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(12 OCTOBER 2004)

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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 12 October 2004, commencing at 6.05pm.

1. DECLARATION OF OPENING

The Presiding Member, Mayor Nick Catania JP, declared the meeting open at 6.05pm.

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 Caroline Cohen	South Ward
Cr Helen Doran-Wu	North Ward
Cr Basil Franchina	North Ward
Cr Ian Ker (Deputy Mayor)	South Ward
Cr Sally Lake	South Ward
Cr Maddalena Torre	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)
Jim MacLean	Manager Law & Order Services (from 6.05pm to 6.30pm – cheque presentation)
Megan Wendt	Acting Safer Vincent Coordinator (from 6.05pm to 6.30pm – cheque presentation)
Kay Johnson	Community Engagement Officer – Office of Crime Prevention (from 6.05pm to 6.30pm – cheque presentation)
John Hyde MLA	State Member for Perth – Cheque Presentation (from 6.06pm to 6.10pm)
Mark Fletcher	Journalist – Voice News
Approximately 22 Members of the Public	

(c) Members on Leave of Absence:

- Cr Steed Farrell - on approved leave of absence - 28 September to 12 October 2004 inclusive - work commitments.

Mayor Nick Catania welcomed Mr John Hyde MLA, Member for Perth, who presented a cheque for \$11,000 to the Town for the Community Safety and Crime Prevention Partnership Agreement between the State Government of Western Australia and the Town of Vincent.

Mayor Catania also welcomed Kay Johnson from the Office of Crime Prevention, Jim MacLean – Manager Law and Order Services and Megan Wendt – Safer Vincent Coordinator.

Cr Chester departed the Chamber at 6.08pm.

The cheque was received with acclamation.

The Mayor thanked Mr Hyde.

John Hyde, MLA departed at 6.10pm.

Cr Chester returned to the Chamber at 6.10pm.

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

1. Mr Peter Dawes on behalf of Sister-in-Law of 151B Coogee Street, Mt Hawthorn – Item 10.1.8 – Believes that the plans dated 29 September 2004 are substantially inaccurate, therefore the conclusions Council's staff may have drawn from those plans and objections are flawed. Advised that Report states that the ROW at the rear of 153 Coogee Street is sealed, this is not correct as it is only sealed from Ellesmere Street to approximately 159 Coogee Street and no condition has been applied to the 153 development for the sealing of the ROW. Advised that their objections are in relation to the south wall of the garage of house 1 south and the west facing window of the first floor bedroom. Also advised that the 6m proposed boundary wall constitutes 14.5% of the boundary and pointed out that houses on 151A & B are on two separate lots and therefore the north boundary fence to 151B is approximately 16m, the 6m of the proposed abutting wall constitutes some 37% of its length resulting in a much bigger visual intrusion and shadowing impact on 151B than the report suggests. Queried the stated height of 2.5 metres is correct and why the plans do not show a boundary parapet wall which they believe would be higher than 2.5 metres.
2. Ms Maria Hickey of 151A Coogee Street, Mt Hawthorn – Item 10.1.8 – Stated that in their initial submission to Council dated 18.8.04 they noted the inaccuracy of drawings which has since been revised. Believes the revised drawings wrongly indicate the size, shape and position of neighbouring buildings on the south side, thus understating the impact of overshadowing from the development. Assumes that the report to Council may also be based on this information and her concerns are not fully recognised. Her main concern is that the development, with its non-compliant setbacks will greatly overshadow their northern aspect and outdoor entertainment area and will block direct sunlight to all of their lounge, kitchen and family areas. Provided a drawing which shows the extent of overshadowing to their property.
3. Mr Jarrod Dunning of 21 Windich Place, Leederville – Item 10.1.12 – Stated that he has unanimous strata approval and immediate neighbours' approval to build a patio of any size providing it remains inside his property. Also stated that there will be no overshadowing and there are a number of precedents in the area where properties have patios of similar size or larger. Advised that there is a family history of skin cancer and desires a suitable outdoor living space that can protect him and his family. Advised that he does have a front outdoor courtyard area that isn't being considered by Council in its calculation of outdoor living space. Requested Council consider approving his application.

4. Mr Andrew Graham of 6 Hutt Street, Mt Lawley – Item 10.1.6 – Stated that he is not opposed to development of this property and acknowledged the architect for accommodating some of his concerns. Requested that the setback for the 2nd storey be 1.2 metres if possible and if this is not achievable, acknowledges the plans as they stand.
5. Mr Chris Hair of 4A Randall Street, Perth – Item 10.1.6 – Stated that in consultation with neighbours the plans have been changed considerably to address their concerns. Believes that the solution restores privacy and sets asides any overshadowing concerns. Advised that the top floor has been setback 800mm from the boundary and if the setback is increased there would be a loss of a complete room on the top floor or require plans to be submitted for a new design which would be two rooms wide again and would provide much greater bulk to the house in front in terms of visual amenity. Stated that this is a rear block and the laneway is the street frontage to this block and unfortunately the houses opposite provide a complete wall without any opportunity to have any overlooking into back gardens or into any windows. The current suggestion for approval tonight requires the upper deck to be screened from the ROW, not only would that not give the neighbours any increase in amenity but it would really surveillance of the ROW and works against the interactive relationship that Council have also set us another condition. Requested that Council consider this.
6. Mr Matt Stapleton of 91 Matlock Street, Mt Hawthorn – Item 5.1 – Stated that the issue of safety and the number of children that live in the area is a big issue especially on school mornings. Believes Dover Street, being one of the smaller streets in the area, is being used as a route from the Freeway and Anzac Road through to Green Street and is inappropriate for a street of such a size. Urged the Council to consider the petition.
7. Mr Tony Rodda of 33 Flinders Street, Mt Hawthorn - Item 10.1.3 – Advised that the neighbours have signed off the plans and has been in touch with the Council in order to fix this matter up.
8. Mr Matt Buckels of 73 Bourke Street, Leederville – Item 10.1.7 – Referred to points 2 and 3 in the objections raised by neighbours. Stated that the only window that looks out onto the extension is an opaque bathroom window. Advised that his property and neighbouring properties are 1900-05 weatherboard houses with setbacks of 700mm and less and given that the extension is at the rear does not believe that it has any impact on the general atmosphere of the street.
9. Mr Nick Nicciolino of 118 Buxton Street, Mt Hawthorn – Item 10.1.11 – Stated that there is a 1.2m retaining wall and one of the conditions was that the upper portion of the wall can only go to approximately 600mm and the total wall height being 1.8m. Tabled photographs with other residences in the area which have similar conditions. Believes that there should be consistency with policies. Stated that the design of the fences complements the residence and the required capping would not suit the style of the house.

There being no further questions from the public, the Presiding Member closed Public Question Time at 6.30pm.

(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

- 5.1 The Chief Executive Officer advised that a petition had been received from Mr Peter Wheeler of Matlock Street, Mt Hawthorn on behalf of residents of the affected area of Dover and Matlock Streets, Mt Hawthorn with 15 signatories requesting the Council to provide a solution to rectify the now dangerous level of traffic which passes through Dover Street.

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

Moved Cr Ker, Seconded Cr Torre

That the petition be received.

CARRIED (8-0)

(Cr Farrell on approved leave of absence.)

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 Ordinary Meeting of Council held on 28 September 2004

Moved Cr Chester, Seconded Cr Cohen

That the Minutes of the Ordinary Meeting of Council held on 28 September 2004 be confirmed as a true and correct record.

CARRIED (8-0)

(Cr Farrell on approved leave of absence.)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7.1 Occupational Safety and Health Award

I am pleased to announce that the Town recently received a "Diligence in Safety" Bronze Certificate from the Local Government Insurance Services. This Award certifies that the Town complies with the Australian Standard for the Municipal Workcare Audit, which covers 10 categories contained in the Occupational Safety and Health Management Plan.

Congratulations must go to the Town's Occupational Safety and Health Committee, which comprises of a representative from all Sections of the organisation. This Committee meets bi-monthly and assesses all safety and health matters. I am aware that the Town's Occupational Safety and Health record is very good and the number of workers' compensation claims is well below industry standard.

This is the first time the Town has entered the Award, which commenced approximately 18 months ago and enables the Town's Administration to pursue a higher level for a Silver, Gold or Diamond category over the next three years.

Once again, congratulations to all involved.

Received with acclamation.

7.2 Announcement Under Section 3.12(2) of the Local Government Act 1995 to Repeal a Local Law - Item 10.4.1 on Tonight's Agenda

"It is advised that the Town of Vincent hereby gives public notice that it intends to make the Town of Vincent Repeal of Local Law Relating to 'By-Law No. 62 (Building Line)'."

The statutory mechanisms of the PCA No. 54 pursuant to the Metropolitan Region Scheme Act 1959 more appropriately addresses the intent of By-Law No. 62 (Building Line); and repealing By-Law No. 62 (Building Line) is considered appropriate.

- 7.3 Mayor Catania advised that he had attended the home of one of the Town's residents, Mr Leo Falcone, today who had turned 100 years of age.

8. DECLARATION OF INTERESTS

- 8.1 Mayor Catania declared a financial interest in Item 10.3.1 – Investment Report. The nature of his interest being that he is the Chairperson of the North Perth Community Bank.
- 8.2 Cr Doran-Wu declared a proximity interest in Item 10.1.11 – No(s). 118 (Lot(s) 206) Buxton Street, Mount Hawthorn – Alterations and Additions to Street Fencing to Existing Single House (Application for Retrospective Approval). The nature of her interest being that she owns a neighbouring property.
- 8.3 Cr Lake declared a financial interest in Item 10.1.6 – No(s). 6A (Lot(s) 40 Strata Lot 2) Hutt Street, Mount Lawley – Proposed Additional Two-Storey Single House to Existing Single House. The nature of her interest being that she has an association with the architect.
- 8.4 Cr Franchina declared a proximity interest in Item 10.4.1 – Repeal of Town of Vincent Local Law Relating to Charles Street Building Line – By-Law No. 62 (Building Line). The nature of his interest being that he is a part owner of property in Charles Street.
- 8.5 Cr Chester declared an interest affecting impartiality in Item 10.1.2 – No(s). 163 (Lot(s) 17) Harold Street, Highgate – Proposed Retaining Wall. The nature of his interest being that his child attends Sacred Heart Primary School.

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, 10.1.12, 10.1.6, 10.1.3, 10.1.7 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:

Item 10.4.1

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	Nil
Cr Lake	Items 10.1.5, 10.1.10, 10.2.2 and 10.3.3
Cr Chester	Items 10.1.2, 10.1.9 and 10.4.2
Cr Torre	Nil
Cr Doran-Wu	Nil
Cr Cohen	Nil
Cr Franchina	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, 10.1.11, 10.1.6 and 10.4.1

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

Items 10.1.1, 10.1.4, 10.1.13, 10.1.14, 10.1.15, 10.1.16, 10.1.17, 10.2.1 and 10.3.2

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, 10.1.4, 10.1.13, 10.1.14, 10.1.15, 10.1.16, 10.1.17, 10.2.1 and 10.3.2

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

Items 10.1.8, 10.1.12, 10.1.6, 10.1.3, 10.1.7 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 Torre

That the following unopposed items be moved en bloc;

Items 10.1.1, 10.1.4, 10.1.13, 10.1.14, 10.1.15, 10.1.16, 10.1.17, 10.2.1 and 10.3.2

CARRIED (8-0)

(Cr Farrell on approved leave of absence.)

10.1.1 No(s). 146-148 (Lot(s) 27) Oxford Street, Leederville - Proposed Alterations and Additions to Existing Signage

Ward:	South	Date:	5 October 2004
Precinct:	Oxford Centre; P4	File Ref:	PRO1627; 00/33/2403
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 Signpoint on behalf of the owner H Caddy for proposed Alterations and Additions to Existing Signage, at No(s). 146-148 (Lot(s) 27) Oxford Street, Leederville, and as shown on plans stamp-dated 11 August 2004, subject to:

- (i) *the signage shall not have flashing or intermittent lighting;*
- (ii) *all signage shall be subject to a separate Sign Licence application being submitted and approved prior to the erection of the signage;*
- (iii) *compliance with all relevant Environmental Health, Engineering and Building requirements, including the relevant Australian Standards and Noise Regulations;*
- (iv) *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*
- (v) *prior to the issue of a Sign Licence, a sign strategy shall be submitted to and approved by the Town, which includes a strategy for the removal of existing window signage and the reduction of the extent of existing wall signage. The approved sign strategy shall be implemented prior to the erection of the subject proposed projecting sign and thereafter maintained;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.1

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Farrell on approved leave of absence.)

Landowner:	H Caddy
Applicant:	Signpoint
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: District Centre
Existing Land Use:	Shop
Use Class:	Shop
Use Classification:	"P"
Lot Area:	240 square metres

COMPLIANCE:

Requirements	Required	Proposed *
Plot Ratio	N/A	N/A
Number of Projecting Signs	A maximum number of one projecting sign per tenancy.	Three (3) projecting signs for subject tenancy.

* 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.

BACKGROUND:

15 July 2004 Delegated approval issued for alterations and additions (new ATM) to existing shop.

SITE HISTORY:

The site is currently occupied by a shop (retail outlet). The shop has a frontage to Oxford Street. There is a private car park at the rear of the property.

DETAILS:

The application is for proposed projecting sign addition under the verandah to the existing shop front.

The proposed projecting sign is to be internally illuminated, constructed of polycarbonate and hangs from underneath the verandah overhang at right angles to the street frontage. The projecting sign contains opal and powder coated silver background with 3M tomato red vinyl applied logo.

The purpose of the proposed projecting sign is to advertise the name/logo of the bank and location of the ATM. The sign states: "(Westpac logo) ATM".

CONSULTATION/ADVERTISING:

The proposal was not advertised as it is considered not to involve intensification of the current use of the site, is incidental, associated and ancillary to the usage and development of the site, and is being referred to the Council for its consideration and determination.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The applicant seeks a variation to the Town's Signs and Advertising Policy with regard to the number of projecting signs on any one single tenancy. The Town's Officers consider the proposal, resulting in a total of three projecting signs on the subject site, to be supportable as the signs are advertising three different types of business function on the property, and given the limited size of the subject proposed projecting sign (0.552 square metre).

Notwithstanding the above, the proposed variation to the Town's Signs and Advertising Policy gives the applicant and the Town an opportunity to address any unreasonable signage on the front façade. The Town's Officers consider the extent of existing window and wall signage to be excessive, especially for a property in the 'heart' of the Oxford Centre. It is considered reasonable to require the applicant to submit and implement an appropriate sign strategy that involves the removal of the existing window signs and a reduction of the extent of existing walls signs, to adequately manage the signage on the subject site.

In light of the above, it is recommended that Council approve the proposed projecting sign, subject to standard and appropriate conditions to address the above matters.

10.1.4 No(s). 493 (Lot(s) 2) William Street (Corner Bulwer Street), Perth - Proposed Alterations and Additions to Existing Non-Conforming Use (Light Industry)

Ward:	South	Date:	1 October 2004
Precinct:	Hyde Park; P12	File Ref:	PRO1975; 00/33/2347
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 Metropolitan Region Scheme, the Council APPROVES the application submitted by Southall Consulting Services on behalf of the owners VT Nguyen & TV Dinh for proposed Alterations and Additions to Existing Non-Conforming Use (Light Industry), at No(s). 493 (Lot(s) 2) William Street (corner Bulwer Street), Perth, and as shown on plans stamp-dated 8 July 2004, subject to:*
- (a) *detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building Licence application;*
 - (b) *all car-parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications and dimensions specified in the Town's Parking and Access Policy and Australian Standards AS2890.1 – "Off Street parking";*
 - (c) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;*
 - (d) *a road and verge security deposit bond and/or bank guarantee of \$1100 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*
 - (e) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
 - (f) *all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath levels;*
 - (g) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted with all cost associated the removal and replacement shall be borne by the applicant/owner(s);*

- (h) *all new crossover/s to allotments are subject to a separate approval by the Town's Technical Services Division and shall be constructed in accordance with the Town's standard Crossover Specification/s which, in particular, specify that the portion of the existing footpath traversing the proposed crossover, subject to the existing footpath being in a good condition as determined by the Town's Technical Services Division, must be retained such that it forms a part of the proposed crossover and the proposed crossover levels shall match the level/s of the existing footpath. Crossovers may be constructed by a private contractor provided they are constructed in accordance with the above specifications and a security bond of \$275 is paid prior to the crossover approval. Application for the refund of bond must be submitted in writing;*
- (i) *prior to the issue of a Building License, the applicant shall submit to the Town written confirmation from the Department of the Environment of the site's suitability for the proposal;*
- (j) *a detailed landscaping plan, including a list of plants, 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);*
- (k) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*

to the satisfaction of the Chief Executive Officer; and

- (ii) *the Council ADVISES the applicant/owner of the following advice from the Department of Planning and Infrastructure; "the subject land, No(s). 493 (Lot(s) 2) William Street (corner Bulwer Street), Perth, is affected by land requirements for the future upgrading of Bulwer Street, which is reserved as an Other Regional Road (ORR) in the Metropolitan Region Scheme (MRS). The attached copy of WAPC Plan No.1.1982/2 defines the ORR reserve. It is proposed that at some stage in the future the Western Australian Planning Commission will acquire this land for the purposes of widening/upgrading the ORR".*

COUNCIL DECISION ITEM 10.1.4

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Farrell on approved leave of absence.)

Landowner:	VT Nguyen & TV Dinh
Applicant:	Southall Consulting Services
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R80
Existing Land Use:	Light Industry
Use Class:	Light Industry
Use Classification:	Non-Conforming Use
Lot Area:	857 square metres

COMPLIANCE:

Requirements	Required	Proposed *
Plot Ratio	N/A	N/A

* 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.

SITE HISTORY:

At the Ordinary Meeting of Council held on 23 April 2002, the Council resolved to conditionally approve an application for a similar proposal. This approval has since expired and hence, the applicant has lodged the subject application.

DETAILS:

The proposal entails alterations to the reception area, a showroom addition, angled on-site parking and general landscape upgrading to an existing tyre fitter/retailer operating as "Bob Jane T Marts".

CONSULTATION/ADVERTISING:

The application was advertised for public comment, as per the requirements for "SA" land uses under the Town of Vincent's Town Planning Scheme No.1 and the Community Consultation Policy. No submissions were received during the comment period.

The subject application was also referred to the Department for Planning and Infrastructure, who has no objections to the proposal, subject to the applicant/owner being advised of Clause (ii) of the Officer Recommendation.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Use

Whilst the subject site is zoned Residential R80, the existing light industry use enjoys non-conforming use rights that date back to 1980 and is listed on the Town's Non-Conforming Use Register. The Town has no record of formal complaints received in relation to the operation of the premises.

Parking and Access

Car parking requirement (nearest whole number) <ul style="list-style-type: none"> Office - requires 1 bays Showroom- requires 3 bays Industry(workshop)- requires 3 bays 	7car bays
Apply the adjustment factors. <ul style="list-style-type: none"> 0.85 (within 400 metres of a bus stop) 	(0.85) 5.95 car bays

Minus the car parking provided on-site	7 car bays
Plus the most recently approved on-site car parking surplus.	0 car bays
Resultant surplus	1.05 car bays

The car parking surplus as represented in the above Table is 1.05 car bays when applying the adjustment factors and accounting for the provided car parking bays on-site. The proposal adequately meets the required car parking requirements. Given that there is a surplus in the car parking calculation, the car parking provision is considered acceptable and therefore supported.

Alteration and Additions to Building

The proposal is considered to provide a positive contribution to the area as the upgrade and improvements will enhance the streetscape, which forms part of an integral and active intersection of the Town. Approval of the proposal will further entrench the subject use in a Residential zone, however, the proposal is not considered to have an undesirable adverse impact on the amenity of the area and surrounding uses given the location, scale and nature of the overall proposal, which will result in an improved streetscape that is more aesthetically appealing than in its current form.

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

10.1.13 Request to Investigate a Requirement for Communal Space for Lodging Houses, Hostels, Residential Buildings and Service Apartments - Interim Report

Ward:	Both Wards	Date:	5 October 2004
Precinct:	All Precincts	File Ref:	PLA0153
Attachments:	-		
Reporting Officer(s):	C Mooney		
*Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council:

- (i) **RECEIVES** the Interim Report relating to Request to Investigate a Requirement for Communal Space for Lodging Houses, Hostels, Residential Buildings and Service Apartments; and
- (ii) **AUTHORISES** the Chief Executive Officer to further investigate planning considerations and requirements in relation to lodging houses, hostels, residential buildings and service apartments, and that a report regarding the outcome of the future investigation be submitted to the Ordinary Meeting of Council to be held on 23 November 2004.

COUNCIL DECISION ITEM 10.1.13

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Farrell on approved leave of absence.)

BACKGROUND:

The following Notice of Motion was considered and adopted by the Council at its Ordinary Meeting held on 8 June 2004:

*" That the Council **AUTHORISES** the Chief Executive Officer to:*

- (i) *consider a formal requirement for the provision of communal space, outdoor and/or indoor, for lodging houses, hostels and other forms of residential buildings, and service apartments, in the review of the Town of Vincent Town Planning Scheme No. 1;*
- (ii) *consider, in the interim, a requirement for the provision of communal space, outdoor and/or indoor, for lodging houses, hostels and other forms of residential buildings, and service apartments, in the assessment and consideration of planning applications for such developments; and*
- (iii) *submit a report on this matter for consideration at the Ordinary Meeting of Council to be held on 12 October 2004 "*

DETAILS:

The Town' Officers have reviewed the above request to investigate a requirement for communal space, both indoor and outdoor, and as a result have concluded that in order to fulfill orderly and proper planning principles that a more comprehensive Policy is required to address planning issues relating to lodging houses, hostels, residential buildings and service apartments.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

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

FINANCIAL/ BUDGET IMPLICATIONS:

Nil.

