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(13 August 2002)

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Minutes of the Ordinary Meeting of the Council of the Town of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 13 August 2002 commencing at 6.00pm.

1. DECLARATION OF OPENING

The Presiding Member, Mayor Nick Catania, JP declared the meeting open at 6.00pm.

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Nil.

(b) Present:

Mayor Nick Catania, JP	Presiding Member
Cr David Drewett, JP	Deputy Mayor - Mt Hawthorn Ward
Cr Simon Chester	Mt Hawthorn Ward
Cr Helen Doran-Wu	Mt Hawthorn Ward
Cr Basil Franchina	Mt Hawthorn Ward
Cr Caroline Cohen	North Perth Ward
Cr Kate Hall	North Perth Ward
Cr Ian Ker	North Perth Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental & Development Services
Rick Lotznicher	Executive Manager, Technical Services
Mike Rootsey	Executive Manger Corporate Services
Ms Jenny D'Anger	Journalist – Voice News (<i>until 9.22 pm</i>)
Ryan Sturman	Journalist – Guardian Express (<i>until 9.22 pm</i>)

Approximately 48 Members of the Public

(c) Members on Leave of Absence:

Cr Marilyn Piper, JP on approved leave of absence from 18 July to 29 August 2002

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

The Chief Executive Officer read the following question submitted by Megan Bell of 3/177 Carr Place, Leederville:

1. Re: Lot 181 Carr Place, Leederville.
Will the Council undertake soil testing to determine the level of contamination on this property, which is residential? This information is relevant to the application for a Scheme Amendment and should be made public. It is evident there are lot oil spills on the land.

Chief Executive Officer, John Giorgi, advised that this question would be taken on notice as the information was not readily available.

2. Mr Damien Gillman, owner of 39 Sydney Street, North Perth - Item 10.1.1. Stated this item was previously deferred and requested that Council approve it subject to Clause (i) being deleted.
3. Ms Diane Birt of 55 Ruby Street, North Perth - Item 10.1.20. Stated she had no objection to the proposed development, however, requested that the balcony which overlooks her yard have increased screening from 1.4 to 1.8 metres and windows on the second floor to be of opaque glass. This would ensure that their privacy was protected. Asked that Council consider her request.
4. Mr Venn Civitella of 61 French Street, Joondanna - Item 10.1.13. Requested that Council approve the application and that Clause (xviii) be deleted.
5. Mr Vincent Siciliano of 3 Cochrane Street, Mt Claremont - Item 10.1.2. Requested Council approve the application as he had endeavoured to comply with Council's requirements.
6. Mr Ross Upfill, owner of 30 Bulwer Street, Perth - Item 10.1.31. Stated that when he purchased his property he carried out a due diligence test and enquired with the Town whether it was listed on the Town's Municipal Heritage Inventory. Stated he had purchasers for the property and that the house had undergone significant change since 1946. He acknowledged that there is some cultural heritage and purchased the property for an investment. He requested Council support his application for approval.
7. Mr James Ivanoff of 63 Ardross Place, Noranda - Item 10.1.9. Stated that he supported the Officers' recommendation, however, requested that Clauses (i) (a) and (b) be deleted as there was precedent in the area.
8. Ms Leonie Crowe of 9 Hyde Street, Mt Lawley- Item 10.1.11. Stated that adjoining houses would be affected by this development and that non complying setbacks, inadequate car parking and overlooking and overshadowing would be of concern. Requested Council not approve this application.
9. Mr Gerard Gilhooley, owner of 31 Knowles Street, Balcatta - Item 10.1.24. Requested that Council approve of his application and delete the setback requirement, which is Clause (i). He apologised to Council for previously advising of incorrect setback information and stated that there were many precedents in the area for the setback requirement to be deleted. Stated he was more than happy to comply with other Council conditions.
10. Ms Amanda Smith of 133 Bourke Street, Leederville - Item 10.1.22. Requested that a 9.00 pm curfew be introduced for court lights. The lights already affected her's and a number of properties and by limiting the hours, the inconvenience from light spill would be reduced.
11. Mr Sean Arseven of 118A Summers Street, Perth - Item 10.1.11. Requested Council to defer this item in order to address a number of conditions.

12. Mr Mark Lisk of 14 Richmond Street, Leederville - Item 10.1.29. Stated that he was the owner of a property in the area and objected to the proposed development due to privacy and overlooking, which would affect his property. He requested Council refuse the application.
13. Mr Mark O'Sullivan of 63 Egina Street, Mt Hawthorn - Item 10.1.16. Stated that he was more than happy to comply with the requirements and requested Council approval.
14. Mr Richard Green of 223 Vincent Street, West Perth, on behalf of Phoenix College - Item 10.1.3, 10.1.4 and 10.1.5. Requested Council support his request and stated that Phoenix College was more than happy to withdraw its appeal relating to Cleaver Street in the event that Council approved of these items.
15. Mr John Waddingham of 23 Anzac Road, Mt Hawthorn - Item 5.1 relating to a petition regarding traffic in Anzac Road. Stated that speed had always been a problem in Anzac Road and suggested that a roundabout would be a possible solution. Queried the value of the proposed speed humps which are currently being installed.
16. Mr Ian Leonard of 65 Egina Street, Mt Hawthorn - Item 10.1.16. Stated that he objected to this proposed development due to the floor level and potential of noise pollution. Suggested that a possible compromise would be screening by planting of trees along the boundary.
17. Mr Steed Farrell of 90 Matlock Street, Mt Hawthorn - Item 10.1.14. Stated he was concerned about the proposed concessions being recommended, in particular those relating to total open space and reduction in setback. Believed this would affect the streetscape.
18. Mr Tim Muir of 28 Anzac Road, Mt Hawthorn - Item 5.1 relating to a petition regarding traffic in Anzac Road. Thanked the Mayor for responding to his letter and requested that all petitioners be corresponded with.
19. Ms Terri McComish of 112B Joel Terrace, Mt Lawley - Item 10.2.4. Stated that residents had recently had a meeting with Mr Di Scerni of the Banks Precinct concerning the bike path and suggested the alternative route is much preferred and this would improve personal safety, property safety and privacy. Believed that this was a suitable outcome.
20. Mr Mark Harvey of 144 Matlock Street, Mt Hawthorn - Item 10.1.14. Stated he had concerns about the reduced setback and total open space and believed that this would create a precedent as there was a possible similar redevelopment potential next door. This would provide eight (8) terrace houses, which was not in keeping with the area. Requested Council refuse the application.

21. Ms Lina Bruno of 38 Camelia Street, North Perth - Item 10.1.30. Requested Council support her application as she wished to reside in the Town in order to be close to her father, who was in the Leighton Nursing Home and her daughter, who already resided in the house. Stated that she was more than happy to comply with conditions, however, believed that her refusal related to her denial of using the right of way. She requested the matter be deferred in order to address a number of the concerns.
22. Lucia Dedear of 98 Buxton Street, Mt Hawthorn - Item 10.1.14. Stated she was also speaking for a number of neighbours. She was concerned about the future of Matlock Street and believed that the blocks in this area were unsuitable for subdivision. Houses are predominantly single storey and this application should be refused as it was not in keeping with the amenity of the area.
23. Mr Tony Watson of 114A Joel Terrace, Mt Lawley - Item 10.2.4. Stated this matter had been under consideration for at least three years and believed that this was a suitable compromise. Believed that a number of the residents' issues had been addressed if this new route was approved.
24. Mr Ezio Russa of 4/121 Alma Road, North Perth - Item 10.1.30. Objected to this development and believed that many of his neighbours also objected. Stated that the height was excessive and the setback was inadequate. Believed the plot ratio and total open space were inadequate and that there was no store. Believes that the narrow width of the right of way would also cause problems.
25. Ms Susan McKenzie of 3/121 Alma Road, North Perth - Item 10.1.30. Objected to the proposed development as she supported the comments of the previous speaker. Believed that the right of way was effectively their main street and this development would cause significant problems.
26. Ms Kathy Stewart of 2/121 Alma Road, North Perth - Item 10.1.30. Stated that she objected to this proposed development as it would significantly impact on her property as it was directly in front of her house. Believed that the development would cause problems as the height was excessive and the use of the right of way was inappropriate.

There being no further questions from the public, Public Question Time was closed at 6.47 pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Refer to IB12.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS

- 5.1 Petition received from Mr David Waddingham of Anzac Road, Mount Hawthorn, along with 26 signatories regarding safety issues at junction of Anzac Road and Shakespeare Street, reduction of traffic speed along Anzac Road and the downgrading of Anzac Road to a Local Distributor Road.

- 5.2 Petition received from Mr Louis Zampogna of Carr Place, Leederville along with 36 signatories, objecting to the Town of Vincent Planning Scheme No. 1 Amendment No. 8 – No. 181 (Lot 8) Carr Place, Leederville
- 5.3 Petition received from Ms M Ryan-Bennett of 82 Richmond Street, Leederville, along with 15 signatories requesting that consideration be given to having *Residents Only* parking restrictions on the north side of Richmond Street. Believe that TAFE student parking in the area is inadequate and also problems from football are being experienced.

Moved by Cr Hall, Seconded by Cr Ker

That Petition 5.1 be referred to Executive Manager Technical Services, Petition 5.2 be referred to Executive Manager Environmental & Development Services and Petition 5.3 is the subject of a report on this Agenda - Item 10.2.3.

CARRIED (8-0)

(Cr Piper on approved leave of absence)

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Moved by Cr Chester, Seconded by Cr Ker

That the Minutes of the Ordinary Meeting of Council held on 23 July be confirmed as a true and correct record subject to the deletion of the word "motion" and substituting the word "amendment" where it appears in the correction of the Minutes of the previous meeting.

CARRIED (8-0)

(Cr Piper on approved leave of absence)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7.1 Employee of the Month Awards for the Town Of Vincent for July and August 2002

As members of the public will know, the Council recognises its employees by giving a monthly award for outstanding service to the ratepayers and residents of the Town. The recipients receive a \$75 voucher and a certificate. Also their photograph is displayed in the administration centre foyer, in the library and at Beatty Park Leisure Centre.

For July 2002, the award was presented to a group of staff members involved in the implementation of the Town's new corporate system. These persons were nominated by the Executive Manager Corporate Services and include:

Natasha Forsyth – Manager Finance (Project Leader)
Michael Yoo – Manager Information Technology
Sharnelle Beanland
Jay Daebritz

Jason Farrugia
Paul Forte
Craig Grant
Kay Haynes
Lorelle Johnson
Hunhru Kek
Cathy King
Cheryl Liddelow
Melike Orchard
David Paull
Diana Puchar
Elaine Tibbitts
Megan Turner

These staff members worked extremely hard and contributed long hours, including weekends, to ensure that the new corporate system was implemented without problem. It is to their credit that the remainder of the organisation did not suffer any inconvenience or hold up during this critical period. Their efforts also saved the Town thousands of dollars by doing work which would have been carried out by paid consultants.

Congratulations to the team on a job well done!

For August 2002, the award was presented to Ian Bramich and Peter Velkovski, rubbish truck drivers with the Town's Technical Services section.

