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**(13 April 2004)**

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Nil.

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Nil.

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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 13 April 2004, commencing at 6.00pm.

**1. DECLARATION OF OPENING**

The Presiding Member, Mayor Nick Catania JP, declared the meeting open at 6.01pm.

**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 Steed Farrell	North Ward
Cr Basil Franchina	North Ward
Cr Ian Ker (Deputy Mayor)	South Ward
Cr Sally Lake	South Ward
Cr Maddalena Torre	South Ward (from 6.10pm)
John Giorgi, JP	Chief Executive Officer
Des Abel	Acting Executive Manager, Environmental & Development Services
Mike Rootsey	Executive Manager, Corporate Services
Rick Lotznicher	Executive Manager, Technical Services
Nadine Wellington	Executive Secretary (Acting Minutes Secretary)
Megan Smith	Co-ordinator Customer Service (until 8.12pm) - Observer
Matt Zis	Journalist – Guardian
Mark Fletcher	Journalist – Voice News

Approximately 45 Members of the Public

**(c) Members on Leave of Absence:**

Nil.

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

1. Mr Glen Bersan of 39 Farmer Street, North Perth – Item 10.1.4. Stated that the roofline of the proposed studio at the rear of the existing house is lower than the existing roofline. Mr Bersan thanked Council Planning Officers Rasaratnam Rasiah and Jemma Barton for their courteous and professional manner.
2. M/s June Seow of 18 Doris Street, North Perth – Item 10.1.1. M/s Seow read a written statement (tabled) detailing the history of the application for alterations, carport and storeroom additions and additional two (2) storey grouped dwelling to existing single house.

3. M/s Anne Courtley of 6 St Albans Avenue, Highgate – Item 10.2.1. M/s Courtley referred to an e-mail sent to the Mayor and Councillors on Monday 12 April 2004 and advised of their proposal for the planted nib on the northern side of the Avenue be moved from outside their property in an easterly direction which would place it alongside a commercial property, therefore retaining their parking facility. She thanked Council Officers Rick Lotznicher and Jeremy van den Bok and Councillors Lake and Ker for organizing and attending the meeting of the residents.
4. Mr Paul Burnham of Eucla Court, North Fremantle – Item 10.1.11. Stated he is the Architect for the proposal and sought deletion of clause (iv) of the Officer Recommendation. He advised the neighbours are in agreement and tabled a letter of consent from them.
5. Mr Harry Holland of 121 Lincoln Street, Highgate – Item 10.1.9. Thanked everyone involved in the number of meetings between residents and Councillors. Stated that the retention of No. 1 McCarthy Street had already been approved by the Council, however there are a number of other concerns that the residents have. He asked Council to prohibit the removal of any trees from McCarthy Street. Advised that the residents are worried that there is not enough space in the development for parking of the people living there let alone any visitors – there is no parking space at all for visitors. Stated that the rental properties at some point in the future might be subdivided into two and instead of there being 28 units without enough parking there could at some time in the future be 56 units without enough parking. The ROW from McCarthy Street still hasn't been properly addressed and the residents are worried about continued pedestrian access and there is nothing mentioned in the proposal that deals with pedestrians using this along with cars. There is nothing to indicate that the cars using the ROW at the end of McCarthy Street will infact have to drive down to Bulwer Street rather than coming back up into McCarthy Street.
6. Mr Graham Norton of 11 King Albert Road, Triggs – Item 10.1.9. Mr Norton represents Premier Nominees who are the present owners of all the land on the east side of the present ROW between Bulwer and McCarthy Street. This land has been in his family since 1925. Objected to the development on the following grounds; doesn't comply with the present regulations; the dwellings are able to overlook all surrounding and adjoining properties, particularly our land; parking is at a premium at present and any future parking should be maintained on the development site.
7. Mr Ross Anderson of 21 Bunteen Road, Wembley Downs – Item 10.1.14. Advised this matter was considered at the Ordinary Meeting of Council held on 10 February 2004 and requested Council to support the application with the inclusion of the balconies.
8. Mrs Sue Wells of 198 Anzac Road, Mount Hawthorn – Item 10.1.6. Mrs Wells advised that she and her husband are totally opposed to the proposal as it is not to Council requirements.

9. Mr Mark Slater of 21 Longford Place, Karrinyup – Item 10.1.15. Mr Slater thanked the Town's Officers for their support in this application. Advised the reasons for he and his wife purchasing this property are due to the proximity to the CBD; city skyline views, proximity to schools and shops and the fact that it is a corner block to enable two street front residences with sizeable courtyards to accommodate their growing young family. Their vision is to develop the parcel of land into modern homes of high quality and in keeping with the existing streetscape. They have where possible maintained designs strictly within the codes and with least impact to their adjoining neighbours and accept the conditions of approval.
10. Mr Ray Conrad of 256 Stirling Street, Perth – Item 10.1.14. Mr Conrad advised he is the Project Manager of the proposal and clarified that they do have an agreement in place with the Western Australian Planning Commission and the Titles Office in respect to the balconies extending over the footpath.
11. M/s Jennifer Kramer of 1 McCarthy Street, Perth – Item 10.1.9. M/s Kramer thanked Councillors Lake and Ker for attending meetings in the street with residents for the retention of No. 1 McCarthy Street and thanked the Council for that decision. She advised she had noted on the revised plans that there has been a considerable compromise on the actual land that the house occupies and believes that this will detract from the streetscape value.
12. M/s Heidi Bruce of 32 McMillan Street, Victoria Park – Item 10.1.23. Advised that the variation for the garage setback of 2.6 metres in lieu of 3 metres is because the block is only 13.4 metres deep will make a significant difference when allowing for the 1.5 metre rear setback to the block. She believes their proposal is not out of character with the area, due to the existing surrounding streetscape and gave details of examples. Advised that the variation to the master bedroom directly above the garage which also has a setback of 2.6 metres in lieu of 4 metres as recommended provides visual relief and interest. M/s Bruce tabled photos of similar small block approvals.
13. Mr Paul Perrin of 18 Alman Crescent, Salter Point – Item 10.1.9. Advised that the architect has consulted extensively with Council Officers and residents and believes that they have accommodated the concerns of residents. He is a little disappointed to hear the residents saying that the units are going to be divided into two again which is not true or possible. Advised the traffic management plan has been changed and the Department of Main Roads have confirmed that the access via McCarthy Street and the entry via Beaufort Street is acceptable and very much accommodating the McCarthy Street residents and will substantially reduce the traffic impact in McCarthy Street. Stated there is visitor car bays shown on the plans and report states that there is possibly 20 extra carbays attributable to the commercial restaurant/café.
14. Mr Neil Randall of 7 Excelsior Street, Shenton Park – Item 10.1.2. Mr Randall thanked the Council Officers for recommending approval of the proposed increased of patronage numbers at the Paddington Alehouse. They are applying for the new increased ratio of 1 person per 0.85 square metre from 1 person per square metre thus allowing their numbers to increase to 600. They have gone to great length to consult with the public and thanked Councillors Chester and Doran-Wu for attending that

meeting. Advised parking issues had been adhered to, have signs in place advising patrons of the parking requirements. The taxi rank had been re-aligned from Fairfield Street to Scarborough Beach Road and has been very successful. They conduct security patrols and rubbish collection on Friday and Saturday nights. Asked Council to support the 6 month trial.

15. Mr Dan Caddy of 44 Fairfield Street, Mount Hawthorn – Item 10.1.2. Advised that as Chairperson of the local precinct group he has received a great deal of feedback on the Paddington Alehouse – some positive and some negative. He personally applauds Neil Randall for the efforts he has made in addressing the problems affecting the residents. Advised of problems with buses parking in Hobart Street and dropping off large numbers of people late on Friday and Saturday nights. The buses have blocked access to Axford Lane, driveways etc. Asked Council to make a commitment to look at the law and order issues associated with increasing the patronage numbers.
16. Mr Graham Orr of 106 Edinboro Street, Mount Hawthorn – Item 10.1.18. Requested Council approve the proposal including the proposed carport to the existing single house. He advised the main reasons he cannot locate the carport at the rear of the property are; the ROW is not sealed; their neighbours have no interest in upgrading the ROW as they have access to the front of their properties; the ROW is often not accessible as people dump building material in it; he would have to demolish his shed and original outdoor shed; and would greatly reduce the size of his backyard for his children to play in; and the existing driveway running down the side of his house is too narrow to fit a standard size car.
17. Mr Steven Gardiner of 12 Mort Street, Rivervale – Item 10.1.2. Advised he is the Security Manager for the Paddington Alehouse and has attended every public meeting in the past 18 months and advised that the issue of buses parking in Fairfield Street had only been raised once. He advised they need to re-educate the bus companies and advised that sometimes the companies do not advise the drivers of the concerns. Buses are now attended by a security staff member to ensure the appropriate behaviour of patrons and to educate the driver of where to park.
18. Mr Bradley Woods, Executive Director of the Australian Hotels Association of 38 Parliament Place, West Perth – Item 10.1.2. Advised the application for the trial increase of accommodation numbers is supported by the Association. Advised that the Paddington Alehouse is a multi national and state award winning hotel and is recognized nationally for delivering a high level of quality hospitality in a professionally managed environment. Requested Council to approve the application.

There being no further questions from the public, the Presiding Member closed Public Question Time at 6.43 pm.

**(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 Ms Claire Mercer, Honorary Secretary, on behalf of President, Vice President and Hon Treasurer of Leederville Gardens Residents Assn, Inc, 37 Britannia Road, Leederville along with 49 signatures, rejecting the proposal to use the area of Britannia Reserve described as "Option C" for nightly football practice/ training. **(Executive Manager Corporate Services)**
- 5.2 Ms Cheralyn Neich-Buckley, "The Maltings", Ground Floor, 1/63 Palmerston Street, Northbridge along with 36 signatures, requesting traffic calming be installed in Palmerston Street, Northbridge. **(Executive Manager Technical Services)**
- 5.3 Harwood Place + Action Group along with 20 signatures opposing the submission that Leo Kauhanen on behalf of Speedygroup Pty Ltd has submitted to the Town for consideration of a condition of planning approval for a lodging house on Lot 28, Newcastle Street, dual frontage to Harwood Place (Proposed Backpackers Hostel, Lot 28 Newcastle Street - 45 beds). **(Executive Manager Environmental & Development Services)**

**Moved Cr Ker, Seconded Cr Torre**

*That the petitions be received and referred to the relevant Executive Manager for investigation and report.*

**CARRIED (9-0)**

**6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

**6.1 Ordinary Meeting of Council held on 23 March 2004.**

**Moved Cr Lake, Seconded Cr Cohen**

*That the Minutes of the Ordinary Meeting of Council held on 23 March 2004 be confirmed as a true and correct record.*

**CARRIED (9-0)**

**7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)**

- 7.1 Mayor Catania welcomed the Town's new Co-ordinator Customer Service, Megan Smith who joined the Town approximately two months ago.

**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 Chairman of the North Perth Financial Services.
- 8.2 Cr Franchina declared a Proximity Interest in Item 10.1.25 – Leederville Masterplan. The nature of his interest being that he owns property in close proximity.

- 8.3 Cr Franchina declared a Proximity Interest in Item 10.4.4 – Members Equity Stadium. The nature of his interest being that his daughter owns property in close proximity.
- 8.4 Cr Doran-Wu declared a Financial Interest in Item 10.3.4 – Community and Welfare Grants and Donations 2004/2005. The nature of her interest being that she is an employee of the Loftus Community Centre, who is a possible recipient of a grant.
- 8.5 Cr Lake declared an Impartiality Interest in Item 10.1.21 – No. 497 Beaufort Street, Highgate. The nature of her interest being that her partner made a submission about this item on behalf of a local precinct group.

**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 10.1.4, 10.1.1, 10.2.1, 10.1.11, 10.1.9, 10.1.14, 10.1.6, 10.1.15, 10.1.23, 10.1.2 and 10.1.18.

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

Nil.

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

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

Cr Ker	Items 10.1.7 and 10.1.25
Cr Lake	Nil.
Cr Chester	10.1.8, 10.1.10, 10.1.11, 10.1.12 and 10.1.14
Cr Torre	Nil.
Cr Doran-Wu	Nil.
Cr Farrell	Nil.
Cr Cohen	10.1.3 and 10.4.4
Cr Franchina	Nil.
Mayor Catania	10.1.21 and 10.1.22.

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:**

Items 10.3.1, 10.1.25, 10.3.4 and 10.4.4.

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

Items 10.1.5, 10.1.13, 10.1.16, 10.1.17, 10.1.19, 10.1.20, 10.1.24, 10.1.26, 10.2.2, 10.3.2, 10.3.3, 10.4.1, 10.4.2 and 10.4.5.

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 10.1.5, 10.1.13, 10.1.16, 10.1.17, 10.1.19, 10.1.20, 10.1.24, 10.1.26, 10.2.2, 10.3.2, 10.3.3, 10.4.1, 10.4.2, 10.4.3 and 10.4.5.

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

Items 10.1.21, 10.1.22, 10.1.4, 10.1.1, 10.2.1, 10.1.11, 10.1.9, 10.1.14, 10.1.6, 10.1.15, 10.1.23, 10.1.2 and 10.1.18.

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

**Moved Cr Ker, Seconded Cr Lake**

*That the following unopposed items be moved en bloc;*

*Items 10.1.5, 10.1.13, 10.1.16, 10.1.17, 10.1.19, 10.1.20, 10.1.24, 10.1.26, 10.2.2, 10.3.2, 10.3.3, 10.4.1, 10.4.2 and 10.4.5.*

**CARRIED (9-0)**

**10.1.5 No. 9 (Lot 212) Green Street, Corner Highlands Road, Mount Hawthorn  
- Proposed Carport Additions to Existing Single House**

<b>Ward:</b>	North	<b>Date:</b>	1 April 2004
<b>Precinct:</b>	North Perth, P8	<b>File Ref:</b>	PRO 2393; 00/33/1684
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	M Bonini		
<b>Checked/Endorsed by:</b>	D Abel	<b>Amended by:</b>	-

**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 A T Evans for the proposed carport additions to existing single house on No.9 (Lot 212) Green Street, corner Highlands Road, Mount Hawthorn, and as shown on the plans stamp-dated 16 March 2004, subject to the following conditions;*

- (i) compliance with all Building, Environmental Health and Engineering requirements;*
- (ii) a road and verge security deposit bond and/or bank guarantee of \$220 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (iii) no new 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 Highlands Road shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (iv) standard visual truncations, in accordance with the Town's Policies and to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*
- (v) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (vi) the construction of crossovers shall be in accordance with the Town's specifications;*
- (vii) the carport shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted), except where it abuts the front elevation of the existing dwelling;*
- (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; and*

(ix) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*

*to the satisfaction of the Chief Executive Officer.*

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**COUNCIL DECISION ITEM 10.1.5**

**Moved Cr Ker, Seconded Cr Lake**

*That the recommendation be adopted.*

**CARRIED (9-0)**

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**LANDOWNER:** A T Evans  
**APPLICANT:** As Above  
**ZONING:** Metropolitan Region Scheme - Urban  
Town Planning Scheme No.1 - Residential R30/40  
**EXISTING LAND USE:** Single House

**COMPLIANCE:**

Use Class	Single House
Use Classification	"P"
Lot Area	537 square metres

<b>Requirement</b>	<b>Required</b>	<b>Proposed</b>
Carports/garages and the like to secondary streets	All carports, garages...located adjacent to a secondary street are to be setback at or behind the line of the front main building wall (not open verandah, porch, portico, balcony and the like) of the nearest dwelling on the site.	In front of front main building wall.

**SITE HISTORY:**

No.9 Green Street is occupied by a single storey single house. The subject lot is situated on a corner location with frontage towards Green Street with Highlands Road representing its secondary street.

**DETAILS:**

The owner seeks approval for a double carport with frontage to Highlands Road. The proposed double carport replaces an existing carport to be demolished. The proposed location of the carport is 0.24 metres away from the Highlands Road boundary and is forward of the front main building wall.

**CONSULTATION/ADVERTISING:**

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:**

The application proposes a new carport with frontage to Highlands Road being the secondary street. The Town's Policy relating to Street Setbacks requires that garages, carports and the like are setback behind the front main building wall. In this instance, it is not possible to achieve this as the location of the existing house on site presents a physical constraint. The location of the proposed carport is best suited off the secondary street as opposed to Green Street due to high levels of traffic along this particular road.

The plans indicate 1.8 metre high solid walls on the north and south sides of the carport. This does not comply with the definition of a carport as per the Town's requirements. The definition of a carport in the R Codes is as follows;

*"A roofed structure designed to accommodate one or more motor vehicles unenclosed except to the extent that it abuts a dwelling or a property boundary on one side, and being without a door unless that door is visually permeable."*

The Town's Policy relating to Street Setbacks defines a carport as follows;

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

This aspect of the development will need to be modified to reflect the above stated definitions and the relevant condition within the Officer Recommendation.

The proposed carport is supported and recommended for approval subject to standard and appropriate conditions to address the above matters.

**10.1.13 No. 31 (Lot 71) Barlee Street, Mount Lawley - Proposed Demolition of Existing Single House**

<b>Ward:</b>	South	<b>Date:</b>	2 April 2004
<b>Precinct:</b>	Forrest, P14	<b>File Ref:</b>	PRO2695; 00/33/2066
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	N Edgecombe		
<b>Checked/Endorsed by:</b>	D Abel	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by P Newman on behalf of the owners D Markovich and EL Madden, for the proposed demolition of the existing single house at No. 31 (Lot 71) Barlee Street, Mount Lawley, and as shown on plans stamp-dated 6 February 2004, subject to:*

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

*to the satisfaction of the Chief Executive Officer.*

**COUNCIL DECISION ITEM 10.1.13**

**Moved Cr Ker, Seconded Cr Lake**

*That the recommendation be adopted.*

**CARRIED (9-0)**

**LANDOWNER:** D Markovich & EL Madden  
**APPLICANT:** P Newman  
**ZONING:** Metropolitan Region Scheme: Urban  
Town Planning Scheme No. 1 -Residential R50  
**EXISTING LAND USE:** Single House  
**LOT AREA** 473 square metres

**SITE HISTORY:**

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

**DETAILS:**

Approval is sought for the demolition of the existing dwelling.

**CONSULTATION/ADVERTISING:**

Demolition applications are not required to be advertised.

**LEGAL/POLICY:**

Town Planning Scheme No. 1 and associated Policies.

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

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

The subject dwelling at No. 31 (Lot 71) Barlee Street, Mount Lawley is a single storey brick and tile residence demonstrating two rooms with a side passageway. The kitchen and bathroom are located under the skillion roof on the east side of the dwelling. The addition of a half gabled, tiled verandah awning with arches and a garage, have significantly altered the original façade and presentation of the dwelling to the street. Internal surface treatments such as ceiling roses indicate a 1930s fit-out has taken place, and no remnants of the original kitchen, bathroom, toilet or laundry remain. Some of the original features and fittings remain such as plain skirting boards, however the dwelling has been altered such that the representative value embodied in the remaining physical fabric of the place is limited to the general form, scale and traditional street setbacks of the dwelling.

The place is not rare and is considered to be of little aesthetic, historic, scientific and social value. The place is not considered to meet the threshold for consideration of entry to the Town's Municipal Heritage Inventory and is not listed on the Interim Heritage Database. As such, it is considered reasonable that the application for the demolition of the subject dwelling be approved subject to a quality archival record and other standard conditions.

There are also no significant trees listed for this place.

**10.1.16 Nos. 139-141 (Lots 21 and 23) Oxford Street, and Lot Part 7 The Avenue, Leederville - Proposed Change of Use from Shop to Eating House and Associated Alterations and Additions**

<b>Ward:</b>	South	<b>Date:</b>	1 April 2004
<b>Precinct:</b>	Oxford Centre, P4	<b>File Ref:</b>	PRO 0300, 00/33/2091
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	V Lee		
<b>Checked/Endorsed by:</b>	D Abel	<b>Amended by:</b>	-

**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 Iredale Pedersen Hook Architects on behalf of the owners T J T and S Glavinas for proposed change of use from shop to eating house and associated alterations and additions at No. 139-141 (Lots 21 and 23) Oxford Street and Lot Part 7 The Avenue, Leederville, and as shown on plans stamp-dated 18 February 2004, subject to:*

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (iii) a road and verge security bond and /or bank guarantee of \$550 shall be lodge prior to the issue of a Building License and be held until all works have been completed and/or any damage to existing Towns assets have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (iv) a 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;*
- (v) the eating house public floor area shall be limited to a maximum of 24 square metres; and*
- (vi) prior to the issue of the Building Licence or first occupation of the development, whichever occurs first, the applicant/owner shall pay a cash-in-lieu contribution of \$744 for the equivalent value of 3 bicycle parking rails, based on the cost of supplying and installing the rails at the current price at time of determination of the application;*

*to the satisfaction of the Chief Executive Officer.*

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**COUNCIL DECISION ITEM 10.1.16**

**Moved Cr Ker, Seconded Cr Lake**

*That the recommendation be adopted.*

**CARRIED (9-0)**

**LANDOWNER:** T J T and S Glavinas  
**APPLICANT:** Iredale Pedersen Hook Architects  
**ZONING:** Metropolitan Region Scheme - Urban  
Town Planning Scheme No. 1 - District Centre  
**EXISTING LAND USE:** Shop

**COMPLIANCE:**

Use Class	Eating House
Use Classification	'P'
Lot Area	488 square metres

**SITE HISTORY:**

The subject site is a vacant shop located at the rear of the "Tip Top" Arcade along Oxford Street. The most previous use of this shop was a butchers shop.

- 14 August 2001            The Council, at its Ordinary Meeting of Council, conditionally approved signage and alterations to existing building at shop 1, being the current newsagency.
- 23 January 2003        The Town, under delegated authority, conditionally approved alterations and additions to the existing development involving the relocation of an external staircase at the rear of the development.
- 26 February 2003      The Town, under delegated authority, conditionally approved alterations and additions to existing shop and ancillary bakery at shop 5, which is currently known as Brumby's.

**DETAILS:**

The proposal involves the addition of a commercial kitchen and eating house with 20 seats. There is currently no parking available on the property.

**CONSULTATION/ADVERTISING:**

The proposal was advertised for a two week period. No submissions were received during this time.

**LEGAL/POLICY:**

Town Planning Scheme No. 1 and associated Policies.

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

In support of the application, the applicant has provided the following advice:

*"The project is a small Sushi bar in the Tip Top arcade, Oxford Street, Leederville. The food premise proposes to sell primarily takeaway Japanese food with a small dining area for a maximum of 20 patrons. The design draws its reference from Japanese culture and the take-away philosophy of the traditional Yatai's, which are carts selling sushi on the street verge.*

*The sushi bar attempts to bring a new high quality outlet to the existing arcade and attempts to create a new outdoor space and entry statement to the back end of the arcade. The proposal complements and provides a more welcoming front to this neglected part of the arcade.*

*Project summary:*

*The total area of the tenancy is 103 metres squared. The kitchen is 46 metres squared, the cool room is 8.5 metres squared, the service area is 12 metres squared and the interior dining area is 24 metres squared. The tenancy has no allocated car bays and no toilets.*

*Parking*

*The leasing area doesn't have any allocated area for car parking, however we believe the adjacent car park has more than adequate car parking for the sushi bar patrons, as it only accommodates a small number of people.*

*In addition the sushi bar will be primarily used during the day, thus having no impact on the demand for night parking."*

**Car Parking**

The existing arcade does not have any car parking provided on site. A search has been undertaken of the Town's records since 1994 and it would appear that no change of use applications have been considered by Council during this time.

A shop use requires one car parking space per 15 square metres of gross floor area. An eating house requires one car parking space per 4.5 square metres of public area.

Use	Existing car parking bays required	Proposed change of use car parking bays required
Newsagency 55 square metres of shop	3.66 car bays	3.66 car bays
Coffee shop 31 square metres of shop	2.07	2.07
Lunch Bar 63 square metres of shop	4.2	4.2
Bakery 72 square metres of shop	4.8	4.8
Subject shop 103 square metres of shop / 24 square metres of public area for eating house	6.87	5.33
<b>TOTAL</b>	<b>21.6 car bays</b>	<b>20.06 car bays</b>

The subject shop required 6.87 bays and the proposal requires 5.33 bays which is 1.54 bays less. Accordingly there is no greater shortfall in car parking and no cash-in-lieu for car parking bays is necessary in this instance.

In addition, the Policy requires that one class 1 or 2 bicycle space be provided for employees and 2 bicycle spaces provided for visitors. It is noted that there are two bicycle rails on the adjacent footpath on Oxford Street, and two bicycle rails at the rear of the building behind the National Bank. It is considered that additional bicycle rails would be excessive in this immediate location. However, it is considered appropriate that the applicant make an equivalent contribution towards the provision of bicycle rails within the Town owned car park adjacent to the development.

The owner/applicant is also encouraged to provide showers and locker facilities to encourage environmentally sustainable practices to enable people to walk or ride bicycles to work.

The proposed change of use provides 20 chairs for dine in. In accordance with Health legislation there is no need to provide public toilet facilities for this number of dine in patrons.

**Summary**

The proposed change of use is considered appropriate in this location and is supported.

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

**10.1.17 No. 264 (Lot 2) Oxford Street, Leederville - Proposed Change of Use from Shop and Workshop (Picture Framing) to Office Building and Single House**

<b>Ward:</b>	North	<b>Date:</b>	1 April 2004
<b>Precinct:</b>	Leederville P3	<b>File Ref:</b>	PRO2654; 00/33/2009
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	S Bowman		
<b>Checked/Endorsed by:</b>	D Abel	<b>Amended by:</b>	-

**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 Zed Architecture on behalf of the owners T Sim and M Braddock for a proposed change of use from shop and workshop (picture framing) to office building and single house at No.264 (Lot 2) Oxford Street, Leederville, and as shown on plans stamp dated 3 February 2004, subject to;*

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage*
- (iii) 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 gross floor area of the office component of the development shall be restricted to a maximum of 48 square metres;*
- (v) the shed/garage structure at the rear of the property is not to be used for industrial, commercial or habitable purposes;*
- (vi) the hours of operation of the office component shall be restricted to 8.00am to 6.00pm Monday to Friday, inclusive;*
- (vii) no plumbing or sanitary facilities or fixtures shall be provided to or within the shed/garage structure without the prior approval of such by the Town;*
- (x) street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s); and*
- (xi) no new front 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 Oxford Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*

*to the satisfaction of the Chief Executive Officer.*

**COUNCIL DECISION ITEM 10.1.17**

**Moved Cr Ker, Seconded Cr Lake**

*That the recommendation be adopted.*

**CARRIED (9-0)**

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**LANDOWNER:** T Sim and M Braddock  
**APPLICANT:** Zed Architecture  
**ZONING:** Metropolitan Region Scheme - Urban  
Town Planning Scheme No.1 - Residential R60  
**EXISTING LAND USE:** Shop (retail and workshop for picture framers)

**COMPLIANCE:**

Use Class	Single House, Office Building
Use Classification	'P', 'SA'
Lot Area	607 square metres

The application fully complies with the Town Planning Scheme No.1 and associated Policies, and the Residential Design Codes (R-Codes).

**SITE HISTORY:**

27 July 1994 Council granted conditional Planning Approval at its Ordinary Meeting for the existing residence to be used for the display and sale of art work and framing material and the construction of an outbuilding for storage and garage purposes.

**DETAILS:**

The applicant seeks approval to change the approved use on the subject site from shop/retail and workshop to single house and office. No alterations or additions to the existing building structure are proposed. The applicant submitted a covering letter with the application outlining the nature of the proposed use, summarised as follows:

- *The proposed use is " a combined residence for the owners and a small office 48 square metres for their design and advertising business";*
- *"expected hours of business is between 8.30am and 5.30pm Monday to Friday";*
- *"three (3) members of staff, (including the owners of the residence) will work in the office, with a number of clients and suppliers visiting the premises occasionally"; and*
- *"the office will have standard equipment such as office computers and printers".*

**CONSULTATION/ADVERTISING:**

The proposal was advertised in accordance with the "SA" procedures, with no submissions received.

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

**Structural Component**

The proposed use is to be conducted within the existing buildings with no structural modifications proposed.

**Carparking**

The Residential Design Codes (R-Codes) require two parking bays per dwelling to be provided. Two carparking bays have been provided for the exclusive use of the residential component of the development.

The Town's Policy regarding Parking and Access requires one car parking bay to be provided per 50 square metres of office gross floor area. Given the gross floor area of the office component of the development is 48 square metres, only one (1) parking bay is required in addition to the residential use parking requirements.

**Existing Outbuilding/Shed**

An existing shed approximately 82 square metres in area is located to the rear of the property. This shed was previously used as a workshop for the picture framing business that used to operate from the subject site.

The applicant has confirmed that the shed will not be used as a workshop. This has been conditioned accordingly in the Officer Recommendation.

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

**10.1.19 No. 25 (Lot 16) Anzac Road, Leederville- Proposed Subdivision**

<b>Ward:</b>	North	<b>Date:</b>	5 April 2004
<b>Precinct:</b>	Leederville P13	<b>File Ref:</b>	123145
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	J Barton		
<b>Checked/Endorsed by:</b>	D Abel	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Residential Design Codes, the Council RECOMMENDS REFUSAL to the Western Australian Planning Commission for the proposed subdivision of No. 25 (Lot 16) Anzac Road, Leederville, and as shown on the plan stamp- dated 29 August 2003 (subdivision 123145), for the following reasons:*
- (a) *the proposed subdivision does not comply with the average site area per dwelling/lot size requirement of 300 square metres as per the Residential Design Codes R30 density code;*
  - (b) *the proposed green title subdivision does not meet the performance criteria provisions under Clause 3.1.3 of the Residential Design Codes relating to variations to the minimum site area requirements, and would therefore result in the proposed subdivision being inconsistent with the orderly and proper planning and the preservation of the amenities of the locality;*
  - (c) *proposed Lot 2 is not provided with direct frontage to a dedicated road; and*
  - (d) *approval of the proposed subdivision would create an undesirable precedent for subdivision of lots with similar sizes within the area; and*
- (ii) *the Council REQUESTS the Western Australian Planning Commission that if the Commission is inclined to approve the proposed subdivision the Town is further consulted to obtain the appropriate conditions of the Town that should apply to the proposed subdivision.*

**COUNCIL DECISION ITEM 10.1.19**

**Moved Cr Ker, Seconded Cr Lake**

*That the recommendation be adopted.*

**CARRIED (9-0)**

**LANDOWNERS:** A Chadbund & N Durr  
**APPLICANT:** A Chadbund & N Durr  
**ZONING:** Metropolitan Region Scheme: Urban  
Town Planning Scheme No 1: Residential 30  
**EXISTING LAND USE:** Single house

**COMPLIANCE:**

<b>Requirements</b>	<b>Required</b>	<b>Proposed</b>
Lot size	Minimum 270 square metres and an average of 300 square metres	Lot 1 - 300 square metres Lot 2 - 299 square metres Average - 299.5 square metres
Dedicated road frontage	All lots to be provided with frontage to a dedicated road.	Proposed Lot 2 (rear) has sole vehicular access off the existing right of way and no road frontage.

Use Class	Single House
Use Classification	"P"
Lot Area	599 square metres

**SITE HISTORY:**

- 9 September 2003      Western Australian Planning Commission (WAPC) referred proposed subdivision to the Town for comment.
- 18 November 2003      WAPC advised that the time frame had expired for the Town's comments, therefore, the Commission determined the application without the Town's comments.
- 22 January 2004      WAPC resolved to refuse the proposed subdivision due to the proposal being under the required average lot area required for single houses under the R30 Density code of the Residential Design Codes, and the proposal would set an undesirable precedent for further subdivision of surrounding lots in a similar manner.
- 25 March 2004      The WAPC requested a formal response from the Town in relation to the proposed subdivision, as the applicant appealed the Commission's decision to refuse the proposed subdivision.

**DETAILS:**

The site is occupied by a single storey dwelling.

The applicant seeks to subdivide the property to create an additional lot. The new lot is located behind the existing house lot and is proposed with sole vehicular access to an existing 5 metres wide sealed Town owned, gazetted right of way, and pedestrian access via a 1.5 metre wide pedestrian access way to Anzac Road.

**CONSULTATION/ADVERTISING:**

The proposal was not required to be advertised.

**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 Residential Design Codes (R Codes) allow for consideration of a variation to the minimum lot size requirement under the performance criteria. However, in this instance the applicant seeks green title subdivision of the lots, and as such the variations permissible are not directly relevant to this application, as green title lots require road frontage and vehicular access to a public street, either directly or via a battleaxe access leg.

The R30 density code requires an average lot size of 300 square metres being achieved, whereas the applicant seeks an average of 299.5 square metres. Although the variation is considered minor, there is no justifiable reason to consider a departure from the standards in this instance in order to achieve green title subdivision, without frontage and vehicular access to a dedicated road. Also, approval to such a proposal would set an undesirable precedent for future subdivision of surrounding lots, as the subject land is surrounded by lots, which are also slightly under the required area.

On the basis of the above, it is considered that the application should be refused.

**10.1.20 Nos. 201 - 203 (Lot 1) Oxford Street, Corner Melrose Street, Leederville  
– Proposed Signage to Existing Shop**

<b>Ward:</b>	South	<b>Date:</b>	6 April 2004
<b>Precinct:</b>	Oxford Centre, P4	<b>File Ref:</b>	PRO2011; 00/33/2120
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	P Mastrodomenico		
<b>Checked/Endorsed by:</b>	D Abel	<b>Amended by:</b>	-

**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 Sonic Signs on behalf of the owners Cameraland (WA) for proposed signage to existing shop at Nos. 201 - 203 (Lot 1) Oxford Street, corner Melrose Street, Leederville, and as shown on the plans stamp dated 5 March 2004, for the following reasons:*

- (i) the proposed above roof signage is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
- (ii) the non-compliance with the Town's Policy relating to Signs and Advertising, in terms of the requirements for above roof signage.*

**COUNCIL DECISION ITEM 10.1.20**

**Moved Cr Ker, Seconded Cr Lake**

*That the recommendation be adopted.*

**CARRIED (9-0)**

**LANDOWNER:** Cameraland (WA)  
**APPLICANT:** Sonic Signs  
**ZONING:** Metropolitan Region Scheme - Urban  
 Town Planning Scheme No. 1 - Commercial  
**EXISTING LAND USE:** Shop

**COMPLIANCE:**

<b>Requirements</b>	<b>Required</b>	<b>Proposed</b>
Above Roof Signage	The signage to be an integral part of the of the design of the building and used to identify the use/activity of the development.	The signage does not form an integral part of the of the design of the building and does not identify the use/activity of the development.

Use Class	Shop
Use Classification	"P"
Lot Area	412 square metres

**SITE HISTORY:**

A conditional Planning Approval for two wall signs at the above premises was approved under delegated authority on 19 November 2003. On 21 January 2004, an additional wall sign was conditionally approved, while another wall sign was refused, on the subject premises, during the delegated authority reports 17 December 2003 - 9 February 2004 period.

**DETAILS:**

The applicant seeks approval for the following:

Above roof sign comprising:

- 3000 millimetres (width) x 1000 millimetres (length);
- 3.0 square metres in area;
- 800 millimetres above the roof line; and
- stating "Nikon".

**CONSULTATION/ADVERTISING:**

No objections were received during the advertising period.

**LEGAL/POLICY:**

Town Planning Scheme No. 1 and associated Policies.

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The Town's Policy relating to Signs and Advertising states the following;

- "a) no Above Roof Sign is permitted to be erected on buildings except where such signs are designed as an integral part of the design of the building and are for the purpose of the identification of the building, its ownership or the major activities carried on within it;
- b) pending the formulation of more detailed criteria, an Above Roof Sign other than those identified in a) above, are only permitted where it can be demonstrated that, having regard to the character of the area in which they are to be situated, they do not adversely affect its amenities or those of other areas; and"

The proposed above roof sign does not comply with the above policy requirements and is considered to have an unreasonable adverse impact on the amenity and streetscape of the area. It is therefore recommended that the above roof sign be refused.

**10.1.24 No. 9 (Lot 4106) Ellesmere Street, North Perth - Proposed Demolition of Existing Single House**

<b>Ward:</b>	North	<b>Date:</b>	1 April 2004
<b>Precinct:</b>	North Perth, P8	<b>File Ref:</b>	PRO2646; 00/33/2004
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	H Eames		
<b>Checked/Endorsed by:</b>	D Abel	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council REFUSES the applications submitted by J Kovacs on behalf of the owner International Equity Lender Pty Ltd., for the proposed demolition of the existing single house at No.9 (Lot 4106) Ellesmere Street, North Perth, as shown on the plans stamp-dated 22 December 2003, for the following reasons:*

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

**COUNCIL DECISION ITEM 10.1.24**

**Moved Cr Ker, Seconded Cr Lake**

*That the recommendation be adopted.*

**CARRIED (9-0)**

**LANDOWNER:** International Equity Lender Pty Ltd  
**APPLICANT:** J Kovacs  
**ZONING:** Metropolitan Region Scheme: Urban  
Town Planning Scheme No.1: Residential R20  
**EXISTING LAND USE:** Single House

**COMPLIANCE:**

Use Class	Single House
Use Classification	"P"
Lot Area	827 square metres

**SITE HISTORY:**

The site has an existing 1940 dwelling. The property is within the Eton Locality.

**DETAILS:**

The subject proposal involves the demolition of the existing house.

**CONSULTATION/ADVERTISING:**

Applications for the proposed demolition of existing dwellings are not required to be advertised.

**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:**

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

The property contains various mature vegetation including two mature Eucalyptus species which are included on the Town of Vincent Interim Significant Tree Database - Reference. There are no statutory conditions to require the applicant to retain these trees, however, maximum encouragement is given to facilitate their retention where possible.

The existing structure at No.9 (Lot 4106) Ellesmere Street, North Perth is a brick and tile dwelling built in 1940 by the Worker's Homes Board (WHB). The dwelling was one of a collection built by the WHB in Ellesmere, Eton and Selden Streets. The introduction of two-storey redevelopment in recent years in some sections has altered the original streetscape.

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

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

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

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

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

**10.1.26 Report on the Contaminated Sites Act 2003**

<b>Ward:</b>	Both	<b>Date:</b>	5 April 2004
<b>Precinct:</b>	All	<b>File Ref:</b>	ENS0041
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	D Brits		
<b>Checked/Endorsed by:</b>	D Abel, R Lotznicher	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the Report on the Contaminated Sites Act 2003 as "Laid on the Table";*
- (ii) *REQUESTS the Western Australian Local Government Association to develop a collective approach regarding the new legislation controlling Contaminated Sites; and*
- (iii) *RECEIVES a further report on the matter once the Western Australian Local Government Association has determined the above request.*

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**COUNCIL DECISION ITEM 10.1.26**

**Moved Cr Ker, Seconded Cr Lake**

*That the recommendation be adopted.*

**CARRIED (9-0)**

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**BACKGROUND:**

The Town has been advised that new legislation controlling Contaminated Sites is expected to commence in mid – 2004. The Contaminated Sites Act 2003 provides for the identification, recording, management and remediation of contaminated sites. At present there are no powers to require people to report known or suspected contamination, no requirements for vendors to disclose contamination when selling land, no powers to require possible contamination to be investigated and inadequate powers to require the remediation of contaminated sites. The responsibility for remediation generally falls with the landowner rather than the person who caused the contamination, and the general public has no guarantee of access to information about contaminated sites that may affect them. The Act addresses these problems, providing powers to find and rectify contamination, a fairer hierarchy of responsibility and open access to information. In brief the Act:

- will regulate the identification, classification, remediation and management of contaminated sites in WA.
- Any person who knows or suspects that a site is contaminated will have a duty to report that site to the Department of Environment.
- The Act introduces risks for property developers and financiers who have or wish to take an interest in land and owners or occupiers of land who cause or have caused contamination.

The objective of the Contaminated Sites 2003 Act is to protect human health, the environment and environmental values having regard to:

- the polluter pays principle;
- the principle of full life cycle costs; and
- the principle of waste minimisation (section 8).

#### **DETAILS:**

On 25 November 2002, the Minister for Environment, Honourable Dr Judy Edwards advised that the introduction of the new laws would be a major challenge for both the Government and the wider community. *"The Government is under no illusion that the implementation of these laws will take time - by working to identify and register all of the contaminated sites across the State,"* she said. *"Obviously, we will need to manage this step by step - with priority given to identifying and managing those sites which may pose the greatest risk to the community."*

*"It is only through introducing these new laws that we will be able to properly do this."*

The Act can be accessed on the Internet at:

[http://www.environ.wa.gov.au/downloads/1719\\_ContaminatedSites\\_Act2003.pdf](http://www.environ.wa.gov.au/downloads/1719_ContaminatedSites_Act2003.pdf)

The Department of Environment's (DoE) Guidelines for Assessing Sites can be accessed at:  
[http://www.environ.wa.gov.au/downloads/1055\\_CSMS\\_DSAP01.pdf](http://www.environ.wa.gov.au/downloads/1055_CSMS_DSAP01.pdf)

The DoE's Guidelines for Community Consultation in relation to Contaminated Sites can be accessed at:

[http://www.environ.wa.gov.au/downloads/1538\\_CSMS\\_CC02.pdf](http://www.environ.wa.gov.au/downloads/1538_CSMS_CC02.pdf)

A draft Guideline on Potentially Contaminating Activities, Industries and Land-uses has been prepared to assist local government authorities, planners, consultants, industry and the general public in identifying potential contaminants associated with specific activities industries, as part of the assessment of contaminated land and groundwater in Western Australia. An electronic copy can be accessed at:

[http://www.environ.wa.gov.au/downloads/1051\\_CSMS\\_PCAIL02.pdf](http://www.environ.wa.gov.au/downloads/1051_CSMS_PCAIL02.pdf)

#### **Essential Definitions**

"Contaminated" is defined to mean an area of land, underground water under that land or surface water on that land, having a substance at above background concentrations that presents, or has the potential to present, a risk of harm to human health, the environment or any environmental value (section 4(1)). The two keys are potential harm and a level above background concentrations. The risk or harm will depend on the type of substance, its concentration, and its exposure to humans and the environment.

"Remediation" in respect of a site that is contaminated includes:

- the attempted restoration of the site to the state it was in before the contamination occurred;
- the restriction, or prohibition, of access to, or use of, the site;
- the removal, destruction, reduction, containment or dispersal of the substance causing the contamination, or the reduction or mitigation of the effect of the substance;
- the protection of human health, the environment, or any environmental value from the contamination (section 3).

“Owner” means,

- in relation to freehold land;
  - a holder of the freehold; and
  - a mortgagee in possession;

and

- in relation to Crown land:
  - the care, control and management of which has been placed in a management body, that management body;
  - which is reserved, set apart or vested for, or dedicated to, the purposes of another written law, the person who is responsible for the administration of that Crown land while it is so reserved, set apart, vested or dedicated;
  - which comprises all, or part, of an orphan site taken in accordance with section 32 (4), the Minister; and
  - other than land referred to in subparagraph (i), (ii) or (iii), the Minister for Lands, as referred to in section 7 (1) of the Land Administration Act 1997.

"CEO" means the Chief Executive Officer of the Western Australian Department of Environment.

### **Reporting Requirements**

Section 11 explains who is obliged to report a known or suspected contaminated site to the CEO of the Department administering the Act, the Department of Environment Protection.

The following people are under a duty to report a contaminated site:

- an owner or occupier of the site;
- a person who knows, or suspects, that he or she has caused, or contributed to, the contamination; and
- an auditor engaged to provide a report that is required for the purposes of the Act in respect of the site (section 11 (4)).

The duty relates to any site that any person suspects, or knows, is contaminated.

For a site that any person knows is contaminated, that person must report it within 21 days after the day on which that person first knew that the site was contaminated, or such later period as the CEO approves in writing before the expiry of that 21 days. For a site any person suspects is contaminated, that person must report it as soon as is reasonably practicable to do so.

The maximum penalty for failing to adhere to the duty is \$250,000 (section 11(3)).