COMMENTS:

As a result of the need to provide a more comprehensive Policy relating to the development of lodging houses, hostels, residential buildings and service apartments, inclusive of communal space, the following additional considerations and issues should be taken into account:

- Sufficient square meterage and width for outdoor and/or indoor areas within the building for recreational use. Quantification of area by either a prescribed amount, that is, 20 square metres, or by the number of bedrooms or permitted residents.
- The Town's Health Services Guidelines for Lodging Houses require lounge room facilities, whilst there are no planning provisions for indoor communal open space. The requirement is as follows:
" A lounge room is to be:
 - (a) *provided with a floor area;*
 - (i) *where the lounge is not combined with the dining room - not less than 0.6 square metres per person*
 - (ii) *where the lounge room is combined with a dining room - not less than 1.2 metres per person.*
but in either case being a minimum of 13 square metres; and
 - (b) *adequately furnished to accommodate, at any one time, half the number of lodgers;"*
- Location of communal space (both outdoor and indoor) for lodging houses, hostels, residential buildings and service apartments. The location should take into account the features of the site, and be designed and located to minimise the possibility of unreasonable noise and light intrusion to the occupants of any adjacent dwellings.
- Location of outdoor communal space within the front setback or at the rear of developments and type of space either in a courtyard or terrace area.
- Impact of development on adjacent land uses and the public domain.
- Communal space provision for building conversions vs new development.
- Outdoor communal space should be designed to maximise solar access and should be north facing where possible.
- Access to communal spaces.

- Privacy and screening requirements for both the development and adjacent areas.
- Landscaping and planting requirements, including recreational furniture.
- Management plan provision to address control of noise, traffic, car parking, litter and anti-social behaviour.
- Site planning in relation to adjoining properties and context within immediate area.

Additionally, it should be noted that Tourism is regarded as an important economic resource for both the State and the Town. Figures indicate that, all travellers spend an average of \$2,498 (per traveller) and backpackers spend an average of \$4, 825 (per traveller), with backpackers spending an annual total of \$2.2 billion in Australia in 2003. As such, backpacker tourism has been identified as a key growth area within Australia. (Source: Australian Tourism Commission: 'The Backpacker Market', May 2004). Whilst the term 'Backpackers' is not classified within the Town's Town Planning Scheme No. 1, the development of lodging houses and hostels can be classified as backpacker accommodation. Therefore, it is considered in the best interest of the Town to provide Policy requirements that aim to address not only communal space, moreover the other planning considerations as noted above.

In regard to clause (i) of the above Notice of Motion, the Town will consider formal requirements for the provision of communal space for lodging houses, hostels, residential buildings and service apartment developments as part of the review of the Town's Town Planning Scheme No. 1 (TPS No. 1). Nevertheless, the development of a more comprehensive Policy will provide more appropriate planning requirements in the interim.

In light of the above, it is recommended that the Council receives this interim report on the investigation of communal space for lodging houses, hostels, residential buildings and service apartments, and authorises the Chief Executive Officer to further investigate other associated planning considerations, and reports the findings to the Ordinary Meeting of Council to be held on 23 November 2004.

10.1.14 Local Government Heritage Working Party - Discussion Paper and Questionnaire (Stage Two)

Ward:	Both	Date:	5 October 2004
Precinct:	All	File Ref:	LEG0054; PLA0098
Attachments:	001		
Reporting Officer(s):	H Eames, H Wyatt		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council, in relation to Stage 2 of the Local Government Heritage Working Party;

- (i) *RECEIVES the report advising of the progress of the Local Government Heritage Working Party;*
- (ii) *SUPPORTS the Town's Officers' comments in relation to the questionnaire as contained in Appendix 10.1.14 to the report; and*
- (iii) *ADVISES the Heritage Council of Western Australia of the Town's comments in relation to the questionnaire.*

COUNCIL DECISION ITEM 10.1.14

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Farrell on approved leave of absence.)

BACKGROUND:

In August 2002, the former Minister for Heritage, the Hon Dr Judy Edwards, convened a Heritage Working Party (now known as the Local Government Heritage Working Party or LGHWP) to discuss and review a range of issues including Municipal Heritage Inventories, heritage as it pertains to development and potential amendments to the *Heritage of Western Australia Act 1990* (herein referred to as the Heritage Act). The Working Party was essentially formed in response to the scrutiny and criticism that Municipal Heritage Inventories attracted in the media last year, and the subsequent pressure that was placed on the Minister for Heritage to take a stronger leadership role in local heritage management.

The Working Party was chaired by a representative from the Minister's office and comprised officers of the Heritage Council of Western Australia (HCWA), the Department for Planning and Infrastructure (DPI), the Western Australian Local Government Association (WALGA), the Real Estate Institute of Western Australia (REIWA) and representatives from nine local governments, including the Town of Vincent. The Executive Manager Environmental and Development Services is the Town's representative. The Working Party met on two occasions and a sub-group of the Working Party met more frequently to prepare documentation for consideration by the Working Party.

The Working Party last met on 29 January 2003. Members of the Working Party were provided with an explanatory paper, which outlined the reasons why reform in local heritage management is needed, and were also presented with three options for reform. The ten voting members of the Working Party were asked to vote on its preferred option for reform. The content of the explanatory paper and the three options are contained in a Discussion Document, which was presented to the Council at the Ordinary Meeting held on the 25 March 2003 (Item 10.1.14).

The Town's Officers recommended a preferred option of reform (known as 'Option A2'). This option essentially pushed the emphasis of the provisions of the Heritage Bill from 'identification only' local inventories to local scheme-based Heritage Lists. This recommendation was unanimously supported by the Town of Vincent Council. However, the subsequent voting of the Working Party resulted in the adoption of 'Option A', which essentially resolved to make minor amendments to the Heritage Bill 2000 provisions, and give increased heritage-related guidance to local government within the planning system.

The Council's resolution on the preferred option of reform for heritage management was provided to the Working Party. No further meetings or correspondence relating to the reform options or the Working Party has occurred.

Correspondence was then received from HCWA dated 8 September 2004. This correspondence included a letter, a questionnaire and associated reference documents. The letter and questionnaire are included as attachments to this report. Given the limited amount of time available to the Officers to consider and report on the requests of the Working Party by the stated date (6 October 2004), the Town has written to HCWA requesting an extension.

DETAILS:

The questionnaire is shown as an Appendix to this report. The questionnaire and the Town's Officer responses relate to a set of fifteen corresponding sets of documents provided to the Town's Officers for reference. The documents range in quality, topic and source as illustrated in the nature of the questions shown on the questionnaire. The set of documents are "*Laid on the Table*".

The relevance of the questionnaire relates to its creation of an agenda for two proposed meetings of the Working Party, outlined in the letter dated 8 September 2004. These meetings propose to address firstly sections 1, 2 and 3 of the questionnaire (at the meeting proposed for 20 October 2004) and secondly, sections 4, 5, 6 and 7 of the questionnaire (at the meeting proposed for 6 November 2004).

Officer comments in relation to the various questions shown on the questionnaire have been drafted with the following considerations for consistency and technical professionalism:

- the Town's recent operational and technical experiences relating to the Heritage Survey and Municipal Heritage Inventory Review;
- the Town's Conservation Encouragements Strategy Paper (presented to the Ordinary Meeting of Council held on 11 June 2002); and
- the Town's previous comments and report to Council regarding preferred reform options for the Heritage Working Party Discussion Paper on Local Heritage Reform (presented to Council at the Ordinary Meeting held on 25 March 2003).

The questionnaire attempts to cover an extremely wide range of topical debates and issues currently facing heritage management in Western Australia. These issues are not new but an attempt is now being made to make strategic management decisions across local government in WA. The questionnaire raises key strategic policy matters as well as technical issues relating to standards of place identification and assessment.

Whilst various opportunities for commenting on the proposed standards and initiatives such as education and incentives have been undertaken by the Officers, of primary concern to the Officers is the fundamental questions relating to strategic policy, as set out in the proposed *State Planning Policy for Heritage (SPP)*. The SPP for Heritage is currently presented in two drafts - one drafted by HCWA and the other by DPI. It is the Officers opinion that whilst the length of the DPI Draft SPP could be reduced somewhat, it essentially captures heritage in a 'strategic net' that links heritage with other State objectives relating to urban planning and sustainability and as such should be wholly supported. This version of the SPP presents an opportunity for heritage management to be fed into other initiatives of State planning to allow greater access to funding, resources, general awareness and education.

CONSULTATION/ADVERTISING:

This matter is not required to be advertised. The results of the Working Party will later be circulated to all local governments for their comment.

LEGAL/POLICY:

There are no legal or policy compliances with regard to this matter. Relevant legislative acts are discussed in the context of policy reform as shown in the Appendix to this report.

STRATEGIC IMPLICATIONS:

Strategic Plan 2003 - 2008 - Key Result Areas: 1.3 "*Develop, implement and promote sustainable urban design.*" and "*Recognise the value of heritage in providing a sense of place and identity - Foster activities which add to the community's understanding of heritage value.*"

FINANCIAL/BUDGET IMPLICATIONS:

There are no financial or budget implications with regard to this matter.

COMMENTS:

It is recommended that the Council receives this report on the progress of the LGHWP, supports the Officers' comments with regard to the questionnaire as shown in the Appendix for the purposes of contributing to the outcomes of the LGHWP, and advises HCWA of the Town's comments in relation to the questionnaire.

10.1.15 Public Library Framework Agreement

Ward:	Both	Date:	12 October 2004
Precinct:	All	File Ref:	CMS0002
Attachments:	001		
Reporting Officer(s):	E Scott		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the report relating to the State Library of Western Australia Public Library Framework Agreement; **AND**
- (ii) **ADVISES** the Western Australian Local Government Association that it agrees to meet the following standards by 2007/2008:
 - (a) *infrastructure – the provision of an automated library management system;*
 - (b) *membership for all WA Citizens provided free of direct charge;*
 - (c) *loans (and renewals) of items from fiction and non-fiction lending collections, whether book, non-book or electronic formats for adults and children provided free of direct charge;*
 - (d) *access to any library resource and to any information forming part of the information services of the library, for use on the library premises, including internet and electronic databases, for basic research purposes provided free of direct charge. (Public Access to internet excludes use of email and other communication modes, which may be considered value-added)*
 - (e) *access to state-wide catalogue and SLWA website, and interlibrary loan of any eligible resource not held in the library service collection free of direct charge: Provision of some interlibrary loan materials may incur a cost by the client (for example, photocopies);*
 - (f) *basic reference/information services (includes community information) provided free of direct charge. Basic Reference Information Services include: provision of access to reference materials for consultation in the library and the provision of assistance by library staff in identifying, retrieving and making available, relevant information (by any appropriate means) in response to requests for information by library clients;*
 - (g) *employment of public library staff with core competencies; and*
 - (h) *asset Management: resources are deemed state government assets, maintained according to set policies, and made available to all people in WA through a state-wide system.*

COUNCIL DECISION ITEM 10.1.15

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Farrell on approved leave of absence.)

BACKGROUND:

The State Library of Western Australia (SLWA), Department of Culture and the Arts, Government of Western Australia is a statutory authority, which works in partnership with Local Government to provide stock and services to Western Australia's 238 Public Libraries. This is enacted under the *Library Board of Western Australia Act 1951*. As such, SLWA is obliged to consult with stakeholders in preparing a Framework Agreement that ensures that both parties address the needs of all members of the West Australian Community, and which delineates standards and responsibilities.

To-date, Western Australia Local Government Association (WALGA) negotiators have found that Local Governments expect State Government to commit to the existing Library Board standard of 1.25 items per capita per Local government area base stock provision.

At the Ordinary Meeting of Council held on 21 October 2003 (Item 10.1.8), the Council considered the proposed Public Library Framework Agreement, and resolved as follows:

"That the Council:

- (i) RECEIVES the report relating to the proposed Public Library Framework Agreement;*
- (ii) DOES NOT support the Draft Statements of Intent in its current form;*
- (iii) RECOMMENDS further discourse between State and Local Governments to achieve a more workable Public Library Framework Agreement; and*
- (iv) ENDORSES the suggested feedback attached at Appendix 10.1.8".*

DETAILS:

WALGA has continued to negotiate on behalf of Local Governments, and now seeks feedback from Local Governments on their proposed commitments under the Framework Agreement. The Infopage issued by WALGA on 16 September 2004 is attached.

Agreeing to meet the standards by 2007/2008 will allow both parties to plan and budget accordingly.

Whilst both sides are committing to standards and resources, the Framework Agreement will reflect that there may be legitimate situations beyond the control of both parties that impact upon their capacity to deliver.

There will be the opportunity for WALGA and the State Library to work with Local Governments to assist them to meet core competencies.

STRATEGIC IMPLICATIONS:

Town of Vincent Strategic Plan 2003-2008:

Key Result Area Three - Economic Development

3.3 *Develop partnerships and alliances with key stakeholders.*

Key Result Area Four - Governance and Management -

4.2 *Deliver services in ways that accord with the expectations of the community, whilst maintaining statutory compliance.*

By agreeing to the proposed Standards, the above Key Result Areas will be achieved and maintained.

FINANCIAL/BUDGET IMPLICATIONS:

Because the Town of Vincent Library is already meeting the proposed standards, and is committed to continue to do so, there are no apparent changes to current budgeting provision.

COMMENTS:

Negotiations for this Framework Agreement commenced in October 2001, at which time it was expected to be finalised by mid-2002. Valuable negotiations have taken place in the meantime, and some agreements achieved (for example, reporting requirements). It is vital the items that are listed in this report are given serious consideration, even though the Town of Vincent currently meets all requirements that are listed. All members of the Western Australian community should be offered the same standards of free and equitable access to information. Receiving this report, and supporting the proposed standards for all public libraries in Western Australia will help ensure that this is possible.

10.1.16 Review of School Immunisation Service provided by the Town

Ward:	Both	Date:	5 October 2004
Precinct:	All	File Ref:	ENS0025
Attachments:	-		
Reporting Officer(s):	A Bosworth		
Checked/Endorsed by:	D Brits, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council:

- (i) *AUTHORISES the Town's School Immunisation Programme to be temporarily suspended for 2004, based on the increased provision of vaccines by the Department of Health Western Australia (DOH) to the Year 7 target group;*
- (ii) *ADVISES the School Principals that the Town will not be conducting Immunisation Services for 2004 and provides all Year 1 students with contact details for the Central Immunisation Clinic; and*
- (iii) *REQUESTS the Chief Executive Officer to review of the service during 2005 and submit a further report to the Council for consideration in due course.*

COUNCIL DECISION ITEM 10.1.16

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Farrell on approved leave of absence.)

BACKGROUND:

The Town's Health Services have been conducting an annual School Immunisation Programme to vaccinate Year 7 students with the Adult Diphtheria Tetanus (ADT) vaccine in accordance with the Department of Health Guidelines.

In addition to vaccinating Year 7 students, the Town has offered a "catch up" programme for any Year 1 students who have missed receiving their 4/5 year old vaccinations prior to entering school. As this is generally a pre-requisite for commencing Year 1, a very limited number of students are vaccinated by the Town each year (averaging 4 to 5 students over a total of six schools).

With the introduction of vaccines such as Meningococcal C and Hepatitis B (which requires multiple visits), the DOH will be expanding their School vaccination programme to include Boostrix (Diphtheria, Tetanus and Pertussis), which offers the additional protection of Pertussis that the ADT vaccine lacks.

DETAILS:

The DOH has attended all six Primary Schools within the Town, and vaccinated the consenting Year 7 children with Boostrix, Meningococcal C and Hepatitis B. DOH does not vaccinate Year 1 students as these children should have received their vaccinations prior to being accepted into Primary School.

The cost of running the school programme solely for the Year 1 students is \$601.60, but does not include the cost involved with administration activities for the Environmental Health Officer organising the programme (approximately 7 hours) and Customer Service Staff assisting with general administration and attendance at the schools with the doctor (approximately 5 hours).

The following Table details the number of Year 1 students vaccinated, compared to the number of Year 7 students during the past few years.

No. Vaccinated	2001	2002	2003
Year 1	1	5	4
Year 7	116	105	86
TOTAL	117	110	90

As evident in the above Table, continuation of the Year 1 programme is not justified.

CONSULTATION/ADVERTISING:

Health Services will advise the Principals of each school within the Town of the change to the School Immunisation service, and provide correspondence to be sent home with all Year 1 students requesting parents to check that their child has received relevant 4/5 year old vaccines. Should parents need to have their child immunised, they will be able to attend the Central Immunisation Clinic at Rheola Street, West Perth which is open Monday to Friday, from 8.30am to 5.00pm, or one of the Town's four Child Health Clinics which operate on the first Wednesday of each month between 8.30am and 12.45pm.

STRATEGIC IMPLICATIONS:

Strategic Plan 2003 – 2008: Key Result Area 2.2 – Evaluate and enhance the way that Council provides and co-ordinates community programs and information services.

LEGAL/POLICY:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

With the DOH having undertaken the majority of the school immunisation programme in 2004, this will result in a saving to the Town's Budget of approximately \$1200.00.

COMMENTS:

As the DOH will be offering the additional Boostrix vaccination to Year 7 students in 2004, it is proposed that the Town's Immunisation programme be temporarily suspended, as the time and financial output required to provide a "catch up" service for Year 1 students is disproportionate to the need.

10.1.17 Tender for the Supply of Ticket Issuing Machines

Ward:	South	Date:	6 October 2004
Precinct:	Leederville; P3	File Ref:	TEN 305/04
Attachments:	-		
Reporting Officer(s):	J MacLean		
Checked/Endorsed by:	R Boardman, M Rootsey	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *ACCEPTS the tender submitted by Reino WA for the supply of eight (8) ticket issuing machines, for installation in Newcastle Street, between Loftus Street and Carr Place, Leederville at a total cost of \$54,653.50;*
- (ii) *APPROVES of an amended "Payment and Retention" amount of 2.5% of the total value of the contract; and*
- (iii) *NOTES that the Chief Executive Officer will call a further tender for the on-going checking and maintenance of the Town's ticket issuing machines.*

COUNCIL DECISION ITEM 10.1.17

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Farrell on approved leave of absence.)

BACKGROUND:

On 27 July 2004, the Council approved an amendment to the Town of Vincent Local Law Relating to Parking Facilities, allowing for paid parking to be introduced in Newcastle Street, between Carr Place and Loftus Street, Leederville. The Chief Executive Officer called tenders for the supply of eight (8) ticket issuing machines and the Tender was advertised on 21 August 2004, with a closing date of 8 September 2004. A total of five (5) tenders were opened, from four (4) tenderers, at 2.00pm on 8 September 2004, with no members of the public in attendance.

Reino WA also submitted a quotation for the on-going maintenance and dial checking of the Town's ticket issuing machines. Currently, this is undertaken by the City of Perth, but the staff of the Technical Maintenance Section are reporting that their workload is increasing and that it is becoming difficult to provide the level of service that the Town has enjoyed for the past seven or eight years.

DETAILS:

One of the tenderers offered two different ticket issuing machines and detailed the prices for each. Four (4) of the tendered prices for the ticket issuing machines were fairly close to each other, with one tender being approximately 49% more expensive than the lowest price and 32% more expensive than the recommended tenderer.

Three of the Tenders were totally compliant, within the scope of the specifications, and one tender, while complying in all other areas, did not permit the use of Solar Power. One tender, from Wilson Parking, did not address the compliance requirements in a number of areas and, since the price was substantially more than the other machines, it was considered unnecessary to contact the company to check for compliance.

CHS Parking Equipment Australia tendered for an EZIPark Classic ticket issuing machine, as Option 2 and this tender was assessed as being the cheapest. However, this ticket issuing machine does not have the facility to use Solar Power and, while the Town's tender specifications did not make it a requirement for the machines to be capable of using Solar Power, because of the difficulties in running underground power cables and the fact that there are no trees or other obstructions in Newcastle Street, Leederville, Solar Power is the preferred option. The CHS Option 1 tender was for the supply of EZIPark Global ticket issuing machines, which are more aesthetically pleasing machines than their EZIPark Classic machines and are constructed of 20 millimetre thick cast Aluminium, rather than the traditional steel construction.

Two of the three fully-compliant tenders, Reino WA and CHS Parking Equipment Australia are offering a two (2) year warranty on the machines, which is twice the tender-specified warranty period. The tender from Advanced Time and Traffic Pty Ltd complied with the requirement for a minimum of twelve (12) months warranty.

The Town currently has twenty five (25) PSA 2000 (provided by Reino WA – formerly Smart Edge Technologies), five (5) Cale 101 and seven (7) Cale 102 Ticket Issuing Machines (both of which are previous versions of those tendered by Advanced Time and Traffic), installed and all perform well. The City of Perth, who undertake repairs, maintenance and re-programming functions, on behalf of the Town of Vincent, already hold a substantial number of spare parts for these existing ticket issuing machines. It has been confirmed that many of the components used in the EZIPark Global ticket issuing machines are common to many other machines, such as Cale and PSA 2000 and that the City of Perth retain a stock of such items.

REQUESTED VARIATION IN PAYMENT AND RETENTION AMOUNT:

Reino WA have requested that the Town consider amending the "Payment and Retention" Section of the Tender Document. They will accept the Council decision on the matter, but submit the following comments:

"Retention of 10% (for the security deposit) is stipulated. This (10%) represents a major portion of the profit margin in this contract and is double that of retention monies required by other Australian Council since 1983. We ask therefore that the retention is capped at 5%, with a 50% of the retention monies held be returned after completion of delivery and the balance at the end of the normal (12 months) warranty period."

Given the fact that the company has its main office and factory in Malaga, Western Australia and that the Town is satisfied with the operation of the PSA 2000 machines, it is felt that a total retention of 2½% of the total cost – around \$1366.34– would be a sufficient in this case.

EZIPark Global – SUPPLIED BY CHS PARKING EQUIPMENT AUSTRALIA:

While there are currently no EZIPark ticket issuing machines (tendered for by CHS) in Western Australia, there are substantial numbers of these machines in use in Auckland, New Zealand and in Melbourne, Sydney, Darwin and many other cities in Australia. The tenderers have asserted that the City of Perth already hold a stock of spares for EZIPark machines and that, as part of a different project, have arranged for the City of Perth to take delivery of two machines for test purposes. It has been confirmed that many of the components used in the EZIPark ticket issuing machines are common to many other machines, such as Cale and PSA 2000 and that the City of Perth retain a stock of such items.