Ian and Peter were nominated by Councillor David Drewett for doing an excellent job by removing garden waste left on the verge and taking a pride in our Town.

Well done Ian and Peter – keep up the good work!!

Cr Doran- Wu departed the Chamber at 6.56 pm

Cr Doran- Wu returned to the Chamber at 6.57 pm

Cr Doran- Wu departed the Chamber at 6.58 pm

Cr Doran- Wu returned to the Chamber at 7.00 pm

8. DECLARATION OF INTERESTS

- 8.1 Cr Helen Doran- Wu declared an interest of impartiality in Item 10.1.24 - her interest being that the applicant is a family friend.
- 8.2 Cr Helen Doran- Wu declared a proximity interest in Item 10.2.3 - her interest being that she is an employee of nearby Loftus Community Centre.
- 8.3 Cr Simon Chester declared a proximity interest in Item 10.1.3, 10.1.4, 10.1.5 and 10.4.6 - his interest being he is co-owner of an adjacent property.
- 8.4 Cr Basil Franchina declared a proximity interest in Item 10.1.2 - his interest being that he owns property in close proximity.

- 8.5 Cr Ian Ker declared a proximity interest in Item 10.1.26 - his interest being that he is employed by the lessee of an adjacent property and works in that building.

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

Nil.

10. REPORTS

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

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

Items 10.1.1, 10.1.20, 10.1.13, 10.1.2, 10.1.31, 10.1.9, 10.1.11, 10.1.24, 10.1.22, 10.1.29, 10.1.16, 10.1.3, 10.1.4, 10.1.5, 10.1.14, 10.2.4, 10.2.3 and 10.1.30.

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

Item 10.1.7, 10.1.8, 10.1.10, 10.1.12, 10.1.15 and 10.4.4.

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

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

Mayor Catania	Nil
Cr Drewett	10.3.5
Cr Cohen	10.1.6, 10.1.25, 10.1.32, 10.4.5, 10.4.8 and 10.4.9
Cr Franchina	Nil
Cr Piper	Approved Leave of Absence
Cr Chester	10.3.7
Cr Hall	Nil
Cr Doran-Wu	10.1.33
Cr Ker	10.1.23

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

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

Items 10.4.6 and 10.1.26.

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

Items 10.1.17, 10.1.18, 10.1.19, 10.1.21, 10.1.27, 10.1.28, 10.1.34, 10.2.1, 10.2.2, 10.3.1, 10.3.2, 10.3.3, 10.3.4, 10.3.6, 10.3.8, 10.3.9, 10.4.1, 10.4.2, 10.4.3 and 10.4.7.

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

Items 10.4.8 and 10.4.9.

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 10.1.17, 10.1.18, 10.1.19, 10.1.21, 10.1.27, 10.1.28, 10.1.34, 10.2.1, 10.2.2, 10.3.1, 10.3.2, 10.3.3, 10.3.4, 10.3.6, 10.3.8, 10.3.9, 10.4.1, 10.4.2, 10.4.3 and 10.4.7.

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

Items 10.1.1, 10.1.20, 10.1.13, 10.1.2, 10.1.31, 10.1.9, 10.1.11, 10.1.24, 10.1.22, 10.1.29, 10.1.16, 10.1.3, 10.1.4, 10.1.5, 10.1.14, 10.2.4, 10.2.3 and 10.1.30.

(c) **Those requiring an Absolute Majority/Special Majority decision;**

Item 10.1.7, 10.1.8, 10.1.10, 10.1.12, 10.1.15 and 10.4.4.

(d) **Those which were identified by Elected Members for discussion;**

10.3.5, 10.1.6, 10.1.25, 10.1.32, 10.4.5, 10.4.8, 10.4.9, 10.3.7, 10.1.33 and 10.1.23.

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

Items 10.4.6 and 10.1.26.

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

Items 10.4.8 and 10.4.9.

Moved by Cr Ker, **Seconded** by Cr Chester

That the following unopposed items be moved en bloc;

Items 10.1.17, 10.1.18, 10.1.19, 10.1.21, 10.1.27, 10.1.28, 10.1.34, 10.2.1, 10.2.2, 10.3.1, 10.3.2, 10.3.3, 10.3.4, 10.3.6, 10.3.8, 10.3.9, 10.4.1, 10.4.2, 10.4.3 and 10.4.7.

CARRIED (8-0)

(Cr Piper on approved leave of absence)

10.1.17 No.127 (Lot 31) Matlock Street, Mount Hawthorn – Alterations and Additions Including Carport and Fencing to Single House

Ward:	Mount Hawthorn	Date:	29 July 2002
Precinct:	North Perth; P1	File Ref:	PRO2099 00/33/1197
Reporting Officer(s):	P Mastrodomenico		
Checked/Endorsed by:	Y Scheidegger , R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme the Council APPROVES the application submitted by Iredale Pedersen Hook Architects on behalf of the owners R W Parsons and N Sigismondi for alterations and additions, including carport and fencing to existing single house at No. 127 (Lot 31) Matlock Street, Mount Hawthorn, as shown on the plans stamp dated 3 July 2002, 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 the front fences and gates adjacent to Matlock Street, the existing driveway and footpath leading to the house 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;*
- (ii) a two (2) by two (2) metres visual truncation at the north side of the intersection of the driveway and footpath shall be provided at the owners cost;*
- (iii) a road and verge security deposit bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (iv) the construction of crossovers shall be in accordance with the Town's specifications;*
- (v) 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) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division; and*
- (viii) compliance with all relevant Environmental Health, Building and Engineering requirements;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.17

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (8-0)

(Cr Piper on approved leave of absence)

LANDOWNER: N Sigismondi & R W Parsons
APPLICANT: Iredale Pedersen Hook Architects
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

Requirements	Required	Proposed
Front Fence (adjacent to driveway and path to dwelling)	50 percent visual permeability	solid with permeable gate

SITE HISTORY:

The subject site is occupied by a single storey dwelling. The surrounding area is characterised by single storey dwellings

CONSULTATION/ADVERTISING:

No objections were received during the advertising period.

DETAILS:

The proposed fence is located in the front setback area of the property adjacent to the existing driveway. The proposed fence is to be constructed of limestone incorporating a visually permeable gate.

COMMENTS:

The proposal is supportable as is not considered to unreasonably adversely affect the amenity of the adjacent properties or the existing streetscape, as the front fence is adjacent to the driveway on the property and does not directly front Matlock Street. Accordingly, it is recommended that the proposal be approved, subject to standard and appropriate conditions to address the above matters.

**10.1.18 No. 17 (Lots 319 and 320) The Boulevarde, Mount Hawthorn -
Alterations and Additions to Existing Single House**

Ward:	Mount Hawthorn	Date:	30/7/02
Precinct:	Mount Hawthorn, P1	File Ref:	PRO 2014 00/33/1227
Reporting Officer(s):	V Lee		
Checked/Endorsed by:	Y Scheidegger, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by D Fiorucci on behalf of the owners A and D Fiorucci, for proposed alterations and additions to existing single house at No. 17 (Lots 319 and 320) The Boulevarde, Mount Hawthorn, as shown on plans stamp dated 19 July 2002, subject to:

- (i) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (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) a footpath security deposit bond and/or bank guarantee of \$220.00 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; and*
- (iv) compliance with all relevant Environmental Health, Engineering and Building requirements;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.18

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (8-0)

(Cr Piper on approved leave of absence)

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

COMPLIANCE:

Requirements	Required	Proposed
Setbacks - Front	6 metres	5.8 metres
Use Class	Single House	
Use Classification	'P'	
Lot Area	946 square metres	

SITE HISTORY:

20 May 2002 The Town issued approval for a similar application under delegated authority subject to the following conditions:

- "(i) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (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) *a footpath security deposit bond and/or bank guarantee of \$220.00 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; and*
- (iv) *compliance with all relevant Environmental Health, Engineering and Building requirements;"*

The applicant has lodged a new application to the Town requesting that the Council consider supporting the application without inclusion of condition (ii) requiring that the lots be amalgamated. They believe due to the minor nature of the proposal, they should not have to pay the costs involved in amalgamating the lots. They have no intentions of selling off one block at this stage as this would require demolition of their existing house.

DETAILS:

The proposal involves the addition of patio at the front of the existing house. The patio will be within the front setback area of the subject lot.

CONSULTATION/ADVERTISING:

This application was not referred to neighbours for comment as a similar application was referred out within the past 12 months in accordance with the Town's Policy relating to Public Consultation. No submissions were received when the application was advertised during the original submission.

COMMENTS:

The proposed patio within the front setback is supported as the structure is open on three sides. The Boulevard does not have a uniform street setback. Therefore, the potential impact on the streetscape is considered to be negligible.

The R-Codes provides the following definition:

"a single house means an independently constructed dwelling standing wholly on its own lot created pursuant to the Town Planning and Development Act"

It is considered appropriate that the Condition (ii) requiring the amalgamation of the lots is imposed, as it is inappropriate for the Town to approve a structure that is not contained wholly within a lot.

In addition, Part 3.7.1.3 of the Building Code of Australia (BCA) stipulates that any external walls or openings within 900 millimetres of an allotment boundary are required to be of fire resisting construction. Therefore, to achieve full compliance with the requirements of the BCA the allotments are required to be amalgamated or alternatively provide a compliant fire resisting wall in accordance with the BCA.

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

10.1.19 No.5 (Lot 88) Raglan Road, Mount Lawley - Proposed Garage to Existing Single House involving Demolition of Existing Carport

Ward:	North Perth	Date:	31 July 2002
Precinct:	Norfolk, P10	File Ref:	PRO2103 (00/33/1204)
Reporting Officer(s):	H Coulter		
Checked/Endorsed by:	Y Scheidegger, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme the Council APPROVES the application submitted by P Mulcahy on behalf of the landowner T J Mulcahy for a proposed garage to existing single house involving demolition of existing carport at No.5 (Lot 88) Raglan Road, Mount Lawley, and as shown on plans dated 8 July 2002, subject to;

- (i) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the proposed parapet boundary wall extending the full extent of the garage on the eastern elevation;*
- (ii) the construction of crossovers shall be in accordance with the Town's specifications;*
- (iii) proposed crossovers shall be positioned in consultation with and as directed by the Town's Technical Services Division;*
- (iv) 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;*
- (v) subject to first obtaining the consent of the owners of Nos.3 and 7 Raglan Road, Mt Lawley for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 3 and 7 Raglan Road, Mount Lawley in a good and clean condition;*
- (vi) a right of way security bond and/or bank guarantee for \$220 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
- (vii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division; and*
- (viii) compliance with all relevant Environmental Health, Engineering and Building requirements;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.19

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (8-0)

(Cr Piper on approved leave of absence)

LANDOWNER: T J Mulcahy
APPLICANT: P Mulcahy
ZONING: Metropolitan Region Scheme - Urban
Town Planning Scheme No.1 – Residential R40
EXISTING LAND USE: Single House

COMPLIANCE:

Requirements	Required	Proposed
Vehicle Access to Dwellings via a Right of Way	Minimum access maneuvering distance of 6 metres	4.2 metres
Side Setbacks		
East	1.0 metre	Nil
West	1.0 metre	Nil
Use Class	Single House	
Use Classification	'P'	
Lot Area	291 square metres	

SITE HISTORY:

The property is located on the southern side of Raglan Road and accommodates a single storey single house. A 4 metres wide, crown owned and sealed right of way exists at the rear of the property.