A failure to report because of reasonable belief that the site had already been reported to the CEO or the discharge which caused it was notified to the CEO, is a defence. Similarly, it is not an offence to fail to report a site identified in a programme approved by the CEO under section 12 of the Act (section 11(5)).

There is a six (6) month grace period from the date the Act comes into effect. After that period expires, a failure to report within 21 days becomes an offence (section 11(6)).

Interestingly, there is a maximum penalty of \$250,000 for a person who either reports a site maliciously or without reasonable grounds to believe or suspect that the site was contaminated (section 11(9)).

Section 12 is designed for some companies and government agencies with very large landholdings, for whom it would be impossible to investigate and report all known sites within 21 days. Under this section, if the CEO is of the opinion that it is necessary or desirable due to the number of sites or the completion of adequately identifying sites or the location and extent of sites the person may submit a programme for the CEO's approval, within six months of the commencement of the Act. The programme must outline how and by when the landholdings will be investigated and reported.

A person dealing with sites covered by an approved programme in accordance with the programme does not commit an offence if those sites are not reported within 21 days but failure to comply with the programme is an offence with a maximum penalty of \$250,000.

### **Classification of Sites**

Division 2 of the Act deals with the processes involved in the classification of sites by the CEO and schedule 1 of the Act sets out the different classifications which may be used by the CEO. These are as follows:

- Report not substantiated;
- Possibly contaminated – investigation required;
- Not contaminated – unrestricted use;
- Contaminated – restricted use;
- Remediated for restricted use;
- Contaminated – remediation required; and
- Decontaminated.

The CEO is obliged to notify of the classification given to a site within 10 days of classifying the site (section 15 (1)).

A person who reports a site can appeal against it being classified “report not substantiated”. Likewise, an owner or occupier or person responsible for remediation may appeal against a site's classification (section 18).

### **Contaminated Sites Database (Register)**

The CEO (Department of Environment) is required to maintain a database of sites classified in the following manner:

- Contaminated – remediation required;
- Contaminated – restricted use; and
- Remediated for restricted use.

This database will be publicly available and free of charge (section 19).

Records of sites classified in the following manner are also to be kept:

- Possible contaminated – investigation required;
- Not contaminated – unrestricted use; and
- Decontaminated.

Various other records are also required to be kept by the CEO (see section 20).

### **Remediation of Contaminated Sites**

The only sites that are required to be remediated under the Act are those classified at “contamination – remediation required”. Sites classified as “contaminated – restricted use” or “remediated for restricted use” still have contamination present, but need not be further remediated while the restriction on use are observed (section 23).

A person may be responsible for the remediation of a site requiring remediation:

- in accordance with section 25, if the person caused or contributed to the contamination after the commencement of the Act, whether the act that caused the contamination was done with or without lawful authority;
- in accordance with section 26, if the person own's or occupies the land and changes the use of the land; or
- in accordance with section 27 if the person owns the land before the commencement of the Act, to the extent that the person knew or suspected or had reasonable grounds to know or suspect that the site was contaminated at the time the person became the owner of the site and, even where the owner had no knowledge, suspicion or reasonable grounds to suspect the site was contaminated if the polluter is not otherwise responsible under the Act, cannot be found, made responsible for remediation or is insolvent.

Where a person caused or contributed to contamination before the commencement of the Act, the person is not responsible for remediation unless the act which caused or contributed to the contamination was done without lawful authority (section 25). An exception applies to contamination which was the result of a reasonable act carried out in an emergency situation to save life or protect property.

If the company that would otherwise be responsible for the contamination is insolvent, the directors of that company, or related companies may be responsible (section 28).

Responsibility for remediation can also be transferred to another person, with that person's written agreement and the CEO's written approval, or to the State, with the written approval of the Minister (section 30).

If a mortgagee, by taking possession of a property, becomes the person responsible for remediation, the mortgagee has 45 days in which to write to the CEO requesting that part or all of the responsibility be transferred to the State (section 31).

### **Orphan Sites**

Section 32 describes what is meant by an "orphan site" and how the State will deal with them.

An orphan site is a site for which the State has assumed responsibility because:

- No one else is responsible, or the responsible person cannot be found or made to assume responsibility; or
- The responsible person is insolvent and responsibility has not been transferred to anybody else (section 32(1)).

The Minister may secure payment to the State of the cost of action to investigate and remediate an orphan site by a charge over the site.

### **Decisions as to Responsibility for Remediation**

The Minister is to establish a Contaminated Sites Committee ("Committee"). The functions of the Committee are described in various parts of the Act and include the determination of responsibility for remediation and the resolution of some appeals (section 33).

Section 37 requires the Committee to give a person notice before it formally determines that person is responsible for remediation. The section lists a number of different things that need to be detailed in the notice.

Once the Committee makes a decision on assignment of responsibility for remediation of a site, it is to write to all the people responsible for the remediation to notify them of the decision, the details of who is responsible and to what extent, and their appeal rights (section 40).

### **Investigation, Clean Up and Hazard Abatement Notices**

A “notice” is defined to include the following:

- an investigation notice;
- a clean up notice; and
- a hazard abatement notice (section 41).

Where the CEO becomes aware that a site may be contaminated and has undertaken sufficient inquiries so that the CEO has grounds which indicate possible contamination of the site and that the site is not being appropriately investigated, monitored or assessed, the CEO may issue an investigation notice, which sets out the action to be taken to investigate, monitor and assess the site (section 49).

The CEO may issue a clean up notice in respect of a site classified as “contaminated – remediation required”, where the appropriate remediation action is not being taken. The notice must specify the action to be taken (section 50).

Where the CEO is of the opinion that there is an immediate and serious risk of harm to human health or the environment the CEO must issue a hazard abatement notice, setting out the immediate actions required to control or reduce the risk (section 51).

The following points are also relevant in relation to notices:

- A notice can be issued to a person responsible for remediation of the site or an owner or occupier of land (section 42).
- The notice requires the recipient to engage an accredited auditor to report on compliance with the notice (section 44).
- A notice must be complied with. Failure to comply with a notice is an offence with a maximum penalty of \$500,000 and a further daily penalty of \$100,000 (section 43).
- The CEO has the power to enter land to take action to ensure the relevant notice is complied with or to carry out the works specified in the notice (section 53).
- Any person on whom an investigation notice or a clean up notice is binding may appeal against any requirement of the notice (section 52(1)).
- If someone has been made responsible for remediation of a contaminated site or for complying with a notice under Part 4, and the occupier or owner refuses to cooperate, then the occupier or owner commits an offence with a maximum penalty of \$500,000 and a daily penalty of \$100,000. The Committee can make the occupier or owner responsible for complying with the notice or doing the remediation work (section 54).
- New owners of land may be subject to notices issued to a previous owner where there is a memorial registered in respect of the land under section 58.

### **Recovery of Costs**

Where someone, issued under Part 3 with a clean up notice, hazard abatement notice or investigation notice, has failed to complete the requirements of the notice, and the CEO has consequently done the work, the CEO can recover the costs of completing the requirements of the notice via legal proceedings (section 55(1)).

Likewise, if a site becomes an orphan site because the responsible person cannot be identified or found, the responsible person will be liable for any costs incurred by the State if that person is identified or found within 6 years of the site becoming an orphan site. The Committee may issue a notice to the person advising of the liability, and the costs can be recovered in Court. The person may appeal against the notice on a question of law (section 55(2)-(6)).

### **Memorials**

Division 3 of Part 5 of the Act sets out some of the provisions relating to memorials on land. The purpose of these memorials is to inform people buying or selling land, and in making decisions about how to use it, of its contamination status so contaminated land is not unknowingly purchased or inappropriately developed.

Section 58 states that a memorial is to be registered against the land title if the land is classified as contaminated or if a notice has been given under Part 4 of the Act.

The CEO is required to lodge a memorial on the land title if the land is:

- classified as contaminated – remediation required;
- classified as contaminated – restricted use;
- classified as remediated for restricted use;
- classified as possibly contaminated – investigation required;
- land on which a charge in favour of the State or a public authority has been placed as part of a transfer of responsibility for remediation (section 58 (1)).

### **Contaminated Site Auditors**

Part 7 of the Act has provisions dealing with the accreditation of contaminated site auditors (sections 69-71).

In addition to this, Part 7 has provisions dealing with the requirements that must be adhered to for mandatory auditor's reports to be acceptable (see sections 73-76).

### **Appeals**

Sections 77 and 78 state that a party aggrieved by a decision of the Committee about the responsibility for remediation, cost recovery by the State or an exemption certificate, has 21 days (or longer if the Supreme Court grants an extension) to appeal to the Supreme Court on a question of law.

Likewise, section 79 (1) states that a person who wishes to appeal against the CEO's decision about classification of a site or a notice must do so by setting out the details, in writing, to the Committee. The person has 21 days from the time they receive the notice or certificate to lodge the appeal, or a longer time as specified in the notice or certificate (section 79(2)).

### **Supporting Regulations**

Once the supporting regulations are prepared and the Act commences, site contamination issues will rapidly gain prominence in land dealings and development for owners, occupiers and financiers. The legislation will quickly establish a bank of public information on contaminated sites, which will assist the process of awareness raising.

### **CONSULTATION/ADVERTISING:**

Community consultation will occur in relation to the Draft Council Policy to be developed once supporting Regulations have been adopted by the State Government in the latter part of 2004. Consultation with the Western Australian Local Government Association (WALGA) is considered essential in order for a collective approach to be developed.

### **LEGAL/POLICY:**

Contaminated Sites Act 2003.

**STRATEGIC IMPLICATIONS:**

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

Strategies and Action Plans

- "1.1 Protect and enhance the environment and biodiversity.*
- 1.3 Develop, implement and promote sustainable urban design.*
- 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment."*

**FINANCIAL/BUDGET IMPLICATIONS:**

Unclear at this stage.

**COMMENTS:**

It is considered that as the matter is complex and will necessitate input from various professional disciplines a collective effort is deemed appropriate.

It is therefore recommended that the Council requests the Western Australian Local Government Association to develop a collective approach with regards the new legislation controlling Contaminated Sites and that the Council receives a further report on the matter once the Western Australian Local Government Association has determined this request.

**10.2.2 Proposed Dedication and Naming of the Right of Way adjacent to the Toorak Rise Sub-division in North Perth**

<b>Ward:</b>	North	<b>Date:</b>	5 April 2004
<b>Precinct:</b>	Smith's Lake P6	<b>File Ref:</b>	TES0449, 11391
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	A Munyard		
<b>Checked/Endorsed by:</b>	R Lotznicher	<b>Amended by:</b>	-

**RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report on the proposed dedication and naming of the right of way adjacent to the Toorak Rise sub-division, in its entirety;*
- (ii) *APPROVES the dedication as a public road and naming of the right of way "Laroche Lane", as shown on attached Plan 2267-RP-1;*
- (iii) *LISTS funds of \$13,500 in the 2004/2005 Right of Way Upgrade Program for the Council's consideration for the upgrading and lighting of the remaining portion of unsealed right of way ; and*
- (iv) *NOTIFIES all affected service providers, the Department for Planning and Infrastructure and the Department of Land Information of its decision.*

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**COUNCIL DECISION ITEM 10.2.2**

**Moved Cr Ker, Seconded Cr Lake**

*That the recommendation be adopted.*

**CARRIED (9-0)**

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**BACKGROUND:**

Council owned land, formerly the site of the Town's works depot, was subdivided in early 2001, simultaneously creating seventeen (17) residential lots, a newly created road (Toorak Rise), and instigation of the dedication of part of an existing right of way (ROW) as a public road. The Town has since been advised by the Department of Land Information (DLI) that they will not approve the partial dedication of the ROW, and have indicated that the entire ROW must become a public road.

**DETAILS:**

The dedication of part of the ROW, together with the obstruction of the Campsie Street leg by installation of bollards, was approved at the Ordinary Meeting of Council held on 11 April 2000. Subsequent to the requirement of DPI, the diagram of subdivision included a widening of that portion of ROW adjacent to the development resulting in that portion of ROW proposed to be dedicated being 6m wide.

The proposal involved dedication of that portion of the Town owned ROW immediately adjacent to the subdivision. This section of ROW provides vehicle access to the garaging facilities at the rear of the newly constructed dwellings fronting Toorak Rise. At either end of the portion to be dedicated, bollards have been installed to discourage through traffic from Bourke Street and particularly the Campsie Street section, which is still unsealed. It was the town's intention that the portions of ROW outside of the bollards would remain as ROW. Refer to attached Plan No. 2267-RP-1.

All necessary steps in accordance with Sections 52 and 56 of the Land Administration Act 1997 have been completed, with only DPI approval outstanding. The Department has now advised the Town that it does not support the *partial* dedication, but requires the dedication of the ROW *in its entirety*. Should this proceed there is also a requirement that the bollards must be removed and as the sections of ROW outside the bollards remain 5m in width, the Town must seek Ministerial approval for the dedication.

The ROW section north of the initial proposal is sealed and drained, and adequately lit by existing street lights. The south west ROW section, however, must be sealed and one additional street light is required to be installed.

Prior to a ROW being dedicated as a public road, it must also be named. It is proposed that the new road be named "Laroche Lane", in honour of Henry Laroche Cole, who in 1958 was appointed by the governor to be chairman of the inaugural Perth City Council. He was a building contractor, hotelier and market gardener. His significant contribution to the development of the North Perth area would be recognised by naming the new road "Laroche Lane".

#### **CONSULTATION/ADVERTISING:**

Consultation has been carried out for the initial proposal, with no objections being received. The extension of the dedication to the two sections of ROW each side of the bollards has no further impact on services in the ROW.

#### **STRATEGIC IMPLICATIONS:**

In accordance with Key Result Area One of the Strategic Plan 2003-2008 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. "(c) Review options for a Right of Way management and upgrade strategy" and "(r) Continue the street lighting improvement program".

#### **FINANCIAL/BUDGET IMPLICATIONS:**

The cost of upgrading the section of ROW between the bollard and Campsie Street, currently unsealed, is estimated to be \$8,000. One additional street light must be installed, at an estimated cost of \$5,000. Additionally, street nameplates must be supplied and installed, costing approximately \$350. The total cost of the proposal would be approximately \$13,500.

#### **COMMENTS:**

The dedication of the ROW is a necessary process initiated by the DPI conditions of subdivision approval. As the DPI have advised the Town that they require the entire ROW to be dedicated, the process must proceed in accordance with that advice. Deposited Plan 25762, which carries the status "In Order For Dealings", includes a 1m wide road widening adjacent to the ROW, and therefore the dedication of the ROW as a road must be completed as soon as possible.

**10.3.2 Authorisation of Expenditure for the Period 01 March - 31 March 2004**

<b>Ward:</b>	-	<b>Date:</b>	05 April 2004
<b>Precinct:</b>	-	<b>File Ref:</b>	FIN0005
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	M Orchard		
<b>Checked/Endorsed by:</b>	N Russell	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council CONFIRMS the;*

- (i) *Schedule of Accounts for the period 1 March – 31 March 2004 and the list of payments;*
- (ii) *direct lodgement of payroll payments to the personal bank account of employees;*
- (iii) *direct lodgement of PAYG taxes to the Australian Taxation Office;*
- (iv) *direct lodgement of Child Support to the Australian Taxation Office;*
- (v) *direct lodgement of creditors payments to the individual bank accounts of creditors; and*
- (vi) *direct lodgement of Superannuation to Local Government and City of Perth superannuation plans;*

*as shown in Appendix 10.3.2.*

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**COUNCIL DECISION ITEM 10.3.2**

**Moved Cr Ker, Seconded Cr Lake**

*That the recommendation be adopted.*

**CARRIED (9-0)**

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**DECLARATION OF INTEREST**

<b>Members/ Officers</b>	<b>Voucher</b>	<b>Extent of Interest</b>
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Nil.

**BACKGROUND:**

The Local Government Act provides for all payments to be approved by the Council. In addition the attached Schedules are submitted in accordance with Item 13 of the Local Government (Finance Management) Regulations 1996.

**DETAILS:**

The Schedule of Accounts to be passed for payment, cover the following:

<b>FUND</b>	<b>CHEQUE NUMBERS/ PAY PERIOD</b>	<b>AMOUNT</b>
<b>Municipal Account</b>		
Town of Vincent Advance Account	EFT	\$1,000,000.00
	EFT	\$877,925.74
	EFT	\$1,000,000.00
		\$1,000,000.00
		\$561,009.71
<b>Total Municipal Account</b>		<b>\$4,438,935.45</b>
<b>Advance Account</b>		
Automatic Cheques	46716-46721, 46723-46838, 46839-47109, 47112-47167	\$923,621.77
Manual Cheques		\$0.00
Transfer of Creditors by EFT Batch 218-219, 221-223, 225, 227- 229		\$3,181,335.10
Transfer of PAYG Tax by EFT	March 2004	\$144,176.60
Transfer of GST by EFT	March 2004	0
Transfer of Child Support by EFT	March 2004	\$491.54
Transfer of Superannuation by EFT City of Perth	March 2004	\$12,402.42
Local Government	March 2004	\$34,797.19
<b>Total Advance Account</b>		<b>\$4,296,824.62</b>
<b>Transfer of Payroll by EFT</b>	March 2004	<b>\$476,901.85</b>
<b>Bank Charges &amp; Other Direct Debits</b>		
Bank Charges – CBA		\$2,246.09
Lease Fees		\$1,540.10
Corporate MasterCards		\$1,830.70
Australia Post Lease Equipment		0
2 Way Rental		\$6,770.97
Loan Repayment		\$68,719.95
B/Park ATM Cash Agreement		\$330.00
<b>Total Bank Charges &amp; Other Direct Debits</b>		<b>\$81,437.81</b>
<b>Less GST effect on Advance Account</b>		<b>-\$410,194.07</b>
<b>Total Payments</b>		<b>\$8,883,905.66</b>

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2003-2008 – Key Result Area 4.2 – Governance and Management

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

**ADVERTISING/CONSULTATION:**

Nil.

**COMMENT:**

Vouchers, supporting invoices and other relevant documentation are available for inspection by Councillors at any time following the date of payment and are laid on the table.

**10.3.3 Lease Renewal - 10 Farmer Street, North Perth**

<b>Ward:</b>	North Ward	<b>Date:</b>	18 March 2004
<b>Precinct:</b>	North Perth	<b>File Ref:</b>	PRO0079
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	P Betts		
<b>Checked/Endorsed by:</b>	M Rootsey	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council APPROVES of a five (5) year lease, with five (5) year option to renew, of 10 Farmer Street, North Perth, to the Multicultural Services Centre of WA Inc.*

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**COUNCIL DECISION ITEM 10.3.3**

**Moved Cr Ker, Seconded Cr Lake**

*That the recommendation be adopted.*

**CARRIED (9-0)**

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**BACKGROUND:**

The North Perth Multicultural Services Centre WA Inc. has leased a portion of Woodville Reserve (10 Farmer Street) since January 1994 and have expressed a strong desire to renew the lease for a further five (5) years with a five (5) year option to renew.

**DETAILS:**

A five (5) year lease period is requested, commencing 1 April 2004 with a five (5) year option to renew. The North Perth Multicultural Services Centre of WA Inc. currently has 230 clients, 80% of them being Town of Vincent residents. The Centre operates as a day centre and organises activities and outings for the clients who include frail aged and younger people with disabilities. It is open seven (7) days and one (1) evening per week.

**CONSULTATION/ADVERTISING:**

N/A

**LEGAL/POLICY:**

The Town's Policy No. 1.2.8 "Terms of Lease" which specifies a five (5) year term, to a maximum of 10 (ten) years.

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2003-2008 - Key Result Area 2.1 (a) "*Seek community initiatives and involvement in the development of programs and provides facilities and other recreational resources appropriate to the Town's needs.*"

**FINANCIAL/BUDGET IMPLICATIONS:**

The Town currently receives lease payments of \$2,593.72. The rental income is linked to the annual CPI index.

**COMMENTS:**

The North Perth Multicultural Services Centre WA Inc. provides a range of specialised services to the community. It is recommended their request for a five (5) year lease be approved with a five (5) year option to renew.

**10.4.1 Use of Common Seal**

<b>Ward:</b>	-	<b>Date:</b>	6 April 2004
<b>Precinct:</b>	-	<b>File Ref:</b>	ADM0042
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	M McKahey		
<b>Checked/Endorsed by:</b>	M Rootsey	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

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

**COUNCIL DECISION ITEM 10.4.1**

**Moved Cr Ker, Seconded Cr Lake**

*That the recommendation be adopted.*

**CARRIED (9-0)**

**DETAILS:**

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

<b>Date</b>	<b>Document</b>	<b>No of copies</b>	<b>Details</b>
8/03/04	Deed of Settlement	1	Town of Vincent and Rory Williams, C/o Corser & Corser, Level 19, 109 St Georges Terrace, Perth
8/03/04	Specific Purpose Grant (SPG)	1	Chairperson of HQ Board, Mayor Nick Catania acting in the Sponsor known as Headquarter Inc of 60 Frame Court, Leederville and the Western Australian Department of Education and Training
9/03/04	Application for a New/ Balance Title	1	Town of Vincent and Department of Land Administration re: Portion of Perth Town Lots Y274 and Y275 and being part of the land on Plan 785, Portion of Perth Town Lot Y273 and being part of the land on Plan 1591, Portion of each of Perth Town Lots Y273, Y274, Y275 and Y276 relating to the dedication of the right of way known as "Oak Lane".
15/03/04	Contract Documents	2	Town of Vincent and Leederville Gardens Retirement Estate and Ms B.B. McCracken re: Unit 10, Leederville Gardens, 37 Britannia Road, Leederville
22/03/04	Section 70A	1	Town of Vincent and Ms M. Croce of Fairfield Street, Mount Hawthorn re: No. 101 (Lot 401) Fairfield Street, Mount Hawthorn
5/04/04	Local Law Amendment	1	Town of Vincent Local Law relating to Parks and Public Reserves (adopted at the Ordinary Meeting of Council held on 23 March 2004)

**10.4.2 Planning on the Edge: Planning Institute of Australia National Conference, 23-26 February 2004**

Ward:	-	Date:	31 March 2004
Precinct:	-	File Ref:	ADM0031
Attachments:	<a href="#">001</a>		
Reporting Officer(s):	Cr Ian Ker		
Checked/Endorsed by:	-	Amended by:	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report on the Planning on the Edge: Planning Institute of Australia National Conference attended by Councillor Ian Ker from 22-26 February 2004; and*
- (ii) *NOTES the information and initiatives outlined in the report.*

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**COUNCIL DECISION ITEM 10.4.2**

**Moved Cr Ker, Seconded Cr Lake**

*That the recommendation be adopted.*

**CARRIED (9-0)**

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**BACKGROUND:**

At the Ordinary Meeting of Council held on 4 November 2003 approval was given for the Executive Manager Environmental and Development Services and one Elected Member (namely Cr Ker) to attend the Planning Institute of Australia National Conference to be held in Hobart, Tasmania.

**CONSULTATION/ADVERTISING:**

Nil.

**LEGAL/POLICY:**

The Town's Policy No. 4.1.13 - "Conferences - Attendances Representation and Related Issues" - states that:

*"The following guidelines are to be considered for any proposal for representatives of the Council to attend conferences:-*

- 1) *when it is considered desirable that the Council be represented at an international and/or interstate conference, study tour, seminar or convention, up to a maximum of one Elected Member and one officer may attend;*

- 2) *following attendance at such conferences and the like, the Elected Member and officer shall submit a report within thirty days of their return to Perth the events proceedings for the Council's information and records;*
- 3) *a list be maintained on the Council's records of Elected Members and officers attendance at conferences and the like;*
- 4) *the representatives be determined by the Council and a list of previous attendance's be submitted on each occasion to assist with that decision;*
- 5) *all Conference Papers and/or Proceedings should become the property of the Town and placed in the Town Library so that they are accessible by the public;*
- 6) *the attendees produce a report on the Seminar, Conference or Study Tour, also be placed in the Town Library so that it is accessible by the public; and*
- 7) *attendees' reports are presented to Council Meetings so that during question time members of the public have an opportunity to raise questions."*

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**DETAILS:**

Cr Ker has provided the following report on his impressions of the Conference.

**Impressions from an Elected Member**

There were two themes that were repeated over and over, right from the keynote presentation by former Prime Minister Paul Keating. These were:

- ◆ subsidiarity - making decisions at the level of government that is as close as possible to those affected; and
- ◆ the importance of urban design in achieving desired planning outcomes.

Subsidiarity is important in the context of issues such as increasing density. Whilst increasing density is a strategic issue appropriately affirmed at State Government level as one contributor to achieving a range of economic, social and environmental outcomes, determining how it is best implemented should be the responsibility of local government that most directly represents those directly affected.

Bill Randolph, of the Urban Frontiers Program, University of Western Sydney, talked about the difficulty of intensifying land use in areas of fragmented title and ownership, including strata-titled blocks of flats. Ad hoc renewal often results in very poor social outcomes with poor street integration - building in disadvantage for the future.

Good urban design is one key to making density acceptable. This includes both private development and public spaces. Mike Loveday, Director of Spatial Planning, Norwich City Council (UK) and also Director of a major European Union program on city centre regeneration, spoke repeatedly of the need to ensure good design of public spaces (quoting Gordon Brown, UK Chancellor of the Exchequer - the equivalent of Peter Costello - who said "Good standards of public space are the key to urban regeneration and social inclusion" in evidence to the UK 'Liveability Review') and to ensure that cars do not dominate public spaces (whether for parking or traffic) as this suppresses historic (and present) functions and drives people away.

Loveday also quoted Jan Gehl, supporting his assertions that "People need three things from public space:

- ◆ Protection - from traffic, crime and climatic extremes;
- ◆ Comfort - ease of walking, standing and dwelling, sitting, talking and hearing, seeing (freedom from intrusive signage), visibility and being visible, ease of exchange and transitory recreation (active and passive); and
- ◆ Enjoyment - pedestrian/human scale, sensory qualities, aesthetic qualities and historic integrity."

Loveday sees this as meaning that we should do the following:

- ◆ Plan, link and regenerate public spaces;
- ◆ Regenerate major urban spaces;
- ◆ Actively manage public spaces, for example through creating and encouraging space-based activities such as festivals and street theatre; and
- ◆ Commit to and undertake quality maintenance, including graffiti removal and co-ordination of intrusive activities (such as road and utility works) to minimise intrusion in activities and the physical form.

[NOTE. These collectively assume some importance in the case of the Oxford Centre, which is the only one of our centres where there is substantial underused public space (surface car parks) that do not contribute to the sense of place and potential is not restricted by the need to accommodate large volumes of through traffic. We also own large amounts of land (car parks) that could provide substantial leverage for generating public-private partnerships in development.]

Paul Keating also stated that in his view planning must cut across the market and do so unapologetically. He averred that the role of local government is not to approve developments but to protect the interests of the community and the public domain. He saw the latter as including recognising the importance of design and ensuring consistency of scale. In this he was saying very similar things to those said by Cr Mike Montgomery at the previous day's Forum, 'Planning from the Grass Roots Up' (see below).

In speaking of inner city regeneration opportunities, Rod Duncan described the regeneration of a 50ha inner city site in Geelong, Victoria. He argued against what he called 'the simplicity of the mono-functional', which was often the result of narrow balance sheet approaches to redevelopment. In very simple terms, he talked about the need to give a name to what you are doing ('if you don't have a name, it doesn't exist'), which he saw in terms of 'articulating and co-ordinating community interest'. The Geelong project became known as the *Western Wedge*, describing both its shape and its location, and has achieved a widely-shared vision for the locality. It articulates objectives and principles, built form criteria and identifies implementation tasks required to achieve this. Nevertheless, he argued that full realisation of the area's potential will require continuing strong public planning leadership through successive layers of articulation and facilitation, including:

- ◆ local renewal strategies
- ◆ local renewal masterplans - including an integrated approach to land assembly and renewal linked closely to social and economic planning for the area
- ◆ local renewal consortia or trusts, including local public-private partnerships
- ◆ local renewal fund - including leveraging private investment

(NOTE: This presentation struck one chord and one discord.)

First the discord: Jan Gehl, in his recent presentation to PIA WA in Perth (28 January, 2004 - see below) argued that the public space/public place achievements of many cities, including his own Copenhagen, had been achieved because of rather than in spite of their not having a Master Plan. They did have clearly set out visions, goals and objectives, but Master Plans are often too big to do anything effective with - and being large, almost anyone will find something in it they disagree with. This was the fate, for example, of the Central City Plan for Perth in the mid-1990s, which most people agreed set out the right directions but contained too much specific detail for all interests to agree on. Jan said that in practice the way to achievement was through doing - implementing a series of individual, sometimes small, projects that collectively make a difference and generate acceptance of further initiatives.

Now the chord: In the Oxford Centre, the Town of Vincent has substantial land holdings currently used only for surface car parking. The Oxford Centre Study identified the potential to move to multi-storey car parking and making better use of the land in the context of the overall development of the Oxford Centre, but it did not really address how this could be achieved - there would be a substantial up-front cost to develop multi-storey car parking and the sale of land would not necessarily recoup that cost. There could well be potential, however, for involving the private sector, probably through calling for expressions of interest initially, in a public-private partnership to develop either or both Frame Court and The Avenue car parks, including the car parking component.]

#### **Planning from the Grass Roots Up: Local Government Planning Network Forum, 22 February 2004**

The theme of subsidiarity was also a central one at the Local Government Association of Tasmania/Local Government Planning Network Forum on "Planning from the Grass Roots Up", held in conjunction with the PIA Conference, which I attended on Sunday 22 February. Cr Mike Montgomery, President, Australian Local Government Association:

- ◆ Planning is about communities working together to achieve desired outcomes.
- ◆ What makes good development is not the sole preserve of architects and developers - it is the local community that has to live with the development.

Whilst Mike was concerned about local governments' being under pressure with respect to processing of development applications, this was largely a result of the complexity of planning rules, continual change, shortage of skills and the increasing expectations of developers. He was broadly supportive of the proposals of the Development Assessment Forum (see attached), especially where they simplified process and separated policy from delivery (the approval process), he was critical of what he saw as the exclusion of the community and the potential to turn planners into 'box tickers'.

The existing situation with regard to development approvals is not as bad as it is often made out to be. In NSW:

- ◆ Two-thirds are determined within the prescribed timeframe;
- ◆ Non-compliant DAs were four times more likely to exceed prescribed timelines than compliant ones;
- ◆ DAs with incomplete information were four times more likely to exceed prescribed timelines than those with full required information;
- ◆ DAs referred to State Agencies were twice as likely to exceed prescribed timelines than those not required to be referred; and
- ◆ DAs requiring advertising were twice as likely to exceed prescribed timelines than those not required to be advertised. [However, I would note that this last one is at least partly due to the greater complexity or non-compliance of those requiring advertising.]

The Development Assessment Forum (DAF) proposals ignore the reality that no matter how good or specific a policy, there will always be developments that may comply with the 'rules' but are not acceptable to the community.

The issue of subsidiarity was raised by the Chairman of the DAF, who argued that 'the more local you get, the greater the need for separation of powers (ie between policy and implementation)'. However, he did acknowledge that it was very difficult to develop 'technically excellent assessment criteria' (part of the DAF agenda) and that they would not preclude the need for exercise of judgement. Quite where that leaves the DAF proposals, I am not clear, but apparently (according to the DAF Chair), Alannah MacTiernan has said that the DAF proposals will happen in WA *over her dead body*.

An interesting sidelight of the Forum, that confirms impressions I gained from the Australian Institute of Traffic Planning and Management Conference in Sydney in September 2003, is that there appears to be a much higher level of political (elected member) interference in planning and development decisions in some other States (esp. New South Wales) than is the case in WA. The DAF agenda could be seen to be driven by issues that are a greater problem elsewhere than in WA.

Janie Dickinson, Mayor of Launceston, was a breath of fresh air - and a great advertisement for popular election of the Mayor. She has only been in local government for a few years and , to quote her own words, 'would not have become Mayor if it had been left to her fellow Councillors' - she is the first directly-elected Mayor of Launceston.

She made two important points:

- ◆ development pressures can lead to the loss of 'personality' or 'individuality' because of the application of generic solutions to local situations.
- ◆ councillors can all-too-easily end up being the 'fix it when you get it wrong' people rather than the leaders of the community - and need to be able to differentiate between the community outcomes and the private outputs (developments) of planning and development decisions.

#### **'Creating a Human Equality in the City' - Jan Gehl: Perth, 28 January 2004**

I attended a presentation by Jan Gehl on 'Creating a Human Equality in the City' on 28 January 2004. This presentation built on Jan's concept of 'Public Space/Public Place' and was in some ways a '10-years on' from his 1994 study of central Perth. Whilst his main concern is with city centres, many of his observations and principles are also applicable to smaller centres of activity, including the District Centres in Vincent.

Jan is concerned with the human dimensions of city planning. In particular, he regards people, life and vitality as the biggest attractions in a city - the buildings are only the frame.

Watching people is the greatest human activity - being watched is also important. So seats facing away from activity will not be used. Similarly, if public space is not inviting it will not be used. These become self-reinforcing - lack of people 'in the picture' is viewed as suspicious and even threatening.

Conversely, public spaces of good quality will eagerly be used.

Good public spaces bring economic activity:

- ◆ The Aarhus River, once undergrounded (under a roadway with low quality economic and social environment) is now the focus for the most expensive real estate in Denmark - after the road was dug up and the river 'liberated'.

- ◆ Copenhagen, widely regarded as one of the best people-cities in the world was not always so and had no Master Plan to 'guide' change. The change happened incrementally and cumulatively.

Jan asked the rhetorical question of how it is that we know so much about traffic and so little about how people use the city (or any urban environment). His view is that people need three things from public space:

- ◆ Protection - from traffic, crime and climatic extremes;
- ◆ Comfort - ease of walking, standing and dwelling, sitting, talking and hearing, seeing (freedom from intrusive signage), visibility and being visible, ease of exchange and transitory recreation (active and passive); and
- ◆ Enjoyment - pedestrian/human scale, sensory qualities, aesthetic qualities and historic integrity.

By way of illustration, he showed examples from his recent study of central London, most of which exhibits the exact opposite of these requirements:

- ◆ footways are often obstacle courses with masses of (poorly designed and located) street furniture;
- ◆ footpaths are narrow with frequent interruptions at road and driveways;
- ◆ roads are difficult to cross;
- ◆ poor access for people with special needs;
- ◆ pedestrian space is often constrained by railings - despite which people climb over them to cross the road where they want to;
- ◆ there are few seats;
- ◆ streetscapes are cluttered;
- ◆ the environment is inhospitable to cyclists;
- ◆ noise levels are high - so difficult to talk or hear;
- ◆ there is no space to 'promenade' - no quality walking spaces;
- ◆ there are no 'squares' - non-linear public spaces.

All in all, this sounded distressingly like a description of any of the district centres in Vincent! Most of these are, to be fair, highly constrained by being almost totally linear and having to accommodate large volumes of through traffic. The exception - to the constraints, not to the criticism - is the Oxford Centre.

### **A Conclusion**

Whilst not neglecting opportunities to enhance the amenity of other centres in the Town through streetscape upgrading and other interventions, the Oxford Centre provides a much broader canvas and a wider range of opportunities to be innovative and create something that achieves a much higher outcome for people and for business. These opportunities include:

- ◆ lack of through traffic - and the ability to reclaim space for the pedestrian and for people uses;
- ◆ land ownership by the Town;
- ◆ under-utilised land availability; and
- ◆ proximity to rail to provide non-car access from the wider region.

We can take advantage of these by developing partnerships with the private sector, reducing the financial costs to the Town (for example of providing multi-storey car parking) while enhancing our ability to achieve good design outcomes in new development in the Centre.

To do so will require new ways of thinking about the Oxford Centre and new means of demonstrating not only what the impacts would be but how we would get there (eg staging of development). We have the opportunity to be a 'case study' as an industry partner in the proposed further development of a 'virtual reality' model that has been created jointly by the Queensland Department of Public Works and Queensland University of Technology and demonstrated at the PIA Conference in Hobart. The developers (Simon Ginn and Sam Bucolo) are seeking Commonwealth Government funding to further develop the tool, but will need some 'industry partners' to contribute a small amount of money but, more importantly, data and information with which to build the model.

City of Gosnells and the Armadale Redevelopment Authority have also expressed interest in being involved, but the three WA interests are by no means mutually-exclusive.

I will be following up with Simon Ginn to get further information on how he would see such a partnership working, with a view to discussing with Council.

### Footnotes

We have, in recent times, debated the effectiveness of various forms of notifying affected members of the community about proposed developments that might affect them. I was interested to see this eminently simple (and low cost) method in use in Hobart, although it should not, of course, be at the expense of written notification to property owners who might not be resident in the immediate area.



It is also of interest that people do sometimes see value in restoring what appear to be derelict and irredeemable properties. This particular example (below) is hemmed in by other properties and is on a busy (by Hobart standards) road.



**10.4.5 Information Bulletin**

<b>Ward:</b>	-	<b>Date:</b>	6 April 2004
<b>Precinct:</b>	-	<b>File Ref:</b>	-
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	N Wilton		
<b>Checked/Endorsed by:</b>	Mike Rootsey	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Information Bulletin dated 13 April 2004 as distributed with the Agenda, be received.*

**COUNCIL DECISION ITEM 10.4.5**

**Moved Cr Ker, Seconded Cr Lake**

*That the recommendation be adopted.*

**CARRIED (9-0)**

**DETAILS:**

The items included in the Information Bulletin dated 13 April 2004 are as follows:

ITEM	DESCRIPTION
IB01	Letter from Western Power dated 25 March 2004 regarding East Perth Power Station Environmental Remediation
IB02	Water Corporation - Perth's Wastewater System Protecting our Health and our Environment
IB03	WALGA InfoPage - New Structure on Crime Prevention - Update
IB04	Western Australian Planning Commission - Statement of Planning Policy No. 5.2 Telecommunications Infrastructure; and Guidelines for the Location, Siting and Design of Telecommunications Infrastructure
IB05	Western Australian Government Gazette No. 49 - Genetically Modified Crops Free Areas Order 2004
IB06	Respondent Statement - No. 348 (Lot 32) Lord Street, Highgate - Proposed Two (2) Two-Storey Grouped Dwellings and One (1) Two-Storey Single Bedroom Grouped Dwelling, with Basement Car Parking and Stores - Appeal No. 52 of 2004
IB07	Letter to Department of Housing and Works - No. 130 (Lot 218) Coogee Street, Mount Hawthorn - Notice Appeal
IB08	Department of Housing and Works Building Note Number 17 - 2004 - Municipal Building Surveyors Certificate
IB09	Department of Health Information Sheet - Proposed Aquatic Facilities Legislation

- IB10 Letter from Department of Sport and Recreation - Community Sporting and Recreation Facilities Fund (CSRFF) - Applications
- IB11 Register of Petitions - Progress Report - April 2004
- IB12 Register of Notices of Motion - Progress Report - April 2004
- IB13 Register of Reports to be Actioned - Progress Report - April 2004

**10.1.21 No. 497 (Lot 37) Beaufort Street (Corner Mary Street), Highgate - Proposed Alterations and Additions to Approved Eating House**

<b>Ward:</b>	South	<b>Date:</b>	5 April 2004
<b>Precinct:</b>	Mount Lawley Centre, P11	<b>File Ref:</b>	PRO2340; 00/33/2088
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	P Mastrodomenico		
<b>Checked/Endorsed by:</b>	D Abel	<b>Amended by:</b>	-

**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 M Kimber on behalf of the owners P D and A D Robinson for proposed alterations and additions to approved eating house at No. 497 (Lot 37) Beaufort Street (corner Mary Street), Highgate, and as shown on plans stamp-dated 13 February 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 car parking requirements of the Town's Parking and Access Policy.*

**COUNCIL DECISION ITEM 10.1.21**

**Moved Cr Ker, Seconded Cr Lake**

*That the recommendation be adopted.*

Discussion ensued.

**CARRIED (7-2)**

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

**LANDOWNER:** P D and A D Robinson  
**APPLICANT:** M Kimber  
**ZONING:** Metropolitan Region Scheme: Urban – abuts Other Regional Road  
Town Planning Scheme No.1: Commercial – abuts Other Regional Road  
**EXISTING LAND USE:** (Shop) Eating House approved on site

**COMPLIANCE:**

Use Class	Eating House
Use Classification	"P"
Lot Area	448 square metres

Requirement	Required	Proposed
Plot ratio	N/A	N/A
Car parking *	31 bays	Nil
Bicycle parking	4 rails	5 rails

\* Refer to "Comments - Car Parking"

**SITE HISTORY:**

The Council at its Ordinary Meeting of Council held on 24 June 2003 resolved to conditionally approve an application for proposed change of use to eating house and associated alterations and additions on the subject property.

The Council at its Ordinary Meeting of Council held on 24 June 2003 resolved to conditionally approve an application for proposed demolition of the existing vehicle sales premises building and construction of a car park at No. 462 Beaufort Street (corner Broome Street). This car park was proposed to be used in conjunction with the approved eating house at No. 497 Beaufort Street.

The following condition was applied to the previous Planning Approval:

*"(i) prior to the issue of a Building Licence OR first occupation of the development, whichever occurs first, the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee, with or a grant of easement on the subject land in favour of the Town and to its satisfaction, to provide rights of access to/from and use of a minimum of 25 car parking bays on No. 462 Beaufort Street, Highgate. The subject 25 car parking bays are to be provided at no costs for use by the employees, customers and visitors of the eating house at No. 497 (Lot 37) Beaufort Street. The legal agreement shall be secured by a caveat while the grant of easement shall be registered on the Certificate(s) of Title of the subject land. The legal documentation shall be prepared by the Town's solicitors or other solicitors agreed upon by the Town. All costs associated with this condition being borne by the applicant/owner(s);"*

**DETAILS:**

The applicant is seeking to change the use from shop to eating house in a similar design to that as previously considered at the Ordinary Meeting of Council on 24 June 2003. However this application does not include any reference or connection to the proposed car park at No. 462 Beaufort Street, which was previously considered at the Ordinary Meeting of Council on 24 June 2003 to be used in conjunction with subject property, thus removing the need of providing car parking on-site as the existing premises cover 100 per cent of the existing site.

The proposed eating house has 141.26 square metres of public floor area, windows and doors interacting with Mary Street and Beaufort Street.

**CONSULTATION/ADVERTISING:**

Three submissions were received during the advertising period. The objectors, being the Hyde Park Precinct Group, The Forrest Precinct Group and Norfolk Precinct Group all address concerns over the limited amount of car parking currently available to residents and visitors of the immediate area along the Beaufort Street café strip.

**LEGAL/POLICY:**

Town Planning Scheme No. 1 and associated Policies.

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

**Proposed Use**

An eating house is a permitted use under Town Planning Scheme No.1. At the Ordinary Meeting of Council held on 24 June 2003 conditional Planning Approval was granted for an eating house in this location with a public floor area of 141.26 square metres. However, this did not commence. The Town encourages the retention of the existing streetscape along Beaufort Street. The proposed use retains the existing building and therefore maintains the existing streetscape. However the change of use to eating house results in an increased demand/need for car parking, as determined by the Town's Policy in relation to Parking and Access. There is no potential for additional parking to be provided on site as the existing building covers one hundred percent of the lot.

