer window would have undue impact on the streetscape. Advised that the envelope of the house will remain the same.
3. Mr Dudley Bastian of 3 Baker Avenue, Perth – Item 10.4.2 – Referred to the Birdwood Square Progress Report. Believes that the information provided under “*Complaints Received*” is incomplete and should include complaints received by the Police and the Nyoongar Patrol statistics are incorrect. Referred to the petition submitted requesting the heritage sign not be re-erected in the Park.

The Presiding Member advised that the petition had been received after the close of the Agenda, however would be read out at tonight's meeting.

4. Ms Natalie Durr of 25 Anzac Road, Leederville – Item 10.1.15 – Stated that the house is not included on any heritage list and referred to a structural engineer's report which stated significant termite activity, a 3mm crack in a major wall, a roof which is dangerous, weatherboards which have warped, rotted and decayed and would not certify the building as structurally adequate and fit for purpose. Stated that the development complies with the R Codes and local character policy and have addressed the concerns of neighbours.
5. Ms Nicola Sorrell of 27 Anzac Road, Leederville – Item 10.1.15 – Concerned that sunlight would be restricted to their main entertaining, dining and living areas, there would be overlooking from the proposed retreat and the lack of inclusion of any directive by the Town in relation to the sewerage line. Stated that the character of the street will be compromised by the proposed development. Believes that the development is too large for the block.
6. Mr Tim Youe of 28 Anzac Road – Item 10.1.15 – Believes the development will impact on the local housing character and will set a precedent for other developers to confront the Town's policies. Referred to the Town's policies in respect of the Leeder Locality. Requested that the proposed development be rejected or reassessed.
7. Mr Craig Riley of 16 Second Avenue, Kensington – Item 10.1.4 – Referred to the approved condition relating to screening of a first floor balcony and stated that there is no balcony and requested that Council reconsider this condition. Stated that the development complies with development criteria on the eastern side. Requested that Council consider the issue of visual privacy under the performance criteria.
8. Mr Dave Waterhouse of 62 Richmond Street, Leederville – Item 10.1.11 – Thanked those Councillors that visited the site. Referred to the 680mm setback and requested that this be reduced as they wish to minimise the potential of existing trees that could cause damage to the proposed garage or will need to be removed to prevent damage. Believes a reduced setback would mean that the garage would be smoothly integrated into the side boundary and blend consistently into the corner streetscape. Stated that they have support from neighbours for a reduced setback.
9. Mr Jason Puls of 219 Brisbane Street, Perth – Item 10.1.4 – Requested the deletion of condition (i). Stated that they have made several attempts to contact the adjoining owners who live overseas but have had no response from them. Further stated that the overlooking is of an area of 503mm x 1800mm and is in an unused portion Lot 221 in the backyard, close to the right of way. Believes the overlooking issue is insignificant. Requested Council support his request for deletion of condition (i).

10. Ms Cecily Gilbert of 23 Anzac Road, Leederville – Item 10.1.15 – Opposes the proposed development as it is a modern two storey block house set in a uniquely intact one storey character section of Anzac Road. Believes the developers are exploiting the location without attempting to fit their design into it. Further believes the proposed development imposes itself on the streetscape and directly impacts on surrounding properties through its bulk and scale. Stated her dismay at the Council’s treatment of neighbours’ comments on the proposal as they were based on the Town’s policies. Urged the Council to consider the application more thoroughly.
11. Mr John Waddingham of 23 Anzac Road, Leederville – Item 10.1.15 – Stated that he is opposed to the development as he believes it will mark the beginning of the destruction of the character of area in which he lives. Believes there are far more compelling reasons to reject the application than those stated in the recommendation. Referred to his previous comments regarding the Town’s policies. Stated that when asked to comment on the proposal it was in line with the R Codes and no mention of Council’s policies. Believes that the R Codes do nothing to protect character. Urged Council to revisit policies on protection of local character to give them teeth which officers can use and developers know they must respect before too many unique character localities are ruined.
12. Ms Natalie Durr of 25 Anzac Road, Leederville – Item 10.1.15 – Requested that she be permitted to speak on behalf of her husband who was in the gallery but was too unwell to speak. The Presiding Member agreed to this request.

Referred to the Leeder Locality statement that states that new contemporary developments are encouraged provided that the design responds to the established character. Stated that they are unable to replace the cottage with a similar looking one because the local character policy states that replication of traditional architectural styles is not be encouraged. Believes that the amenity of the area is protected in terms of privacy scale and bulk as the R Codes have been complied with. Stated that the impact on the streetscape will be minimal as the second storey will only increase the height of the building by 1.5 metres. Believes that their proposal is far superior to those approved in surrounding streets.

Cr Chester departed the Chamber at 7.20pm.
Cr Chester returned to the Chamber at 7.21pm.

There being no further questions from the public, the Presiding Member closed Public Question Time at 7.22pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS

The Chief Executive Officer advised that the following petitions had been received from:

- 5.1 Residents of Anzac Road with 9 signatories requesting the Town removes the speed hump on Anzac Road (corner Harrow Street), Mt Hawthorn.

The Chief Executive Officer advised that the petition would be referred to the Executive Manager Technical Services for investigation and report.

- 5.2 Residents of Moir and Brookman Streets with 52 signatories requesting that the upgrading of Moir and Brookman Streets be included in the Town's Budget 2005/06, giving due consideration to underground power, appropriate attractive lighting and coordinating with the heritage landscape due to the significant heritage value of the Precinct.

The Chief Executive Officer advised that the petition would be referred to the Executive Manager Technical Services for investigation and report.

- 5.3 Business Owners in the café and retail strip in Oxford Street with 51 signatories requesting the Town takes immediate action to increase the amount of car parking available in the Oxford Centre Precinct.

The Chief Executive Officer advised that the petition would be referred to Executive Managers Technical Services and Environmental and Development Services for investigation and report.

- 5.4 Town of Vincent residents and/or frequent users of the café and retail strip in Oxford Street with 1,444 signatories requesting the Town takes immediate action to increase the amount of car parking available in the Oxford Centre Precinct.

The Chief Executive Officer advised that the petition would be referred to Executive Managers Technical Services and Environmental and Development Services for investigation and report.

- 5.5 Mr James Watson of 180 Palmerston Street, Perth with 78 signatories objecting to the proposed application for demolition of 96 Vincent Street, North Perth

The Chief Executive Officer advised that the petition would be referred to the Executive Manager Environmental and Development Services for investigation and report.

- 5.6 Mr Dudley Bastian of 3 Baker Avenue, Perth with 25 signatories objecting to the heritage sign being replaced in Birdwood Square.

The Chief Executive Officer advised that the petition would be referred to the Executive Manager Environmental and Development Services for investigation and report.

Moved Cr Ker, Seconded Cr Doran-Wu

That the petitions be received.

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 Ordinary Meeting of Council held on 26 April 2005

Moved Cr Ker, Seconded Cr Farrell

That the Minutes of the Ordinary Meeting of Council held on 26 April 2005 be confirmed as a true and correct record.

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7.1 Employee of the Month Awards for the Town of Vincent for May 2005

As members of the public will know, the Council recognises its employees by giving a monthly award for outstanding service to the Ratepayers and Residents of the Town. The recipients receive a \$75 voucher and a Certificate. Also their photograph is displayed in the Administration Centre Foyer, in the Library and at Beatty Park Leisure Centre.

For MAY 2005, the award is presented to RACHEL CLOWES, Recreation Officer in the Town's Community Development Section. Rachel was nominated by Councillor Maddalena Torre for her excellent work in organising the Summer Concerts in the Park - 2005.

Rachel was also responsible for organising the Anzac Day Service 2005, building upon the excellent relationship that the Town has with the Mount Hawthorn RSL and her outstanding efforts are much appreciated.

Rachel is new to community development and yet has demonstrated her affinity towards working with the community to coordinate events that are high quality and meet community expectations.

Public attendances at both these events were considerably above previous years, primarily due to Rachel's organisational skills and commitment to the community of Vincent.

The Employee of the Month award is in recognition of Rachel's tremendous efforts.

Well done Rachel - Keep up the good work!!

Received with acclamation.

7.2 Council Elections 2005

The Presiding Member advised that Council Elections were held on Saturday 7 May 2005 and two new Councillors, Crs Maier and Messina were elected and Crs Doran-Wu and Ker were re-elected.

He also acknowledged outgoing Crs Cohen and Franchina and thanked them for their hard work and advised that the Town would acknowledge their service in the normal manner.

He stated that the elections were carried out without event or concerns and advised that approximately 33% of electors voted which was down a little on last year.

He thanked all that helped out with the elections including, scrutineers, counters and staff.

8. DECLARATION OF INTERESTS

- 8.1 Mayor Catania declared a financial interest in Item 10.3.1 – Investment Report as at 30 April 2005. The nature of his interest being that he is Chairperson of the North Perth Community Bank.
- 8.2 Cr Messina declared a financial interest in Item 10.3.1 – Investment Report as at 30 April 2005. The nature of his interest being that he is Board Member and Shareholder of the North Perth Community Bank.

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

Nil.

10. REPORTS

The Agenda Items were categorised as follows:

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

Items 10.1.8, 10.1.13, 10.4.2, 10.1.15, 10.1.4 and 10.1.11

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

Nil

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

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

Cr Ker	Items 10.1.5, 10.1.9, 10.1.14, 10.2.1 and 10.2.2
Cr Lake	Nil
Cr Chester	Nil
Cr Doran-Wu	Nil
Cr Farrell	Nil
Cr Messina	Nil
Cr Maier	Nil
Mayor Catania	Nil

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

10.4 **Items which members/officers have declared a financial or proximity interest and the following was advised:**

Item 10.3.1

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

Items 10.1.1, 10.1.2, 10.1.3, 10.1.6, 10.1.7, 10.1.10, 10.1.12, 10.1.16, 10.1.17, 10.2.3 and 10.4.1

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

Nil

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

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

Items 10.1.1, 10.1.2, 10.1.3, 10.1.6, 10.1.7, 10.1.10, 10.1.12, 10.1.16, 10.1.17, 10.2.3 and 10.4.1

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

Items 10.1.8, 10.1.13, 10.4.2, 10.1.15, 10.1.4 and 10.1.11

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

Moved Cr Ker, Seconded Cr Farrell

That the following unopposed items be moved en bloc;

Items 10.1.1, 10.1.2, 10.1.3, 10.1.6, 10.1.7, 10.1.10, 10.1.12, 10.1.16, 10.1.17, 10.2.3 and 10.4.1.

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

10.1.1 Further Report - No. 55 (Lot 57) Paddington Street, North Perth - Proposed Two-Storey Additions to Existing Single House - Reconsideration of Condition

Ward:	North	Date:	3 May 2005
Precinct:	North Perth; P8	File Ref:	PRO2970; 00/33/2814
Attachments:	001		
Reporting Officer(s):	B Mckean		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

FURTHER OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Addstyle Constructions on behalf of the owner P & C Hood for proposed two-storey additions to existing single house, at No. 55 (Lot 57) Paddington Street, North Perth, and as shown on plans stamp-dated 12 April 2005, subject to:

- (i) a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Paddington Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); and*
- (ii) 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 Paddington 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.*

COUNCIL DECISION ITEM 10.1.1

Moved Cr Ker, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

FURTHER REPORT:

The Council at its Ordinary Meeting held on 26 April 2005, considered the proposal and resolved that the item be deferred to allow for further investigation regarding a reduction of the western wall height.

The Council at its Ordinary Meeting held on 22 February 2005 resolved to require the subject western wall height being reduced to 6.5 metres, not 6.8 metres.

A further detailed assessment of the subject amended plans dated 12 April 2005 indicates the western wall height being 6.48 to 6.5 metres, therefore the western wall height is compliant with 6.5 metres as resolved by the Council at its Ordinary Meeting held on 22 February 2005.

In light of the above, condition (ii) has been deleted from the previous Officer Recommendation as it is no longer applicable.

The applicant's submission is "*Laid on the Table*".

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 26 April 2005:

"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 Addstyle Constructions on behalf of the owner P & C Hood for proposed two-storey additions to existing single house, at No. 55 (Lot 57) Paddington Street, North Perth, and as shown on plans stamp-dated 12 April 2005, subject to:

- (i) a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Paddington 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);*
- (ii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the western wall height being reduced to 6.8 metres. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and*
- (iii) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Paddington 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.*

COUNCIL DECISION ITEM 10.1.8

Cr Chester departed the Chamber at 7.54pm.

Moved Cr Ker, Seconded Cr Lake

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

- "(ii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the western wall height being reduced to ~~6.8~~ 6.5 metres. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and"*

Debate ensued.

Cr Farrell departed the Chamber at 7.55pm.

Cr Chester returned to the Chamber at 7.56pm.

Moved Cr Ker, Seconded Cr Lake

That the Item be DEFERRED to allow for further investigation regarding a reduction of the western wall height.

CARRIED (7-0)

(Cr Torre on approved leave of absence. Cr Farrell was absent from the Chamber and did not vote.)

AMENDED ASSESSMENT:

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Building Height</i>	<i>Top of external wall 6 metres</i>	<i>Top of external wall 6.7 metres — 7 metres <u>6.4 metres</u> - <u>6.7 metres</u></i>	<i>Not supported - as the proposed second storey addition could be reduced to have a ceiling height of 2.4 metres. The building height variation is considered excessive and would negatively impact on the streetscape and amenity.</i>

ADDITIONAL INFORMATION:

The Council at its Ordinary Meeting held on 22 February 2005 resolved to require the subject western wall height being reduced to 6.5 metres, not 6.8 metres as stated in the 'Details' section of this Agenda Report.

The subject amended plans dated 12 April 2005 indicate the western wall height being 6.4 to 6.7 metres. It is therefore recommended that clause/condition (ii) be amended, such that the western wall height be reduced to 6.5 metres as resolved by the Council at its Ordinary Meeting on 22 February 2005, and not 6.8 metres as stated in the previous Officer Recommendation.

<i>Landowner:</i>	<i>P & C Hood</i>
<i>Applicant:</i>	<i>Addstyle Constructions</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30/40</i>
<i>Existing Land Use:</i>	<i>Single House</i>
<i>Use Class:</i>	<i>Single House</i>
<i>Use Classification:</i>	<i>"P"</i>
<i>Lot Area:</i>	<i>556 square metres</i>
<i>Access to Right of Way</i>	<i>N/A</i>

BACKGROUND:

22 February 2005 Council at its Ordinary Meeting granted conditional approval for proposed two-storey additions to existing single house at No. 55 (Lot 57) Paddington Street, North Perth.

DETAILS:

The application involves the request for reconsideration of condition of Planning Approval for proposed two-storey additions to existing single house at the subject property. The condition being sought for reconsideration is part (a) of the following condition:

"(iii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating;

(a) the south elevation of the balcony on first floor level, for two metres from the eastern side of the balcony, 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; and

(b) western wall height being reduced to 6.8 metres.

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

The applicant's submission is "Laid on the Table".

A submission from the affected neighbour has been received stating no objection to the proposed development. There is however, still a cone of vision encroachment from the proposed balcony, as per the Residential Design Codes (R-Codes). The Assessment Table has been amended to reflect the receipt of the affected neighbour's submission.