DETAILS:

Approval is sought to construct a new garage to the rear of the dwelling with access from the rear right of way. In support of the application, the applicant writes:

"To address the reduction of vehicle maneuverability in R.O.W. that this variation might effect, the owner has

- 1. allowed for extra maneuvering space within garage (for one car only), and*
- 2. specified for an extra-wide garage door."*

CONSULTATION/ADVERTISING:

Nil submissions were received however, the applicant has provided written support from both adjacent landowners.

COMMENTS:

The proposed garage to the rear of the property is considered acceptable from a planning viewpoint and the variations to the side setbacks are supported. In terms of the nil setback to the right of way, the Town's Technical Services have agreed that given the measures taken to ensure adequate manoeuvring for one vehicle to use the garage the variation is supported.

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

10.1.21 Nos. 103-105 (Lot 19) Oxford Street, Leederville - Alterations and Additions to Eating House within an Approved Mixed Use Development

Ward:	North Perth	Date:	2 August 2002
Precinct:	Beaufort, P13	File Ref:	PRO0452 00/33/1137
Reporting Officer(s):	S Robertson		
Checked/Endorsed by:	Y Scheidegger, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town Planning Scheme No.1 and the Metropolitan Region Scheme the Council APPROVES the application submitted by GJ McAlister on behalf of the owners TW McAlister Pty Ltd, for proposed alterations and additions to eating house within an approved mixed use development, at Nos. 103-105 (Lot 19) Oxford Street, Leederville as shown on plans stamp dated 31 May 2002, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements; and*
- (ii) prior to the issue of the Building Licence the applicant/landowner shall pay a cash-in-lieu contribution of \$2500 for the equivalent value of one (1) car parking spaces, based on the cost of \$2500 per bay as set out in the Town's 2001/2002 Budget;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.21

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (8-0)

(Cr Piper on approved leave of absence)

LANDOWNER: T W McAlister Holdings Pty Ltd
APPLICANT: G J McAlister
ZONING: Metropolitan Region Scheme - Urban
 Town Planning Scheme No. 1 - District Centre
EXISTING LAND USE: Approved Mixed Use Development

COMPLIANCE:

Use Class	Eating House
Use Classification	"P"
Lot Area	1835 square metres

Requirement	Required	Previously Approved	Proposed
Car Parking	67 car parking spaces	27 car parking spaces	26 car parking spaces

SITE HISTORY:

- April 1982: The Council of the City of Perth considered 5 applications for the construction of a two/three-storey commercial building accommodating office and retail uses on the subject land.
- 19 April 1982: The Council of the City of Perth **approved** a three storey commercial building on the subject land accommodating retail and office uses.
- 17 November 1986: The Council of the City of Perth **refused** a three storey mixed retail and office building on the subject land.
- 15 August 1988: The Council of the City of Perth **approved** a two storey commercial building accommodating retail/restaurant and office uses on the subject land.
- 18 March 1991: The Council of the City of Perth **approved** a two storey commercial building accommodating retail, restaurant and office uses on the subject land.
- 28 January 1995: The Commissioners of the Town of Vincent **refused** an application for 8 shops, 1 restaurant and 10 residential units due to non-compliance with car parking requirements. The applicant was advised that the Council will consider a mixed commercial/residential development on its merit, provided that the intensity of uses is decreased and adequate car parking is provided.
- 29 July 1996: At the Ordinary Meeting, the Council **refused** a proposal for three shops, five offices and two caretaker's residences for the following reasons:
- (i) *the non-compliance with the plot ratio requirement of the Town of Vincent Town Planning Scheme; and*
 - (ii) *the non-compliance with the requirements concerning the orderly and proper planning of the locality and the preservation of amenities of the locality, with respect to the detrimental impact on the visual amenity of the locality by virtue of the scale, mass and bulk of the proposed three storey development;*
- 20 January 1997 At the Ordinary Meeting, the Council **refused** application for three shops, five offices, two caretaker's residences and one showroom office for the following reasons:
- (a) *the non-compliance with the plot ratio requirement of the Town of Vincent Town Planning Scheme; and*
 - (b) *the non-compliance with the requirements concerning the orderly and proper planning of the locality and the preservation of amenities of the locality, with respect to the detrimental impact on the visual amenity of the locality by virtue of the scale, mass and bulk of the proposed three storey development;*

Additionally, the Council resolved as follows:

- (i) *the concept of an urban village type development accommodating a range of uses is supported however, a new development application will be required to be submitted depicting a reduction in the plot ratio and a maximum of two storeys in a form, scale and design sympathetic and complementary to the existing streetscape; and*
- (ii) *detailed urban design guidelines be formulated for new and existing commercial developments within the Leederville Centre to complement the existing urban stock and a further report be presented to the Council.*

- 22 February 2000 At the Ordinary Meeting, the Council conditionally **approved** the partial demolition of existing building and development of mixed use building (1 x showroom, 3 x offices, 3 x shops and 6 x grouped dwellings).
- 28 March 2000 Appeal against condition of approval requiring partial retention of existing buildings submitted to Minister for Planning.
- 7 June 2000 Condition of approval requiring partial retention of existing building waived by Council following Appeal mediation process.
- 15 September 2000 Application made to the Town for an amended proposal.
- 24 October 2000 At the Ordinary Meeting, the Council conditionally **approved** amended proposal for mixed use development containing 1 x showroom, 3 x offices, 1 x restaurant and 7 x grouped dwellings and 1 x multiple dwelling.
- 12 February 2002 At the Ordinary Meeting, the Council conditionally **approved** the demolition of existing building and development of mixed use building (1 x showroom, 3 x offices, 1 x eating house, 7 x multiple dwellings, 1 x grouped dwelling).

DETAILS:

This proposal involves the expansion of the kitchen area of the eating house, by removing one car parking space from the total number of car parking bays that was approved as part of the approval for the mixed use development on the site. There will be no increase in the public floor area of the eating house.

CONSULTATION/ADVERTISING:

The current planning application was not advertised, as it represents an amendment to a planning application that has been considered by the Council within the past 12 months and is being referred to the Council for its determination.

COMMENTS:

The Planning Approval granted by the Council at its Ordinary Meeting held on the 12 February 2002 provided 27 carbays (representing a shortfall of 40 carbays) for the total mixed use development, 3 of these carbays being appurtenant to the eating house component of the development. The deletion of one carbay from the development represents a reduction in car parking spaces for the eating house component of the development to 2 car parking spaces. In accordance with the Town's Policy relating to 'Parking and Access', it is considered appropriate that a cash-in-lieu contribution be applied.

It is considered that the proposal will not result in any modification to the external appearance of the previously approved development, the total public floor area of the eating house or have an unreasonable adverse impact on the adjoining landowners or the Oxford Centre in general. Accordingly, it is recommended that the proposal be approved, subject to standard and appropriate conditions.

10.1.27 No. 111 (Lot 331) London Street, Mount Hawthorn - Proposed Demolition of Existing House and Construction of a Single House

Ward:	Mount Hawthorn	Date:	22 July 2002
Precinct:	Mount Hawthorn, P1	File Ref:	PRO 2064 00/33/1124
Reporting Officer(s):	V Lee		
Checked/Endorsed by:	Y Scheidegger, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by G Romeo on behalf of the owners G Romeo and M Macri, for the demolition of the existing house and construction of a single house at No. 111 (Lot 331) London Street, Mount Hawthorn, as shown on plans stamp dated 28 May 2002 and 18 July 2002, subject to:

- (i) subject to first obtaining the consent of the owners of No 113 (Lot 330) London Street, Mount Hawthorn, for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 113 (Lot 330) London Street, Mount Hawthorn, in a good and clean condition;*
- (ii) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to London 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;*
- (iii) a Demolition Licence shall be obtained from the Town prior to commencement of any further demolition works on site;*
- (iv) 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;*
- (v) 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;*

- (vi) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (vii) *a road and verge security deposit bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the Town's assets have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (vii) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (ix) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (x) *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) *no street trees shall be removed, cut back, pruned or interfered with in any way, without the prior approval of the Town's Parks Services Section; and*
- (xii) *compliance with all relevant Environmental Health, Engineering and Building requirements;*

to the satisfaction of the chief executive officer.

COUNCIL DECISION ITEM 10.1.27

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (8-0)

(Cr Piper on approved leave of absence)

LANDOWNER: G Romeo and M Macri
APPLICANT: G Romeo
ZONING: Metropolitan Region Scheme - Urban
Town Planning Scheme No. 1 - Residential R30
EXISTING LAND USE: Single House

COMPLIANCE:

Requirements	Required	Proposed
Setbacks - Side	1.5 metres	0 metre
Building Scale	3 metres to top of external wall	2.2 metres to 4.1 metres
Use Class	Single House	
Use Classification	'P'	
Lot Area	440 square metres	

SITE HISTORY:

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

Some time after the completion of the Town's Heritage Officer's site inspection, assessment of the property and the archival photographs were taken, it would appear that the owner/applicant proceeded with the demolition of the building without the formal approval of the Town.

DETAILS:

The proposed house is single storey, with vehicular access from the rear right of way.

CONSULTATION/ADVERTISING:

No submissions were received during the consultation period.

COMMENTS:

Heritage

Although the original section of this house is most likely to date from the early part of the twentieth century, the substantial alterations and the current condition of the dwelling is such that demolition of the place is considered acceptable. There is no element of the dwelling that is likely to have any local cultural heritage significance.

Setbacks

The proposed parapet wall on the northern elevation is considered acceptable in this instance as no objections have been received from the adjoining property and the proposal is considered not to have any undue affect on the amenity of the adjoining residents.

Building Scale

The proposed variation to the Town's Policy relating to Building Scale is supported in this instance, as the proposed house is single storey and complies with the Town's Policy relating to Building Scale, in terms of the height to the top of the pitched roof.