The EZIPark Global ticket issuing machines are constructed in 20 millimetre thick cast aluminium which, because of the requirement for specialised equipment to drill or cut into cast aluminium, provides for a high level of security. Unlike many of the current generation of machines, these machines are aesthetically pleasing and may even enhance the streetscape in some cases. The main cabinet door is pre-cast to provide a facility to upgrade to accept credit cards, smart cards, etc, with minimal additional cost.

EZIPark Classic – SUPPLIED BY CHS PARKING EQUIPMENT AUSTRALIA:

EZIPark Classic is not capable of use as a Solar Powered Ticket Issuing Machine, but they have developed a system whereby a heavy-duty, long-life battery will continue to operate the machine for periods of between five (5) and nine (9) months, without the need for recharging. After this period, a recharged battery can easily be installed.

The method of collecting and storing the cash within the ticket issuing machine is different to the other machines, insofar as the EZIPark system uses a strengthened cloth cash bag system, as opposed to stainless steel cashboxes. The locking mechanisms are different to those already installed in the Town's existing machines, so it will not be possible to key the cash bags locks to KABA locks.

PSA2000 or MAX 100 – SUPPLIED BY REINO WA (FORMERLY SMART EDGE TECHNOLOGIES):

It has been confirmed that Reino WA are offering either the traditional PSA 2000 ticket issuing machine or the MAX 100 ticket issuing machine at the same cost. The MAX 100 machine has all the same features as the PSA 2000, but is more aesthetically pleasing when installed.

The Town has previously purchased PSA2000 ticket issuing machines and all work satisfactorily. Smart Edge Technologies, which has now been bought out by Reino International, won the Town's previous tender for ticket issuing machines in late 2003 and some difficulties were experienced with delivery dates and some missing parts. However, since Reino WA has taken over the company, they have been extremely efficient at providing a high level of service.

It should be noted that many of the PSA 2000 Ticket Issuing Machines, in use by the City of Perth, City of Fremantle and City of Subiaco, were being broken into about a year ago, but Reino WA have altered the locking mechanisms and have installed drill-deflector plates to overcome this problem. They have assured the Manager Law and Order Services that this problem has been fully dealt with.

Reino WA indicated that all machines in this tender will have an improved service door and treasury door locking mechanisms, as well as the "drill-deflecting plates" to prevent a drilled access to the locking mechanisms.

HECTRONICS – SUPPLIED BY WILSON EQUIPMENT:

While the Town of Vincent does not currently have any Hectronics machines installed, the City of Perth purchased two hundred (200) some time ago. Indications from the City of Perth technicians suggest that, while they continue to experience some difficulties with the machines, primarily related to communication interfaces, rather than the operation of the equipment.

Wilson Equipment do not use similar locks to those already installed in the Town’s ticket issuing machines and suggest that, if the Town wishes to change the locks, the cost should be borne by the Town.

CALE MP104 – SUPPLIED BY ADVANCED TIME & TRAFFIC PTY LTD:

While the Town does not currently have CALE MP104 machines installed, there are five (5) CALE MP101 machines installed in Frame Court Car Park and Brisbane Street Car Park, with a further seven (7) CALE MP102 machines installed in The Avenue, Raglan Road and Chelmsford Road Car Parks.

Indications from the City of Perth technicians suggest that, while the machines tend to be slightly more expensive, the configuration and the “ease of maintenance” provides a value for the cost. However, they acknowledge that, from a customer perspective, the operation of the CALE Machines is not substantially better or easier than their counterparts.

EVALUATION:

The Town specified how the Tenders would be evaluated and attributed weighting factors to each of the criteria. The following table shows these criteria:

Criteria	%	Weighting
1 Price		
Include in the lump sum price all fees and other costs and dispersements to provide the required service and appropriate level of Goods and Services Tax (GST)	50	50%
2. Professional expertise and relevant experience in similar projects		
• Demonstrated knowledge and experience in projects of a similar nature.	5	20%
• Demonstrate capacity to achieve the proposed project.	5	
• Provide evidence of successful results in relevant previous projects.	5	
• Provide suitable written references and referees	5	
3. Financial History and Evidence of Stability		
• Demonstrate financial history of organisation to carry out works for this project.	5	5%
• Demonstrate evidence of stability and experience		
4. Materials and Labour		
• Demonstrate content of Australian Made material and/or labour	5	5%
5. Overall compliance with Tender Specification and Requirements	20	20%
		100%

1. Price

The following Table shows the tendered prices for each Tenderer:

Company	8 Solar Powered Machines	Per Solar Machine	Additional Charge	Total Cost
Reino WA	\$50,297.50	\$2,514.88	\$4,356.00	\$54,653.50
CHS (Option 1)	\$59,400.00	\$2,970.00	\$0.00	\$59,400.00
CHS (Option 2)	\$48,400.00	\$2,420.00	\$0.00	\$48,400.00
Wilson	\$69,954.00	\$3,497.70	\$2,224.00	\$72,178.00
Advanced	\$54,560.00	\$2,728.00	\$5,024.80	\$59,584.80

** Reino WA and Advanced Time and Traffic have an additional charge for Solar Panels and Wilson parking, while providing a Solar Panel, charge for a battery to maintain operation at night.

While CHS Option 2 was the cheapest, there is no provision for using solar energy, so this tender has been discounted.

2. Professional expertise and relevant experience in similar projects

- Demonstrated knowledge and experience in projects of a similar nature.
- Demonstrate capacity to achieve the proposed project.
- Provide evidence of successful results in relevant previous projects.
- Provide suitable written references and referees.

All four (4) Companies that submitted Tenders have similar knowledge and experience in the field and have the capacity to achieve the proposed project. All have provided evidence of their successes in various locations and all have provided suitable references and referees. Referees were randomly contacted and all were happy with the respective companies.

3. Overall compliance with Tender Specification and Requirements

In assessing the Tender, areas where the Tenderer was non-compliant with, or did not address a specification, were identified and recorded. From a calculation viewpoint, one (1) point was deducted for each non-compliant area and it was assumed that, where an item was not addressed, it was compliant and no points were deducted

4. Financial History and Evidence of Stability

- Demonstrate financial history of organisation to carry out works for this project.
- Demonstrate evidence of stability and experience.

All Tenderers provided evidence of their financial history to carry out the works and all used their length of experience in the industry to support their assertions of financial stability.

5. Materials and Labour

- Demonstrate content of Australian Made material and/or labour.

Reino WA is the only tenderer that can demonstrate that most of the components, used in the PSA 2000 machines, originate in Australia and in fact, some originate in Western Australia. Some of the components used in the PSA 2000 machine are supplied from Germany and Japan. CHS Parking Systems assert that the cabinet, along with many of their components are designed and manufactured in Australia or New Zealand.

In the assessment, a figure of 4, from a maximum of 5, has been allocated to Reino WA, while nothing has been allocated to any of the other tenderers.

The following is a summary table, showing the evaluation figures:

Criteria	Maximum %	Reino WA	CHS Option 1	CHS Option 2	Wilson	Advanced
Price	50	50	46	N/A	35	45
Professional Expertise	20	20	20	N/A	20	20
Compliance	20	19	19	N/A	10	20
Financial History	5	5	5	N/A	5	5
Materials and labour	5	4	3.5	N/A	0	0
	100	98	93.5	-	70	90

REQUEST FOR CONSIDERATION BY THE COUNCIL THAT THE MAINTENANCE AND DAILY CHECKING OF THE TOWN'S CURRENT 48 TICKET ISSUING MACHINES, ALONG WITH THOSE IN THIS TENDER:

Since 1996, the City of Perth have undertaken daily checks of the Town's ticket issuing machines and have made themselves available for minor re-programming and general repairs. Reino WA, as part of the current tender documentation have added a "non-conforming Tender" for the on-going service of the Town's existing and future maintenance requirements for ticket issuing machines. It is considered appropriate, rather than to approve this "non-conforming Tender", for the Town to give interested parties an equal opportunity to tender for this. The Town, on completion of the above tender, will have a total of fifty six (56) ticket issuing machines installed.

Co-incidentally, the City of Perth recently contacted the Town to indicate that, due to an increasing workload in the City, they are finding it difficult to maintain the current service level and have suggested that it may be an opportune time to re-assess the service level needed by the Town.

It is therefore considered appropriate that the Town call a further tender from suitably experienced companies, as well as the City of Perth, for the on-going maintenance of the existing and future ticket issuing machines.

CONSULTATION/ADVERTISING:

There is no need to consult the public about this report, since it refers to a previous approval by the Council. The Town's Tender Process has been designed to ensure transparency in the way Tenders are evaluated.

LEGAL/POLICY:

This tender was advertised in accordance with the Local Government Act 1995.

STRATEGIC IMPLICATIONS:

The introduction of ticket machines is consistent with Key Result Area 1.4(p), in the Draft Strategic Plan 2003 - 2008, states "*Develop a strategy for parking management in business, residential and mixed use precincts, that includes parking facilities that are appropriate to public needs*".

FINANCIAL/BUDGET IMPLICATIONS:

There is an amount of \$72,000 included in the 2004/05 Budget for the purchase and installation of parking ticket issuing machines.

COMMENTS:

From the tender information provided, CHS Parking Equipment Australia, at Option 2, appears to be the lowest priced, but they have tendered for machines that do not have Solar Power capability and the cash bag locks can not be changed to make them the same as existing cashbox locks. Since Reino WA have tendered the next lowest price and can also demonstrate that many components are of Australian manufacture it is suggested that their tender for the supply of eight (8) ticket issuing machines, at a total cost of \$54,653.50, be accepted.

10.2.1 St Rocco Association – Annual Street Procession

Ward:	Mt Hawthorn	Date:	5 October 2004
Precinct:	Leederville P3	File Ref:	CVC0006
Attachments:	001		
Reporting Officer(s):	C Wilson		
Checked/Endorsed by:	R Lotznicher	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *supports the annual St Rocco Association's street procession to be held on Sunday, 14 November 2004, as shown in attached Plan A4-00-106; and*
- (ii) *requests the organisers of the procession to ensure that all emergency services, including Main Roads WA Operations Centre, are notified and all relevant approvals be obtained.*

COUNCIL DECISION ITEM 10.2.1

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Farrell on approved leave of absence.)

BACKGROUND:

The St Rocco Association Incorporated is seeking Council's approval to conduct its annual street procession on Sunday, 14 November 2004 in honour of St Rocco.

DETAILS:

The procession will commence at 3.00 pm on Sunday, 14 November 2004 from St Mary's Catholic Church in Franklin Street, Leederville. It will travel, under Police escort, south via Shakespeare Street turning left into Marian Street. From Marian Street the procession will turn left into Loftus Street north bound, where it will be confined to a single lane so as not to impede normal traffic. From Loftus Street the pageant turns left into Anzac Road west bound, returning to St Mary's via Shakespeare Street (as per attached Plan No. A4-00-106).

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

CONSULTATION/ADVERTISING:

N/A.

LEGAL POLICY:

N/A.

STRATEGIC IMPLICATIONS:

In line with Key Result Area Two of the Strategic Plan 2003-2008 2.1 – b) *“Develop and organise community events that engage the community and celebrate the cultural diversity of the Town”*.

FINANCIAL/BUDGET IMPLICATIONS:

N/A.

COMMENTS:

The annual St Rocco Procession is a colourful religious celebration that draws many people of diverse backgrounds to the Town. As in the past, conditional approval will be granted on behalf of the Town by the Executive Manager Technical Services. These conditions pertain to traffic management, police approval and attendance to ensure a both safe and successful event for both participants and motorists alike.

10.3.2 Headquarters Youth Facility 60 Frame Court - Lease Assignment

Ward:	South	Date:	5 October 2004
Precinct:	Oxford Centre P-4	File Ref:	ORG0070
Attachments:	-		
Reporting Officer(s):	M Rootsey		
Checked/Endorsed by:		Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES the assignment of the current lease of Headquarters Youth Facility to the YMCA under the existing terms and conditions; and*
- (ii) *REQUESTS the Chief Executive Officer to provide a report on the management changeover at the HQ Facility on the completion of the process.*

COUNCIL DECISION ITEM 10.3.2

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Farrell on approved leave of absence.)

BACKGROUND:

The Headquarters Youth Recreation, Cultural and Arts Association Incorporated has a lease provided by the Town of Vincent on the premises at 60 Frame Court, Leederville from 2 December 2001 to 1 December 2006 with a further 5 year option at a peppercorn rent.

The Headquarters Youth Facility has now been in operation for two (2) years following an extensive planning and construction period.

The facility is managed through a Board of Management with a maximum of 15 members. The Town has two representatives on the Board, the Mayor is the Chairman and the Executive Manager Corporate Services as a Board Member.

The HQ Facility Board employs a Facility Manager and an Administration Assistant, all other staff are either volunteers or work for the dole participants. The Town does not have any involvement in the direct operational activity of the facility, although there is liaison with the Youth Officer in the Community Development Section.

The Board of Headquarters Youth Facility (HQ) raised concerns earlier in the year about the executive management team's capacity to provide 'hands on' management to the organisation at the level it requires. It was acknowledged that the Board members had the skill but not necessarily the capacity to provide the level of hands on work. Concerns were also raised in regard to the financial viability of the centre, with its current reliance on the Work Employment Program (WEP) to fund its operations and therefore the need to have services of secure recurrent funding.

At the April 2004 Board meeting it was resolved that funds be sought from the LotteriesWest to obtain a grant to engage a consultant to investigate the possibility of HQ moving under the management and ownership of a larger organisation. Tim Muirhead of CSD Network was engaged by the HQ Youth Facility Board to investigate options for HQ to be taken over and owned by a larger, not for profit organisation, in order to develop HQ's capacity and services for the longer term benefit of the youth and wider community.

The consultant was asked to:

- Find a small number of organisations that may be interested in taking over and owning HQ.
- Work with these organisations to select the most appropriate new parent agency.

It was hoped that a new parent agency would need to provide:

- Management time from one or more senior managers.
- Administration and support infrastructure (eg accounting and auditing; spread of insurances; human resource management; materials and equipment management; building management and maintenance, etc).
- Preparedness to incorporate the values and programs that are inherent to HQ (acknowledging that these values and programs will evolve/grow over time).
- Significant 'synergies' between HQ's potential and the parent agencies existing and planned services.
- If possible a rich and broad youth work base.

DETAILS:

The CSO network contacted 13 agencies who were considered for short-listing against four (4) essential criteria.

- Complementary ethos and values to that of HQ
- Not for profit status
- Demonstrated sustainability with a successful track record of at least 5 years
- A depth of management structure and staffing to ensure effective operations and long-term viability and capacity to manage HQ

Three agencies were short listed and appeared to comply with all the essential criteria - Mission Australia, Anglicare and YMCA. However, they fell into two categories, first and second priority, there was a level of subject judgement in this part of the consultant. The consultant was of the opinion that YMCA and Anglicare were the first priority organisations.

Initially the consultant could not separate submissions from Anglicare and YMCA. It was recommended that both agencies visit the facility and have discussions with the manager. Anglicare subsequently withdrew their interest. They were concerned with the dependency on the WEP programs foundation for financial viability and maintaining a skate park, at best, in Perth may rely on the purchase of two expensive items.

The YMCA, also had a reality check from visiting the centre again because they discovered that it was less financially robust than they initially understood, however they remained positive. The consultant recommended that HQ notify YMCA that they are keen to entered into formal discussions to explore how YMCA can incorporate HQ into their organisation. Explore together with other stakeholders that are agreed by YMCA of what needs to be done to enhance HQ as a vibrant, viable, sustainable facility for young people.

YMCA have drafted a Memorandum of Understanding for consideration by the Board.

The consultant's final recommendation to the HQ Board of Management is:

- Hand over its operation to YMCA (WA) by the end of 2004, that the Memorandum of Understanding is a foundation for negotiating the details of handover.
- Continue to monitor the details of the handover until all the legal financial and operational matters are fully in the hand of YMCA (WA).
- Maintain as its reference point for this monitoring, HQ mission "To deliver and involvement in HQ", innovative programmes, events and activities that address the needs of the young people and achieve a strong sense of ownership in HQ.

To progress the following matters have to be finalised:

- The Headquarter Youth Recreation Cultural and Arts Association Incorporation to hold its Annual General Meeting to accept audited financial statements for the financial year ending June 2004.
- The YMCA (WA) to complete its due diligence on HQ
- The YMCA (WA) solicitors to draft a transfer agreement for circulation to the HQ and YMCA (WA) Board members.
- Approval by the Town of Vincent of the lease assignment to YMCA (WA)
- HQ to hold a special resolution meeting and sign relevant documents, agreements; at the same meeting resolve to wind up the Headquarters Youth Recreation Cultural and Arts Association Incorporation.
- The Secretary of HQ to submit windup forms to the Department of Consumer and Employment Protection (DOCEP) the day after the special resolution meeting.

Informal discussions with YMCA (WA) suggest they may consider an Advisory Committee to be formed to provide a media for external input into the organisation and allow some of the existing Board Members an avenue to formally maintain their interest in the facility.

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

Lease agreement between the Town of Vincent and Headquarters Youth Recreation, Cultural and Arts Association Incorporation for 60 Frame Court, Leederville.

STRATEGIC IMPLICATIONS:

Key Result Area 2 - Community Development

"2.4 c) *Support and implement youth development programs.*"

FINANCIAL/BUDGET IMPLICATIONS:

Peppercorn lease payment to be maintained for the period of the lease.

\$45,000 is included on the 2004/05 budget for the operations at the Headquarters Youth Facility.

This funding would be reviewed as a matter of course during the budget deliberations for next year and it may be considered to reduce the contribution on a sliding scale over the period of the lease.

COMMENTS:

The Town fully supports the lease assignment for the current lease and option to YMCA (WA).

Since opening, the HQ Facility has struggled for recurrent funding of its operations.

The reliance on Work for the Dole projects for financial viability is tenuous as it is subject to government policy changes. It is acknowledged that the current structure lacks the resources in certain management areas to develop the facility to its potential. The move to have a larger organisation well known with greater human resources available to run the facility will open the facility to a range of external funding possibilities. The name of YMCA is synonymous with young people and its history will enable the facility to be promoted to a wider range of youth. This reassignment will give the operation of the facility a longer term security.

It is therefore recommended that Council support this recommendation.

10.1.8 No(s). 153 (Lot(s) Y294 & 295,) Coogee Street, Mount Hawthorn - Proposed Demolition of Existing Single House and Construction of Two (2) Two-Storey Single Houses

Ward:	North	Date:	1 October 2004
Precinct:	Mt Hawthorn; P1	File Ref:	PRO2843; 00/33/2302
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 Designright on behalf of the owners AP & CM Murphy for proposed Demolition of Existing Single House and Construction of Two (2) Two-Storey Single Houses, at No(s). 153 (Lot(s) Y294 & 295,) Coogee Street, Mount Hawthorn, and as shown on plans stamped 16 June 2004 (existing dwelling, ground floor, first floor, elevations, site and overlooking plans), 21 September 2004 (cross section plan) and 29 September 2004 (neighbouring properties and dimensioned site plan), subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (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 Coogee 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;*
- (iii) details of all street trees adjacent to the subject property shall be submitted with the Building Licence application;*
- (iv) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (v) 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;*
- (vi) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;*
- (vii) a road and verge security deposit bond and/or bank guarantee of \$550 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*

- (viii) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (ix) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Coogee 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);*
- (x) *the applicant/owner(s) shall advise (prospective) purchasers of the proposed dwelling sites, that if this development does not proceed any subsequent proposed development shall comply with the relevant development requirements of the Town's Town Planning Scheme No. 1 and the associated Policies and the Residential Design Codes, and it is not to be assumed that the Town will support variations to the requirements;*
- (xi) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title or Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
- (xii) *a right of way security bond and/or bank guarantee for \$880.00 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
- (xiii) *all pedestrian access and vehicle driveway/crossover levels shall match into existing right of way and verge/footpath levels;*
- (xiv) *subject to first obtaining the consent of the owners of Nos. 151b and 157 Coogee Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 151b and 157 Coogee Street in a good and clean condition; and*
- (xv) *the alfresco shall be one hundred (100) per cent open on all sides and at all times except where it abuts the east elevation of the proposed houses;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.8

Moved Cr Doran-Wu, Seconded Cr Cohen

That the recommendation be adopted.

Debate ensued.

Moved Cr Lake, Seconded Cr Ker

That new clauses (xvi), (xvii) and (xviii) be added as follows:

- "(xvi) prior to the first occupation of the development, the full length and width of the right of way from the southern sealed portion of the right of way to the northern most boundary abutting the subject land shall be sealed, drained and paved to the specifications of and supervision under the Town, at the applicant's/owner(s)' full expense;*
- (xvii) a bond and/or bank guarantee for \$10000 for the full upgrade of the right of way shall be lodged prior to the issue of a Building Licence; and*
- (xviii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
- (a) the ground floor of house/unit 1 being setback a minimum of 1.5 metres from the southern side boundary;*
 - (b) the upper floor of house/unit 1 being setback a minimum of 2.0 metres from the southern side boundary; and*
 - (c) the garage of house/unit 1 being setback a minimum of 1.0 metre from the southern side boundary.*

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

Debate ensued.

AMENDMENT CARRIED (8-0)

(Cr Farrell on approved leave of absence.)

Moved Cr Franchina, Seconded Cr Lake

That the Item be DEFERRED for further information.

Debate ensued.

LOST ON THE CASTING VOTE OF THE MAYOR (4-5)

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

(Cr Farrell on approved leave of absence.)

Debate ensued.

MOTION AS AMENDED LOST (1-7)

For
Cr Ker

Against
Mayor Catania
Cr Chester
Cr Cohen
Cr Doran-Wu
Cr Franchina
Cr Lake
Cr Torre

(Cr Farrell on approved leave of absence.)

Reasons:

1. The development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality, particularly in terms of overshadowing and bulk and scale.
2. The two strata title developments on the southern adjoining property have their two primary outdoor living space that will be impacted upon by the bulk and scale.
3. The non-compliance with the building setback requirements of the Residential Design Codes.
4. Consideration of the objections received.
5. Non-compliance with the boundary setback requirements of the R-Codes in terms of the acceptable development standards and performance criteria.