ASSESSMENT:

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Plot Ratio</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>
<i>Setbacks:</i>			
<i>West (upper floor)</i>	<i>3.3 metres</i>	<i>2.45 metres</i>	<i>Supported - there are no major openings, the variation is considered minor and no objections were received.</i>
<i>East (upper floor)</i>	<i>3.8 metres</i>	<i>1.95 metres</i>	<i>Supported - there are no major openings, the variation is considered minor and no objections were received.</i>
<i>Building Height</i>	<i>Top of external wall 6 metres</i>	<i>Top of external wall 6.7 metres - 7 metres</i>	<i>Not supported - as the proposed second storey addition could be reduced to have a ceiling height of 2.4 metres. The building height variation is considered excessive and would negatively impact on the streetscape and amenity.</i>

<i>Privacy:</i>			
<i>West (Balcony)</i>	<i>7.5 metres</i>	<i>3.6 metres</i>	<i>Supported - neighbour has stated no objection.</i>
<i>East (Balcony)</i>	<i>7.5 metres</i>	<i>5.6 metres</i>	<i>Supported - as above.</i>

<i>Consultation Submissions</i>		
<i>Support (2)</i>	<ul style="list-style-type: none"> • <i>In favour of development</i> 	<i>Noted</i>
<i>Objection</i>	<i>Nil</i>	<i>Noted</i>
<i>Other Implications</i>		
<i>Legal/Policy</i>	<i>TPS 1 and associated Policies, and Residential Design Codes (R Codes).</i>	
<i>Strategic Implications</i>	<i>Nil</i>	
<i>Financial/Budget Implications</i>	<i>Nil</i>	

** The plot ratio calculation is provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.*

COMMENTS:

It is considered that the proposed cone of vision encroachment is supportable as the written consent of the affected neighbours has been received. Therefore, clause/condition (iii) (a) of the conditional approval granted on 22 February 2005 is recommended to be deleted.

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

10.1.2 No. 83 (Lot 1) Anzac Road, Mount Hawthorn - Proposed Additional Two-Storey Grouped Dwelling to Existing Single House- Amended Plans

Ward:	North	Date:	2 May 2005
Precinct:	Mt Hawthorn; P1	File Ref:	PRO2926; 00/33/2588
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the amended plans stamp-dated 19 April 2005 to Planning Approval (Serial No. 00/33/2588) granted by the Council on 21 December 2004 and issued on 5 January 2005, for proposed Additional Two-Storey Grouped Dwelling to Existing Single House, at No. 83 (Lot 1) Anzac Road, Mount Hawthorn.

COUNCIL DECISION ITEM 10.1.2

Moved Cr Ker, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

PURPOSE OF REPORT:

The subject amended plans have been submitted as part of the Building Licence Application for the proposed development and varies from the respective Planning Approval plans. Given the debate in relation to Item 10.4.5 at the Ordinary Meeting of Council held on 22 March 2005 regarding the development No. 516 Fitzgerald Street, North Perth, the subject amended plans are being referred to this Ordinary Meeting for consideration and determination by Council. The Town's Manager Planning, Building and Heritage Services has developed a Policy to address procedures for dealing with variations between Planning Approval Plans and Building Licence Plans. This draft Policy was considered by the Council on 26 April 2005 and the following was resolved:

"That the Item be DEFERRED to allow for rewording and definitions/clarifications of significant variations compared to minor variations."

Landowner:	D & K Cole
Applicant:	D & K Cole
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
Existing Land Use:	Single House
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	827 square metres
Access to Right of Way	South side, 5 metres wide, sealed, Town- owned

BACKGROUND:

23 November 2004: The Council at its Ordinary Meeting resolved to conditionally approve an application for an additional two-storey grouped dwelling to existing single house, at the subject property.

21 December 2004 The Council at its Ordinary Meeting resolved to conditionally approve an application for a request for reconsideration of conditions of the above development approval.

DETAILS:

The external differences between the current revised Building Licence Application plans and the previous Planning Approval plans are as follows:

- the increase in wall height and the second floor finished floor level by 10 millimetres;
- changes to the openings of the ground floor;
- window of bedroom 2 on the upper floor increased by 240 millimetres; and
- length of bedroom 3 on the upper floor decreased by 500 millimetres.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
The revised Building Licence Application plans do not result in any greater variations to the development requirements from the previously approved plans.			
Consultation Submissions			
The amended plans were not advertised as it does not involve any greater variations to the development requirements from the previously approved plans.			
Objection	N/A		N/A
Support	N/A		N/A
Other Implications			
Legal/Policy			TPS 1 and associated Policies and Residential Design Codes (R-Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

COMMENTS:

The revised Building Licence Application plans are regarded to be acceptable as the changes in the amended plans are minor, not considered to have an undue impact on the adjoining neighbours and do not involve any greater variations to the development requirements from the previously approved plans.

Accordingly, it is recommended that further Planning Approval for the revised Building Licence Application plans should not be required, and that the revised plans be approved as amended plans to the previous Planning Approval.

10.1.3 No. 132 (Lot 84) Flinders Street, Mount Hawthorn – Proposed Partial Demolition of and Alterations, Two-Storey Additions and Deck to Existing Single House- Amended Plans

Ward:	North	Date:	3 May 2005
Precinct:	Mt Hawthorn; P1	File Ref:	PRO2889; 00/33/2378
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the amended plans stamp-dated 15 April 2005 to Planning Approval (Serial No. 00/33/2378) granted under delegated authority from the Council on 30 August 2004 and issued on 30 August 2004, for proposed Partial Demolition of and Alterations, Two-Storey Additions and Deck to Existing Single House at No. 132 (Lot 84) Flinders Street, Mount Hawthorn.

COUNCIL DECISION ITEM 10.1.3

Moved Cr Ker, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

PURPOSE OF REPORT:

The subject amended plans have been submitted as part of the Building Licence Application for the proposed development and varies from the respective Planning Approval plans. Given the debate in relation to Item 10.4.5 at the Ordinary Meeting of Council held on 22 March 2005 regarding the development No. 516 Fitzgerald Street, North Perth, the subject amended plans are being referred to this Ordinary Meeting for consideration and determination by Council. The Town's Manager Planning, Building and Heritage Services has developed a Policy to address procedures for dealing with variations between Planning Approval Plans and Building Licence Plans. This draft Policy was considered by the Council on 26 April 2005 and the following was resolved:

"That the Item be DEFERRED to allow for rewording and definitions/clarifications of significant variations compared to minor variations."

Landowner:	T L Coughlan & D Jones
Applicant:	T L Coughlan & D Jones
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	488 square metres
Access to Right of Way	East side, 5 metres wide, unsealed, privately- owned

BACKGROUND:

Conditional approval was granted under delegated authority from the Council on 30 August 2004 for proposed partial demolition of and alterations, two-storey additions and deck to existing single house at the subject lot.

DETAILS:

The current revised Building Licence Application plans differ from the previous Planning Approval plans in that the north-west deck abutting the bedroom on the upper floor is now proposed to be fully enclosed and form part of the bedroom.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
The revised Building Licence Application plans do not result in any greater variations to the development requirements from the previously approved plans.			
Consultation Submissions			
The amended plans were not advertised as it does not involve any greater variations to the development requirements from the previously approved plans.			
Objection	N/A		N/A
Support	N/A		N/A
Other Implications			
Legal/Policy			TPS 1 and associated Policies and Residential Design Codes (R-Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

COMMENTS:

The revised Building Licence Application plans are regarded to be acceptable as the changes in the amended plans are minor, not considered to have an undue impact on the adjoining neighbours and do not involve any greater variations to the development requirements from the previously approved plans. Furthermore, it is noted that the amendments are contained within the building envelope of the previously approved plans.

Accordingly, it is recommended that further Planning Approval for the revised Building Licence Application plans should not be required, and that the revised plans be approved as amended plans to the previous Planning Approval.

10.1.6 Nos. 288-292 (Lots 4, 123 & 124) Newcastle Street, Perth - Proposed Alterations and Additions to Existing Signage

Ward:	South	Date:	3 May 2005
Precinct:	Beaufort; P13	File Ref:	PRO3140; 00/33/2785
Attachments:	001		
Reporting Officer(s):	T Durward		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by RAC Automotive Services Pty Ltd on behalf of the owner Ilario Holdings Pty Ltd for proposed Alterations and Additions to Existing Signage, at Nos. 288-292 (Lots 4, 123 & 124) Newcastle Street, Perth, and as shown on plans stamp-dated 8 March 2005, subject to:

- (i) all signage shall be subject to a separate Sign Licence application being submitted and approved prior to the erection of the signage;*
- (ii) all signage shall be kept in a good state of repair, safe, and be non-climbable and free from graffiti for the duration of their display on-site;*
- (iii) the signage shall not have flashing or intermittent lighting; and*
- (iv) the existing signage shall be removed from the property prior to the erection of the subject approved signage.*

COUNCIL DECISION ITEM 10.1.6

Moved Cr Ker, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

Landowner:	Ilario Holdings Pty Ltd
Applicant:	R.A.C. Automotive Services Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Car Mechanic Workshop
Use Class:	Light Industry
Use Classification:	"SA"
Lot Area:	969 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves alterations and additions to existing signage.

The existing projecting signs attached directly to the building and to the fascia of the verandah are proposed to be altered to advertise the new business, being *RAC Auto Service*. The proposed projecting sign attached directly to the building includes an addition treatment, being the *RAC* logo, which is centrally located along the sign. The proposed projecting sign attached to the fascia of the verandah is similar in form except for its content, colours and dimensions, the words *Auto Services* are written along the east and west elevations and extend for 6.032 metres along the fascia and are 550 millimetres in height. The proposed projecting sign attached directly to the building extends for the entire length and width of the building wall above the verandah.

The proposal also includes a monolith sign; it is shaped like a spanner with the *RAC* logo at its peak. The monolith sign is 6 metres in height and 2 metres in width. It is centrally located at the front of the subject property.

All signs are predominately blue in colour with white text, gold *RAC* logo and yellow strip at the bottom of each sign.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Monolith Sign:	Not be located within 1 metre of the lot boundaries.	Within 200 millimetres of lot boundary	Supported - locating the sign any further from the lot boundary will negate the usability of existing car bays on site, and there is no undue impact on the streetscape.
Projecting Sign: Attached to the fascia of a verandah	Not exceed vertical dimension of 600 millimetres	1.2 metres	Supported - replacing existing sign and no undue impact on the streetscape.
Projecting Sign: Attached directly to a building	Not exceed 4 square metres in area Not project above the top of the wall to which it is attached	17.5 square metres 400 millimetres projection above top of wall.	Supported - replacing existing sign and no undue impact on the streetscape. Supported - projection considered to be minor and no undue impact on the streetscape.

Consultation Submissions		
Support	N/A	N/A
Objection	N/A	N/A
Other Implications		
Legal/Policy	TPS 1 and associated Policies.	
Strategic Implications	Nil	
Financial/Budget Implications	Nil	

* The plot ratio calculation is provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

COMMENTS:

Existing Land Use

It is noted that no change of use application is necessary as the proposed use, a motor mechanics workshop, is similar to a previous approved use for the subject site. The new occupier of the development, being *RAC Auto Services*, is considered to be less intensive in terms of its land use than the previous occupier.

Signage

It is noted that the proposal did not require advertising and the variations to the projecting and monolith signs requirements are considered acceptable. The Town's Officers also noted that all building and verandah structures are existing, the proposed monolith sign being the only addition.

Summary

In light of the above, the proposal is considered supportable, subject to appropriate and standard conditions to address the above matters.

10.1.7 Nos. 217-225 (Lots 25, 24 & 23) Fitzgerald Street, West Perth - Proposed Awning Additions and Alterations and Additions to Signage to Existing Club Premises

Ward:	South	Date:	3 May 2005
Precinct:	Hyde Park; P12	File Ref:	PRO0579; 00/33/2728
Attachments:	001		
Reporting Officer(s):	T Durward		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

(i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Maurizio Events Catering on behalf of the owner WA Italian Club Inc for proposed Awning Additions and Alterations and Additions to Signage to Existing Club Premises, at Nos. 217-225 (Lots 25, 24 & 23) Fitzgerald Street, West Perth, and as shown on plans stamp-dated 28 February 2005 (perspective photograph) and 10 March 2005 (site plan, elevation and signage dimensions plan), subject to:*

(a) *prior to the issue of a Building Licence or Sign Licence, whichever occurs first, revised plans shall be submitted and approved demonstrating the following:*

- (1) *the proposed awning having a minimum clearance of 2.7 metres from the adjacent footpath level;*
- (2) *the support/approval of the Department for Planning and Infrastructure and/or Western Australian Planning Commission, and compliance with its comments and conditions at the applicant(s)/owner(s)' full expense; and*
- (3) *the word "Restaurant" being deleted from the proposed sign, unless an application for Planning Approval for an Eating House on the subject property is submitted to and approved by the Town.*

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

- (b) *doors and windows and adjacent floor areas fronting Fitzgerald Street shall maintain an active and interactive relationship with this street;*
- (c) *all signage shall be subject to a separate Sign Licence application being submitted and approved prior to the erection of the signage;*
- (d) *all signage shall be kept in a good state of repair, safe, and be non-climbable and free from graffiti for the duration of their display on-site; and*
- (e) *the signage shall not have flashing or intermittent lighting; and*

- (ii) *the Council ADVISES the applicant to ensure the dining area and private function rooms at No(s). 217-225 Fitzgerald Street are associated, ancillary and incidental to the approved club premises use on the subject property, unless an application for Planning Approval for an Eating House is submitted to and approved by the Town.*

COUNCIL DECISION ITEM 10.1.7

Moved Cr Ker, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

Landowner:	WA Italian Club Inc
Applicant:	Maurizio Events Catering
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Club
Use Class:	Club
Use Classification:	"SA"
Lot Area:	1755 square metres
Access to Right of Way	West side, 5 metres wide, sealed, privately owned

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves awning additions and alterations and additions to signage to existing club premises.

The awning is proposed to be 11.5 metres long, 1.2 metres in height (a total of 3.6 metres above the adjacent footpath level) and has a 600 millimetre protrusion (width) over the footpath, and is located along the northern frontage of the subject property at the nil setback line.

Three (3) projecting signs are proposed to be attached to the fascia of the proposed awning. Two projecting signs, with equal dimensions, colours and content are attached to the northern and southern edges of the proposed awning along the Fitzgerald Street frontage. The dimensions of these signs are approximately 1 metre wide and 0.85 metre high. The third projecting sign includes a logo and lettering and is centrally located along the proposed awning and advertises the business located at the subject site, being *Maurizio Restaurant and Private Function Rooms*. This sign's logo dimensions are approximately 0.6 metre wide and 0.85 metre high and lettering dimensions are approximately 4.5 metres wide and 0.6 metre high.

The awning is to be constructed of steel and canvas and the proposed colours of the signage is white, gold and yellow, for the text and logo, on a navy blue background.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Projecting Sign: Clearance -	Have a minimum clearance of 2.7 metres from the finished ground level	2.4 metres	Not supported - conditioned to comply.
Vertical Dimension -	Not exceed 600 millimetres	1200 millimetres	Supported - no undue impact on adjacent properties or surrounding area.
Consultation Submissions			
Support	N/A		N/A
Objection	N/A		N/A
Other Implications			
Legal/Policy			TPS 1 and associated Policies.
Strategic Implications			Nil
Financial/Budget Implications			Nil

* The plot ratio calculation is provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

COMMENTS:

The proposal did not require advertising and the variations to the projecting signs are considered acceptable.

The proposed awning structure is compliant with the Town's Canvas Awnings Policy and is supported, subject to the support/approval of the Western Australian Planning Commission (WAPC) and/or the Department for Planning and Infrastructure (DPI), as the awning structure is located along an Other Regional Road under the provisions of the Metropolitan Region Scheme.

The approved land use at the subject site is currently for a Club Premise. In considering the subject application for signage it is noted that the proposed awning is advertising a restaurant at the subject site. The Town should not approve signage for a land use that does not have the relevant Planning Approval from the Town. The Officer Recommendation therefore includes a condition for the deletion of the word "*Restaurant*" from the proposed signage and recommends the applicant obtain Planning Approval for the Restaurant or Eating House use if it is not associated, ancillary and incidental to the Club Premise use.