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

10.1.28 Nos. 162 - 164 (Lots 10) Scarborough Beach Road, Corner of Flinders Street, Mount Hawthorn - Proposed Change of Use from Offices to Grouped Dwelling, to an Approved Mixed Use Development

Ward:	Mount Hawthorn	Date:	1 August 2002
Precinct:	Mount Hawthorn Centre, P2	File Ref:	PRO0786 00/33/1222
Reporting Officer(s):	B Mirco		
Checked/Endorsed by:	Y Scheidegger, R Boardman		
Amended by:	-		

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 Oldfield Knott Architects Pty Ltd on behalf of the owners Clarestone Holdings Pty Ltd for proposed change of use from offices to grouped dwelling, to an approved mixed use development on Nos. 162 - 164 (Lot 10) Scarborough Beach Road, Corner of Flinders Street, Mount Hawthorn, as shown on the plans stamp dated 15 July 2002, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements; and*
- (ii) prior to the issue of a Building Licence, the written approval of the Minister for Lands 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;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.28

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (8-0)

(Cr Piper on approved leave of absence)

LANDOWNER:	Clarestone Holdings Pty Ltd
APPLICANT:	Oldfield Knott Architects Pty Ltd
ZONING:	Metropolitan Region Scheme - Urban Town Planning Scheme No. 1 - District Centre
EXISTING LAND USE:	Under Construction

COMPLIANCE:

Use Class	(Single Bedroom) Grouped Dwelling, Grouped Dwelling, Shop,
Use Classification	"AA","AA","P"
Lot Area	1154 square metres

SITE HISTORY:

- 25 May 1998 The Council at its Ordinary Meeting conditionally approved a three storey development comprising four (4) shops, two (2) offices, two (2) office/grouped dwellings and four (4) grouped dwellings on Lot 132 of the subject site.
- 23 January 2001 The Town under delegated authority conditionally approved the demolition of existing house and construction of a three storey mixed use development comprising six (6) shops, two (2) offices, nine (9) single bedroom grouped dwellings and one (1) grouped dwelling.
- 13 March 2001 The Council at its Ordinary Meeting conditionally approved a similar application for the demolition of existing house and construction of a three storey mixed use development comprising six (6) shops, two (2) offices, nine (9) single bedroom grouped dwellings and one (1) grouped dwelling.

DETAILS:

Approval is sought for the change of use of from offices to grouped dwelling, to an approved mixed use development.

ADVERTISING:

This proposal was not considered necessary to be advertised, due to the scale and nature of the modifications, the proposal being previously advertised and consideration of this application by the Council.

COMMENTS:

The proposal does not change the approved built form with the exception of the introduction of an additional balcony encroaching over the road reserve along Flinders Street, which will require written approval from the Minister for Lands prior to the issue of a Building Licence and as such should be conditioned accordingly.

There are no further parking implications as the previous office proposal required 2 car bays and the proposed grouped dwelling also requires 2 car bays.

In light of the above, it is recommended the Council approve this proposal, subject to standard and appropriate conditions to address the above matters.

10.1.34 Report on Draft Guidelines for Economic Evaluation of Environmental Health Planning and Assessment

Ward:	Both Wards	Date:	2 August 2002
Precinct:	All Precincts	File Ref:	ENS0070
Reporting Officer(s):	D. Brits		
Checked/Endorsed by:	R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That the Council;

- (i) *receives the report on the Draft Guidelines for Economic Evaluation of Environmental Health Planning and Assessment; and*
- (ii) *authorises the Chief Executive Officer to refer the matter to the Western Australian Local Government Association, Australian Institute of Environmental Health (WA Division) and the Department of Health (WA) to investigate and devise a practical model tailor-made for Western Australian Environmental Health Services.*

COUNCIL DECISION ITEM 10.1.34

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (8-0)

(Cr Piper on approved leave of absence)

BACKGROUND:

Professor Christine Ewan advised that the enHealth Council, the national advisory body on environmental health, has approved the release of the draft *Guidelines for Economic Evaluation of Environmental Health Planning and Assessment* for public consultation. The consultation period runs until 30 August 2002.

The process of developing the Guidelines has been managed by Queensland Health on behalf of the enHealth Council, with funding for the Guidelines being provided by the Commonwealth Department of Health and Ageing. The draft Guidelines have been prepared by Applied Economics Pty Ltd.

The draft Guidelines consist of two volumes: Volume 1 - The Guidelines - describes the major principals and practices of economic evaluation with special reference to environmental health issues; and Volume 2 - Case Studies - describes four studies that illustrate the application of economic evaluation to particular environmental health issues.

The draft document may be accessed electronically from the web: <http://enhealth.nphp.gov.au/council/pubs/ecpub.htm>

The Guidelines are intended to be used by environmental health policy makers and others who work with environmental health issues. They also provide a framework for economists when undertaking economic evaluations of environmental health issues.

As part of this consultation, a one-day workshop will be held in Sydney on 9 August 2002. The aim of this workshop is to provide a forum for discussion of the draft Guidelines as well as promoting discussion of the key issues/barriers for the application of the Guidelines into environmental health practice.

To obtain a copy of the consultation draft or to obtain further information on the Guidelines or the workshop, please contact:

Dr Thomas Tenkate - Queensland Health
PO Box 1507
Fortitude Valley, QLD, 4006
Phone: (07) 3250 8506 Facsimile: (07) 3250 8501
Email: thomas_tenkate@health.qld.gov.au

The closing date for submissions is 30 August 2002.

DETAILS:

The *Guidelines for Economic Evaluation of Environmental Health Planning and Assessment* describe the method of economic evaluation and its application to environmental health policy issues. Economic evaluations are required because resources are scarce and choices have to be made about the use of resources.

Environmental health practice is concerned with all impacts of the environment on human health. The method of economic evaluation is quite general and has many public policy applications. However, as applied to environmental health issues, the process of economic evaluation must draw also on both environmental and health economics.

As outlined in Volume 1, an economic evaluation consists of various core components. These include identifying the issues to be resolved, identifying the major options, expressing the costs and benefits as far as possible in monetary units, weighing these costs and benefits to allow for their timing, and estimating an overall net social benefit figure (which may be positive or negative). Most economic evaluations also provide for the analysis of the risks and of the distributional impacts. All evaluations should include these core components.

However, most policy issues have particular features and, as the case studies in Volume 2 illustrate, the economic evaluation has to be crafted to resolve these particular issues. This means that the analyst should understand not only the method of economic evaluation, but also the reasons for it. Other users of economic evaluation should be familiar with the core common concepts and be satisfied that these concepts have been followed.

Following the introductory chapter, the *Guidelines* contain six further chapters on:

- The process of economic evaluation.
- An overview of cost-benefit analysis.
- Alternative methods of economic evaluation.
- Estimating environmental benefits.
- Estimating costs.
- The relationship between economic analysis and policy making.

Annexes discuss the nature of environmental health issues, briefly discuss some technical issues associated with discounting and valuation principles (willingness to pay versus willingness to accept valuation methods), and discuss resources for use in economic evaluation.

CONSULTATION/ADVERTISING:

Public consultation until 30 August 2002 as outlined above.

STRATEGIC IMPLICATIONS:

Strategic Plan 2000-2002 - Key Result Area: 1 *"To create an accessible safe and healthy environment for our community"*.

COMMENTS:

Health Services recommend that, due to the theoretical and detailed nature of the Guidelines, the matter should be referred to the Western Australian Local Government Association, Australian Institute of Environmental Health (WA Division) and the Department of Health (WA) to in accordance with the EnHealth Guidelines, investigate and devise a practical model tailor-made for Western Australian Environmental Health Services.

10.2.1 Auckland/Hobart Street Reserve – Erection of Boundary Fence

Ward:	Mt Hawthorn	Date:	30 July 2002
Precinct:	North Perth, P8	File Ref:	RES0037
Reporting Officer(s):	J van den Bok		
Checked/Endorsed by:	R Lotznicher, M Rootsey		
Amended by:	John Giorgi		

OFFICER RECOMMENDATION:

That the Council;

- (i) *receives the report on the erection of "child proof" pool fencing on the Auckland/Hobart Reserve along the Auckland Street and Hobart Street frontages;*
- (ii) *APPROVES the installation of the fence estimated to cost \$8,000, subject to the availability of additional funds from savings achieved from other budgeted 2002/2003 Parks Services projects; and*
- (iii) *advises the resident/s of its decision.*

COUNCIL DECISION ITEM 10.2.1

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (8-0)

(Cr Piper on approved leave of absence)

BACKGROUND:

Councillor Doran-Wu requested the Chief Executive Officer to submit a Notice of Motion authorising the erection of a fence around this park and for a report to be prepared regarding timetable for implementation. Due to a three week period since the previous meeting, a report has been prepared - therefore the Notice of Motion is not required.

The Auckland/Hobart Street Reserve is a small "passive" recreational area of approximately 1000m² in size located, as its name suggests, at the north east corner of Auckland and Hobart Streets. The reserve is currently surrounded by pine-log fencing.

A playground area is located to the rear of the reserve surrounded by grassed areas where children tend to play various ball sports.

This reserve was subject of a potentially serious soil contamination scare in 1999 whereby several tonnes of contaminated bituminous compound was removed from beneath the playground area.

Subsequently, the entire playground was removed and upgraded upon reinstatement of the site some months later.

At this time a light was also installed in the playground. Both the playground and reserve is extensively used by the local community.

DETAILS:

Several weeks ago, a resident of Hobart Street was at the reserve with her child. The child ran through the pine-log fencing chasing a ball, continuing over the road and was nearly "run over" by a passing motor vehicle.

The Towns Officers have been advised that children chasing balls onto Hobart Street is a common occurrence. Hobart Street, while classified as an access road, is used by some motorists, especially during the PM peak period, to access Charles Street from London Street.

While the reserve is not ideally suited to ball games, it is very unlikely that signage or policing of this area will stop such activities, nor would it be the Town's intention to curtail such activities.

Therefore, the most appropriate solution would be to install pool type fencing similar to what has recently been erected around Ivy Park and the Multicultural Federation Gardens.

CONSULTATION/ADVERTISING:

Nil

STRATEGIC IMPLICATIONS:

Strategic Plan 2000-2002 - Key Result Area 3.6 *"Develop and Implement Strategies to Improve the Towns Parks and Reserves"*.

FINANCIAL/BUDGET IMPLICATIONS:

A quotation has been received from Dura-Fenz, the Company who has previously provided the cheapest prices for this type of fencing installed throughout the Town. It amounts to \$7,617 inclusive of GST.

This type of fencing is aesthetically pleasing and reasonably cheap given the budgets available for Parks development, however, staff have recently noted that where ball sports have been played adjacent to this type of fencing, additional and stronger uprights are required. As this is likely to occur at Auckland/Hobart Street Reserve, the cost of the fencing is considerably higher than previously quoted due to additional and stronger upright supports being required.

The total estimated cost for supply/installation of the new fencing and removal/disposal of the existing fencing is \$8,000.

No funds are available on the 2002/03 budget.

Therefore, for the reasons outlined above, in the interest of children's safety, it is recommended that the Council lists an amount of \$8,000 at a future budget review or fund the installation of "childproof" pool fencing with pedestrian/service gates at the Auckland/Hobart Street Reserve from savings achieved from other budgeted 2002/2003 Parks Services property.

COMMENTS:

Parks Services Officers have confirmed that this reserve, and particularly the playground, is a very popular afternoon meeting area for local parents and children.

Chief Executive Officer's Comments

The Chief Executive Officer amended this report by including reference to Cr Doran-Wu's Notice of Motion into the Background details.