Cr Torre departed the Chamber at 7.07pm.

ADDITIONAL INFORMATION:

Subdivision

The Town's records indicate that no application for the concurrent subdivision of the subject property has been referred to the Town by the Western Australian Planning Commission.

Accuracy of plans

The information provided by the applicant in relation to the location of the adjoining southern properties was verified via an aerial photograph. A more accurate representation of the building envelope of adjoining neighbours has been requested from the applicant. If this information is received before the 12 October 2004 Ordinary Meeting, it will be tabled for Elected Members' consideration.

Notwithstanding the above, the setbacks, privacy and overshadowing assessment remains unchanged.

Overshadowing

While it is acknowledged that under the Performance Criteria of the R-Codes, development is to take into account of overshadowing of adjoining outdoor living areas, the R- Codes also state that development which complies with the acceptable development (in this case, the portion of adjoining property overshadowing requirements) is deemed to meet the relevant Performance Criteria. The subject application complies with the overshadowing requirements of the Residential Design Codes.

The adjoining southern property contains two (2) strata lots. The proposal complies with the overshadowing requirements of the R Codes in terms of not only the adjoining total freehold lot, but also the individual strata lots.

Privacy

In accordance with the R-Codes, there are no cone of vision encroachments from the two proposed bedroom three windows and the balcony. The plans indicate the southern side of the balcony being screened to full height.

Buildings on Boundary

In accordance with the BCA requirements, a gutter may sit on top of a wall on the boundary. The Town's Building Surveyors have advised that it is not necessary for the dividing fence to be removed in order for the garage wall to be built.

Right of Way

The Town was endeavouring to resume this ROW, as the Matlock Street properties had no right of access. In the process of assessing the Town's "taking" application, the Department for Planning and Infrastructure discovered that the ROW had already been resumed by the City of Perth, however Department of Land Information (DLI) had failed to endorse the Title to that affect. The first 50 metres (approximately) of the southern end of the ROW is sealed subsequent to an earlier development application, however a further 50 metres (approximately) would need to be sealed to provide adequate access to No. 153 Coogee Street. As the Town now owns the ROW, it would most likely be scheduled for upgrade within the next two years.

In light of the above, the respective unsealed portion of the ROW should be sealed accordingly.

Landowner:	AP & CM Murphy
Applicant:	Designright
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R30
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	625 square metres

COMPLIANCE:

Requirements	Required	Proposed *
Density	2 dwellings R 30	2 dwellings R 30
Plot Ratio	N/A	N/A
House 1 (South)		
Setbacks:		
Ground floor		
- North	1.5 metres	Nil-1.4 metres
- South	1.5 metres	1.1-3.0 metres
- North (garage)	1.0 metre	Nil
- South (garage)	1.0 metre	Nil

Requirements	Required	Proposed *
1st Floor - North - South - East/Front (balcony)	2.0 metres 2.0 metres 6.0 metres	0-0.9metre 1.1-3.0 metres 5.15 metres
Buildings on Boundaries	One boundary wall is permitted	Two boundary walls
House 2 (North)		
Setbacks:		
Ground floor - South - North - North (garage) - South (garage)	1.5 metres 1.5 metres 1.0 metre 1.0 metre	Nil-1.4 metres 1.1-3.0 metres Nil Nil
1st Floor - South - North	2.0 metres 2.0 metres	0-0.9metre 1.1 -3.0 metres
Buildings on Boundaries	One boundary wall is permitted	Two boundary walls

* 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.

SITE HISTORY:

The subject site is occupied by a single storey single house.

A privately owned right of way (ROW) exists to the rear of the subject lot. The ROW is sealed and has a width of 5 metres.

DETAILS:

The applicant is seeking approval for the proposed demolition of existing single house and construction of two (2) semi-detached two-storey single houses.

CONSULTATION/ADVERTISING:

The Town has received three submissions during the advertising period. The matters and concerns raised in these submissions are summarised below:

- loss of privacy;
- overshadowing;
- the proposals effect on the future redevelopment/sale of the neighbouring property;
- visual impact/intrusion of proposed boundary wall;
- potential damage to dividing fence and neighbouring garden; and
- accuracy and lack of information in relation to overshadowing, overlooking and position of neighbouring properties.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Response to Objections

Loss of privacy

Screening to the two proposed bedroom three windows and the balcony is not considered to be necessary as there are no cone of vision encroachments, as per the Residential Design Codes (R-Codes).

Visual impact/intrusion of proposed boundary wall

These matters are addressed in the next section.

Overshadowing

The application complies with the overshadowing requirements of the Residential Design Codes and therefore, not considered to unduly impact on the adjoining properties in this respect.

The proposals effect on the future redevelopment/sale of the neighbouring property

These issues are not considered to be major planning issues and therefore have not been taken into account.

Potential damage to dividing fence and neighbouring garden

These concerns are a civil matter and considered to be speculative. Any damage to a dividing fence is a matter to be resolved between the affected property owners in accordance with the Dividing Fences Act, (which is not administered by local governments).

Accuracy and lack of information

The plans have been amended to indicate the correct overshadowing, overlooking and position of neighbouring properties.

Demolition

Although representative of a late Interwar residence, the place is not unique, endangered or an outstanding example of its type and there are many examples extant in the Town. No historical links of importance have been established. Overall, the place is considered to have little cultural heritage significance and it is considered that the place does not warrant a full heritage assessment. It is recommended that the proposal to demolish the place can be approved, subject to standard conditions.

Buildings on Boundaries and Setbacks

The proposed common wall has been treated and assessed as a boundary (parapet) wall, as per the Residential Design Codes, relating to Buildings on Boundary. Notwithstanding this, it should be noted that the subject site remains as a singular lot as there is no subdivisional boundary between the two grouped dwellings. The common wall between the two proposed dwellings has been treated as a boundary wall to enable an assessment of the development as if there was the potential for impact on the amenity of an adjoining property.

The ground side setbacks are supported as the side walls are staggered to reduce its impact and the variations are considered to be minor and not regarded to have an undue impact on the adjacent neighbours.

In light of the application's compliance with overshadowing and privacy, the first floor side setbacks are also supported given the width of the block and that the walls on the northern and southern elevation being staggered to lessen the visual impact on the neighbouring properties.

The boundary walls on the northern and southern boundaries are each 6 metres in length, occupy 14.5 per cent of the boundary and are 2.5 metres in height. Given their compliance with the R-Codes in terms of length and height, the proposed boundary walls are considered acceptable. While it is acknowledged that the proposed southern storeroom/garage wall overshadows part of the neighbouring property's outdoor living area, requiring the storeroom/garage to be setback the required distance is considered to result in a negligible difference in terms of overshadowing.

The variation to the balcony front setback is considered supportable as it is regarded as minor, does not have an undue impact on the streetscape, and does not have cone of vision encroachments onto the neighbouring properties.

Summary

On the above basis, it is recommended that the application be approved, subject to standard and appropriate conditions.

**10.1.12 No(s). 21 (Lot(s) 69, Strata Lot 5) Windich Place, Leederville - Proposed
Patio Additions to Existing Single House**

Ward:	North	Date:	5 October 2004
Precinct:	Norfolk; P10	File Ref:	PRO2934; 00/33/2443
Attachments:	001		
Reporting Officer(s):	G Snelling		
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 J L Dunning for proposed Patio to Existing Single House, at No(s). 21 (Lot(s) 69, Strata Lot 5) Windich Place, Leederville, and as shown on plans stamp-dated 3 September 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 open space and outdoor living area requirements of the Residential Design Codes;*

Moved Cr Doran-Wu, Seconded Cr Cohen

That the recommendation be adopted.

Debate ensued.

Cr Torre returned to the Chamber at 7.10pm.

LOST (3-5)

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

(Cr Farrell on approved leave of absence.)

Reasons:

1. The development will improve the amenity of the property.
2. The applicant has the support of all of the adjoining neighbours.
3. There were no objections received.

ALTERNATIVE RECOMMENDATION:

Moved Cr Doran-Wu, Seconded Cr Torre

That the following alternative recommendation be adopted.

"That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner J L Dunning for proposed Patio to Existing Single House, at No(s). 21 (Lot(s) 69, Strata Lot 5) Windich Place, Leederville, and as shown on plans stamp-dated 3 September 2004, 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 Windich Place shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (ii) compliance with all Building, Environmental Health and Engineering requirements;*
- (iii) a road and verge security bond or bank guarantee of \$220 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*
- (iv) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant; and*
- (v) the patio additions shall be 100 per cent open on at least two (2) sides at all times;*

to the satisfaction of the Chief Executive Officer."

Debate ensued.

CARRIED (5-3)

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

(Cr Farrell on approved leave of absence.)

Landowner:	J L Dunning
Applicant:	J L Dunning
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R60
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	750 square metres (Strata Lot 5 = 118 square metres)

COMPLIANCE:

Requirements	Required	Proposed *
Plot Ratio	N/A	N/A
Setbacks: Southern side boundary Northern side boundary	1.0 metre 1.0 metre	0.68 metre 0.55 metre
Open Space	For this purpose, roof covered patio not more than 10% of site area or 50 square metres whichever is the lesser (i.e. maximum 15.0 square metres)	27.19 square metres under roof covered patio
Outdoor Living Space	16 square metres and minimum 2/3 of required outdoor living space to be without permanent roof cover with a minimum dimension of 4 metres	13.85 square metres with various dimensions of 0.55 metre to 1.14 metres

* 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.

SITE HISTORY:

No.21 (Lot 69 Strata Lot 5) Windich Place is occupied by a two storey single house.

DETAILS:

Approval is sought to construct a patio structure at the rear of the existing house. The applicant is seeking setback, open space and outdoor living space variations, as stated in the above compliance table.

The applicant has provided the following comments in support of the application:

- "1. I am personally fair skinned and have a family history of skin cancer. As a consequence, I require a suitable outdoor living space that provides adequate protection from the well documented dangers of ultra-violet light and skin cancer, particularly during the harsh Western Australian summer. My partner and I also plan to have children in the very near future, so I feel the need to provide a suitable outdoor living space that will also protect them from these dangers. As a result, I require a steel patio of the proposed dimensions that can protect an adequate proportion of my rear courtyard from ultraviolet light and seasonal weather conditions and allow additional year round living space.*
- 2. Similarly, due to limited internal living space, I wish to have an outdoor alfresco dining area that is protected from weather conditions and can be used all year round. However, due to exposure to weather conditions, it is not currently possible to make use of either my rear or front courtyards for this purpose.*
- 3. The relatively small size of my property (lot 69) makes it impossible to have an outdoor patio in any other location within my property boundaries.*

4. *My proposed patio dimensions will not overshadow any surrounding properties.*
5. *My proposed patio dimensions have been discussed and approved unanimously by both my home's strata committee and immediate neighbours (as evidenced by the supporting letter provided with my earlier submission).*
6. *Whilst my front courtyard has not been technically classified by the Town of Vincent as an "outdoor living area", it is still represents an additional outdoor living space of well over 16 square metres that has been enclosed and paved, with direct access from the living area, for sole use by occupants of my property.*
7. *I am aware of other properties of similar dimensions to mine, both in my street (Windich Place) and in the surrounding streets (eg. Brentham Street) that have rear courtyard patios of similar or larger dimensions to mine."*

CONSULTATION/ADVERTISING:

The applicant has provided a signed letter dated 21 January 2004, from the Strata Committee and immediately affected neighbour, granting approval for the patio on condition that its size falls within the strata property boundaries.

The proposal has been advertised and no written submissions have been received by the Town.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Within a Residential R60 zone, single houses are a "P" permitted use. The plans comply generally with the requirements of the Town of Vincent Town Planning Scheme No.1 and the Residential Planning Codes (R Codes) with exception to the setback, open space and outdoor living space requirements.

Side Setbacks

The applicant seeks variations to the southern and northern side boundaries. The size of the subject strata lot limits standard setback requirements to apply, as it currently has only 41.04 square metres of open space in the rear yard area. The variation is considered to be minor in nature. There have been no objections received in relation to the proposal.

Open Space and Outdoor Living Area

Applicants often state that they have sensitive skin and are susceptible to skin cancers, and request a solid roof covering to the various types of proposed residential buildings (that is, pergolas, shade structures and general residential alterations/additions etc.), on their property. The applicant's circumstances are noted and acknowledged. However, the proposed patio and the nature and extent of variations to the open space and outdoor living area requirements is considered to unduly affect the amenity of the area.

Conclusion

In view of the above, it is recommended that the proposal for the patio be refused.

Mayor Catania advised that Cr Lake had declared a financial interest in this Item. Cr Lake departed the Chamber at 7.14pm and did not speak or vote on the matter.

Cr Torre departed the Chamber at 7.14pm.

10.1.6 No(s). 6A (Lot(s) 40, Strata Lot 2) Hutt Street, Mount Lawley - Proposed Additional Two-Storey Single House to Existing Single House

Ward:	South	Date:	5 October 2004
Precinct:	Norfolk; P10	File Ref:	PRO1585; 00/33/2477
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 Riley Hair Architects on behalf of the owner SG Fragomeni & GN Lamb for proposed Additional Two-Storey Single House to Existing Single House, at No(s). 6A (Lot(s) 40, Strata Lot 2) Hutt Street, Mount Lawley, and as shown on plans stamp-dated 11 June 2004 (sun shadow, shadow coverage, ground floor, location and site plans) and 16 September 2004 (first floor and elevations plans), subject to:

- (i) prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title or Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
- (ii) detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building License application;*
- (iii) a right of way security bond and/or bank guarantee for \$880.00 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
- (iv) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;*

- (v) *a road and verge security bond or bank guarantee of \$550.00 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*
- (vi) *all pedestrian access and vehicle driveway/crossover levels shall match into existing right of way and verge/footpath levels;*
- (vii) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (viii) *standard visual truncations, in accordance with the Town's Policies and/or to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular access ways to ensure that the safety of pedestrians and other road users is not compromised;*
- (ix) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (x) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (xi) *subject to first obtaining the consent of the owners of No. 4 Hutt Street and No. 6 Hutt Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 4 Hutt Street and No. 6 Hutt Street in a good and clean condition;*
- (xii) *prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating:*
 - (a) *the proposed dwelling addressing the right-of-way in a traditional interactive manner;*
 - (b) *the eastern and western elevations incorporating a minimum of two (2) significant and appropriate design features, to reduce the visual impact of the elevations; and*
 - (c) *the windows of the study, living room and bedroom 2 on the south elevation and the window of the study on the north elevation, on the first floor, having a minimum sill height of 1.6 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
- (xiii) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the east side of the deck shall be screened with a permanent obscure material and be non-openable to a minimum height of 1.6 metres above the finished floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*

to the satisfaction of the Chief Executive Officer.

Moved Cr Chester, Seconded Cr Doran-Wu

That the recommendation be adopted subject to clause (xiii) being deleted and clause (xii) being amended to read as follows:

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

- (a) the proposed dwelling addressing the right-of-way in a traditional interactive manner, including, but not limited to:*

 - (1) the provision of a street number, wall light, key lock and intercom to the gateway facing the right of way;*
 - (2) the provision of a window to the east wall of the walk-in robe of bedroom 2, having a minimum sill height of not less than 1.0 metre above the finished first floor level and a minimum width of 350 millimetres; and*
 - (3) the first floor deck being open to the right of way above the 1.0 metre height for at least 2.0 metres in length;*

- (b) the eastern and western elevations incorporating a minimum of two (2) significant and appropriate design features, to reduce the visual impact of the elevations; and*
- (c) the windows of the study, living room and bedroom 2 on the south elevation and the window of the study on the north elevation, on the first floor, having a minimum sill height of 1.6 metres.*

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

Cr Torre returned to the Chamber at 7.15pm.

Debate ensued.

CARRIED (7-0)

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

COUNCIL DECISION ITEM 10.1.6

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 Riley Hair Architects on behalf of the owner SG Fragomeni & GN Lamb for proposed Additional Two-Storey Single House to Existing Single House, at No(s). 6A (Lot(s) 40, Strata Lot 2) Hutt Street, Mount Lawley, and as shown on plans stamp-dated 11 June 2004 (sun shadow, shadow coverage, ground floor, location and site plans) and 16 September 2004 (first floor and elevations plans), subject to:

- (i) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title or Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
- (ii) *detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building License application;*
- (iii) *a right of way security bond and/or bank guarantee for \$880.00 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
- (iv) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;*
- (v) *a road and verge security bond or bank guarantee of \$550.00 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*
- (vi) *all pedestrian access and vehicle driveway/crossover levels shall match into existing right of way and verge/footpath levels;*
- (vii) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (viii) *standard visual truncations, in accordance with the Town's Policies and/or to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular access ways to ensure that the safety of pedestrians and other road users is not compromised;*
- (ix) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (x) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (xi) *subject to first obtaining the consent of the owners of No. 4 Hutt Street and No. 6 Hutt Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 4 Hutt Street and No. 6 Hutt Street in a good and clean condition; and*

- (xii) *prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating:*
- (a) *the proposed dwelling addressing the right-of-way in a traditional interactive manner, including, but not limited to:*
- (1) *the provision of a street number, wall light, key lock and intercom to the gateway facing the right of way;*
- (2) *the provision of a window to the east wall of the walk-in robe of bedroom 2, having a minimum sill height of not less than 1.0 metre above the finished first floor level and a minimum width of 350 millimetres; and*
- (3) *the first floor deck being open to the right of way above the 1.0 metre height for at least 2.0 metres in length;*
- (b) *the eastern and western elevations incorporating a minimum of two (2) significant and appropriate design features, to reduce the visual impact of the elevations; and*
- (c) *the windows of the study, living room and bedroom 2 on the south elevation and the window of the study on the north elevation, on the first floor, having a minimum sill height of 1.6 metres.*

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

to the satisfaction of the Chief Executive Officer.

Landowner:	SG Fragomeni & GN Lamb
Applicant:	Riley Hair Architects
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R40
Existing Land Use:	Vacant
Use Class:	Single House
Use Classification:	"P"
Lot Area:	521 square metres (Strata Lot 2 = 250 square metres)

COMPLIANCE:

Requirements	Required	Proposed *
Density	2 dwellings R40	2 dwellings R38.4
Plot Ratio	N/A	N/A
Pedestrian Accessway	1.5 metres	1.25 metres
Setbacks:		
Ground floor		
- West	1.0 metre	Nil
- South	1.5 metres	Nil - 1.5 metres
- East	2.5 metres	Nil -1.5 metres

Requirements	Required	Proposed *
<p>First Floor - West - East (deck) - East - North - South</p>	<p>1.2 metres 3.0 metres 3.5 metres 3.0 metres 2.1 metres</p>	<p>0.8 metres Nil - 1.2 metres Nil 2.3 metres 1.0 metre- 1.5 metres</p>
<p>Buildings on Boundaries</p>	<p>One boundary wall is permitted with an average height of 3.0 metres and a maximum height of 3.5 metres, for 66.7% length of boundary.</p>	<p>Three boundary walls proposed:</p> <p>Western boundary wall has an average height of 3.3 metres and a maximum height of 3.5 metres, for 67.4% of boundary;</p> <p>Eastern boundary wall has an average height of 4.9 metres and a maximum height of 6.0 metres, for 30.8% of boundary; and</p> <p>Southern boundary wall has an average height of 3.3 metres and a maximum height of 3.6 metres, for 27.5% of boundary.</p>
<p>Privacy-Cone of Vision Encroachment</p>	<p>Unenclosed outdoor active habitable spaces are to be 7.5 metres from the boundary or suitably screened, as per the R Codes requirements.</p> <p>Bedrooms with major openings are to be setback, in direct line of sight with in the cone of vision, from the boundary a minimum of 4.5 metres from the boundary or suitably screened, as per the R Codes requirements.</p> <p>Habitable rooms other than bedrooms with major openings are to be setback, in direct line of sight with in the cone of vision, from the boundary a minimum of 6.0 metres from the boundary or suitably screened, as per the R Codes requirements.</p>	<p>Deck is 4.0-7.2 metres to the east boundary (includes width of right of way).</p> <p>Bedroom 2 is 1.5 metres to the south boundary.</p> <p>Study and living rooms are 1.5 metres to the south boundary.</p>

Requirements	Required	Proposed *
New dwellings setback from right of way	In the case of a new dwelling at the rear of other dwelling(s) on site and adjacent to a (legally) available right-of-way, that new dwelling is to address the right-of-way in a traditional interactive manner.	Current plans are not considered to address the right-of-way in a traditional interactive manner.

* 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.

SITE HISTORY:

The subject site (strata Lot 2) is vacant. There is a single storey single house (strata Lot 1) located to the west of the subject site. At the Ordinary Meeting of Council held on 21 November 2000, the Council resolved to conditionally approve an application for an additional two storey grouped dwelling to rear of existing dwelling.

A privately owned right of way (ROW) exists to the rear of the subject lot. The ROW is sealed and has a width of 4 metres.

DETAILS:

Approval is sought for a two-storey grouped dwelling to an existing single house. The applicant has submitted three comprehensive letters of justification in support of the proposed non-compliances and development. The variations to the new dwellings setback from right of way and the western wall and setbacks are of particular concern and the following points, as provided by the applicant, relating to the justification of these variations are noted:

- The ROW has quite a cohesive and pleasant "streetscape". It almost entirely consists of zero setback garages, houses, trees and tall fences. It has rich and intimately scaled sequence of spaces that is worthy of reinforcing, rather than unpicking. The application of the setback provision will create an anomaly to the streetscape of the ROW rather than reinforce the ROW's "streetscape" in the intended way.
- The R-Codes do not require the adjacent dwellings to deal with the ROW as "frontage: (since they all have full street frontages). It is therefore, pointless applying an acceptable DS provision dealing with "streetscape" of the ROW when the planning provision will only apply to one lot in the entire ROW.
- 50 per cent of this wall length is within the acceptable development standard height of 3.5 metres and the remainder of the wall will have an average height of 6 metres, with a maximum of 6.25 metres.
- The proposal makes effective use of space and amenity.
- The more inward orientation of the house will be very much to the benefit of the neighbours in terms of enhanced privacy.
- The adjacent property also has its own boundary wall on this common boundary. The two-storey section of the wall starts behind the neighbour's existing boundary wall, and extends only 2.5metres further along the boundary from this existing wall, thus minimising the visual bulk of the two-storey section.