**Car Parking**

The Town's Policy relating to Parking and Access states the following in relation to cash in lieu car parking:

*"22) Minimum Parking Requirements*

*The Council may, in the pursuit of orderly and proper planning and the preservation of the amenities of the locality, refuse a proposed development where inadequate on-site parking has been provided. This provision is to ensure consistency when determining whether to approve an application with a parking shortfall. The additional shortfall will be required to be met using the cash in lieu contribution provision.*

*In determining whether the proposed development should be refused on car parking grounds, the following percentages should be used as a guide:*

- i) If the total parking requirement for a development (after adjustment factors have been taken into account) is 10 bays or less, cash in lieu may be provided for any shortfall."*

As the site is 100 per cent developed with an existing building, there is no opportunity to provide on-site car parking. In order to address this, the applicant has provided the following information in support of the application:

"

- 1. The land owner of the land at No 462 (Lot 2) Beaufort Street, Highgate (cnr Broome Street) providing the car spaces as part of the previous approved application 24<sup>th</sup> June 2003 for the eating house use is reluctant to sign any legal agreement which will become registered on this land title as an easement. Because this significantly reduces the use of the land and stops and inhibits the proper planning of the site in relation to the amenity of the surrounding area.*

2. *The land owner of the land No 497 (Lot 37) Beaufort Street, Highgate, who may receive the benefit of the proposed car spaces as part of the previous approved 24<sup>th</sup> June 2003 application for the eating house use, is reluctant to sign any legal agreement which will become registered on his land title as an easement. Because he believes this will significantly reduce his rights to the land and inhibit any future change of use and thus inhibit the proper planning in the immediate vicinity. He believes it will also notably reduce the value of his land.*
3. *Both land owners believe the proper planning of the area would be for the Town of Vincent would be better served if it exercised it's discretion to allow for 10 car spaces to be provided for by means of the cash in lieu provisions under the Town Planning Scheme, instead of the previous approved joint use car parking proposal with its associated car parking onerous approval conditions. Which prejudice the environmental and amenity objectives of the Town Planning Scheme.*
4. *It is the applicants understanding that the strategic planning officer's view of the No 462 (Lot 2) Beaufort Street, Highgate (cnr Broome Street), (the land providing the car spaces under the previous development approval, believes the medium and long term view for the use of this land is **not** car park. Rather in a form of mixed use development for this strategic corner location. Accordingly, an alternative use would add to the amenity and diversity of the immediate area.*
5. *The Mt Lawley Precinct Policy document describes a multi carpark located on strategic corner locations as "dead land". No 462 (Lot 2) Beaufort Street, Highgate (cnr Broome Street) clearly would better serve the community and the Mt Lawley precinct area as any other use instead of a "dead" carpark.*
6. *The Mt Lawley Precinct document encourages the development of street side mixed use. The success of this can be seen in Subiaco. It does **not** encourage the development of large car parks directly on the strip shopping/entertainment area of Beaufort Street. Therefore, this application gives Council clear grounds to use its cash in lieu provisions, to solve this problem and promote the proper planning of the Mt Lawley precinct.*
7. *The proposed car park at the corner of Beaufort and Broome Streets would not compliment its surroundings and would dominate or intrude on the existing and any future development of the area."*

Clause 10 of the Town's Parking and Access Policy allows for car parking requirements to be adjusted in certain circumstances. In this instance, the following adjustments are applicable, including the adjustment criteria and reduction factors.

Car Parking Requirement (nearest whole number): Eating House (141.26 square metres)	31 car bays
Apply the adjustment factors: <ul style="list-style-type: none"> <li>• 0.85 (within 400 metres of a bus stop)</li> <li>• 0.85 (within 400 of one or more public car parks in excess of 25 spaces -corner Barlee and Beaufort Streets and Chelmsford Road)</li> <li>• 0.95 (on site bicycle parking facilities)</li> </ul>	(0.6864) 21.28 car bays
Minus the existing shortfall on-site: (6 bays multiplied by current adjustment factor ie 6 bays x 0.6864 = 4.12 bays) *	17.16 car bays
Resultant shortfall	17.16 car bays

\* In the previous report (Item 10.1.15) considered at the Ordinary Meeting of Council held on 24 June 2003, the existing short fall calculation of 14.12 car bays was based on the previous use being a shop. Further investigation of the Town's records indicate that the actual existing shortfall applying to the site is 6 car bays, which is based on the Planning Approval granted on 24 September 1999 for the site to be used as a furniture and hardware business which fall under the use class of " showroom". On the above basis, an existing shortfall of 6 carbays (prior to adjustment factor) applies to the site rather than 14.12 carbays as stated in the previous application approved by the Town on 24 June 2003.

**Bicycle Parking Facilities:**

<b>Required</b>	<b>Provided</b>
1 space (Class 1 or 2) per 100 square metres of public area for employee, therefore 2 spaces required.	5 bicycle parking shown on plans.
2 spaces (Class 3) plus 1 space per 100 square metres of public area for visitors, therefore 3 spaces required.	5 bicycle parking shown on plans.

The Towns policy relating to Parking and access states the following;

"22) *Minimum Parking Requirements*

*The Council may, in the pursuit of orderly and proper planning and the preservation of the amenities of the locality, refuse a proposed development where inadequate on-site parking has been provided. This provision is to ensure consistency when determining whether to approve an application with a parking shortfall. The additional shortfall will be required to be met using the cash in lieu contribution provision.*

*In determining whether the proposed development should be refused on car parking grounds, the following percentages should be used as a guide:*

- i) If the total parking requirement for a development (after adjustment factors have been taken into account) is 10 bays or less, cash in lieu may be provided for any shortfall.*
- ii) If the total requirement (after adjustment factors have been taken into account) is between 11 - 40 bays, a minimum of 15 per cent of the required bays is to be provided."*

From the above, the proposal has a resultant shortfall of 20.18 car parking bays. As such, a cash in lieu contribution condition can not be considered in this instance as the total shortfall is greater than 10 bay. In regards to clause 22) ii) above, if the total requirement (after adjustment factors have been taken into account) is between 11 - 40 bays, a minimum of 15 per cent (3 bays) of the required bays is to be provided on site. In this instance as the site does not accommodate any car bays on site the proposal should be recommended for refusal.

**Summary**

In light of the above, it is considered that the proposed car parking variation to the Town's Parking and Access Policy is not supportable and as the extent of the variation will negatively impact upon the amenity of the locality. Therefore the proposal is recommended for refusal.

**10.1.22 No. 61 (Lot 139) Buxton Street, Mount Hawthorn – Proposed Carport Addition to Existing Single House**

<b>Ward:</b>	North	<b>Date:</b>	1 April 2004
<b>Precinct:</b>	Mount Hawthorn, P1	<b>File Ref:</b>	PRO 2702; 00/33/2077
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	S Bowman		
<b>Checked/Endorsed by:</b>	D Abel	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region, the Council REFUSES the application submitted by Carport Constructions on behalf of the owners W Dowling and D Ansley for the proposed carport addition to existing single house on No. 61 (Lot 139) Buxton Street North Perth, and as shown on the plans stamp-dated 10 February 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 Residential Design Codes and the Town's Policy relating to Parking and Access, regarding the design of car parking spaces.*

**Moved Cr Ker, Seconded Cr Lake**

*That the recommendation be adopted.*

Discussion ensued.

**COUNCIL DECISION ITEM 10.1.22**

**Moved Cr Ker, Seconded Cr Cohen**

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

**CARRIED (9-0)**

**LANDOWNER:** W Dowling and D Ansley  
**APPLICANT:** Carport Constructions  
**ZONING:** Metropolitan Region Scheme - Urban  
Town Planning Scheme No. 1 - Residential R30  
**EXISTING LAND USE:** Single House

**COMPLIANCE:**

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

<b>Requirements</b>	<b>Required</b>	<b>Proposed</b>
Northern side setback	1.5 metres minimum	Nil
Width of car bay	3.0 metres minimum	2.4 metres
Plot Ratio	N/A	N/A

**SITE HISTORY:**

The site is occupied by a single storey single house fronting Buxton Street. There is no right of way at the rear or sides of the property, with access to on site parking provided solely from Buxton Street.

**DETAILS:**

The applicant seeks approval for the proposed carport addition to the existing single house. The carport is proposed along the northern side of the house with access from Buxton Street. The site currently accommodates parking along the side of the house, which is accessed from Buxton Street.

**CONSULTATION/ADVERTISING:**

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

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

**Side Setback**

In accordance with the Residential Design Codes (R-Codes) the carport is required to be setback 1.5 metres from the boundary as it is longer than 9.0 metres in length. A nil setback can be considered as a variation to the R-Codes providing the adjoining affected landowner provides their consent. In this instance nil setback could be considered supportable given the adjoining neighbour has consented to the carport.

However, notwithstanding the above, it is important to note that in order to comply with the Building Code of Australia (BCA) requirements, the proposed carport roof would need to be setback 0.5 metre from the boundary.

**Design of Parking Spaces**

The R-Codes require parking bays to have a minimum width of 2.4 metres plus an extra 0.3 metres for any side confined by a wall, fence, column or pier. The additional 0.3 metre requirement is to allow sufficient room for the opening of car doors whilst the car is parked. Based on these calculations the proposed carport needs to be 3.0 metres in width. The variation of is not supported as the proposed carport is considered too narrow and does not meet R-Code requirements.

In light of the above, it is recommended that the proposal for the carport addition be refused.

**10.1.4 No. 39 (Lot 102) Farmer Street, North Perth- Two-Storey Outbuilding Addition to Existing Single House (Application for Retrospective Planning Approval)**

<b>Ward:</b>	North	<b>Date:</b>	5 April 2004
<b>Precinct:</b>	Smiths Lake, P6	<b>File Ref:</b>	PRO2450; 00/33/2051
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	J Barton		
<b>Checked/Endorsed by:</b>	D Abel	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the applicant and landowner G Bersan for a two-storey outbuilding addition to existing single house (application for retrospective Planning Approval) at No. 39 (Lot 102) Farmer Street, North Perth, and as shown on the plans stamp dated 2 February 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;*
- (iii) the outbuilding shall not be used for habitable, commercial or industrial purposes; and*
- (iv) no plumbing or sanitary facilities or fixtures shall be provided to or within the outbuilding structure without the prior approval of such by the Town;*

*to the satisfaction of the Chief Executive Officer.*

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**COUNCIL DECISION ITEM 10.1.4**

**Moved Cr Cohen, Seconded Cr Farrell**

*That the recommendation be adopted.*

**Discussion ensued.**

**LOST (0-9)**

**Reasons:**

- 1. It is an illegal structure.**
- 2. It was erected without going through the due process.**
- 3. Non-compliance of boundary wall height.**
- 4. Lack of consultation period with immediate residents.**
- 5. Consideration of the complaints received.**

**LANDOWNER:** G Bersan  
**APPLICANT:** G Bersan  
**ZONING:** Metropolitan Region Scheme: Urban  
 Town Planning Scheme No.1: Residential R30  
**EXISTING LAND USE:** Single House

**COMPLIANCE:**

Requirements	Required	Proposed
Buildings on Boundary	In areas coded R30 or higher, <u>one</u> side boundary setback may be permitted to nil for 2/3 of the length of the boundary.  Boundary walls not higher than 3 metres average, and 3.5 metres maximum.	Parapet wall is 4.125 metres in height.  .
Outbuildings	Wall height- 2.4 metres  Ridge height- 4.2 metres	Wall height = 4.1 metres  Ridge height = 5 metres (approximately)
Plot Ratio	N/A for R30 sites.	N/A
Use Class	Single House	
Use Classification	"P"	
Lot Area	657 square metres	

**SITE HISTORY:**

16 April 2003 Complaint received from an adjoining neighbour in relation to the unauthorised structure.

4 July 2003 The Town sent a letter to the landowner, G Bersan, requesting that the structure be removed from the site.

23 October 2003 The landowner lodged an appeal with the Town Planning Appeal Tribunal (TPAT), against the Town's request to demolish the unauthorised structure.

14 November 2003 The Town's respondent statement submitted to TPAT.

28 November 2003 Directions hearing. TPAT resolved to adjourn the appeal to a mediation on 20 January 2004.

20 January 2004 At the mediation, the TPAT resolved to adjourn the appeal until 26 March 2004, and directed the applicant to make an application to Council for retrospective Planning Approval.

2 February 2004 The applicant and landowner submitted an application with the Town for retrospective Planning Approval.

23 March 2004 The Town requested the directions hearing to be re-listed until after 13 April 2004, so that the Town has more time to consider the development application.

**DETAILS:**

The proposal is for retrospective Planning Approval for an existing outbuilding to the existing single house.

The mezzanine level of the outbuilding is to be used for storage only, and the lower level for the occasional hobby. The building does not have toilet or laundry facilities, and it will not be used for habitable purposes.

**CONSULTATION/ADVERTISING:**

The proposal was advertised for 14 days from 9 March 2004 until 23 March 2004, and one (1) objection was received.

The objector raised the following concerns in the submission:

- *"Was the site subdivided to accommodate this extra building? It was built right on the border line with No. 102 Angove Street"*
- *"An illegal building, once successfully approved, would open the Council door to more abuse in the future, as anyone can go ahead with whatever they like first (disrespect of the law) then get approval later (legalise an illegal activity). We certainly do not encourage this kind of lawless practice."*
- *"The windows of this two storey building should not be clear glass, in order to respect the neighbour's backyard privacy. This building should be single storey only".*
- *"We understand that each case must be treated on its own merits; it was advised that the Council must act in the public interest first; anyone else's interest must come second. The building cost of this structure cannot be a deterring factor in reinforcing the law".*

**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:**

**Building Comment**

The Town's Principal Building Surveyor advised that the unauthorised building does not contravene the Building Code of Australia (BCA). Also, given that the building will not be used for habitable purposes, a door is not required. However, the applicant plans to erect a door soon.

**Buildings on Boundaries**

The unauthorised structure includes a boundary wall on the south-eastern side of 4.125 metres in average height, in lieu of 3 metres.

The unauthorised structure is not considered to enhance the amenity of the area, and it could be argued that the structure has an adverse visual impact on the amenity of the adjoining and surrounding properties.

Notwithstanding the above, the structure complies with the overshadowing requirements of the R-Codes, and it does restrict direct sun to major openings to habitable rooms and outdoor living areas on the adjoining property. Also, the adjoining neighbours did not raise amenity issues in their letter of objection, and they objected to the proposal based mainly on the fact that the structure was constructed without Council approval, and this would set a precedence for other unauthorised buildings in the Town.

The neighbours' concerns are noted, however, this is not a valid planning concern. The neighbours' also objected to privacy issues, however, outbuildings are not habitable spaces, therefore there are no overlooking issues.

In light of the above, and given that the other neighbours did not raise any objections, and that the structure is not visible from the streetscape, the setback variation is not considered to unduly impact on the amenity of the area generally, or the streetscape, and it is therefore supported.

### **Outbuildings**

The wall height and overall height of the outbuilding does not comply with the R-Codes acceptable development requirements, as highlighted in the above Compliance table.

It should be noted that the proposal is not considered to enhance the amenity of the area, however, the neighbours did not raise any amenity concerns in the letter of objection, as mentioned previously.

Notwithstanding the above, the proposal is not visible from the street, and the overall height of the building is similar to the surrounding heights of the existing two-storey buildings in the area.

In light of the above, the proposal is not considered to create an undue impact on the area generally, and it is therefore not considered appropriate to request that the landowners to demolish the structurally sound outbuilding, on the proviso that it is not used for habitable purposes. A condition has been recommended to ensure that the building is not used for habitable purposes.

### **Privacy**

Given that the building is not to be used for habitable purposes, the R-Codes privacy setback requirements do not apply in this instance.

Notwithstanding the above, if the structure was to be assessed against the privacy setback requirements, it would comply with the R-Codes, as the south-western window at the rear is above the stairwell and is therefore not a habitable room, the western window is setback over 6 metres from the adjoining properties, and the north-eastern windows is obscure and fixed and therefore does not encroach onto the adjoining north-eastern property.

### **Conclusion**

In light of the above, the proposal is considered acceptable and approval is recommended, subject to standard and appropriate conditions being imposed, including a condition requiring the structure not to be used for habitable, commercial or industrial purposes.

**10.1.1 Further Report - No. 18 (Lot 106) Doris Street, North Perth – Proposed Alterations, Carport and Storeroom Additions and Additional Two (2) Storey Grouped Dwelling to Existing Single House**

<b>Ward:</b>	North	<b>Date:</b>	1 April 2004
<b>Precinct:</b>	North Perth, P8	<b>File Ref:</b>	PRO 2383; 00/33/1690
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	M Bonini		
<b>Checked/Endorsed by:</b>	D Abel	<b>Amended by:</b>	-

**FURTHER OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner J Seow for proposed alterations, carport and storeroom additions and additional two (2) storey grouped dwelling to existing single house on No. 18 (Lot 106) Doris Street, North Perth, and as shown plans stamp-dated 20 June 2003, subject to:*

- (i) compliance with all Building, Environmental Health and Engineering requirements;*
- (ii) a road and verge security bond or bank guarantee of \$550 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing.*
- (iii) 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 Doris 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;*
- (iv) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (v) a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
- (vi) the construction of crossovers shall be in accordance with the Town's specifications;*

- (vii) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (viii) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (ix) *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;*
- (x) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
  - (a) *the proposed dwelling, including its carport, being further setback a minimum of 0.3 metre from the east/rear boundary to accommodate a minimum 6 metres maneuvering distance from the carport;*
  - (b) *a pedestrian accessway with a minimum width of 1.5 metres being provided from Doris Street to the proposed rear dwelling along the northern side of the subject land, except where it abuts the existing dwelling where it can be a minimum width of 1 metre;*
  - (c) *the windows of bedroom 1, bedroom 2 and study on the first floor having a minimum sill height of 1.6 metres from the finished first floor level; and*
  - (d) *the proposed carport for the existing front dwelling being deleted and replaced with 2 uncovered free standing car bays.*

*The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and Town's Policies;*
- (xi) *subject to first obtaining the consent of the owners of No. 16 Doris 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. 16 Doris Street in a good and clean condition;*
- (xii) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Doris Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (xiii) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
- (xiv) *prior to the first occupation of the development, the full length and width of the right of way from Bedford Street to the northern most boundary abutting the subject land shall be sealed, drained and paved to the specifications of and supervision under the Town, at the applicant's/owner(s)' full expense; and*

- (xv) *a bond and/or bank guarantee for \$15,600 for the full upgrade of the right of way shall be lodged prior to the issue of a Building Licence;*

*to the satisfaction of the Chief Executive Officer.*

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**Moved Cr Cohen, Seconded Cr Lake**

*That the recommendation be adopted.*

Discussion ensued.

**Moved Cr Franchina, Seconded Cr Doran-Wu**

*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 the owner J Seow for the proposed carport to existing single house on No. 18 (Lot 106) Doris Street, North Perth, and as shown on plans stamp-dated 20 June 2003.*
- (ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by the owner J Seow for proposed alterations, storeroom additions and additional two (2) storey grouped dwelling to existing single house on No. 18 (Lot 106) Doris Street, North Perth, and as shown plans stamp-dated 20 June 2003, for the following reasons:*
- (a) *the developments affect on the amenity of neighbours.*
- (b) *the objections received from neighbours.*

Discussion ensued.

**AMENDMENT CARRIED (8-1)**

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

**Moved Cr Cohen, Seconded Cr Chester**

*That the following new sub-clauses (a) – (e) be added to clause (i) as follows:*

- (a) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (b) *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;*
- (c) *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;*
- (d) *the carport shall be one hundred (100) per cent open on all sides and at all times except where it abuts the front facade of the existing dwelling (open type gates/panels are permitted); and*
- (e) *compliance with all relevant Environmental Health, Engineering and Building requirements;*

*to the satisfaction of the Chief Executive Officer.*

Discussion ensued.

**AMENDMENT CARRIED (8-1)**

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

**MOTION AS AMENDED CARRIED (8-1)**

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

**COUNCIL DECISION ITEM 10.1.1**

*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 the owner J Seow for the proposed carport to existing single house on No. 18 (Lot 106) Doris Street, North Perth, and as shown on plans stamp-dated 20 June 2003.*
- (a) *the construction of crossovers shall be in accordance with the Town's specifications;*
  - (b) *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;*
  - (c) *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;*
  - (d) *the carport shall be one hundred (100) per cent open on all sides and at all times except where it abuts the front facade of the existing dwelling (open type gates/panels are permitted); and*
  - (e) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by the owner J Seow for proposed alterations, storeroom additions and additional two (2) storey grouped dwelling to existing single house on No. 18 (Lot 106) Doris Street, North Perth, and as shown plans stamp-dated 20 June 2003, for the following reasons:*
- (a) *the developments' affect on the amenity of the area.*
  - (b) *consideration of the objections received from neighbours.*

**Note:** The Presiding Member advised the meeting that it would be appropriate for the Town's Officers to review the Council Policy relating to carports in front setbacks, as the current Council has been approving applications which do not comply with the current policy.

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**FURTHER REPORT:**

The Council at its Ordinary Meeting held on 12 August 2003 received a report relating to a proposed additional two storey grouped dwelling to an existing single house with alterations and additions proposed to the existing house. Council resolved to defer its consideration of the application to further consider the applicant's contribution to the sealing of the rear right of way. The report will also address the proposed removal of the existing tree on the subject lot.

The subject tree is named Swamp Mahogany (*Eucalyptus robusta*). The Eucalypt tree is listed on the Town of Vincent's Interim Significant Tree Database - Reference. This particular tree will be removed from the register and bear no future listing.

In addition to the above, the Town's Technical Services supplied further comments in relation to the tree as stated below;

*"The tree is not indigenous to WA and originates from the Eastern States in QLD and NSW where grows along the coastal areas.*

*Upon maturity the tree can attain a height of 20 / 25 metres with a canopy spread of 10 - 20 metres. Due to their size they are generally planted within Parks and Reserves and are not suited to small backyards. The tree is also prone to shedding branches without any warning.*

*The tree at Doris Street is located on the northern side of the proposed subdivision. It is around 20m in height with a canopy spread of 10m. From the street it appears to be in a sound and healthy state of growth with cream flowers starting to appear.*

*It is not possible to see the main trunk to ascertain its condition .It is estimated it would be around twenty to thirty years old.*

*Associated site works and building construction will have an impact on the trees root system which may render the tree unstable and may contribute to its decline in health and vigour.*

*Should the resident be made to retain the tree, I feel it would be prudent for the owner/developer of the proposed strata lot to seek advice from a Qualified Arborculturalist to view the proposed building plans and his recommendations regarding the long term health/management of the tree."*

The Town's arborculturalist has verbally advised that the tree located on 18 Doris Street, which is listed on the Town's Interim Significant Tree Data Base - Reference (List 3), does not meet the threshold of entry onto the Town's Significant Tree Inventory (List 1). Therefore, the subject tree is not considered to be worthy of retention in this instance.

The Town's Technical Services have supplied comments in relation to the sealing of the right of way. The comments are as follows.

*" At the OMC of 12 August the following amendment was considered by the Council however the matter was deferred for further investigation.*

*The Councils policy on the Paving and Draining of rights of way (ROWs) deals with requests from the Town's residents wishing to upgrade a ROWs ahead of the adopted scheduled upgrade time frame.*

*In accordance with the policy the Town will contribute up to  $\frac{1}{3}$  of the overall cost to upgrade the ROW to a sealed and drained standard in subject to all adjoining property owners agreeing contribute equally a total of  $\frac{2}{3}$  of the overall costs to upgrade the private ROW.*

*The policy specifically states that "Developers required to upgrade a portion of a ROW as a condition of development approval will NOT be eligible for a ROW subsidy as outlined in the policy".*

*In addition the policy is applied to the entire ROW block and not just a portion of ROW as is required in this case.*

*If the requirement were changed to accommodate this development there will be financial implications as the budget allocation in the 2003/2004 budget for contributing to ROW upgrades was reduced to \$15,000. In addition to date very few if any ROWs have been upgraded via this method as invariably not all adjoining property owners agree to contribute to the upgrade.*

*Justification for requiring a developer to upgrade a ROW where the ROW will form the frontage to a new additional dwelling and provide sole vehicular access to the dwelling is that the owners will immediately require the Town to maintain the ROW in a trafficable condition.*

*This has previously been the case where ROW upgrade conditions were (previously) not imposed and particularly in the case of privately owned ROWs where the Town is not responsible for their upkeep. In these cases residents have become distressed due to the often deteriorated state of the unsealed ROW. "*

Further to the above, Town's Planning and Building Policy relating to Vehicle Access to Dwellings Via Right of Way, states the following within the Policy statement.

*"The Town of Vincent may allow for sole vehicular access to be provided to a residential dwelling via a Right of Way provided that:*

*...(ii) the subject right of way is drained and sealed to conform to the Town of Vincent's specifications;..."*

A maximum of two dwellings are permitted on the subject property based on the zoning being Residential R30/R40. The proposal complies with the density requirement. In addition, a plot ratio requirement does not apply to the subject proposal.

The above Further Report was originally prepared for referral to the Ordinary Meeting of Council of 9 September 2003. However, at the request of the applicant, the report was deferred until further notice. The applicant has recently requested the Town that the report be referred to the Ordinary Meeting of 13 April 2004.

In light of the above, the previous Officer's Recommendation remains unchanged except for the addition of appropriate right of way upgrading conditions.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 12 August 2003:

*"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 J Seow for proposed alterations, carport and storeroom additions and additional two (2) storey grouped dwelling to existing single house on No. 18 (Lot 106) Doris Street, North Perth, and as shown plans stamp-dated 20 June 2003, subject to:*

- (i) compliance with all Building, Environmental Health and Engineering requirements;*
- (ii) a road and verge security deposit bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*

- (iii) *no front 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 Doris Street, shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the new front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (iv) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (v) *a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
- (vi) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (vii) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (viii) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (ix) *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;*
- (x) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
  - (a) *the proposed dwelling, including its carport, being further setback a minimum of 0.3 metre from the east/rear boundary to accommodate a minimum 6 metres maneuvering distance from the carport;*
  - (b) *a pedestrian accessway with a minimum width of 1.5 metres being provided from Doris Street to the proposed rear dwelling along the northern side of the subject land, except where it abuts the existing dwelling where it can be a minimum width of 1 metre;*
  - (c) *the windows of bedroom 1, bedroom 2 and study on the first floor having a minimum sill height of 1.6 metres from the finished first floor level; and*
  - (d) *the proposed carport for the existing front dwelling being deleted and replaced with 2 uncovered free standing car bays.*

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

- (xi) *subject to first obtaining the consent of the owners of No. 16 Doris 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. 16 Doris Street in a good and clean condition;*
- (xii) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Doris Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); and*
- (xiii) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*

*to the satisfaction of the Chief Executive Officer.*

Moved Cr Lake, Seconded Cr Doran-Wu

*That the recommendation be adopted, with the following additional new clauses (xiv) and (xv);*

- "(xiv) *prior to the first occupation of the development, the full length and width of the right of way from Bedford Street to the northern most boundary abutting the subject land shall be sealed, drained and paved to the specifications of and supervision under the Town, at the applicant's/owner(s)' full expense; and*
- (xv) *a bond and/or bank guarantee for \$15,600 for the full upgrade of the right of way shall be lodged prior to the issue of a Building Licence;"*

*Cr Torre departed the Chamber at 7.20pm.*

*Debate ensued.*

*Cr Torre returned to the Chamber at 7.21pm.*

Moved Cr Lake, Seconded Cr Farrell

*That a new clause (xvi) be added as follows;*

- "(xvi) *the large gum tree on site be protected during the building works;"*

AMENDMENT CARRIED (6-2)

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

*(Cr Cohen on approved leave of absence.)*

COUNCIL DECISION ITEM 10.1.8

Moved Cr Ker Seconded Cr Doran-Wu

That this item be DEFERRED for clarification of clause (v).

Debate ensued.

CARRIED (7-1)

For

Mayor Catania  
Cr Chester  
Cr Doran-Wu  
Cr Farrell  
Cr Franchina  
Cr Ker  
Cr Torre

Against

Cr Lake

(Cr Cohen on approved leave of absence.)

LANDOWNER:

J Seow

APPLICANT:

As above

ZONING:

Metropolitan Region Scheme - Urban

Town Planning Scheme No. 1 - Residential R30/40

EXISTING LAND USE:

Grouped Dwelling

COMPLIANCE:

Requirements	Required	Proposed
<i>Setback</i>		
<i>East Ground Floor (Carport)</i>	<i>6 metres maneuvering distance</i>	<i>5.7 metres</i>
<i>Privacy Assessment</i>		
<i>Bedroom 1, Bedroom 2 and Study Windows</i>	<i>4.5 metres from boundaries for bedroom windows and 6 metres for study windows, or screening or highlight window to sill height of 1.6 metres from first floor finished floor level</i>	<i>1.5 metres sill height from first floor finished floor level</i>
<i>Use Class</i>	<i>Grouped Dwelling</i>	
<i>Use Classification</i>	<i>"P"</i>	
<i>Lot Area</i>	<i>587 square metres</i>	

**SITE HISTORY:**

No.18 Doris Street is occupied by an existing single storey single house. A right of way exists at the rear of the lot, which is Town owned and unsealed with a total width of 5 metres.

**DETAILS:**

The applicant seeks approval for front carport and rear store additions to the existing single house, and new two storey grouped dwelling with main access and orientation towards the right of way. The proposal generally complies with the Residential Design Codes (R Codes) and the Town's Town Planning Scheme No. 1 and Policies with the exception of the above non-compliances.

*CONSULTATION/ADVERTISING:*

*The proposal has been advertised and two written submissions have been received by the Town from the northern and southern neighbours. The main points raised in the first letter from the northern neighbour are as follows;*

*"1. Privacy*

*I strongly object to the windows to bedrooms 1 and 2 facing my property...as there will be significant loss of privacy. These windows could, and should, be located to the front and rear elevations which would ease the privacy issue with minimal, if any, impact on the proposed development.*

*2. Negative effect on surrounding area.*

*I strongly object to the simplistic character of the building...The development, by virtue of its height, will stand out and be clearly visible from both the street and my property.*

*Sole Vehicular Access via Right of Way*

*...I ask that you consider a final concern regarding vehicular access to the development. Council policy (policy 3.1.7) states that 'the Council may allow for sole vehicular access to be provided to a residential dwelling via a Right of Way provided that (inter alia).....the subject Right of Way is drained and sealed to conform with Councils specifications.'...I submit that Council policy is quite clear on this point, and that safety issues, such as access by emergency services, would demand that this requirement be met. I am sure that an examination of the right of way would reveal its ongoing poor condition and support my concern."*

*The second letter raises the following points;*

*"...we are concerned that the property will overlook our property and result in a reduction to our privacy.*

*...I am dismayed that we could be surrounded by two storey properties that will detrimentally effect our privacy, amenity and quality of life."*

*LEGAL/POLICY:*

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

*STRATEGIC IMPLICATIONS:*

*Nil.*

*FINANCIAL/BUDGET IMPLICATIONS:*

*Nil.*

*COMMENTS:*

*Overshadowing*

*An overshadowing assessment was conducted to establish the extent of overshadowing the development would impose onto the adjoining affected property being No. 16 Doris Street. The outcome of this assessment established that a total of 56.28 square metres of the adjoining property will be overshadowed. This equates to 8.4 percent. This is considered to be within the requirements of the Residential Design Codes (R Codes). The R Codes stipulate that the shadow cast onto the adjoining property must not exceed 35 percent. The overshadowing is therefore in full compliance with the requirements of the R Codes and considered acceptable.*

*East (Rear) Setback*

*The proposed setback variation corresponds with the lower floor of the proposed residence and is relevant to the carport distance from the right of way. For adequate maneuvering, a distance of 6 metres is required from the entry point of the carport to the opposite side of the right of way. To satisfy this requirement without reducing the car parking dimensions of the carport, the entire dwelling will need to move away from the rear boundary by 0.3 metre. This is represented in the conditions stated above.*

*Bedroom 1, Bedroom 2 and Study Windows*

*The applicant proposes highlight windows for bedrooms 1 and 2 as well as the study on the first floor of the proposal. The windows as proposed have a sill height of 1.5 metres from the finished floor level of the first floor. As per the Residential Design Codes, highlight windows require a minimum sill height of 1.6 metres. To achieve compliance the sill height has been conditioned to be changed to the required height.*

*Carport to Existing Dwelling*

*In the case of carports, the Town's Policies relating to Street Setbacks and Vehicular Access disallows carports to be located in the front setback area where there is opportunity to utilise the right of way. In this instance, a new development is proposed at the rear of the lot, which prevents use of the right of way for the front dwelling. It is considered that the streetscape should not be compromised in response to a new development and therefore will require that the carport be deleted and replaced with open free standing car bays as mentioned in the above conditions.*

*Response to Objections*

*In both letters submitted, concern is raised regarding privacy. As mentioned above, highlight windows are proposed from the first floor habitable rooms. This will ensure that the reasonable privacy of all adjoining neighbours is not disrupted. The two storey nature of the proposal as well as the appearance, are aspects that are not prohibited by the Town's requirements. Furthermore, the use of the right of way for access to the rear dwelling is encouraged and is consistent with Town's Policies relating to Vehicle Access to Dwellings Via a Right of Way, Vehicular Access and Street Setbacks.*

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

**10.2.1 Proposed Streetscape Enhancement St Albans Avenue, Highgate – Community Consultation Results**

<b>Ward:</b>	South	<b>Date:</b>	5 April 2004
<b>Precinct:</b>	Beaufort P13 & Hyde Park P12	<b>File Ref:</b>	TES0522
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	R Lotznicher		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report on the results of the Community Consultation for the Proposed Streetscape Enhancement of St Albans Avenue, Highgate;*
- (ii) *APPROVES the implementation of the streetscape proposal as outlined on attached Plan No 2257-CP-1A, estimated to cost \$45,000; and*
- (iii) *ADVISES the respondents of its resolution.*

**Moved Cr Lake, Seconded Cr Ker**

*That the recommendation be adopted subject to the Plan No "2257-CP-1A" in clause (ii) being amended to "2257-CP-1B".*

**CARRIED (9-0)**

**COUNCIL DECISION ITEM 10.2.1**

*That the Council;*

- (i) *RECEIVES the report on the results of the Community Consultation for the Proposed Streetscape Enhancement of St Albans Avenue, Highgate;*
- (ii) *APPROVES the implementation of the streetscape proposal as outlined on attached Plan No 2257-CP-1B, estimated to cost \$45,000; and*
- (iii) *ADVISES the respondents of its resolution.*

**BACKGROUND:**

*At the Ordinary Meeting of Council held on 24 February 2004, the Council received a report on a proposal to implement a "wider street" treatment in St Albans Avenue, Highgate.*

*The proposal was based on the Council's previous directive where officers were requested to explore opportunities where a street is wide enough to allow for trees to be planted in either the middle of the street or in nibs to create visual reinforcement of embayed parking.*

Streets where these initiatives have been successfully implemented to date include Cavendish, York and Stirling Streets.

After considering the report of 24 February 2004, the following resolution was adopted:

*That the Council;*

- (i) *RECEIVES the report on the Proposed Streetscape Enhancement St Albans Avenue, Highgate;*
- (ii) *APPROVES in principle the streetscape proposal as outlined in attached Plan No 2257-CP-1;*
- (iii) *CONSULTS the affected residents in St Albans Avenue giving them 14 days to provide comments on the proposal; and*
- (iv) *RECEIVES a further report at the conclusion of the consultation period.*

#### **DETAILS:**

In accordance with clause (iii) of the Council's resolution on 9 March 2004, 16 letters with an attached comment sheet and reply paid envelope, were distributed to residents in St Albans Avenue requesting their comments on the proposal as outlined on attached *Plan No 2257-CP-1*.

In addition, during the consultation period, a nearby resident arranged a residents' meeting to discuss the proposal. Several Elected Members and Officers were in attendance at the meeting which took place at St Albans Avenue on 11 March 2004.

At the conclusion of the consultation period on 24 March 2004, 16 responses had been received.

The responses received were very comprehensive due mainly to the interest generated at the residents' meeting where many issues, including matters outside the scope of the current proposal, were discussed in detail.

#### **Comments received regarding Current proposal:**

<u>Proposal</u>	<u>In Favour</u>	<u>Against</u>	<u>Ambivalent</u>
Road Resurfacing	<b>14</b>	-	2
Like wide Street feel	<b>13</b>	3	-
Trees down centre of road	<b>13</b>	3	-
Large Trees to be planted	5	4	<b>7</b>
Line Marking	4	<b>12</b>	-
Nibs at Cavendish Street	4	<b>11</b>	1
Traffic Calming at Beaufort Street	<b>12</b>	2	2
Differentiate Commercial from Residential	4	<b>7</b>	5
Flush kerbing around trees	<b>10</b>	1	5
Nibs to be brick paved	5	<b>9</b>	1
If Shrubs in nibs plant low ones	<b>10</b>	-	6
Plant native Trees	<b>8</b>	2	6

\* Note: Angophorra (Apple Gum) species in Newcastle Street (EPRA works).

**Other related Comments**

- Local Traffic Only Signage - *majority agree*
- Low profile speed hump at Beaufort St - *majority agree*
- Central island with tree at Beaufort St - *majority agree*

**Other unrelated Comments**

- Wants underground power so existing flat topped Box Trees can grow - *Majority agree*
- Block Street at Beaufort St - *majority against*
- Nightclub users park in street - Beaufort Street end - *Majority agree*
- Resident only parking - *mixed views*
- One way street - *majority against*
- City commuters park all day in street - *mixed views*

**Officers' Comments:**

Based on the wishes of the residents, the plan has been amended (refer attached Plan No. 2257-CP-1A and includes the following:

- Road resurfacing to be carried out
- Native trees planted along the centre of the road - Angophorra (Apple Gum)
- No line marking other than statutory requirements
- No nibs at Cavendish Street
- Differentiate commercial from residential
- Traffic calming at Beaufort Street
- Kerbing around trees to be flush
- Nibs to be brickpaved with some low shrubs

**CONSULTATION/ADVERTISING:**

The respondents in St Albans Avenue who responded to the proposal will be advised of the Council's resolution.

**LEGAL AND POLICY:**

N/A

**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. "*e) Continue to develop and implement streetscape enhancements.*"

**FINANCIAL/BUDGET IMPLICATIONS:**

Funds totalling \$45,000 have been allocated in the current financial year for streetscape enhancements and road resurfacing and rehabilitation in St Albans Avenue.

**COMMENTS:**

As can be seen from the results of the community consultation, the majority of residents in the street are in favour of the proposal, however, they do not want the same treatment as Cavendish Street with regard to linemarking, tree species and brick paved nibs.

The plan (2257-CP-1A) has been amended to reflect the majority of the respondents' wishes. While some other issues were raised during the consultation and residents' meeting, it is considered that these were outside of the scope of the proposal and residents had mixed views on some of these.

It is therefore recommended that the Council receives the report on the results of the Community Consultation for the Proposed Streetscape Enhancement of St Albans Avenue, Highgate, approves the implementation of the streetscape proposal as outlined on attached Plan No 2257-CP-1A, estimated to cost \$45,000, and advises the respondents of its resolution.

**10.1.11 No.80 (Lot 262) The Boulevarde, Mount Hawthorn– Proposed Partial Demolition of and Alterations and Additions to Existing Single House and Demolition of Existing Outbuilding**

<b>Ward:</b>	North	<b>Date:</b>	1 April 2004
<b>Precinct:</b>	Mount Hawthorn, P1	<b>File Ref:</b>	PRO2664; 00/33/2027
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	B Tran		
<b>Checked/Endorsed by:</b>	D Abel	<b>Amended by:</b>	-

**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 Paul Burham Architect on behalf of the owners, D and R Hoare for the proposed partial demolition of and alterations and additions to existing single house and demolition of an exiting outbuilding at No.80 ( Lot 262) The Boulevarde, Mount Hawthorn, and as shown on plans stamp-dated 14 January 2004, subject to;*

- (i) *subject to first obtaining the consent of the owners of No. 82 The Boulevarde for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary limestone wall facing No. 82 The Boulevarde in a good and clean condition;*
- (ii) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (iii) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the southern facing bedroom 3 window shall be screened with permanent obscured material and shall 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. The whole window can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject bedroom window not exceeding one square metre in aggregate in the respective subject wall, so that it is not considered to be a major opening as defined in the Residential Design Codes 2002;*
- (iv) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, any portion of the southern and eastern elevations of the verandah that has a finished floor level greater than 0.5 metre above the natural ground level, which is closer to the southern and south-eastern side boundaries than 7.5 metres, shall be screened with permanent obscured material and be non-openable to a minimum height of 1.6 metres above the finished floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*

- (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 The Boulevard shall be a maximum height of 1.2 metres above the ground adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (vi) *compliance with all relevant Environmental Health, Engineering and Building requirements, including Part 3.7.1-Fire Separation of the Building Code of Australia;*
- (vii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (viii) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title 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;*
- (ix) *a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
- (x) *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;*
- (xi) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (xii) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense; and*
- (xiii) *standard visual truncations, in accordance with the Town's Policies and/or to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*

*to the satisfaction of the Chief Executive Officer.*

**Moved Cr Farrell, Seconded Cr Doran-Wu**

*That the recommendation be adopted.*

Cr Torre departed the Chamber at 7.37pm.  
Cr Lake departed the Chamber at 7.38pm.

**Moved Cr Chester, Seconded Cr Farrell**

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

*"(iv) to protect the reasonable privacy of the adjacent residents screening shall be provided to the boundary to the satisfaction of the owner of No. 78 The Boulevard, Mount Hawthorn."*

**AMENDMENT CARRIED (7-0)**

(Crs Torre and Lake were absent from the Chamber and did not vote).

**MOTION AS AMENDED CARRIED (7-0)**

(Crs Torre and Lake were absent from the Chamber and did not vote).

Cr Torre returned to the Chamber at 7.39pm.

**COUNCIL DECISION ITEM 10.1.11**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme the Council APPROVES the application submitted by Paul Burham Architect on behalf of the owners, D and R Hoare for the proposed partial demolition of and alterations and additions to existing single house and demolition of an exiting outbuilding at No.80 ( Lot 262) The Boulevard, Mount Hawthorn, and as shown on plans stamp-dated 14 January 2004, subject to;*

- (i) subject to first obtaining the consent of the owners of No. 82 The Boulevard for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary limestone wall facing No. 82 The Boulevard in a good and clean condition;*
- (ii) street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (iii) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the southern facing bedroom 3 window shall be screened with permanent obscured material and shall 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. The whole window can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject bedroom window not exceeding one square metre in aggregate in the respective subject wall, so that it is not considered to be a major opening as defined in the Residential Design Codes 2002;*

- (iv) *to protect the reasonable privacy of the adjacent residents screening shall be provided to the boundary to the satisfaction of the owner of No. 78 The Boulevard, Mount Hawthorn.*
- (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 The Boulevard shall be a maximum height of 1.2 metres above the ground adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (vi) *compliance with all relevant Environmental Health, Engineering and Building requirements, including Part 3.7.1-Fire Separation of the Building Code of Australia;*
- (vii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (viii) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title 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;*
- (ix) *a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
- (x) *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;*
- (xi) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (xii) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense; and*
- (xiii) *standard visual truncations, in accordance with the Town's Policies and/or to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*

*to the satisfaction of the Chief Executive Officer.*

**LANDOWNER:** DS and RM Hoare  
**APPLICANT:** Paul Burnham Architect  
**ZONING:** Metropolitan Region Scheme: Urban  
 Town Planning Scheme No.1: Residential R30  
**EXISTING LAND USE:** Single House

**COMPLIANCE:**

Use Class	Single house
Use Classification	“P”
Lot Area	470 square metres

Requirements	Required	Proposed
Privacy Setbacks - to unenclosed outdoor active spaces or the equivalent which have a raised floor level of more than 0.5 metre above natural level.		
Northern - Verandah	7.5 metres; or provided with vertical and/or horizontal screening to restrict overlooking within the cone of vision.	Nil
Southern - Verandah	7.5 metres; or provided with vertical and/or horizontal screening to restrict overlooking within the cone of vision.	1.0 metre (scaled)
Eastern - Verandah (south-eastern side visual direction)	7.5 metres; or provided with vertical and/or horizontal screening to restrict overlooking within the cone of vision.	2.0 metre (scaled)
Southern - Bedroom 3 Window	4.5 metres	0.8 metre

**SITE HISTORY:**

The site currently supports a single storey single house.

The site itself is relatively flat across the block (north-south direction) and sloping away from front to back (west-east direction) resulting in the west boundary being approximately one metre higher than the eastern side.

A privately owned sealed 6 metre wide right of way abuts the eastern boundary of the subject property. The site currently accommodates an off street parking area with access via the right of way. There is also an off street tandem uncovered parking area within the front setback area, which is accessed from The Boulevard.