In light of the above, the proposal is considered supportable, subject to standard and appropriate conditions to address the above matters.

10.1.10 No. 85 (Lot 386) Hobart Street , Mount Hawthorn - Proposed Partial Demolition of and Alterations, Additions and Garage to Existing Single House (Application for Retrospective Approval)

Ward:	North	Date:	3 May 2005
Precinct:	Mt Hawthorn; P1	File Ref:	PRO2986; 00/33/2770
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by PG Van Vliet on behalf of the owner PG and CT Van Vliet for proposed Partial Demolition of and Alterations, Additions and Garage to Existing Single House (Application for Retrospective Approval), at No. 85 (Lot 386) Hobart Street , Mount Hawthorn, and as shown on plans stamp-dated 9 March 2005, subject to:

- (i) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Hobart 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 of 50 per cent transparency; and*
- (ii) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive.*

COUNCIL DECISION ITEM 10.1.10

Moved Cr Ker, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

Landowner:	PG and CT Van Vliet
Applicant:	PG Van Vliet
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R20
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	468 square metres
Access to Right of Way	N/A

BACKGROUND:

Approval was granted under delegated authority for partial demolition of and alterations and family room and garage additions to existing single house at the subject property on 26 November 2004. Subsequent to this, it has been brought to the Town's attention that works have commenced without a Building Licence.

The applicant has since stopped works at the request of the Town and submitted another planning application. The current plans differ from the previously approved plans in that the roof has been changed from a skillion to a gable roof.

DETAILS:

The proposal involves partial demolition of and alterations, additions and garage to existing single house (application for retrospective approval). The applicant's submission is "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Setbacks - East	1.5 metres	1.3 metres	Supported- setback is consistent with existing building, no undue impact on surrounding area and no objections received by the Town.
Consultation Submissions			
The applicant has obtained signatures from all adjoining landowners and occupiers, indicating they have no objections to the proposal.			
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

* The plot ratio calculation is provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

COMMENTS:

The variations sought by the applicant are considered to be minor, not to have an undue impact on the adjoining neighbours or the surrounding area and are supported in light of no objections being received by the Town. The planning application is therefore recommended for approval, subject to standard conditions.

10.1.12 No. 76 (Lot 37) Cleaver Street, West Perth - Proposed Survey Strata Subdivision

Ward:	South	Date:	2 May 2005
Precinct:	Cleaver; P5	File Ref:	1945-04
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Residential Design Codes, the Council RECOMMENDS REFUSAL to the Western Australian Planning Commission (WAPC), for the application submitted by Greg Rowe and Associates on behalf of the owner Kiama Grove Pty Ltd for proposed Survey Strata Subdivision, at No. 76 (Lot 37) Cleaver Street, West Perth, and as shown on plans stamp-dated 30 December 2004, for the following reasons:*
- (a) *the subdivision is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
 - (b) *the approval of the proposed subdivision could create an undesirable precedent for subdivision of lots with similar sizes within the area;*
 - (c) *the applicant has not demonstrated that the proposed lots is capable of being developed in compliance with the requirements of the Residential Design Codes (R-Codes) and the Town's Town Planning Scheme No. 1 and associated Policies; and*
 - (d) *consideration of the objections received in relation to the development application proposed for the subject site; and*
- (ii) *the Council REQUESTS the Western Australian Planning Commission that if the Commission is inclined to approve the proposed subdivision, that the Town is further consulted to obtain the appropriate conditions of the Town that should apply to the proposed survey strata subdivision.*

COUNCIL DECISION ITEM 10.1.12

Moved Cr Ker, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

Landowner:	Kiama Grove Pty Ltd
Applicant:	Greg Rowe & Associates
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R80 (Multiple dwellings not permitted)
Existing Land Use:	Single House
Use Class:	Grouped Dwellings
Use Classification:	"P"
Lot Area:	1012 square metres
Access to Right of Way	N/A

BACKGROUND:

There is a concurrent planning application being referred to the Council for consideration under a separate Agenda Report. The subject survey strata subdivision application has been deferred until this time due to the pending planning application.

The Western Planning Commission have advised that it is agreeable to extending the Town's commenting period until 5 May 2005 and that the subject application will be assessed and determined on the basis of the planning situation and information available at the time if the Town has not provided comments by this date. The Town has requested a further time extension to allow for the Council's determination in relation to this matter.

DETAILS:

The proposal involves the subdivision of the subject property into five lots with the existing dwelling (to be retained) lot being 419 square metres and the four rear lots being 92 square metres each. The application was received by the Western Planning Australian Planning Commission prior to an individual minimum site area being a requirement.

ASSESSMENT:

Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	Multiple dwellings not permitted in the Cleaver Precinct, therefore, under R60, 5 lots (grouped dwellings) are permitted.	5 lots	Not supported - refer to 'Comments'.
Consultation Submissions			
No consultation required for this application			
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

* The representative R Coding and density bonus calculations are provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

COMMENTS:

While there are no variations sought in relation to the subject application, due to the size and shape of the proposed lots, it is considered that it should be demonstrated that the proposed lots are capable of being developed in accordance with the requirements of the Town's Town Planning Scheme No. 1 and associated Policies and the R-Codes prior to the Town endorsing such as an application.

On the above basis, the application is recommended for refusal.

10.1.16 Planning and Building Policies - Amendment No. 18 Relating to Communal Space for Lodging Houses, Hostels and Serviced Apartments

Ward:	Both Wards	Date:	3 May 2005
Precinct:	All Precincts	File Ref:	PLA0153
Attachments:	001 002		
Reporting Officer(s):	C Mooney		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the final amended version of the draft Policy relating to Communal Space for Lodging Houses, Hostels and Serviced Apartments, as shown in Attachment 001, resulting from the advertised version having been reviewed and regard to the written submissions received during the formal advertising period as outlined in Attachment 002, in accordance with Clauses 47 (4), and (5) (a) of the Town's Town Planning Scheme No. 1;*
- (ii) *ADOPTS the final amended version of the Policy relating to Communal Space for Lodging Houses, Hostels and Serviced Apartments, as shown in Attachment 001; and*
- (iii) *AUTHORISES the Chief Executive Officer to advertise the final amended version of the Policy relating to Communal Space for Lodging Houses, Hostels and Serviced Apartments as shown in Attachments 001, in accordance with Clause 47 (6) of Town's Town Planning Scheme No. 1.*

COUNCIL DECISION ITEM 10.1.16

Moved Cr Ker, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to present to Council the final amended version of the draft Policy relating to Communal Space for Lodging Houses, Hostels and Serviced Apartments, and seek final adoption.

BACKGROUND:

The Council at its Ordinary Meeting held on 27 March 2001 resolved to adopt the Planning and Building Policy Manual dated 2001 with some amendments.

The Council at its Ordinary Meeting held on 8 March 2005 resolved the following:

“That the Council;

- (i) RECEIVES the Draft Policy relating to Communal Space for Lodging Houses, Hostels and Serviced Apartments, as shown in Attachment 001;*
- (ii) ADOPTS the Draft Policy relating to Communal Space for Lodging Houses, Hostels and Serviced Apartments to be applied in the interim during the advertising period and up to formal adoption of the Draft Policy;*
- (iii) ADVERTISES the Draft Policy relating to Communal Space for Lodging Houses, Hostels and Serviced Apartments 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 Draft 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 Draft Policy; and*
 - (c) forwarding a copy of the Draft Policy to the Western Australian Planning Commission;*
- (iv) after the expiry of the period for submissions:*
 - (a) receives any submissions relating to the Draft Policy relating to Communal Space for Lodging Houses, Hostels and Serviced Apartments;*
 - (b) reviews the Draft Policy relating to Communal Space for Lodging Houses, Hostels and Serviced Apartments, having regard to any written submissions; and*
 - (c) determines the amended version of the Draft Policy relating to Communal Space for Lodging Houses, Hostels and Serviced Apartments, with or without amendment, to or not to proceed with them; and*
- (v) ACKNOWLEDGES that the Notice of Motion resolved at the Ordinary Meeting of Council on 8 June 2004 relating to communal space for lodging houses, hostels and other forms of residential buildings, has been addressed and finalised in the Draft Policy relating to Communal Space for Lodging Houses, Hostels and Serviced Apartments;*
- (vi) ACKNOWLEDGES the requirement for Communal Open Space in Residential Dwellings is sufficiently covered by the Residential Design Codes and the Draft Policy relating to the Residential Design Elements; and*
- (vii) AMENDS the Draft Policy relating to Communal Space for Lodging Houses, Hostels and Serviced Apartments prior to clauses (i), (ii), and (iii) above, being actioned:*

POLICY STATEMENT

- 2) Where communal space cannot be provided in accordance with the acceptable development standards, ~~(as in the case of building conversions)~~ justification is to be provided with the planning application in terms of how the proposal meets the performance criteria.
- 5) External communal spaces are discouraged from directly abutting and/or overlooking adjoining residential areas.
- 6) Applicant to be advised that the development is also required to comply with the provisions for Lodging Houses under the Town of Vincent Health Local Law 2004.

ASSESSMENT TABLE

Performance Criteria	Acceptable Development								
New development (inclusive of alterations and additions) to meet these criteria:	Development which complies with the following will generally be approved:								
External Communal Space	External Communal Space								
<p>P1 Sufficient area is to be provided outside the building for recreational use.</p> <p><u>Where developments are well supplied with private outdoor space in the form of private balconies or courtyards, minimum external communal space requirements may be reduced.</u></p>	<p>A1 A minimum provision of 20 square metres or 2 square metres per person (whichever is greater) of external communal space with a minimum dimension of 4 metres.</p> <p><u>External communal space to be provided in accordance with the following table and to have a minimum dimension of 4 metres:</u></p> <table border="1"> <thead> <tr> <th><u>No of occupants / guests</u></th> <th><u>Minimum area of external communal space required</u></th> </tr> </thead> <tbody> <tr> <td><u>100 or less</u></td> <td><u>20 square metres</u></td> </tr> <tr> <td><u>Greater than 100 and less than 150</u></td> <td><u>30 square metres</u></td> </tr> <tr> <td><u>150 or greater</u></td> <td><u>40 square metres</u></td> </tr> </tbody> </table>	<u>No of occupants / guests</u>	<u>Minimum area of external communal space required</u>	<u>100 or less</u>	<u>20 square metres</u>	<u>Greater than 100 and less than 150</u>	<u>30 square metres</u>	<u>150 or greater</u>	<u>40 square metres</u>
<u>No of occupants / guests</u>	<u>Minimum area of external communal space required</u>								
<u>100 or less</u>	<u>20 square metres</u>								
<u>Greater than 100 and less than 150</u>	<u>30 square metres</u>								
<u>150 or greater</u>	<u>40 square metres</u>								
<p>P5 <u>External communal space should be designed to gain solar access.</u></p>	<p>A2 External communal space should be located at ground level in a courtyard or terrace area or the like.</p> <p>A5 <u>At least 2/3 of the required external communal space area shall be without permanent roof cover.</u></p>								
Internal Communal Space	Internal Communal Space								
P5 P6	A5 A6 An area no less than 15 <u>13 square meters to be provided</u>								

<p>P6 <u>P7</u></p>	<p>A6 <u>A7</u> <i>Communal space shall be located on the ground floor near adjacent to commonly used spaces, such as kitchen, lobby entry area, manager's office etc, or adjacent to the communal outdoor open space.</i></p>
<p><i>General</i></p> <p>P7 <u>P8</u></p> <p>P8 <u>P9</u></p>	<p><i>General</i></p> <p>A7 <u>A8</u></p> <p>A8 <u>A9</u> <i>Internal and external communal space preferably to be north facing."</i></p>

CONSULTATION/ADVERTISING:

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

Advertising of the draft Policy concluded on 3 May 2005. One submission was received in regard to the draft Policy relating to Communal Space for Lodging Houses, Hostels and Serviced Apartments. The Schedule of Submissions including the Officer's Responses are shown in Attachment 002.

DETAILS:

One submission was received from the Water Corporation. The draft Policy has been amended to include wording reflecting water conservation principles in the performance criteria P3/4. No further amendments have been made to the document.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2005-2010 - Key Result Area One: Environment and Infrastructure:
"1.3 Develop, implement and promote sustainable urban design."

FINANCIAL/BUDGET IMPLICATIONS:

The current 2004/2005 Budget lists \$62,000 for Town Planning Scheme Amendments and Policies.

COMMENTS:

In light of the above it is recommended that Council receives, adopts and advertises the final amended Policy, in line with the Officer Recommendation.

10.1.17 Draft Swan and Canning Rivers Management Bill December 2004

Ward:	Both Wards	Date:	2 May 2005
Precinct:	All Precincts	File Ref:	PLA0096
Attachments:	001		
Reporting Officer(s):	C Mooney		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Report relating to the Draft Swan and Canning Rivers Management Bill December 2004; and*
- (ii) *ADVISES the Swan River Trust and the Western Australian Local Government Association (WALGA) that the Town SUPPORTS the contents of the documentation entitled "WA Local Government Association Draft Submission: New Era for the Rivers: Draft Swan and Canning Rivers Management Bill ", relating to the Draft Swan and Canning Rivers Management Bill December 2004 .*

COUNCIL DECISION ITEM 10.1.17

Moved Cr Ker, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to provide information relating to Draft Swan and Canning Rivers Management Bill, inclusive of the draft submission presented by the Western Australian Local Government Association (WALGA).

DETAILS:

As part of the consultation process of the Swan River Trust, the Trust provided the Town documentation regarding the Draft Bill in December 2004, and sought the Town's comments.

The Swan River Trust has provided the following summary of the draft legislation.

"The legislation will help to clarify jurisdiction, powers and accountability for managing activities that affect the Swan and Canning rivers. In brief the legislation will:

- *restructure the Swan River Trust and strengthen its powers to manage the health of the rivers;*
- *provide for the establishment of environmental and related targets for the ecological and community benefits and amenity of the rivers;*
- *provide for a river protection strategy to guide development of management programs and performance and management standards;*
- *establish the Swan Canning Riverpark, consisting of the waterways and adjacent Crown land reserves, to be managed by the Swan River Trust;*

- *vest the riverbed in the Trust to enable it to manage the waterways of the Riverpark for ecological and community benefits;*
- *provide for controls on development in and abutting the development control area, which is the current Swan River Trust management area;*
- *provide for the management of activities within the catchment where these affect the health of the Swan and Canning Rivers; and*
- *revise penalties to bring them in line with current policies.”*

The Draft Bill is "*Laid on the Table*".

The Town has received a letter dated 21 April 2005 regarding the Draft Swan and Canning Rivers Management Bill from WALGA, to provide the Swan River Trust an advocated submission on the Draft Bill. The closing date for comments on the Draft Bill closed on 29 April 2005, nevertheless WALGA has sought a three week extension on the submission of comments. The submission (draft) is included as an attachment to this report.

The main body of WALGA's draft submission states as follows:

“New Management Regime

. . . . It is the Association’s view that the Draft Swan and Canning Rivers Management Bill attempts to provide for the establishment of the Swan River Trust as the single entity which can perform a ‘whole of system’ management role for the Swan and Canning Rivers (and adjoining waterways). On this basis the, the Association is generally supportive of the Draft Bill as it pertains to this proposed function of the Swan River Trust, however, as per comments provided in this submission, the Association has an ongoing concern that groundwater management is not adequately incorporated into the management regime and considers the Draft’s Bill’s description of how the Trust will interact with the catchment area, to be deficient.

The Association also considers that this Draft Bill provides an opportunity to review the development control function of the Swan River Trust and the appropriateness of a single focus management regime at a time when all Australian Government entities are seeking outcomes which align with sustainability principles.”