- Any building on the building site will be required to be two floors. The minimisation of the end profile of the upper floor and its location to the south will minimise the apparent bulk to the western neighbour compared to the existing approved design. To this end, the upper floor is designed to provide a one-room wide profile to the courtyard of No. 6 Hutt Street, rather than the two-room wide double-storied elevation that the current approved design would present to the courtyard.
- The surface of the boundary walls can be adjusted to suit the requirements of the adjacent property if need be. For instance, it could be finished in a rendered manner and painted the same as the existing neighbours home if required.
- The two-storey section is located on the southern section of the boundary to minimise overshadowing of the western neighbour's courtyard during mornings. The previously supplied shadow diagrams show that the shadows cast from the wall will be similar to those of the existing approved design.
- The 9.00am sun diagrams show that the two-storey section of the house will not stop any sun from entering the rear windows/doors of the house in the mid-winter period, however the two-storey section of the current approved design does cause such an effect.
- The wall overshadows the adjacent property by only 3 per cent (7.5 square metres of 268 square metres) at midday on June 21st compared to the ADS maximum standard of 50 per cent.
- It should be noted that the approved setback of the balcony is only 1.5metres from the boundary (rather than 2.5 metres deemed to comply setback in the R Codes). This overlooking would have resulted in a serious loss of amenity to the neighbouring courtyard, which the new design completely overcomes.
- The new house design locates the house's proposed outdoor living area and all windows away from the existing outdoor living area of the western neighbour, providing acoustic privacy to the courtyard. The existing approved design would have had its outdoor living area and major living room windows adjacent to the western neighbour's outdoor living area.
- The applicant met with the neighbour at No. 6 Hutt Street on many occasions over a period of at least 6 months. This has resulted in some quite positive dialogue between the two parties, and some adjustments to the proposals. Adjustments have already been made in response to the neighbours concerns.
- The applicant believes the currently proposal will deliver significantly improved amenity to the neighbour, relative to the currently approved design. On behalf of the clients, the client look to Council for a fair assessment of the matters at hand, and provide support for the home's construction.

CONSULTATION/ADVERTISING:

The current proposal is not required to be advertised as an application for a similar proposal has been advertised previously. This application was withdrawn by the applicant to address neighbours' concerns. Three submissions were received during the original advertising period. The matters and concerns raised in these submissions are summarised below:

- Overlooking into the north and north-eastern neighbours.
- Proposed garage will lead to increase usage of the right of way.
- Proposed two storey dwelling on the subject block is considered excessive.
- Size, bulk and setback of the west boundary wall.
- Building materials and workers' cars parked will block access of the right of way.

The current plans differ from the previous advertised plans in that the upper floor western setbacks is proposed as 0.8 metre in lieu of the previously proposed nil, and the deck screening on the northern elevation being shown at 1.6 metres.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Response to Objections

Overlooking into the north and north-eastern neighbours

The applicant has since amended plans to provide screening on the northern side of the deck in accordance with the Residential Design Codes (R-Codes). In relation to overlooking into the north-eastern neighbour, this matter is addressed in the next section.

Proposed garage will lead to increase usage of the right of way

While the above comments regarding the usage of the sealed right of way is noted, the Town's Policies relating to Street Setbacks and Vehicular Access require access to on-site parking solely from a right of way, where available. The intent of the Town's Policies is to preserve the general streetscape of this primary street, while promoting safety and security via casual surveillance of both the street and the right of way.

Proposed two storey dwelling on the subject block is considered excessive

The Town has limited ability to restrict the proposed development, in light of the current provisions of the Town's Town Planning Scheme No. 1 and associated Policies, which do not explicitly preclude two storey developments.

Size, bulk and setback of the western boundary wall

This is addressed below in the setbacks sub-section.

Building materials and workers' cars will block access of the right of way

This matter has been conditioned accordingly via (standard) Condition/Clause (iii) of the Officer Recommendation.

Privacy

To protect the privacy of the adjoining neighbours, it has been conditioned that permanent screening along the east side of the deck be provided and that revised plans be submitted demonstrating the windows along the southern and northern elevations (study, living room and bedroom 2) or the first floor having a minimum sill height of 1.6 metres, as no such dimensions are shown on the submitted plans.

Pedestrian Accessway

The variation to the pedestrian accessway width of 1.25 metres in lieu of 1.5 metres has been previously approved under the survey strata subdivision application. The strata lot and the 1.25 metres wide pedestrian accessway have since been created on certificate of title.

Building on Boundaries

The eastern and southern boundary wall is considered acceptable in this instance, as it is not considered to unduly impact on the amenity of the adjoining neighbours and no objections have been received by the Town in regards to this matter. It is further noted that the eastern boundary wall can be supported from a streetscape perspective due to the precedence of walls/buildings on the boundary along the subject right of way. To illustrate the existence of walls with a nil setback of other adjoining properties along this right of way, photographs of the adjoining and nearby properties have been provided as an attachment.

In relation to the western boundary wall, this issue is addressed in the next section.

Setbacks

The southern and eastern setback variations are considered to be minor and are supported in light of no objections being received by the affected neighbours. The eastern setback variations is further supported, subject to Condition/Clause (xii)(a) of the Officer Recommendation as it abuts a right of way and is not regarded to unduly impact on the existing streetscape.

While the concerns relating to the western wall are noted, the amended plans demonstrate the applicant has taken into consideration the Residential Design Codes (R-Codes) requirements, and has setback the upper floor western wall to a distance which does not compromise the functionality of the proposal. In light of this, the reasons given by the applicant and that the upper floor wall is for 30 per cent of the boundary, the proposed upper wall is not considered to unduly impact on the western neighbour and is supported. The setback for the western boundary wall is also considered supportable in this instance as it is single storey and is not considered to adversely affect the neighbouring property. A condition has been placed in the Officer Recommendation that appropriate design features be incorporated on the western elevation to reduce the visual impact.

New Dwellings Setback from Right of Way

The Towns Policy relating to Street Setbacks require new dwellings adjacent to a right of way (ROW) to address the ROW in a traditional interactive manner. The intent of this is to ensure that new dwellings contributes to the desired character of the ROW streetscape and encourages social interaction and casual surveillance between dwellings and the ROW and vice versa. While it acknowledged that the subject ROW predominantly consists of fences and garages, it is considered that similar developments are expected to be proposed in the future and therefore, the subject application should set a desirable precedent by addressing the ROW in a traditional interactive manner. This matter has been conditioned accordingly via Condition/Clause (xii) (a) and (b).

Heritage

The existing dwelling at No. 6 Hutt Street, located in front of the proposed dwelling is included on the Town's Interim Heritage Database. The proposal is not considered to have a negative visual impact on the existing house and is therefore, considered acceptable from the heritage perspective.

Conclusion

Generally, the variations sought by the applicant are considered to be within acceptable standards and accordingly, approval of the application is recommended, subject to standard and appropriate condition to address the above matters.

Cr Lake returned to the Chamber at 7.18pm.

10.1.3 No(s). 33 (Lot(s) 48) Flinders Street, Mount Hawthorn - Proposed Garage and Carport Additions to Existing Single House (Application for Retrospective Approval for Part Garage)

Ward:	North	Date:	5 October 2004
Precinct:	Mount Hawthorn; P1	File Ref:	PRO2299; 00/33/2466
Attachments:	001		
Reporting Officer(s):	G Snelling		
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 AW Burgess and AP and L Rodda, for the proposed Garage and Carport Additions to Existing Single House (Application for Retrospective Approval for Part Garage) at No(s). 33 (Lot(s) 48) Flinders Street, Mount Hawthorn, and as shown on plans stamp-dated 10 September 2004, subject to;

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (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 fence and gate adjacent to Flinders Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fence and gate being visually permeable, with a minimum 50 per cent transparency;*
- (iii) all stormwater produced on the subject land shall be retained on site, to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;*
- (iv) a road and laneway (ROW) security bond or bank guarantee of \$550 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*
- (v) no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted, all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (vi) detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building Licence application;*
- (vii) all car-parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications and dimensions specified in the Town's Parking and Access Policy and Australian Standards AS 2890.1 - "Off Street Parking";*

- (viii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating detailing the proposed car bay/carport being a minimum length of 5.4 metres. The revised plans shall not result in any greater variations to the requirements of the Residential Design Codes and the Town's Policies;*
- (ix) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title or Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
- (x) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the right of way made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (xi) *subject to first obtaining the consent of the owners of No. 31 Flinders Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 31 Flinders Street in a good and clean condition;*
- (xii) *the finished floor level of the proposed garage and carport shall not exceed 0.5 metre above the existing natural ground level;*
- (xiii) *no plumbing or sanitary facilities or fixtures shall be provided to or within the garage and carport structures without the prior approval of such by the Town; and*
- (xiv) *the proposed garage and carport development is not to be used for industrial, commercial or habitable purposes;*
- to the satisfaction of the Chief Executive Officer.*

COUNCIL DECISION ITEM 10.1.3

Moved Cr Chester, Seconded Cr Torre

That the recommendation be adopted.

Debate ensued.

CARRIED (8-0)

(Cr Farrell on approved leave of absence.)

Landowner:	AW Burgess and AP and L Rodda
Applicant:	AW Burgess and AP and L Rodda
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R30
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	468 square metres

COMPLIANCE:

Requirements	Required	Proposed *
Plot Ratio	N/A	N/A
Visual Truncation	Minimum 1.0 metre by 1.0 metre at the ROW intersection corners.	No visual truncation
Car Parking Bay	Minimum length 5.4 metres	4.8 metres

* 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.

SITE HISTORY:

The subject lot is currently occupied by a single storey single house. The rear of the subject lot abuts a right of way (ROW), which is six (6) metres in total width, sealed and privately owned.

The site location of the proposed garage was previously occupied by a derelict shed structure with a nil setback, and the remaining rear yard is being used as a garden area.

The owners have advised that the subject garage structure has only recently been constructed, and building works have now stopped upon being advised by the Town's Building Surveyor of the unauthorised development. The subject works include an excavation of approximately 260 millimetres, footings, concrete slab and all four (4) brick walls completed up to roof plate height.

DETAILS:

The applicant proposes a garage including a brick parapet boundary wall 3.0 metres high, with an attached carport, to be located on the southern side of the lot with a nil setback to the western rear boundary that adjoins the right of way. The length of the carport does not comply with the minimum (length 5.4 metres) specifications and dimensions specified in the Town's Parking and Access Policy and AS 2890.1 "Off Street Parking", and there is no provision for visual truncations.

The applicant submitted the following justification comments in support of the application, and it can be summarised as follows:

"(a) Included in the plans submitted to the Town for a previous extension to our house, was a proposed carport with frontage to Flinders Street. The Town informed us that as the character of the area was a priority, residents were being encouraged to develop car parking from the existing R.O.W's.

(b) The R.O.W. to the property is tar sealed.

(c) Many residents of the area have similar existing structures with nil setbacks and parapet walls.

(d) Owners of No.31 Flinders Street have signed their consent on the plans.

(e) Previously there was a derelict structure with a nil setback.

(f) A parapet wall is required to maximise the limited space.

(g) We wish to keep the well established tree in the north western area of the rear yard, therefore, the garage, carport, landscaping and entertainment areas have been designed accordingly.

(h) The character of the area was considered, and we propose to build with recycled bricks."

CONSULTATION/ADVERTISING:

The proposal has been advertised and no written submissions have been received by the Town. However, the adjoining affected neighbours have signed the proposed plans stating they have no objections to the proposal.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Garage and Carport

The Garage and Carport have been assessed against the R Codes, the Town's Town Planning Scheme No.1 and associated Policies, and the resolution of Council at its Ordinary Meeting held on 27 April 2004 relating to the Town's Policies - Street Setbacks, Vehicular Access, and Vehicle Access to Dwellings via a Right of Way.

The proposed garage and carport satisfies the abovementioned R Codes, Scheme and Policies, with the exception of the visual truncation and the carports minimum parking bay length of 5.4 metres.

The Town's Technical Services has advised that the applicant has commenced construction of the garage without consideration for the requirements of visual truncations for vehicle accesses to the ROW. However, as the ROW concerned is 6.0 metres wide, this requirement is not as imperative as for the more numerous ROW of a lesser width.

This variation to the visual truncation is considered relatively minor considering the ROW is 6.0 metres wide, and a precedent exists in the immediate locality of Flinders Street, with three (3) garages constructed with nil setbacks to the rear boundary adjoining the right of way.

Conclusion

The applicants/owners have indicated they will comply with the minimum parking bay length requirements, and will amend the plans prior to submitting a Building Licence application.

The variation of the visual truncation is not considered substantial and does not significantly conflict with the Town's Policies, and no objections have been received by the Town from the adjoining property owner/occupiers, therefore the above variation is supported.

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.

10.1.7 No(s). 73 (Lot(s) 3) Bourke Street, Leederville - Proposed Partial Demolition of and Alterations and Additions to Existing Single House, and Demolition of Existing Outbuilding

Ward:	South	Date:	1 October 2004
Precinct:	Leederville; P3	File Ref:	PRO2917; 00/33/2416
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 APPROVES the application submitted by M Buckels on behalf of the owner MC Buckels & JS Kearney for proposed Partial Demolition of and Alterations and Additions to Existing Single House, and Demolition of Existing Outbuilding, at No(s). 73 (Lot(s) 3) Bourke Street, Leederville, and as shown on plans stamp-dated 19 August 2004, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (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 Bourke 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;*
- (iii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;*
- (iv) a road and verge security deposit bond and/or bank guarantee of \$550 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*
- (v) prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (vi) prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title or Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*

- (vii) *a right of way security bond and/or bank guarantee for \$880.00 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
- (viii) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s); and*
- (ix) *subject to first obtaining the consent of the owners of No. 71 and No. 75 Bourke Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 71 and No. 75 Bourke Street in a good and clean condition, in consultation with the affected landowner;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.7

Moved Cr Lake, Seconded Cr Chester

That the recommendation be adopted.

Debate ensued.

CARRIED (8-0)

(Cr Farrell on approved leave of absence.)

Landowner:	MC Buckels & JS Kearney
Applicant:	M Buckels
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R40
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	283 square metres

COMPLIANCE:

Requirements	Required	Proposed *
Plot Ratio	N/A	N/A
Setbacks		
-West	1.5 metres	Nil
-East	1.0 metre	Nil

Requirements	Required	Proposed *
Building on Boundary	One boundary wall is permitted with an average height of 3.0 metres and a maximum height of 3.5 metres, for 66.67% length of boundary.	Eastern boundary walls has an average height of 3.4 metres and a maximum height of 4.4 metres, for 45% of boundary. Western boundary wall has an average height of 4.1 metres and a maximum height of 5.2 metres, for 42.4% of boundary.

* 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.

DETAILS:

Approval is sought for the proposed partial demolition of and alterations and additions to existing single house, and demolition of existing outbuilding. The applicant has submitted the attached letter in support of the proposal. There is a privately-owned, 2.5 metre wide, unsealed right of way leading to the rear of the property.

CONSULTATION/ADVERTISING:

One objection was received by the Town during the advertising period. The major concerns raised in this objection are summarised as follows:

- Trusted that neighbouring properties would be bound by the Residential Design Codes of Western Australia.
- The proposed additions would block sunlight into the objector's windows.
- Would reduce the objector's visual appreciation as they would be looking immediately into brick walls and roof lines from their main living areas.
- Would reduce the value of the objector's property as the objector's property would no longer appear to be a free standing house, with the light open atmosphere blocked by the zero setback of the proposed development.
- The development is in contravention to the general atmosphere of the street and neighbouring properties which consist of free standing houses with setbacks in excess of two metres common.
- High density dwellings should exist in high density areas.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Setbacks

Whilst the proposed setbacks are a deviation from the Residential Design Codes (R-Codes), the variations are considered supportable given the width of the site (7.54 metres), the proposed development is single storey and maintains the existing building setback.

Building on Boundary

The proposed variations to building on boundary is considered acceptable in this instance, as it maintains the character and height of the existing house and is not regarded to unduly impact on the neighbouring properties. This variation is further supported due to the width of the subject lot, resulting in the required setbacks being difficult to achieve.

Response to Objections

The objections from the neighbours are acknowledged. However, given the orientation of the lot the overshadowing onto adjoining lots is considered to be negligible and complies with the requirements outlined in the Residential Design Codes (R-Codes).

In relation to concerns about the devaluation of the adjoining property, this matter is not considered to be a major planning issue and is therefore not taken into account.

It is considered that the proposal will not have a detrimental visual impact, on the streetscape on the basis that the front portion of the dwelling remains unchanged.

In regards to building on the boundary and concerns raised about visual impact, the following justification applies. Building on the boundary at No. 73 Bourke Street is required mainly due to the width of the block (7.54metres). Due to the slope of the roof of the proposed extension, it is considered that the visual impact is lessened on the western elevation. There are no openings on the western elevation of the proposed additions abutting the boundary, therefore privacy issues are of no concern. It is noted that the existing house at adjoining No. 75 Bourke Street is built to the boundary and it appears to have a reduced side setback on the boundary shared with No. 73 Bourke Street. The proposed additions will overshadow 1.35 per cent of No. 75 Bourke Street at midday 21 June, which is compliant with the Residential Design Codes (R-Codes) and considered negligible.

In terms of density, the proposed additions comply with the various density requirements stated in the Residential Design Codes (R-Codes).

In light of the above, approval is recommended for the application, subject to standard and appropriate conditions.

Mayor Catania advised that Cr Doran-Wu had declared a proximity interest in this Item. Cr Doran-Wu departed the Chamber at 7.25pm and did not speak or vote on the matter.

10.1.11 No(s). 118 (Lot(s) 206) Buxton Street, Mount Hawthorn - Alterations and Additions to Street Fencing to Existing Single House (Application for Retrospective Approval)

Ward:	North	Date:	1 October 2004
Precinct:	Mount Hawthorn; P1	File Ref:	PRO1299; 00/33/2411
Attachments:	001		
Reporting Officer(s):	B Mckean		
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 the owner N & C Nocciolino for Alterations and Additions to Street Fencing to Existing Single House (Application for Retrospective Approval), at No(s). 118 (Lot(s) 206) Buxton Street, Mount Hawthorn, and as shown on plans stamp-dated 17 August 2004, for the following reasons:*
- (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
- (b) *the non-compliance with the Town's Policies - Street Walls and Fences; and*
- (ii) *the Council ADVISES the owner of No(s). 118 (Lot(s) 206) Buxton Street, Mount Hawthorn, that the unauthorised street fence/wall is to be removed within 14 days of the date of notification by the Town, and the Council AUTHORISES the Chief Executive Officer to initiate legal proceedings against the owner of No(s). 118 (Lot(s) 206) Buxton Street, Mount Hawthorn, if this unauthorised street/wall still remains after the 14 days period.*

COUNCIL DECISION ITEM 10.1.11

Moved Cr Lake, Seconded Cr Cohen

That the recommendation be adopted.

Debate ensued.

CARRIED (4-3)

<u>For</u>	<u>Against</u>
Cr Chester	Mayor Catania
Cr Cohen	Cr Franchina
Cr Lake	Cr Torre
Cr Ker	

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

Landowner:	N & C Nocciolino
Applicant:	N & C Nocciolino
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R30
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	491 square metres

COMPLIANCE:

Requirements	Required	Proposed *
Street Fence	Not to exceed a maximum of 1.8metres above the adjacent footpath level.	2.46 metres
	Solid portion of the wall or fence excepting piers is to be a maximum height of 1.2 metres above the adjacent footpath level.	1.2 metres - 1.3 metres
	Upper portion of the wall or fence being visually permeable, with a minimum of 50 per cent transparency when viewed directly in front of the fence.	13 per cent

SITE HISTORY:

- 15 October 1999 Conditional Planning Approval was granted under delegated authority for the demolition of the existing building and the construction of a two storey dwelling at No. 118 Buxton Street.
- 15 October 1999 Demolition Licence granted for No. 118 Buxton Street.
- 18 October 1999 Building Licence granted for the construction of a two storey dwelling at No. 118 Buxton Street.
- 4 June 2004 Letter advising the owners of No. 118 Buxton Street was issued by the Town stating that a complaint about the unauthorised front street wall was received and that the subject front wall fence does not comply with the Town's Policy relating to Street Walls and Fences.
- 23 June 2004 Meeting between property owner and Town's Officers. The owner suggested that prior approval was obtained before the construction of the front wall in 1999 when the dwelling was constructed. The owner agreed that the wall was intended to remain as per prior to development but the wall was damaged during construction and consequently the builder was supposed to have submitted plans for a new wall. Search of the property file and Building Licence file failed to locate any such approval. Inquiries as to Planning and Building Policy for 1999 revealed that the subject wall would not have complied in 1999 and still would have required Planning Approval.
- 17 August 2004 Application for alterations and additions to street fencing to existing single house (application for retrospective approval) for No. 118 Buxton Street was received by the Town, including payment of \$400 retrospective Planning Approval application fee.

DETAILS:

The owners of No. 188 Buxton Street have installed a front/street fence that does not comply with the Town's Policy relating to Street Walls and Fences. The Town's Policy relating to Street Walls and Fences states:-

"A wall or fence is not to exceed a maximum of 1.8 metres above the adjacent footpath level. Decorative capping on the top of piers may go to a maximum of 2 metres above the adjacent footpath level.

The solid portion of the wall or fence excepting piers is to be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the wall and/or fence being visually permeable, with a minimum of 50 per cent transparency when viewed directly in front of the fence."

The existing fence at No. 118 Buxton Street is 2.46 metres above the adjacent footpath at the highest point of the fence. This is 0.66 metres above requirements stated in the Town's Policy. The solid portion of the existing fence is 1.3 metres at the highest point which is 0.1 metre above the requirements stated in the Town's Policy. The upper portion of the fence does not comply with the Town's Policy of being 50 per cent visually permeable as the slats are 6.5 centimetres wide and have a gap of 1 centimetre between them.