**DETAILS:**

The applicant is seeking to undertake partial demolition of and alterations and additions to an existing single house and demolition of an existing outbuilding. The proposed extension involves the construction of a kitchen/family room, bed rooms, laundry and open-sided verandah, which in some particular areas has the finished floor level (FFL) exceeding 0.5 metre above the natural ground level (NGL) and an over-height limestone dividing fence on the northern side boundary. The application is therefore referred to Council for consideration and determination.

**CONSULTATION/ADVERTISING:**

The application was advertised to the owners of the adjacent properties for comment and no objection was received during the consultation period.

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

Nil.

**FINACIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

**Partial Demolition**

The Town's Heritage Officer advised that the property is not listed on the Town of Vincent Municipal Heritage Inventory. As such, the proposal is subject to general provisions of the Town Planning Scheme and Policies, hence raising no objection to the proposed demolition works.

**Privacy**

A number of overlooking concerns result from the proposal sought by the applicant. Generally, these overlooking matters are due to the desired continuation of the existing raised FFL's within the residence, and the sloping nature of the existing ground levels.

The proposed bedroom 3, and a portion of family room and verandah will have a FFL greater than 0.5 metre above the NGL, ranging from 0.62 metre to 0.68 metre as shown on the submitted drawings. As such, it is considered that these elements will create overlooking concerns to the affected adjoining land owners. The east facing window to bedroom 3 and a portion of the verandah are therefore necessary to be screened to restrict the overlooking concerns.

It is noted that privacy screening to address overlooking from openings of the family room and a portion of the verandah facing the northern and eastern sides are not required as there is an approximately 3.1 metres high limestone retaining and dividing wall proposed along the northern boundary. This over height wall will perform the required privacy screening.

### **Dividing Fence Height**

There is a combined limestone retaining and dividing wall of up to 3.1 metres high along the northern allotment of the subject land. This wall exceeds the maximum height as allowed by the Town's Local Law relating to Fences, Floodlights and Other External Lights.

First schedule clause (a) of the Local Law relating to Fences, Floodlights and Other External Lights states, "*no part of a fence, including retaining wall and gate, shall exceed 2.4 metres in height.*" The proposed wall therefore conflicts with this requirement of the Town.

However clause (b) allows an over height fence subject to the approval by the Council, this particular clause states, "*a person shall not erect or alter a fence exceeding 2.4 metres in height until that person has submitted to the Chief Executive Officer and the Chief Executive Officer has approved a copy of a specifications of and a plan showing clearly the fence proposed to be erected or the alteration to be made as the case may be.*"

The affected adjoining neighbours did not object during the consultation period and the proposed wall provides adequate preventative overlooking. On this basis, the variation is considered acceptable.

### **Southern Side Setback**

Table 1 of the R Codes requires the existing and proposed side setback to be at least 1.5 metres from the boundary based on the length and height of the entire wall and several existing and new major openings within the wall. The applicant seeks an increase in the size of bedroom 2 window, and a continuation of the existing setback alignment, that being 0.8 metre from the boundary. The Town's Policy relating to "Local Character" supports additions and alterations continuing the existing side setback in order to provide a seamless extension.

The extension of approximate 8.0 metres at ground level is not considered to have any undue impact on the neighbouring property. Thus the reduced setback on the southern side is considered acceptable and subject to the attached conditions.

It is also noted that the proposed openings within 0.8 metre from the side boundary conflict with the requirements of the Building Code of Australia (BCA) however the matter can be addressed at the Building Licence application stage where the windows and door are to be fire rated in accordance with Part 3.7.1.5 of the BCA. The applicant has been advised on this matter.

### **Northern and Eastern Sides Setbacks**

Generally the proposal complies with the setback requirements of the R Codes, except some areas that may cause potential overlooking concerns that have been commented in the above Privacy section.

### **Conclusion**

The application generally complies with the relevant R Codes, and the Town's Town Planning Scheme and Policies, except as otherwise assessed in the report and the recommended planning conditions to address the non-compliance issues, combined with the no objection from the adjoining land owners, it is considered that the proposal will have no unreasonable impact on the amenity and streetscape of the area.

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

**10.1.9 No. 378-390 (Lots 1, 15, 2 and N118) Beaufort Street and No.1 ( Lots 1, 14, N115 and N117) McCarthy Street, Perth-Proposed Construction of a Five-Storey Development Comprising Twenty-Eight (28) Service Apartments and Associated Office, Eating House, Gymnasium and Basement Carparking, Three-Storey Development Comprising Twenty-Six (26) Multiple Dwellings , and Retention of a Single House Facing McCarthy Street**

<b>Ward:</b>	South	<b>Date:</b>	6 April 2004
<b>Precinct:</b>	Forrest Precinct, P14	<b>File Ref:</b>	PRO0083; 00/33/1919
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	R Rasiah		
<b>Checked/Endorsed by:</b>	D Abel	<b>Amended by:</b>	-

**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 Civic Rise Pty Ltd and Bollig Design Group on behalf of the owner Civic Rise Pty Ltd and the Water Corporation WA for proposed construction of a five-storey development comprising twenty-eight (28) service apartments and associated office, eating house, gymnasium and basement carparking, three-storey development comprising twenty-six (26) multiple dwellings , and retention of a single house facing McCarthy Street, at No.378-390 (Lots 1, 15, 2 and N118) Beaufort Street and No.1 (Lots 1, 14, N115 and N117) McCarthy Street, Perth, and as shown on plans dated October 2003 (overshadowing plan), 14 November 2003 (survey plan) and plans and elevations dated 12 March 2004, subject to the following conditions:*

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements, including provision of access, carparking and facilities for people with disabilities;*
- (ii) prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (iii) 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 to the sum of \$70,000 shall be submitted to and approved by the Town. The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development and Administrative Services 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);*

- (iv) *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;*
- (v) *subject to first obtaining the consent of the owners of No. 346 (Lot 5) 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. 346 (Lot 5) Beaufort Street description of adjoining land in a good and clean condition;*
- (vi) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (vii) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and minimum heavy vehicle access via McCarthy Street, dust and any other appropriate matters, shall be submitted to and approved by the Town;*
- (viii) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owners;*
- (ix) *all car parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications and dimensions specified in the Town's Policy relating to Parking and Access and Australian Standards AS2890.1 – "Off Street Parking;*
- (x) *prior to the first occupation of the development, one (1) class- one or two and three (3) class- three bicycle parking facilities, shall be provided at a location convenient to the entrance and within the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (xi) *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;*
- (xii) *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;*
- (xiii) *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;*

- (xiv) *doors and windows and adjacent floor areas fronting Beaufort Street shall maintain an active and interactive relationship with this street, and the accessway roller grille adjacent to the Beaufort Street frontage shall be visually permeable for a minimum of 50 per cent in accordance with the Town's Policy regarding Security Roller Shutters, Doors and Grilles on Non-Residential Buildings;*
- (xv) *prior to the first occupation of the development, the car parking spaces provided for the residential component of the development, including four (4) visitors bays, shall be clearly marked and signposted for the exclusive use of the residents of the development and shall not be in tandem arrangement unless they service the same residential unit/dwelling;*
- (xvi) *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;*
- (xvii) *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;*
- (xviii) *a road and verge security deposit bond and/or bank guarantee of \$11,000 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the Town's assets have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (xix) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (xx) *all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath levels;*
- (xxi) *a standard visual truncations, in accordance with the Town's Policies and to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*
- (xxii) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, all balconies, living rooms and bedrooms as indicated and circled (S) on the site plans within 7.5, 6.0 and 4.5 metres respectively, to the non-street boundaries, shall be screened with a permanent obscure material and be non-openable to a minimum height of 1.6 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*
- (xxxiii) *the maximum floor space for the uses shall be limited as follows:*
- *eating house (café) - 140 square metres of gross floor area open to the public; unless adequate carparking is provided for the changes in floor area use or floor space area;*

- (xxiv) *details of all street trees adjacent to the subject property shall be submitted with the Building Licence application;*
- (xxv) *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;*
- (xxvi) *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";*
- (xxvii) *prior to the issue of a Building Licence, a Construction Staging Plan shall be submitted to and approved by the Town, indicating the staging of the development and all major construction works associated with each stage, with particular reference to the planning conditions that are required to be complied with prior to the first occupation of the development;*
- (xxviii) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
- (xxix) *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 Beaufort and McCarthy Streets 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;*
- (xxx) *a raised central median island shall be provided on Beaufort Street to exclude the right hand turn from the vehicle exit from this development at the owner's full cost and subject to approval from the Department for Planning and Infrastructure;*
- (xxxi) *prior to the first occupation of the development, the full length and width of the right of way from McCarthy Street to the southern most boundary abutting the subject land shall be resealed, to the specifications of and supervision under the Town, at the applicant's/owner(s)' full expense;*
- (xxxii) *a bond and/or bank guarantee for \$ 9,500 for the full reseal of the right of way shall be lodged prior to the issue of a Building Licence;*
- (xxxiii) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Beaufort and McCarthy Street(s) verges adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

- (xxxiv) *prior to the issue of a Building Licence 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 entry access way to the north of the above property leading to Beaufort Street;*
- (xxxv) *prior to the first occupation of the development, the full length and width of the access way from Beaufort Street to the south eastern 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;*
- (xxxvi) *a bond and/or bank guarantee for \$8200 for the full upgrade of the access way and the construction of the median island shall be lodged prior to the issue of a Building Licence for this development;*
- (xxxvii) *any modification to the access way adjacent to the north boundary of this development must not impede access or egress to any adjoining lots;*
- (xxxviii) *the gymnasium and offices shall be associated, incidental and ancillary to the on-site service apartments and multiple dwellings only;*
- (xxxix) *prior to the issue of a Building Licence, the applicant/owner shall provide written documentation from all property owners who have a legal right of access over the right of carriageway (accessway) on the north side of the property that they have consented to the access arrangement proposed in the development as shown on the attached plans; and*
- (xxxx) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *a continuous and complementary awning being provided over the adjacent footpath along the Beaufort Street frontage of the service apartments development;*
  - (b) *speed humps being provided on the right of way along the rear (south) side of the property ; and*
  - (c) *the exit access way onto Beaufort Street being increased to 5.5 metres wide for the first 6.0 metres to provide for " vehicle storage";*

*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.*

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**Cr Lake returned to the Chamber at 7.40pm.**

**Moved Cr Chester, Seconded Cr Doran-Wu**

*That the recommendation be adopted subject to amendment to clause (viii) and the addition of new clause (xxxxi) to the previous recommendation, as follows:*

- "(viii) no street trees will only shall be removed; with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owners;"*

*"(xxxxi) the owners/applicants shall undertake appropriate and adequate measures for the ongoing retention of the existing single house at No.1 (Lot 14) McCarthy Street, Perth. Details of these measures shall be submitted to and approved by the Town, prior to the issue of a Building Licence;"*

Discussion ensued.

**Moved Cr Lake, Seconded**

*That the Council write to the adjacent commercial property owners to the south stating that the skip must be removed and the right of way kept open at all times prior to the first occupation of this development.*

The Presiding Member ruled that he would not accept this as a relevant amendment, as the matter did not relate to the planning approval and is an administrative matter.

Cr Chester departed the Chamber at 7.46pm.

Cr Chester returned to the Chamber at 7.47pm.

**CARRIED (9-0)**

**COUNCIL DECISION ITEM 10.1.9**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Civic Rise Pty Ltd and Bollig Design Group on behalf of the owner Civic Rise Pty Ltd and the Water Corporation WA for proposed construction of a five-storey development comprising twenty-eight (28) service apartments and associated office, eating house, gymnasium and basement carparking, three-storey development comprising twenty-six (26) multiple dwellings , and retention of a single house facing McCarthy Street, at No.378-390 (Lots 1, 15, 2 and N118) Beaufort Street and No.1 (Lots 1, 14, N115 and N117) McCarthy Street, Perth, and as shown on plans dated October 2003 (overshadowing plan), 14 November 2003 (survey plan) and plans and elevations dated 12 March 2004, subject to the following conditions:*

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements, including provision of access, carparking and facilities for people with disabilities;*
- (ii) prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (iii) 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 to the sum of \$70,000 shall be submitted to and approved by the Town. The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development and Administrative Services 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);*

- (iv) *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;*
- (v) *subject to first obtaining the consent of the owners of No. 346 (Lot 5) 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. 346 (Lot 5) Beaufort Street description of adjoining land in a good and clean condition;*
- (vi) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (vii) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and minimum heavy vehicle access via McCarthy Street, dust and any other appropriate matters, shall be submitted to and approved by the Town;*
- (viii) *no street trees shall be removed;*
- (ix) *all car parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications and dimensions specified in the Town's Policy relating to Parking and Access and Australian Standards AS2890.1 – "Off Street Parking";*
- (x) *prior to the first occupation of the development, one (1) class- one or two and three (3) class- three bicycle parking facilities, shall be provided at a location convenient to the entrance and within the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (xi) *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;*
- (xii) *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;*
- (xiii) *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;*
- (xiv) *doors and windows and adjacent floor areas fronting Beaufort Street shall maintain an active and interactive relationship with this street, and the accessway roller grille adjacent to the Beaufort Street frontage shall be visually permeable for a minimum of 50 per cent in accordance with the Town's Policy regarding Security Roller Shutters, Doors and Grilles on Non-Residential Buildings;*

- (xv) *prior to the first occupation of the development, the car parking spaces provided for the residential component of the development, including four (4) visitors bays, shall be clearly marked and signposted for the exclusive use of the residents of the development and shall not be in tandem arrangement unless they service the same residential unit/dwelling;*
- (xvi) *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;*
- (xvii) *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;*
- (xviii) *a road and verge security deposit bond and/or bank guarantee of \$11,000 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the Town's assets have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (xix) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (xx) *all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath levels;*
- (xxi) *a standard visual truncations, in accordance with the Town's Policies and to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*
- (xxii) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, all balconies, living rooms and bedrooms as indicated and circled (S) on the site plans within 7.5, 6.0 and 4.5 metres respectively, to the non-street boundaries, shall be screened with a permanent obscure material and be non-openable to a minimum height of 1.6 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*
- (xxiii) *the maximum floor space for the uses shall be limited as follows:*
- *eating house (café) - 140 square metres of gross floor area open to the public; unless adequate carparking is provided for the changes in floor area use or floor space area;*
- (xxiv) *details of all street trees adjacent to the subject property shall be submitted with the Building Licence application;*
- (xxv) *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;*

- (xxvi) *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";*
- (xxvii) *prior to the issue of a Building Licence, a Construction Staging Plan shall be submitted to and approved by the Town, indicating the staging of the development and all major construction works associated with each stage, with particular reference to the planning conditions that are required to be complied with prior to the first occupation of the development;*
- (xxviii) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
- (xxix) *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 Beaufort and McCarthy Streets 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;*
- (xxx) *a raised central median island shall be provided on Beaufort Street to exclude the right hand turn from the vehicle exit from this development at the owner's full cost and subject to approval from the Department for Planning and Infrastructure;*
- (xxxi) *prior to the first occupation of the development, the full length and width of the right of way from McCarthy Street to the southern most boundary abutting the subject land shall be resealed, to the specifications of and supervision under the Town, at the applicant's/owner(s)' full expense;*
- (xxxii) *a bond and/or bank guarantee for \$ 9,500 for the full reseal of the right of way shall be lodged prior to the issue of a Building Licence;*
- (xxxiii) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Beaufort and McCarthy Street(s) verges adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (xxxiv) *prior to the issue of a Building Licence 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 entry access way to the north of the above property leading to Beaufort Street;*

- (xxxv) *prior to the first occupation of the development, the full length and width of the access way from Beaufort Street to the south eastern 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;*
- (xxxvi) *a bond and/or bank guarantee for \$8200 for the full upgrade of the access way and the construction of the median island shall be lodged prior to the issue of a Building Licence for this development;*
- (xxxvii) *any modification to the access way adjacent to the north boundary of this development must not impede access or egress to any adjoining lots;*
- (xxxviii) *the gymnasium and offices shall be associated, incidental and ancillary to the on-site service apartments and multiple dwellings only;*
- (xxxix) *prior to the issue of a Building Licence, the applicant/owner shall provide written documentation from all property owners who have a legal right of access over the right of carriageway (accessway) on the north side of the property that they have consented to the access arrangement proposed in the development as shown on the attached plans;*
- (xxxx) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *a continuous and complementary awning being provided over the adjacent footpath along the Beaufort Street frontage of the service apartments development;*
  - (b) *speed humps being provided on the right of way along the rear (south) side of the property ; and*
  - (c) *the exit access way onto Beaufort Street being increased to 5.5 metres wide for the first 6.0 metres to provide for " vehicle storage";*
- The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and*
- (xxxxi) *the owners/applicants shall undertake appropriate and adequate measures for the ongoing retention of the existing single house at No.1 (Lot 14) McCarthy Street, Perth. Details of these measures shall be submitted to and approved by the Town, prior to the issue of a Building Licence;*

*to the satisfaction of the Chief Executive Officer.*

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**LANDOWNER:** Civic Rise Pty Ltd and Water Corporation WA  
**APPLICANT:** Civic Rise Pty Ltd and Bollig Design Group  
**ZONING:** Metropolitan Region Scheme: Urban  
Town Planning Scheme No.1: Commercial and Residential R80  
**EXISTING LAND USE:** Former Civic Theatre Restaurant and two single houses

**COMPLIANCE:**

	<b>ALLOWED/REQUIRED</b>	<b>PROPOSED</b>
No of storeys-commercial land	3 storeys (including loft)	5 storeys and basement
No of storeys-residential land	2 storeys (including loft)	3 storeys
Plot ratio	1.0 (3631 square metres)	1.474 (5355 square metres)
Carparking	122carbays	87 carbays
Setbacks:		
Ground floor-		
North	1.7 metres	1.5 to 2.2 metres
First floor-		
West	6 metres	3.5 to 5.4 metres(balcony)
North	5.7 metres	3.6 to 4.6 metres
North	3.8 metres	3 metres
East	5.5 metres	3.4 to 9.7 metres
East	7 metres	3.5 to 5.2 metres
Second floor-		
North	8.2 metres	2.4 to 5.4 metres
North	5.4 metres	2.4 to 5.4 metres
East	8.2 metres	2 to 8.6 metres
East	8.2 metres	3.5 to 5.2 metres
South	8.2 metres	1.5 to 3 metres
South	8.2 metres	1.5 to 3 metres
South	9.5 metres	3.2 metres
Third floor-		
East	11.5 metres	3.5 to 5 metres
East	10.5 metres	1.5 to 3 metres
East	10.5 metres	1.5 to 3 metres
East	12 metres	3.2 metres
Fourth floor-		
South	10.5 metres	1.5 to 6.5 metres
South	10.5 metres	1.5 to 6.5 metres
South	13.5 metres	3 metres
Privacy Setbacks:		
Bedroom	4.5 metres	Less than 4.5, 6.0 and 7.5 metres
Lounge (living room)	6 metres	
Balcony	7.5 metres	

**Density-**

The residential density of R80 only applies to the residential component of the above proposal. The maximum potential of the site is therefore 27 multiple dwellings and one single house. The proposed development is 12 single multiple dwellings, 14 two-bedroom multiple dwellings and retention of the one single house, which is well within the density requirements applying to the site. There is no density requirements for service apartments, which are considered as a commercial development. The above sites are zoned Residential and Commercial.

Use Class	Service apartments and multiple dwelling
Use Classification	"SA" (service apartments), and "P" and "AA" (multiple dwellings)
Lot Area	3631 square metres for 8 lots.

### **SITE HISTORY:**

The adjacent lot to the south of the above property along Beaufort Street and McCarthy Street is also zoned commercial with the lots to the north being residential zoned lots. The existing buildings on the site include a single house, which is vacant, another single house facing McCarthy Street, which is occupied, and a theatre and restaurant (Civic Theatre), which has since ceased operating. There is currently a right of way (ROW) which connects McCarthy Street to Bulwer Street to the rear (south side) of the development site. The ROW at the rear (south) side is sealed and owned by the Town. There is also a right of carriageway shown on the site survey to the north of the above site, which is owned by private individuals and unsealed.

9 March 2004: At its Ordinary Meeting, the Council conditionally approved the demolition of the Civic Theatre Restaurant and one (1) single house at Nos. 378-390 (Lots 1, 15, 1 and 2) Beaufort Street, Perth, but- refused the proposed demolition of the existing single house at No. 1 (Lot 14) McCarthy Street, Perth,

### **DETAILS:**

The existing "Civic Theatre" and one (1) of the two (2) other single houses are to be demolished for the construction of a five-storey development comprising twenty-eight (28) service apartments and associated office, eating house, gymnasium, basement carparking, and a three-storey development comprising twenty six (26) multiple dwellings. The single house at No.1 McCarthy Street is to be retained. The revised plans dated 12 March 2004 indicate retention of No. 1 McCarthy Street as part of the redevelopment.

The service apartments would be sold as investment apartments and managed by Quest Apartments or another operator. The multiple dwellings will be sold permanently and controlled by a body corporate. The proposed 28 service apartments are made up of 24 two-bedrooms and 4 three-bedroom apartments. Each of the 28 apartments can be further used as two separate units if required. The applicants have advised that most service apartments are now designed to operate in such a manner to cater for varying demand needs.

The information provided by the applicant in support of the proposal is summarised as follows:

- The design submitted is considered a viable option for the site and achieves a balanced outcome for all parties concerned. The proposal is a significant urban renewal project. A detailed heritage report and traffic impact report has been submitted.
- The lots are to be amalgamated. The Water Corporation who own some of the parcels of land have advised that the existing sewer, which is located on the site is still operational and needs to be protected by way of an easement with all cost being borne by the developer.
- The floor area of the café open to the public is 140 square metres.
- A continuous canopy will be provided along Beaufort Street in front of the service apartments. The façade of the gymnasium and the indoor pool will be visually permeable, with open style fencing for the multiple dwellings.
- All BCA requirements will be fulfilled and complied with during the Building Licence stage.
- Provision of 87 carbays, which include one carbay for person with disabilities.

- The service apartments are likely to have a 60 to 70 percent occupancy rate. There is also a high level of reciprocity between the service apartment users and the café, and the likely use of the café by local businesses and residents, who would probably walk to the facility. Based on the above calculation as indicated in the traffic impact study, 79 carbays are required by the proposed development, which is based on Road Traffic Authority (RTA) NSW "Guidelines to Traffic Generating Development", which is based on actual traffic survey data of existing developments.

#### **CONSULTATION/ADVERTISING:**

The above proposal has been advertised in the local newspapers, sign on site and letters to adjacent landowners. A further letter to owners and occupiers along McCarthy Street had been sent out on 14 January 2004 giving another 14 days to comment. The initial advertising period was 21 days as required for "SA" advertising for the service apartments. There was also an Elected Members' briefing undertaken by the applicants in regard to the above proposal on 15 January 2004.

The revised plans received on 12 March 2004 have not been advertised as they include modifications addressing concerns raised by residents during the initial advertising period.

The concerns raised by residents during the advertising period can be summarised as follows:

- Traffic and access along McCarthy Street and ROW will be increased, as this is the only vehicular access proposed. Traffic has been underestimated and unrealistically catered for. The ROW is a narrow one way lane. There will be an increased use by heavy vehicles. Access onto Beaufort Street should be looked into. The submitted traffic impact study should be revised to provide a more realistic assessment of traffic split and resultant impact. The current ROW is not wide enough to cater for the increase in traffic and would result in serious safety issues for both vehicles and pedestrians. Difficulty in accessing the ROW from Bulwer Street, which means that most vehicles will be using McCarthy Street for access. McCarthy Street should be partly blocked with bollards to reduce traffic flows.
- There is a short fall in carparking provided on-site. No carparking is provided for visitors.
- The proposed eating house (café) is to be open to the public.
- Shortage of time and lack of consultation to comment as the advertising was during the holiday season.
- Issue of bulk, scale and height of building and non-compliance with the Policy requirements as the developers have taken the development to the extreme. The development is not only out of character for the area, large concessions are being requested to be supported.
- No concessions should be given to the setbacks around No.3 McCarthy Street.
- Has the developers addressed the issue of adverse possession with regard to the shared driveway between No(s) 1 and 3 McCarthy Street?
- The McCarthy Street elevation submitted to the Council is incorrect.
- There is a concern about the level of privacy afforded to the adjoining residences.
- Apartments should be designed to open up to the ROW and McCarthy Street, rather than a wall along the street.
- Objection to the removal of the 2 trees in front of No 1 and 3 McCarthy Street.
- Concerned about cottages being demolished, as along McCarthy Street, there are 5 intact worker's cottages that should be saved. This has been highlighted in the developers own heritage report.
- The bins areas are to be adequately screened.
- Open space and landscaped gardens are above street level and will be private and not visible.

- Overshadowing of adjoining gardens.
- Pedestrian problems have not been addressed in the proposal.
- Increased noise levels.
- Adverse impact on the amenity and lifestyle of residents. Removal of large trees on the McCarthy Street frontage.
- Damage impact of underground carpark on adjoining established properties.
- Concerned about the proposed 3 metre high wall and roller doors along McCarthy Street.
- Development should be designed to address McCarthy Street.
- Proposed private open spaces are not visible from ground level.
- Pool should be relocated further south to avoid noise being an issue.
- Over shadowing of the next door gardens at No.1 McCarthy Street.

Positive comments received:

- Welcome development of the site.
- Commend heritage report submitted with application.

Since the above, the applicants have had two onsite meetings with some Elected Members and concerned neighbours.

The applicant has submitted the following additional summarised information (attached) in response to the matters raised in the submissions received from the public:

- Revised plans received by the Town on 12 March 2004 have been prepared after meeting and consulting with the Town's Elected Members, residents and Officers, which has been prepared at substantial time, effort and cost, resulted in the retention of the single house at No. 1 McCarthy Street and additional access of Beaufort Street. Furthermore the access from the rear ROW to the site when accessing from Bulwer Street will be a left in and right out only movements, thereby restricting traffic along McCarthy Street. The proposal will enhance the area, create a safer environment for the community and will benefit the Town and the community as a whole. On the above basis it is requested that the Town favourably consider the above proposal.
- The development has been setback from the adjoining property to the north to avoid any future problems relating to adverse possession of land.
- The revised traffic layout will significantly reduce traffic on to McCarthy Street, as demonstrated in the revised traffic impact study. A new ingress and a separate egress is proposed onto Beaufort Street. Additional lighting will be provided along the ROW's.
- The service apartments will not incorporate any conference or function facilities of any nature.
- The café is designed for use of service apartment's residents, adjoining residential apartments and the immediate neighbourhood.
- The gymnasium is for the internal use by residents. The alfresco dining component will create movement and vibrancy at street level.
- Attached are drawings of sections of the proposed development to the scale of developments on the opposite side of Beaufort Street, which incorporate a seven and three and a half storey developments.

The proposal has been referred to Western Australian Planning Commission (WAPC) as the proposal abuts Beaufort Street, which is classified as an "Other Regional Road". Further more two new access crossovers have been proposed for with a left in and a left out access only onto Beaufort Street.

The WAPC has conditionally approved the subject development under the provision of the Metropolitan Region Scheme due to regional planning implications and subject to the following conditions:

1. *Prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title.*
2. *The proposed development shall be set back behind the proposed Beaufort Street road widening land requirement as indicated on the attached Metropolitan Region Scheme Land Requirement Plan No. 1.3562/3.*
3. *The land required for road widening as shown on Metropolitan Region Scheme Land Requirement Plan No. 1.3562/3 to be ceded free of cost without any compensation to the Crown.*
4. *The right-of-way adjoining the south eastern boundary of the subject land shall be widened by 0.485 metres, such widening being shown on the Diagram or Plan of Survey as a "Public Right of Way" and vested in the Crown under section 20A of the Town Planning and Development Act, such land to be ceded free of cost and without any compensation by the Crown. (LG)*
5. *The 0.485 metre widening required by Condition 3 shall be drained, sealed and paved full width to the satisfaction of the Western Australian Planning Commission. (LG)*
6. *The applicant/owner to demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right-of-way abutting the south eastern boundary of the subject land.*
7. *A comprehensive photographic archival record of existing buildings be made prior to any demolition being carried out on the site to the satisfaction of the Western Australian Planning Commission.(LG)*

#### **ADVICE TO THE APPLICANT**

1. *Prior to the determination of any proposed strata plan appropriate tenure arrangements shall be in place for encroachments within the Beaufort Street road reserve.*

*Note: Letter 'd' advises the applicant that the approval is made under the MRS and that the applicant must also obtain a development approval under the local TPS from the local authority."*

#### **LEGAL/POLICY:**

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

#### **STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/ BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

**Uses**

The site falls within the Forrest Precinct. The Policy relating to the Forrest Precinct states that residential development are to comply with the Policies relating to Residential Design Guidelines, Residential Development and TPS.1. The Brigatti Locality Plan Policy states that new contemporary developments are encouraged, provided that they respond to the established character. A limited number of non-residential uses for day-day needs of local residents can be considered, including the retention of existing buildings indicative of the area will be encouraged.

For the Commercial area, uses should be of low intensity. Furthermore, any new buildings should be of a scale similar to the majority of adjacent buildings and those in the immediate locality, and comprise a consistent built form. Control should be exercised over the nature of uses and their design to minimise impact of any adjacent residential landuse. Adequate carparking is to be provided on-site to ensure unreasonable commercial parking does not spill on to the adjacent residential areas.

Where mixed use developments are proposed on the same site, they should be compatible so as to function without undue interference from one another so that the amenity of all uses is safeguarded.

**Commercial Car Parking Requirements**

Requirements as per Parking and Access Policy	Required No. of Carbays
Eating house (café): 1 carbay per 4.5 square metres gross floor area open to the public (proposed 140 square metres).	31.11carbays
Total carparking required before adjustment factor (nearest whole number)	31 carbays
Apply the parking adjustment factors.	(0.6864 )
<ul style="list-style-type: none"> <li>▪ 0.85 (within 400 metres of a bus stop)</li> <li>▪ 0.85 (within 400 metres of one or more public car parks in excess of 50 spaces)</li> <li>▪ 0.95 (provision of bicycle parking facilities)</li> </ul>	21.28 carbays
Carparking provided on site for commercial component	22 carbays
Resultant surplus	0.72 carbay

**Residential and Service Apartments Car Parking Requirements**

Car parking requirements for the residential component of the development have been calculated using the requirement for multiple dwellings and single bedroom multiple dwellings from the Residential Design Codes (R Codes). The residential component requires forty (40) carbays, which is inclusive of four (4) visitor carbays. It is considered appropriate that a minimum of four (4) carbays are made available for visitors use associated with the multiple residential units, which are to be marked and sign posted on-site accordingly, even though there would be the potential availability of after hours additional carbays set aside for the cafe.

The applicant has further advised that for service apartments, a 100 percent full occupancy is rare. One of the most successful service apartments in Perth is located in Subiaco, where the average occupancy is 85 percent. If the carparking was based on 60/70 percent occupancy as per the details given in the traffic impact study, the carparking requirement for the service apartments would be 36/42 carbays. The carbays required as per the Town's Parking and Access Policy is 60 carbays. The applicant is providing 25 carbays for the service apartment use, which equates to approximately 41.66 percent of the required amount. The 25 carbays figure is considered acceptable taking into account the reciprocity involved between the café and the service apartments users.

On the above basis, a total of forty (40) carbays are required for the residential units, with the balance of twenty-two (22) carbays being provided for the eating house (café) and twenty-five (25) carbays being allocated for the service apartments is considered reasonable for this particular proposal.

**Bicycle Parking Requirements:**

<b>Requirements</b>	<b>Required</b>	<b>Provided</b>
<b>Restaurant</b>		
1 space per 100 (proposed 140) square metres public area for employees (class 1 or 2).	1.4 spaces	No bicycle parking facilities shown on the plans
2 spaces plus 1 space per 100 (proposed 140) square metres for visitors (class 3).	3.4 spaces	

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

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

**Height**

The Town's Policy relating to the Forrest Precinct - Building Height permits a maximum height of three-storeys, including a loft, within the commercial zoned land and two-storey including a loft for the residential zoned land. The site is separated by a rear road and ROW to the adjacent residential dwellings, which are either single or two-storey in height, but abuts a site to the north, which has a single-storey house. The building to the south is a two-storey commercial building. There is a seven and three and a half storey development on the northern side of Beaufort Street, directly opposite the above site.

In this instance, a five-storey development and basement carparking and a three-storey development are considered acceptable in the context of the height, scale and nature of adjacent commercial/ residential buildings.

**Privacy**

To overcome the potential overlooking aspect, which is evident in the proposal, it is recommended that all openings to balconies, living rooms and bedrooms windows within 7.5, 6.0 and 4.5 metres respectively from the non-street and ROW boundaries be screened to a height of 1.6 metres from the finished floor level above 0.5 metres from natural ground level with fixed obscured glass or other similar material to the satisfaction of the Town, so as to comply with the privacy requirements of the Residential Design Codes. By imposing the above privacy conditions will in fact reduce the setback variations proposed as the setbacks to the lot boundaries will be based on non-major opening rather than major openings for the bedrooms and living rooms.

### **Setbacks**

The setback variations requested are partly due to the height of the proposal. Most of the other high rise developments if they were to be built under current standards would also involve setback variations. With the imposition of privacy requirements as per the R-Codes, the setback variations requested will be further reduced. However due to the nature of the development, there will still be setback variations involved. It is considered that the proposed setback variations are within acceptable limits and not to unduly affect the general amenity of the area as all major openings have been conditioned to be adequately screened. It is to be also noted that the owners have made efforts to retain one of the existing single houses due to heritage grounds, which has some effect on the setbacks proposed. There are also other site constraints such as the requirements of Water Corporation in protecting their sewer infrastructure running through the site. The visual impact of the development when viewed from the street is also reduced due to the staggering of the heights of the five and three storey development and its context within other similar high rise development in the immediate area.

### **Plot Ratio**

The plot ratio requirement applicable to the site is 1.0 (3631 square metres) under the R80 requirements. The proposed plot ratio is 1.474 (5355 square metres) which excludes the ground floor for the service apartments. If the service apartment was solely dealt with as a separate application on the commercial zoned land as currently proposed, then there would not have been any plot ratio requirements.

In mixed use development sites, if too high standards are imposed, there is a probability that this would discourage the concept of mixed use developments. In the past, for mixed use developments, the Town has considered higher plot ratios provided that the "total development package" fits in with the surrounding development and the likely benefits to be achieved by such integrated developments.

On the above basis, the proposed plot ratio variation is considered reasonable and is supported.

### **Open Space**

For mixed use developments, if the multiple dwellings are located above the commercial units, only balcony space is needed to be provided. The balconies provided comply with the R-Codes requirements (i.e. 1.5 metres deep and 4 metres long). However Policy 3.4.5 (Mixed Residential/Commercial Development) does not state that any open space is required to be provided for separate multiple dwellings on the same lot. The non provision of open space is consistent with the R-Codes under clause 4.2.1 where it states that open space is generally "nil".

### **Overshadowing**

The proposal generally complies with the solar access requirements as indicated in the R-Codes, with most of the overshadowing over the adjoining lot to the south at No.346 Beaufort Street. The adjoining southern lot is a commercially zoned and developed for commercial purposes. The overshadowing requirements generally apply to residential zoned lots. As such the overshadowing is considered acceptable in this instance.

### **Traffic and Access**

In regards to the impact that the latest amendments to this proposed development will have on present traffic flows, Engineering Services has advised that all traffic from this development is now directed away from McCarthy Street either along the rear ROW to Bulwer Street or directly to Beaufort Street. Therefore any increase in traffic volume in McCarthy Street should be negligible (only errant drivers prepared to make difficult manoeuvres). As stated in the traffic impact study by Shawmac Pty Ltd, 70 percent (189 vehicles per day (VPD)) of the generated traffic will use the Beaufort Street accesses and the remaining 30 percent (81 VPD) will use the rear ROW to or from Bulwer Street. Vehicles turning right into the proposed access from Beaufort Street may cause some hold up along Beaufort Street however this should only occur during peak hours and should be of no great consequence.

To ensure no right turn into Beaufort Street from the proposed vehicle exit the Town will require a central median island to be constructed at the owner's/developer's expense on Beaufort Street to block this manoeuvre. The amendments proposing the access to and from Beaufort Street can only be supported if a legal right of access to the access way on the north of the proposed development can be obtained by the developers, and if a one way traffic arrangement can be agreed upon by all other legal users of this access way. Speed humps are recommended along the rear south side ROW.

The applicants propose a one-way access from Beaufort Street, which accesses the adjoining lot (Lot 3) to the north of the development site, which is currently used by the landowner for access to the rear of the subject site. The only potential is that there is a possibility of the adjoining landowner to the north exiting the site onto Beaufort Street.

On the whole the above proposal is supportable in terms of traffic and access.

### **Trees**

Both the trees on the McCarthy Street frontage adjacent to the above site are to be retained. There is currently one (1) tree on site which is listed on the Town's Interim Significant Tree Data Base Reference (List 3), which is proposed to be removed. There is no objection to the removal of the above tree on-site, as there is not legal status that the Town can impose that the subject tree be retained. The proposed development requires the tree to be removed.

### **Bin Storage**

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

### **Demolition**

Two of the above buildings on-site (former Civic Theatre and a single house) have been conditionally approved for demolition by the Council at its Ordinary Meeting held on 9 March 2004. The remaining one (1) single house at No. 1 McCarthy Street is being retained and has been incorporated within the above development proposal.

### **Other Matters**

The issues relating to noise, adverse possession, interaction between the ROW and McCarthy Street, pedestrian access and damage to neighbouring properties is addressed in the revised plans and the submission lodged by the applicants(attached).

### **Summary**

The proposal is supported as it is considered not to unreasonably affect the amenity of the adjacent or surrounding properties. It is therefore recommended that the proposal be approved, subject to standard and appropriate conditions to address the above matters and the nature of a mixed use development.

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

<b>Ward:</b>	South	<b>Date:</b>	5 April 2004
<b>Precinct:</b>	Beaufort, P13	<b>File Ref:</b>	PRO1822; 00/33/2132
<b>Attachments</b>	<a href="#">001 002</a>		
<b>Reporting Officer(s):</b>	V Lee, H Eames		
<b>Checked/Endorsed by:</b>	D Abel	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Metropolitan Region Scheme and the Town of Vincent Town Planning Scheme No.1 the Council APPROVES the application submitted by R S Anderson on behalf of the landowner Sydney Anderson Automotives Pty Ltd for proposed demolition of the existing vehicle sales premises and construction of a three-storey mixed-use development comprising seven offices and seven multiple dwellings on No.216 (Lot 101) Stirling Street, corner of Brewer Street, Perth, and as shown on plans dated 4 February 2004 (carport and stores floor plan and elevations) and 10 March 2004, subject to;*

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

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

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

- (iv) *a detailed landscaping plan, including a schedule of plant species, the provision of one shade tree per four uncovered car parking spaces and the landscaping and reticulation of the Stirling Street and Brewer Street verges adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (v) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (vi) *a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
- (vii) *all car parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications and dimensions specified in the Town's Policy relating to Parking and Access and Australian Standards AS2890.1 – "Off Street Parking";*
- (viii) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (ix) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (x) *standard visual truncations, in accordance with the Town's Policies and/or to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular access ways to ensure that the safety of pedestrians and other road users is not compromised;*
- (xi) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (xii) *subject to first obtaining the consent of the owners of No. 210 Stirling Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing south in a good and clean condition;*
- (xiii) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (xiv) *an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (xv) *prior to the first occupation of the development, the applicant/owner(s) shall, in at least 12-point size writing, advise (prospective) purchasers of the residential units/dwellings that:*

- (a) *they may be subject to activities, traffic, car parking and/or noise not normally associated with a typical residential development; and*
- (b) *they should recognise and accept that in selecting to reside in this locality that noise, traffic, car parking and other factors that constitute part of normal commercial and other non-residential activities are likely to occur, which are not normally associated with a typical residential development;*
- (xvi) *the residential component of the development shall be adequately sound insulated prior to the first occupation of the development. The necessary sound insulation shall be in accordance with the recommendations, developed in consultation with the Town, of an acoustic consultant registered to conduct noise surveys and assessments in accordance with the Environmental Protection Act 1986. The sound insulation recommendations shall be submitted and approved prior to the issue of a Building Licence. The engagement of and the implementation of the recommendations of this acoustic consultant are to be at the applicant's/owner(s)' costs;*
- (xvii) *prior to the first occupation of the development, the car parking spaces provided for the residential component of the development, and visitors car parking spaces shall be clearly marked and signposted for the exclusive use of the residents of the development and shall not be in tandem arrangement unless they service the same residential unit/dwelling;*
- (xviii) *prior to the first occupation of the development, three (3) class 1 or 2 bicycle parking facilities shall be provided at locations convenient to the entrance of the offices on Stirling and Brewer Streets. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (xix) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (xx) *prior to the issue of a Building Licence, designs for art work(s) valued at a minimum of 1 per cent of the estimated total cost of the development (\$13,000) shall be submitted to and approved by the Town. The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development and Administrative Services Section with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (xxi) *prior to the issue of the Building Licence, the applicant/owner shall pay a cash-in-lieu contribution of \$1510 for the equivalent value of 0.604 car parking spaces, based on the estimated cost of \$2500 per bay as set out in the Council 2003/2004 Budget;*
- (xxii) *compliance with all relevant Environmental Health, Engineering and Building requirements;*

(xxiii) *prior to the first occupation of the development, the applicant/owner(s) shall, in at least 12-point size writing, advise (prospective) purchasers of the residential units/dwellings that:*

*"the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/dwellings. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development";*

(xxiv) *the gross floor area of the office component shall be limited to a maximum of 625 square metres;*

(xxv) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;*

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

(xxvii) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town; and*

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

*to the satisfaction of the Chief Executive Officer.*

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**Moved Cr Chester, Seconded Cr Ker**

*That the recommendation be adopted subject to a new clause (xix), (which replaces the previous clause (xix)), as follows:*

*"(xix) ~~no street trees will only~~ shall be removed; ~~without the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);~~"*

Discussion ensued.