WALGA's draft submission additionally makes comments relating to specific clauses of the Draft Bill and can be seen in the attachment.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Town of Vincent Town Planning Scheme No. 1, and various State Legislation including Swan River Trust Act 1988 and Metropolitan Region Scheme.

STRATEGIC IMPLICATIONS:

Strategic Plan 2005-2010 - Key Result Area One: Environment and Infrastructure:

1.1 *“Protect and enhance the environment and biodiversity.”*

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The Explanatory Notes from the Swan River Trust outline that the controls on development under the existing *Swan River Trust Act 1988* have been retained. Given that the only proposed main changes provide for; a more extensive community consultation process, a more flexible, streamlined process, and financial assurance, it is not considered that these matters will have a significant effect on the Town from a town planning perspective, however the comments provided by WALGA address succinctly, broader concerns regarding the practicalities of regulation facing local government.

In light of the above, it is recommended that the Council receives the report relating to the Draft Swan and Canning Rivers Management Bill and advises the Swan River Trust and WALGA that the Town generally supports the contents of WALGA's draft submission.

10.2.3 Tender No 316/05 - Supply and Delivery of One (1) 22/23m³ Side Loading Automatic Bin Lifter Refuse Truck

Ward:	Both	Date:	3 May 2005
Precinct:	All	File Ref:	TEN0325
Attachments:	-		
Reporting Officer(s):	R Lotznicher, C Economo		
Checked/Endorsed by:	-	Amended by:	-

RECOMMENDATION:

That the Council accepts the tender submitted by Skipper Trucks for the Supply of One (1) 22/ 23m³ Side Loading Automatic Bin Lifter Refuse Truck for the total cost of \$231,330.00 (GST inclusive) in accordance with the specifications as detailed in tender No 315/05.

COUNCIL DECISION ITEM 10.2.3

Moved Cr Ker, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to seek the Council's approval for awarding a tender for the purchase of the Supply of one (1) 22/ 23m³ Side Loading Automatic Bin Lifter Refuse Truck to the preferred supplier.

BACKGROUND:

Tenders closed on Wednesday 6 April 2005 for the Supply of One (1) 22/23m³ Side Loading Automatic Bin Lifter Refuse Truck Complete and three (3) tenders were received.

One (1) tender received did not comply with the specified requirements including; power, torque, and transmission and was not considered further

DETAILS:

Details of the submissions received for Tender No 315/05 are as follows:

Description	Skipper Trucks	Major Motors Pty Ltd
Cab Chassis <i>Iveco Acco F2350G/285</i>	\$171,631.00	-
Cab Chassis <i>Isuzu SITEC 275</i>	-	\$156,046.00
Compactor/bin lift* <i>(MacDonald Johnston Engineering: Option 2)</i>	\$144,289.00	\$144,289.00

Description	Skipper Trucks	Major Motors Pty Ltd
Less Trade-in Hino 1AYK 936	\$84,590.00	\$54,500.00
Price (incl GST)	\$231,330.00	\$245,835.00

Note*: Compactor/bin lift

Prices for this component were received from MacDonald Johnston Engineering and Waste Master as follows:

Wastemaster	MacDonald Johnston Engineering: Option 1	MacDonald Johnston Engineering: Option 2	MacDonald Johnston Engineering: Option 3
\$148,791.50	\$139,649.40	\$144,298.00	\$140,266.50

An evaluation panel consisting of the Executive Manager Technical Services and the Coordinator Engineering Services assessed the conforming tenders using the selection criteria in accordance with the tender documentation as follows:

Selection Criteria

	Weighting	Skipper Trucks	Major Motors Pty Ltd
Mandatory product features	25%	24	22
Special facilities	20%	20	18
Price	20%	20	18.82
Life Cycle Costing	15%	10	10
Operator Ergonomics	10%	10	9
Warranty	5%	5	5
Delivery	5%	3.5	4
Total	100%	92.5	86.82

Following the evaluation process, the submission by Skipper Trucks has been recommended. They have submitted the best changeover price following trade-in of the Town's existing Hino rubbish truck.

The Town currently has a fleet of 5 rubbish trucks comprising 2 Rear Loaders, 2 Side Lifters and a Small Rear Loader for parks and street litter bin collection.

Comparison and Assessment

The Town's current fleet of Iveco Acco truck has performed exceptionally well with little down time resulting from engine mechanical failures. The main down time with waste collection vehicles results from repairs maintenance and general wear and tear to moving parts in the compaction unit which operates five days per week all year round.

The country of manufacture for Iveco Acco is Australia and parts are readily available, relatively inexpensive and available from Australia, the United Kingdom and the USA.

The Iveco Acco is purpose built for domestic waste collection and is used extensively by private refuse collection companies and other Local Governments throughout Western Australia and has a proven low cost of ownership over the longest possible work life.

The Mechanical Supervisor City Of Perth was contacted and stated that the Iveco Acco can compact rubbish at lower RPMs reducing the noise factor for operations. This is a crucial factor for rubbish collection especially in the early hours of the morning in residential areas.

The ISUZU Sitec 275 offered by Major Motors compared favourably with the Iveco Acco unit offered by Skipper trucks, however, the Iveco Acco has superior engine capacity and torque, factory fitted dual control, better operator Ergonomics specifically designed for sanitation collection such as low profile steps with easy access in and out of truck, and controls such as electrically adjustable rear vision mirrors.

In addition, the turning circle is substantially less with the Iveco Acco at 16.7 metres kerb to kerb in comparison with the Izuzu at 18.0 metres making it more suitable for the Town's narrow road system.

The Town has mainly used the compaction and bin lift units supplied by MacDonald Johnston in the past. In terms of price, in this tender the MacDonald Johnston unit is approximately \$4,000 less than the Waste master product. The Town has also successfully used the Wastemaster unit which comprises of an alternative compaction and bin lifting system.

CONSULTATION/ADVERTISING:

Nil

LEGAL/POLICY:

Tender 315/05 for the Supply of One (1)22/ 23m³ Side Loading Automatic Bin Lifter Refuse Truck was advertised in accordance with the Local Government Act Tender Regulations.

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$295,000 (excluding GST) has been allocated in the 2004/2005 budget for replacement of this item of plant. In addition, an amount of \$35,000 (excluding GST) has been included on the budget as a trade in on the original truck. This is funded from the Waste Management reserve.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2005-2010 – 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *“a) Continually review new materials and technologies to achieve better accessibility, affordability and aesthetics for all infrastructure program.”*

COMMENTS:

The Town's Coordinator Engineering Services and the Executive Manager Technical Services carried out extensive research, investigation and liaison with other Waste practitioners and have recommended that the tender submitted by Skipper Trucks represents the best value and most suitable vehicle for the required function.

10.4.1 Use of the Council's Common Seal

Ward:	-	Date:	2 May 2005
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 Council's Common Seal on the documents listed in the report.

COUNCIL DECISION ITEM 10.4.1

Moved Cr Ker, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

BACKGROUND:

The Chief Executive Officer is responsible for the day-to-day management of the Town and other responsibilities and functions in accordance with Section 5.41 of the Local Government Act. This includes the signing of documents and use of the Council's Common Seal for legal documents. The Town of Vincent Local Law relating to Standing Orders Clause 5.8 prescribes the use of the Council's Common Seal. The CEO is to record in a register and report to Council the details of the use of the Common Seal.

At the Ordinary Meeting of Council held on 14 May 2002, the Council authorised the Chief Executive Officer to use the Common Seal, in accordance with Clause 5.8 of the Town of Vincent Local Law relating to Standing Orders, subject to a report being submitted to Council each month (or bi-monthly if necessary) detailing the documents which have been affixed with the Council's Common Seal.

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

Date	Document	No of copies	Details
31/03/05	Lease	3	Town of Vincent and Kidz Galore Pty Ltd of Unit E401, Observation Rise, 183 West Coast Highway, Scarborough re: Kyilla Pre-Primary School, 13 Haynes Street, North Perth 6006
19/04/05	Amalgamation Agreement	2	Town of Vincent and Jaytee Nominees Pty Ltd - No 150-154 Oxford Street, Leederville
27/04/05	Preliminary Agreement	4	Town of Vincent and State of Western Australia acting through its Minister for Sport and Recreation re: Members Equity Stadium - Stage 2 Redevelopment

10.1.8 No. 124 (Lot 2) Loftus Street, North Perth - Proposed Change of Use From Single House to Consulting Rooms (Physiotherapy Practice) and Associated Alterations, and Signage and Alterations to Front/Street Fence, and Demolition of Existing Outbuilding

Ward:	South	Date:	2 May 2005
Precinct:	Smith's Lake; P6	File Ref:	PRO2996; 00/33/2803
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by MC Wood on behalf of the owner SE and AW Belle and MC Wood for proposed Change of Use From Single House to Consulting Rooms (Physiotherapy Practice) and Associated Alterations, and Signage and Alterations to Front/Street Fence, and Demolition of Existing Outbuilding, at No. 124 (Lot 2) Loftus Street, North Perth, and as shown on plans stamp-dated 4 April 2005, subject to:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) the hours of operation shall be limited to the following times: 8am to 7pm Monday to Friday and 8am to 12pm Saturday, inclusive;*
- (iii) a maximum of two (2) consulting rooms and a maximum of two (2) consultants/practitioners and one (1) receptionist are permitted to operate from the property at any one time;*
- (iv) the signage shall not have flashing or intermittent lighting;*
- (v) all signage shall be subject to a separate Sign Licence application being submitted and approved prior to the erection of the signage;*
- (vi) all signage shall be kept in a good state of repair, safe, and be non-climbable and free from graffiti for the duration of their display on-site;*
- (vii) all signage shall be fitted flush against the wall and located entirely on the subject property;*
- (viii) prior to the first occupation of the development, the full length and width of the right of way from Richmond 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 detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Loftus Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); and*

- (x) *this approval for a consulting room 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. If no valid planning complaints are received within the 12 months period, the new application may not require consultation/advertising and conditional approval may be issued by the Town under delegated authority from the Council.*

COUNCIL DECISION ITEM 10.1.8

Moved Cr Lake, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

CARRIED (5-3)

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

(Cr Torre on approved leave of absence.)

Landowner:	SE and AW Belle and MC Wood
Applicant:	MC Wood
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
Existing Land Use:	Single House
Use Class:	Consulting Rooms
Use Classification:	"SA"
Lot Area:	354 square metres
Access to Right of Way	East side, 3.02 metres wide, unsealed, privately- owned

BACKGROUND:

The Council at its Ordinary Meeting held on 8 February 2005 resolved to refuse a similar application for the proposed change of use from single house to consulting rooms (physiotherapy practice) and associated alterations, and signage and alterations to front/street fence, and demolition of existing outbuilding at the subject property. The reasons for refusal are as follow:

1. *Not consistent with the orderly and proper planning and the preservation of the amenities of the locality.*
2. *Intrusion to the residential area is considered undesirable.*
3. *Issues associated with car parking on adjacent residential streets.*
4. *Use would be compatible in the Town's designated Town Centres."*

DETAILS:

The applicant requests Council to reconsider the application for change of use from single house to consulting rooms and associated alterations, and signage, and alterations to front/street fence, and demolition of existing outbuilding.

The current plans differ from the previous plans considered by the Council in that the configuration of the rear car bays has changed and the front elevation, in relation to the proposed signage and fence has been amended to comply with the Town's requirements. The Town's Technical Services have advised that while the car bays do not have the general requirement of 6.0 metres for manoeuvring, the proposed extra width of the car bays do allow for adequate manoeuvring.

The applicant's submission, which includes a response to the Council's reasons for refusal is "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A

Consultation Submissions		
The application was not advertised as it is similar to an application advertised in the past twelve months. No submissions were received during the previous consultation process.		
Support	N/A	N/A
Objection	N/A	N/A

Other Implications	
Legal/Policy	TPS 1 and associated Policies.
Strategic Implications	Nil
Financial/Budget Implications	Nil

Car Parking	
Car parking requirement (nearest whole number)	6 car bays
<ul style="list-style-type: none"> • Consulting room -3 bays per consulting room 	
Apply the adjustment factors.	(0.7225)
<ul style="list-style-type: none"> ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.85 (within 400 metres of car park in excess of 75 bays) 	4.34 car bays
Minus the car parking provided on-site	4 car bays
Minus the most recently approved on site car parking shortfall	Nil.
Resultant shortfall	0.34 car bay**

* The plot ratio calculation is provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

** If the resultant shortfall of parking is less than or equal to 0.5 bay, no parking bay or cash-in lieu of parking is required for shortfall.

COMMENTS:

While it is noted that a similar application for the subject lot was previously refused by Council, the applicant has indicated to the Town's Officers through written submission that discussions have been held with Elected Members, and some Elected Members are willing to support the application and others willing to reconsider the application on the basis of the conversations undertaken and clarification of the proposal.

With the above in mind, the proposal is recommended for approval, subject to standard and appropriate conditions to address the scale and nature of the proposal for the following reasons:

- the proposal in this instance is considered to be compatible with the uses of the surrounding area and not to unduly intrude on the amenity of the neighbouring properties;
- the adaptive reuse retains the existing original building stock and promotes a sustainable approach for building stock;
- there is proposed works to the fence and the requirement to seal the right of way, which will enhance and improve the streetscape and surrounding area;
- adequate parking is provided;
- no objections were received during the previous consultation period;
- the proposal in this instance promotes the integration of the work place and residences and thus, diversifying the land use and providing casual surveillance of the area; and
- it is considered that the applicants have adequately addressed the previous reasons for refusal.

10.1.13 No. 85 (Lots 43, 70 & 71) Glendower Street, Dual Frontage to Primrose Street, Perth - Proposed Alterations and Additions to Existing Three-Storey Single House

Ward:	South	Date:	29 April 2005
Precinct:	Hyde Park; P12	File Ref:	PRO2269; 00/33/2375
Attachments:	001		
Reporting Officer(s):	B McKean		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by the owner R Rodgers for proposed Alterations and Additions to Existing Three-Storey Single House, at No. 85 (Lots 43, 70 & 71) Glendower Street, dual frontage to Primrose Street, Perth, and as shown on plans stamp-dated 22 July 2004, 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 plot ratio requirements of the Residential Design Codes, and the intact streetscape requirements of the Town's Policy relating to the Robertson Locality.*

COUNCIL DECISION ITEM 10.1.13

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

LOST (1-7)

For
Cr Doran-Wu

Against
Mayor Catania
Cr Chester
Cr Farrell
Cr Ker
Cr Lake
Cr Maier
Cr Messina

(Cr Torre on approved leave of absence.)

SUBSEQUENT MOTION

Moved Cr Ker, Seconded Cr Lake

That the application be approved, with the relevant conditions, under delegated authority with a report being included in the Information Bulletin.

Debate ensued.

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

Reasons:

1. **Development is consistent with orderly and proper planning.**
2. **Will add interest to the streetscape.**
3. **Does not increase the site cover.**
4. **Streetscape is already varied.**

Landowner:	R Rodgers
Applicant:	R Rodgers
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R80
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	201 square metres

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves an application for alterations and additions to an existing three-storey single house. The proposal involves an increase in size of the existing front and rear windows of the loft and an increase in loft floor area.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	0.65	1.0	Not supported- excessive variation and undue impact on streetscape.
Robertson Locality Policy	Intact streetscapes are strongly encouraged to be maintained	Intact streetscape interrupted by proposal	Not supported- undue impact on intact streetscape.
Consultation Submissions			
Support	N/A		N/A
Objection	N/A		N/A
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

* The plot ratio calculation is provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

COMMENTS:

The proposal is considered to have an undue impact on the existing streetscape, and considered to be an overdevelopment of the site, therefore is recommended for refusal.

The applicant has been advised of the Officer Recommendation for refusal.