CONSULTATION/ADVERTISING:

The proposal was not advertised as it is considered not to involve intensification of the current use of the site; is incidental, associated and ancillary to the usage and development of the site; and is being referred to the Council for its consideration and determination.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The Town's Policy relating to Front Street Walls and Fences requires front fences to be 1.8 metres above the adjacent footpath with decorative capping to two metres. The existing front fence at No. 118 Buxton Street is 2.46 metres above the adjacent footpath, therefore being 0.66 metres higher than the requirements stated in the Town's Policy.

The Town's Policy relating to Front Street Walls and Fences requires that the upper part of front fences be 50 per cent visually permeable. The existing upper part of the front fence at No. 118 Buxton is 13 per cent visually permeable.

The above variations can not be supported as the street fence unduly obscures the view of the dwelling from the street, disrupts the streetscape, is not in keeping with the desired streetscape, compromises casual surveillance and is an undesirable precedent regarding front walls and fences.

The Town's Policy relating to Front Street Walls and Fences requires the solid portion of front fences to be a maximum height of 1.2 metres above the adjacent footpath. The existing fence at No. 118 Buxton Street has a solid portion varying from 1.2 metres to 1.3 metres (maximum). This minor variation can be supported as the existing fence is required to be 1.3 metres to compensate for a minor slope in the ground level and is a retaining wall to the garden behind the solid portion of the front fence.

In view of the above, it is recommended that the application be refused due to the nature of the variations involved.

Cr Doran-Wu returned to the Chamber at 7.30pm.

10.1.2 No(s). 163 (Lot(s) 17) Harold Street, Highgate - Proposed Retaining Wall

Ward:	South	Date:	6 October 2004
Precinct:	Hyde Park; P12	File Ref:	PRO2925 00/33/2487
Attachments:	001		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by David Barnao & Co on behalf of the owner the Roman Catholic Archbishop of Perth for Proposed Retaining Wall at No(s). 163 (Lot(s) 17) Harold Street, Highgate, and as shown on plans stamp-dated 5 October 2004, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) all stormwater produced on the subject land shall be retained on-site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;*
- (iii) no additional fill shall be added to the site, including during construction of any development on-site;*
- (iv) a road and verge security bond or bank guarantee of \$550 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*
- (v) no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s); and*
- (vi) the proposed retaining wall along the western boundary of the property shall have a maximum height of 500 millimetres.*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.2

Moved Cr Chester, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

CARRIED (8-0)

(Cr Farrell on approved leave of absence.)

Landowner:	The Roman Catholic Archbishop of Perth
Applicant:	David Barnao & Co
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R80
Existing Land Use:	Vacant
Use Class:	Single house
Use Classification:	"P"
Lot Area:	409 square metres

COMPLIANCE:

Requirements	Required	Proposed *
Plot Ratio	N/A	N/A
Retaining -Eastern boundary	Retaining 500 millimetres and less	Retaining 590 to 840 millimetres

* 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.

SITE HISTORY:

14 September 2004: A development application for proposed retaining walls additions on Nos. 163-171 (Lot 13 and 17) Harold Street, Highgate was considered at the Ordinary Meeting of Council, where the item was "DEFERRED" to allow further investigation and to include the following matters:

1. *Assess elements of the design, configuration and levels of the land.*
2. *Determine level of the pre-existing school playing fields, and fill on Lot 17.*
3. *Impact of the proposed levels on the bulk and scale of future development, as well as the streetscape.*
4. *Safety and interface issues relating to vehicle access from Harold Street, including driveway gradients."*

28 September 2004: The above development application for Nos. 163-171 (Lots 13 and 17) Harold Street, Highgate was considered at the Ordinary Meeting of Council, under Item 13.1, where it was conditionally approved:

"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 EJC Civil on behalf of the owner Roman Catholic Archbishop for proposed Retaining Walls Additions to Existing Single Residential Vacant Lots-Previously Associated with Sacred Heart Primary School at No(s). 163-171 (Lot(s) 13 and 17) Harold Street, Highgate, and as shown on plans stamp-dated 8 July, 26 August and 1 September 2004, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;*
- (iii) no additional fill shall be added to the above site, even during construction of any development on-site;*
- (iv) a road and verge security bond or bank guarantee of \$550 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*
- (v) no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (vi) the existing fill on Lots 13 to 17 inclusive Harold Street, Highgate shall be reduced to a maximum of 500 millimetres above the footpath level adjacent to the subject lots over the 5 metres front setback area, with the remaining area of the lots to be level with the maximum permitted 500 millimetres fill; and*
- (vii) the proposed retaining walls over the lots shall be reduced to the same level in Condition (vi) above;*

to the satisfaction of the Chief Executive Officer."

The Town's Officers have since met with the applicant to clarify various aspects of the proposal considered and determined at the Ordinary Meeting of Council on 28 September 2004.

DETAILS:

The subject new and revised application relates to a vacant residential lot (Lot 17) adjacent to the Sacred Heart Primary School site. The subject lot is in the process of being sold by the Sacred Heart School.

The applicant has submitted a new planning application, specifically for a retaining wall along the eastern boundary of No. 163 (Lot 17) Harold Street, Highgate, and replaces the previous development application (Serial No. 00/33/2330) relating to Lots 13 and 17 Harold Street, Highgate conditionally approved at the Ordinary Meeting of Council held on 28 September 2004.

The applicant has submitted the following information (attached), which has been summarised, in relation to the current proposal, (Serial No: 00/33/2487):

- Existing ground level for Lot 17 is to be reduced by 0.5 metres.
- Retaining wall of between 0.59 to 0.84 metres in height along the eastern boundary (previously 1.09 to 1.34 metres in application Serial No. 00/33/2330).
- Additional retaining wall of 500 millimetres in height along the western boundary of Lot 17.
- Land to be sold in private auction.
- Development is expected to be sympathetic to the surrounding properties, and that potential issues including child safety will be properly addressed in the development process.

The applicant has submitted the following additional comments in relation to the above matter.

"I wish to clarify possible misconceptions in relation to this matter. Firstly, Lots 13 and 17 were the only lots the subject of the previous development application. Lots 13, 14, 15, 16 and 17 were all established in a subdivision undertaken in 1893, and the development application for Lot 13 was as a result of a proposal for a small retaining wall extending 5 metres from the front boundary southwards, to a maximum height of 0.694 metres. It has been decided to reduce the height of this wall to 0.5 metres and as a result, no development application is now necessary.

As Lots 13 to 16 inclusive already exist, there is no impediment to an immediate sale in their current form.

Lot 17 is the subject of a subdivision approval, which was recently granted. This lot is the subject of a minor boundary adjustment, reflecting an adverse possession claim by the adjoining owner. Part of the boundary is being realigned by 0.35 metres, and this subdivision will be completed in the next month or so.

The proposal for this lot was to construct a retaining wall along the whole of the eastern boundary. The wall was to be a maximum height of 1.34 metres, and more than 50% was to be less than 1 metre high.

When Lot 17 was filled approximately 15 years ago, no retaining wall was constructed, and the adjoining owner has suffered from the effects of subsidence of the earth batter, and extensive water runoff. Construction of a retaining wall as proposed would overcome these problems, and the owner has seen plans, been shown the height of the wall on site, and supported the proposal.

At the start of this project we obtained a geotechnical report which identified that the soil on Lots 13 to 17 contained some forms of vegetation, and had not been properly compacted. We recently undertook the appropriate remediation, removed the vegetation and some rubble, and compacted the land to proper residential standards. In the course of undertaking this work the lot levels were reduced by between 0.15 and 0.62 metres from those which had been in place over Lots 13 to 16 for 70 years. Whilst the fill on Lot 17 was only placed there approximately 15 years ago, that level has now been reduced by up to 0.8 metres.

Lot 17 is now the only lot which is the subject of a development application, and our client is anxious to find a resolution with the Town. In an endeavour to ameliorate concerns, we propose to reduce the existing level of Lot 17 by a further 0.5 metres, which will create a finished level of 25.5 metres AHD. Such action will mean that the lot is elevated between 0.5 and 1 metres above the level of Harold Street, and this elevation will be reached 5 metres in from the front boundary. The front 5 metres will be battered down in a similar manner to the other lots.

This will result in a lowering in the height of the retaining wall between Lots 17 and 18 by 0.5 metres, and will also necessitate the construction of a new retaining wall between Lot 16 and 17, to the height of 0.5 metres.

We again emphasise that the proceeds from the sale of this land will be used to offset the costs associated with the acquisition and refurbishment of the adjoining school and convent.

Our client has a long standing commitment to the immediate locality and seeks to ensure that development which takes place on the land does not impact unduly upon the amenity and ambiance of Harold Street and surrounds. In the course of the proposed land sale promotion, and in the sale contract, we undertake to include statements advising the purchasers that they will be obliged to conform with

- *The Town of Vincent Town Planning Scheme No.1*
- *The Town's locality statements, and relevant policies*
- *Appropriate design guidelines adopted by the Town, to ensure that the amenity of the locality is protected. "*

The matter is being referred back to Council in light of the further details and clarification furnished by the applicant.

CONSULTATION/ADVERTISING:

The proposal was not advertised as the affected landowner to the eastern side of the retaining wall for Lot 17 Harold Street has signed on the previous plans and also submitted a letter of non-objection to the proposed retaining wall, which was higher than the current proposal. It is considered that the lower retaining wall of between 0.59 to 0.84 metres (previously 1.09 to 1.34 metres in application Serial No. 00/33/2330) and the reduction in fill would not unduly affect the adjoining neighbour at No.173 (Lot 18) Harold Street, Highgate. No other landowners are affected by the proposed retaining walls.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The proposed 0.5 metres of fill reduction from the existing level on Lot 17 will result in a relative level (RL) of 25.5 from the current level of RL 26.0, which is considered the natural ground level for the site. The reduction in the fill, will result in the height of the retaining wall on the eastern boundary to be between 0.59 to 0.84 metres (previously 1.09 to 1.34 metres in application Serial No. 00/33/2330), and is considered not to unduly affect the adjoining landowner on the eastern side.

The proposed retaining wall on the western side of Lot 17 is 500 millimetres in height, and does not require Planning Approval under the Residential Design Codes. Nevertheless, clause/condition (vi) of the Officer Recommendation will effectively control the height of the western retaining wall.

The Town's Heritage Officers have advised that the proposed eastern retaining wall would not have an undue impact on the heritage aspect associated with the Sacred Heart Primary School, which is listed in the Town's Municipal Heritage Inventory.

The reduction in the fill level and the retaining wall height along the eastern boundary is considered not to unduly impact the streetscape and the amenity of the area. This is further controlled by clause/condition (iii), of the Officer Recommendation, which restricts any further fill of the site during construction of any development.

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

10.1.5 No(s). 51 (Lot(s) 24) Ruth Street, Dual Frontage with Amy Street, Perth - Proposed Alterations, Additions and Balcony to Existing Single House

Ward:	South	Date:	1 October 2004
Precinct:	Hyde Park; P12	File Ref:	PRO2893; 00/33/2380
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 the owner E Ljubomir for proposed Alterations, Additions and Balcony to Existing Single House, at No(s). 51 (Lot(s) 24) Ruth Street, dual frontage with Amy Street, Perth, and as shown on plans stamp-dated 26 July 2004 subject to:

- (i) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;*
- (ii) *a road and verge security deposit bond and/or bank guarantee of \$220 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*
- (iii) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (iv) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the south and west sides 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 finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*
- (v) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Ruth 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;*
- (vi) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted with all cost associated the removal and replacement shall be borne by the applicant/owner(s);*

- (vii) *all new crossover/s to allotments are subject to a separate approval by the Town's Technical Services Division and shall be constructed in accordance with the Town's standard Crossover Specification/s which, in particular, specify that the portion of the existing footpath traversing the proposed crossover, subject to the existing footpath being in a good condition as determined by the Town's Technical Services Division, must be retained such that it forms a part of the proposed crossover and the proposed crossover levels shall match the level/s of the existing footpath. Crossovers may be constructed by a private contractor provided they are constructed in accordance with the above specifications and a security bond of \$275 is paid prior to the crossover approval. Application for the refund of bond must be submitted in writing;*
- (viii) *standard visual truncations, in accordance with the Town's Policies and/or to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular access ways to ensure that the safety of pedestrians and other road users is not compromised; and*
- (ix) *all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath levels;*

to the satisfaction of the Chief Executive Officer.

Moved Cr Lake, Seconded Cr Cohen

That the recommendation be adopted.

Debate ensued.

Cr Doran-Wu departed the Chamber at 7.35pm.
Cr Doran-Wu returned to the Chamber at 7.37pm.

Moved Cr Lake, Seconded Cr Cohen

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

- "(iv) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the ~~south and~~ west sides 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 finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*"

AMENDMENT CARRIED (8-0)

(Cr Farrell on approved leave of absence.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Farrell on approved leave of absence.)

COUNCIL DECISION ITEM 10.1.5

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner E Ljubomir for proposed Alterations, Additions and Balcony to Existing Single House, at No(s). 51 (Lot(s) 24) Ruth Street, dual frontage with Amy Street, Perth, and as shown on plans stamp-dated 26 July 2004 subject to:

- (i) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;*
- (ii) a road and verge security deposit bond and/or bank guarantee of \$220 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*
- (iii) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (iv) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the west 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 finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*
- (v) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Ruth 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;*
- (vi) no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted with all cost associated the removal and replacement shall be borne by the applicant/owner(s);*
- (vii) all new crossover/s to allotments are subject to a separate approval by the Town's Technical Services Division and shall be constructed in accordance with the Town's standard Crossover Specification/s which, in particular, specify that the portion of the existing footpath traversing the proposed crossover, subject to the existing footpath being in a good condition as determined by the Town's Technical Services Division, must be retained such that it forms a part of the proposed crossover and the proposed crossover levels shall match the level/s of the existing footpath. Crossovers may be constructed by a private contractor provided they are constructed in accordance with the above specifications and a security bond of \$275 is paid prior to the crossover approval. Application for the refund of bond must be submitted in writing;*

- (viii) *standard visual truncations, in accordance with the Town's Policies and/or to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular access ways to ensure that the safety of pedestrians and other road users is not compromised; and*
- (ix) *all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath levels;*

to the satisfaction of the Chief Executive Officer.

ADDITIONAL INFORMATION:

A letter has been submitted to the Town on behalf of the applicant on 30 September 2004 in support of the subject application. The following is an extract from this letter:

- *"The balcony floor is already existing, from when we completed our 2nd storey renovation, and now we merely want to complete the balcony by adding a roof on it and balustrading. Also when it rains the bedroom window and double french doors are exposed to the rain hence why the balcony needs to be covered.*
- *Our view does not change by adding a roof to the existing balcony floor - we already have a view.*
- *By blocking/closing off either side of the balcony by a metre - it will block off direct light entering the bedroom window and also block off direct light entering the double french balcony doors and it would also make our balcony look very unattractive.*
- *With the proposed walk in robe extension - that itself blocks some of our view to 19 Amy Street. Needless to say that 19 Amy Street has 4 windows that directly look into our back yard already.*
- *As with the owner of 55 Ruth Street, they recently in the last 18 months completed a second storey extension and have a balcony 3 to 4 times bigger than ours and that directly looks into our backyard as well. If they are concerned maybe they should block off one side by a metre as well so they then wouldn't be able to look into our back yard as much as they currently do.*
- *.....their (No. 55 Ruth Street) balcony is set further back so we cannot see them from our balcony anyway. Our balcony is set more forward than 55 Ruth Street.*
- *Also with the owners of 55 Ruth Street, the main reason why they are raising an issue so we delay in completing our proposed plan is that they are in the process of selling their property - not that this should matter in any way but I thought I'd just mention it.*
- *We do not have a big balcony as it is only approximately 1 metre in width. My parents are not going to sit outside on the balcony we merely need to finish off the balcony so our house looks complete as it currently looks unattractive with a unfinished balcony and to also stop the rain from directly hitting on the windows.*
- *If we wanted a balcony that we could use for outdoor use we would be putting in a proposal and plans to extend and make the balcony much bigger to cater for it - but we are not , all we want to do is finish off the balcony from the 2nd storey extension we did previously.*

My parents are residences of 51 Ruth Street for over 30 years and have never had any issues with anyone previously. Nor do we want any in the future.

...I would like (Council) to please disregard both issues from 19 Amy Street and 55 Ruth Street as they are unwarranted and petty considering that as I have mentioned above that 19 Amy Street has 4 large windows that over look everything in our back yard and that 55 Ruth Street has a big balcony that also directly looks into our back yard, and all we want to do is cover our existing balcony with a roof."

In relation to comments regarding the existing development on the adjoining properties, each development application is assessed based on its own merits and with the adopted Policies and requirements at the time of assessment.

While it is acknowledged that the owners of the subject property already have views into the adjoining neighbours properties due to the existing windows and the concrete slabbing of where the proposed balcony will be, it is considered that the proposed balustrade and roof will create a new habitable area which will result in further cone of vision encroachments.

In light of the above, the Officer Recommendation remains unchanged.

Landowner:	E Ljubomir
Applicant:	E Ljubomir
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R80
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	339 square metres

COMPLIANCE:

Requirements	Required	Proposed *
Plot Ratio	N/A	N/A
Privacy-Cone of Vision Encroachment	Unenclosed outdoor active habitable spaces are to be 7.5 metres from the boundary or suitably screened, as per the R Codes requirements.	Balcony is 5.5 metres to the east boundary and 2.0 metres to the west boundary.

* 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.

SITE HISTORY:

The site is occupied by a two storey single house.

DETAILS:

The subject lot has dual frontages to Ruth Street and Amy Street. The applicant seeks approval for a balcony and walk-in-robe addition on the upper floor to existing single house.

CONSULTATION/ADVERTISING:

The proposal was not required to be advertised as the Town has received comments from the affected adjoining neighbours.

The two submissions objected to the proposal and raised issues relating to overlooking, the proposal adversely impacting on the use and resale value on the adjoining property and the proposal being unattractive.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Setbacks

The proposed variation to the upper western floor is considered acceptable in this instance, as the proposed balcony is considered to be of minor scale and is within the existing western upper floor building setback.

Overlooking

A site inspection by a Town's Officer has ascertained that there is significant overlooking into the neighbouring properties, as illustrated in the attached photographs. In light of this, a condition requiring the applicant to screen the balcony in accordance with the Residential Design Codes has been included in the Officer Recommendation.

Response to Objections

Given that overlooking has been addressed in the previous sub-section, the subject application is not considered to unduly impact the adjoining neighbours in terms of the use of their property.

The comments relating to the proposal being unattractive and affecting the resale on the adjoining property are acknowledged. However, these issues are not considered to be major planning issues and therefore have not been taken into account.

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

10.1.9 No(s). 630 (Lot(s) 96) Beaufort Street, Mount Lawley - Proposed Demolition of Existing Shop and Construction of a Two-Storey Mixed Use Development Comprising Two (2) Shops and Three (3) Multiple Dwellings

Ward:	South	Date:	1 October 2004
Precinct:	Mt Lawley Centre; P11	File Ref:	PRO0169; 00/33/2357
Attachments:	001 002		
Reporting Officer(s):	M Bonini		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Mark Anthony Design & Drafting on behalf of the owner E & Z Balshaw for proposed Demolition of Existing Shop and Construction of a Two-Storey Mixed Use Development Comprising Two (2) Shops and Three (3) Multiple Dwellings, at No(s). 630 (Lot(s) 96) Beaufort Street, Mount Lawley, and as shown on plans stamp-dated 15 July 2004 (demolition drawings) and amended plans stamp-dated 22 September 2004, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;*
- (iii) the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (iv) all car-parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications and dimensions specified in the Town's Parking and Access Policy and Australian Standards AS2890.1 – "Off Street Parking".*
- (v) a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*

- (vi) *a road and verge security bond or bank guarantee of \$1584 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*
- (vii) *all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath levels;*
- (viii) *bin compound to be constructed in accordance with the Town's Health Services' Specifications, divided into commercial and residential areas and sized to contain:-*
- (a) *Residential*
1 x mobile garbage bin per unit;
1 x general recycle bin per 2 units; and
- (b) *Commercial*
1 x mobile garbage bin per unit;
1 x paper recycle bin per unit, or per 200 square metres of floor space;
- (ix) *all new crossover/s to allotments are subject to a separate approval by the Town's Technical Services Division and shall be constructed in accordance with the Town's standard Crossover Specification/s which, in particular, specify that the portion of the existing footpath traversing the proposed crossover, subject to the existing footpath being in a good condition as determined by the Town's Technical Services Division, must be retained such that it forms a part of the proposed crossover and the proposed crossover levels shall match the level/s of the existing footpath. Crossovers may be constructed by a private contractor provided they are constructed in accordance with the above specifications and a security bond of \$275 is paid prior to the crossover approval. Application for the refund of bond must be submitted in writing;*
- (x) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (xi) *standard visual truncations, in accordance with the Town's Policies and to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*
- (xii) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted with all cost associated the removal and replacement shall be borne by the applicant/owner(s);*
- (xiii) *prior to the first occupation of the development, the applicant/owner(s) shall, in at least 12-point size writing, advise (prospective) purchasers of the residential units/dwellings/service apartments that:*
- "the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/dwellings. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development";*

- (xiv) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property that the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities. This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;*
- (xv) *doors and windows and adjacent floor areas fronting Beaufort Street shall maintain an active and interactive relationship with this street;*
- (xvi) *subject to first obtaining the consent of the owners of No.268 Beaufort Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No.268 Beaufort Street in a good and clean condition;*
- (xvii) *the gross floor area of the retail component shall be limited to a maximum of 162 square metres;*
- (xviii) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town, and thereafter implemented and maintained;*
- (xix) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (xx) *prior to the first occupation of the development, the car parking spaces provided for the residential component of the development shall be clearly marked and signposted for the exclusive use of the residents of the development and shall not be in tandem arrangement unless they service the same residential unit/dwelling;*
- (xxi) *prior to the issue of a Building Licence, designs for art work(s) valued at a minimum of 1 per cent of the estimated total cost of the development (\$7,500) shall be submitted to and approved by the Town. The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development and Administrative Services Section with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (xxii) *the commercial car bays shall be available for use in association with the residential units before 8am and after 6pm weekdays and weekends, inclusive;*
- (xxiii) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (xxiv) *the residential component of the development shall be adequately sound insulated prior to the first occupation of the development. The necessary sound insulation shall be in accordance with the recommendations, developed in consultation with the Town, of an acoustic consultant registered to conduct noise surveys and assessments in accordance with the Environmental Protection Act 1986. The sound insulation recommendations shall be submitted and approved prior to the issue of a Building Licence. The engagement of and the implementation of the recommendations of this acoustic consultant are to be at the applicant(s)/owner(s)' costs;*

- (xxv) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (xxvi) *an archival documented record of the place (including detailed photographs prior to and after works to the building, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence; and*
- (xxvii) *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;*

to the satisfaction of the Chief Executive Officer.