**Moved Cr Ker, Seconded Cr Lake**

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

*"(xxix) all balconies that protrude over the road reserve being deleted."*

**AMENDMENT LOST (2-7)**

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

**MOTION CARRIED (7-2)**

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

**COUNCIL DECISION ITEM 10.1.14**

*That;*

*in accordance with the provisions of the Metropolitan Region Scheme and the Town of Vincent Town Planning Scheme No.1 the Council APPROVES the application submitted by R S Anderson on behalf of the landowner Sydney Anderson Automotives Pty Ltd for proposed demolition of the existing vehicle sales premises and construction of a three-storey mixed-use development comprising seven offices and seven multiple dwellings on No.216 (Lot 101) Stirling Street, corner of Brewer Street, Perth, and as shown on plans dated 4 February 2004 (carport and stores floor plan and elevations) and 10 March 2004, subject to;*

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

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

- (ii) if applicable, prior to the issue of a Building Licence, the written approval of the Minister for Lands and/or Western Australian Planning Commission, whichever is applicable, for the encroachment of the structure(s) over the adjacent Crown land, including roads, shall be obtained and submitted to and approved by the Town. If this written consent cannot be obtained, revised plans shall be submitted and approved demonstrating the proposed balconies being contained entirely within the lot boundaries and adjacent to the street and shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*

- (iii) *in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land are to be upgraded, by the applicant, to a brick paved standard to the Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$10 000 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the Town's Technical Services Division. An application to the Town for the refund of the upgrading bond must be made in writing;*
- (iv) *a detailed landscaping plan, including a schedule of plant species, the provision of one shade tree per four uncovered car parking spaces and the landscaping and reticulation of the Stirling Street and Brewer Street verges adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (v) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (vi) *a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
- (vii) *all car parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications and dimensions specified in the Town's Policy relating to Parking and Access and Australian Standards AS2890.1 – "Off Street Parking";*
- (viii) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (ix) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (x) *standard visual truncations, in accordance with the Town's Policies and/or to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular access ways to ensure that the safety of pedestrians and other road users is not compromised;*
- (xi) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (xii) *subject to first obtaining the consent of the owners of No. 210 Stirling Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing south in a good and clean condition;*
- (xiii) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*

- (xiv) *an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (xv) *prior to the first occupation of the development, the applicant/owner(s) shall, in at least 12-point size writing, advise (prospective) purchasers of the residential units/dwellings that:*
  - (a) *they may be subject to activities, traffic, car parking and/or noise not normally associated with a typical residential development; and*
  - (b) *they should recognise and accept that in selecting to reside in this locality that noise, traffic, car parking and other factors that constitute part of normal commercial and other non-residential activities are likely to occur, which are not normally associated with a typical residential development;*
- (xvi) *the residential component of the development shall be adequately sound insulated prior to the first occupation of the development. The necessary sound insulation shall be in accordance with the recommendations, developed in consultation with the Town, of an acoustic consultant registered to conduct noise surveys and assessments in accordance with the Environmental Protection Act 1986. The sound insulation recommendations shall be submitted and approved prior to the issue of a Building Licence. The engagement of and the implementation of the recommendations of this acoustic consultant are to be at the applicant's/owner(s)' costs;*
- (xvii) *prior to the first occupation of the development, the car parking spaces provided for the residential component of the development, and visitors car parking spaces shall be clearly marked and signposted for the exclusive use of the residents of the development and shall not be in tandem arrangement unless they service the same residential unit/dwelling;*
- (xviii) *prior to the first occupation of the development, three (3) class 1 or 2 bicycle parking facilities shall be provided at locations convenient to the entrance of the offices on Stirling and Brewer Streets. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (xix) *no street trees shall be removed;*
- (xx) *prior to the issue of a Building Licence, designs for art work(s) valued at a minimum of 1 per cent of the estimated total cost of the development (\$13,000) shall be submitted to and approved by the Town. The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development and Administrative Services Section with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (xxi) *prior to the issue of the Building Licence, the applicant/owner shall pay a cash-in-lieu contribution of \$1510 for the equivalent value of 0.604 car parking spaces, based on the estimated cost of \$2500 per bay as set out in the Council 2003/2004 Budget;*

- (xxii) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (xxiii) *prior to the first occupation of the development, the applicant/owner(s) shall, in at least 12-point size writing, advise (prospective) purchasers of the residential units/dwellings that:*
- "the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/dwellings. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development";*
- (xxiv) *the gross floor area of the office component shall be limited to a maximum of 625 square metres;*
- (xxv) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;*
- (xxvi) *any proposed vehicular entry gates adjacent to Brewer Street shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors for the commercial and residential tenancies at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the development;*
- (xxvii) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town; and*
- (xxviii) *doors and windows and adjacent floor areas fronting Stirling Street and Brewer Street shall maintain an active and interactive relationship with these streets;*
- to the satisfaction of the Chief Executive Officer.*

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<b>LANDOWNER:</b>	Sydney Anderson Automotives Pty Ltd
<b>APPLICANT:</b>	RS Anderson
<b>ZONING:</b>	Metropolitan Region Scheme - Urban Town Planning Scheme No.1 – Residential/Commercial R80
<b>EXISTING LAND USE:</b>	Workshop and Vehicles Sales Premises

**COMPLIANCE:**

<b>Requirements</b>	<b>Required</b>	<b>Provided</b>
Vehicular Access	Driveways for multiple dwellings to have minimum width of 4 metres, and designed to allow vehicles to pass in opposite directions and associated visual truncations.	Plans stamp-dated 10 March 2004 show driveway with 4 metre width with no visual truncations to Brewer Street.
Mixed Use Development - Walls on Boundaries	Walls on boundary for 2/3 of boundary behind the street setback up to 6 metres in height.	Wall on southern boundary up to 9.3 metres high and 13.4 metres long.
Density	8 multiple dwellings	7 multiple dwellings
Plot Ratio	1.00 (1123 square metres)	0.78 (876 square metres)
Car Parking	19 car bays (before adjustment factors taken into account)	12 car bays

Use Class	Office Building and Multiple Dwellings
Use Classification	'AA'; 'P'
Lot Area	1123 square metres

**SITE HISTORY:**

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

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

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

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

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

10 February 2004 The Council at its Ordinary Meeting of Council, conditionally approved an application for the demolition of the existing vehicle sales premises and construction of a three-storey mixed use development comprising seven (7) offices and seven (7) multiple dwellings on the subject site.

**DETAILS:**

The Council at its Ordinary Meeting held on 10 February 2004 approved the demolition of existing vehicle sales premises and construction of a three-storey mixed use development comprising seven (7) offices and seven (7) multiple dwellings, subject to conditions, including the following condition:

*"(ii) all balconies that protrude over the road reserve being deleted;"*

The subject application is for an almost identical proposal, mainly to request Council to reconsider condition (ii) of the previous approval.

The applicant has provided the following comments in relation to condition (ii):

*"We have briefed all nine councillors with sufficient information to overcome their concern in respect to Air Titles ensuring them that all matter pursuant to WA Planning Commission and Department of Land Administration requirements have been met with subsequently incorporated into the Strata Company Management Agreement and we now have a minimum of 6 to 9 in favour of our original submission incorporating balconies over the footpath.*

*A lot of time and planning has gone into producing one of the most functional and aesthetically pleasing building yet to be seen in this area.*

*It will be a building the Town of Vincent will be proud of."*

A copy of the proposed management statement is included as an attachment to this report.

**CONSULTATION/ADVERTISING:**

The current proposal is not required to be advertised as a similar application has been advertised and determined at an Ordinary Meeting of Council within the previous twelve months, as per the Town's Policy relating to Community Consultation. Nil submissions were received during the original advertising period.

**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:**

**Balconies over Stirling and Brewer Street**

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

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

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

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

Accordingly, condition (ii) of the Officer Recommendation to the Ordinary Meeting of Council on 10 February 2004 required approval of the Minister for Lands and/or Western Australian Planning Commission prior to the issue of the Building Licence.

### **Car Parking**

The current plans demonstrate the widening of the vehicle access driveway into the site to 4 metres as required by condition (i) (a) of the Planning Approval considered at the Ordinary Meeting of Council on 10 February 2004. This has resulted in the loss of one car parking bay on site.

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

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

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

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

In accordance with the Town's Policy relating to Parking and Access, it is considered appropriate that a cash-in lieu payment of \$1510 be required as a condition of Planning Approval.

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

**Boundary Wall on Southern Elevation**

A three storey parapet wall, 9.3 metres high, is proposed on the southern elevation. The length of this wall has increased to 13.4 metres long, when compared to the previous application considered at the Ordinary Meeting of Council held on 10 February 2004. This is immediately adjacent to a recently erected three storey parapet wall for the mixed use development on the adjoining property. Therefore, the parapet wall is not considered to unduly affect the streetscape, nor the amenity of the adjoining mixed use development, and is supported.

**Related Matters**

The other matters relating to the proposal have been addressed in the Item 10.1.12 to the Ordinary Meeting of Council held on 10 February 2004.

**Summary**

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

**10.1.6 No. 196 (Lot 556) Anzac Road (Corner Federation Street), Mount Hawthorn – Proposed Additional Single House and Alterations to Existing Single House**

<b>Ward:</b>	North	<b>Date:</b>	5 April 2004
<b>Precinct:</b>	Mount Hawthorn, P1	<b>File Ref:</b>	PRO2723; 00/33/2108
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	P Mastrodomenico		
<b>Checked/Endorsed by:</b>	D Abel,	<b>Amended by:</b>	-

**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 Taylor on behalf of the owner P Klusek for proposed additional single house and alterations to existing single house at No. 196 (Lot 556) Anzac Road (corner Federation Street) Mount Hawthorn, and as shown on plans stamp-dated 24 February 2004 (floor plan and elevations) and amended plans dated 25 March 2004, subject to:*

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) subject to first obtaining the consent of the owners of No. 17 (Lot 553) Federation 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. 17 (Lot 553) Federation Street in a good and clean condition;*
- (iii) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Federation Street and Anzac 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;*
- (iv) detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building Licence application;*
- (v) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (vi) a road and verge security bond 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;*
- (vii) the construction of crossovers shall be in accordance with the Town's specifications;*
- (viii) prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*

- (ix) *standard visual truncations, in accordance with the Town's Policies and to the satisfaction of the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*
- (x) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (xi) *prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating the following;*
- (a) *the western wall of the proposed single house being setback a minimum of 1.5 metres from the western boundary; and*
- (b) *the northern store to the proposed dwelling being deleted;*
- The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and*
- (xii) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Anzac Street and Federation Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

*to the satisfaction of the Chief Executive Officer.*

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**COUNCIL DECISION ITEM 10.1.6**

**Moved Cr Chester, Seconded Cr Cohen**

*That the recommendation be adopted.*

**Discussion ensued.**

**Executive Manager Technical Services departed the Chamber at 7.53pm.**

**LOST (0-9)**

**Reasons:**

- 1. The proposed development does not comply with the minimum site area per dwelling/lot size requirements of the Residential Design Codes R30 density code.**
- 2. The proposed development does not meet the performance criteria provisions under Clause 3.1.3 of the Residential Design Codes relating to variations to the minimum site area requirements, and would therefore result in the proposed development being inconsistent with the orderly and proper planning and the preservation of the amenities of the locality.**
- 3. Approval of the proposed development would create an undesirable precedent for development of lots with similar sizes within the area.**
- 4. Consideration of objections received.**

**LANDOWNER:** M Taylor  
**APPLICANT:** P Klusek  
**ZONING:** Metropolitan Region Scheme - Urban  
Town Planning Scheme No. 1 - Residential R30  
**EXISTING LAND USE:** Single House

**COMPLIANCE:**

Use Class	Single House
Use Classification	"P"
Lot Area	541 square metres

Requirements	Required	Proposed
Density	600 square metres	541 square metres
Proposed dwelling - Minimum site area	300 square metres	241 square metres
Setbacks		
North (store)	1.0 metre	Nil
South (internal wall)	1.5 metres	Nil
West	1.5 metres	1.0 metre
Plot ratio	N/A	N/A

**SITE HISTORY:**

The site is occupied by a single storey single house.

**DETAILS:**

An application has been received for an additional single house fronting Federation Street to the existing single house fronting Anzac Road. The existing dwelling proposes to demolish the existing sleepout and construct one hardstand car park to the front of the house and one hardstand to the rear of the house.

The existing dwelling to be retained will be on a lot with an area of 300 square metres and the proposed single house will have a lot area of 241 square metres.

**CONSULTATION/ADVERTISING:**

One objection was raised during the advertising period, issues raised included overlooking and concerns over density bonus. Other issues raised included the impact of the reduced western setback, proposed open space and the width of the crossover.

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

## **COMMENTS:**

### **Heritage/Streetscape**

The existing house on Lot 556 is a relatively intact inter-war Californian Bungalow, which is representative of typical post war housing constructed in Mount Hawthorn. In this instance the building is considered to contribute to the streetscape and a density bonus is considered acceptable under Clause 20 of the Town's Town Planning Scheme No.1.

### **Density**

The subject proposal involves a 12 percent variation to the minimum site area requirements and an 11 percent variation to the average site area requirements outlined in the Residential Design Codes. This variation is considered acceptable under Clause 20 of the Town's Town Planning Scheme No.1.

### **Setbacks (south)**

The variations to setbacks to the south are considered acceptable as the parapet wall is single storey and is part of the internal boundary and as such does not impact the neighbouring property to the west.

### **Setbacks (north) (store)**

The proposed store has been conditioned to be deleted as it will impact on the amenity and streetscape of Federation Street.

### **Setbacks (west)**

The western wall is setback 1.0 metre and has been conditioned to be setback 1.5 metres in accordance with the Residential Design Codes and to reduce the impact on the neighbouring property.

### **Objections raised**

In relation to the objection received from the neighbouring property, the density bonus in this instance is supportable under Clause 20 of the Town's Town Planning Scheme No.1. The windows to the western elevation are not considered to overlook as the property is single storey in height, however in relation to the setback of the western wall this has been conditioned to be setback 1.5 metres to reduce the impact on the neighbouring property. In relation to open space the existing and proposed dwellings comply with the open space requirements of the Residential Design Codes. The proposed double cross over is compliant with the Town's Technical Service's requirements.

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

**10.1.15 No. 10 (Lot 1) Haynes Street, Corner Sydney Street, North Perth - Proposed Demolition of Existing Single House and Construction of Two (2) Two-Storey Single Houses**

<b>Ward:</b>	North	<b>Date:</b>	5 April 2004
<b>Precinct:</b>	North Perth, P8	<b>File Ref:</b>	PRO2691; 00/33/2058
<b>Attachments:</b>	<a href="#">001 002</a>		
<b>Reporting Officer(s):</b>	V Lee, N Edgecombe		
<b>Checked/Endorsed by:</b>	D Abel	<b>Amended by:</b>	-

**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 Slatter on behalf of the owners M and D Slatter and Blueprint Project Management, for proposed demolition of existing single house and construction of two two-storey single houses at No. 10 (Lot 1) Haynes Street, corner Sydney Street, North Perth, and as shown on plans stamp dated 15 March 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 Haynes Street and Sydney 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. Any portion of solid fence along the secondary street for proposed unit 1, should incorporate a minimum of two significant design features to break up the visual bulk of the wall;*
- (ii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (iii) the construction of crossovers shall be in accordance with the Town's specifications;*
- (iv) 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;*
- (v) details of all street trees adjacent to the subject property shall be submitted with the Building Licence application;*
- (vi) street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (vii) compliance with all relevant Building, Engineering and Environmental Health requirements;*
- (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) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (x) *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;*
- (xi) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Haynes Street and Sydney Street verges adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (xii) *the windows to Bedrooms 2 and 3 on the first floor on the western elevation of proposed unit 2 shall be screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be a major opening as defined in the Residential Design Codes 2002; and*
- (xiii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the deletion of the window to the walk-in-robe of proposed unit 2 on the southern elevation, or shown on the floor plan and made compliance with the requirements of the Residential Design Codes;*

*to the satisfaction of the Chief Executive Officer.*

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**Moved Cr Farrell, Seconded Cr Torre**

*That the recommendation be adopted.*

**COUNCIL DECISION ITEM 10.1.15**

**Moved Cr Ker, Seconded Cr Lake**

*That the Item be DEFERRED for the Officers to provide further information on the orientation of the properties.*

**CARRIED (7-2)**

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

**LANDOWNER:** M and D Slatter and Blueprint Project Management  
**APPLICANT:** M Slatter  
**ZONING:** Metropolitan Region Scheme - Urban  
 Town Planning Scheme No. 1 - Residential R 20  
**EXISTING LAND USE:** Single House

**COMPLIANCE:**

Requirements	Required	Proposed
Unit 2 Building Height	6 metres to the top of any wall from natural ground level.	Due to slope over the lot, and the height of the existing retaining wall, the highest wall is 6.8 metres.
Town's Policy relating to the Eton Locality	General Height limit of two storeys can be considered provided that the second storey is setback a minimum of 6 metres from the street.	Second storey setback 4.039 metres, balcony setback 3.019 metres.
Overlooking	Windows to bedrooms to be setback 4.5 metres from a boundary or appropriately screened to a height of 1.6 metres above the finished first floor level.  Windows to habitable rooms with finished floor level greater than 500 millimetres from the natural ground level to be screened in accordance with the R Codes.	Windows to bedrooms 2 and 3 of proposed unit 2 shown with sill height of 1.5 metres from the finished first floor level.  Window to kitchen on ground floor, with finished floor level of Unit 2 greater than 500 millimetres from natural ground level, not shown as being screened.
Site Works	Retaining walls over 500 millimetres to be set back from boundaries	Unit 2 extends length of existing retaining wall on boundary up to 1.5 metres high.
Density	1 Single House	2 Single Houses
Plot Ratio	N/A	N/A

Use Class	Single House
Use Classification	"P"
Lot Area	660 square metres

**SITE HISTORY:**

24 June 2003 The Town at its Ordinary Meeting recommended conditional approval to the Western Australian Planning Commission for the subdivision of the subject site into two lots.

29 July 2003 The Western Australian Planning Commission conditionally approved the subdivision of the subject site into two lots subject to one of the conditions requiring that the applicant obtain development approval for the development of houses on the proposed lots.

**DETAILS:**

The proposal involves the demolition of the existing single house and the construction of two, two-storey single houses.

The applicant submitted revised plans on 15 March 2004 to address non-compliance with the Building Height requirements of the Residential Design Codes (R Codes) for proposed unit 1. Accordingly, unit 1 now complies with the requirements of the R Codes and the Town's Policies.

The applicant is seeking the Council's support for variations to height and setback for proposed unit 2.

**CONSULTATION/ADVERTISING:**

The proposal was advertised for a two week period. No submissions were received during this period.

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

**Demolition**

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

The subject dwelling at No. 10 (Lot 1) Haynes Street, North Perth is a single storey brick and tile residence, which has been changed to meet the needs of continued use as a dwelling over time. Extensive additions and alterations to the original floor plan and internal features have considerably diminished the intent of the original design and overall form of the dwelling. The place is not rare and is considered to be of little aesthetic, historic, scientific and social value. The subject dwelling contributes to the streetscape in terms of traditional setbacks, however the place has little cultural heritage significance, and does not meet the minimum criteria for entry into the Town's Municipal Heritage Inventory.

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

**Density**

The Western Australian Planning Commission granted approval for the subdivision of the lot into two lots in July 2003, when the zoning of the land was Residential R30/R40. Accordingly, the application is based on the approved subdivision plan.

**Building Height**

The applicant has provided the following response to justify the variation to the R Codes.

*"The area in question is a 2m section of the proposed residence in the south/west corner of the block. For the remainder of the western boundary the maximum building height is well within the maximum required in the 'R' Codes. This is due to an existing concrete retaining wall which runs along the majority of the boundary. The proposed extension to this retaining wall is 3m which would be at the same height.*

*Under performance criteria clause 3.7.11 part 1, the impact of the 2nd storey is negligible due to the fact that the second storey in question is the dead side of the house. Thus, daylight to major openings, habitable rooms and views of significance to the adjoining property are not affected."*

The proposal complies with the privacy requirements of the R Codes and no undue privacy problems are created by this variation to wall height.

The proposal complies with the overshadowing requirements of the R Codes and no undue overshadowing is created by this variation to wall height.

The significant existing retaining on this lot is noted, and the extension of the retaining wall along the western boundary is relatively minor. As no objection has been received from the affected neighbour, this variation is considered supportable.

### **Setbacks**

Proposed unit 2 is created at the northern, rear of a corner site. Therefore it is relatively square in shape. In recent months, the Town's Officers have generally supported reduced front setbacks for such corner lots, with a minimum setback of 3 metres to a balcony and 4 metres to the upper floor, in lieu of 6 metre setback as required by the Town's Locality Statement Policy.

In this instance, the proposed setback of unit 2 is considered supportable and is not considered to have an undue impact on the streetscape.

The southern elevation of unit 2 also shows a window in the walk-in-robe, which is not shown on the floor plan. Prior to the issue of the Building Licence, this window is to be deleted from the elevation or correctly shown on the floor plan and made compliant with the requirement of the R Codes.

### **Overlooking**

In order to comply with the privacy requirements of the R Codes, the windows on the western elevation to bedrooms 2 and 3 of proposed unit 2 are to be appropriately screened.

The window to the kitchen on the ground floor of proposed unit 2 is located on top of the proposed retaining wall, which is an extension of the existing retaining wall. This window will effectively be screened by a boundary fence located on top of the existing and proposed retaining wall. Accordingly, there is not considered to be undue overlooking from this window.

### **Summary**

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

**10.1.23 No. 48 (Lot 52) Monmouth Street, (Corner Burt Street), Mount Lawley-  
Proposed Additional Two-Storey Single House to Existing Single  
House**

<b>Ward:</b>	South	<b>Date:</b>	31 March 2004
<b>Precinct:</b>	Norfolk, P10	<b>File Ref:</b>	PRO2574; 00/33/2089
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	J Barton		
<b>Checked/Endorsed by:</b>	D Abel	<b>Amended by:</b>	-

**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 Perceptions on behalf of the owner C C Carcich, for the proposed additional two-storey single house to existing single house at No. 48 (Lot 52) Monmouth Street, (corner Burt Street), Mount Lawley, and as shown on the plans stamp dated 17 February 2004, for the following reasons:*

- (i) the proposal is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
- (ii) the non-compliance with the setback requirements of the Town's Street Setback Policy and the Town's Alma Locality Statement Policy.*

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**Moved Cr Ker, Seconded Cr Lake**

*That the recommendation be adopted.*

Discussion ensued.

**LOST (3-6)**

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

**Reasons:**

- 1. Development is consistent with setbacks.**
- 2. Development is consistent with amenity of the area.**

**COUNCIL DECISION ITEM 10.1.23**

**ALTERNATIVE RECOMMENDATION:**

**Moved Cr Ker, Seconded Cr Lake**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Perceptions on behalf of the landowner C C Carcich for the proposed additional two-storey single house to existing single house at No.48 (Lot 52) Monmouth Street (corner Burt Street), Mount Lawley, and as shown on the plans stamp-dated 17 February 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 Monmouth 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;*
- (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) street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s). In the event that the Town's Parks Services confirms that a street verge tree was removed at the subdivision stage, the landowner will be responsible for replacing the verge tree with a suitable tree at their cost;*
- (vi) the construction of crossovers shall be in accordance with the Town's specifications;*
- (vii) prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (viii) standard visual truncations, in accordance with the Town's Policies and to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised; and*

- (ix) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Monmouth Street and Burt Street verges adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

*to the satisfaction of the Chief Executive Officer;*

**Discussion ensued.**

**CARRIED (7-2)**

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

**FURTHER REPORT:**

A further report is required to address a late submission received from an adjoining neighbour.

The neighbour raised the following concerns in their letter of objection:

- *"We would like unlimited access to our carpark as per our lease with Leo Fogliania."*
- *"Residents to park on their land no guests to use our car park."*
- *"A very old tree was cut down on Burt St and stump ground to make way for their development. We require replacement on Burt Street."*
- *"The fence between car park and new block has to be of a good standard and of height for privacy."*
- *"Our car park is in disrepair due to demolition work and machinery and rubbish being stockpiled. We require our car park to be resurfaced and brought back to its original condition."*

In regards to the neighbours concerns relating to the dumping of rubbish, dividing fences and the request to resurface their car park, such matters are not planning considerations and are civil matters to be settled between neighbours.

In regards the parking issue, the proposal provides sufficient parking for two car bays, as per the requirements of the Residential Design Codes, and no additional bays are required for visitors. Given this, there should be no need for visitors to park on the adjoining property. However, in the event that this occurs, again this is a civil matter to be settled between neighbours.

Further to the tree issue, street verge trees are to be retained, or replaced with a similar species. This matter requires further investigation by the Town's Park Services to ascertain whether a verge tree was removed, and if this has occurred, the landowners will be required to replace the tree with a similar species. Furthermore, in the event that the proposal is approved, a condition has been recommended to ensure that the street tree is replaced.

**LANDOWNER:** C C Carcich  
**APPLICANT:** Perceptions  
**ZONING:** Metropolitan Region Scheme: Urban  
 Town Planning Scheme No.1: Residential R30  
**EXISTING LAND USE:** Single House

**COMPLIANCE:**

Requirements	Required	Proposed
Setbacks: Ground Floor- Front	Garage behind main building line.	Garage in front of main building line (2.6 metres to garage and 3.73 metres to main building)
North Eastern Side	1.5 metres	1.3 metres
Upper Floor- Front	6 metres	2.5 metres to 3.6 metres.
Plot Ratio	N/A	N/A
Density	Minimum site area requirements = 270 square metres.  Average site area requirement = 300 square metres.	Proposed Lot 1 = 395 square metres  Proposed Lot 2= 270 square metres.  *The proposed lot areas comply with the R-Codes.

Use Class	Single House
Use Classification	"P"
Lot Area	665 square metres

**SITE HISTORY:**

On 20 June 2003, the Western Australian Planning Commission (WAPC) conditionally approved the proposed two (2) lot green title subdivision (WAPC ref: 12416), subject to standard conditions.

On 5 March 2004, the Town cleared the relevant conditions of the abovementioned subdivision, and endorsed the diagram of survey. However, the Town has not yet received the WAPC's final approval letter for the proposed subdivision.

**DETAILS:**

The proposed single house will be accommodated on the proposed 270 square metre lot, which fronts Burt Street and is currently vacant.

Once the WAPC have issued final approval for the proposed subdivision, the address of the new lot will be No. 1A (Lot 506) Burt Street.

The proposal is for the construction of a two-storey single houses, with three (3) variations to the R-Codes and the Town's Policies, as highlighted in the above compliance table.

The applicant has submitted a letter of justification in support of the proposed variations, and the landowners have included a series of photographs to indicate similar developments within the Town (justification letter and photographs are attached to this report).

In summary, the applicant's and the landowner's main justification for the proposed variations is due to the fact that Council has previously approved similar developments within the Town, which include variations to the Town's Policies.

It is noted that the examples provided by the applicants, as well as others developments in the immediate area, may not comply with the Town's requirements. However, such examples are not considered to set a precedent in the Town for developments, which exceed the R-Codes acceptable development requirements, or the Town's Policies, as each new application is assessed on individual merit, and in light of the current requirements.

It is also to be noted that the Town's Solicitors (Minter Ellison) have recently advised the Town that precedence is not a good reason to approve non-complying developments, as every new proposal is a fresh application, which should be assessed on its own individual merits. Also, the subject land is a vacant site, therefore, there is scope to comply with the Town's requirements.

The other points raised in the applicant's justification letter (attached), are addressed in the relevant sections of this report.

It should also be noted, that the applicant and landowner have been advised on several occasions that the proposal can not be supported by the Town's Planning and Building Services. However, both parties advised that the application is to go to Council in its current form.

#### **CONSULTATION/ADVERTISING:**

The proposal was advertised to the adjoining neighbours from 3 March 2004 to 17 March 2004.

One (1) submission was received during the advertising period, being one letter of non-objection, subject to their property not being used the dump rubble and store building equipment. Such concerns are not considered a valid planning consideration, as they are civil matters to be resolved between neighbours.

#### **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 side setback variation, as highlighted in the above Compliance table, is minor and is not considered to have an undue impact on the amenity of the neighbours, or the area generally.

Notwithstanding the above, the setback variations to the upper floor and the garage are considered to create an undue impact on the amenity of the street, and the area generally, and they are therefore not supported.

The garage should be setback (500 millimetres) behind the main façade of the dwelling, so that garage does not dominate the streetscape. Also, the upper floor currently sits in line with the lower level, creating a 'boxy' style development, which detracts from the amenity of the street.

It should be noted that the Town's Alma Residential Locality Statement requires a 6 metre setback to the upper floor, from the primary street, in order to avoid 'boxy' style developments, which do not provide any interest when viewed from the street. The applicant is advised to stagger the upper floor, in order to provide visual relief and interest.

It is also noted that this lot has resulted from the subdivision of an original corner lot, and as such the Town can consider variations to the 6 metre setback requirement to the upper floor. However, the significant setback variation down to 2.5 metres is not considered appropriate in this instance, as there are no other examples in the immediate street of reduced setbacks to the upper floor, and the adjoining dwelling on the north eastern-side is only single-storey.

Additionally, the subject land is vacant, and there is scope for the applicant to comply with the Town's requirements, as the upper floor can be setback further from the street by extending the upper level over the study and lounge areas on the ground floor. The landowner advised that this is not possible due to financial reasons, however, such matters are not planning concerns.

#### **Conclusion**

Given the above, the proposed development is not considered to contribute towards the amenity of the area, or the street, and refusal is recommended.

**10.1.2 No. 141 (Lot 6) Scarborough Beach Road, Corner Fairfield Street, Mount Hawthorn – Proposed Increase in Accommodation/Patronage Numbers at Existing Hotel**

<b>Ward:</b>	North	<b>Date:</b>	5 April 2004
<b>Precinct:</b>	Mount Hawthorn Centre, P2	<b>File Ref:</b>	PRO 1137; 00/33/1828
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	M Bonini, A Bosworth, J MacLean		
<b>Checked/Endorsed by:</b>	D Abel, D Brits	<b>Amended by:</b>	-

**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 N Randall on behalf of the owner A Swanson for proposed increase in accommodation / patronage numbers at existing hotel on No.141 (Lot 6) Scarborough Beach Road, corner Fairfield Street, Mount Hawthorn, and as shown on the plans stamp dated 22 September 2003, subject to:*

- (i) this approval for a period of 6 months only and should the applicant wish to continue the use (accommodation/patronage numbers) after that period, it shall be necessary to reapply to and obtain approval from the Town prior to continuation of the use. Within this 6 month period, monthly working group meetings shall be held by the applicant with Officers of the Town and Local Police Services to address any concerns raised, and that the matter be reported to Council for further consideration thereafter;*
- (ii) ongoing compliance with all relevant Environmental Health, Engineering and Building requirements; and*
- (iii) all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*

*to the satisfaction of the Chief Executive Officer.*

**Moved Cr Chester, Seconded Cr Lake**

*That the recommendation be adopted.*

**Discussion ensued.**

**COUNCIL DECISION ITEM 10.1.2**

**Moved Cr Chester, Seconded Cr Farrell**

*That the Item be DEFERRED for more information.*

**CARRIED (9-0)**

**LANDOWNER:** N Randall  
**APPLICANT:** A Swanson  
**ZONING:** Metropolitan Region Scheme - Urban  
Town Planning Scheme No. 1 - District Centre  
**EXISTING LAND USE:** Hotel

**COMPLIANCE:**

Use Class	Hotel
Use Classification	"SA"
Lot Area	1264 square metres

**SITE HISTORY:**

The subject property is located on the south-western corner of Scarborough Beach Road and Fairfield Street and is occupied by the Paddington Alehouse. The original hotel was built circa 1920.

12 April 1999 The Council at its Ordinary Meeting deferred item 11.1.8 to meet with the applicant to further discuss the proposal. The proposal was related to alterations and additions to the existing hotel. The Officer Recommendation was for refusal.

27 April 1999 The Council at its Ordinary Meeting approved proposed alterations and additions to existing hotel, subject to several conditions, including the following:

*"(ix) the current approved accommodation numbers in accordance with the Health (Public Building) Regulations 1992 and the Health Act 1911 (as amended) shall not be increased."*

**DETAILS:**

The applicant seeks approval for an increase in the maximum accommodation numbers based on recent amendments to the Health (Public Buildings) Regulations 1992.

The applicant provided a letter stating the following in relation to the application.

*"Currently the Paddington Ale House has a maximum accommodation capped at 400 persons. To fully comply with Health (Public Building) Regulations 1992 of The State of Western Australia. I formally request that the accommodation of the Paddington Ale House be recalculated based on the new regulations, providing for one person per 0.85 square metres. It is confirmed by Town of Vincent, Manager of Health Services, that the new maximum accommodation would increase from 400 persons to 600 persons based on these new calculations.*

*The Paddington Ale House continues to maintain its status as one of the best hotels in Australia having won the National Awards for Best Bar Presentation and Services 2003.*

*We have very few problems and very few complaints and this is because of our security system, and very professional crowd controllers, who are encouraged to have a chat rather than a fight. The name of the company is Security and Allied Service.*

*A new surveillance system with 18 cameras strategically placed inside and outside the hotel makes it very safe for our patrons.*

*We have a very good liaison and relationship with Town of Vincent, and I hereby enclose Harm Minimisation and Management Plan to support our application."*

### **CONSULTATION/ADVERTISING:**

The proposal was formally advertised in accordance with the Community Consultation Policy for a two week period. No written submissions were received in that time.

In light of the interest within the wider community in relation to the application, the proposal was presented to the residents of Mount Hawthorn via a public meeting organised by the applicant and held at the Paddington Ale House on 20 December 2003. The minutes of this meeting are attached.

The public meeting was well attended, with the following representatives invited to address the residents, advising of the proposal, the current situation and answering any questions.

- Manager, Engineering Design Services – Town of Vincent
- Senior Ranger – Town of Vincent
- Senior Environmental Health Officer – Town of Vincent
- Officer in Charge - Leederville Police Station
- Head of Security and Allied Services
- WA Taxi Council/Swan Taxi Management representative
- President of the Australian Hoteliers Association (WA Branch)

The residents raised a number of concerns aside from the increase in patron numbers from 400 to 600 patrons, and these related to antisocial behaviour, noise from patrons and various other police matters, rubbish from patrons, parking, and security.

Residents were provided with the after hours contact numbers for both the Police Services and Town's Emergency Service, and the Licensee Neil Randall, and Head of Security and Allied Services Stephen Gardiner both offered their mobile telephone numbers encouraging residents to contact them at any time should they experience problems with antisocial behaviour, or loitering patrons so that a security team could be sent to the area immediately (as Police Services may have other job priorities at that time). The Senior Environmental Health Officer also offered her contact details to all residents, and encouraged that they contact her directly should they have problems with noise created by amplified music or wish to discuss other public health matters.

In the three months since the public meeting, no justified complaints have been received by the Town, other than a handful of complaints regarding parking. Furthermore, prior to the proposed increase in numbers, it is advised that very few complaints had been received by Health Services, and none were relating to amplified music from the hotel.

The Licensee and Head of Security at the Paddington Alehouse have received one or two calls requesting they move patrons from their verge area around closing time, and were able to respond rapidly by sending a security team to move patrons on and request them to conduct themselves in an orderly manner.

The Officer in Charge, Leederville Police Station Sergeant Kevin Dale reports that monthly meetings are now held with the key staff at the Paddington Alehouse (the Town's Health Services will attend these meetings when appropriate, or should further complaints be received). When consulted in relation to the proposed increase in numbers Sgt Dale advised the following:

*"There have been no incidents of significance involving the Paddington Alehouse since the public meeting. We still have an open and honest relationship with the management and the security people at the hotel."*

The Perth Drug and Alcohol Office were also consulted in relation to the increase in numbers, and Senior Constable Darren Waddell advised:

*"In relation to the Paddington Alehouse, we have had no liquor complaints from residents, or on general attendance there. Once numbers have increased we can look at it from an antisocial point of view, with combined operations from traffic and uniformed Police on the Paddington Alehouse, should it be seen to get out of hand, then we can act on it."*

Increased patrols of surrounding streets by security staff, and hotel staff collecting litter, have been implemented and are proving very successful. The security systems installed by the licensee has 18 cameras strategically placed inside and outside the hotel, and is by far the most up to date system installed by a hotel within the Town.

The new taxi rank on Scarborough Beach Road has diverted much of the through traffic from Fairfield Street, and this appears to be operating extremely well. Security staff from the Paddington Alehouse maintains a surveillance on the taxi rank to ensure that anti-social behaviour is kept to a minimum and they ensure that patrons remain orderly until a taxi collects them.

In accordance with the Council Resolution of 16 December 2003, a Residential Parking Zone, operating from 5.00pm to 5.00am, has been introduced on the west side of Fairfield Street, between Anzac Road and Scarborough Beach Road, Mount Hawthorn. This street can accommodate approximately fifty vehicles, parking on both sides of the road.

At its Ordinary Meeting held on 16 December 2003 the following resolution was adopted:

*"That the Council;*

- (i) receives the report on various issues regarding lower Fairfield Street, between Scarborough Beach Road and Anzac Road, Mt Hawthorn;*
- (ii) APPROVES the introduction of a trial residential Parking Zone on the western side of Fairfield Street, between Scarborough Beach Road and Anzac Road, between the hours of 5.00pm and 5.00am for the reasons outlined in the report and the apparent lack of ratepayer support for the proposal;*
- (iii) notes that the Town's Law and Order Services is preparing a strategy for effective enforcement of the existing restrictions;*
- (iv) a further report will be presented to Council outlining the proposed strategy in February 2004;*
- (v) requests officers to prepare Key Performance Indicator criteria for determination at the Ordinary Meeting of Council to be held on 10 February 2004 to enable an accurate assessment of the trial to be carried out, the determination of the criteria should not defer the introduction of the trial; and*
- (vi) requests the re-issue of the Town's flyer that provides information and contact details of the appropriate agencies to report any matters relating to anti-social behaviour or parking issues to an appropriate surrounding area."*

A number of residents have applied for Residential Parking Permits, but most are not eligible, because their properties have available off-street parking facilities. A total of 6 Residential Parking Permits and 42 Visitors Parking Permits have been issued to residents, to ensure that residents with no off-street parking facilities and occasional visitors are exempt from the time restrictions. Four (4) of the residents permits issued were for residents from the west side of Fairfield Street, with the remaining two (2) being for resident on the east side. . However, it has been noted that a number of the Visitors Parking Permits are being used as defacto Residential Permits by residents who were not assessed as eligible, and while Rangers are not yet taking action in these cases, this is a clear contravention of the conditions governing the issue of permits.

To prevent a recurrence of the problems that were initially experienced in the Anzac Road area, a letter was delivered to residents of Fairfield Street, making them aware that their Residential and Visitors Parking Permits should only be used on the west side of the street. If residents and their visitors are permitted to use their permits on either side of Fairfield Street, the time restricted area on the east side of the road is likely to be filled up with permit-holders, while the residential side of the street will not be available to casual parkers. Following delivery of the letter, the Town received two telephone calls from residents, complaining about the need to only use the west side of the street. When this was explained to both residents, one acknowledged that the requirement was valid, while the other was totally opposed to the requirement, indicating that it was "a personal attack on residents".

After a two-week period where Rangers issued Cautions to offending vehicles, infringement notices have been issued to vehicles that do not comply with the restrictions. Since 9 January 2004, there have been 319 infringement notices issued to offending vehicles in Fairfield Street. Of these 229 infringement notices were issued for contravention of the Residential Parking Restrictions and 90 for other parking offences. Of the 319 notices, only two (2) vehicles contravened on more than one occasion, one (1) of which was someone visiting a resident who failed to display a permit. The two (2) infringement notices that were issued to the visitor were withdrawn, leaving only one (1) vehicle that was issued with two (2) infringement notices, both of which were paid.

Rangers visit Fairfield Street an average of twice each evening and have done so since 9 January 2004. The Rangers have maintained an "attendance log", containing details about the number of vehicles on each side of the street, number and type of permits displayed, number of infringement notices issued and for what offence, length of stay by offenders, etc. This information will be used to evaluate the restrictions, when a report is submitted to the Council at the conclusion of the trial period. It is considered inappropriate to make any decision about the effectiveness of the restrictions, until it has been in operation for six (6) months, so this report will be submitted to the Council in July or August 2004.

The Town has received a claim from one resident that problems persist outside of the peak times of hotel patronage as the street is used as a "rat-run", however data collected by the Town's Technical Services section indicate that this is not the case.

A further letter drop has been conducted by the licensee advising those patrons who may not have been able to attend the public meeting of the after hours contact numbers for both the licensee Neil Randall, and the head of security. Residents are encouraged to contact them directly to request patrons to "move on" from the streets, rather than contacting the Police Services who may be unable to attend for some time depending on the other job priorities.

An A-frame sign has been placed on the median strip at the Fairfield Street, Scarborough Beach Road intersection, which requests patrons to respect the surrounding residents, and observe the parking restrictions in the area.

Prior to the public meeting, a nearby resident provided the following comments in relation to the proposal.

*"As you are aware there have been ongoing issues with nearby residents and the hotel relating to a number of areas such as parking, noise, litter and vandalism, to name a few. This history is demonstrated by looking over the minutes of council meetings for the past twelve months.*

#### *PARKING*

*Residents are acutely aware of the problem with parking that currently exists with a limit of only 400 persons. The only public car park, other than the small parking facility behind the establishment, which can be utilised is the equally small car park at the end of Hobart Street. Although most residents of Fairfield Street north have their parking off Axford Lane, it is not possible to entertain on a Friday or Saturday night for many of us, without expecting our guests to park up to 350 metres from our homes. We can only but assume that if the hotel was granted an increase in numbers of the order of 50% as proposed that our guests would then be parking over half a kilometre away.*

#### *NOISE*

*The issue of noise is another problem that has not abated at all. Most residents will accept that living near a hotel means that some noise in the form of live, or piped, music will reach their homes, and can live with this. Unfortunately, the noise caused by patrons leaving the premises at approximately 1 am in the morning (due to the hotels permit for extended trading hours) is the key problem. Many residents are woken in the early hours of Saturday or Sunday to yelling, often a string of obscenities, that lasts at least 30 minutes. What is doubly unfortunate is that through a 50% increase in the number of patrons, the noise of the music will remain the same, but the noise of the patrons departing the premises in the middle of the night can only increase.*

#### *VANDALISM*

*A couple of months ago I had cause to report to the XO Technical Services that the street sign for Axford Lane had been pulled down on a Saturday night. The Town was very prompt in having someone come out and fix it, but really needn't have bothered, as last weekend the exact same act of vandalism took place. This is coupled with reports from residents of fences being broken and letter boxes being kicked over, as well as the more serious reports of vehicles being damaged.*

#### *ANTI-SOCIAL BEHAVIOUR*

*What a surprise two Saturday nights ago when my wife woke me just after midnight to say I should take her to the hospital as she was going into labour. What a double surprise when I raised the garage door to Axford Lane and saw three men who must have had far too much to drink, as they obviously thought they were still in the urinal at the Ale House instead of humble Axford Lane. This is not an uncommon occurrence.*

#### *LITTER*

*Detail from the minutes of the LATM meeting state that the publican has implemented a scheme of collecting litter from the surrounding streets each morning. Although I have not seen this in action I commend this initiative. Unfortunately though, it doesn't seem to make a difference to my Saturday/Sunday morning ritual of walking up the driveway and collecting the empty beer stubbies that have been either tossed into the garden or simply left sitting on the letterbox..."*

On the other hand, both the Licensee and the Town have received a number of letters from residents in the area supporting the Paddington Alehouse. The following comments have been made by residents in favour of the proposal.

#### *Letter 1*

*"As both a regular patron of the Paddington Ale House and a local resident, I attended to gain an awareness of issues or concerns that other local residents may have with your establishment. Personally, I have lived in Flinders Street for the past two years and have no issues or concerns in relation to the Paddington Ale House.*

*With respect to a number of specific issues that were discussed at the meeting, I would make the following comments/observations:*

1. *Increase in maximum number of patrons- Given that the Town of Vincent has indicated that all planning and health criteria have been met to accommodate 600 patrons, there do not appear to be grounds on which to oppose such an increase. In any event, it would appear that there are likely to be few occasions on which the Paddington Ale house could currently expect to attract significantly more than 400 patrons.*
2. *Trial of resident parking on west side of Fairfield Street - I believe the current 1 hour parking restriction in Fairfield Street, which appears to apply 24 hours a day, is both confusing and unreasonable. I have no difficulty in supporting a trial of 'residents only' parking between 5pm and 5am, although I would suggest that a more reasonable period would have been from 9pm to 5am.*
3. *Location of taxi rank - the current location on Scarborough Beach Road appears preferable, for both residents and patrons, and perhaps consideration could be given to making these taxi bays a tow away zone.*

*Generally, I was encouraged by the measures that you indicated you were willing to implement to address residents concerns, particularly the collection of glass in surrounding streets. I also concur with the observation of one of the other local residents that the source of this glassware is likely to predominantly be patrons on their way to the Paddington Ale House, rather than patrons leaving your establishment with drinks. While annoying, this situation is no different to that which I have seen occur within close proximity of many other licensed venues.*

*I am not aware of what arrangements you may currently have in place for continued liaison with local residents on these sorts of issues, but I would attend any future public meetings that may be organised with interest."*

**Letter 2**

*"I'm a local resident writing on behalf of my family to congratulate and thank you for hosting, what I believe has been your most successful year.*

*We live in Fairfield Street, one block from you, and I understand that managing patrons and locals needs must be a difficult task. We have had the occasional bottle left on our verge, and heard the ruckus of more than one disappointed rugby fan, but the disturbance has still been insignificant compared to the roar of trucks supplying Woolworth's. Congratulations on the safe and effective management of your patrons.*

*You help create a great sense of community in a city that seems to be demolishing its local public houses in favour of retirement villages and high rise apartments...thank you."*

**Letter 3**

*"...as far as we are concerned at our address, we have never had any significant concerns or issues. The rear of our property does have a line of sight to the rear of your premises and we can certainly on occasions clearly hear noise from bands, but it is infrequent and limited to what appears to be certain conditions such as wind direction. Patrons who appear to be exiting the venue, can sometimes be heard in the street however, again this is limited. Parking has never affected us to date.*

*Based on the above as it affects us, the fact that we moved to the area in full knowledge of the local licensed premises and my support for a mixed use in the area, I certainly support the current activities of your business.*

Letter 4

*"...we would like to express that we frequent our local pub, the Paddington Ale House and have never faced problems, excessive noise, or unruly behaviour, either at the Pub or in our street. We see the Paddington Ale House as an asset to our community."*

**LEGAL/POLICY:**

Town Planning Scheme No. 1 and associated Policies.