10.4.2 Information Bulletin

Ward:	-	Date:	2 May 2005
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 May 2005 as distributed with the Agenda, be received.

Moved Cr Doran-Wu, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

Moved Cr Farrell, Seconded Cr Doran-Wu

That the existing recommendation be numbered clause (i) and a new clause (ii) be added as follows:

“(ii) a report be submitted concerning the policy and guidelines for representation at the Appeals Tribunal and this be submitted to the Ordinary Meeting of Council to be held on 24 May 2005.”

AMENDMENT CARRIED (8-0)

(Cr Torre on approved leave of absence.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Torre on approved leave of absence.)

COUNCIL DECISION ITEM 10.4.2

That;

- (i) the Information Bulletin dated 10 May 2005 as distributed with the Agenda, be received; and*
- (ii) a report be submitted concerning the policy and guidelines for representation at the Appeals Tribunal and this be submitted to the Ordinary Meeting of Council to be held on 24 May 2005.*

DETAILS:

The items included in the Information Bulletin dated 10 May 2005 are as follows:

ITEM	DESCRIPTION
IB01	Letter from State Administrative Tribunal - Appeal - Reasons for Decision - 28 Monger Street, Perth
IB02	Birdwood Square, Perth - Progress Report
IB03	Letter from Rosewood Care Group regarding Nos. 5-9 (Lot 40) Britannia Road, Mount Hawthorn
IB04	Letter from Public Transport Authority on behalf of the Minister for Planning and Infrastructure regarding the Route 15 Bus Service
IB05	Register of Petitions - Progress Report - May 2005
IB06	Register of Notices of Motion - Progress Report - May 2005
IB07	Register of Reports to be Actioned - Progress Report - May 2005
IB08	Register of Legal Action
IB09	Register of State Administrative Tribunal Appeals
IB10	Forum Notes - 19 April 2005
IB11	Forum - Advice

10.1.15 No. 25 (Lot 16) Anzac Road, Leederville - Proposed Demolition of Existing Single House and Construction of a Two-Storey Single House

Ward:	South	Date:	3 May 2005
Precinct:	Leederville; P3	File Ref:	PRO3070; 00/33/2668
Attachments:	001		
Reporting Officer(s):	T Durward, H Eames		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by owners A Chadbund and N Durr, for proposed demolition of existing single house and construction of a two-storey single house at No. 25 (Lot 16) Anzac Road, Leederville, and as shown on plans stamp-dated 7 January 2005 (existing dwelling floor plan and site plan) and amended plans stamp-dated 28 April 2005 (proposed dwelling site plan, floor plan, elevations and overshadowing plan), for the following reasons:*
- (a) *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 building;*
 - (b) *the existing place has cultural heritage significance in terms of rarity value; and*
 - (c) *consideration of the objections received; and*
- (ii) *the Council advises the landowners of No. 25 (Lot 16) Anzac Road, Leederville, that Council is prepared to give consideration to a development proposal that incorporates the retention of the existing structure and that such a proposal may attract development bonuses.*

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Moved Cr Ker, Seconded Cr Lake

That;

1. *clause (i)(a) be amended to read as follows:*

“(i) (a) *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 building~~ including its impact on the streetscape;” and*

2. *new clauses (i)(d), (e) and (f) be added as follows:*

- “(i) (d) *the non-compliance with the requirements of the Town’s Policies relating to local character, building scale, setbacks and the Leeder Locality Plan, respectively;*
- (e) *cumulative impact of walls with minimum setbacks on both the east and western sides; and*
- (f) *privacy and amenity of adjoining properties;”*

AMENDMENT CARRIED (7-1)

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

(Cr Torre on approved leave of absence.)

Moved Cr Farrell, Seconded Cr Ker

That clause (i)(b) be deleted and the remaining clauses renumbered.

AMENDMENT CARRIED (8-0)

(Cr Torre on approved leave of absence.)

Moved Cr Doran-Wu, Seconded Cr Farrell

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

- “(i) (f) *lack of passive surveillance of the street;”*

AMENDMENT CARRIED (7-1)

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

(Cr Torre on approved leave of absence.)

MOTION AS AMENDED CARRIED (8-0)

COUNCIL DECISION ITEM 10.1.15

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 owners A Chadbund and N Durr, for proposed demolition of existing single house and construction of a two-storey single house at No. 25 (Lot 16) Anzac Road, Leederville, and as shown on plans stamp-dated 7 January 2005 (existing dwelling floor plan and site plan) and amended plans stamp-dated 28 April 2005 (proposed dwelling site plan, floor plan, elevations and overshadowing plan), for the following reasons:*
- (a) *the proposal is not consistent with the orderly and proper planning and the preservation of the amenities of the locality including its impact on the streetscape;*
 - (b) *consideration of the objections received; and*
 - (c) *the non-compliance with the requirements of the Town's Policies relating to local character, building scale, setbacks and the Leeder Locality Plan, respectively;*
 - (d) *cumulative impact of walls with minimum setbacks on both the east and western sides; and;*
 - (e) *privacy and amenity of adjoining properties; and*
 - (f) *lack of passive surveillance of the street; and*
- (ii) *the Council advises the landowners of No. 25 (Lot 16) Anzac Road, Leederville, that Council is prepared to give consideration to a development proposal that incorporates the retention of the existing structure and that such a proposal may attract development bonuses.*

The Council indicated that it would support demolition of the existing house and requested the CEO to advise on the best course of action to achieve this. The CEO advised that it would be appropriate to move a subsequent motion.

SUBSEQUENT MOTION

Moved Cr Ker, Seconded Cr Chester

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owners A Chadbund & N Durr for proposed Demolition of Existing Single House at No. 25 (Lot 16) Anzac Road, Leederville, and as shown on plans stamp-dated 7 January 2005 (existing dwelling floor plan and site plan) and amended plans stamp-dated 28 April 2005 (proposed dwelling site plan, floor plan, elevations and overshadowing plan), subject to:

- (i) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the 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 redevelopment proposal for 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 Planning Scheme No. 1 and associated Policies for the retention of existing dwellings valued by the community; and*
- (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 Planning Scheme No.1 and associated Policies.*

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

ADDITIONAL INFORMATION:

Pedestrian Accessway/Service Corridor

If the existing house was retained a 1.4 metres pedestrian accessway/service corridor (scaled off the plans) could be provided along the eastern boundary to the rear lot.

The Officers of the Town and the Department for Planning and Infrastructure currently require a 1.5 metres wide pedestrian accessway/service corridor unless a dwelling worthy of retention is retained. In these cases, the pedestrian accessway/service corridor can be reduced to a minimum width of 1.0 metre along the dwelling.

Garage Width

In assessing the application the Town's Officers did not consider the width of the garage as it is setback 6 metres from the front boundary and therefore compliant with the Town's Street Setbacks Policy.

The garage width provisions contained in the R Codes relate to carports or garages in the street setback area only, and such streetscape matters are addressed by the Town's Street Setbacks Policy rather than the R Codes.

Local Character Policy

In relation to the performance criteria and acceptable development provisions set out in the Town's Local Character Policy, the following information is provided:

- P1 The proposal is no *greater than one storey higher than the predominant height of housing in the area.*
- P2 The proposal is compliant with front setback and wall height provisions of the Town's Policies and the Residential Design Codes and is therefore determined to be compatible in terms of scale and street rhythm.
- P3 The proposal is considered to be complementary to the existing streetscape by its use of a pitched colourbond roof and earthy colours (being browns, beiges and charcoal) that match the existing style of the streetscape.
- P4 The Town's Officers consider the development proposal to have architectural expression such as roof pitch, curtilage and setbacks.

Building Scale Policy

In relation to the performance criteria and acceptable development provisions set out in the Town's Building Scale Policy, the following information is provided:

- P1 The proposed building height is *consistent with the desired height of building in the locality*, and is compliant with the height provisions for a two-storey dwelling.
- P2 It is considered that as the proposal has no setback variations and is compliant with P1 above, the building bulk is *arranged so as not to impact adversely on adjoining development*.

Leeder Locality Plan

It is noted that the proposed development is in the Leeder Locality and in relation to the provisions set out in the Locality Plan, the following information is provided:

2-Desired Future Character

The proposal is considered contemporary and to respond to the established character for reasons outlined above in Local Character Policy P1-P3. It is further noted that single houses are proposed to be the predominant housing form, the proposal is a fully detached single house with side setbacks and a front setback area fully devoid of car parking spaces.

3-Special Policies

- i) The proposal is compliant with the building height provisions of the Leeder Locality Plan.
- ii) As outlined above, the proposal is compliant with the setback requirements of the Residential Design Codes and the Town's Street Setbacks Policy. Intact streetscapes are strongly encouraged and it is noted the proposed demolition is recommended for refusal.

Draft Residential Design Elements Policy

The Town's Officers currently use the performance criteria and acceptable development standards as set out in the Town's current Policies to assess development applications within the Town. It is noted that sometimes when applying these provisions results can be subjective or not easily applied in a quantifiable and qualifiable manner.

The new Draft Residential Design Elements attempt to address this by creating more provisions that are able to be measured in a quantifiable and qualifiable manner and also it contains more performance criteria and acceptable development provisions.

Landowner:	A Chadbund & N Durr
Applicant:	A Chadbund & N Durr
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	599 square metres
Access to Right of Way	South side, 5.01 metres wide, sealed, Town owned

BACKGROUND:

9 September 2003 Western Australian Planning Commission (WAPC) referred proposed subdivision to the Town for comment.

- 18 November 2003 WAPC advised that the time frame had expired for the Town's comments therefore, the Commission determined the application without the Town's comments.
- 22 January 2004 WAPC refused the proposed subdivision due to the proposal being under the required average lot area required for single houses under the R30 density code of the Residential Design Codes, and the proposal would set an undesirable precedent for further subdivision of surrounding lots in a similar manner.
- 25 March 2004 The WAPC requested a formal response from the Town in relation to the proposed subdivision, as the applicant appealed the Commission's decision to refuse the proposed subdivision.
- 13 April 2004 The Council, at its Ordinary Meeting, resolved to recommend refusal of the proposed subdivision.
- 13 July 2004 The Town Planning Appeal Tribunal (TPAT) upheld appeal for proposed subdivision.

DETAILS:

The proposal involves the demolition of the existing single storey weatherboard and iron dwelling and construction of a two-storey single house. The proposed two-storey single house has frontage to Anzac Road and there is no proposal for the newly created rear lot. The rear lot will use the right-of-way for vehicle access and a 1.5 metres wide pedestrian accessway/service corridor to Anzac Road for pedestrian access and services.

The applicant's submission is "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	1.996 dwellings R 30	2 dwellings R 33.38 - 0.17 per cent density bonus	Noted - appeal for refusal of subdivision upheld by TPAT on 13 July 2004.
Plot Ratio	N/A	N/A	N/A
Setbacks: Ground Floor - East (Garage and Family Room)	 1 metre	 Nil	 Supported - compliant with provisions of R Codes clause 3.3.2 - Buildings on Boundary requirements and to internal boundary only.

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Upper Floor - East (Bedroom 1, 2, 3)	1.5 metres - 2.1 metres	Nil - 1.5 metres to pedestrian accessway /service corridor boundary (internal) and 1.5 metres - 2.85 metres to the boundary of No. 23 Anzac Road.	Supported - variations affect 1.5 metres wide proposed pedestrian accessway/ service corridor for proposed rear lot only.
Buildings on Boundary	Maximum height of 3.5 metres with an average of 3 metres.	5.9 - 6 metres (Dressing, WIR) and 6.02 metres (Bedroom 3, Stairwell). (internal).	Supported - variations affect 1.5 metres wide proposed pedestrian accessway/ service corridor for proposed rear lot only.
Building Height	Maximum height of 6 metres to the top of the eaves.	6.02 metres (Bedroom 3)	Supported - 2 millimetres variation is considered miniscule with no undue impact on amenity of surrounding residents.
Privacy Setbacks: First Floor - South Elevation (Dressing)	4.5 metres	2.5 metres to eastern boundary (internal).	Supported - variations affect 1.5 metres wide proposed pedestrian accessway/ service corridor for proposed rear lot only.
Retaining Wall: Western Elevation	0.5 metre	0.2-0.7 metre	Supported - variation is considered minor due to the sloping nature of the topography and considered to have no undue impact on adjoining properties.
Consultation Submissions			
Support	Nil		Noted
Objection (2 submissions and 1 petition with 17 signatories)	<ul style="list-style-type: none"> Bulk and scale - the development overpowers the existing streetscape. 		Not supported - variation of 2 millimetres to building height is considered minuscule and to have no undue impact on the amenity of adjoining landowners and development is now compliant with front setback requirements.

	<ul style="list-style-type: none"> West side setback variation - set undesirable precedent for side setbacks. 	Not supported - amended plans submitted to comply with western setback requirements.
	<ul style="list-style-type: none"> Building height - increase in bulk and scale, loss of afternoon breeze and detriment to visual amenity. 	Not supported - variation of 2 millimetres is considered minuscule and to have no undue impact on the amenity of adjoining landowners
	<ul style="list-style-type: none"> Local character - the proposal does not meet performance criteria of Policy 3.2.1 (P1-P3) and does not complement the streetscape in terms of scale, street rhythm, front setbacks, wall height and bulk. 	Noted - the proposed development is consistent with the performance criteria set out in the Town's Local Character Policy P1-P3.
	<ul style="list-style-type: none"> Leeder Locality Statement - the proposal does not comply with principles of statement. 	Supported - demolition of the existing dwelling is recommended for refusal thereby keeping an intact streetscape.
	Architectural style is not in keeping with the established character of the area.	Not supported - subjective statement.
	<ul style="list-style-type: none"> Environmental Design - the design does not consider any recommended design features of the Policy. 	Supported - no consideration to Environmental Design Policy apparent in design.
	<ul style="list-style-type: none"> Reduced setbacks will have significant effect on amenity of neighbours. 	Not supported - amended plans have been submitted to comply with setback variations that previously created an undue negative impact.
	<ul style="list-style-type: none"> Submitted plans do not accurately show adjoining dwellings. 	Not supported - plans accurately show adjoining dwelling outline within 3.5 metres of lot boundary.
	<ul style="list-style-type: none"> Building bulk is exasperated by non-compliance with setback requirements. 	Not supported - amended plans have been submitted to comply with setback variations that previously created an undue negative impact.
	<ul style="list-style-type: none"> Privacy setbacks variations will adversely affect home and outdoor entertaining area. 	Not Supported - amended plans submitted to comply with R Codes privacy requirements for any overlooking into adjacent outdoor living areas.
	<ul style="list-style-type: none"> Overshadowing of adjoining outdoor living areas. 	Not supported - proposal complies with acceptable development provisions for Design for Climate requirements of R Codes.

	<ul style="list-style-type: none"> Incorrect retaining wall shown on plans, the retaining wall stops approximately 15 metres from the front boundary. 	Supported - details of new retaining extension of retaining wall included as part of this application.
Other Implications		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial/Budget Implications		Nil

* The representative R Coding and density bonus calculations are provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

* The plot ratio calculation is provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

COMMENT:

Demolition

The place has been assessed in accordance with the Town's Policy relating to Heritage Management - Municipal Heritage Inventory. The place has *some* local cultural heritage significance for the following reason:

The dwelling at No. 25 Anzac Road has *some rarity value* as one of approximately 100 weatherboard cottages remaining in the suburb of Leederville and one of only a few weatherboard cottages in the Town of Vincent that retain a high degree of intactness and original fabric. The place is considered to have rarity value as a consequence of the restricted use of weatherboard as a building material within the Town of Vincent and as a style of construction no longer practiced.

As a modest, single-storey, weatherboard cottage in an entirely single-storey section of Anzac Street, the dwelling at No. 25 Anzac Street has *little to some aesthetic value* due to its contribution to the surrounding streetscape.