10.2.2 Federal "Black Spot" Improvement Project – Intersection of Curtis and Walcott Streets, Mt Lawley

Ward:	North Perth	Date:	17 July 2002
Precinct:	Forrest Precinct P14	File Ref:	TES0007
Reporting Officer(s):	C Wilson, R Lotznicher		
Checked/Endorsed by:	R Lotznicher		
Amended by:	-		

OFFICER RECOMMENDATION:

That the Council;

- (i) *receives the report on the proposed Federal "Black Spot" improvement project at the intersection of Curtis and Walcott Street, Mt Lawley;*
- (ii) *implements a trial half closure as shown on attached Plan No. A4-00-085, using water filled barriers for a period of eight (8) weeks and carries out a detailed traffic assessment of Barlee, Roy, Gerald, Curtis and Harold Streets between Curtis and Lord Streets during the trial;*
- (iii) *refers the findings of the trial and the issues raised by the Roy Street petitioners, to the Town's Local Area Traffic Management Working Group prior to receiving a further report on the matter;*
- (iv) *writes to Main Roads WA requesting an extension of the "Black Spot" funding to enable the matter to be further determined; and*
- (v) *advises the respondents of Council's resolution.*

COUNCIL DECISION ITEM 10.2.2

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (8-0)

(Cr Piper on approved leave of absence)

BACKGROUND:

At its Ordinary meeting of 24 April 2001 the Council received a report on the outcome of the Town's 2001/02 submission for Federal "Black Spot" improvements funding. A total of eight (8) projects were nominated, of which only one, the proposed Curtis / Walcott Street project, was successful.

The other seven (7) projects have since received State "Black Spot" funding as reported to Council at its Ordinary Meeting of 10 July 2001.

With regard to the Curtis / Walcott Street improvement project, Council resolved the following:

"That;

- (i) the Council receives the report on the outcome of the Town's 2001/2002 Federal Black Spot Program submissions;*
- (ii) the Council approves in principle the proposed intersection modifications at the intersection of Curtis and Walcott Streets, Mt Lawley, as shown on attached plan A4-00-085;*
- (iii) comments be sought from the Department of Transport as the proposal will impact on the Perth Bicycle Network route N26;*
- (iv) the proposal be advertised for public comment for a period of twenty one (21) days, inviting written submissions from the public;*
- (v) a further report be presented to Council at the conclusion of the consultation period; and*
- (iv) lists an amount of \$40,000 for consideration in the 2002/2003 draft budget and the matter be further considered during the budget process."*

DETAILS:

Community Consultation

In accordance with clause (iv) of the Council's resolution of 24 April 2001, a total of 95 letters, together with concept plan No. A4-00-0085 outlining the proposed works, were delivered to affected residents and businesses within the following streets:

- Curtis Street - Harold Street to Walcott Street
- Harold Street - Curtis Street to Lord Street
- Clarence Street - Curtis Street to Beaufort Street
- Barlee Street - Curtis Street to Beaufort Street

The above streets were targeted as it was considered they could be impacted by the proposal. While Roy and Gerald Street are within the same catchment area, residents access to Walcott Street is not affected and for reasons outlined in the report the residents general amenity should be relatively unchanged.

Each property canvassed was asked to comment on the proposal and provided with a comment sheet and a reply paid envelope. The letter of explanation in part read:

"Accident statistics indicate that the intersection of Walcott and Curtis Streets, Mt Lawley, is an accident 'Black Spot' and, as such, is eligible for Federal funding to make safety improvements. The predominant accident types at the intersection are right angled through and rear end accidents. The first category, right angled through, involves vehicles turning right into Walcott Street from Curtis Street. The second category, rear end, occurs because the intersection is on the blind side of a crest and involves stationary vehicles turning right into Curtis Street being hit by vehicles travelling east in Walcott Street.

In order to eliminate the right angled through accidents and reduce the rear end accidents, the Town submitted a proposal to Main Roads WA Road Safety Committee for consideration. The attached drawing, No. A4-00-085, shows the proposed modifications. With regard to the rear end accidents, the road surface in Walcott Street would be scarified to improve skid resistance and reduce braking distance."

Of the 95 letters distributed, at the conclusion of the consultation period, 24 individual responses, representing some 24% of those surveyed were received. Of the respondents, fourteen (14) agreed with the proposal unreservedly, four (4) agreed while voicing concerns as to the likely impact upon surrounding streets, three (3) saw both positive and negative outcomes, while three (3) were opposed and provided other solutions / comments (refer attached survey).

Roy Street Petition

Roy Street was not included in the original public consultation area, however, a petition containing 35 signatures was received from the residents of (mainly) Roy Street at the conclusion of the consultation period. This prompted the collection of additional traffic data. The petitioners expressed a concern that the public consultation did not include Roy Street, and by association Gerald Street. In essence the residents of Roy Street felt that there was a problem with motorists using Roy Street as a 'rat run' to avoid the signals at the Walcott & Beaufort Street intersection and that the proposed Curtis and Walcott "Black Spot" improvement would exacerbate the current situation.

The petitioners submitted the following:

"We, the undersigned residents of Roy Street, Mt Lawley, request some action on the part of the Council in regulating the speed of traffic which uses the street. Roy Street is used as a 'rat run' by traffic wishing to avoid the Walcott/Beaufort Streets traffic lights. The amount of traffic exceeds that of other streets in the vicinity for this reason. Either in spite of, or because of, it being an extremely short street, traffic exceeds considerably (sic) the speed limit of 50kmh, thus putting residents at risk. There have been many 'near misses' observed over the years, also some collisions have occurred.

Therefore we request the Council implement a check on the volume of traffic using the street. Also to consider the installation of a speed regulator such as speed bumps (sic), similar to those in Barlee or Clarence Streets."

An addendum the petition sought the following:

We would also like to see Barlee Street (Beaufort Street end) closed. Crossing the road with a pram is very dangerous.

Traffic Data

Vehicle Classifier Data

Following receipt of the petition, vehicle classifiers were deployed in Roy and Barlee Streets in the last week of May 2002 and additional counts undertaken in Gerald, Barlee and Curtis Streets the week of the 19 to 25 June 2002.

The results are outlined below:

Period March/June 2002

Section	STREET						
	Roy	Gerald	Barlee	Barlee	Barlee	Curtis	Harold St
			Note 1	Note 2			Note 3
	all	all	Roy-Beaufort	Gerald-Roy	Gerald-Curtis	Walcott-Barlee	Lord-Wright
Average Weekday Traffic south (vpd)	365	104				1473	
Average Weekday Traffic north (vpd)	163	87				1421	
Average Weekday Traffic east (vpd)			373	274	278		510
Average Weekday Traffic west (vpd)			472	199	219		500
TOTAL	528	191	845	473	497	2894	1010
85 % percentile speed (kph)	39	42	33	47	30	50	42
Ave Morning peak - (vph)	32	8	48	18	16	245	101
Ave Evening peak - (vph)	47	22	79	46	50	269	81
Number of residences	60	28	41				
At 8 trips per residence per day (vpd)	320	128	328*				
Possible through Traffic (vpd)	206	60	517				

Note 1: Classifier located between Beaufort Street and Right of Way and includes vehicles accessing carpark and approx. 13 commercial properties fronting Beaufort Street either side of Barlee Street, estimated to generate 104 vpd.

Note 2: A further 14 vehicles did a 'u' turn at this location. There is a 'no right turn' at Beaufort Street (either direction) in the peak periods resulting in east bound motorists in Walcott Street crossing over Beaufort Street, doing a 'u' turn at Roy Street and turning left into Beaufort Street south bound.

Note 3: After installation of speed humps

Manual Traffic Counts Data

Manual Traffic Counts were also undertaken between 4.00pm and 6.00pm on Wednesday, 19 June 2002 at the following intersections:

- Curtis and Walcott Streets.
- Gerald and Walcott Streets.
- Roy and Walcott Streets.

The results were as follows:

Intersection	Vehicles	Right turn	Left Turn
Curtis / Walcott	367	157 (43%)	210 (57%)
Gerald / Walcott	35	8 (23%)	27 (77%)
Roy / Walcott*	36	7 (19.5%)	29 (80.5%)
Totals	438	172 (39%)	266 (61%)

The purpose of these counts was to determine the number of vehicles that currently turn right into Walcott Street during the afternoon peak period (4.00pm to 6.00pm). If, as proposed, the right turn movement, Curtis Street into Walcott Street, was banned, this data provides an indication as to the likely impact upon Harold, Roy and Gerald Streets.

Overall Data Analysis

The results obtained indicate that 61% of vehicles travelling north in the evening peak period using Curtis, Gerald and Roy Streets turned left (west) into Walcott Street.

If the right turn movement at Curtis Street was banned, it is likely that the total volume turning left would remain constant, as it would reduce the queuing in Curtis Street approaching Walcott Street. At present the intersection can only accommodate one car at a time, therefore if the first car is turning right following vehicles form a queue. It is anticipated that the number of vehicles using Gerald and Roy Street to access Walcott Street west bound will actually fall as there will be a reduction in queuing time at Curtis/Walcott.

From the manual counts, of the 172 vehicles turning right into Walcott Street, Gerald and Roy Streets contribute 15, it is difficult to predict how many will begin to use Gerald and Roy Streets should the "half seagull" at Curtis/Walcott be implemented.

The majority of all traffic using Gerald and Roy Streets is south or city bound and this would suggest that motorists are avoiding the signals at Walcott and Beaufort Streets, be it in the morning or afternoon peak periods.

Therefore the residents of both streets, Roy in particular, could be better served by banning the left and right turns in from Walcott Street. Both theses movements would be maintained at Curtis Streets providing residents with an access into the precinct while reducing the total volume of through traffic.

Conclusion

If the Curtis / Walcott Streets intersection modifications are implemented the following comments are provided.

It is considered that there is little to be gained by motorists using Roy Street as an alternate route. In the morning peak, the majority of traffic is inbound (to the CBD). Curtis Street will still accommodate both the left turn out and right turn in from Walcott Street. In the evening peak, out bound, it would no longer be possible to turn right out of Curtis Street into Walcott Street while the left turn out would be maintained. It is considered that motorists heading north on either Beaufort or Curtis Streets would be unlikely to use Roy Street.

Some residents claimed that vehicles are using the Barlee Street Carpark to access Barlee Street from Beaufort Street. (Barlee Street cannot be accessed legally from Beaufort Street, as there is a continuous median island at Barlee Street preventing the right turn in.)

A traffic classifier installed at the Beaufort Street entrance of the Barlee Street carpark indicates that the average weekday traffic entering and exiting this point is 65 vehicles per day. In the morning and evening (2 hour) peak periods when several residents have claimed that motorists are using it as a 'rat run' access via Barlee Street to Walcott Street the averages have been:

- AM peak, 7.00am to 9.00am, 4 vph. There is little need to use the carpark as a short cut in the morning as there is an existing left turn from Barlee Street into Beaufort Street while there are fewer vehicles heading out of the CBD.
- PM peak, 4.00pm to 6.00pm, 10 vph. Indicating some minor 'rat running' but also early evening activity/parking.

The above figures do not suggest that there is an endemic problem.

Motorists using Smith / Curtis Street north bound would more than likely use Harold Street, the residents of whom were canvassed. There would be little point in using Curtis Street, left into Barlee Street and right into Roy or Gerald Streets to access Walcott Street south east bound. Similarly if you wanted to head north west (left) in Walcott Street you would stay on either Curtis Street or Beaufort Street.