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

**Parking**

The car parking requirements for the subject site is based on total gross public assembly area and number of beds/bedrooms. There is no parking implications involved in this instance as the proposal does not involve an increase in the existing public assembly area or number of beds/bedrooms. Following are comments relating to car parking from the report relating to proposed alterations and additions to the existing hotel, which was referred to the Ordinary Meeting of Council held on 12 April 1999.

*"The car parking requirement is as follows:*

<i>Use</i>	<i>Method of calculation</i>	<i>No. car bays required</i>
<i>Tavern / dining area / alfresco area</i>	<i>1 space for every 4.5 square metres of gross public assembly area</i>	<i>128 car bays</i>
<i>Beer garden / deck area</i>	<i>1 space for every 4.5 square metres of gross public assembly area</i>	<i>21.7 car bays</i>
<i>Hotel</i>	<i>1 space per bedroom</i>	<i>24 car bays</i>
<b><i>NO. CAR BAYS REQUIRED</i></b>		<b><i>173.7 car bays</i></b>
<b><i>NO. CAR BAYS PROVIDED</i></b>		<b><i>13 car bays</i></b>
<b><i>LESS EXISTING SHORTFALL</i></b>		<b><i>120 car bays</i></b>
<b><i>TOTAL INCREASED SHORTFALL</i></b>		<b><i>40.7 car bays</i></b>

*The increase in the car parking requirement can mainly be attributed to the additional use of the deck area and the garden to the western side of the hotel for drinking area. The car parking shortfall is significant and the proposed alterations and additions are likely to create an increase in patronage. It is considered unlikely, however that all the patrons to the hotel will be using motor vehicular transport, particularly as parking in the area is minimal and the nature of the use is such that driving is not the preferred mode of transport.*

*Should the Council approve this application, it is recommended that prior to completion of the additions, three (3) bicycle parking rail(s) be provided at a location convenient to the entrance of the hotel within the setback area adjacent to the Fairfield Street frontage."*

A further report was prepared for the Ordinary Meeting of Council held on 27 April 1999. The car parking comments are as follows.

"NON-COMPLIANCE WITH CARPARKING REQUIREMENTS"

*In addition to what the Council Planning Officers report outlines we advise that:-*

- (i) The first floor level bedrooms (24 off) currently operate at no more than a 50% maximum occupancy rate. 2-3 guests/residents at most have a car, the rest of the guest/residents utilise public transport which is available at door step. Therefore a 21-22 carbay reciprocal is apparent.*
- (ii) The increased shortfall in carparking is mainly due to the concrete deck area (Fairfield Street-frontage) and garden courtyard (western side of hotel). As a result our client is prepared to forego the Fairfield Street deck area at this stage, which will not only improve the carparking shortfall but also alleviate any noise concerns residents of Fairfield Street may have had (no amplified music was intended to service the deck area in any event).*
- (iii) Our client under the Health Act-Public Buildings Regulations currently has approval to accommodate 400 persons on the premises. This is policed by both your Council Health Department and the Liquor Licensing Division.*

*The proposed alterations were aimed at improving and attracting a better standard of clientele by providing a better "quality" establishment.*

*On this issue our client wished to advise that he will not be seeking to increase his patron accommodation numbers (which are determined on a 1 square metre per person floor area basis) and remain at the current/approved 400 persons figure.*

*Councils, we understand have the authority to do this and can condition Development Approvals accordingly. Restaurants for example have been restricted in the past as to how many seats/tables they can provide etc.*

CONSIDERATION OF OBJECTIONS RECEIVED

*Our client is pro-active and most certainly does not want to cause any more undue strain or stress on the neighbouring community.*

*Parking in Fairfield Street is currently restricted to 1 hour maximum at any time, seven days a week. This can still remain and continue to be policed. "Residents Parking" stickers could be utilised to allow residents to park in their own street without being ticketed.*

*Noise issues are controllable. The proposed new structure is acoustically treated, unlike the current lean-to structure.*

*Patrol of the area by Hotel security can alleviate patron noise and disturbance.*

*Litter is not an issue and again can be overcome by hotel staff. The hotel is not a nightclub, has no take-away "bottle shop" style facilities and cannot/will not allow patrons to leave the premises with alcohol (cans, glassware etc) in hand. The standard of clientele is to be improved as mentioned earlier.*

*Privacy has been addressed in the Council Planning Officers report and is now further improved by the withdrawal of the deck area extension along Fairfield Street.*

*With respect to the right of way, this has been addressed in the Council Planning Officer's report.*

*It is obvious that the Mount Hawthorn Centre Precinct (along Scarborough Beach Road) is deteriorating rapidly. There are approx. 6-8 vacant shops. Businesses have come and gone. This application should be seen to be a catalyst in its rebirth, a stimulus for others and the Mount Hawthorn community to follow and produce its own café/retail strip as has Leederville – Oxford Street, Mount Lawley – Beaufort Street, Fremantle – South Terrace, Victoria Park – Albany Highway, Claremont, etc.*

*There is very strong support from the existing business community as outlined in the attached submissions received by our client."*

The shortfall in car parking was granted conditional Planning Approval. Condition (ix) of the conditional approval states as follows;

*" the current approved accommodation numbers in accordance with the Health (Public Building) Regulations 1992 and the Health Act 1911 (as amended) shall not be increased;"*

The applicants wish to modify the maximum accommodation numbers to be in accordance with the current standards as per Health (Public Buildings) Regulations 1992 (as amended).

### **Health Regulations**

The subject application does not involve any structural changes, additions or modifications to the existing hotel. The application pertains to increasing the maximum accommodation numbers of the hotel so that it is in accordance with the recent amendments to the Health (Public Buildings) Regulations 1992 (as amended), which allows local governments to review licensed premises, and alter the accommodation ratio from 1 person per 1 square metre to 1 person per 0.85 square metre.

In relation to Licensed Premises Transition to 0.85 square metres per person, the guidelines produced by the Department of Health (WA) state that:

*"This is an administrative change that should be initiated by local government without cost or a Form 2 request by the operator. In most case this should only be a relatively simple calculation and should not require a remeasure of the entire premises."*

Previously the hotel could support only 400 persons based on the planning condition restricting numbers to their previous accommodation of 400 persons, which would have originally been calculated at a ratio of 1 person per 1 square metre.

Recent re-measurement undertaken by the Town's Health Services result in an increase in numbers to 600 persons, as the building was deemed to meet all other health requirements for increasing the patron number. There are adequate toilets (in accordance with Table F3.2 of the Building Code of Australia), and exit widths were adequate to increase to 600 patrons. The Licensee has demonstrated a positive and community oriented approach, liaises frequently with the Town, the local Police Services, and has indicated full intention to continue to do so. The Town's Health Services, local Police Services and the Perth Alcohol and Drug Office supports this application, however due to concerns raised by some residents, a six month trial may be considered prudent. During this six month period, the Licensee will be requested to continue conducting monthly meetings (or more frequently as required), with the local Police Services and representative(s) from the Town. Following this trial, the matter will be reported to Council with further findings.

As a result of resident petitions and in accordance with a recent decision by the Director Liquor Licensing in relation to community concerns expressed regarding another licensed establishment, it is further recommended that:

- The Licensee is to continue to provide a hot-line telephone service for residents and regularly re-distribute this number to all residences within a 200 metre radius;
- Crowd controllers are to remain being employed at a ratio of two (2) crowd controllers for the first 100 patrons, and one for each additional 100 patrons at least from 9 pm until closure - unless the Director of Liquor Licensing requires a more stringent measure;
- Two (2) security personnel are to remain being employed to monitor the behaviour of patrons arriving and departing the premises from one (1) hour prior to closure until one (1) hour after trading ceases. They have the responsibility to regularly patrol the vicinity of the premises (i.e.: a 200 metre radius), including Fairfield Street, Scarborough Beach Road and laneways within the radius, in order to ensure patrons depart the hotel in an orderly manner with as little disturbance to local residents as possible;
- The Licensee is to arrange regular meetings with nearby residents (i.e.: every three months) to consider any issue of concern and thereafter submit an abridged Minutes to the Town's Chief Executive Officer during the trial period of six months. and
- The Management Policy and the Code of Conduct must be displayed in a prominent position on the licensed premises.

Following this trial, the matter will be reported to Council with further findings.

The application is considered acceptable, subject to standard and appropriate conditions to address the above matters.

**10.1.18 No. 106 (Lot 120) Edinboro Street, Mount Hawthorn– Proposed Partial Demolition of, and Alterations, Additions, Carport and Pergola to Existing Single House**

<b>Ward:</b>	North	<b>Date:</b>	2 April 2004
<b>Precinct:</b>	Mount Hawthorn P1	<b>File Ref:</b>	PRO2249; 00/33/2111
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	J Barton		
<b>Checked/Endorsed by:</b>	D Abel	<b>Amended by:</b>	-

**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 the owners G G H Orr and I L Bell for the proposed partial demolition of, and alterations, additions, and pergola, to existing single house at No. 106 (Lot 120) Edinboro Street, Mount Hawthorn, and as shown on the amended plans stamp-dated 29 March 2004, subject to:*
- (a) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
  - (b) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Edinboro 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;*
  - (c) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
  - (d) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
  - (e) *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;*
  - (f) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*

- (g) *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;*
- (h) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development the entire length of the pergola on the northern side shall be screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the respective finished floor levels. A permanent obscure material does not include a self-adhesive material or other material that is easily removed; and*
- (i) *this approval does not include the carport;*  
*to the satisfaction of the Chief Executive Officer; and*
- (ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by the owners G G H Orr and I L Bell for proposed carport to existing single house at No. 106 (Lot 120) Edinboro Street, Mount Hawthorn, and as shown on the amended plans stamp-dated 29 March 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 relating to Street Setbacks and Vehicular Access.*

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**Moved Cr Cohen, Seconded Cr Doran-Wu**

*That the recommendation be adopted.*

Cr Farrell departed the Chamber at 8.31pm.

Mayor Catania advised that the recommendation would be moved in two parts.

Clause (i) was put.

**CLAUSE (i) CARRIED (8-0)**

(Cr Farrell was absent from the Chamber and did not vote).

Clause (ii) was put.

**CLAUSE (ii) LOST (0-8)**

(Cr Farrell was absent from the Chamber and did not vote).

**Reasons:**

1. **Practicality**
2. **Amenity**
3. **State of the right of way**

***ALTERNATIVE RECOMMENDATION FOR CLAUSE (ii):***

**Moved Cr Cohen, Seconded Cr Torre**

- (ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owners G G H Orr and I L Bell for the proposed carport to existing single house at No. 106 (Lot 120) Edinboro Street, Mount Hawthorn, and as shown on the amended plans stamp-dated 29 March 2004, subject to:*
- (a) *the construction of crossovers shall be in accordance with the Town's specifications;*
  - (b) *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;*
  - (c) *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;*
  - (d) *the carport shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted); and*
  - (e) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
- to the satisfaction of the Chief Executive Officer."*

**CARRIED (7-1)**

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

(Cr Farrell was absent from the Chamber and did not vote).

**SUBSTANTIVE MOTION CARRIED AS AMENDED (9-0)**

**COUNCIL DECISION ITEM 10.1.18**

*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 the owners G G H Orr and I L Bell for the proposed partial demolition of, and alterations, additions, and pergola, to existing single house at No. 106 (Lot 120) Edinboro Street, Mount Hawthorn, and as shown on the amended plans stamp-dated 29 March 2004, subject to:*
- (a) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
  - (b) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Edinboro 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;*
  - (c) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
  - (d) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
  - (e) *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;*
  - (f) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
  - (g) *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;*

- (h) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development the entire length of the pergola on the northern side shall be screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the respective finished floor levels. A permanent obscure material does not include a self-adhesive material or other material that is easily removed; and*
- (i) *this approval does not include the carport;*
- to the satisfaction of the Chief Executive Officer; and*
- (ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owners G G H Orr and I L Bell for the proposed carport to existing single house at No. 106 (Lot 120) Edinboro Street, Mount Hawthorn, and as shown on the amended plans stamp-dated 29 March 2004, subject to:*
- (a) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (b) *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;*
- (c) *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;*
- (d) *the carport shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted); and*
- (e) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
- to the satisfaction of the Chief Executive Officer."*

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**LANDOWNER:** G G H Orr and I L Bell  
**APPLICANT:** G G H Orr and I L Bell  
**ZONING:** Metropolitan Region Scheme - Urban  
Town Planning Scheme No. 1 - Residential R30  
**EXISTING LAND USE:** Single House

**COMPLIANCE:**

Use Class	Single House
Use Classification	"P"
Lot Area	445 square metres

<b>Requirements</b>	<b>Required</b>	<b>Proposed</b>
Car Parking: Location of and Vehicular Access to Car Parking	Vehicular Access and car parking to be accessible from existing right of way where (legally) available.	Vehicular access/carport is proposed from primary street within the front setback area.
Cone of Vision Encroachments: Family and meals- southern side	6 metres	3 metres
Pergola/ deck area- northern and southern sides	7.5 metres	1.5 metres (north) and 6.5 metres (south)
Study- northern side	6 metres	3 metres
Plot Ratio	N/A	N/A
Density	N/A	N/A

**SITE HISTORY:**

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

**DETAILS:**

The applicant seeks approval for extensions to the existing property, including a double carport addition to the front of the existing single house to replace the existing dilapidated single carport.

The applicant submitted the attached letter of justification in support of the variations, and the carport addition.

**CONSULTATION/ADVERTISING:**

The application was advertised from 19 March 2004 until 2 April 2004, and no objections were received.

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

## **COMMENTS:**

### **Visual Privacy**

The levels of the subject land drop by about approximately 1 metre, from the street to the middle of the site. Given this, and that the landowners wish to build in -line with the existing floor levels, the single-storey addition sits 1 metre above the natural ground level, thus creating overlooking issues, as stated in the above Compliance table.

However, the adjoining southern neighbours advised in writing on the proposed plans that they do not object to the overlooking issues from the meals area, family room and pergola.

However, in order to protect the reasonable privacy of the adjoining northern neighbours, a standard screening condition has been recommended to ensure that the study and pergola do not overlook the northern side.

### **Building Height**

The proposed addition exceeds the acceptable height requirements for single storey dwellings by 0.8 metre. However, the overall height complies with 6 metres, and two-storeys dwellings are permitted in this locality.

In light of the above, and given that the natural slope of the land to the rear, and that the proposal complies with the R-Codes overshadowing requirements, approval is recommended.

### **Retaining Wall**

The applicant amended the plans on 29 March 2004, and set the retaining wall back 1 metre from the northern boundary. Given this, the retaining wall now complies with the R-Codes requirements.

### **Carport**

The Town's Policies relating to Street Setbacks and Vehicular Access does not permit vehicular access and car parking from the front of a property where there is opportunity to utilise the right of way. In this case, there is opportunity for vehicular access and car parking directly from the right of way. The intent of the Town's Policies is to maintain the front aspect of the existing house and to preserve the general streetscape, while promoting safety and security via casual surveillance of both the street and the right of way. The proposed carport fronting and accessed from Edinboro Street is considered to depart from the relevant requirements of the Town's Policies.

Additionally, there is not a predominance of carports right up to the front boundary in the immediate area, and the applicant's justification that his vintage cars can not access the right of way is not considered a valid planning concern.

In light of the above, this variation is therefore not supported.

### **Conclusion**

In light of the above, the proposed additions is not considered to unduly impact on the amenity of the adjoining properties, and conditional approval is recommended. However, the carport is considered to create an adverse impact on the amenity of the streetscape, and refusal is recommended for the carport addition only.

**10.1.3 No. 210 (Lot 99) Stirling Street, Perth – Garage Additions to Existing Mixed Use Development (Application for Retrospective Planning Approval)**

<b>Ward:</b>	South	<b>Date:</b>	1 April 2004
<b>Precinct:</b>	Beaufort P13	<b>File Ref:</b>	PRO2052; 00/33/2100
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	M Bonini		
<b>Checked/Endorsed by:</b>	D Abel	<b>Amended by:</b>	-

**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 Land Alliance Pty Ltd on behalf of the owner Red Swan Holdings Pty Ltd for garage additions to existing mixed use development (application for retrospective Planning Approval) at No.210 (Lot 99) Stirling Street, Perth, and as shown on the plans stamp dated 23 February 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; and*
- (iii) measures being taken to ensure that the finish and maintenance of the surface of the boundary (parapet) wall facing No.206 Stirling Street in a good and clean condition;*

*to the satisfaction of the Chief Executive Officer.*

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**COUNCIL DECISION ITEM 10.1.3**

**Moved Cr Cohen, Seconded Cr Ker**

*That the recommendation be adopted.*

**Cr Doran-Wu departed the Chamber.**

**CARRIED (8-0)**

**(Cr Doran-Wu was absent from the Chamber and did not vote).**

**Cr Doran-Wu returned to the Chamber at 8.35pm.**

**LANDOWNER:** Red Swan Holdings Pty Ltd  
**APPLICANT:** Land Alliance Pty Ltd  
**ZONING:** Metropolitan Region Scheme: Urban  
Town Planning Scheme No.1: Residential/Commercial R80  
**EXISTING LAND USE:** Office and Multiple Dwellings

**COMPLIANCE:**

Use Class	Office Building and Multiple Dwelling
Use Classification	"AA"
Lot Area	395 square metres

Requirements	Required	Proposed
Boundary Walls	Walls on boundary for 2/3 of boundary behind street setback up to 6 metres height.	Total wall occupies 96.6 per cent.
Plot Ratio	N/A	N/A

**SITE HISTORY:**

The Council, at its Ordinary Meeting held on 13 August 2002, resolved to grant conditional approval for a three-storey mixed use development comprising of 1x office and 2x multiple dwellings.

**DETAILS:**

The applicants/owners are seeking retrospective Planning Approval for garage additions to existing mixed use development.

**CONSULTATION/ADVERTISING:**

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 Residential Design Codes (R Codes)

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The subject application was submitted to the Town subsequent to the unauthorised works being completed. The applicant has undertaken the works without a Planning Approval and as such retrospective Planning Approval is sought. The applicant proposes garage additions to the existing mixed use development.

The boundary wall on the southern boundary varies from the requirements in the R Codes in relation to mixed use development. The R Codes allow walls on boundaries not to exceed 2/3 (66.6 per cent) of the total boundary length behind the street setback up to 6 metres in height. The total boundary wall with the garage portion included occupies 96.6 per cent of the boundary behind the street setback.

There currently exists a 10 metre high wall approved previously as part of the development application for a three-storey mixed use development. The subject boundary wall of the garage is single storey in nature and therefore does not impose upon the adjoining property in the context of the remainder of the approved wall.

On the above basis, the garage addition is considered acceptable, subject to standard and appropriate conditions to address the above matters.

**10.1.7 No. 30 (Lot 161) Summers Street, East Perth - Proposed Three-Storey Mixed Use Development Comprising Two (2) Multiple Dwellings and Offices and Associated Car Parking**

<b>Ward:</b>	South	<b>Date:</b>	5 April 2004
<b>Precinct:</b>	Banks, P15	<b>File Ref:</b>	PRO2507; 00/33/1975
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	V Lee		
<b>Checked/Endorsed by:</b>	D Abel	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Metropolitan Region Scheme and the Town of Vincent Town Planning Scheme No.1 the Council APPROVES the application submitted by Pinnington Investment Trusts on behalf of the owners DJ and TR Pinnington for proposed three-storey mixed use development comprising two (2) multiple dwellings and offices and associated car parking at No. 30 (Lot 161) Summers Street, East Perth, and as shown on plans dated 15 March 2004, subject to;*

- (i) *a detailed landscaping plan, including a schedule of plant species, the provision of shade trees and the landscaping and reticulation of the Summers Street adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (ii) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (iii) *a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
- (iv) *prior to the first occupation of the development, the full length and width of the right of way from the existing sealed section to the eastern 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;*
- (v) *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;*
- (vi) *a bond and/or bank guarantee for \$8640 for the full upgrade of the right of way shall be lodged prior to the issue of a Building Licence;*

- (vii) *all car parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications and dimensions specified in the Town's Policy relating to Parking and Access and Australian Standards AS2890.1 – "Off Street Parking";*
- (viii) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (ix) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (x) *standard visual truncations, in accordance with the Town's Policies and/or to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular access ways to ensure that the safety of pedestrians and other road users is not compromised;*
- (xi) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (xii) *subject to first obtaining the consent of the owners of No. 32 Summers Street and No. 36 Summers Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing east and west in a good and clean condition;*
- (xiii) *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;*
- (xiv) *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;*
- (xv) *prior to the first occupation of the development, two (2) class 1 or 2 bicycle parking facilities shall be provided at locations convenient to the entrance of the office adjacent to Summers Street. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (xvi) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (xvii) *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 (\$2360) 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);*

- (xviii) *compliance with all relevant Environmental Health, Engineering and Building requirements, including the provision of a parking space for people with disabilities;*
- (xix) *prior to the first occupation of the development, the applicant/owner(s) shall, in at least 12-point size writing, advise (prospective) purchasers of the residential units/dwellings that:*
- "the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/dwellings. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development";*
- (xx) *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;*
- (xxi) *the gross floor area of the office component shall be limited to a maximum of 275 square metres;*
- (xxii) *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;*
- (xxiii) *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*
- (xxiv) *doors and windows and adjacent floor areas fronting Summers Street shall maintain an active and interactive relationship to this street;*

*to the satisfaction of the Chief Executive Officer.*

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**COUNCIL DECISION ITEM 10.1.7**

**Moved Cr Ker, Seconded Cr Lake**

*That the recommendation be adopted with the following additional clause:*

- "(xxv) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the reduction of the western wall on the boundary to a maximum height of 9.85 metres from the natural ground level, to reduce the visual impact on the adjacent single storey building. 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 departed the Chamber at 8.36pm.**

**Cr Torre returned to the Chamber at 8.39pm.**

**LOST (0-9)**

**Reasons:**

1. **Non-compliances as contained in the report.**
2. **Bulk and scale.**
3. **Impact on amenity of adjoining properties.**

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**LANDOWNER:** DJ and TR Pinnington  
**APPLICANT:** Pinnington Investment Trust  
**ZONING:** Metropolitan Region Scheme - Urban  
 Town Planning Scheme No. 1 - Commercial  
**EXISTING LAND USE:** Vacant

**COMPLIANCE:**

<b>Requirements</b>	<b>Required</b>	<b>Proposed</b>
Setbacks Walls on Boundary	Walls on boundary for 2/3 of boundary behind the street setback up to 6 metres in height.	Walls to 11.3 metres high on both side boundaries.
Building Height	Third storey can be considered provided that the amenity of the adjacent residential area is protected in terms of privacy, scale and bulk.	Three storey proposed adjacent to a single-storey dwelling, two-storey dwelling and two-storey light industrial building.
Store Rooms	Each multiple dwelling to be provided with and enclosed, lockable storage area, accessible from the outside of the dwelling with an internal area of at least 4 square metres.	Both multiple dwellings provided with a store room, however it is located within the dwelling.
Density	Maximum 3 multiple dwellings	2 multiple dwellings
Plot Ratio	1.0 (476 square metres)	1.0 (476 square metres)
Bicycle Parking	Two class 1 or 2 bicycle parking spaces.	No bicycle parking spaces identified on the plans.

Use Class	Multiple dwelling, Office building
Use Classification	'AA', 'P'
Lot Area	476 square metres

**BACKGROUND:**

The site is surrounded by a mix of residential, commercial and industrial uses.

The site is on the southern boundary of the Town. On the opposite side of the street is land under the management of the East Perth Redevelopment Authority. The East Perth Redevelopment Authority Scheme Text and Planning Policies state the following;

*"5.20 Precinct 17: Summers Street South*

*5.20.1 Statement of Intent*

*The Authority intends that this precinct will be predominantly for commercial, service and light industrial uses, including uses providing service to the inner and central city and to the growing residential population of those areas, and uses requiring good access to the major road network. Service and light industrial uses will be required to be of a nature that does not prejudice commercial or other development in this or adjoining precincts. A high standard of presentation is expected of all new development.*

*The Authority does not consider that this area is suitable for residential development as a primary use, however mixed use developments incorporating residential use could be considered provided that an appropriate standard of amenity for the residential component of developments can be achieved and maintained...*

*Maximum Plot Ratio 1:1*

*5.21 Precinct 18: Power Station*

*5.21.1 Statement of Intent*

*The Authority acknowledges that various elements of the former East Perth Power Station have cultural heritage significance and supports its adaptive re-use for activities which would assist in ensuring their long term future, in accordance with an adopted Conservation Plan.*

*Development may involve a combination of new development within the Precinct together with the re-use in whole or in part of the existing buildings.*

*Uses which permit public access to the Power Station buildings, and which take advantage of the riverside location for associated recreational opportunities, would be supported.*

*If for some reason adaptive re-use of existing buildings is not possible and full redevelopment of the site takes place, the Authority would still wish to see uses which maximise the area's locational advantages and potential...*

*Maximum Plot Ratio 1:1*

*The plot ratio may be increased to a maximum of 1.5:1, provided that any development having a plot ratio in excess of 1:1, not less than 50% of the excess floor area shall be dedicated to residential use."*

#### **SITE HISTORY:**

The site is currently vacant. There is an unsealed, privately owned, 4.02 metre wide, right of way running along the rear boundary. To the east is a light industrial building equivalent to a two-storey high building built boundary to boundary, to the west of the subject property are two grouped dwellings, one being single storey, the rear dwelling being two-storey.

The Town's Officers met with the applicants and their architect to discuss several issues regarding the original design. Revised plans, addressing these concerns, were received on 15 March 2004.

#### **DETAILS:**

The proposal is for a mixed use development comprising office on the ground floor, multiple dwelling and associated office on the first floor, and multiple dwelling and associated office on the second floor.

The applicants/owners are brothers, who have advised that the building has been purpose designed for their computer technology business, allowing them to live and work on site.

Business hours for the office will be between 9.30am and 5.00pm Monday to Friday and will employ four people, including the two proprietors.

Two car parking bays are provided at the front of the building with access to Summer Street. Four car parking bays are provided at the rear with access from the right of way.

**CONSULTATION/ADVERTISING:**

The proposal was advertised for two weeks. One submission supporting the proposal was received.

**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:**

**Proposed Use**

The proposed use of "office" is a permitted use within the Commercial Zone. In accordance with the Town's Policy regarding Non-Residential Uses in/or Adjacent to Residential Areas, the proposed office use and hours of operation are considered to be compatible with the surrounding residential uses, and not considered to have an unreasonable impact on the amenity of the adjacent residential area.

**Building Height**

The Town's Policy relating to the Banks Precinct allows for a third storey (including loft) to be considered, provided that the amenity of the adjacent residential area is protected in terms of privacy, scale and bulk.

The original proposal included a three-storey parapet wall on both side boundaries. The Town's Officers consider that a three-storey parapet wall is supportable on the western property boundary where it abuts an existing two-storey parapet wall of a light industrial use.

The applicant has modified the design of the development to acknowledge the single storey dwelling on the western boundary. The revised plans stamp-dated 15 March 2004, shows 7.5 metres of the three storey wall on boundary adjacent to the single storey dwelling being setback 2 metres from the boundary. 16.23 metres of three storey parapet wall remains wall on boundary and generally abuts the rear yards rather than the dwellings. The pedestrian access way separates the dwellings to the west from the walls on boundary. The extent of wall on boundary is a variation to the R Codes.

Given the mixed use nature of the uses in the area, the orientation of the lot, and that no objections have been received from the affected adjacent properties, this variation is supportable.

**Overshadowing**

The proposal is not considered to unduly overshadow the adjoining properties as the shadow cast at midday on June 21 will be over Summers Street.

**Car Parking**

The original plans submitted showed eight (8) car parking bays provided on site. This included four car parking bays in the front of the building, taking up the full width of the lot. The Town's Policy relating to the Banks Precinct states that:

*"Street setbacks should be consistent with those of existing development while also having regard to any adjacent residential uses or land.*

*Where provided, these setbacks should be predominately landscaped.....Adequate car parking is to be provided on-site to ensure that unreasonable commercial parking does not spill into adjacent residential streets..."*

In consultation with the Town's Officers the applicant revised the plans to incorporate landscaping into the front setback, this resulted in the loss of two car parking bays, however it is considered that adequate car parking is retained on site (see below) and that landscaping will reduce the impact of the proposal on the streetscape.

The Residential Design Codes allows for the number of residential car parking bays provided on-site to be reduced when other parking bays will be available outside of working hours in a mixed use development. In this instance it is considered appropriate that a minimum of two car parking bays are provided for the exclusive use of the residential component.

In accordance with the Town's Policy regarding Parking and Access, one car parking bay is required per 50 square metres of office gross floor area.

Four car parking bays have been provided for the use of visitors and staff in regards to the proposed office use, and accordingly it is considered that there is adequate car parking provided on site.

Car parking requirement (nearest whole number) - 275 square metres of gross floor office area	6 car bays
Apply the adjustment factors <ul style="list-style-type: none"> <li>▪ 0.80 (within 400 metres of a bus stop)</li> <li>▪ 0.85 (within 400 metres of a rail station)</li> <li>▪ 0.80 (mixed use development with at least 45 percent residential)</li> </ul>	0.544
Car parking requirement with adjustment factor applied (6 car bays x 0.544)	3.264 car bays
Minus the car parking provided on site	4 car bays
Minus the most recently approved on-site car parking shortfall	Nil car bays
Resultant surplus	0.736 bays

**Bicycle Parking Facilities:**

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

**Plot Ratio**

The revised plans stamp-dated 15 March 2004 now comply with the plot ratio requirements of the R Codes for mixed use development.

**Privacy**

The development includes balconies overlooking Summers Street and the rear right of way. This passive surveillance is encouraged and adds visual interest to the building.

There are no windows proposed on the side boundaries.

In order to protect the privacy of the residents to the west, it is recommended that the balconies to the rear of the dwellings on the western elevation be screened in accordance with the requirements of the R Codes.

It is not deemed necessary to screen the northern elevations of the rear balconies as there is greater than 7.5 metres separation distance between the balconies and the western properties.

#### **Store Rooms**

The proposal does provide store rooms for the multiple dwellings, however this is provided within the building and is not accessible externally.

In this instance the provision of the stores within the multiple dwellings is considered supportable.

#### **Summary**

The subject site is zoned commercial and is surrounded by a range of uses. The proposed uses are considered appropriate and supportable and the structure of the building, although three storeys high, is generally considered to be compatible with the surrounding area and sympathetic to the adjacent residential area.

Accordingly, it is recommended that the application be approved subject to standard and appropriate conditions to address the above matters and the mixed use scale and nature of the proposal.

**10.1.8 Nos. 65 - 67 (Lots 111, 112 and 113) Raglan Road, Corner William Street Mount Lawley –Proposed Alterations and Additions to Existing Single House, Alterations and Additions to Existing Place of Worship Buildings to Create Four (4) Single Bedroom Grouped Dwellings and Five (5) Grouped Dwellings, and Construction of Three (3) Grouped Dwellings, Resulting in the Development of One (1) Single-Storey Grouped Dwelling, Eight (8) Two - Storey Grouped Dwellings and Four (4) Single Bedroom Two - Storey Grouped Dwellings - Reconsideration of Car Parking Condition**

<b>Ward:</b>	South	<b>Date:</b>	5 April 2004
<b>Precinct:</b>	Norfolk, P10	<b>File Ref:</b>	PRO2320; 00/33/2145
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	P Mastrodomenico		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**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 Palassis Architects on behalf of the owners Wasley Institute Pty Ltd for proposed alterations and additions to existing single house, alterations and additions to existing place of worship buildings to create four (4) single bedroom grouped dwellings and five (5) grouped dwellings and construction of three (3) grouped dwellings, resulting in the development of one (1) single storey grouped dwelling, eight (8) two - storey grouped dwellings and four (4) single bedroom two - storey grouped dwellings at Nos. 65 - 67 (Lots 111, 112 and 113) Raglan Road, corner William Street, Mount Lawley, and as shown on the amended plans stamp dated 1 April 2004, subject to:*

- (i) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (ii) a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the William Street and Raglan Road verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (iii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating ) the provision of lighting to the vehicular accessway and carparking area to the satisfaction of the Town's Technical Services. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (iv) subject to first obtaining the consent of the owners of No. 555 (Lot 200) William 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. 555 (Lot 200) William Street in a good and clean condition;*

- (v) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any front fences and gates adjacent to William Street and Raglan Road shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency. 50 percent of the length of the portion of the fences around the private courtyards of units 3, 7, 8 and 9 facing William Street may be solid to a maximum height of 1.8 metres and shall incorporate at least two design features;*
- (vi) *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;*
- (vii) *detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building Licence application;*
- (viii) *prior to the first occupation of the development, a minimum of twenty four (24) car parking spaces (including one (1) visitor bay) shall be provided for the development, and the visitor bay shall be clearly marked and signposted for the exclusive use of the visitors of the development;*
- (ix) *all car-parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications and dimensions specified in the Town's Policy relating to Parking and Access and Australian Standards AS2890.1 – "Off Street Parking";*
- (x) *standard visual truncations, in accordance with the Town's Policies and to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*
- (xi) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (xii) *a road and verge security bond or bank guarantee of \$2200 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*
- (xiii) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (xiv) *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;*
- (xv) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*

- (xvi) *details of all street trees adjacent to the subject property shall be submitted with the Building Licence application;*
- (xvii) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (xviii) *prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (xix) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site; and*
- (xx) *a report by an arboriculturist on the measures to ensure retention and longevity of those trees identified to be retained on site should be submitted and approved prior to the issue of a Building Licence. All recommendations contained in that report shall be undertaken prior to the first occupation of the development and thereafter maintained, at the applicant's/owner(s)' full expense. This may also result in the need for revised plans being submitted and approved prior to the issue of a Building Licence. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and*
- (xxi) *prior to the first occupation of the development, the applicant/owner(s) shall, in at least 12-point size writing, advise (prospective) purchasers of the single bedroom residential units/dwellings that:*
- "the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the single bedroom 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";*
- to the satisfaction of the Chief Executive Officer.*

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**COUNCIL DECISION ITEM 10.1.8**

**Moved Cr Chester, Seconded Cr Farrell**

*That the recommendation be adopted.*

**CARRIED (9-0)**

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<b>LANDOWNER:</b>	The Wasley Institute Pty Ltd
<b>APPLICANT:</b>	Palassis Architects
<b>ZONING:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R60
<b>EXISTING LAND USE:</b>	Place of Public Worship and Single House

**COMPLIANCE:**

Requirements	Required	Proposed ( <b>previously approved</b> )
Setbacks -		
Southern side (Ground Floor)	1.5 metres	1.25 - 1.725 metres
Southern side (First Floor)	1.5 metres	1.25 - 1.725 metres
Street Setback -		
William Street Ground Floor	4.0 metres	3.4 metres
First Floor	6.0 metres	2.3 metres
Density	1944 square metres (1889 square metres previously required)	1781 square metres
Plot ratio	0.65 (1158 square metres)	0.64 (1138 square metres)

Use Class	Grouped Dwelling
Use Classification	"P"
Lot Area	1781 square metres

**SITE HISTORY:**

The Council, at its Ordinary Meeting held on 8 July 2003 conditionally approved an application for alterations and additions to existing single house, alterations and additions to existing place of worship buildings to create five (5) single bedroom grouped dwellings and three (3) grouped dwellings and construction of four (4) grouped dwellings, resulting in the development of one (1) single storey grouped dwelling, seven (7) two - storey grouped dwellings and five (5) single bedroom two - storey grouped dwellings.

The Council, at its Ordinary Meeting held on 24 February 2004 conditionally approved an application for alterations and additions to existing single house, alterations and additions to existing place of worship buildings to create four (4) single bedroom grouped dwellings and five (5) grouped dwellings and construction of three (3) grouped dwellings, resulting in the development of one (1) single storey grouped dwelling, eight (8) two - storey grouped dwellings and four (4) single bedroom two - storey grouped dwellings.

**DETAILS:**

This application is identical to the application previously conditionally approved at the Ordinary Meeting of Council held on 24 February 2004.

Approval is mainly sought for the reconsideration of car parking for the approved development, as follows:

Requirements	Required	Proposed	Previously approved at Ordinary Meeting of Council held on 8 July 2003	Previously approved at Ordinary Meeting of Council held on 24 February 2004
Car Parking	24 car bays, including 2 visitors bays.	24 car bays, including 1 visitors bay.	22 car bays, including 1 visitors bay	24 car bays, including 6 visitors bay

**CONSULTATION/ADVERTISING:**

The application was not advertised as it is similar to an application advertised in the past twelve months.

**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 applicant seeks a reduction of the requirement of 2 visitors car bays to 1 visitors car bay and provides the following information in support of the proposal. The previous requirement for 6 visitors bays approved at the Ordinary Meeting of Council held on 24 February 2004, was a typographical error. The actual requirement for visitors parking is two bays.

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

- "1. In July 2003 Council granted Planning Approval with the condition for 1 visitor carpark.*
- 2. In February 2004 on application to change the configuration of the units but the same number of units (ie 13 units) as previously approved in July 2003 the requirement was increased to 6 visitor bays.*
- 3. Our discussions confirmed that your recalculations show a requirement for 2 visitor car bays.*
- 4. The requirement for the change in the configuration of the units was in relation to the market. The reality is the development has proceeded to market based on the requirement of 1 visitor bay.*

*Practically we cannot accommodate more bays on the site without affecting the heritage buildings. The design has emphasised the retention of all the heritage buildings and most of the external fabric. We suggest that council is able to vary the requirement on heritage grounds from the two recalculated to the one previously required."*

The other matters relating to the proposed development have been addressed in the report (Item 10.1.7) to the Ordinary Meeting of Council held on 24 February 2004.

Accordingly, the proposed variation to the visitors car parking requirement is acceptable, based on the above and the fact that the original approval required one visitor bay.

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

**10.1.10 No. 129 (Lot 321) London Street, Mount Hawthorn - Proposed Partial Demolition of and Alterations, Two - Storey Additions, Garage and Fencing to Existing Single House**

<b>Ward:</b>	North	<b>Date:</b>	1 April 2004
<b>Precinct:</b>	Mount Hawthorn, P1	<b>File Ref:</b>	PRO2694; 00/33/2065
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	V Lee		
<b>Checked/Endorsed by:</b>	D Abel	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme the Council APPROVES the application submitted by P Keeling on behalf of the owners PJ and LG Keeling, for proposed partial demolition of and alterations and two-storey additions, garage and fencing to existing single house at No. 129 (Lot 321) London Street, Mount Hawthorn, and as shown on plans stamp dated 6 February 2004, subject to:*

- (i) *prior to the issue of a Building Licence, revised plans shall be submitted and approved by the Town demonstrating:*
  - (a) *a minimum of two significant design features being incorporated into the solid front fence or wall, adjacent to London Street;*
  - (b) *the garage being setback from the dedicated public road at the rear so that there is a minimum of 6 metres to the nearest impediment for adequate vehicle manoeuvring; and*
  - (c) *the window to bedroom 1 on the western elevation being screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole window can be top hinged and the obscure portion of the window openable to a maximum of 20 degrees; OR the subject window not exceeding one square metre in aggregate in the respective subject wall, so that it is not considered to be a major opening as defined in the Residential Design Codes 2002;*

*The revised plans shall not result in any greater variations to the Residential Design Codes or the Town's Policies;*
- (ii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (iii) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (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) *a dedicated road 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 rear dedicated road shall remain open at all times and not be used to store building materials or obstructed in anyway. The dedicated road 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) *details of all street trees adjacent to the subject property shall be submitted with the Building Licence application;*
- (vii) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (viii) *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) *compliance with all relevant Building, Engineering and Environmental Health requirements;*
- (x) *standard visual truncations, in accordance with the Town's Policies and/or to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular access ways to ensure that the safety of pedestrians and other road users is not compromised; and*
- (xi) *the garage structure shall not be used for habitable, commercial or industrial purposes;*

*to the satisfaction of the Chief Executive Officer.*

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**Moved Cr Chester, Seconded Cr Ker**

*That the recommendation be adopted subject to amendment to clause (i) of the previous recommendation, as follows:*

- "(i) *prior to the issue of a Building Licence, revised plans shall be submitted and approved by the Town demonstrating:*
  - (a) *a minimum of two significant design features being incorporated into the solid front fence or wall, adjacent to London Street. The significant design features are to include a combination of at least two of the following features: different materials, differing height, different textures, indentations, portions of visual permeability, landscaping or equivalent;*
  - (b) *the garage being setback from the dedicated public road at the rear so that there is a minimum of 6 metres to the nearest impediment for adequate vehicle manoeuvring; and*

- (c) *the window to bedroom 1 on the western elevation being screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole window can be top hinged and the obscure portion of the window openable to a maximum of 20 degrees; OR the subject window not exceeding one square metre in aggregate in the respective subject wall, so that it is not considered to be a major opening as defined in the Residential Design Codes 2002;*

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

**CARRIED (9-0)**

**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 P Keeling on behalf of the owners PJ and LG Keeling, for proposed partial demolition of and alterations and two-storey additions, garage and fencing to existing single house at No. 129 (Lot 321) London Street, Mount Hawthorn, and as shown on plans stamp dated 6 February 2004, subject to:*

- (i) *prior to the issue of a Building Licence, revised plans shall be submitted and approved by the Town demonstrating:*
- (a) *a minimum of two significant design features being incorporated into the solid front fence or wall, adjacent to London Street. The significant design features are to include a combination of at least two of the following features: different materials, differing height, different textures, indentations, portions of visual permeability, landscaping or equivalent;*
- (b) *the garage being setback from the dedicated public road at the rear so that there is a minimum of 6 metres to the nearest impediment for adequate vehicle manoeuvring; and*
- (c) *the window to bedroom 1 on the western elevation being screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole window can be top hinged and the obscure portion of the window openable to a maximum of 20 degrees; OR the subject window not exceeding one square metre in aggregate in the respective subject wall, so that it is not considered to be a major opening as defined in the Residential Design Codes 2002;*

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

- (ii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (iii) *the construction of crossovers shall be in accordance with the Town's specifications;*

- (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) *a dedicated road 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 rear dedicated road shall remain open at all times and not be used to store building materials or obstructed in anyway. The dedicated road 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) *details of all street trees adjacent to the subject property shall be submitted with the Building Licence application;*
- (vii) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (viii) *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) *compliance with all relevant Building, Engineering and Environmental Health requirements;*
- (x) *standard visual truncations, in accordance with the Town's Policies and/or to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular access ways to ensure that the safety of pedestrians and other road users is not compromised; and*
- (xi) *the garage structure shall not be used for habitable, commercial or industrial purposes;*

*to the satisfaction of the Chief Executive Officer.*

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<b>LANDOWNER:</b>	P J and L G Keeling
<b>APPLICANT:</b>	P Keeling
<b>ZONING:</b>	Metropolitan Region Scheme - Urban Town Planning Scheme No. 1 - Residential R30
<b>EXISTING LAND USE:</b>	Single House

**COMPLIANCE:**

<b>Requirements</b>	<b>Required</b>	<b>Proposed</b>
Setback North	Ground floor - 2.8 metres	1.52 metres
Setbacks Secondary Street (West)	1.5 metres  Garages to be setback to allow for a minimum of 6 metres manoeuvring area between the garage and the nearest impediment.	Garage proposed to be setback 1 metre from the dedicated public road.
Building Height	6 metres to the top of the wall from natural ground level.	Due to finished floor level of the existing house, and the existing high ceilings, the highest point to the top of the proposed wall is 7 metres from natural ground level.
Privacy	Verandahs with finished floor level above 0.5 metres to be 7.5 metres from boundary or screened.  Bedrooms within 4.5 metres of boundary within cone of vision to be screened.	Proposed rear verandah has finished floor level of 0.8 metres, 1.52 metres from northern boundary with screening provided by existing boundary fence.  Window on western elevation to bedroom 1 not adequately screened and within 4.5 metres of northern boundary
Street Walls and Fences	Front walls and fences to be visually permeable 1.2 metres above natural ground level.	Solid fence proposed along London Street.
Plot Ratio	N/A	N/A

Use Class	Single House
Use Classification	"P"
Lot Area	445 square metres

**SITE HISTORY:**

There is an existing single storey dwelling on the lot. A 4.1 metre wide sealed and drained dedicated public road abuts the rear of the lot.