The subject property is not listed on the Town's Municipal Heritage Inventory or Interim Heritage Data Base.

Consultation Submissions

The proposal was advertised and two submissions and a petition signed by 17 residents were received during this period. The petition had been received from D and M Charushenko and N Sorrell of c/- 27 Anzac Road, Leederville and was presented to the Council at its Ordinary Meeting held on 12 April 2005.

One submission notes that the plans as submitted are inaccurate in terms of the outline of adjoining dwellings, namely No. 27 Anzac Road, and the length of the retaining wall on the western boundary. It is noted that the retaining wall does not extend for the entire lot boundary and any retaining wall above 500 millimetres requires approval to be obtained from the Town. The proposed extension to the retaining wall on the western boundary is considered supportable due to the nature of the sloping topography and it is not considered to have any undue impact on adjoining dwellings.

Furthermore, the outline of adjoining dwellings is considered to be accurate as the extension to the existing dwelling at No. 27 Anzac Road is setback more than 3.5 metres from the eastern boundary. A courtyard and pergola is located between the extension to the existing dwelling and the eastern boundary to No. 27 Anzac Road and it is considered that the proposal has no undue impact on this area.

Redevelopment

The Town's Officers attended numerous meetings with the applicant in respect to the redevelopment and note that the proposed non-compliances are reduced from those advertised to adjoining landowners.

Summary

On the basis of the information that is contained in the Heritage Assessment, the place is considered to have *some* cultural heritage significance. The Officer Recommendation is that the application be refused.

10.1.4 No. 219 (Lot 2) Brisbane Street, Perth - Proposed Partial Demolition of and Alterations and Three-Storey Additions to Existing Single House - Reconsideration of Condition

Ward:	South	Date:	29 April 2005
Precinct:	Hyde Park; P12	File Ref:	PRO1691; 00/33/2692
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by RAD Architecture on behalf of the owner J Puls for proposed Partial Demolition of and Alterations and Three-Storey Additions to Existing Single House, at No. 219 (Lot 2) Brisbane Street, Perth, and as shown on plans stamp-dated 24 January 2005, subject to:

- (i) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the window of the sleeping room on the southern elevation on the first floor shall be screened with a permanent obscure material and be non operable to a minimum of 1.6 metres above the respective finished floor levels. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole window can be top hinged and the obscure portion of the window operable to a maximum of 20 degrees; OR prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the subject window not exceeding one square metre in aggregate in the respective subject walls, so that it is not considered to be a major opening as defined in 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;*
- (ii) subject to first obtaining the consent of the owners of the adjoining eastern and western properties for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing east and west in a good and clean condition;*
- (iii) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Brisbane 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*
- (iv) an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence or Building Licence, whichever occurs first.*

Journalist, Mark Fletcher departed the meeting at 8.37pm.

Moved Cr Maier, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

Moved Cr Lake, Seconded Cr Messina

That clause (i) be deleted and the remaining clauses renumbered.

Debate ensued.

AMENDMENT CARRIED (5-3)

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

(Cr Torre on approved leave of absence.)

Debate ensued.

MOTION AS AMENDED CARRIED (7-1)

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

(Cr Torre on approved leave of absence.)

COUNCIL DECISION ITEM 10.1.4

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 RAD Architecture on behalf of the owner J Puls for proposed Partial Demolition of and Alterations and Three-Storey Additions to Existing Single House, at No. 219 (Lot 2) Brisbane Street, Perth, and as shown on plans stamp-dated 24 January 2005, subject to:

- (i) *subject to first obtaining the consent of the owners of the adjoining eastern and western properties for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing east and west in a good and clean condition;*

- (ii) *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 Brisbane 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*
- (iii) *an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence or Building Licence, whichever occurs first.*

Landowner:	J Puls
Applicant:	RAD Architecture
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R80
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	223 square metres
Access to Right of Way	South side, 3.4 metres wide, unsealed, privately-owned

BACKGROUND:

- 4 November 2003 The Council at its Ordinary Meeting resolved to conditionally approve an application for alterations and three storey additions to the existing single house at the subject lot.
- 25 May 2004 In response to one of the conditions imposed on the above approval, revised plans were submitted by the applicant. The Council at its Ordinary Meeting resolved to refuse this application for same development.
- 7 December 2004 The applicant submitted similar plans and requested the Council to revisit its decision to refuse the application, based on a written submission prepared in direct response to the Council's reasons for refusal. The Council at its Ordinary Meeting considered the application and consequently resolved to conditionally approve the application for alterations and three storey additions to the existing single house at the subject lot.

DETAILS:

The proposal involves the request for reconsideration of condition of development approval for partial demolition of and alterations and three-storey additions to existing single house at the subject property. The condition being sought for reconsideration is as follows:

- "(i) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the southern elevation of the (sleeping room) balcony (to screen to the eastern and western properties) on the first floor shall be screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the respective finished floor levels. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole*

windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies, an alternative can be considered that satisfies the overlooking provisions of the R-Codes;"

The applicant's submission is "Laid on the Table".

Upon further assessment of the proposal, it is noted that the balcony referred in the above condition does not exist. There is however, still a cone of vision encroachment from the sleeping room window, as per the Residential Design Codes (R-Codes). The Assessment Table has been amended to reflect this variation.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	0.65 (151.45 square metres)	0.91 (204 square metres)	Supported - has previously been addressed.
Open Space	45 per cent (104.85 square metres)	40 per cent (89.5 square metres)	Supported - has previously been addressed.
Setbacks:			
East -	1.5 metres	Nil	Supported - has previously been addressed.
Basement	2.3 metres	Nil	
-Ground floor	1.8 metres	Nil	
-First floor	1.5 metres	100 millimetres to 300 millimetres	
West -			
Basement	1.9 metres	100 millimetres to 350 millimetres	
-Ground floor	1.4 metres	500 millimetres	
-First floor	Consideration can be given to parapets abutting existing parapet walls on boundaries. In addition, in areas coded R30 and higher, consideration can be given to a parapet on one side boundary subject to certain provisions		

Building Height	7.0 metres to the top of the external wall (concealed roof)	Maximum height of 9.0 metres	Supported - has previously been addressed.
Privacy Setbacks- First Floor - (Sleeping Room)	4.5 metres	2.5 metres to eastern boundary and 3.2 metres to western boundary.	Not supported- neighbours written consent has not been obtained.
Consultation Submissions			
The application was not advertised as it is similar to an application advertised in the past twelve months. One objection and six letters of support were received during the previous consultation process.			
Support (6)	<ul style="list-style-type: none"> • Proposal has no impact on streetscape due to slope of land. • Proposal brings interesting diversity into area and complements surrounding area. • Design is high in quality and sensitive to heritage qualities of existing house and area. 		<p>Previously noted.</p> <p>Previously noted.</p> <p>Previously noted.</p>
Objection (1)	<ul style="list-style-type: none"> • General concerns regarding non-compliances. 		Previously noted.
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

* The plot ratio calculation is provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

COMMENTS:

While the applicant's submission regarding the subject window is noted, it is considered that the proposed cone of vision encroachment is not supportable, unless the written consent of the affected neighbours are obtained. Therefore, while the subject condition has been amended to address the overlooking from the window of the sleeping room (and not the balcony, as incorrectly stated in the last report), it is considered that the appropriate screening should be required to protect the reasonable privacy of the neighbours.

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

10.1.11 No. 62 (Lot 1) Richmond Street, Corner Fleet Street, Leederville - Proposed Demolition of Existing Outbuildings and Construction of Garage and Front / Street Fencing to Existing Single House

Ward:	South	Date:	3 May 2005
Precinct:	Leederville, P3	File Ref:	PRO3127; 00/33/2758
Attachments:	001		
Reporting Officer(s):	K Loader		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owners DK Waterhouse and RA Howman for proposed Demolition of Existing Outbuildings and Construction of Garage and Front / Street Fencing to Existing Single House at No. 62 (Lot 1) Richmond Street, corner Fleet Street, Leederville, and as shown on plans stamp-dated 11 March 2005, subject to:

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive; and*
- (ii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following;*
 - (a) *the proposed garage being setback a minimum of 680 millimetres from the western / Fleet Street boundary such that the garage is setback at or behind the line of the front main building wall; and*
 - (b) *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 Richmond 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 solid portion of any new fences and gates adjacent to Fleet Street may increase to a maximum height of 1.8 metres, provided that the wall and/or fence has at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature;*

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

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

Moved Cr Chester, Seconded Cr Messina

That clause (ii)(a) be amended to read as follows:

“(ii) (a) the proposed garage being setback a minimum of ~~680~~ 500 millimetres from the western / Fleet Street boundary such that the garage is setback at or behind the line of the front main building wall; and”

Debate ensued.

AMENDMENT CARRIED (7-1)

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

(Cr Torre on approved leave of absence.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Torre on approved leave of absence.)

COUNCIL DECISION ITEM 10.1.11

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owners DK Waterhouse and RA Howman for proposed Demolition of Existing Outbuildings and Construction of Garage and Front / Street Fencing to Existing Single House at No. 62 (Lot 1) Richmond Street, corner Fleet Street, Leederville, and as shown on plans stamp-dated 11 March 2005, subject to:

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive; and*

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

(a) *the proposed garage being setback a minimum of 500 millimetres from the western / Fleet Street boundary such that the garage is setback at or behind the line of the front main building wall; and*

(b) *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 Richmond 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 solid portion of any new fences and gates adjacent to Fleet Street may increase to a maximum height of 1.8 metres, provided that the wall and/or fence has at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature;*

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

Landowner:	DK Waterhouse & RA Howman
Applicant:	DK Waterhouse & RA Howman
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R40
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	453 square metres
Access to Right of Way	North side, 5 metres wide, partially sealed, privately owned

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The applicant seeks approval for the proposed demolition of the existing outbuildings and construction of a garage and front / street fencing to existing single house. The garage is proposed at the rear of the lot with access from the secondary street (Fleet Street).

The applicant's submission is "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Vehicle Access Policy and Street Setbacks Policy	Garage accessed, where available, solely from a sealed right of way.	Garage accessed from secondary street, not from the available sealed right of way	Supported – due to location of garage at the corner of secondary street and right of way and no undue impact on streetscape.
Setbacks:			
West / Fleet Street	Front main building wall line - 680 millimetres	Nil	Not supported – has been conditioned to comply with the Town's Policy - at or behind the front main building wall.
North	1.0 metre	Nil	Supported - compliant with the Town's Street Setbacks Policy and the R Codes Clause 3.3.2 & 3.3.1 A1(v).
Consultation Submissions			
Support	• Neighbours consent received		Noted
Objection	N/A		N/A

Other Implications	
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications	Nil
Financial/Budget Implications	Nil

* The plot ratio calculation is provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

COMMENTS:

The proposal was not advertised as the written consent of the affected adjoining neighbour was submitted with the application.

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.

10.1.5 No. 98 (Lot 50) Flinders Street (Corner Woodstock Street), Mount Hawthorn - Proposed Green-Title/Freehold Subdivision - Public Open Space and Cash-in-Lieu Contribution

Ward:	North	Date:	2 May 2005
Precinct:	Mount Hawthorn; P1	File Ref:	119765
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *ADVISES the applicant that it APPROVES the required public open space to be provided as a cash-in-lieu amount of \$104,590 based on 291.3 square metres to be paid to the Town in relation to the proposed subdivision of No. 98 (Lot 50) Flinders Street (corner Woodstock Street), Mount Hawthorn (subdivision reference 119765); and*
- (ii) *NOTES that the monies will be held in a Trust Fund until the public open space works have been completed.*

Moved Cr Ker, Seconded Cr Farrell

That the recommendation be adopted.

Cr Messina departed the Chamber at 8.50pm.
Cr Messina returned to the Chamber at 8.51pm.

Debate ensued.

COUNCIL DECISION ITEM 10.1.5

Moved Cr Ker, Seconded Cr Lake

That the Item be DEFERRED to obtain another two independent valuations of the land to be provided in-lieu of public open space.

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

Landowner:	The Perth Diocesan Trustees
Applicant:	David Barnao and Co.
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R30
Existing Land Use:	Church and Single House
Use Class:	Place of Public Worship and Single House
Use Classification:	"AA","P"
Lot Area:	2913 square metres

BACKGROUND:

- 27 November 2002 Conditional subdivision approval was granted by the Western Australian Planning Commission (WAPC) to subdivide the subject site into nine (9) lots.
- 1 December 2004 Conditional approval was granted under delegated authority from the Council for the demolition of existing place of public worship and single house and construction of one (1) single-storey and five (5) two-storey single houses, at the subject property.

DETAILS:

Under the Western Australian Planning Commission's conditional subdivision approval issued on 27 November 2002, the following was applied in relation to public open space (POS):

"14. 291.3 m2, in a position agreed between the subdivider and the Western Australian Planning Commission, being shown on the Diagram or Plan of Survey (deposited plan) as a "Reserve for Recreation" and vested in the Crown under section 20A of the Town Planning and Development Act, such land to be ceded free of cost and without any payment of compensation by the Crown.(LG)"

"Advice to applicant:

"5. With respect to condition 14 of this approval, the Commission hereby approves of a cash-in-lieu contribution in accordance with section 20C of the Town Planning and Development Act 1928."

A sworn market valuation report undertaken by Pember, Wilson and Eftos has valued 291.3 square metres of the subject land to be \$104,590. The applicants have indicated they are agreeable to paying this amount. The valuation report is *"Laid on the Table"*.

CONSULTATION/ADVERTISING:

Not required.

LEGAL/POLICY:

Town Planning Scheme No. 1, Town Planning and Development Act 1928 and WAPC Policies.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The Town's Technical Services have advised that upon preliminary investigation, it considers the required amount of public open space required to be an unfeasible size for its use and therefore, the cash-in-lieu of public open space would be more beneficial for the Town in that the money can be used to upgrade other existing parks/reserves.

With the above in mind, it is recommended that the Council approves the subject cash-in-lieu contribution and advises the applicant accordingly.

10.1.9 No. 36 (Lot 215) Monger Street, Perth - Proposed Demolition of Existing Single House

Ward:	South	Date:	2 May 2005
Precinct:	Beaufort; P13	File Ref:	PRO3106; 00/33/2669
Attachments:	001		
Reporting Officer(s):	T Woodhouse		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by G Sansom Architect on behalf of the owner, Uniting Church in Australia Property Trust (WA), for proposed Demolition of Existing Single House, at No. 36 (Lot 215) Monger Street, Perth, and as shown on plans stamp-dated 24 February 2005 subject to:

- (i) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the 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 redevelopment proposal for 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 Planning Scheme No. 1 and associated Policies for the retention of existing dwellings valued by the community; and*
- (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 Planning Scheme No.1 and associated Policies.*

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

Debate ensued.

**Crs Doran-Wu, Farrell and Lake departed the Chamber at 9.03pm.
Crs Farrell and Lake returned to the Chamber at 9.04pm.**

Moved Cr Ker, Seconded Cr Maier

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

“(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 Planning Scheme No.1 and associated Policies in particular, (but not exclusively) Policy No. 3.1.13, Beaufort Precinct and Policy No. 3.3.25, Lindsay – Locality Plan, with regard to matters relating to subdivision and development.”

AMENDMENT CARRIED (7-0)

(Cr Torre on approved leave of absence. Cr Doran-Wu was absent from the Chamber and did not vote.)

MOTION AS AMENDED CARRIED (7-0)

(Cr Torre on approved leave of absence. Cr Doran-Wu was absent from the Chamber and did not vote.)