"Black Spot" Improvements

"Black Spot" improvements, by definition, are safety improvements at locations at which there is a history of accidents. The "Black Spot" program is not intended to be a means to address Local Area Traffic Management issues. The proposed intersection modifications, as shown on drawing A4-00-0085, will eliminate 'right angle through' accidents at what is a designated "Black Spot". The Roy and Walcott Street intersection nor Roy Street, under the current criteria/data, do not classify as a "Black Spot" and therefore cannot be lumped in with the "Black Spot" project.

The Federal "Black Spot" program under which the Curtis/Walcott intersection improvement is being funded concludes this year. While the funding is guaranteed if the project is endorsed by Council, it could be withdrawn if Council does not approve the works or elect to defer the project indefinitely.

The residents of Roy Street, while having legitimate concerns, are faced with a different problem, one that won't be unduly affected by the proposed Curtis & Walcott Street intersection modifications. The correct forum for the residents concerns is the Town's Local Area Traffic Management (LATM) Advisory Group. The group, has in the past, invited a nominated community member to attend the meeting at which their issue is being discussed, The advisory group also has the capacity to make recommendations to Council to resolve LATM issues based upon engineering solutions, informed opinion and public consultation.

STRATEGIC IMPLICATIONS:

In accordance with the Strategic Plan 2000-2002, key Result Area 1.5 *"Develop and implement a plan to manage through traffic and local traffic, and reduce car dependence"*.

CONSULTATION/ADVERTISING:

Affected residents and business proprietors be advised of impending works in accordance with Council Policy No. 4.1.21 "Community Consultation".

FINANCIAL IMPLICATIONS:

A preliminary estimate of the works is \$10,000 and sufficient funds have been included in the 2001/02 capital works program.

COMMENTS:

The report outlines comprehensive data from manual traffic counts and vehicle classifier results.

While it is considered that the proposed half seagull island at the intersection of Curtis and Walcott Streets will not have a detrimental impact on Roy, Barlee and Gerald Streets, it is considered that a trial closure would be desirable. The trial would prove or disprove the assumptions made in this report and would also appease some of the residents' concerns and address current perceptions.

**PROPOSED "BLACK SPOT" INTERSECTION IMPROVEMENTS
CURTIS & WALCOTT STREETS, MT LAWLEY**

SUMMARY OF COMMENTS

Address

Curtis Street	3/19	Agree, no other comment.
	4/19	Agree, good idea & safer option
Smith Street	80	Agree, why weren't more residents canvassed?
Barlee Street	1	Agree, no other comment
	16	Disagree, never seen an accident at this location, will shift problem elsewhere
	18A	Agree, appreciates 'no right turn' out of Curtis St would like to see 'no right turn' in from Walcott St, will shift problem elsewhere
	18B	Agree, any thing that cuts down through traffic on Curtis St is a bonus
	57	Disagree, install traffic lights at Curtis and Walcott St, better control
	63	Disagree, comprehensive response outlining concerns, past Council resolutions in respect of Barlee Street carpark and likely impact upon surrounding streets
Clarence Street	9	Agree, no other comment
	28	Agree, no other comment
	30	Agree, respondent attributed rear end accidents in Walcott St to excessive speed, requested increase police surveillance.
	35	Agree, will cut down on 'rat runners'.
	41	Agree, no other comment
	44	Agree, however right turn arrows required at Beaufort/Walcott intersection.
	54	Agree, can Walcott Street be widened for turning pocket rather than scarifying road?

- 55 Disagree, widen Curtis St intersection at Walcott St to include a dedicated right and left turn lane and ban the right turn into Curtis St from Walcott St.
- 64 Agree, speed humps in Curtis St too low and don't slow traffic.
- 65 Agree, no other comment
- Harold Street
- 35 Agree, hopefully will also deter commuters and Glory supporters from 'rat running', will only push problem to Roy and Gerald St's. Make Roy and Gerald St's one-way.
- 63 Agree, too many vehicles turn right into Walcott St when they could easily travel down Harold St and turn left into Lord St.
- 69 Agree, but Town needs to monitor Harold Street traffic as a result of change.
- 73 Agree, need to consider making Roy and Gerald St's 'No right turn' as well. Also monitor Harold and Broome Sts for increased traffic as a result.
- 75 Agree, no other comment

10.3.1 Report on Latest Developments in Public Liability Insurance Not for Profit Sector Including the Coverage of Volunteers

Ward:	Both	Date:	24 July 2002
Precinct:	All	File Ref:	FIN0006
Reporting Officer(s):	M Rootsey		
Checked/Endorsed by:			
Amended by:			

OFFICER RECOMMENDATION:

That the Council;

- (i) *receives the report on the latest developments regarding Public Liability Insurance and the Not For Profit sector including the coverage of volunteers; and*
- (ii) *notes that the Chief Executive Officer will provide progress reports on future developments regarding Public Liability Insurance that have implications for the Town.*

COUNCIL DECISION ITEM 10.3.1

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (8-0)

(Cr Piper on approved leave of absence)

BACKGROUND:

At the Ordinary Council Meeting of 25 June 2002 following a Notice of Motion on Public Liability insurances, the following was resolved:

That;

- (i) *the Chief Executive Officer be requested to prepare a report concerning the latest developments regarding Public Liability Insurance and the "Not for Profit" sector including the coverage of volunteers; and*
- (ii) *the report includes developments from inter-state, state and local government point of view and the potential implication for the Council.*

DETAILS:

There has recently developed what has been described as a crisis in the Public Liability Insurance market. The crisis consists of a rapid rise in premium cost and reduced availability of Public Liability Insurance. Australia wide the problem was seen to be so serious that collective action has been planned. In particular, Ministers of the Commonwealth, State and Territories have met to discuss a program for collaborative action. Pending that some states have taken their own action by facilitating group insurance for non-profit organisations.

Outlined in the report is the action being taken to address this important issue by the various levels of government.

State Government

The State Government has developed a five-point plan to address the Public Liability insurance crisis. Details of the five-point plan include:

- (i) **Law Reform - ensuring a fair and predictable system for all:** As part of the national response to Public Liability insurance matters, the Government has agreed to a number of legal reforms that aim to reduce public liability insurance exposure or risk and/or improve insurance cost and availability, through:
- slowing the rate of increase of Public Liability premium increases;
 - claims cost containment for the future;
 - improving certainty and predictability in the insurance system; and
 - changing social and legal attitudes towards the assumption of and liability for risk.

A Tort Law Reform Bill, that will include a threshold for general damages, capping of economic loss and restrictions on advertising by legal practitioners in the personal injuries area, will be introduced into the Spring Session of parliament.

- (ii) **Government's insurance arm to provide cover to essential not-for-profit services:** Legislation will also be introduced to enable the Government to provide insurance cover to not-for-profit groups that are aligned to Government, provide an essential service to the community and are unable to obtain affordable cover.
- (iii) **Risk management and public safety awareness campaign:** A risk management and public safety awareness campaign is being developed that will benefit all businesses and the community alike. This will be done in co-operation and consultation with Government agencies, business and community groups.
- (iv) **Helping businesses and community groups achieve bulk buying power through pooling:** The Government is also considering the best way to facilitate a number of pooling proposals for not-for-profit and community groups that are being submitted by key groups and associations.
- (v) **Volunteer (Protection from Liability) Bill 2002 - protecting volunteers who serve the community:** The Government's Volunteer (Protection from Liability) Bill 2002, providing many volunteers with qualified immunity from personal liability when doing community work, is currently before Parliament and has already passed through the Lower House.

Other States

In New South Wales legislation has been introduced into state parliament which places caps and thresholds on public liability insurance claims. This is Stage 1 of reforms proposed in NSW. The Premier of that state acknowledged that the biggest issue facing Local Government was the crisis in public liability insurance and that it was not going too far too say that this problem is a threat to our very fabric of our way of life.

The second stage of the planned reforms are broad ranging reforms to the law of negligence, which are expected to pass through parliament in September.

The reforms are to include:

- Risk warnings for risky entertainment or sporting activities as an adequate defence for councils.
- Reasonable testing for professional negligence, including medical negligence.
- Complying with set standards as an adequate defence for public authorities.
- Special protection for good samaritans and volunteers.
- An end to consideration for people who were under the influence of alcohol or drugs when injured.
- No damages for people suing for injuries sustained while committing a crime.

Federal Government

Commonwealth, State and Territory Ministers and the President of the Australian Local Government Association (the Ministers) met in Melbourne on 30 May 2002 to consider proposals to address issues relating to the cost and accessibility of public liability insurance. Advice was provided by the Heads of Treasuries Working Group and a report by Trowbridge Consulting was received. This report has now been publicly released. Ministers also received a presentation from the Insurance Council of Australia.

Consequent to their deliberations, the Ministers agreed to implement a reform package, which would have regard to:

- Equity for people harmed;
- Availability of appropriate insurance cover;
- Affordability for consumers; and
- Continued viability of the insurance industry.

The Proposed Reform Package:

Trowbridge Consulting proposed a package of 41 recommendations, developed within a framework of four desirable outcomes:

- Cost reduction;
- Cost containment for the future;
- Improving certainty and predicability in the insurance system; and
- Changing social and legal attitudes towards the assumption and liability for risk.

Other Reform Options:

Ministers agreed that the law of negligence should be further defined. Due to the evolutionary nature of negligence and tort law, judicial interpretation has resulted in some precedents that are impractical and costly. A panel of experts will undertake the consideration of tort law, although some states (notably, NSW and Qld) have already reached conclusions as to what reforms are needed. Other states, including Victoria, are yet to announce a position on tort law reform.

Legal Reforms:

Procedures will be introduced to encourage the resolution of claims without resort to litigation.

Risk Management:

Through better risk management strategies, it is hoped that not-for-profit and other community organisations will gain improved access to insurance at a reduced price.

Group Buying:

Group buying was suggested as a way to resolve some of the current availability problems in public liability insurance, especially for community based organisations.

Role of Insurers:

Trowbridge indicated that the Ministers should expect insurers in resolving the public liability crises to contribute the following:

- An information line or other reference group for organisations having trouble finding cover so they can be directed to what cover does exist, this is already underway;
- Support of a group buying scheme for community organisations;
- Mandatory contribution to a national data set;
- Revision of strategic approaches to claims management; and
- Acceptance of overall accountability for realising, tracking and demonstrating the benefits to Australian society of the total reform package.

Taxation:

The GST and Stamp duties add about 20% to the cost of public liability insurance premiums. Trowbridge recommended to the Ministers the following:

- That there is no case for a change to the GST regime, as most purchases of public liability insurance are businesses that receive input credits for the GST paid; and
- Revision of Stamp duty is a matter for States in the context of their own finances.

Local Government

Role for Local Government

Ministers agreed that Local Government has an important role in delivering support services that underpin the “grass roots” effectiveness of legislative measures to be implemented by federal, state and territory governments.

In particular, Local Government will:

- Examine options to facilitate group purchasing schemes for not-for-profit and community organisations.
- Work collaboratively with state and territory governments to significantly improve risk management skills in the community, not-for-profit and small business sectors.
- Consider options for the provision of risk management accreditation services to relevant community organisations, not-for-profit groups and small business, in concert with other spheres of government.