**DETAILS:**

The application involves two-storey additions and new garage at the rear of the existing single storey dwelling. This will involve partial demolition to the rear of the house and the existing garage at the rear. Vehicle access is proposed from the sealed and drained right of way at the rear.

New fencing is also proposed adjacent to London Street.

**CONSULTATION/ADVERTISING:**

The application was advertised for a two week period. One submission was received raising concerns in regard to overlooking from the two storey additions.

**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:**

**Partial Demolition**

The Town's Heritage Officers have advised that the proposed partial demolition is considered acceptable.

**Building Height**

The proposed addition has been designed so that the finished floor level of the addition is at the same level as the existing house. As the block slopes down to the rear, this results in the top of the wall height being at 7 metres above natural ground level at the highest point.

The applicant has requested that the Town support this variation to the Residential Design Codes for the following reasons:

- " 1. *The proposed building exceeds the preferred building height due primarily to the fact that we have maintained floor and ceiling levels between the current dwelling and the addition. This is because the overall design of the addition is intended to:*
  - a) *be consistent with the architecture of the original house, and*
  - b) *have minimal impact on the existing dwelling structure. That is, to maintain character both to the benefit of our house's value and consistent with Mt Hawthorns' overall character.*
2. *The house is on a downward-sloping block (front to back and as such the floor level at the rear of the house is naturally higher from the ground than at the front.*
3. *Our neighbours will not be adversely affected by this addition. We have contacted our adjacent neighbours and provided them with copies of our plans for their review. Both adjacent neighbours on London Street report no objections with the proposed addition, and we have had no reported objections from our rear neighbour on Dunedin Street."*

### **Setbacks**

The Town's Technical Services have advised that the dedicated public road at the rear is 4.1 metres wide. This is considered to be a secondary street under the R Codes and therefore is required to be setback 1.5 metres. In addition, in order to provide adequate manoeuvring area, approval of the development is subject to the garage being setback from the road so that there is a minimum of 6 metres manoeuvring area between the garage and the nearest impediment.

The proposed extension to the dwelling follows the side setback the existing dwelling. The Town's Policy relating to the Ellesmere Locality encourages that maintenance of the side setbacks. The proposed setback of one (1) metre to the side boundary on the ground floor is considered supportable.

### **Street Walls and Fences**

The applicant has provided the following justification in support of a solid fence along London Street:

*"The proposed front fence has a solid portion maximum height of 1.5 metres, and I request that consideration be given to the following circumstances:*

- 1. That the residence is on London Street, which is a major road and has a high traffic volume. I am seeking to reduce the visual and noise impact of the traffic on my residence.*
- 2. That the policy itself states that the Town of Vincent may approve exceptions for solid-wall fences to a height of 1.8 metres on major roads.*
- 3. That with a maximum pier height of 1.63 metres, a maximum solid-wall height of 1.5 metres, and with attractive design features, the proposed front wall will not be inconsistent with the current street landscape and "Mount Hawthorn character".*
- 4. That neighbouring, and many nearby houses, have existing front street walls with solid portions in excess of 1.5 metres in height."*

London Street is an Other Regional Road under the Metropolitan Region Scheme. The Town's Policy relating to Street Walls and Fences allows for a solid street wall to be considered provided design features are incorporated into the wall to break up its visual impact. Accordingly, it is recommended that this be incorporated as a condition of Planning Approval.

### **Privacy**

There is a minor variation to the privacy requirement of the R Codes in relation to overlooking from bedroom 1 on the western elevation. The overlooking relates to a 1 square metre area within the cone of vision on the northern property. Accordingly, this is to be addressed prior to the issue of a Building Licence.

In regards to the proposed deck, the existing boundary fence has been raised in height to 3.1 metres high at this location to screen the neighbours deck in a similar location. Accordingly, the proposed deck is not considered to compromise the neighbour's reasonable privacy. The neighbour has also provided written advice confirming they do not object to the proposed deck.

There is not considered to be unreasonable overlooking to the dwelling on the other side of the secondary street as there is adequate separation distance between the properties.

### **Summary**

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

**10.1.12 No.18 (Lot 4058) Highlands Road, North Perth - Proposed Demolition of Existing Single House**

<b>Ward:</b>	North	<b>Date:</b>	1 April 2004
<b>Precinct:</b>	North Perth, P8	<b>File Ref:</b>	PRO2712; 00/33/2096
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	H Eames		
<b>Checked/Endorsed by:</b>	D Abel	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme the Council APPROVES the application submitted by J Barton on behalf of the appointed Power of Attorney J Ensor for the owner E Hollywood for the proposed demolition of the existing single house at No.18 (Lot4058) Highlands Road, North Perth, and as shown on the plans stamp dated 19 February 2004, subject to:*

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

*to the satisfaction of the Chief Executive Officer.*

**COUNCIL DECISION ITEM 10.1.12**

**Moved Cr Chester, Seconded Cr Ker**

*That the recommendation be adopted.*

**CARRIED (9-0)**

**LANDOWNER:** E Hollywood (deceased estate)  
**APPLICANT:** J Barton  
**ZONING:** Metropolitan Region Scheme - Urban  
Town Planning Scheme No.1 - Residential R30/40  
**EXISTING LAND USE:** Vacant house  
**LOT AREA:** 802 square metres

**BACKGROUND:**

Nil.

**SITE HISTORY:**

The place is occupied by a single vacant house.

**DETAILS:**

The applicant seeks approval for the demolition of the existing dwelling at No.18 (Lot 4058) Highlands Road, North Perth.

**CONSULTATION/ADVERTISING:**

Applications for proposed demolition is not required to be advertised.

**LEGAL/POLICY:**

Town Planning Scheme No. 1 and associated Policies. The existing house has been assessed in accordance with the Town's Policy 3.6.2 - Heritage Management.

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

A Heritage Assessment for the subject dwelling is included as an attachment to this report. The place is not considered to have any cultural heritage significance. It is representative of the Worker's Homes Board dwellings constructed in the late 1930s.

It is recommended that the proposed demolition be approved subject to standard conditions.

Mayor Catania advised that Cr Franchina had declared a proximity interest in this Item. Cr Franchina departed the Chamber at 8.49pm and did not speak or vote on the matter.

**10.1.25 Tender No. 285/04 - Leederville Masterplan**

<b>Ward:</b>	South	<b>Date:</b>	5 April 2004
<b>Precinct:</b>	Oxford Centre Precinct, P4 and Leederville Precinct, P3	<b>File Ref:</b>	PLA0147 & TEN0295
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	H Coulter		
<b>Checked/Endorsed by:</b>	D Abel, M Rootsey	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council:*

- (i) *ACCEPTS the Tender submitted by Considine and Griffiths Architects Pty Ltd for the undertaking of a Leederville Masterplan, in accordance with the specifications as detailed in Tender No. 285/04, for the sum of \$33,115.00; and*
- (ii) *AUTHORISES the Chief Executive Officer to invite representatives of the Western Australian Planning Commission's Urban Design and Revitalisation Projects Section to discuss funding and partnership options for the Leederville Masterplan project.*

**COUNCIL DECISION ITEM 10.1.25**

**Moved Cr Doran-Wu, Seconded Cr Chester**

*That the recommendation be adopted.*

**CARRIED (8-0)**

**(Cr Franchina was absent from the Chamber and did not vote).**

**BACKGROUND:**

- 18 September 2003 A meeting was held with the then Chairman of the Western Australian Planning Commission, Town of Vincent Elected Members, representatives of the Department for Planning and Infrastructure and Officers of the Town of Vincent to discuss the Western Australian Planning Commission's introduction of a \$500,000 budget allocation, to showcase demonstration proposals, which may include places of interest, redevelopment schemes, transport schemes and the like.
- 23 September 2003 The Council at its Ordinary Meeting resolved to produce a Masterplan for the Leederville area.



### **Western Australian Planning Commission's Revitalisation/Building Better Communities Projects**

The Department for Planning and Infrastructure's (DPI) recently formed 'Revitalisation Projects' section has advised that they are currently finalising the brochure for its 'Revitalisation Partnerships' however a formal launch of the program was not expected prior to May 2004. The Town has contacted the Department for Planning and Infrastructure on a number of occasions with regard to 'Revitalisation Projects' requesting they give due and immediate attention to undertaking to launch this program. Excerpts of a letter dated 1 April 2004 from the DPI advises as follows:

*" . . . With respect to point (iv) of the resolution, relating to the WA Planning Commission's proposed grants program, since the decision to proceed with the program was made last year, the Dialogue with the City process was initiated and is increasingly providing strategic direction to the Commission and the Department. In light of this it has been decided the grants program, now titled "Building Better Communities", should be modified somewhat to align it more closely with Dialogue outcomes and objectives. It is currently anticipated that the program will be launched in May, to coincide with a number of Dialogue related events proposed for that time, including workshops with local government elected representatives and planners.*

*While the general direction and objectives of the Leederville town centre project would still appear to be consistent with the aims of the Commission program, it is not of course possible to guarantee at this point funding will be made available, given that the program will require application to be assessed on a comparative basis across the Perth metropolitan region.*

*The Town may therefore need to consider whether it should continue to await the Commission program, or to proceed with the project and make application when the program is launched, which could for example be an application relating to later planning stage of the project or to assistance in implementing some of the outcomes. In the interim, it is possible that some contribution to the project could be considered outside the program, particularly if the objectives are consistent with the strategic planning directions of the Commission.*

*With respect to part (iii) of the Council's Resolution, it is not clear from your letter whether the proposed working group has yet been established, however we would be happy to meet with relevant Council officers to discuss the possible involvement of the Commission, through the Department, in that group, and also to further discuss the funding possibilities both within and outside the proposed Commission program."*

Given the Council's desire to collaboratively work with the Western Australian Planning Commission (WAPC) in this regard, the finalisation of the tender process has been delayed with a view to ensuring the best outcome for the project. In light of the above, it is considered that the project should not be unduly delayed any further pending the outcome of the final structure and mandate of the WAPC's 'Revitalisation/Building Better Communities Projects' however, discussion with the Commission regarding alternative funding outside the program is considered appropriate.

### **CONSULTATION/ADVERTISING:**

Tender No. 285/04 - Leederville Masterplan was advertised in *The West Australian* newspaper on 28 January 2004 and submissions closed on 11 February 2004.

**STRATEGIC IMPLICATIONS:**

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

**LEGAL/POLICY:**

Town Planning Scheme No. 1 and associated Policies.

**FINANCIAL IMPLICATIONS:**

The Council at its Ordinary Meeting held 16 December 2003 authorised a budget reallocation of \$50,000 from the Town Planning Scheme Amendments and Policies to fund the \$50,000 for delivery of a Leederville Masterplan.

**COMMENTS:**

Following the assessment of the Tender submissions, it is established that Considine and Griffiths Architects Pty Ltd is the most suitable for undertaking the Leederville Masterplan and presented the best value for money. Considine and Griffiths Architects Pty Ltd met all the required specific expertise, showed clarity in the approach to the project, understood the Town's desired outcomes for the project as well as having specific experience in working with the Town on numerous occasions, and presented them as the most appropriate for the project.

Total cost was allocated 20 per cent of the overall criteria weighting, and therefore was not a singular deciding factor when determining the successful Tender, however, Considine and Griffiths Architects Pty Ltd presented the lowest Tender price in addition to meeting all the required criteria outlined in the Project Brief, especially in terms of a demonstrated understating of planning issues within the Town, in particular, the study area, and with specific technical expertise in working with local governments and the Town on many projects in the past.

Verification of Considine and Griffiths Architects' referees revealed a strong respect for the consultant's work ethic, performance and ability to meet the objectives of the client and community. The consultant has undertaken numerous planning, heritage and townscape projects in Western Australia and to date, has achieved exemplary results for the respective Local Governments. The respective team members are highly regarded and recommended by their peers.

In light of the above, it is recommended that the Council accepts the Tender submitted by Considine and Griffiths Architects Pty Ltd for the undertaking of a Leederville Masterplan, in accordance with the specifications as detailed in Tender No. 285/04, and further explores the funding/partnership options expressed by the Department for Planning and Infrastructure in its letter dated 1 April 2004 above.

The Chief Executive Officer advised that Mayor Catania had declared a financial interest in this Item. Mayor Catania departed the Chamber at 8.52pm and did not speak or vote on the matter. Deputy Mayor Ian Ker assumed the Chair.

**10.3.1 Investment Report**

<b>Ward:</b>	-	<b>Date:</b>	02 April 2004
<b>Precinct:</b>	-	<b>File Ref:</b>	FIN0005
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	J Wearing		
<b>Checked/Endorsed by:</b>	N Russell	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council RECEIVES the Investment Report for the month ended 31 March 2004 as detailed in Appendix 10.3.1.*

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Cr Franchina returned to the Chamber at 8.52pm.  
Cr Cohen departed the Chamber at 8.52pm.

**COUNCIL DECISION ITEM 10.3.1**

**Moved Cr Lake, Seconded Cr Chester**

*That the recommendation be adopted.*

**CARRIED (7-0)**

**(Mayor Catania and Cr Cohen were 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 31 March 2004 were \$9,951,125 compared with \$9,951,125 at 29 February 2004. At 31 March 2003, \$11,616,580 was invested.

Total accrued interest earned on Investments as at 31 March 2004:

	Budget	Actual	%
	\$	\$	
Municipal	300,000	219,613	73.20
Reserve	342,000	298,861	87.39

**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.

The Chief Executive Officer advised that Cr Doran-Wu had declared a financial interest in this Item. Cr Doran-Wu departed the Chamber at 8.53pm and did not speak or vote on the matter.

**10.3.4 Community and Welfare Grants and Donations 2004/2005**

<b>Ward:</b>	Both	<b>Date:</b>	6 April 2004
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0120
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	P Flinn		
<b>Checked/Endorsed by:</b>	J Anthony/M Rootsey	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council APPROVES the following donations to be listed in the Draft 2004/2005 Budget:*

<i>Australian Asian Association of WA Inc.</i>	<i>\$1,000.00</i>
<i>Better Hearing Australia</i>	<i>\$1,000.00</i>
<i>Carers WA</i>	<i>\$2,000.00</i>
<i>East Metropolitan Population Health Unit</i>	<i>\$1,300.00</i>
<i>Epilepsy Assn of Western Australia Inc</i>	<i>\$500.00</i>
<i>Greek Welfare</i>	<i>\$2,000.00</i>
<i>Loftus Community Centre</i>	<i>\$15,000.00</i>
<i>Mental Health Law Centre</i>	<i>\$1,500.00</i>
<i>Multicultural Services Centre of WA Inc.</i>	<i>\$3,000.00</i>
<i>Passages Resource Centre</i>	<i>\$2,000.00</i>
<i>People Who Care</i>	<i>\$2,000.00</i>
<i>Playgroups</i>	<i>\$3,000.00</i>
<i>Rosewood Care Group</i>	<i>\$12,000.00</i>
<i>Salvation Army</i>	<i>\$3,000.00</i>
<i>St Hilda's Anglican Church</i>	<i>\$2,000.00</i>
<i>Touch Australia</i>	<i>\$3,000.00</i>
<i>Toy Libraries</i>	<i>\$1,500.00</i>
<i>Volunteer Task Force</i>	<i>\$3,285.00</i>
<i>WA AIDS Council</i>	<i>\$1,500.00</i>
<i>WA Deaf Society</i>	<i>\$500.00</i>
<i>Welfare Rights and Advocacy Service</i>	<i>\$500.00</i>
<i>Women's Health Care House</i>	<i>\$1,000.00</i>
<i>Sundry Donations</i>	<i>\$5,000.00</i>
<b>TOTAL</b>	<b>\$67,585.00</b>

**COUNCIL DECISION ITEM 10.3.4**

**Moved Cr Lake, Seconded Cr Torre**

*That the recommendation be adopted.*

Cr Cohen returned to the Chamber at 8.54pm.

**CARRIED (7-0)**

**(Mayor Catania and Cr Doran-Wu were absent from the Chamber and did not vote).**

**DETAILS:**

**Community and Welfare Grants and Donations 2004/2005**

In accordance with the Community and Welfare Grants and Donations Guidelines, the scheme was advertised in two local papers during the month of January inviting applications for funding which resulted in 22 applications.

Each application has been rated on a standard scale against a standard set of criteria. The ratings scale is shown below:

<b>Criteria</b>	<b>Weighting</b>
Adherence to policy guidelines	30%
Benefit to Town of Vincent residents	20%
Financial viability of the project or program	10%
Previous grants acquitted satisfactorily	10%
Targets vulnerable and disadvantaged groups in the community	10%
A unique service that meets the needs of the community	10%
Demonstrated experience in delivering the service or program	10%
	<b>100%</b>

A summary of the applications and their ratings is shown on the following pages :

**Applications recommended for funding:**

<b>Organisation</b>	<b>Australian Asian Association of WA Inc.</b>
Purpose of Funding	The Australian Asian Association is seeking funding to assist with the purchase of equipment to upgrade their kitchen; provide healthy activities for seniors including two outings; and Emergency Relief for the needy.
Target Group	Seniors, disabled, CALD communities, migrants, unemployed
Services Provided by the Organisation	The Australian Asian Association's focus is to assist all migrants with their settlement needs. Services include: <ul style="list-style-type: none"> <li>• Advocacy &amp; referrals</li> <li>• Help accessing services such as education, health, housing, employment etc.</li> <li>• Providing a meeting place for community members</li> <li>• Organising forums, workshops and activities</li> <li>• Pro Bono Immigration Services</li> <li>• Pro Bono Legal services</li> <li>• Home care for Frail aged</li> <li>• Learning resource centre</li> <li>• Emergency relief</li> <li>• Seniors activities</li> </ul>
Incorporated	Yes
Number of Vincent Residents Served	30 % - 40 % (Approx 180 – 250)
Comments	Funding will be provided for seniors outings. This service will be beneficial to migrant seniors living in the Town of Vincent as there are limited services of this kind in the Town.
Amount Requested	\$13,980
Amount Recommended	\$1,000

<b>Australian Asian Association of WA Inc</b>	<b>Raw Score</b>	<b>Weighted Score</b>	<b>%</b>
Adherence to policy guidelines	4	1.2	12.00%
Benefit to Town of Vincent residents	6	1.2	12.00%
Financial viability of the project or program	8	0.8	8.00%
Previous grants acquitted satisfactorily	-	-	-
Targets vulnerable and disadvantaged groups in the community	8	0.8	8.00%
A unique service that meets the needs of the community	7	0.7	8.00%
Demonstrated experience in delivering the service or program	8	0.8	8.00%
	<b>41</b>	<b>4.7</b>	<b>47.00%</b>

<b>Organisation</b>	<b>Better Hearing Australia (WA) Inc.</b>
Purpose of Funding	The "Pardoners" and Partners Program, which will aim to skill people with a hearing impairment, their partners and family in the development of strategies to improve their communication in every situation. This will be both didactic and practical/experimental including problem solving methodology. The project entails to design documentation and delivery of a pilot program and then train Better Hearing Australia personnel to conduct similar courses in the future. Funds would be used for Audiology/consultants fees, equipment, advertising and promotion, and administration fees associated with the program.
Target Group	Primarily seniors with hearing impairments and their families. The program will also benefit those people who are disadvantaged due to social isolation
Services Provided by the Organisation	Better Hearing Australia provides hearing loss management classes (including lip-reading); consultations for tinnitus and Meniere's disease; provision of assistive listening devices and hearing aids; workshops for tinnitus and Meniere's disease; social activities; advisory service; and provision of speakers for universities, nursing homes, clubs, groups or businesses.
Incorporated	Yes
Number of Vincent Residents Served	Last year Better Hearing Australia provided services for 3,930 people, of which, an estimated 22% were living within the Town of Vincent.
Comments	The "Pardoners" and Partners Program is the first program of its kind in WA and interstate. The Town of Vincent provides an ideal target as it is estimated that 22% of Vincent residents have a hearing loss and the Better Hearing Australia (WA) Inc. is located in the Town of Vincent.
Amount Requested	\$15,000
Amount Recommended	\$1,000

<b>Better Hearing Australia (WA) Inc.</b>	<b>Raw Score</b>	<b>Weighted Score</b>	<b>%</b>
Adherence to policy guidelines	6	1.8	18.00%
Benefit to Town of Vincent residents	5	1.0	10.00%
Financial viability of the project or program	8	0.8	8.00%
Previous grants acquitted satisfactorily	-	-	-
Targets vulnerable and disadvantaged groups in the community	8	0.8	8.00%
A unique service that meets the needs of the community	8	0.8	8.00%
Demonstrated experience in delivering the service or program	8	0.8	8.00%
	<b>43</b>	<b>6</b>	<b>60.00%</b>

<b>Organisation</b>	<b>Carers WA</b>
Purpose of Funding	<p>To provide social events for family carers living in the Town of Vincent who would otherwise be unable to afford to attend such events.</p> <p>Funds would be used to pay for the hire of facilities, transport and promotion of the program.</p> <p>Over the past two years, Carers WA has developed a social support program called "Linking Together" to aid carers living in and around the Town of Vincent. Groups of carers meet each month at local cafes, parks and halls to socialise with one another.</p>
Target Group	Any family carer caring for a family member or friend, who has a disability, chronic or mental illness, is frail aged living in WA.
Services Provided by the Organisation	Carers WA provide information, resources, support, counselling and referrals for Family Cares.
Number of Vincent Residents Served	468
Incorporated	Yes
Comments	This program will specifically benefit carers living in the Town of Vincent.
Amount Requested	\$2,000
Amount Recommended	\$2,000

<b>Carers WA</b>	<b>Raw Score</b>	<b>Weighted Score</b>	<b>%</b>
Adherence to policy guidelines	8	2.4	24.00%
Benefit to Town of Vincent residents	8	1.6	16.00%
Financial viability of the project or program	9	0.9	9.00%
Previous grants acquitted satisfactorily	10	1.0	10.00%
Targets vulnerable and disadvantaged groups in the community	9	0.9	9.00%
A unique service that meets the needs of the community	8	0.8	8.00%
Demonstrated experience in delivering the service or program	9	0.9	9.00%
	<b>61</b>	<b>8.5</b>	<b>85.00%</b>

<b>Organisation</b>	<b>East Metropolitan Population Health Unit</b>
Purpose of Funding	Women's Health, specifically Women on Wellness (WOW) Project. WOW Week will be celebrated from May 2 to May 8 2004. The weeklong celebration will act as a strategy to promote programs at community level. Some of the projects include: Healthy food forums, chat groups, women's check-ups, walking groups, bus tours of participating agencies, parenting information sessions, family and domestic violence sessions, establishment of support groups. Funds would be used for the launch of WOW Week – Hire of venue, bus, marquee, etc; the cost of running 10 local projects; marketing and promotion; administration.
Target Group	CALD and Aboriginal women, women with disabilities, single mothers and in general isolated women.
Services Provided by the Organisation	The core business of the unit is Health Promotion: <ul style="list-style-type: none"> <li>• Needs analysis of the population's health.</li> <li>• Prevention and control of communicable diseases</li> <li>• Promotion and support of healthy lifestyles and behaviours</li> <li>• Plan, fund, manage and evaluate health gain and capacity building programs to improve health status, and strengthen skills, competencies, systems and infrastructure</li> <li>• Strengthen communities and build social capital through consultation, participation and empowerment.</li> <li>• Promote, develop and support healthy growth and development throughout life stages</li> <li>• Promote, develop and support actions to improve the health status of Aboriginal and Torres Strait Islander people and other vulnerable groups.</li> </ul>
Incorporated	Yes
Number of Vincent Residents Served	3,327
Comments	Funds will go towards two local projects targeted at CALD and Aboriginal women, women with disabilities, single mothers and in general isolated women living in the Town of Vincent.
Amount Requested	\$15,000
Amount Recommended	\$1,300

<b>East Metropolitan Population Health Unit</b>	<b>Raw Score</b>	<b>Weighted Score</b>	<b>%</b>
Adherence to policy guidelines	5	1.5	15.00%
Benefit to Town of Vincent residents	7	1.4	14.00%
Financial viability of the project or program	8	0.8	8.00%
Previous grants acquitted satisfactorily	-	-	-
Targets vulnerable and disadvantaged groups in the community	8	0.8	8.00%
A unique service that meets the needs of the community	7	0.7	7.00%
Demonstrated experience in delivering the service or program	8	0.8	8.00%
	<b>43</b>	<b>6</b>	<b>60.00%</b>

<b>Organisation</b>	<b>Epilepsy Association of Western Australia Inc.</b>
Purpose of Funding	The Epilepsy Assoc would like funding to continue providing information to anyone who requests it, by way of literature, videos, speakers, seminars, advisory services etc. Their objective is to educate those people with epilepsy, their families, friends and society to enable the sufferer to integrate successfully into the community and enjoy a full and productive lifestyle.
Target Group	All age groups – people with epilepsy, family, friends, care workers, teachers, other service providers. In particular families and care providers who contact the Epilepsy Assoc of WA Inc.
Incorporated	Yes
Services Provided by the Organisation	The Epilepsy Assoc of WA Inc provides: An advisory service, support groups, speakers, annual seminar, neurological expo, library, newsletters, World of Trivia Awareness and Fundraising Programme with Primary Schools.
Number of Vincent Residents Served	It is very hard to give an estimate, as many enquiries do not leave their name or address, however, it is known that 16 families live within the Town of Vincent and 15 care providers/organisations.
Comments	This is the first time the Epilepsy Association has applied for funding, therefore it is recommended that the Town of Vincent provide \$500 for promotion as a trial run. The Town may consider providing additional funding in the future, based on the acquittal received next year.
Amount Requested	Any donation the council may be kind enough to make.
Amount Recommended	\$500

<b>Epilepsy Association of Western Australia Inc.</b>	<b>Raw Score</b>	<b>Weighted Score</b>	<b>%</b>
Adherence to policy guidelines	7	2.1	21.00%
Benefit to Town of Vincent residents	6	1.2	12.00%
Financial viability of the project or program	7	0.7	7.00%
Previous grants acquitted satisfactorily	-	-	-
Targets vulnerable and disadvantaged groups in the community	8	0.8	8.00%
A unique service that meets the needs of the community	8	0.8	8.00%
Demonstrated experience in delivering the service or program	8	0.8	8.00%
	<b>44</b>	<b>6.4</b>	<b>64.00%</b>

<b>Organisation</b>	<b>Greek Welfare</b>
Purpose of Funding	<p>The Welfare and Community Service Program will</p> <ul style="list-style-type: none"> <li>• Provide welfare services for the local community</li> <li>• Assist with casework, counselling and community development for the multicultural community in the Town of Vincent. Where possible provide language specific welfare assistance to disadvantaged families, individuals and seniors</li> <li>• Enable persons from culturally and linguistically diverse backgrounds to access mainstream Services provided by government and community agencies through the expertise of the welfare officer</li> <li>• Provide emergency relief and support to disadvantaged families, individuals and seniors from all backgrounds in the local community who are experiencing financial hardship</li> </ul> <p>A CSSS Officer, the CEO and volunteers, provides these services.</p> <p>Funding will be used for salaries, wages, presenters fees, venue costs, transport and food</p>
Target Group	Seniors, families, people with disabilities and young people.
Services Provided by the Organisation	<p>Bilingual welfare assistance (casework and counselling) to disadvantaged Greek families and individuals, experiencing financial, employment, health, education, language, social and psychological problems.</p> <p>Social and welfare support to Greek seniors provided through Day Centre activities and outings for the socially isolated, frail and well aged.</p>
Incorporated	Yes
Number of Vincent Residents Served	Approximately 60%
Comments	Greek speaking people represent a significant proportion of the Town's residents, in particular those aged over 55 years. This organisation services a large number of Town of Vincent residents in this age group.
Amount Requested	\$3,000
Amount Recommended	\$2,000

<b>Greek Welfare</b>	<b>Raw Score</b>	<b>Weighted Score</b>	<b>%</b>
Adherence to policy guidelines	5	1.5	15.00%
Benefit to Town of Vincent residents	7	1.4	14.00%
Financial viability of the project or program	7	0.7	7.00%
Previous grants acquitted satisfactorily	7	0.7	7.00%
Targets vulnerable and disadvantaged groups in the community	7	0.7	7.00%
A unique service that meets the needs of the community	6	0.6	6.00%
Demonstrated experience in delivering the service or program	7	0.7	7.00%
	<b>46</b>	<b>6.3</b>	<b>63.00%</b>

<b>Organisation</b>	<b>Loftus Community Centre</b>
Purpose of Funding	To assist the Loftus Community Centre to meet its operational costs including lease fee, building insurance, rates, public liability insurance and promotion of the Centre.
Target Group	All residents living in and nearby the Town of Vincent.
Services Provided by the Organisation	<ul style="list-style-type: none"> <li>• Crèche</li> <li>• Personal development courses</li> <li>• Playgroups</li> <li>• Three Plus Club</li> <li>• Toy Library</li> <li>• Seniors Programs</li> <li>• Post Natal Depression Support Group</li> <li>• Child Care Cooperative</li> <li>• Rooms for hire to the community</li> <li>• School holiday activities</li> <li>• Venue for many other community groups</li> <li>• Training for volunteers</li> <li>• Leisure courses</li> <li>• Student placements</li> <li>• Work for the Dole</li> </ul>
Incorporated	Yes
Number of Vincent Residents Served	1100 families in total use the centre. Approximately 60% of users are Town of Vincent residents
Comments	The programs offered at the Loftus Community Centre are well used. The Manager Community Development and the Community Development and Disability Services Officers work closely with the centre.
Amount Requested	\$15,000
Amount Recommended	\$15,000

<b>Loftus Community Centre</b>	<b>Raw Score</b>	<b>Weighted Score</b>	<b>%</b>
Adherence to policy guidelines	8	2.4	24.00%
Benefit to Town of Vincent residents	9	1.8	18.00%
Financial viability of the project or program	8	0.8	8.00%
Previous grants acquitted satisfactorily	9	0.9	9.00%
Targets vulnerable and disadvantaged groups in the community	6	0.6	6.00%
A unique service that meets the needs of the community	8	0.8	8.00%
Demonstrated experience in delivering the service or program	9	0.9	9.00%
	<b>57</b>	<b>8.2</b>	<b>82.00%</b>

<b>Organisation</b>	<b>Mental Health Law Centre</b>
Purpose of Funding	<p>The Mental Health Law Centre would like to run community legal education workshops on mental health issues. The Senior Solicitor/Trainer will provide workshops to community agencies and groups within the Town of Vincent area who provide services to people with a mental illness or psychiatric disability as well as mental health services and their carers. The workshops will focus on three areas:</p> <ul style="list-style-type: none"> <li>• Working with people with a mental illness</li> <li>• Decision making issues (guardianship and administration) for people with psychiatric disability</li> <li>• Issues for people with psychiatric encountering the criminal justice system</li> </ul> <p>Workshops can be customised for participants. Funding will be used for salaries to develop, organise and conduct workshops; materials and production; venue hire; photocopying, postage, office work; and marketing and promotional materials.</p>
Target Group	People disadvantaged due to psychiatric disability and other support services, carers, other legal services and other NGO's.
Services Provided by the Organisation	Legal advice and representation to involuntary patients under the Mental Health Act 1996; Legal advice and representation to mental health consumers in criminal law and guardianship and administration matters; Community Legal education; Law reform and policy; Publications; Website
Incorporated	Yes
Number of Vincent Residents Served	There were 2399 new matters in 2003/2004. Number of Vincent residents is unknown.
Comments	<p>A growing number of consumers, carers, and their support groups require legal education workshops in relation to guardianship and administration and the criminal justice system. There are a number of psychiatric hostels and other relevant organisations located within the Town of Vincent.</p> <p>Condition: Workshop to be held in the Town of Vincent</p>
Amount Requested	\$2,700
Amount Recommended	\$1,500

<b>Mental Health Law Centre</b>	<b>Raw Score</b>	<b>Weighted Score</b>	<b>%</b>
Adherence to policy guidelines	8	2.4	24.00%
Benefit to Town of Vincent residents	6	1.2	12.00%
Financial viability of the project or program	8	0.8	8.00%
Previous grants acquitted satisfactorily	9	0.9	9.00%
Targets vulnerable and disadvantaged groups in the community	9	0.9	9.00%
A unique service that meets the needs of the community	9	0.9	9.00%
Demonstrated experience in delivering the service or program	8	0.8	8.00%
	<b>57</b>	<b>7.9</b>	<b>79.00%</b>

<b>Organisation</b>	<b>Multicultural Services Centre of Western Australia Inc.</b>
Purpose of Funding	To provide an Evening Legal Service at least one day a week to cut down on waiting time for solicitor appointments and to cope with increased demand for this service. Funds will be used for the costs involved in running and supporting the service, marketing and promotion and administration fees.
Target Group	Any person or group, who needs legal advice, in particular people who are from non-English speaking backgrounds and who live in the Town of Vincent.
Services Provided by the Organisation	The MSCWA provides home and aged care; emergency relief; accommodation program; employment, education and training; Personal Support Program; Legal Program; Community Settlement Services Program.
Incorporated	Yes
Number of Vincent Residents Served	Approximately 400
Comments	The increase in demand indicates that this is a valuable and useful service that is accessible to Town of Vincent residents.
Amount Requested	\$3,000
Amount Recommended	\$3,000

<b>Multicultural Services Centre of WA Inc.</b>	<b>Raw Score</b>	<b>Weighted Score</b>	<b>%</b>
Adherence to policy guidelines	8	2.4	24.00%
Benefit to Town of Vincent residents	8	1.6	16.00%
Financial viability of the project or program	8	0.8	8.00%
Previous grants acquitted satisfactorily	8	0.8	8.00%
Targets vulnerable and disadvantaged groups in the community	9	0.9	9.00%
A unique service that meets the needs of the community	8	0.8	8.00%
Demonstrated experience in delivering the service or program	8	0.8	8.00%
	<b>57</b>	<b>8.1</b>	<b>81.00%</b>

<b>Organisation</b>	<b>Passages Resource Centre</b>
Purpose of Funding	Funds will be used to run a Healthy Cooking Group. This will involve clients learning how to budget, shop and prepare healthy, low cost meals. Funds will be used to purchase fresh and packaged food, hygiene and cleaning products.
Target Group	Street present young people, primarily with issues of homelessness and drug and alcohol misuse.
Services Provided by the Organisation	Services provided by Passages include: <ul style="list-style-type: none"> <li>• Relevant information and referrals</li> <li>• Informal counselling</li> <li>• Non-judgmental hospitality within a safe environment</li> <li>• Laundry, bathroom and kitchen facilities</li> <li>• Telephone, postal and computer access</li> <li>• Clothing vouchers</li> <li>• Medical and personal hygiene products</li> <li>• Life skills programs</li> </ul>
Number of Vincent Residents Served	Passages provided services to 1487 new clients this year. The total number of recorded client contacts (includes repeat clients) is 5357.  Due to the transient nature of the clients who use the service, it is difficult to determine the exact number of Town of Vincent residents using the service.
Incorporated	Yes
Comments	Passages provides services to young people who are most disadvantaged, particularly those living on the street. The assistance offered meets very basic and concrete needs. The Healthy Cooking Program was initiated in 1999 with the support of the Town of Vincent. It has been running successfully ever since. It was established at the request of the young people accessing the centre.
Amount Requested	\$2,500
Amount Recommended	\$2,000

<b>Passages Resource Centre</b>	<b>Raw Score</b>	<b>Weighted Score</b>	<b>%</b>
Adherence to policy guidelines	8	2.4	24.00%
Benefit to Town of Vincent residents	7	1.4	14.00%
Financial viability of the project or program	7	0.7	7.00%
Previous grants acquitted satisfactorily	8	0.8	8.00%
Targets vulnerable and disadvantaged groups in the community	9	0.9	9.00%
A unique service that meets the needs of the community	9	0.9	9.00%
Demonstrated experience in delivering the service or program	8	0.8	8.00%
	<b>56</b>	<b>7.9</b>	<b>79.00%</b>

<b>Organisation</b>	<b>People Who Care</b>
Purpose of Funding	To provide transport, gardening, social support and leisure centre services to the frail aged and people with disabilities.
Target Group	Frail aged and people with disabilities living independently
Services Provided by the Organisation	People who Care provide gardening, transport, Community Visitors Scheme, home maintenance, social outings, a leisure centre for seniors and an OP Shop.
Number of Vincent Residents Served	People who care have 2700 active clients, of which 154 live in the Town of Vincent.
Incorporated	Yes
Comments	The Manager of Community Development, and the Community Development and Disability Services Officers refer a significant number of people to People Who Care each week. There is a very high demand for these services in the Town of Vincent.
Amount Requested	\$2,000
Amount Recommended	\$2,000

<b>People Who Care</b>	<b>Raw Score</b>	<b>Weighted Score</b>	<b>%</b>
Adherence to policy guidelines	8	2.4	24.00%
Benefit to Town of Vincent residents	8	1.6	16.00%
Financial viability of the project or program	8	0.8	8.00%
Previous grants acquitted satisfactorily	9	0.9	9.00%
Targets vulnerable and disadvantaged groups in the community	9	0.9	9.00%
A unique service that meets the needs of the community	9	0.9	9.00%
Demonstrated experience in delivering the service or program	9	0.9	9.00%
	<b>60</b>	<b>8.4</b>	<b>84.00%</b>

<b>Organisation</b>	<b>Rosewood Care Group</b>
Purpose of Funding	To cover costs associated with providing delivered meals to frail aged people in the Town of Vincent and surrounding areas.
Target Group	Frail aged and people with disabilities
Services Provided by the Organisation	This service provides hostel accommodation for elderly and frail aged people and coordination of the delivery of meals from Meals on Wheels. Other services include hairdressing, podiatry, dining room meals and activities. This service assists elderly residents in the Town of Vincent to remain living independently in their homes for as long as possible.
Incorporated	Yes
Proportion of client base living in the Town	70 residents
Comments	There is a high demand for services provided by this organisation. The Town has made approximately 70 referrals for Meals on Wheels and podiatry services during the past financial year.
Amount Requested	\$12,000
Amount Recommended	\$12,000

<b>Rosewood Care Group</b>	<b>Raw Score</b>	<b>Weighted Score</b>	<b>%</b>
Adherence to policy guidelines	9	2.7	27.00%
Benefit to Town of Vincent residents	9	1.8	18.00%
Financial viability of the project or program	9	0.9	9.00%
Previous grants acquitted satisfactorily	9	0.9	9.00%
Targets vulnerable and disadvantaged groups in the community	9	0.9	9.00%
A unique service that meets the needs of the community	9	0.9	9.00%
Demonstrated experience in delivering the service or program	9	0.9	9.00%
	<b>63</b>	<b>9</b>	<b>90.00%</b>

<b>Organisation</b>	<b>Salvation Army</b>
Purpose of Funding	The Salvation Army would use the funding to service a greater number of clients through the Family Support Service. Services include: <ul style="list-style-type: none"> <li>• Budget Club</li> <li>• Clothing Vouchers</li> <li>• Food Parcels</li> <li>• Food Vouchers</li> <li>• Furniture Vouchers</li> <li>• Household Goods</li> <li>• Life Skills Group</li> <li>• Telstra Vouchers</li> <li>• Bill Payment</li> </ul>
Target Group	All members of the community
Services Provided by the Organisation	The Salvation Army provides comprehensive social and religious facilities/service to the community. Family support provides relief through food parcels, clothing and expenses. They also undertake counselling to clients.
Number of Vincent Residents Served	Of 8,593 interviews in the last financial year, 1,602 were Town of Vincent residents.
Incorporated	Yes
Comments	The Salvation Army services a significant number of Town of Vincent Residents. The Community Development Department receives a number of queries for Family Support, and will be able to refer residents to the Salvation Army.
Amount Requested	\$3,000
Amount Recommended	\$3,000

<b>Salvation Army</b>	<b>Raw Score</b>	<b>Weighted Score</b>	<b>%</b>
Adherence to policy guidelines	9	2.7	27.00%
Benefit to Town of Vincent residents	9	1.8	18.00%
Financial viability of the project or program	9	0.9	9.00%
Previous grants acquitted satisfactorily	-	-	-
Targets vulnerable and disadvantaged groups in the community	9	0.9	9.00%
A unique service that meets the needs of the community	8	0.8	8.00%
Demonstrated experience in delivering the service or program	9	0.9	9.00%
	<b>53</b>	<b>8</b>	<b>80.00%</b>

<b>Organisation</b>	<b>St Hilda's Anglican Church</b>
Purpose of Funding	<p>To continue to provide English conversational classes in a community setting to people from culturally and linguistically diverse backgrounds who experience isolation due to language barriers.</p> <p>The classes are currently run by Multicultural Services Centre of WA and St Hilda's Anglican Church (provision of venue).</p> <p>In particular, the classes aim to meet the needs of migrants who are intimidated by the formal system, but who will be able to integrate into the community once they have an adequate grasp of English.</p> <p>Funds would be used to cover teaching fees, some advertising, and materials.</p> <p>Three 2-hour classes will be run each week on an ongoing basis. Class numbers range from 15 to 25 people and the age range is from 15 to 79 years of age</p>
Target Group	People of all ages who are socially isolated and from non-English speaking backgrounds
Services Provided by the Organisation	All the services of a multicultural church i.e. spiritual activities, welfare and counselling.
Number of Vincent Residents Served	The church provides services to approximately 4500 Town of Vincent residents.
Incorporated	Yes
Comments	<ul style="list-style-type: none"> <li>The English conversational classes at St Hilda's Anglican Church Hall, under the umbrella of Multicultural Services Centre are well run and well attended.</li> <li>The exact number of Town of Vincent residents currently accessing the English classes is unknown.</li> </ul> <p>The Town may consider providing additional funding in the future if a higher number of residents attend the classes in this financial year.</p>
Amount Requested	\$14,000
Amount Recommended	\$2,000

<b>St Hilda's Anglican Church</b>	<b>Raw Score</b>	<b>Weighted Score</b>	<b>%</b>
Adherence to policy guidelines	8	2.4	24.00%
Benefit to Town of Vincent residents	7	1.4	14.00%
Financial viability of the project or program	7	0.7	7.00%
Previous grants acquitted satisfactorily	8	0.8	8.00%
Targets vulnerable and disadvantaged groups in the community	8	0.8	8.00%
A unique service that meets the needs of the community	8	0.8	8.00%
Demonstrated experience in delivering the service or program	8	0.8	8.00%
	<b>54</b>	<b>7.7</b>	<b>77.00%</b>

<b>Organisation</b>	<b>Touch Australia</b>
Purpose of Funding	Funding the purchase of food parcels which are given to families in need. The food parcels contain enough food to feed a family of four for one week. The funds will also go towards the running of a soup kitchen in the Town of Vincent. This will target the impoverished and those who live on the streets.
Target Group	Families, impoverished, needy
Services Provided by the Organisation	Provision of emergency relief, social support, advocacy, counselling, emergency accommodation, food parcels and a soup kitchen.
Incorporated	Yes
Number of Vincent Residents Served	Over the last financial year, Touch Australia serviced 1,500 people, of which 30% (450) were from the Town of Vincent.
Comments	Touch Australia have operated a services targeting people who are homeless and disadvantaged in the Town of Vincent for the past five years. The demand for their services in this area, particularly emergency relief, has grown significantly in the past year, from 112 people from the Town of Vincent in 2002 to approximately 450 people in 2003.
Amount Requested	\$3,500
Amount Recommended	\$3,000