COUNCIL DECISION ITEM 10.1.9

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by G Sansom Architect on behalf of the owner, Uniting Church in Australia Property Trust (WA), for proposed Demolition of Existing Single House, at No. 36 (Lot 215) Monger Street, Perth, and as shown on plans stamp-dated 24 February 2005 subject to:

- (i) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the 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 redevelopment proposal for 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 Planning Scheme No. 1 and associated Policies for the retention of existing dwellings valued by the community; and*
- (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 Planning Scheme No.1 and associated Policies in particular, (but not exclusively) Policy No. 3.1.13, Beaufort Precinct and Policy No. 3.3.25, Lindsay – Locality Plan, with regard to matters relating to subdivision and development.*

Landowner:	Uniting Church in Australia Property Trust (WA)
Applicant:	G Sansom Architect
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R80
Existing Land Use:	Vacant
Use Class:	Single House
Use Classification:	"P"
Lot Area:	382 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the demolition of the existing dwelling.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Consultation Submissions			
No advertising was required for this application			
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

* The plot ratio calculation is provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

COMMENTS:

A detailed Heritage Assessment is contained as an attachment to this report.

The subject dwelling at No. 36 Monger Street, Perth is a brick and iron dwelling constructed c1897. The place is considered to have *little to some* historic significance as part of the building stock which arose during the early Gold Rush Period in Perth, 1890 - 1910. While aspects of the original building remain intact, the place has been subject to a number of alterations, reducing the extent to which the place can provide an accurate historical record of late nineteenth century housing.

The place is not considered to meet the threshold for entry into the Town of Vincent Municipal Inventory.

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

10.1.14 No. 76 (Lot 37) Cleaver Street, West Perth - Proposed Additional Four (4) Two-Storey Grouped Dwellings to Existing Single House

Ward:	South	Date:	3 May 2005
Precinct:	Cleaver; P5	File Ref:	PRO0035; 00/33/2425
Attachments:	001		
Reporting Officer(s):	L Mach, H Eames		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by Greg Rowe and Associates on behalf of the owner AJ and V Cartwright (1976) Pty Ltd for proposed Additional Four (4) Two-Storey Grouped Dwellings to Existing Single House, at No. 76 (Lot 37) Cleaver Street, West Perth, and as shown on plans stamp-dated 14 January 2005, for the following reasons:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with the plot ratio, setbacks, outdoor living area and buildings on boundaries requirements of the Residential Design Codes; and*
- (iii) consideration of the objections received.*

COUNCIL DECISION ITEM 10.1.14

Moved Cr Ker, Seconded Cr Lake

Cr Doran-Wu returned to the Chamber at 9.05pm.

That the recommendation be adopted.

Debate ensued.

Moved Cr Ker, Seconded Cr Farrell

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

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

Landowner:	AJ & V Cartwright (1976) Pty Ltd
Applicant:	Greg Rowe & Associates
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R80 (Multiple dwellings not permitted)
Existing Land Use:	Single House
Use Class:	Grouped Dwellings

Use Classification:	"P"
Lot Area:	1012 square metres
Access to Right of Way	N/A

BACKGROUND:

A planning application was received by the Town on 2 September 2004 for the subject property which involved the proposed demolition of single house and construction of twelve (12) single bedroom dwellings. Subsequent to a Heritage Assessment (detailed heritage Assessment attached) by the Town's Heritage Services, the following was resolved:

"The subject dwelling is dated circa 1910 and represents a part of the building stock built during the Late Federation Period 1891-1919. The dwelling is a brick and tile Federation Queen Anne bungalow and is substantially unchanged from the original construction. Although the place is not rare it is considered to be of some aesthetic and historic value. The subject dwelling contributes to the streetscape and aesthetic qualities as part of a group of 4 dwellings to the north of Cleaver Street on the junction with Vincent Street.

*The place therefore has **some cultural heritage significance**, and meets the minimum criteria for entry into the Town's Municipal Heritage Inventory.*

*In light of the above, it is recommended that the demolition of the existing dwelling is **refused.**"*

In light of the above recommendation, the applicant consequently submitted the current revised plans which proposes to retain the existing dwelling.

At a meeting held between the Town's Officers and the applicant on 17 March 2005 regarding the current plans, the applicant indicated to the Town's Officers that amended plans would be submitted to address the Town's concerns. As the Town is currently endeavouring to reduce the large number of pending planning applications within the Town, a letter was sent to the applicants on 14 April 2005 requesting that amended plans be submitted by 21 April 2005. In a reply to this letter, the applicant advised the Town that it expected to submit the revised plans by 31 May 2005.

With the Town's objective of reducing the current large number of pending planning application in mind, it is considered that an adequate length of time has been given for the applicant to submit amended plans and it would be inequitable to other planning applications that the requested time extension be granted.

The applicant was therefore advised on 27 April 2005 that the application was being referred to the Ordinary Meeting of Council to be held on 10 May 2005 for determination.

DETAILS:

The proposal involves an additional four (4) two-storey grouped dwellings to existing single house. There is a concurrent subdivision application being referred to the Council for consideration under a separate Agenda Report. The applicant's submission is "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	Overall: 0.65 - 657.8 square metres Unit 1-4: 0.65 - 60.45 square metres Existing dwelling: 0.65 -272.35 square metres	0.67 - 674 square metres 1.35 - 126 square metres 0.4-170 square metres	Not supported- overdevelopment of site.
Density	5 grouped dwellings R 60 (grouped dwellings proposed)	5 grouped dwellings R 49.4	Supported- no variation.
Setbacks (Unit 1): <u>Ground Floor:</u> - North (powder, kitchen, dining, living room) - East (Storeroom) - South <u>1st Floor:</u> - North - South	1.5 metres 1.0 metre 1.5 metres 1.9 metres 1.9 metres	Nil Nil Nil -2.65 metres Nil -1.7 metres Nil	Supported- refer to 'Buildings on Boundaries'. Supported- as above. Supported- internal boundary, no undue impact on adjoining neighbours. Not supported- refer to 'Buildings on Boundaries'. Supported- internal boundary, no undue impact on adjoining neighbours.
Setbacks (Unit 2): <u>Ground Floor:</u> - North - East - South (powder, kitchen, dining, living room)	1.5 metres 1.0 metre 1.5 metres	Nil- 2.65metres Nil Nil	Supported- as above. Supported- refer to 'Buildings on Boundaries'. Supported- internal boundary, no undue impact on adjoining neighbours.

<u>1st Floor:</u> - North - South	1.9 metres 1.9 metres	Nil Nil-1.55 metres	Supported- as above. Supported- as above.
Setbacks (Unit 3): <u>Ground Floor:</u> - North (powder, kitchen, dining, living room) - East (storeroom) - South	1.5 metres 1.0 metre 1.5 metres	Nil Nil Nil -2.65 metres	Supported- as above. Supported- refer to 'Buildings on Boundaries'. Supported- internal boundary, no undue impact on adjoining neighbours.
<u>1st Floor:</u> - North - South	1.9 metres 1.9 metres	Nil -1.55 metres Nil	Supported- as above. Supported- as above.
Setbacks (Unit 4): <u>Ground Floor:</u> - North - East (storeroom) - South	1.5 metres 1.0 metre 1.5 metres	Nil- 2.7 metres Nil Nil -3.965 metres	Supported- as above. Supported- refer to 'Buildings on Boundaries'. Supported-as above.
<u>1st Floor</u> - North - South	1.9 metres 1.9 metres	Nil Nil-1.71 metres	Supported- internal boundary, no undue impact on adjoining neighbours. Not supported- refer to 'Buildings on Boundaries'.
Outdoor living Area	- Behind street setback area - 16 square metres - Minimum dimension of 4 metres.	Outdoor living area in front setback area for existing house. Units 1 and 4- 3.965 x 3.97 metres = 15.75 square metres Units 2 and 3- 3.825 x 3.97 metres = 15.18 square metres	Supported- only feasible location given the proposal and the retention of the existing house. Not supported- vacant site and opportunity for redesign for compliance.
Driveways	No closer than 0.5 metre to side boundary.	Driveway on boundary.	Supported- due to the site constraints, variation being minor in this instance and driveway being existing.

Buildings on Boundaries	One boundary wall is permitted with an average height of 3 metres and a maximum height of 3.5 metres, for 66.6% length of boundary.	Three external boundary walls proposed: Northern boundary wall has an average height of 4.0 metres and a maximum height of 5.055 metres, for 26.9 % of boundary; southern boundary wall has an average height of 4.0 metres and a maximum height of 5.055 metres, for 26.9 % of boundary; and eastern boundary wall and compliant in terms of height and length.	Not supported- while the number of buildings on boundary is supported on the basis there are site constraints relating to the retention of the existing building, the height variation to the northern and southern boundary wall is considered to have an adverse impact on the amenity of the adjoining property. The eastern boundary wall is supported on the basis of its compliance with the provisions.
Consultation Submissions			
Support	Nil		Noted
Objection (4)	<ul style="list-style-type: none"> • Side setbacks from neighbouring properties. 		Supported in part- refer to 'Buildings on Boundaries' and 'Setbacks'.
Consultation Submissions			
	<ul style="list-style-type: none"> • Minimum site area • Plot ratio • Outdoor living area in front of setback area • Location of carports • Driveway location • Buildings on boundaries • Shadow • Wall height • Sight screens are ineffective 		<p>Not supported- planning application was received prior to individual minimum site area being a requirement.</p> <p>Supported- refer to Assessment Table.</p> <p>Not supported- refer to Assessment Table.</p> <p>Supported- refer to Assessment Table.</p> <p>Supported- refer to Assessment Table.</p> <p>Refer to 'Buildings on Boundaries'.</p> <p>Not supported- overshadowing is compliant with the R-Codes requirements.</p> <p>Not supported- height is compliant with the R-Codes requirements.</p> <p>Not supported- screens appear to be compliant and would be conditioned as a standard requirement in event of approval.</p>

	<ul style="list-style-type: none"> • Drainage • Privacy • High density 	<p>Not supported- not a major planning consideration. This matter would be addressed via standard engineering requirements in the event of an approval.</p> <p>Not supported- proposal is compliant with the R-Codes provisions for privacy.</p> <p>Not supported- proposal is consistent with the subject property's zoning.</p>
Other Implications		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial/Budget Implications		Nil

* The representative R Coding and density bonus calculations are provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.
 * The plot ratio calculation is provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

COMMENTS:

It is recognised by the Town that there are significant site constraints due to the retention of the existing dwelling which has been identified by the Town's Heritage Officers as having cultural heritage significance and that the requirements should be relaxed where it is not regarded to have an undue impact on the amenity of the adjoining neighbours and the surrounding area. In this instance however, it is considered that some of the variations sought are considered to be unsupportable and to cause an undue impact on the adjoining neighbours.

In light of the objections received and the opportunity for redesign for a proposal where the impact on the adjoining neighbours are limited, the proposal is recommended for refusal.

10.2.1 Progress Report - Banks Reserve Riverbank Rehabilitation Project

Ward:	South	Date:	4 May 2005
Precinct:	Banks, P15	File Ref:	RES0008
Attachments:	-		
Reporting Officer(s):	J van den Bok, R Lotznicher		
Checked/Endorsed by:	M Rootsey	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Progress report in relation to the Banks Reserve Riverbank Rehabilitation Project;*
- (ii) *NOTES the grant of \$64,798 (GST inclusive) for a Contaminated Site and Acid Sulphate Soil Investigation at Banks Reserve has been received from the Swan River Trust as part of the Town's Riverbank Funding application;*
- (iii) *NOTES that the Contaminated Site and Acid Sulphate Soil Investigation at Banks Reserve must be carried out as a prerequisite to the final design for the proposal and final funding application being further progressed;*
- (iv) *NOTES that the Town has engaged Syrinx Environmental to prepare a report and design for the rehabilitation of the existing foreshore at Banks reserve using bio-engineering solutions, as they are the only company in Western Australia with demonstrated skills and the experience to undertake bio-engineering solutions and they prepared the specification and brief for the Contaminated Site and Acid Sulphate Soil Investigation at Banks Reserve;*
- (v) *APPROVES the Contaminated Site and Acid Sulphate Soil Investigation at Banks Reserve estimated to cost \$64,798 (GST inclusive) to be undertaken by Syrinx Environmental due to the unique nature of the services to be provided in the context of the entire project;*
- (vi) *LISTS an amount of \$119,000 in the 2005/2006 draft budget to progress this project and NOTES that this amount, currently held in a reserve, was received from the developers of the Pakenham Street subdivision as cash in lieu payment for Public Open Space; and*
- (vii) *RECEIVES a further report at the conclusion of the Contaminated Site and Acid Sulphate Soil Investigation once a final design has been prepared and the outcome of the Town's River Bank Funding submission is known, where the Swan River Trust will equally match the Town's funding allocation.*

COUNCIL DECISION ITEM 10.2.1

Moved Cr Ker, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to advise Council of the progress, to date, of the Banks Reserve Riverbank Rehabilitation project, the river bank funding that has been made available, and what future work requirements are proposed, including their budget implications.

BACKGROUND:

An amount of \$18,000 was included in the 2004/05 budget to investigate, plan and implement works at Banks Reserve to restore the eroded sections of riverbank.

Areas of the Banks Reserve riverbank have been progressively eroding to the extent where trees/shrubs recently planted along the edge of the bank are now at risk of collapsing into the river. While a fence had originally been constructed to protect the landscaping, this now serves more as a protective barrier against the possible collapse of undermined riverbanks.

DETAILS:

Point Fraser River Rehabilitation Project

Recently several Elected Members and Technical Services staff visited the City of Perth's Point Fraser river rehabilitation project undertaken by Syrinx Environmental Pty Ltd and were very impressed, particularly with the bio-engineering construction methods used to stabilise the riverbanks.

Bio-engineering is a relatively new technique being used in Australia to stabilise riverbanks and coastal areas and provides a more aesthetic approach than the more conventional engineering solutions. It involves the use of log barriers and brush mattressing and is very successful if undertaken after considerable technical investigation has been undertaken prior to implementation of the works.

Banks Reserve Meeting

Staff subsequently met with representatives of Syrinx environmental at Banks Reserve to discuss what works were required and how they would be implemented. Following the meeting and discussions it was obvious that the Banks Reserve project was significantly more involved than first considered. Many issues needed to be considered, including determining the extent of acid sulphate soils and their possible treatment and/or removal should removal/treatment be required as part of the rehabilitation project.

Without adequate investigation, planning and implementation of the works, which would amount to considerably more than what was budgeted, the Town would be revisiting this problem again in the short term.

Syrinx Environmental

Syrinx prepared the specification and brief for the Contaminated Site and Acid Sulphate Soil Investigation at Banks Reserve. They also estimated the cost for the investigation to be \$64,798 (GST inclusive).

It was decided to engage Syrinx Environmental, the only company in Western Australia with all the skills and experience to undertake bio-engineering solutions to these problems, to provide the Town with a report and plans of what works would be required at Banks Reserve to adequately protect the existing foreshore and achieve a more aesthetic outcome.

Syrinx Environmental also agreed to include, in their final report, the area between Banks Reserve and Summers Street, the boundary with the City of Perth, at no additional cost. This area of riverbank is also very degraded and in desperate need of stabilising.

Swan River Trust River Bank Funding

In May 2004, the Town's officers submitted an expression of interest application to the Swan River Trust for Riverbank funding for the project at Banks Reserve.

The 2004/05 round of funding was providing \$1,000,000 for foreshore restoration projects and protection activities for state and local government agencies. Up to 50% of the total project cost can be requested through Riverbank funding.

On 3 September 2004 the Town was advised by the Swan River Trust that the Banks Reserve project had been short listed and, to allow for a final assessment of the project, additional information was required to be submitted, including a final design and itemised budget.