Early research was primarily focused on finding a way of broadening the application of Local Government’s own Municipal Liability Scheme (MLS). The objective was to seek to establish a sub-pool for eligible community groups under MLS, and involving Local Governments in a facilitative role in respect of applications for cover, risk management and so on. Regrettably, legal advice was that this falls outside of the purview of the Deed of Trust under which MLS is established.

It is similarly clear that non-council groups running community events cannot be constituted as council committees and thereby enjoy the immunity from liability provided by section 9.56 of the Local Government Act. Nor therefore will such committees be covered by council's own cover - and seeking to do so threatens to result in risk exposures which have no insurance protection.

We are arguing that the State Government should commit to a guarantee of ultimate liability for risks covered by this not-for-profit community based scheme, as a far preferable option to underwriting a national operation run by commercial insurance companies. Not unexpectedly, there has been some initial reluctance by the State Government in becoming financially involved in solutions to the insurance problem, but we have challenged them to accept that this situation demands leadership; leadership such as we have recently seen from some State Governments (and is currently under consideration by the WA Government) in relation to building indemnity insurance.

For the short term, the best prospects of achieving a way forward for these community groups rest with MIBS' efforts in negotiating with overseas insurance underwriters for a commercially insured facility for the year ahead. Further announcements on the outcome of these negotiations are imminent, and member Local Governments will be informed promptly as further developments take place.

Implications for the Town of Vincent

The Town requires public liability insurance cover from the following:

- Leases of Town of Vincent properties
- Major events - organisers
- School holiday programmes - contractors
- Artists
- Entertainers at Town of Vincent concerts

It is also included as part of the Town of Vincent sponsorship conditions we have been advised by some contractors that they are having difficulty obtaining public liability insurance or the increases in premiums have been excessive. To date the increases have not had any major impact on any events held in the Town.

It has been brought to our attention by the Town's insurers that some community based groups are not renewing their current public liability insurance. Municipal Liability Scheme is making all councils aware that they cannot pick up the legal liabilities for uninsured groups, i.e. Council's Public Liability Policies will not extend to cover/protect the liabilities and negligence of a third party. If through their action or in-action, the Council assumes the liability risk for such groups, their right to indemnity from Municipal Liability Scheme may be prejudiced.

The Town of Vincent's own public liability insurance premiums has increased approximately by \$40,000 or 51%.

STRATEGIC IMPLICATIONS:

Strategic Plan 2000 – 2002 - Key Result Area 2.4(a) *“to facilitate the provision of services and programs which are relevant to the needs of our community”* and Key Result Area 2.4(b) *“Promote community development and cultural diversity of the Town”*

FINANCIAL/BUDGET IMPLICATIONS:

This year's public liability insurance premium for the Town of Vincent has increased by 51% from the previous year figure of \$81,750 to \$123,480.

COMMENTS:

The cost of public liability is a very important issue for the Town as the significant increase in premiums will have an impact on the community groups that use and lease our premises. Future developments from the other levels of government will be watched with interest in this matter.

10.3.2 Authorisation of Expenditure for the Period 01 June - 30 June 2002

Ward:		Date:	01 August 2002
Precinct:		File Ref:	
Reporting Officer(s):	C Liddelow		
Checked/Endorsed by:	N Forsyth		
Amended by:			

OFFICER RECOMMENDATION:

That;

- (i) *the Schedule of Accounts for the period 1 June – 30 June 2002 be confirmed and the list of payments as laid on the table be included in the Minutes;*
- (ii) *direct lodgement of payroll payments to the personal bank account of employees be confirmed and be included in the Minutes;*
- (iii) *direct lodgement of PAYG taxes to the Australian Taxation Office be confirmed and be included in the Minutes;*
- (iv) *direct lodgement of Child Support to the Australian Taxation Office be confirmed and included in the Minutes;*
- (v) *direct lodgement of creditors payments to the individual bank accounts of creditors be confirmed and included in the Minutes; and*
- (vi) *direct lodgement of Superannuation to Local Government and City of Perth superannuation plans be confirmed and included in the Minutes.*

COUNCIL DECISION ITEM 10.3.2

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (8-0)

(Cr Piper on approved leave of absence)

DECLARATION OF INTEREST

Members/ Officers	Voucher	Extent of Interest
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Nil.

BACKGROUND:

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

DETAILS:

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

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT
Municipal Account		
Town of Vincent Advance Account	500599	\$639,828.64
Town of Vincent Advance Account	500600	\$1,340,524.60
Town of Vincent Advance Account	500601	\$760,103.46
Total Municipal Account		\$2,740,456.70
Trust Account		
Total Trust Account		\$0.00
Advance Account		
Automatic Cheques	38138-38916	\$1,218,057.24
Manual Cheques		
Transfer of Creditors by EFT Payment 5927-6157	June 2002	\$619,958.24
Australia Post Lease Equipment	June 2002	\$311.77
Transfer of Payroll by EFT	June 2002	\$615,074.68
Transfer of PAYG Tax by EFT	June 2002	\$191,041.08
Transfer of Child Support by EFT	June 2002	\$902.76
Transfer of Superannuation by EFT City of Perth	June 2002	\$39,187.48
Local Government	June 2002	\$76,881.19
Total Advance Account		\$2,761,414.44
Bank Charges & Other Minor Debits		
Bank Charges – CBA		\$2,247.82
Lease Fees		\$1,170.41
Corporate MasterCards		\$2,367.24
Total Bank Charges & Other Minor Debits		\$5,785.47
Less GST effect on Advance Account		-\$20,957.74
Total Payments		\$5,486,698.87

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.

STRATEGIC IMPLICATIONS:

Strategic Plan 2000-2002 – Key Result Area 4.5(a)

“Develop short term (5 year) and medium term (10 year) financial plans, linked to the strategic plan and principal activities plan (include the investment portfolio, current assets, and debt free status).”

ADVERTISING/CONSULTATION:

Nil.

10.3.3 Investment Report

Ward:		Date:	31 July 2002
Precinct:		File Ref:	
Reporting Officer(s):	C Liddelow		
Checked/Endorsed by:	N Forsyth		
Amended by:			

OFFICER RECOMMENDATION:

That the Investment Report for the month ended 30 June 2002 be received.

COUNCIL DECISION ITEM 10.3.3

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (8-0)

(Cr Piper on approved leave of absence)

BACKGROUND:

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

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

DETAILS:

Total Investments for the period ended 30 June 2002 were \$9,441,091 compared with \$10,913,191 at 31 May 2002. At 30 June 2001, \$9,090,359 was invested.

Total accrued interest earned on Investments as at 30 June 2002:

	Budget	Actual	%
	\$	\$	
Municipal	360,000	271,172	75.33
Reserve	455,000	280,073	61.55

COMMENT:

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

10.3.4 Financial Statements as at 30th June 2002

Ward:	-	Date:	6th August 2002
Precinct:	-	File Ref:	
Reporting Officer(s):	Natasha Forsyth		
Checked/Endorsed by:	Mike Rootsey		
Amended by:			

OFFICER RECOMMENDATION:

That the Financial Reports for the month ended 30 June 2002 be received.

COUNCIL DECISION ITEM 10.3.34

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (8-0)

(Cr Piper on approved leave of absence)

BACKGROUND:

The Local Government Act and Local Government (Financial Management) Regulations 1996 require monthly reports and quarterly financial reports to be submitted to Council. The Financial Statements attached are for the month ended 30 June 2002. These statements are the unaudited statements and could be subject to change.

DETAILS:

The Financial Statements comprise:

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

Operating Statement and Detailed Summary of Programmes/Activities (Pages 1 to 14)

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

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

Operating Revenue

Operating revenue is showing 96% of the Budget received for the year.

General Purpose Funding (Page 2)

General Purpose Funding is showing 98% of the budget received for the year, this is due to rates being levied.

Governance (Page 2)

Governance is showing 128% of the budget received for the year. Contributions to Long Service Leave have been higher than expected and have contributed to the budget result.

Law, Order & Public Safety (Page 3)

Law, Order & Public Safety is showing 85% of the budget received for the year. This has resulted from the lower than anticipated recovery from the Graffiti Taskforce due to the operations commencing in-house.

Health (Page 4)

Health is showing 102% of the budget received for the year. This is due to Health Licences being issued.

Community Amenities (Page 6)

Community Amenities is showing 111% of the budget received for the year. This is due to bin charges being invoiced.

Transport (Page 11)

Transport is showing 97% of the budget received for the year.

Economic Services (Page 12)

Economic Services is showing 124% of the budget received for the year. Building licence revenue is contributing to the result achieved to date.

Other Property and Services (Page 13)

Other Property and Services in this report is 137% of budget, this is due to rental income and contributions to Long Service Leave being higher than anticipated.

Operating Expenditure

Operating expenditure for the month is in accordance with Budget (100%).

Law, Order & Public Safety (Page 3)

The final quarterly instalment of the Fire Services contribution has been paid

Education & Welfare (Page 5)

Water rates have been paid on the properties in the Town.

Recreation & Culture (Page 7)

Water rates have been paid on properties, parks and reserves in the Town.

Transport (Page 11)

Transport is showing 108% of budget expended for the year. A progress payment has been paid for the Beaufort/Parry Streets underground power project.

Capital Expenditure Summary (Pages 15 to 23)

The Capital Expenditure summary details projects included in the 2001/02 budget and reports the original budget and compares actual expenditure to date against these. Capital works show total expenditure for the year of \$6,013,441, which is 49% of the budget. All the proceeds from the sale of the Old Bottleyard were not received in this financial year. Therefore those projects funded by Bottleyard funds are likely to be carried forward into next

financial year. After excluding the budgets for the projects the sale of the Bottleyard was to fund, the total capital expenditure to date is 59% of budget.

Statement of Financial Position and Changes in Equity (Pages 24 to 25)

This statement is in essence the Balance Sheet of the Town as at 30 June 2002 and shows current assets of \$11,350,790 less current liabilities of \$1,593,813, for a current position of \$9,756,976. Total non-current assets amount to \$95,807,294 for total net assets of \$105,273,221.

Restricted Cash Reserves (Page 26)

The Restricted Cash Reserves schedule details movements in the reserves including transfers, interest earned and funds used, comparing actual results with the annual budget.

Transfers of interest occurs as it is earned and investments mature. The amounts funded for the Municipal Fund are transferred on a monthly basis. Contributions received, which are transferred to Reserves occur at the end of month during which the cash contribution is received. To the 30th June 2002, interest of \$281,306 was transferred. Transfers to Reserves totalled \$2,535,572 and transfers from Reserves amounted to \$2,147,214. Restricted cash reserves total \$6,543,613 at the end of June 2002.

Debtors and Rates Financial Summary

General Debtors (Page 27)

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

Sundry Debtors of \$472,887 are outstanding at the end of June. Of this \$86,508 (18%) relates to debts outstanding for over 60 days. The Debtor Report identifies significant balances that are well overdue.

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

Rate Debtors (Page 28)

The notices for rates and charges levied for 2001/02 were issued on the 13 August 2001.