Moved Cr Chester, Seconded Cr Ker

That the recommendation be adopted subject to the existing recommendation being renumbered to clauses (1)(i) to (xxvii) and new clauses (2) and (3) being added as follows:

- "(2) *the Council SUPPORTS the awning extending over the existing footpath and its provision of amenity to pedestrians; and*
- (3) *the Town WRITES to the Department for Planning and Infrastructure (DPI) to:*
- (a) *confirm the requirements of the Other Regional Road reservation; and*
- (b) *advise that the Other Regional Road reservation and the DPI's approach will result in the demolition of facades of buildings which provide landmarks for the Mount Lawley District Centre."*

CARRIED (8-0)

(Cr Farrell on approved leave of absence.)

COUNCIL DECISION ITEM 10.1.9

That;

- (1) *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 Mark Anthony Design & Drafting on behalf of the owner E & Z Balshaw for proposed Demolition of Existing Shop and Construction of a Two-Storey Mixed Use Development Comprising Two (2) Shops and Three (3) Multiple Dwellings, at No(s). 630 (Lot(s) 96) Beaufort Street, Mount Lawley, and as shown on plans stamp-dated 15 July 2004 (demolition drawings) and amended plans stamp-dated 22 September 2004, subject to:*
- (i) *compliance with all relevant Environmental Health, Engineering and Building requirements;*

- (ii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;*
- (iii) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (iv) *all car-parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications and dimensions specified in the Town's Parking and Access Policy and Australian Standards AS2890.1 – "Off Street Parking".*
- (v) *a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
- (vi) *a road and verge security bond or bank guarantee of \$1584 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*
- (vii) *all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath levels;*
- (viii) *bin compound to be constructed in accordance with the Town's Health Services' Specifications, divided into commercial and residential areas and sized to contain:-*
 - (a) *Residential*
1 x mobile garbage bin per unit;
1 x general recycle bin per 2 units; and
 - (b) *Commercial*
1 x mobile garbage bin per unit;
1 x paper recycle bin per unit, or per 200 square metres of floor space;

- (ix) *all new crossover/s to allotments are subject to a separate approval by the Town's Technical Services Division and shall be constructed in accordance with the Town's standard Crossover Specification/s which, in particular, specify that the portion of the existing footpath traversing the proposed crossover, subject to the existing footpath being in a good condition as determined by the Town's Technical Services Division, must be retained such that it forms a part of the proposed crossover and the proposed crossover levels shall match the level/s of the existing footpath. Crossovers may be constructed by a private contractor provided they are constructed in accordance with the above specifications and a security bond of \$275 is paid prior to the crossover approval. Application for the refund of bond must be submitted in writing;*
- (x) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (xi) *standard visual truncations, in accordance with the Town's Policies and to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*
- (xii) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted with all cost associated the removal and replacement shall be borne by the applicant/owner(s);*
- (xiii) *prior to the first occupation of the development, the applicant/owner(s) shall, in at least 12-point size writing, advise (prospective) purchasers of the residential units/dwellings/service apartments that:*
- "the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/dwellings. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development";*
- (xiv) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property that the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities. This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;*
- (xv) *doors and windows and adjacent floor areas fronting Beaufort Street shall maintain an active and interactive relationship with this street;*
- (xvi) *subject to first obtaining the consent of the owners of No.268 Beaufort Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No.268 Beaufort Street in a good and clean condition;*

- (xvii) *the gross floor area of the retail component shall be limited to a maximum of 162 square metres;*
- (xviii) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town, and thereafter implemented and maintained;*
- (xix) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (xx) *prior to the first occupation of the development, the car parking spaces provided for the residential component of the development shall be clearly marked and signposted for the exclusive use of the residents of the development and shall not be in tandem arrangement unless they service the same residential unit/dwelling;*
- (xxi) *prior to the issue of a Building Licence, designs for art work(s) valued at a minimum of 1 per cent of the estimated total cost of the development (\$7,500) shall be submitted to and approved by the Town. The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development and Administrative Services Section with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (xxii) *the commercial car bays shall be available for use in association with the residential units before 8am and after 6pm weekdays and weekends, inclusive;*
- (xxiii) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (xxiv) *the residential component of the development shall be adequately sound insulated prior to the first occupation of the development. The necessary sound insulation shall be in accordance with the recommendations, developed in consultation with the Town, of an acoustic consultant registered to conduct noise surveys and assessments in accordance with the Environmental Protection Act 1986. The sound insulation recommendations shall be submitted and approved prior to the issue of a Building Licence. The engagement of and the implementation of the recommendations of this acoustic consultant are to be at the applicant(s)/owner(s)' costs;*
- (xxv) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (xxvi) *an archival documented record of the place (including detailed photographs prior to and after works to the building, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*

(xxvii) 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;

to the satisfaction of the Chief Executive Officer;

(2) the Council SUPPORTS the awning extending over the existing footpath and its provision of amenity to pedestrians; and

(3) the Town WRITES to the Department for Planning and Infrastructure (DPI) to:

(a) confirm the requirements of the Other Regional Road reservation; and

(b) advise that the Other Regional Road reservation and the DPI's approach will result in the demolition of facades of buildings which provide landmarks for the Mount Lawley District Centre.

Landowner:	E & Z Balshaw
Applicant:	Mark Anthony Design & Drafting
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: District Centre
Existing Land Use:	Shop
Use Class:	Shop & Multiple Dwelling
Use Classification:	"P" & "AA"
Lot Area:	468 square metres

COMPLIANCE:

Requirements	Required	Proposed *
Density	3 dwellings R 80	3 dwellings R 80
Plot Ratio	N/A	N/A
Rear Setback	9 metres	5.001 metres
Front Setback	2.5 metres (as per WAPC requirements)	0 metre to balcony

* 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.

SITE HISTORY:

In 1997, a garage at the rear of an existing shop was conditionally approved under Delegated Authority at the subject site.

The subject lot abuts sealed dedicated rights of way to the rear and north east sides of the lot. They are both 3.02 metres in total width.

DETAILS:

The applicant proposes a mixed use development comprising two (2) shops and three (3) multiple dwellings above.

The owner of the subject property has supplied a letter requesting the closure of the right of way to the north of the lot. The letter has been included in the attachments. This matter will be referred to the Town's Technical Services for its investigation.

CONSULTATION/ADVERTISING:

The proposal has been advertised and no written submissions have been received by the Town.

Portion of the subject lot along Beaufort Street has been designated by the Western Australian Planning Commission (WAPC) as "Other Regional Road". The amount of land designated for this purpose is 2.5 metres from the front boundary.

The Department for Planning and Infrastructure (DPI) made the following comment in relation to the initial plans submitted, dated 15 July 2004 of the subject application;

"The development application proposes the construction of two shops, which encroach the land requirement.

DPI does not support the construction of any permanent structure within land, which is reserved as an Other Regional Road in the Metropolitan Region Scheme.

The proposed structure(s) is considered to be of a substantial nature, which may prejudice future property acquisition, and therefore the application is not acceptable to DPI."

In response to these comments provided by the DPI, the applicant has liaised with the DPI and amended the plans to reflect acceptable standards of DPI.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Demolition

The proposal includes demolition of the existing florist shop and construction of a two-storey mixed use development at No. 630 (Lot 96) Beaufort Street, Mount Lawley.

The subject place is not included on the Town's Municipal Heritage Inventory or Interim Heritage Database. The City of Perth Sewage Plans (1955) show the original building on the site to be a house, which from the Building Archive Records was probably built around 1920. An application to build a shop on the site was received in 1970. It is likely that the original house was demolished around this time.

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

10.1.10 No. 66 (Lot 49) Brewer Street (Corner Pier Street), Perth - Proposed Change of Use from Office Building to Shop

Ward:	South	Date:	5 October 2004
Precinct:	Beaufort; P13	File Ref:	PRO2912; 00/33/2405
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 APPROVES the application submitted by C Armstrong on behalf of the owners JPG & CM Hericher for proposed Change of Use from Office Building to Shop, at No. 66 (Lot 49) Brewer Street (Corner Pier Street), Perth, and as shown on plans stamp-dated 12 August 2004 (floor plan) and 15 September 2004 (site plan), subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements, including the provision of access, sanitary facilities and car parking for people with disabilities in accordance with the Building Code of Australia (BCA) and Disability Discrimination Act prior to the first occupation of the development;*
- (ii) all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (iii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;*
- (iv) the hours of operation shall be restricted to the following times: 9am to 6pm Monday to Thursday, 9am to 5pm Friday and 9am to 3pm Saturday inclusive;*
- (v) the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (vi) no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (vii) a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Brewer Street and Pier Street verges adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence, on first occupation of the development, whichever occurs first. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); and*

- (viii) *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 Brewer Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*

to the satisfaction of the Chief Executive Officer.

Moved Cr Lake, Seconded Cr Ker

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

- "(vii) a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Brewer Street and Pier Street verges adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence, ~~or~~ or first occupation of the development, whichever occurs first. The applicant is encouraged to include in the landscaping plan the retention of the existing plants within the front garden, which are considered appropriate to the period of the house. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); and"*

CARRIED (7-1)

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

(Cr Farrell on approved leave of absence.)

COUNCIL DECISION ITEM 10.1.10

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by C Armstrong on behalf of the owners JPG & CM Hericher for proposed Change of Use from Office Building to Shop, at No. 66 (Lot 49) Brewer Street (Corner Pier Street), Perth, and as shown on plans stamp-dated 12 August 2004 (floor plan) and 15 September 2004 (site plan), subject to:

- (i) *compliance with all relevant Environmental Health, Engineering and Building requirements, including the provision of access, sanitary facilities and car parking for people with disabilities in accordance with the Building Code of Australia (BCA) and Disability Discrimination Act prior to the first occupation of the development;*
- (ii) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*

- (iii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;*
- (iv) *the hours of operation shall be restricted to the following times: 9am to 6pm Monday to Thursday, 9am to 5pm Friday and 9am to 3pm Saturday inclusive;*
- (v) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (vi) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (vii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Brewer Street and Pier Street verges adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence, or first occupation of the development, whichever occurs first. The applicant is encouraged to include in the landscaping plan the retention of the existing plants within the front garden, which are considered appropriate to the period of the house. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); and*
- (viii) *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 Brewer Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*

to the satisfaction of the Chief Executive Officer.

Landowner:	JPG & CM Hericher
Applicant:	C Armstrong
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential/Commercial R80
Existing Land Use:	Office Building
Use Class:	Shop
Use Classification:	"AA"
Lot Area:	344 square metres

COMPLIANCE:

Requirements	Required	Proposed
Residential Component	66 per cent of the existing or approved floor space	Nil
Car Parking	Refer to car parking table under "Comments" section	

SITE HISTORY:

No. 66 (Lot 49) Brewer Street was previously used as an office and it is proposed that the use be changed to a shop. The surrounding area is characterised by well established commercial uses.

DETAILS:

The applicant submitted a change of use application on 23 August 2004 for No. 66 (Lot 49) Brewer Street. The proposed change of use is from an office to a shop. The proposed shop would be a hair replacement company called 'Modern Techniques Hair Studio'.

'Modern Techniques Hair Studio' would sell by retail wigs, hair pieces, hair extensions and hair products to maintain wigs. The shop would also have the facilities to accommodate clients with regard to servicing wigs and the clients own hair. 'Modern Techniques Hair Studio' would operate by appointment only made via the yellow pages and recommendations from medical practitioners and the Cancer Foundation.

'Modern Hair Techniques Hair Studio' will operate Monday to Thursday 9am to 6pm, Friday 9am to 5pm and Saturday 9am to 3pm. The shop will have two employees and two clients at any one time during the hours proposed. Hairdressing equipment will be used and there will be no undue impact from this equipment.

The property is zoned Residential / Commercial R80 and its previous use was an office. An office is classified as an 'AA' use in the Residential / Commercial R80 zone and a shop is also classified as an "AA" use in the Residential / Commercial R80 zone. An 'AA' use requires that *'the use is not permitted unless the Council has exercised its discretion by granting planning approval'*.

The application proposes 112.22 square metres of 'shop' gross floor area.

CONSULTATION/ADVERTISING:

No submissions were received during the advertising period.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Car Parking

Car parking requirement (nearest whole number) The proposal requires 7.48 parking bays as per the requirements of 1 space per 15 square metres of gross floor area for the shop (112.22 square metres)	7 car bays
--	------------

Apply the adjustment factors. <ul style="list-style-type: none"> ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.9 (within 400 metres of a public car parks in excess of 50 spaces) ▪ 0.85 (within 800 metres of a railway station) 	(0.65) 4.55 car bays
Minus the car parking provided on-site.	5 car bays, as shown on the submitted plans
Minus the most recently approved on-site car parking shortfall.	N/A
Resultant surplus	0.45 car bay

The car parking surplus as represented in the above Table is 0.45 car bay when applying the adjustment factors and accounting for the provided car parking bays on-site. The proposal adequately meets the required car parking requirements and is therefore, considered acceptable.

Hours of Operation

The applicant has advised the Town that the shop will operate during the following times; Monday to Thursday 9am to 6pm, Friday 9am to 5pm and Saturday 9am to 3pm. This is not considered to affect the amenity of the surrounding area.

Residential/Commercial Zoning

The land is zoned Residential / Commercial R80 with the immediate area characterised by significant commercial buildings. The Town's Policy relating to the 'Beaufort Precinct' provides that:-

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

The clear objective of the residential-commercial zone is to transform the bulk of the area bounded by Lord, Bulwer, Beaufort and Parry Streets from predominantly commercial into an area of "compatible residential and commercial uses". By virtue of the limited size of the property (344 square metres) and building, the use will occupy a former dwelling, and the commercial amenity immediately adjoining and surrounding the subject site, enforcing a residential component on the subject site is not considered reasonable.

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

Accordingly, it is recommended that the application be approved, subject to standard and appropriate conditions to address the matters discussed above as the proposal will not unduly impact negatively on the amenity of the surrounding area.

10.2.2 Time Restrictions in the Robertson Park Car Park

Ward:	South	Date:	6 October 2004
Precinct:	Hyde Park P12	File Ref:	RES0024
Attachments:	001;		
Reporting Officer(s):	A Munyard		
Checked/Endorsed by:	R Lotznicher	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on introducing a time restriction in the car park adjacent to the Robertson Park tennis courts;*
- (ii) *APPROVES the introduction of a three (3) hour restriction in the car park, to be in force from 8.00 am until 5.30 pm from Monday to Friday, as illustrated on attached Plan 2300-PP-1; and*
- (iii) *APPROVES a moratorium on issuing infringement notices for a period of two (2) weeks following the installation of the new parking restriction signs.*

Moved Cr Lake, Seconded Cr Chester

That the recommendation be adopted subject to a new clause (iv) being added as follows:

- "(iv) *WRITES to Tennis Veterans Western Australia requesting they advise their patrons that under no circumstances are they to park their vehicles on the adjoining Robertson Park parkland.*"

CARRIED (8-0)

(Cr Farrell on approved leave of absence.)

COUNCIL DECISION ITEM 10.2.2

That the Council;

- (iv) *RECEIVES the report on introducing a time restriction in the car park adjacent to the Robertson Park tennis courts;*
- (v) *APPROVES the introduction of a three (3) hour restriction in the car park, to be in force from 8.00 am until 5.30 pm from Monday to Friday, as illustrated on attached Plan 2300-PP-1;*
- (vi) *APPROVES a moratorium on issuing infringement notices for a period of two (2) weeks following the installation of the new parking restriction signs; and*
- (iv) *WRITES to Tennis Veterans Western Australia requesting they advise their patrons that under no circumstances are they to park their vehicles on the adjoining Robertson Park parkland.*

BACKGROUND:

Tennis Veterans Western Australia and other users of the Robertson Park tennis courts are experiencing difficulties finding available parking space in the adjacent car park. All day parkers who previously parked in Stuart Street and other nearby, unrestricted streets have been making use of the car park now that time restrictions have been introduced in those areas.

DETAILS:

Several complaints have been received from groups who regularly use the tennis courts regarding the recent migration of all day parkers to the car park adjacent to the tennis courts. The implementation of ticket parking in Stuart Street, together with time restrictions in the surrounding streets, has resulted in those seeking free all day parking looking further a field for available facilities. The car park adjacent to the tennis courts is now fully occupied from early in the morning, and patrons of the tennis courts have nowhere to park.

It is therefore proposed that a three (3) hour time restriction should be implemented in the car park during week days, as shown on attached Plan 2300-PP-1. This time restriction should be sufficient for those using the club, and at the same time prevent the use of the car park as an all day parking facility.

CONSULTATION/ADVERTISING:

The proposal is in response to a request from the regular users of the tennis courts that the Council take some action to alleviate their parking problem.

LEGAL/POLICY:

There is no legal or impediment to the introduction of time restrictions in the Council owned car park.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2003-2008 – 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *"p) Develop a strategy for parking management in business, residential and mixed use precincts that includes parking facilities that are appropriate to public needs."*

FINANCIAL/BUDGET IMPLICATIONS:

The cost of installing signage is estimated to be approximately \$350.00

COMMENTS:

It is necessary to take appropriate measures to restore the amenity of the car park to its intended purpose – to provide parking for patrons of the adjacent tennis courts. The introduction of the time restriction will prevent the car park from filling early in the morning with all day parkers working in the area or commuting to the city.

The Chief Executive Officer advised that Mayor Catania had declared a financial interest in this Item. Mayor Catania departed the Chamber at 7.47pm and did not speak or vote on the matter.

Deputy Mayor, Cr Ian Ker, assumed the Chair.

10.3.1 Investment Report

Ward:	-	Date:	6 October 2004
Precinct:	-	File Ref:	FIN0005
Attachments:	001		
Reporting Officer(s):	J Wearing		
Checked/Endorsed by:	Bee Choo Tan	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Investment Report for the month ended 30 September 2004 as detailed in Appendix 10.3.1.

COUNCIL DECISION ITEM 10.3.1

Moved Cr Lake, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (7-0)

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

BACKGROUND:

The purpose of this report is to advise the Council of the level of funds available, the distribution of surplus funds in the short term money market and the interest earned to date. Details are attached in Appendix 10.3.1. Interest from investments is a significant source of funds for the Town, where surplus funds are deposited in the short term money market for various terms.

Council's Investment Portfolio is spread across several Financial Institutions in accordance with Policy Number 1.3.8.

DETAILS:

Total Investments for the period ended 30 September 2004 were \$15,101,514 compared with \$11,151.514 at 31 August 2004. At 30 September 2003, \$8,855,825 was invested.

Total accrued interest earned on Investments as at 30 September 2004:

	Budget	Actual	%
	\$	\$	
Municipal	300,000	38,725	12.91
Reserve	297,300	104,326	35.09

COMMENT:

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

Mayor Catania returned to the Chamber at 7.48pm and assumed the Chair.

10.3.3 Public Artwork “Phantacie” Relocation to Headquarters Youth Facility

Ward:	South	Date:	5 October 2004
Precinct:	Oxford Centre - P4	File Ref:	ORG0070
Attachments:	-		
Reporting Officer(s):	M Rootsey		
Checked/Endorsed by:		Amended by:	

OFFICER RECOMMENDATION:

That the Council REFUSES the request to relocate the artwork “Phantacie” (as shown in Appendix 10.3.3) at the Headquarters Youth Facility.

COUNCIL DECISION ITEM 10.3.3

Moved Cr Lake, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Moved Cr Lake, Seconded Cr Ker

That the Item be DEFERRED to allow for further information to be obtained and a further report to be provided.

CARRIED (5-3)

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

(Cr Farrell on approved leave of absence.)

BACKGROUND:

The Town received a letter on 24 September 2004 which exercised a formal application for the relocation of the artwork ‘Phantacie’ to the Headquarters Youth Facility in Leederville.

The artwork is currently sited at Plaistowe Mews West Perth. The City of Perth has given notice to the artist in accordance with copyright/legal obligations to remove the artwork from the current site. The artist had approached the Headquarters Youth Facility to relocate the artwork at that site, and has now formally made an application to the Town, as landowner of the premises.

History of the artwork:

- In 1997 the City of Perth approved the concept for a Youth Art Sculpture competition, devised by the West Perth Precinct Committee and subsequently held in 1998.
- 1999 The inaugural winner of the competition completed and installed the public artwork, “ Phantacie” in Plaistowe Mews, West Perth - see photograph.
- Since installation there have been ongoing problems with the art work in terms of public perception and maintenance of the artwork. Within weeks after installation the paint was peeling. Soon after the City received letters of complaint. There have been numerous requests from Citiwest Property Managers and from ratepayers for the sculpture to be removed.
- The City of Perth is now in the process of deaccessioning the work.
- The City of Perth has stated that they will cover the costs of removal of the work, not; however the costs of reinstalling the work.

The sculpture is made of concrete over a steel sub-structure and sits over two metres tall. It comprises:

Steel frame, steel mesh, Galvanizing treatment, washed sand, cement, acrylic paint.
Siting: concrete footing, bolts, finish.