Preliminary Design and Report

As part of the process to be eligible for River Bank Funding, Syrinx Environmental prepared a comprehensive report and preliminary design including specifications for the proposed restoration works. These included but were not limited to:

- Removal of introduced foreshore vegetation and structures
- Regarding the river bank
- Stabilisation of the graded surface through bioengineering and revegetation

Syrinx personnel subsequently met with the Town's officers regarding concerns expressed with the potential for acid sulphate soils to be located in the area of the proposed redevelopment works. As part of the final report, a separate report was prepared by Syrinx, outlining and strongly advising that prior to any on ground rehabilitation works occurring, an environmental assessment should be undertaken to ascertain whether acid sulphate soils could be identified and how they could be managed.

Funding Submission and advice from SRT

The Town subsequently submitted the proposal prepared by Syrinx to the SRT for funding in February 2005. Officers, Syrinx and the SRT met at Banks reserve in March 2005 to discuss the proposal and in particular the environmental site assessment, to determine the extent of potential contaminants and acid sulphite soils.

At the site meeting, the Town's officers indicated that the Town had no funding available for an environmental site assessment and as this was a prerequisite to the restoration project proceeding, no further progress could be made at this stage. The SRT officers indicated that funding may be available for the environmental assessment.

On 22 April 2005, the SRT advised that they would provide the Town with \$64,798 for detailed site investigation based on the Syrinx proposal and brief. An extract of their advice is outlined below.

*"As part of your Riverbank funding application 05VC01 Banks Reserve in East Perth, it has been identified that a Contaminated Site and Acid Sulphate soil Investigation needs to occur before the restoration project can be progressed. Your request for funding for \$64,798 *(GST inclusive) for a Contaminated Site and Acid Sulphate Soil Investigation at Banks Reserve, East Perth, has been approved. This approval is based on the site investigation proposal prepared by Syrinx Environmental March 2005, which you have provided to us.*

It should be note that the Swan River Trust has given in principle support for the foreshore restoration works outlined in your funding submission subject to further development and approval under part 5 of the Swan River Trust Act. As this project has been delayed due to the requirement for the Acid Sulphate Soil Investigation, your request for funding to undertake restoration works has been transferred to the 2005/06 financial year as a high priority project. We look forward to working with you towards the restoration of this section of the river."

CONSULTATION/ADVERTISING:

Upon final approval of the proposed works by Council, the development will need to be advertised for public comment.

In addition it is envisaged that staff and Syrinx personnel would meet with the Banks Precinct Group to give an overview of the works and allay any concerns that local community members may have in relation to the proposal.

LEGAL/POLICY:

Tender for the Contaminated Site and Acid Sulphate Soil Investigation

Part 4 of the Local Government (Functions and General) Regulations 1996 requires that Tenders be invited where the contract is, or is expected to exceed, \$50,000 with a number of exceptions, one being... where the Town has good reason to believe that, because of the unique nature of the goods/services, or for any other reason, it is unlikely that there is more than one potential supplier.

As previously mentioned, it was decided to engage Syrinx Environmental to provide the Town with a report and plans of what works would be required at Banks Reserve. They are the only company in Western Australia with all the skills and experience to undertake bio-engineering solutions to address these problems.

Syrinx prepared the specification and brief for the Contaminated Site and Acid Sulphate Soil Investigation at Banks Reserve. They also estimated the cost for the investigation to be \$64,798 (GST inclusive).

The preference therefore is to engage Syrinx to carryout the investigation as the outcome of this investigation will influence the final design and outcome which will be prepared by Syrinx.

To involve another party at this stage may adversely compromise the final outcome as the results of the investigation with determine what design changes would be required to ensure that any contaminants discovered are not disturbed. Any design changes required would most probably be undertaken as the investigation progresses.

Implementation of Works:

Prior to works being implemented on site, the Town will be required to obtain approval for the development through the Swan River Trust. A "form 1" application will have to be completed and approved in accordance with the Swan River Trust Act 1988, Section 50.

In addition, liaison with the Department of Indigenous Affairs will be required as there are registered aboriginal sites within the vicinity of the development.

Both the above matters will progressed by the Town's officers once all the appropriate approvals have been obtained.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2005-2010 – 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *"f) Ensure the current and future efficient and effective use of the Town's parks, reserves and facilities and continue to design and implement infrastructure improvements for public open space. Develop Greenway to link together parks with ecology, arts, recreation and culture."* and *"g) Work with Stakeholders to develop strategies for improved drainage, stormwater conveyance and improved water quality."*

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$119,000 has been listed in the 2005/06 draft budget to progress this project. This amount is currently held in a reserve and was received from the developers of the Pakenham Street subdivision as cash in lieu payment for public open space.

The Swan River Trust has provided \$64,798 (GST inclusive) for a Contaminated Site and Acid Sulphate Soil Investigation at Banks Reserve as part of the Town's Riverbank funding application. This must occur before the restoration project can be progressed.

The Swan River Trust has also given in principle support for the foreshore restoration works outlined in the Town's funding submission and have transferred the funding to the 2005/06 financial year as a high priority project. This funding will be provided to the Town on a 50/50 basis.

COMMENTS:

The Swan River is again receiving a lot of media attention due to recent algae blooms, fish deaths and erosion. Whilst the Town currently maintains a small section of river frontage this area is now in dire need of restoration works.

In view of the proposed Dual Use Path being constructed from Bardon Park to Banks Reserve and the restoration works being implemented as part of this project, it would be prudent for the Town to ensure that all the areas of foreshore under its care, control and management are restored. Banks Reserve is a very popular recreation and picnic facility and is likely to be further patronised upon completion of the cycle path and the future redevelopment of the former East Perth Power Station site to the south.

With the support shown for the project to date by the Swan River Trust and likely further support, it is recommended that the Council approves the works as outlined in the report and progresses the restoration project once confirmation of further funding and relevant approvals have been received.

10.2.2 Further Report - Cleaver Precinct 40kph Local Traffic Area Zone

Ward:	South	Date:	4 May 2005
Precinct:	Cleaver P5	File Ref:	TES0334 & TES0530
Attachments:	-		
Reporting Officer(s):	C Wilson		
Checked/Endorsed by:	R Lotznicher	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the report on the Main Roads WA agreement to retain the Cleaver Precinct 40 kph Local Area Traffic Zone;
- (ii) **WRITES** to the Commissioner of Main Roads WA thanking Main Roads WA on behalf of the Town and the Local Community; and
- (iii) **ADVISES** the Cleaver Precinct Action Group of its resolution.

COUNCIL DECISION ITEM 10.2.2

Moved Cr Ker, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to advise Council of the outcome of the Town's and Cleaver Precinct Action Group's meeting with Main Roads WA (MRWA) in respect of MRWA's proposal to remove the Cleaver Precinct's 40 kph Local Area Traffic Zone.

BACKGROUND:

The Cleaver Precinct bounded by Vincent, Loftus, Newcastle and Charles Streets has for the past four (4) years been designated as a 40kph Local Area Traffic Zone (LATZ). The zoning was implemented before the introduction of the 50kph statewide built-up (urban) area speed limit on 1 December 2001.

In June 2004, MRWA wrote to the Town advising that, as a result of the successful introduction of the 50kph speed limit in built-up areas, it no longer supported the concept of 40kph LATZs, and was in fact looking to remove the existing 40kph LATZs and to this ends had removed an LATZ in the Wembley area within the Town of Cambridge.

DETAILS:

In the financial year 1999/2000 the Town installed a series of traffic calming devices within the Cleaver Precinct as a prerequisite to Main Roads signing the area as a 40kph LATZ. The traffic calming devices were installed to MRWA's design criteria for type and placement and had to be fully operational before MRWA would install the regulatory signage. The cost of these works was in the order of \$80,000.

On 1 December 2001 new state legislation came into effect reducing the speed limit in urban or built-up areas to 50kph unless sign posted other wise.

In June 2004 MRWA wrote to the Town advising that:

"As you would be aware the 40kph local traffic area speed limit in West Perth was put into place in 2000 when the default built-up speed limit was 60kph, and before Western Australia and other States had contemplated the current moves towards a lower default 50kph speed limit being introduced in residential streets throughout Australia. You would also be aware of recent announcements about the positive outcomes from the evaluation of the default 50kph built-up area speed limit introduced in Western Australia on 1 December 2001.

The change in the legal urban speed limit that has occurred, as well as the apparent driver acceptance of the need to reduce speeds when driving in residential streets, suggests that the 40 kph local traffic area speed limit in West Perth is obsolete in terms of the original intent.

Other factors supporting the removal of the speed limit include:

- *A general policy amendment by Main Roads to remove the use of 40 kph local traffic area speed limits and restrict the implementation of area speed zones to specific local precincts, defined by a specific community facility or activity, e.g. a shopping area, school, etc.*
- *The need for a multitude of signs to make the local traffic area speed limit legally enforceable. Given the Road Traffic Code's specific requirements in respect to the signing of a "speed limited area", and the susceptibility of signs to "go missing" from time to time, it is understandable that the Police may be reluctant to issue infringements for speeding within this particular network of local roads. Most of the "Local Traffic Area" and "End Local Traffic Area" signs currently in place do not conform to the Road Traffic Code in terms of their colour and legend design.*
- *If a school is present, the 40 kph local traffic area speed limit does not allow the introduction of a separate 40 kph school zone on local side streets bordering the school. Such a dedicated speed zone that applies only at school start and finish times would be more conducive to drivers complying with the reduced speed limit than the present arrangement.*

Accordingly, for these reasons, Main Roads has initiated the removal of the existing 40 kph local area speed limit for the West Perth precinct bounded by Vincent Street, Charles Street, Newcastle Street and Loftus Street, thus allowing Main Roads to apply a consistent speed limit throughout residential areas.

There are a number of existing 40 kph Local Traffic Area speed limits within residential precincts throughout the metropolitan area, and Main Roads are systematically identifying and implementing a process to remove these areas. As recently as last month, Main Roads sought for, and obtained concurrence from the Town of Cambridge for the removal of a 40 kph Local Traffic Area speed limit within the Wembley residential precinct.

Agreement is now sought from Council for the removal of the 40 kph local area speed limit for the West Perth precinct bounded by Vincent Street, Charles Street, Newcastle Street and Loftus Street."

At its Ordinary Meeting of 24 August 2004, the Council received a report of Main Roads' proposal to remove the Cleaver Precinct 40kph Local Area Traffic Zone and resolved the following:

"That the Council;

- (i) RECEIVES the report on Main Roads WA advice that it no longer supports 40 kph Local Area Traffic Zones and its intention to remove the Cleaver Precinct 40kph Local Area Traffic Zone,*
- (ii) WRITES to the Commissioner of Main Roads WA objecting to the removal of the Cleaver Precinct 40kph Local Area Traffic Zone for the reasons outlined in the report;*
- (iii) REQUESTS the Commissioner of Main Roads WA to:*
 - (a) defer removing the Cleaver Precinct LATZ until the local community has been consulted; and*
 - (b) undertake community consultation within the Cleaver Precinct and advises the Town of the community's response;*
- (iv) NOTES that a further report will be presented to Council on the outcome of the Main Roads WA community consultation; and*
- (v) ADVISES the Cleaver Precinct Action Group of its resolution."*

Technical Services duly wrote to the Commissioner of Main Roads on 13 September 2004 advising of Council's resolution and requesting that the removal of the Cleaver Precinct 40kph Local Area Traffic Zone be postponed until such time as a meeting could be arranged with Main Roads representatives, the Town and the Cleaver Precinct Action Group.

The Commissioner advised, in a letter dated 18 November 2004, that MRWA had agreed to defer any action until said meeting could be arranged.

However, because the relevant MRWA staff were on leave during the period prior to and immediately after Christmas 2004, the meeting was not scheduled until early 2005.

Subsequently a meeting was held on 18 February 2005 and was attended by Main Roads WA's Traffic Manager and Speed Zoning Officer as well several representatives of the Cleaver Precinct Action Group, the Deputy Mayor, the Executive Manager Technical Services and the Manager Engineering Design Services.

The meeting was held in a cordial and cooperative manner, with all parties given an opportunity to outline their respective views.

At the conclusion of the meeting, Main Roads gave an undertaking to consider the Town's and Community's comments before making a final determination.

The Town and the Cleaver Precinct Action Group have since received further correspondence from Main Roads' Traffic Manager, advising that as a result of the aforementioned meeting and the community opposition to the removal of the 40kph LATZ, MRWA would not be proceeding.

CONSULTATION/ADVERTISING:

Nil

LEGAL/POLICY

The Commissioner of Main Roads WA has the ultimate responsibility for the determination and installation of appropriate speed restrictions within Western Australia.

FINANCIAL/BUDGET IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan - Amended 2005-2010 – 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment - Traffic and Parking “*h) Investigate and implement transport development and management improvements in liaison with the Local Area Traffic Management (LATM) Advisory Group and the community.*”

COMMENTS:

Main Roads WA, seeking to remove the existing Cleaver Precinct 40kph LATZ, raised the ire of the local community as the implementation of the Cleaver Precinct LATZ was the result of concerted effort by both the community and the Town over a number of years.

Since 2000 the local community has embraced the 40kph LATZ and the benefits, perceived or real, it has brought. Therefore, it was considered that MRWA needed to convince the community rather than the officers of the Town as to the merits of removing the 40kph speed restriction.

The ensuing meeting of 18 February 2005, as outlined in the main body of the report, was a credit to all involved and resulted in a positive outcome for the community and for which Main Roads should be commended.

The Chief Executive Officer advised that Mayor Catania and Cr Messina had declared a financial interest in this Item.

The Chief Executive Officer also advised that as the office of Deputy Mayor had not yet been filled, the Council would need to nominate a Councillor to take the Chair.

Moved Cr Maier, Seconded Cr Lake

That Cr Ker assume the role of Presiding Member in the Mayor's absence.

CARRIED (8-0)

Mayor Catania and Cr Messina departed the Chamber at 9.10pm and did not speak or vote on the matter.

Cr Ker assumed the Chair.

10.3.1 Investment Report as at 30 April 2005

Ward:	Both	Date:	2 May 2005
Precinct:	All	File Ref:	FIN0005
Attachments:	001		
Reporting Officer(s):	P Forte		
Checked/Endorsed by:	Bee Choo Tan	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Investment Report for the month ended 30 April 2005 as detailed in Appendix 10.3.1.

COUNCIL DECISION ITEM 10.3.1

Moved Cr Maier, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (6-0)

(Cr Torre on approved leave of absence. Mayor Catania and Cr Messina were absent from the Chamber and did not vote.)

PURPOSE OF REPORT:

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.

BACKGROUND:

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. Details are attached in Appendix 10.3.1.

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 30 April 2005 were \$9,800,776 compared with \$10,300,776 at 31 March 2005. At 30 April 2004, \$9,951,284 was invested.

Total accrued interest earned on Investments as at 30 April 2005:

	Budget	Actual	%
	\$	\$	
Municipal	300,000	297,362	99.12
Reserve	297,300	269,335	90.59

COMMENT:

As the Town performs only a custodial role in respect of monies held in Trust Fund Investments these monies cannot be used for Council purposes, and are excluded from the Financial Statements.

Mayor Catania and Cr Messina returned to the Chamber at 9.11pm. Mayor Catania assumed the Chair.

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

Nil.

14. CLOSURE

The Presiding Member, Mayor Catania JP, declared the meeting closed at 9.12pm with the following persons present:

Cr Simon Chester	North Ward
Cr Helen Doran-Wu	North Ward
Cr Steed Farrell	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental and Development Services
Rick Lotznicher	Executive Manager Technical Services
Mike Rootsey	Executive Manager, Corporate Services
Annie Smith	Executive Assistant (Minutes Secretary)

1 Member of the public.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 10 May 2005.

Signed:Presiding Member
Mayor Nick Catania, JP

Dated this day of 2005