<b>Touch Australia</b>	<b>Raw Score</b>	<b>Weighted Score</b>	<b>%</b>
Adherence to policy guidelines	8	2.4	24.00%
Benefit to Town of Vincent residents	8	1.6	16.00%
Financial viability of the project or program	8	0.8	8.00%
Previous grants acquitted satisfactorily	7	0.7	7.00%
Targets vulnerable and disadvantaged groups in the community	8	0.8	8.00%
A unique service that meets the needs of the community	8	0.8	8.00%
Demonstrated experience in delivering the service or program	8	0.8	8.00%
	<b>55</b>	<b>7.9</b>	<b>79.00%</b>

<b>Organisation</b>	<b>Volunteer Task Force</b>
Purpose of Funding	Volunteer Task Force proposes to utilize this grant to support their Gardening and Home Maintenance volunteers who provide services to residents in the Town of Vincent. Funding will be spent on: <ul style="list-style-type: none"> <li>• Coordinator salaries</li> <li>• Personal Protective Equipment (PPE) for volunteers</li> <li>• External Training</li> <li>• Telephone costs</li> <li>• Brochures and printed material</li> <li>• Advertisements for volunteers</li> <li>• Volunteer lunches</li> <li>• Volunteer travel/fuel</li> </ul>
Target Group	Seniors living in the Town of Vincent.
Services Provided by the Organisation	Volunteer Task Force provides community support to the elderly, people with disabilities and people who are disadvantaged such as single parents. Services include home maintenance, social support, gardening and transport to medical appointments.  This service assists elderly people and those with disabilities to live independently in the community for as long as possible, thus, preventing early or unnecessary admission to hostel or other high care facilities.
Incorporated	Yes
Number of Vincent Residents Served	Volunteer Task Force provided services to 1,795 people in 2002/2003. 86 people were from the Town of Vincent
Comments	The services provided by Volunteer Task Force benefit many disadvantaged and socially isolated seniors living in the Town of Vincent.
Amount Requested	\$4,785
Amount Recommended	\$3,285

<b>Volunteer Task Force</b>	<b>Raw Score</b>	<b>Weighted Score</b>	<b>%</b>
Adherence to policy guidelines	8	2.4	24.00%
Benefit to Town of Vincent residents	9	1.8	18.00%
Financial viability of the project or program	8	0.8	8.00%
Previous grants acquitted satisfactorily	8	0.8	8.00%
Targets vulnerable and disadvantaged groups in the community	8	0.8	8.00%
A unique service that meets the needs of the community	8	0.8	8.00%
Demonstrated experience in delivering the service or program	9	0.9	9.00%
	<b>58</b>	<b>8.3</b>	<b>83.00%</b>

<b>Organisation</b>	<b>WA AIDS Council</b>
Purpose of Funding	Funding towards the “HIV Assistance Fund” which provides emergency financial assistance to clients experiencing financial hardship and who are finding it difficult to meet the most basic costs of daily living. The assistance is granted under strict criteria and the funds provided are limited to utilities and food, in order to maintain basic living standards.
Target Group	People living with HIV/AIDS. The broader community also stand to benefit in the sense that the target group clients can access a holistic service and have all needs met, therefore putting less strain on mainstream Town of Vincent services.
Services Provided by the Organisation	The Western Australian AIDS Council is a community-based organisation which provides a diverse range of services to People Living with HIV/AIDS (PLWHA) and to the broader community. Services include education, advocacy, support services and health enhancement services.
Incorporated	Yes
Number of Vincent Residents Served	25 Clients living in the Town of Vincent used the HIV Assistance Fund Program last year. Clients can access the fund on more than one occasion.
Comments	<ul style="list-style-type: none"> <li>• This organisation provides a large proportion of its services to Vincent residents.</li> <li>• Many clients are single and, therefore, not eligible for emergency relief through Family and Children’s Services and many other welfare providers. Fear of discrimination regarding their HIV status, limits the services that many people living with HIV/AIDS can access.</li> </ul>
Amount Requested	\$2,000
Amount Recommended	\$1,500

<b>WA AIDS Council</b>	<b>Raw Score</b>	<b>Weighted Score</b>	<b>%</b>
Adherence to policy guidelines	8	2.4	24.00%
Benefit to Town of Vincent residents	7	1.4	14.00%
Financial viability of the project or program	8	0.8	8.00%
Previous grants acquitted satisfactorily	8	0.8	8.00%
Targets vulnerable and disadvantaged groups in the community	8	0.8	8.00%
A unique service that meets the needs of the community	9	0.9	9.00%
Demonstrated experience in delivering the service or program	9	0.9	9.00%
	<b>57</b>	<b>8</b>	<b>80.00%</b>

<b>Organisation</b>	<b>WA Deaf Society</b>
Purpose of Funding	“Let Your Eyes Do The Listening” Deaf Awareness Training for the Town of Vincent. The funding would allow the Society to provide 20 one-hour training sessions. The following four topics would be discussed with participants: Auslan (Australian Sign Language), Deaf Culture, Deaf Technologies, and Auslan Interpreting. Sessions would be presented by a qualified and experienced member of staff who is from the deaf community, and an Auslan interpreter would be present to facilitate communication Agencies receiving training include: Schools – staff and pupils, Child Health Centres – staff and members, Organisations associated with services for seniors, Recreation providers, Businesses, Government agencies
Target Group	Deaf people, all service providers including schools, businesses, interested hearing groups, nursing home staff and residents.
Services Provided by the Organisation	<ul style="list-style-type: none"> <li>• Deaf Interpreting Services</li> <li>• Deafinite Employment Services</li> <li>• Community Services: <ul style="list-style-type: none"> <li>- Youth Services</li> <li>- Senior Services</li> <li>- LEAP (Language Early Access Program)</li> <li>- Advocacy individual/systemic</li> <li>- Auslan Language Centre</li> <li>- Education and General Welfare</li> </ul> </li> </ul>
Incorporated	Yes
Number of Vincent Residents Served	73 current members live within the Town of Vincent.
Comments	It is recommended that the Town of Vincent provide \$500 towards the running of 1 Community Forum and 1 Business Forum on Deaf Awareness Training. These forums will be trialled to ascertain real outcomes and determine whether there is a need for this service in the future.
Amount Requested	\$3,100
Amount Recommended	\$500

<b>WA Deaf Society</b>	<b>Raw Score</b>	<b>Weighted Score</b>	<b>%</b>
Adherence to policy guidelines	5	1.5	15.00%
Benefit to Town of Vincent residents	6	1.2	12.00%
Financial viability of the project or program	6	0.6	6.00%
Previous grants acquitted satisfactorily	3	0.3	3.00%
Targets vulnerable and disadvantaged groups in the community	6	0.6	6.00%
A unique service that meets the needs of the community	5	0.5	5.00%
Demonstrated experience in delivering the service or program	6	0.6	6.00%
	<b>37</b>	<b>5.3</b>	<b>53.00%</b>

<b>Organisation</b>	<b>Welfare Rights and Advocacy Service</b>
Purpose of Funding	The funding would be used to develop information products and a training program on Centrelink rights for young people and to deliver community legal education/training to youth workers and young people at youth agencies. The main areas covered in these training sessions would include: <ul style="list-style-type: none"> <li>• How to secure and retain income support payments;</li> <li>• Explain recipient notification obligations;</li> <li>• Explain how to challenge Centrelink decisions, including advice and information regarding the appeals process;</li> <li>• Outlining strategies to avoid overpayments and breach penalties</li> </ul>
Target Group	Young people and their families, and youth workers within the Town of Vincent
Services Provided by the Organisation	Provision of a community legal centre offering advice on tenancy, consumer rights, neighbour disputes, legal aid, income support programs, welfare and welfare rights service. Information kits and sessions, community development involving the development of new services and projects
Incorporated	Yes
Number of Vincent Residents Served	In the last financial year, 2065 people used the services at Welfare Rights and Advocacy Services. Of these approximately 474 (23%) were residents of the Town of Vincent.
Comments	This unique program will benefit the young residents living in the Town of Vincent, however, the Town cannot pay for salaries and wages. It is recommended therefore, that the Town provide funding towards the marketing and promotion of the program.
Amount Requested	\$3,000
Amount Recommended	\$500

<b>Welfare Rights and Advocacy Service</b>	<b>Raw Score</b>	<b>Weighted Score</b>	<b>%</b>
Adherence to policy guidelines	5	1.5	15.00%
Benefit to Town of Vincent residents	6	1.2	12.00%
Financial viability of the project or program	6	0.6	6.00%
Previous grants acquitted satisfactorily	8	0.8	8.00%
Targets vulnerable and disadvantaged groups in the community	7	0.7	7.00%
A unique service that meets the needs of the community	8	0.8	8.00%
Demonstrated experience in delivering the service or program	8	0.8	8.00%
	<b>48</b>	<b>6.4</b>	<b>64.00%</b>

<b>Organisation</b>	<b>Women's Health Care House – Mental Health Community Outreach Project (MHCOP)</b>
Purpose of Funding	Funds would be used to cover the annual cost of entry and attendance for various structured activities at Beatty Park Leisure Centre. The project enables women using the services of the Community Mental Health Outreach Project to access facilities and exercise programs where they would otherwise be unable to due to limited financial resources. Two social workers accompany the women. Funds would cover entry fees to Beatty Park for 12 months.
Target Group	Women who have a diagnosed mental illness and/or are caring for children that access MHCOP.
Services Provided by the Organisation	The service aims to strengthen the community support networks of women who have a mental illness and enhance their personal coping strategies in order to minimise the stress and disruption of mental illness. MHCOP provides: <ul style="list-style-type: none"> <li>• Individual support and advocacy</li> <li>• Group support and activities</li> <li>• Recreational activities</li> </ul>
Incorporated	Yes
Number of Vincent Residents Served	Approximately 65 women and their children accessed the service last year. Approximately 50% of these women were Town of Vincent residents.
Comments	<ul style="list-style-type: none"> <li>• This project is focusing on very practical ways to minimise the stress associated with mental illness and assist women with a mental illness to build support networks and interact in a positive way with their children.</li> <li>• The Town has funded this project for the past five years. Feedback from clients indicates that participation in the exercise program is of benefit to their health, fitness, sense of wellbeing and confidence, relationship with their children and establishing friendships with other mothers.</li> </ul>
Amount Requested	\$1,000
Amount Recommended	\$1,000

<b>Women's Health Care House</b>	<b>Raw Score</b>	<b>Weighted Score</b>	<b>%</b>
Adherence to policy guidelines	8	2.4	24.00%
Benefit to Town of Vincent residents	7	1.4	14.00%
Financial viability of the project or program	7	0.7	7.00%
Previous grants acquitted satisfactorily	8	0.8	8.00%
Targets vulnerable and disadvantaged groups in the community	8	0.8	8.00%
A unique service that meets the needs of the community	8	0.8	8.00%
Demonstrated experience in delivering the service or program	8	0.8	8.00%
	<b>54</b>	<b>7.7</b>	<b>77.00%</b>

**Applications not recommended for funding:**

<b>Organisation</b>	<b>Ethnic Communities Council of WA Inc.</b>
Purpose of Funding	The ECCWA would use the funding for English classes in an informal, community setting for men and women from culturally and linguistically diverse backgrounds. The ECCWA would like to conduct one class of one and a half to two hours duration per week for approx six to eight people. Particular targets would be TPV holders, migrants and refugees, and seniors from countries such as Iran, Iraq, Afghanistan, Somalia, China, Eritrea, Poland, former Yugoslavia, Greece and Italy. The accent will be on functional English and the ability to speak and be understood in general day-to-day operations.
Target Group	People of all ages from a NESB as well as senior citizens and socially isolated people from the more established communities who are reluctant or scared to be involved in formal learning.
Services Provided by the Organisation	The ECCWA provides assistance to migrants and refugees particularly those from a NESB. They also serve as a lobby group with government and other organisations in service to those communities in special need. They particularly focus on the aged, women, youth and disabled.
Incorporated	Yes
Number of Vincent Residents Served	Last year the ECCWA serviced approximately 12,000 people, of these approximately 30 – 35% were residents within the Town.
Comments	St Hilda's Church has applied for funds to run English classes for migrants and refugees. These classes have been run successfully for the past two years. It would be a better use of resources to provide funds to St Hilda's and recommend that ECC direct people wanting to participate in English classes to this service.
Amount Requested	\$2,500
Amount Recommended	Nil

<b>Ethnic Communities Council of WA Inc.</b>	<b>Raw Score</b>	<b>Weighted Score</b>	<b>%</b>
Adherence to policy guidelines	3	0.9	9.00%
Benefit to Town of Vincent residents	2	0.4	4.00%
Financial viability of the project or program	3	0.3	3.00%
Previous grants acquitted satisfactorily	4	0.4	4.00%
Targets vulnerable and disadvantaged groups in the community	6	0.6	6.00%
A unique service that meets the needs of the community	2	0.2	2.00%
Demonstrated experience in delivering the service or program	2	0.2	2.00%
	<b>22</b>	<b>3</b>	<b>30.00%</b>

<b>Organisation</b>	<b>Fishers with Disabilities Association Inc.</b>
Purpose of Funding	Fishers with Disabilities would like to purchase specialised fishing tackle and trailers to run their Outdoor Recreational Fishing program. This program has been running since November 1999.
Target Group	The disabled, seniors and young people
Services Provided by the Organisation	Fishers with Disabilities Ass Inc. provide recreational fishing for people with disabilities.
Incorporated	Yes
Number of Vincent Residents Served	Uncounted – open to all including Recreational Network
Comments	Fishers with Disabilities did not provide significant information in the application to warrant funding for their program.
Amount Requested	\$5,000
Amount Recommended	Nil

<b>Fishers with Disabilities Association Inc.</b>	<b>Raw Score</b>	<b>Weighted Score</b>	<b>%</b>
Adherence to policy guidelines			
Benefit to Town of Vincent residents			
Financial viability of the project or program			
Previous grants acquitted satisfactorily			
Targets vulnerable and disadvantaged groups in the community			
A unique service that meets the needs of the community			
Demonstrated experience in delivering the service or program			

**Applications funded according to an alternative arrangement:**

<b>Organisation</b>	<b>Toy Libraries and Playgroups</b>
Purpose of Funding	To support the running of local groups
Target Group	Families living in the Town of Vincent
Services Provided by the Organisation	The toy libraries provide access to a toy loan service and information for families. The playgroups offer the opportunity for parents to socialise and gain support while their children have the opportunity to make friends and learn a range of social skills in a fun setting.
Number of Vincent Residents Served	Both toy libraries and playgroups are situated in the Town and the majority of people accessing them come from the local area.
Comments	There are a number of toy libraries and playgroups situated in the Town which provide a valuable service to local residents. Throughout the year, the Town is approached by each group requesting funds. This donation would formalise the funding arrangement we have with them and assist in streamlining the donations process.
Amount Requested	\$4,500.00
Amount Recommended	\$4,500.00

**SUMMARY OF RATINGS:****Summary of ratings for applications recommended for funding:**

Organisation	Raw Score	Weighted Score	Percentage
Australian Asian Association of WA Inc. Better Hearing Australia	41	4.7	47.00%
Carers WA	43	6	60.00%
East Metropolitan Population Health Unit	61	8.5	85.00%
Epilepsy Assn of Western Australia Inc	43	6	60.00%
Greek Welfare	44	6.4	64.00%
Loftus Community Centre	46	6.3	63.00%
Mental Health Law Centre	57	8.2	82.00%
Multicultural Services Centre of WA Inc.	57	7.9	79.00%
Passages Resource Centre	57	8.1	81.00%
People Who Care	56	7.9	79.00%
Rosewood Care Group	60	8.4	84.00%
Salvation Army	63	9	90.00%
St Hilda's Anglican Church	53	8	80.00%
Touch Australia	54	7.7	77.00%
Volunteer Task Force	55	7.9	79.00%
WA AIDS Council	58	8.3	83.00%
WA Deaf Society	57	8	80.00%
Welfare Rights and Advocacy Service	37	5.3	53.00%
Women's Health Care House	48	6.4	64.00%
	54	7.7	77.00%

**Summary of ratings for applications not recommended for funding:**

Organisation	Raw Score	Weighted Score	Percentage
Ethnic Communities Council of WA Inc.	22	3	30.00%
Fishers with Disabilities Assoc. Inc.	35	5	50.00%

**CONSULTATION/ADVERTISING:**

The scheme was advertised in two (2) local papers during the month of January.

**LEGAL/POLICY:**

Nil.

**STRATEGIC IMPLICATIONS:**

Draft Strategic Plan 2000 – 2002 – Key Result Area 2.1: *“Celebrate and acknowledge the Town’s social diversity.”*

and

Key Result Area 2.4: *“Review the range of community services provided.”*

**FINANCIAL/BUDGET IMPLICATIONS:****Community & Welfare Donations**

The table below details the financial implications of the welfare donations scheme over the past two years. It also details the amount requested this financial year and the funding which is recommended.

Organisation	Funding (02/03)	Funding (03/04)	Funding Requested (04/05)	Funding Recommended (04/05)
African Community in WA	500	-	-	-
ANAWIM	N/A	1,210	-	-
Australian Asian Association of WA Inc.	-	-	13,980	1,000
Ave Maria House	500	-	-	-
Beehive Industries	1,000	-	-	-
Better Hearing Australia	-	-	15,000	1,000
Carers WA	1,000	2,000	2,000	2,000
East Metropolitan Population Health Unit	-	-	15,000	1,300
Epilepsy Association of WA	-	-	Any	500
Ethnic Child Care Resource Unit	Nil	500	-	-
Ethnic Communities Council	N/A	Nil	2,500	Nil
Filipino – Australian Club of Perth	500	-	-	-
Fishers with Disabilities	-	-	5,000	Nil
Greek Welfare Centre	2,000	2,000	3,000	2,000
Headquarters	4,000	N/A	-	-
Loftus Community Centre	15,000	15,000	15,000	15,000
Loftus Centre Playgroup	N/A	See Playgroups	See Playgroups	See Playgroups
Mental Health Law Centre	1,000	500.00	2,700	1,500
Multicultural Services Centre	N/A	3,000	3,000	3,000
Narkaling Networking Group	2,000	Nil	-	Nil
Passages Resource Centre	2,000	2,000	2,000	2,000
People Who Care	N/A	2,920	2,000	2,000
Playgroups	3,500	3,000	3,000	3,000
Rosewood Care Group	12,000	12,000	12,000	12,000
Salvation Army	-	-	3,000	3,000
St Hilda's Anglican Church	N/A	2,000	14,000	2,000
Touch Australia Inc (Church)	N/A	2,000	3,500	3,000
Toy Libraries	1,500	1,500	1,500	1,500
Volunteer Task Force	3,700	3,870	4,785	3,285
WA AIDS Council	1,500	1,500	2,000	1,500
WA Deaf Society	1,000	-	3,100	500
Welfare, Rights and Advocacy Service	Nil	500	3,000	500
Women's Health Care House	5,263.22	800	1,000	1,000
50 Piu' FENACOM – Italian Pensioners Society	2,000	2,000	-	-
Sundry Donations	5,000	5,000	5,000	5,000
<b>TOTAL</b>	<b>\$64, 963.22</b>	<b>\$63,300.00</b>	<b>\$137,065</b>	<b>\$67,585.00</b>

#### Ad Hoc/Sundry Donations

In the 2003/2004 Budget \$5000.00 was allocated to cover sundry donations. It is recommended that an amount of \$5000.00 be allocated for sundry donations in the Draft 2004/2005 budget.

**2004/2005 Draft Budget**

An amount of \$67,585.00 has been allocated for Community and Welfare Grants and Donations in the Draft Budget for 2004/2005.

**COMMENTS:**

As indicated by the number of applications received this year for Community and Welfare Grants, there are many not for profit organisations requiring assistance to provide key services to the Town's residents.

The Town recognises the valid requests for funding from all applicants, however in many cases the amount recommended is lower than that requested due to the limited funds available for grants. Priority has been given to funding those organisations to which the Town regularly makes referrals, and whose services directly or indirectly benefit a large number of the Town's residents and best reflect the needs of the local community.

Since the introduction of the Community and Welfare Donations the total amount of funding requested has increased as shown in the table below:

<b>FINANCIAL YEAR</b>	<b>AMOUNT REQUESTED</b>	<b>AMOUNT DONATED</b>
1996/1997	\$43,000.00	\$40,110.00
1997/1998	\$72,500.00	\$45,300.00
1998/1999	\$129,000.00	\$51,740.00
1999/2000	\$95,940.00	\$55,500.00
2000/2001	\$139,507.00	\$55,000.00
2001/2002	\$128,133.20	\$59,368.00
2002/2003	\$167,172.00	\$63,700.00
2003/2004	\$120,786.00	\$63,300.00
2004/2005	\$137,065.00	\$67,585.00

**Regular Annual Grants**

The Town supports the following organisations annually as it relies heavily upon them to take referrals from Community Development and other Town of Vincent Officers:

- Loftus Community Centre;
- People Who Care;
- Rosewood Care Group; and
- Volunteer Task Force.

It is recommended that the Council continue to support these groups at the recommended level of funding, as the Town would not be in a position to meet the level of funding required to provide these services itself.

**Regular Annual Grants to Playgroups and Toy Libraries Located in the Town**

Over the past few years the Town has received a number of applications for funding from playgroups and toy libraries located in the Town. While the Town recognises that playgroups and toy libraries provide an essential service to many families living in the Town, it has not always been possible to grant funding because the groups have asked for items which cannot be funded under the Community and Welfare Grants guidelines. A fair and equitable way to provide assistance to playgroups and toy libraries is to make a regular annual grant of a specified amount to each group to assist them with the cost of advertising and promotion. It is recommended that \$500 be allocated to each of the toy libraries, and playgroups located in the Town of Vincent in the 2004/2005 budget.

This money would be distributed to the following:

Toy Libraries: Noah's Ark Toy Library  
Mount Hawthorn Toy Library  
Leederville Toy Library

Playgroups: Highgate/Forrest Park Playgroup  
North Perth Playgroup  
Earlybirds Playgroup  
St Hilda's Playgroup  
Loftus Community Centre Playgroup  
Mount Hawthorn Playgroup

**10.4.3 Appointment of Tanya Prout and Simon Giles as Authorised Officers and Appointment of Various Registration Officers**

<b>Ward:</b>	Both Wards	<b>Date:</b>	31 March 2004
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	PF
<b>Attachments:</b>	Nil		
<b>Reporting Officer(s):</b>	S Beanland		
<b>Checked/Endorsed by:</b>	D Abel	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That, effective from Monday 22 March 2004,*

(i) *Tanya Kaye Prout and Simon Giles be appointed as authorised officers of the Town of Vincent, under the provisions of:-*

- (a) *the Litter Act 1979 and all subsidiary legislation made under the Act;*
- (b) *the Dog Act 1976 and all subsidiary legislation made under the Act;*
- (c) *the Local Government Act 1995*
- (d) *the Control of Vehicles (Off Roads Areas) Act 1978;*
- (e) *the Town of Vincent Parking Facilities Local Law;*
- (f) *the following Town of Vincent Local Laws:*
  - *Relating to Streets and Footpaths;*
  - *Relating to Display of Items on a Footpath;*
  - *Relating to Eating Areas;*
  - *Relating to Dogs;*
  - *Relating to Street Trading;*
  - *Relating to Parks and Reserves; and*
  - *Relating to the Removal and Disposal of Obstructing Animals or Vehicles; and*
- (g) *the Bush Fires Act 1954;*

(ii) *the following officers be appointed as Registration Officers, under the provisions of the Dog Act 1976:*

<i>Tanya Kaye Prout</i>	<i>James Gregor MacLean</i>	<i>Lisa Michelle Askey</i>
<i>Amanda Louise Evans</i>	<i>Peter Michelle Cicanese</i>	<i>Brian Christie McCahon</i>
<i>Megan Elizabeth Smith</i>	<i>Peter Llewellyn Hoy</i>	<i>Naomi Eileen Wilton</i>
<i>Renee May Morphett</i>	<i>Clinton Guy Venables</i>	<i>Simon Giles</i>
<i>Marisa Carla Lombardi</i>	<i>Eric John Ayers</i>	<i>Samantha Alborn</i>
<i>John McGee</i>	<i>Timothy Gene Bryant</i>	<i>Gordon Bukur</i>
<i>Sharnelle Nyree Beanland</i>	<i>Megan Kathleen Turner</i>	<i>Thomas Ruediger Zimmerman</i>

(iii) *all previous appointments of Registration Officers pursuant to the provisions of the Dog Act 1976 be cancelled.*

Cr Doran-Wu returned to the Chamber at 8.54pm.

Moved Cr Lake, Seconded Cr Chester

*That this Item be re-committed.*

**CARRIED (8-0)**

(Mayor Catania was absent from the Chamber and did not vote).

**Moved Cr Torre, Seconded Cr Chester**

*That the recommendation be adopted subject to amendment to clause (iii) of the previous recommendation as follows:*

*"(iii) ~~all previous~~ the following appointments of Registration Officers pursuant to the provisions of the Dog Act 1976 be cancelled:*

*Julie Neilson  
Murray Matthews*

*Paul Ian O'Keefe  
Robert Craig Foster*

*Steven John Ball  
Matthew Robinson.*

**CARRIED (8-0)**

(Mayor Catania was absent from the Chamber and did not vote).

**COUNCIL DECISION ITEM 10.4.3**

*That, effective from Monday 22 March 2004,*

(i) *Tanya Kaye Prout and Simon Giles be appointed as authorised officers of the Town of Vincent, under the provisions of:-*

- (a) *the Litter Act 1979 and all subsidiary legislation made under the Act;*
- (b) *the Dog Act 1976 and all subsidiary legislation made under the Act;*
- (c) *the Local Government Act 1995*
- (d) *the Control of Vehicles (Off Roads Areas) Act 1978;*
- (e) *the Town of Vincent Parking Facilities Local Law;*
- (f) *the following Town of Vincent Local Laws:*
  - *Relating to Streets and Footpaths;*
  - *Relating to Display of Items on a Footpath;*
  - *Relating to Eating Areas;*
  - *Relating to Dogs;*
  - *Relating to Street Trading;*
  - *Relating to Parks and Reserves; and*
  - *Relating to the Removal and Disposal of Obstructing Animals or Vehicles; and*
- (g) *the Bush Fires Act 1954;*

(ii) *the following officers be appointed as Registration Officers, under the provisions of the Dog Act 1976:*

<i>Tanya Kaye Prout</i>	<i>James Gregor MacLean</i>	<i>Lisa Michelle Askey</i>
<i>Amanda Louise Evans</i>	<i>Peter Michelle Cicanese</i>	<i>Brian Christie McCahon</i>
<i>Megan Elizabeth Smith</i>	<i>Peter Llewellyn Hoy</i>	<i>Naomi Eileen Wilton</i>
<i>Renee May Morphet</i>	<i>Clinton Guy Venables</i>	<i>Simon Giles</i>
<i>Marisa Carla Lombardi</i>	<i>Eric John Ayers</i>	<i>Samantha Alborn</i>
<i>John McGee</i>	<i>Timothy Gene Bryant</i>	<i>Gordon Bukur</i>
<i>Sharnelle Nyree Beanland</i>	<i>Megan Kathleen Turner</i>	<i>Thomas Ruediger Zimmerman</i>

(iii) *the following appointments of Registration Officers pursuant to the provisions of the Dog Act 1976 be cancelled:*

*Julie Neilson  
Murray Matthews*

*Paul Ian O'Keefe  
Robert Craig Foster*

*Steven John Ball  
Matthew Robinson.*

**DETAILS:**

The Town of Vincent has the responsibility for the enforcement of various Acts, Regulations and Local Laws. These include various Local Laws, the Local Government Act, the Dog Act, the Litter Act, the Control of Vehicles (Off Road areas) Act, the Bush Fires Act and all subsidiary legislation relating thereto.

It is a requirement that all officers acting in the position of Ranger and Administration Officer, Environmental and Development Services at the Town of Vincent be authorised under the various statutes and to enable them to effectively perform their duties.

It is also a requirement for officers issuing Dog Registrations to be appointed as Registration Officers under the Dog Act 1976.

Simon Giles has been employed in a permanent capacity to carry out the duties of a Ranger from Monday 22 March 2004 and it is appropriate for the Council to formally appoint him as an Authorised Officer.

Tanya Prout has been employed in a temporary capacity to carry out the duties of Administration Officer, Environmental and Development Services, mainly in Law and Order Services from Thursday 4 March 2004 and it is appropriate for the Council to formally appoint her as an Authorised Officer.

All other officers named in the above Officer Recommendation are responsible for Dog Registrations and there is therefore a requirement for them to be appointed as Registration Officers.

**LEGAL/POLICY:**

Section 3.24 of the Local Government Act 1995 requires any person, who will act on behalf of a Local Government, to be expressly authorised by it to do so.

**STRATEGIC IMPLICATIONS:**

These appointments are in keeping with the Strategic Plan 2003-2008 at Strategy and Action Plan 2.5 - Develop and implement community programs for law, order and safety.

**CONSULTATION/ADVERTISING:**

There will be a need to advertise the appointments in the Government Gazette.

**FINANCIAL/BUDGET IMPLICATIONS:**

Other than the advertising costs, and the provision of uniform shirts to Simon Giles, there will be no cost associated with these appointments. The total cost is expected to be approximately \$200.00.

**COMMENTS:**

The appointments of Tanya Prout to the position of Administration Officer and Simon Giles to the position of Ranger will ensure that the administration of the Law and Order Services Section can continue to meet the expectations of the community and the appointments are recommended for approval.

Mayor Catania returned to the Chamber at 8.55pm and assumed the Chair. Mayor Catania advised that Cr Franchina had declared a proximity interest in this Item. Cr Franchina departed the Chamber at 8.55pm and did not speak or vote on the matter.

**10.4.4 Members Equity Stadium - Legal Documentation and Outstanding Issues - Progress Report**

<b>Ward:</b>	South	<b>Date:</b>	6 April 2004
<b>Precinct:</b>	Beaufort, P13	<b>File Ref:</b>	RES0051/RES0072
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	M. Rootsey, John Giorgi		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the Members Equity Stadium - Legal Documentation and Outstanding Issues - Progress Report as at 5 April 2004; and*
- (ii) *NOTES that a further report will be provided at the meeting of 13 April 2004.*

**COUNCIL DECISION ITEM 10.4.4**

**Moved Cr Cohen, Seconded Cr Doran-Wu**

*That the recommendation be adopted.*

Chief Executive Officer John Giorgi verbally advised the Council of the following.

That the meetings between the Town and Allia/Perth Glory Soccer Club (PGSC) on 25 and 26 March 2004 were "robust" and many of the outstanding items were resolved. Only a handful of items in the various documents remain to be resolved – several need to be redrafted by the Town's Solicitors and represented to Allia/PGSC.

That Allia's/PGSC's Solicitor had the authority to negotiate at these meetings and had made a number of verbal undertakings in relation to the legal documents – these include;

- the Town being given first ranking mortgage over the subject property; and
- ensuring outstanding monies "would be forthcoming".

The Town's Solicitors are redrafting the various legal documents and these are still being finalised, before issuing to Allia/PGSC.

The Town's Solicitors have recommended that legal writs not be issued to recover outstanding monies "at this delicate" stage of negotiations, as good progress had been made, Allia/PGSC appear to be negotiating in good faith and are indicating they wish to complete the outstanding matters as soon as practicable and little would be achieved in the short term. This matter should be reviewed within the next week or so.

All parties should focus on resolving the outstanding issues and moving on.

**The CEO answered questions from a number of Elected Members, who expressed concern at Allia's PGSC's antics and lack of payment of the outstanding monies.**

**Discussion ensued.**

**Cr Lake requested that her following comment be included in the minutes:**

**"Unless a significant progress in payment of outstanding amounts is made by the next Ordinary Meeting of Council, Council must seriously consider taking legal action to enforce the Heads of Agreement."**

**CARRIED (8-0)**

**(Cr Franchina was absent from the Chamber and did not vote).**

**FURTHER REPORT AS AT 13 APRIL 2004:**

Outstanding Payments

On 7 April 2004, an amount of \$4,153.10 was received from Allia Holdings Pty Ltd for recoup of legal costs for preparation of Deed of Covenant - Catering Equipment (\$2,061, excl. GST) and payment for the use of the Brisbane Street carpark. Therefore, the outstanding amounts are as follows;

Allia Holdings Pty Ltd (Allia)	\$107,150.83, excl GST
Perth Glory Soccer Club Pty Ltd (PGSC)	\$ 43,750.95, excl GST

Legal Documentation

On 13 April 2004, the Town's solicitors received an 18 page letter from Ilberys Lawyers setting out those matters which have been agreed to and those which are still outstanding.

The Town's Solicitor, Mr Martin Matthews of Minter Ellison, was unwell on 13 April 2004 and has been unable to provide comment on Ilberys letter. The CEO has perused the letter, which confirms that many of the items discussed at the Town's meetings of 25 and 26 March 2004 have been agreed by Allia and/or PGSC. It also indicates that a number of outstanding matters which were previously going to be pursued by Allia or PGSC or not agreed, have now been agreed.

At the time of writing this report, the letter was being carefully assessed.

Legal Action to Recover Outstanding Monies

Ilberys Lawyers advised in a letter dated 2 April 2004 that it was Allia Holdings Pty Ltd and Perth Glory Soccer Club Pty Ltd's view that little purpose would be served in commencing legal proceedings to recover outstanding monies. They advised that they have been instructed to continue the current negotiations in an atmosphere of goodwill and would provide a response by Wednesday "*of next week*" (i.e. 14 April 2004).

Deed of Covenant

Allia's lawyers did not register the Deed within the required 45 days. Allia has now agreed to prepare the appropriate form for lodging with the Australian Securities & Investment Commission (ASIC).

CEO's Comment:

The Chief Executive Officer has discussed Ilberys' responses with Michael Henderson, Senior Partner of the Town's Solicitors. He indicated that in discussions with Ilberys, payment of outstanding monies would occur when the documents have been finalised. The matter of issuing writs for payment of outstanding monies was also discussed and at this delicate stage of negotiations, it would appear to be counter-productive to issue the writs. Furthermore, the cost and time involved in preparing the necessary documentation would also be considerable. This course of action is not recommended at this stage and should be further considered when the letter dated 13 April from Ilberys has been further assessed.

The prime objective is to finalise all outstanding matters as soon as possible.

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**BACKGROUND:**

The following action was taken, following the Ordinary Meeting of Council held on 23 March 2004;

1. **Meetings**

The Mayor, Chief Executive Officer and Town's lawyers met with Allia Chief Executive Officer, Jeff Dennis and lawyer, Tony Di Francesco on Thursday 25 March 2004 (5.5 hours) and Friday 26 March 2004 (4 hours) to discuss the outstanding issues.

2. **Legal Agreements**

The progress of these negotiations is as follows;

1(a) Heads of Agreement (HOA)

Allia is still holding the view that the HOA have not commenced. They would not discuss why they held this view, despite selling both the Naming Rights and Catering Rights.

1(b) Deed of Covenant

Allia's lawyers did not register the Deed within the required 45 days. The document will be re-executed or, if required, a new document will be prepared, at Allia's cost.

Allia verbally advised they would pay the outstanding monies for legal costs of approximately \$2,061. At the time of writing this report, payment had not been received.

1(c) Right of Entry Document

No further action is required with this document.

1(d) Licence to Use - Interim

Interim licences have been issued to Total Corporation to hold two catering functions at the Stadium. Western Australian Rugby League (WARL) has applied for licences for two events - 14 and 24 April 2004.

1(e) Licence Agreement - Standard Document

This document was agreed, except for;

- Allia did not agree to the Clause requiring payment of an administration fee.
- The catering commission, percentage to be charged to users, needs verification.

1(f) PGSC Licence Agreement

On 16 March 2004, the Town received a letter from Ilberys, lawyers for PGSC, requesting 63 changes to the draft document.

This document was agreed, except for;

- a requirement relating to insurance;
- several Clauses being re-drafted - at the request of both Allia and the Town.

1(g) PGSC Lease

On 16 March 2004, the Town received a letter from Ilberys, lawyers for PGSC, requesting 57 changes to the draft document.

This document was agreed, except for several Clauses relating to insurance and payment of outgoings.

1(h) Mortgage/Guarantee Documents

This document was agreed, except for the definition of "Mortgage Security". Ilberys seek to change the definition from that contained in the Heads of Agreement which covers the loan, any outstanding monies and also for it to be used in the event of non-performance by Allia and limiting it strictly to cover the Town's outstanding loan and \$300,000 for catering equipment.

1(i) Charge over Water Licences

11 changes were requested to this draft. This document was agreed, except for the definition of "Mortgage Security" as per 1(h).

2. Caveat

As directed by the Council on 25 February 2003, the Town's solicitors lodged a caveat on land registered in the name of North East Equity Pty Ltd of 257 Balcatta Road, Balcatta. The land is Lot 41 Beermullah Road West, Wanerie - which is the property nominated by North East Equity Pty Ltd in its own right and as trustee for the Nicola Tana Family Trust No. 20. The Town's solicitors have also written to Bankwest, who currently have a mortgage on the subject land, advising that the Town requires a "first ranking" mortgage. Ilbery Lawyers are objecting to the lodgement of the caveat.

At the time of writing this report, no information has been received from Bankwest.

Allia's lawyer verbally stated that they have had discussions with Bankwest and the Town's 1st ranking mortgage will be provided, subject to all documents being agreed.

3. Outstanding Monies

Allia/PGSC were requested to pay outstanding monies otherwise the Town would commence recovery action. Allia/PGSC advised that payments "would be forthcoming" in the week commencing 29 March 2004.

It has been verbally advised by Allia and Perth Glory's administration that payment has been authorised for the following accounts - the recoup of legal costs, the outstanding monies for the hire of the Brisbane Street carpark and water and electricity accounts for Perth Oval.

Payment is due to be received this week. At the time of the preparation of this report, no payments had been received.

The Town's lawyers wrote to Ilberys lawyers representing Allia Holdings Pty Ltd, on 1 April 2004 advising that if payment of outstanding monies was not received by close of business on Monday 5 April 2004, the Town would have no alternative but to commence legal process for their recovery.

On 2 April 2004, the Town's lawyers received an emailed letter from Ilberys lawyers that stated that as the Heads of Agreement had not commenced to date, there was no obligation on Allia Holdings Pty Ltd to make the payments referred to in the letter of 1 April 2004. This is their opinion of the matter. The letter also advised that any proceedings would be vigorously defended. It further advised they would counter-claim for various items at the Stadium and also include a counter-claim for damages.

The letter concluded by stating that they wished to continue with the current negotiations to an atmosphere of goodwill and would respond to the outstanding issues by Wednesday of this week (i.e. 7 April 2004).

At the time of preparation of this report, any further action on this matter will be deferred until receipt of the correspondence on the outstanding matters.

<u>Allia Holdings Pty Ltd</u>		
	<u>Item</u>	<u>Amount</u> <i>(excl GST)</i>
1.	<b>50% contribution to CCTV as per HOA Clause 6.9(d) and works requested during Stadium construction</b>	<b>\$29,481.00</b>
	<u>Action Taken:</u> Original letter sent on 4 February 2004. Invoice sent on 11 February 2004. Letter of Demand sent on 27 February requiring payment within 30 days, as required by Clause 10.1 of the Heads of Agreement - advising that failure to pay the full debt will result in default of the Heads of Agreement and legal proceedings being commenced.	
2.	<b>Recoup of legal costs for preparation of Deed of Covenant - Catering Equipment</b>	<b>\$2,061.00</b>
	<u>Action Taken:</u> Invoice sent on 13 February 2004. Money due 27 February 2004. Letter of demand to be issued.	

<b>3.</b>	<b>Contribution to Stadium Capital Reserve Fund - January contribution as per HOA Clause 4.9 - <u>money due 19 February 2004.</u></b>	<b>\$25,000.00</b>
	<p><u>Action Taken:</u></p> <p>Invoice sent on 12 February 2004.</p> <p>Letter of Demand sent on 27 February requiring payment within 30 days, as required by Clause 10.1 of the Heads of Agreement - advising that failure to pay the full debt will result in default of the Heads of Agreement and legal proceedings being commenced.</p>	
<b>4.</b>	<b>Reimbursement of building insurance - as per HOA Clause 6.12 - for period 27 December 2003 - 30 June 2004 - <u>money due 12 February 2004.</u></b>	<b>\$11,506.63</b>
	<p><u>Action Taken:</u></p> <p>Invoice sent on 30 January 2004.</p> <p>Letter of Demand sent on 27 February requiring payment within 30 days, as required by Clause 10.1 of the Heads of Agreement - advising that failure to pay the full debt will result in default of the Heads of Agreement and legal proceedings being commenced.</p> <p>Allia have queried this matter. The Town provided additional information on 15 March 2004.</p>	
<b>5.</b>	<b>Reimbursement of Public Indemnity Insurance - as per HOA Clause 6.11 - for period 27 December 2003 - 30 June 2004 - <u>money due on 5 March 2004.</u></b>	<b>\$4,497.20</b>
	<p><u>Action Taken:</u></p> <p>Invoice sent on 20 February 2004.</p> <p>Awaiting payment. Letter of demand to be issued.</p>	
<b>6.</b>	<b>Monthly Payment for Use of Stadium - due on first of each month. March payment of \$36,666 due 19 February 2004</b>	<b>\$36,666.00</b>
	<p><u>Action Taken:</u></p> <p>Invoice sent on 5 February 2004.</p> <p>The Town has not received this payment in accordance with Clause 4.2 of the Heads of Agreement.</p> <p>Letter of demand to be issued.</p>	
	<b>Subtotal</b>	<b><u>\$109,211.83</u></b>

<u>Perth Glory Soccer Club Pty Ltd (PGSC)</u>		
	<u>Item</u>	<u>Amount</u> <i>(excl GST)</i>
<b>1.</b>	<b>Stadium office fitout and other works - <u>money due 18 February 2004.</u></b>	<b>\$18,823.00</b>
	<u>Action Taken:</u> Invoice sent on 4 February 2004. Letter of demand sent on 25 February 2004 requesting immediate payment.	
<b>2.</b>	<b>Payment of Perth Oval lease costs 2002/03 Season - <u>well overdue.</u></b>	<b>\$24,927.95</b>
	<u>Action Taken:</u> Invoices sent in late 2003. Letter of demand sent on 2 March 2004 requesting immediate payment. It should be noted that this money is the subject of dispute between Perth Glory Soccer Club and the Town as detailed in PGSC's letter dated 13 February 2004.	
<b>3.</b>	<b>Payment for use of Brisbane Street Carpark</b>	<b>\$2,571.82</b>
	<u>Action Taken:</u> Invoices sent 20 February 2004 Payment due 5 March 2004	
	<b>Subtotal</b>	<b><u>\$46,322.77</u></b>

**CONSULTATION/ADVERTISING:**

N/A.

**LEGAL/POLICY:**

N/A.

**STRATEGIC IMPLICATIONS:**

N/A.

**FINANCIAL/BUDGET IMPLICATIONS:**

The outstanding monies will be pursued through the normal debt recovery process, following receipt of the response to the outstanding issues from Allia.

**COMMENT:**

Positive progress was made to finalise the documents. The negotiations were "robust" and resolved most of the issues.

**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**

**Cr Franchina returned to the Chamber at 9.30pm.**

**The Presiding Member, Mayor Catania JP, declared the meeting closed at 9.30 pm with the following persons present:**

Cr Simon Chester	North Ward
Cr Caroline Cohen	South Ward
Cr Helen Doran-Wu	North Ward
Cr Steed Farrell	North Ward
Cr 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
Des Abel	Acting Executive Manager, Environmental & Development Services
Mike Rootsey	Executive Manager, Corporate Services
Rick Lotznicher	Executive Manager, Technical Services
Nadine Wellington	Executive Secretary (Acting Minutes Secretary)
Matt Zis	Journalist – Guardian
Mark Fletcher	Journalist – Voice News

3 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 13 April 2004.

Signed: .....Presiding Member  
Mayor Nick Catania, JP

Dated this ..... day of ..... 2004