Copyright/legal obligations:

- The* COPYRIGHT ACT 1968/copyright (Moral Rights) Amendment Act 2000 Section 195AT (1) requires that an artwork can be removed or destroyed only where the author is given a reasonable opportunity to remove the work from the place where it was situated.

At the time of writing this report, the Town has been advised that the City of Perth will remove the artwork from its current site on Wednesday 6 October 2004. The Town has been approached as to whether we would consider storing the artwork at the Town’s depot. The City of Perth was advised that the Town would not accept the artwork at the Town’s depot as the Council had not considered the matter. The Town suggested that the City of Perth may wish to consider storing the artwork at their depot which is adjacent to the Town of Vincent’s until a decision is made by this Council. The Town has not as yet received a response to this suggestion.

DETAILS:

A number of sites have been considered for the artwork in the Town.

It has been suggested to use a small triangle of freeway reserve land, underneath the freeway flyover at Vincent Street. This site was seen as problematic as the land is owned by MRWA.

The following show several possibilities for display at Headquarters:



1. Front courtyard area, possible problems with underground drains, etc.



2. Near wall, problems in terms of people climbing on wall from sculpture.



3. Between skate ramp and cyclone fencing adjacent to the car park. Preferred site by Paul Jagger and the artist.



4. Next to playground in Oxford Street Reserve next to HQ.

The preferred site is the site in photograph No 3 at Headquarters on the northern boundary, next to the mesh fence and adjacent to the public carpark. Thus, there is no issue of moving Phantacie from its 'drop-off' location to its intended location. It can simply be lifted off the transport into location. What will be required prior to this is: that the mesh fence be cut to allow the sculpture to be lifted onto the site; the site to be prepared by digging a suitable hole and compacting the area and; that the immediate carpark area be restricted while the offloading is occurring. At present there has been no surface work done in the proposed location within Headquarters. Thus, no surface needs to be removed to allow for the preparation of a site.

1. The fence is the responsibility of Headquarters or the Town of Vincent as the artist is unable to fix it as a result of the move.
2. The preparation of a new site, including digging the hole and compaction of the area prior to the move will be the responsibility of the artist.
3. The limitation of the carpark will not affect bays, as there are none adjacent to the fence, but will only restrict movement between areas of the carpark.
4. Whether a surface is placed around Phantacie is Headquarters decision. Being at the end of a skate ramp, a soft material such as re-constituted rubber would be ideal to have around Phantacie's base. As stated before, there is currently no surface on the location at present and any surface work would be Headquarters' responsibility.

The artwork requires some refurbishment to bring the work up to standard.

- Cleaning: stripping of old paint surface via manual cleaning, then angle grinding and sand blasting, followed by acid cleaning to allow for application of a new finish.
- Repairs: Poly Render L.R.D to be used to patch up damaged areas of work, cracks and chips that have occurred in its present location.
- Rebuilding: purpose, to quote the artist' to enhance the sculpture by increasing definition of particular details through the application of further render'. This is something the artist would like to do, however is not absolutely necessary.

If the Council chooses site option 3, the work would be located in a position where it is expected for the work to be 'tagged', this is something the artist accepts and would see as part of the evolution of the artwork, thus minimal costs would be involved as no anti graffiti action would need to be taken.

The costs of refurbishment are to be met by the artist, with assistance from materials suppliers and contractors and a member of the public, has offered to help meet some of the costs.

The costing implications for this matter are as follows:

- The City of Perth to cover the removal cost.
- The artist, together with other parties, to be responsible for the initial refurbishment work as listed.
- The Headquarters Youth Facility to be responsible for suggested composite rubber matting and ongoing maintenance.
- It is proposed that the Town of Vincent be responsible for the estimate cost of installing the artwork.

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

The Town has no legal obligation in this matter, however the City of Perth are initiating their obligations under the Copyright Act as stated in the report.

STRATEGIC IMPLICATIONS:

2.1 Celebrate and acknowledge the Town's cultural diversity

- a) *Seek community initiatives and involvement in the development of programs and provide facilities and other recreational resources appropriate to the Town's needs.*

FINANCIAL/BUDGET IMPLICATIONS:

No funds have been included in the 2004/05 Town of Vincent budget for this project.

The Headquarters Youth Facility has no funds budgeted for installation or ongoing maintenance for this year.

COMMENTS:

The City of Perth have deaccessioned this work, due to complaints from property owners and businesses in the area regarding ongoing maintenance problems.

The City of Perth will pay relocation costs but not installation costs at any new site, estimated to be approximately \$2,000. The scope of any ongoing maintenance problems cannot be identified at this point of time, neither the Town of Vincent or the HQ Facility has budgeted for any potential costs.

The artwork has been completed by a young artist who certainly may identify with the philosophy and culture of the HQ Facility, which does support the art through its art's portfolio. However, the ongoing maintenance and associated installation costs, which are not determined, are obstacles in supporting this request.

The costs of the removal and installation at a new site have been identified, whilst the removal and some installation will be funded by the City of Perth and through the artist respectively. However, there are some associated installation costs which require funding, and as stated neither the Town of Vincent or Headquarters Youth Facility currently has funding for these installation costs or any ongoing maintenance.

It is therefore recommended that the request to relocate the sculpture be refused.

Mayor Catania advised that Cr Franchina had declared a proximity interest in this Item. Cr Franchina departed the Chamber at 8.06pm and did not speak or vote on the matter.

10.4.1 Repeal of Town of Vincent Local Law Relating to Charles Street Building Line - By-Law No.62 (Building Line)

Ward:	Both	Date:	6 October 2004
Precinct:	Cleaver Precinct; P5 Smith's Lake Precinct; P6 North Perth Centre Precinct; P7 North Perth Precinct; P8 Hyde Park Precinct; P12 Beaufort Precinct; P13	File Ref:	LEG0035
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 repeal of Town of Vincent Local Law relating to Charles Street Building Line - By-Law No. 62 (Building Line);*
- (ii) *pursuant to Section 3.12 of Subdivision 2 of Division 2 of Part 3 of the Local Government Act 1995, APPROVES BY A SPECIAL MAJORITY to make the Town of Vincent Repeal of Local Law Relating to 'By-Law No. 62 (Building Line)' as follows;*

"LOCAL GOVERNMENT ACT 1995 (as Amended)

TOWN OF VINCENT

REPEAL OF LOCAL LAW RELATING TO BY-LAW NO. 62 (BUILDING LINE)

Under the powers conferred by the Local Government Act 1995 and under all other powers enabling it, the Council of the Town of Vincent resolved on 2004 to make the following Local Law:

Repeal Local Law relating to 'By Law No. 62 (Building Line)', published in the Government Gazette on 15 June 1960.

Dated this dayof2004 the seal of the Town of Vincent was hereunto affixed by authority of a resolution of the Council in the Presence of -

*NICK CATANIA JP, Mayor
JOHN GIORGI JP, Chief Executive Officer"*

- (iii) *ADVERTISES the proposed Local Law for statewide public comment for a period of six (6) weeks and the Council to consider any submissions received from the public; and*
- (iv) *ADVISES the Western Australian Planning Commission of Clauses (i), (ii) and (iii) above.*

Moved Cr Chester, Seconded Cr Ker

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

*"(iii) **ADVERTISES the proposed Local Law for statewide public comment for a period of six (6) weeks and the Council to consider any submissions received from the public. This advertising shall clearly state that the existing Local Law is being repealed as the Charles Street road widening is now addressed by Planning Control Area No. 54 under the control of the Department for Planning and Infrastructure ; and"***

Debate ensued.

CARRIED BY A SPECIAL MAJORITY (7-0)

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

COUNCIL DECISION ITEM 10.4.1

That the Council;

- (i) *RECEIVES the report relating to the repeal of Town of Vincent Local Law relating to Charles Street Building Line - By-Law No. 62 (Building Line);*
- (ii) *pursuant to Section 3.12 of Subdivision 2 of Division 2 of Part 3 of the Local Government Act 1995, APPROVES BY A SPECIAL MAJORITY to make the Town of Vincent Repeal of Local Law Relating to 'By-Law No. 62 (Building Line)' as follows;*

"LOCAL GOVERNMENT ACT 1995 (as Amended)

TOWN OF VINCENT

REPEAL OF LOCAL LAW RELATING TO BY-LAW NO. 62 (BUILDING LINE)

Under the powers conferred by the Local Government Act 1995 and under all other powers enabling it, the Council of the Town of Vincent resolved on 2004 to make the following Local Law:

Repeal Local Law relating to 'By Law No. 62 (Building Line)', published in the Government Gazette on 15 June 1960.

Dated this dayof2004 the seal of the Town of Vincent was hereunto affixed by authority of a resolution of the Council in the Presence of -

**NICK CATANIA JP, Mayor
JOHN GIORGI JP, Chief Executive Officer"**

- (iii) *ADVERTISES the proposed Local Law for statewide public comment for a period of six (6) weeks and the Council to consider any submissions received from the public. This advertising shall clearly state that the existing Local Law is being repealed as the Charles Street road widening is now addressed by Planning Control Area No. 54 under the control of the Department for Planning and Infrastructure ; and*
- (iv) *ADVISES the Western Australian Planning Commission of Clauses (i), (ii) and (iii) above.*
-

BACKGROUND:

By-Law No. 62 (Building Line) was published in the Government Gazette on 15 June 1960. The By-Law (Local Law) was made under the provisions of the Municipal Corporations Act, 1906-1959 and the City of Perth Act, 1925-1956, and was numbered 62 for the provision of a new building line of 3.66 metres to be prescribed on each side of Charles Street between Roe Street and Walcott Street. Due to the restructuring of the City of Perth, it was considered appropriate that by-laws would be equally applicable to the Town of Vincent including, By-Law No. 62 (Building Line).

SITE HISTORY:

- 1 July 1994: The Commissioners of the Town of Vincent at its meeting resolved the following:
"That it be noted that the by-laws detailed in the report of the Deputy Town Clerk of the City of Perth dated 29 June 1994 would be operative in the Town of Vincent in accordance with the provisions of Section 260 of the Local Government Act 1960".
- 11 April 2000: Council received an Information Bulletin Item, advising Council of correspondence from the Town to Main Roads Western Australia (MRWA) requesting comments regarding the review of the Town of Vincent By-Law No.62 (Building Line). MRWA replied and stated the following:
"Charles Street has been designated a regional road, but it is not covered by the Metropolitan Region Scheme (MRS) reservation. The 3.66 metre building line By-law is the only means by which the development decision can take into account the future requirements for the road. It is therefore extremely important that the By-law be retained."
- 22 August 2000: The Town's Officers reported to the Ordinary Meeting of Council recommending its intention to amend the Town of Vincent Local Law relating to Charles Street Building Line. The motion was lost due to reasons that the current Local Law was considered adequate and that other processes (such as the review of Charles Street) would make the Local Law redundant.
- 22 May 2001: The Council at its Ordinary Meeting resolved the following:
"That the Council:

- (i) *receives the documentation entitled draft "West Vincent Integrated Transport Plan: Issues and Options Paper" dated March 2001 from Transport Western Australia as 'Laid on the Table';*
- (ii) *generally supports the "West Vincent Integrated Transport Plan: Issues and Options Paper" dated March 2001 from Transport Western Australia, and requests that the following matters being further considered:*
 - (a) *incorporating the proposed Travel Smart Individualised Marketing Program with the West Vincent Integrated Transport Plan to facilitate Behavioural Change including the impact of Travel Smart outside the Town of Vincent;*
 - (b) *retention of the current road hierarchy for Charles, Loftus and London Streets as per the existing Metropolitan Functional Road Hierarchy;*
 - (c) *explore the possible impacts on adjoining resident streets of implementing bus priority lanes on major roads through the Town; and*
 - (d) *actively investigate the introduction of a CAT service for the Town; and*
- (iii) *advises Transport Western Australia, Main Roads Western Australia and Ministry for Planning that it supports the proposal put forward by the Ministry for Planning to recommend that the Western Australian Planning Commission declare a Planning Control Area along Charles Street to match the existing building line described in the Town of Vincent By-Law No. 62 (Building Line) subject to the Town being closely involved and consulted with regards to the Planning Control Area, West Vincent Integrated Transport Plan, Route Definition Study and Metropolitan Region Scheme Reservation, in relation to Charles Street."*

23 April 2002:

The Council at its Ordinary Meeting resolved to support in principle the Draft 'West Vincent Integrated Transport Plan' prepared by the Department for Planning and Infrastructure (DPI); and additionally requested consultation with the Town in respect to further exploring options relating to: the impacts on adjoining residents, access, level of service on Charles and Fitzgerald Streets; construction and implementation of bus routes other than Carr Street between Charles and Fitzgerald Streets; feasibility of convenient and safe southbound cycle and bus lanes; design of a reservation to avoid where possible demolition of heritage properties; design of reservation that avoids straight vistas that encourage high speed driving; development of urban design guidelines; alternative routes for UWA- Leederville-Vincent bus service. The Council additionally resolved to receive a further comprehensive report once the above issues had been further investigated by the DPI.

The following summarises details of the Draft '*West Vincent Integrated Transport Plan*' that outline the aspects relating to Charles Street:

- Charles Street is classified as a primary distributor managed by (MRWA) under the Functional Road Hierarchy.
- Charles Street was transferred from local government responsibility in 1995 to MRWA.
- Development is controlled by means of a Planning Control Area (PCA), covering 3.66 metres each side of the Charles Street road reserve.
- The Council on 22 May 2001 essentially resolved to support the proposal of a Planning Control Area along Charles Street.
- Recommends the designation of an MRS Reservation on Charles Street/Wanneroo Road between Newcastle Street and London Street, in line with Council's resolution.

16 July 2002:

At the Ordinary Meeting of Council, the Town's Officers reported on Amendment No.4 relating to the Charles Street Metropolitan Region Scheme Reservation, for discussion purposes of which Council resolved to receive.

The following summarises the contents of the report:

- The Town received correspondence dated 27 February 2002 and report dated February 2000 on the *Charles Street Road Reservation Study- Design Analysis* from the DPI. The report was prepared as background information to assist with the MRS Amendment.
- The main impact of the PCA will be the loss of setbacks and possible demolition of properties along Charles Street.
- Further collaboration with the DPI is required regarding planning considerations and redevelopment options should be investigated.
- Recommendation that the Council initiate Planning and Building Policies Amendment No. 4.

27 August 2002:

The Council at its Ordinary Meeting resolved to receive Planning and Building Polices - Amendment No.4, amending Polices affected by Planning Control Area No.54 with the replacement of wording "*By - Law No. 62 - Building Line*" with "*the Planning Control Area*".

27 July 2004:

The Town wrote to the DPI seeking comments from the Department in relation to the Town repealing the Local Law.

11 August 2004:

Correspondence from the DPI Integrated Transport Planning Section advised the following:

" *PCA No. 54 arose from the possible need to widen Charles Street to deliver better transport planning outcomes including increasing the efficiency and safety on the existing local road network as well as the need to include other road users such as pedestrians, cyclist and public transport (buses).*

The need for the PCA No. 54 is still required for future road planning in the locality.

DPI is currently undertaking a planning study to confirm the ultimate land requirements need to protect adequate land for future improvements to Charles Street until this time, all applications to be determined will need to be mindful of this PCA."

27 September 2004: Further correspondence was received from the DPI - Integrated Transport Planning Section stating that the Department has no objection to repealing the Local Law.

DETAILS:

The Town received a letter dated 27 September 2004 from the Department for Planning and Infrastructure (DPI), advising the following:

"As you would be aware the Western Australian Planning Commission (WAPC) gazetted PCA No54 to ensure that setbacks for any proposed development on land abutting Charles Street are sufficient to avoid conflict with future transport improvements along this route. The PCA is based on the old City of Perth Building By- Law No 62, which allows for a 3.66 metre widening on each side of the Charles Street road reserve. The PCA is an interim measure pending gazettal of a suitable regional road reservation in the Metropolitan Region Scheme along this section Charles Street.

Gazettal of the PCA empowers the WAPC to take planning responsibility for the future reservation requirements for Charles Street and therefore the Department for Planning and Infrastructure has no objection to the Town of Vincent proposal to repeal the old City of Perth Building Line."

Declaration of Planning Control Area (PCA) No.54 over land along Charles Street (generally 3.66 metres on each side of Charles Street), between Carr Street and Green Street, was approved by the Minister for Planning and Infrastructure under the Metropolitan Region Town Planning Scheme Act 1959, on 10 July 2001 and was subsequently gazetted on 7 August 2001. The duration of the declaration remains in effect for a period of five years from the date of publication of the Government Gazette notice. The PCA requires applications for development on land within the PCA to be determined by the Western Australian Planning Commission (WAPC) in accordance with the provisions under the Metropolitan Region Town Planning Scheme Act 1959.

Given that the Town's Town Planning Scheme No. 1 is a complementary document to the Metropolitan Region Scheme (MRS) and is not a substitute for the MRS, development on land within this PCA is required to be determined by both the Town and the WAPC. The Town's Polices were amended on 27 August 2002 to reflect acknowledgment of PCA No. 54.

COMMUNITY CONSULTATION/ADVERTISING:

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

LEGAL/POLICY:

The Town of Vincent By-Law No. 62 (Building Line). The Local Government Act 1995 requires all local laws to be reviewed at periods not exceeding eight (8) years.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

STRATEGIC IMPLICATIONS:

Nil.

COMMENTS:

In light of the above, it is considered that the statutory mechanisms of the PCA No. 54 pursuant to the Metropolitan Region Scheme Act 1959 more appropriately addresses the intent of By-Law No. 62 (Building Line); and repealing By-Law No. 62 (Building Line) is considered appropriate.

Therefore, it is recommended that the Council receives this report, makes a Local Law to repeal the subject Local Law, advertises the proposed repeal Local Law and advises the WAPC of Council's decision.

Cr Franchina returned to the Chamber at 8.08pm.

10.4.2 Information Bulletin

Ward:	-	Date:	6 October 2004
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer(s):	A Smith		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Information Bulletin dated 12 October 2004 as distributed with the Agenda, be received.

Moved Cr Chester, Seconded Cr Cohen

That the recommendation be adopted.

Debate ensued.

Moved Cr Chester, Seconded Cr Lake

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

"(ii) the following Items listed in IB05 – Register of Notices of Motion be regarded as a priority and to be actioned prior to the end of 2004:

<i>Item</i>	<i>Details</i>	<i>Considered at Council Meeting</i>
<i>11.1</i>	<i>Streetscapes in the Town</i>	<i>24 August 2004</i>
<i>11.2</i>	<i>Residential Design Codes Review</i>	<i>27 April 2004</i>
<i>10.1.27</i>	<i>Review of Policy No 3.5.15 – Security Roller Shutters, Doors and Grilles on Non-Residential Buildings – Interim Report</i>	<i>16 December 2003</i>
<i>11.1</i>	<i>Lofts – Definition of</i>	<i>18 November 2003</i>
<i>11.2</i>	<i>Town of Vincent Planning and Building Policy Manual</i>	<i>22 July 2003</i>
<i>11.2</i>	<i>Review of Town Planning Scheme Assessment Report</i>	<i>8 July 2003</i>
<i>11.4</i>	<i>Commercial and Mixed-Use Developments Abutting Residential Areas</i>	<i>8 July 2003"</i>

AMENDMENT CARRIED (8-0)

(Cr Farrell on approved leave of absence.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Farrell on approved leave of absence.)

COUNCIL DECISION ITEM 10.4.2

That;

- (i) *the Information Bulletin dated 12 October 2004 as distributed with the Agenda, be received; and*
- (ii) *the following Items listed in IB05 – Register of Notices of Motion be regarded as a priority and to be actioned prior to the end of 2004:*

<i>Item</i>	<i>Details</i>	<i>Considered at Council Meeting</i>
<i>11.1</i>	<i>Streetscapes in the Town</i>	<i>24 August 2004</i>
<i>11.2</i>	<i>Residential Design Codes Review</i>	<i>27 April 2004</i>
<i>10.1.27</i>	<i>Review of Policy No 3.5.15 – Security Roller Shutters, Doors and Grilles on Non-Residential Buildings – Interim Report</i>	<i>16 December 2003</i>
<i>11.1</i>	<i>Lofts – Definition of</i>	<i>18 November 2003</i>
<i>11.2</i>	<i>Town of Vincent Planning and Building Policy Manual</i>	<i>22 July 2003</i>
<i>11.2</i>	<i>Review of Town Planning Scheme Assessment Report</i>	<i>8 July 2003</i>
<i>11.4</i>	<i>Commercial and Mixed-Use Developments Abutting Residential Areas</i>	<i>8 July 2003</i>

DETAILS:

The items included in the Information Bulletin dated 12 October 2004 are as follows:

ITEM	DESCRIPTION
IB01	Letter from Town Planning Appeal Tribunal - Appeal No. 82 of 2004 - No. 159A Scarborough Beach Road, Mount Hawthorn - Binocular Telescope and Optical World - Review Decision
IB02	Letter from Heritage Council of Western Australia - Register of Heritage Places - Perth Mosque, Nos. 427 - 429 William Street, Northbridge
IB03	Letter from Heritage Council of Western Australia - Register of Heritage Places - Aranmore Catholic College Group, Franklin Street, Leederville
IB04	Register of Petitions - Progress Report - October 2004
IB05	Register of Notices of Motion - Progress Report - October 2004
IB06	Register of Reports to be Actioned - Progress Report - October 2004
IB07	Forum Notes - 21 September 2004
IB08	Forum Notes - 5 October 2004
IB09	Notice of Forum - 19 October 2004

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 8.15pm with the following persons present:

Cr Simon Chester	North Ward
Cr Caroline Cohen	South Ward
Cr Helen Doran-Wu	North Ward
Cr Basil Franchina	North Ward
Cr Ian Ker (Deputy Mayor)	South Ward
Cr Sally Lake	South Ward
Cr Maddalena Torre	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental & Development Services
Mike Rootsey	Executive Manager, Corporate Services
Rick Lotznicher	Executive Manager, Technical Services
Annie Smith	Executive Secretary (Minutes Secretary)
Mark Fletcher	Journalist – Voice News

5 Members 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 12 October 2004.

Signed:Presiding Member
Mayor Nick Catania, JP

Dated this day of 2004