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

First Instalment	17 September 2001
Second Instalment	19 November 2001
Third Instalment	15 January 2002
Fourth Instalment	18 March 2002

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

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

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

10.3.6 A Strategy for Services for Seniors in the Town of Vincent

Ward:	Both	Date:	5 August 2002
Precinct:	All	File Ref:	CMS0056
Reporting Officer(s):	M Rootsey		
Checked/Endorsed by:	John Giorgi		
Amended by:	-		

OFFICER RECOMMENDATION:

That the Council;

- (i) *receives the report from Curtin University (Centre for Research into Aged Care Services) titled "Building a Connected Community" A Strategy for Services for Seniors in the Town of Vincent as "Laid on the Table";*
- (ii) *refers the report to the Seniors Advisory Group for comment; and*
- (iii) *requests the Chief Executive Officer to prepare a further report in regard to the recommendations outlined in Stage 1 of this project and the direction to be pursued in Stage 2.*

COUNCIL DECISION ITEM 10.3.6

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (8-0)

(Cr Piper on approved leave of absence)

BACKGROUND:

At the Ordinary Council meeting of the 11th February 2002 the Council adopted a recommendation from the reports prepared under delegated authority for the period 19th December 2001 - 11 February 2002 as follows:

That the Council;

- (i) *authorises the Chief Executive Officer to proceed with the development of a seniors' strategy in consideration to the concept outlined by the Curtin University proposal and the two previous studies conducted by the Town of Vincent; and*
- (ii) *calls for quotes to prepare the strategy and invites Curtin University to quote.*

DETAILS:

The Town obtained quotes from professionals in this field and as a result engaged Curtin university (Centre for Research into Aged Care Services) to conduct the study.

The scope of the project was outlined as follows:

Stage 1 is to involve the following:

1. Review and define the demographic characteristics of the seniors' population in the Town of Vincent.

2. Identify and describe the service needs of seniors within the Town of Vincent from previous studies and government.
3. Identify and describe examples of best practice from the literature and studies of other communities.
4. Identify and evaluate options and choices regarding roles for the Town of Vincent (in-house) and roles for other agencies and services (external).
5. Provide an assessment of the strengths and weaknesses of various program options already under consideration.
6. Identify gaps in services in relation to proposed Strategy

The proposal also outlines a second stage which will develop the programs in detail for implementation. The second stage has not been costed at this stage.

The project will incorporate the following:

1. Take a broad view of services, to include eg. housing, transport and community activities, but not to include income support.
2. Build on the work already completed by the Community Development Section of the Council, using internal expertise and knowledge as available.
3. Take particular notice of programs already under discussion, including:
 - Acquisition of a community bus;
 - Development of a multi-use facility;
 - Management of the retirement village;
 - Services already available through the Town of Vincent;
 - Services already provided by private contractors;
 - Balance between a service delivery role and referral agency role.

The first stage was due for completion by 30th June 2002, however a one month extension was requested and granted. The report was received on the 31st July 2002.

The report has as requested outlined the two stages of the project:

1. To develop a broad strategy for *Services for Seniors*' living in the Town of Vincent.
2. To further develop preferred programs for implementation.

The report addresses Stage 1, that is, to identify a broad strategy for services for seniors. The report comprises:

- Reviewed relevant International, National and State policies and positions,
- Reviewed implications for Local Government,
- Analysed population characteristics of Town of Vincent,
- Examined options and approaches to service delivery,
- Identified a *Strategy* for determining future directions.

The report proposes two approaches:

Approach One – Building a Community

Resolve to build a connected community by adopting policies and practices that promote and support ‘active ageing’ across all aspects of the Town and across all generations. This approach will focus on connecting the Town of Vincent with the community of older people rather than building structures specifically for older people.

Approach Two

Resolve to establish new purpose-built buildings, structures and services within the Town for Older People to provide a central, identifiable location for older people. This approach will focus more on making modification to what exists, or building new structures to create focal points within the precinct.

The report recommends a way forward for Stage 2 of the project:

The Town of Vincent has made a commitment to better meet the needs of older people living within this locality through a number of individual initiatives. A more effective outcome can be achieved by a more coordinated, strategic approach. It is also possible to present more current and more comprehensive data on the population of Town of Vincent, when the 2001 ABS census data is available. It may also be useful to explore in more depth particular aspects of various approaches that have been identified and to produce an implementation plan, as identified in Stage Two of this project. At this point in time, the following ‘next steps’ are recommended.

1. Analyse 2001 census data for Town of Vincent in areas of particular interest and priority.
2. Complete a service knowledge/awareness and service needs assessment of people over 55 years living in the Town of Vincent.
3. Review attitudes and approaches towards older people taken by businesses/service providers within the locality to determine congruence with Town of Vincent overall approach.
4. Determine and document a preferred overall approach to better meet the needs of older people either from those suggested within this report, or following further inquiry.
5. Review all Town of Vincent policies and procedures in line with the overall approach to present a ‘message’ to the community.
6. Develop an ‘active ageing’ marketing package for businesses and services.
7. Develop an ‘active ageing’ community information strategy to advise people living with the Town of Vincent.
8. Produce short and long term target outcomes, develop action plans and determine an evaluation strategy.

CONSULTATION/ADVERTISING:

Not required at this stage.

STRATEGIC IMPLICATIONS:

Strategic Plan 2000 – 2002 - Key Result Area 2.4(a) *“to facilitate the provision of services and programs which are relevant to the needs of our community”* and Key Result Area 2.4(b) *“Promote community development and cultural diversity of the Town”*

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$30,000 was listed on the 2001/2002 Budget for a seniors' study.

Stage 1 of Curtin's proposal has cost \$20,000.

COMMENTS:

The report produced is for Stage 1 of the project and provides well researched information on seniors as well as offering approaches for further progress.

The report adds to the information already produced by the Town. The report should now be referred to the newly established Seniors' Advisory Group for comment.

A further report should be produced which approach is to be supported as outlined in Stage 1 and also the timing and direction of Stage 2.

10.3.8 Lease - Earlybirds Playgroup Inc.

Ward:	Mt Hawthorn	Date:	7 August 2002
Precinct:	Mt Hawthorn P1	File Ref:	CMS0028
Reporting Officer(s):	J. Anthony		
Checked/Endorsed by:	M. Rootsey		
Amended by:			

OFFICER RECOMMENDATION:

That the Council APPROVES of a five (5) year lease over the premises known as 87 The Boulevard Mt Hawthorn being granted to Earlybirds Playgroup Inc subject to final satisfactory negotiations being carried out by the Chief Executive Officer.

COUNCIL DECISION ITEM 10.3.8

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (8-0)

(Cr Piper on approved leave of absence)

DETAILS:

The Earlybirds Playgroup Inc. has held a three year lease over the premises located at 87 The Boulevard (formally the Mt Hawthorn Child Health Centre), which expired on 30 June 2002.

Earlybirds Playgroup have occupied the premises in the last three years ensuring that it is well maintained and kept clean at all times. The service is well patronised by the local community. It is recommended that they be allowed to continue to use the premises under a five-year lease arrangement. The group will be asked to submit their constitution, operating and financial statements for assessment at part of the negotiations.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Town of Vincent Policy 1.2.8 - Policy Statement:

1. Any new lease granted by the Council shall usually be limited to a five year period, and any option to renew shall usually be limited to no more than a ten year period.
2. Council may consider longer periods where the Council is of the opinion that there is benefit or merit for providing a longer lease term.

STRATEGIC IMPLICATIONS:

Strategic Plan 2000-2002 – Key Result Area 2.4(a) *“To facilitate the provision of services and programs which are relevant to the needs of our community”*

FINANCIAL/BUDGET IMPLICATIONS:

The renewed lease will be drafted on similar terms to the Town's standard lease agreement for community agencies and with the current lease charges and variable outgoings subject to the percentage increase in the Consumer Price Index (All Groups Perth) and the Goods and Services Tax (GST).

COMMENTS:

It is recommended that the Council approve an extension to the Earlybirds Playgroup Inc. for a further five (5) years with the same conditions to continue.

10.3.9 Mr Allan Ellam's Wartime Collection

Ward:	Both	Date:	2 August 2002
Precinct:	All	File Ref:	CMS0080
Reporting Officer(s):	J. Davidson		
Checked/Endorsed by:	E Scott, R Boardman, M Rootsey		
Amended by:	-		

FURTHER OFFICER RECOMMENDATION:

That the Council APPROVES a donation of \$500 to Mr Allan Ellam for assistance with the recording, copying, filing and information retrieval aspects of managing the collection and in providing his services to the Community.

COUNCIL DECISION ITEM 10.3.9

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (8-0)

(Cr Piper on approved leave of absence)

FURTHER REPORT:

This matter was deferred at the Ordinary Meeting of Council held on 27 February 2001 to explore further options.

Following extensive investigation by the Town's Officers, it was determined that Mr Ellam was not eligible for any of the State or Federal grants on offer at the time. A letter was recently sent to Mr Ellam asking him to outline his short term and long term goals for the Collection and the Town's involvement. Mr Ellam's reply did not address these questions. The only grant currently available through the Town is the Cultural Development Seeding Grant. As this is not offered for ongoing projects, Mr Ellam's project is ineligible.

STRATEGIC IMPLICATIONS:

Key Result Area 2.1: *"Publicly celebrate and promote the Town's diversity"*; and

Key Result Area 2.4: *"Review the range of community services provided to the people of the Town of Vincent*

2.4.a: To facilitate the provision of services and programs which are relevant to the needs of our community.

2.4.c: Provide opportunities for people in our community to enhance their quality of life."

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$500 would be drawn from the donations account.

COMMENTS:

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 27 February 2001:

"RECOMMENDATION:

That the Council:

- (i) authorise the Chief Executive Officer to initiate discussions with Mr Ellam and report to Council with a view to entering into a legal agreement regarding the future storage, display and management of the collection;*
- (ii) APPROVES a donation of \$500 to Mr Ellam as a contribution towards postage and exhibition costs for the period to 30 June 2001; and*
- (iii) gives consideration to the allocation of \$10,000 in the Draft 2001/2002 Budget for costs associated with interviewing, transcribing, research, exhibition and administration of Mr Allan Ellam's Wartime Collection.*

DETAILS:

Mr Allan Ellam and his wife began a collection of World War One and Two memorabilia approximately 10 years ago. The collection is extensive, consisting of photographs, letters, documents and books as well as some medals and other museum items. Known as the "Ellam Collection" many of the documents are mounted on display boards and Mr Ellam actively promotes the display, taking it to fairs, conventions and schools. He also opens his home to visitors and has 'open house' several times a year, especially around Anzac Day. This inevitably creates security problems. Mrs Ellam was very much a driving force behind this collection, but unfortunately passed away one year ago. Mr Ellam has been quite overwhelmed at trying to maintain the collection and answer information requests, by himself. He is very active in answering the "Can you help" column in The West Australian, and with the contacts gained through this, his collection continues to grow. Mr Ellam is also concerned about his own mortality and what will happen to this valuable collection. He wishes it to remain within the Town, with its own identity, rather than to be absorbed into some bigger collection.

Immediate assistance:

A. Financial:

Mr Ellam does not charge for his service. Although he does incur costs for photocopying and copying photographs, he often receives items in return from people, which is beneficial to the collection. He also spends quite a lot of money on telephone calls and postage. The people he deals with can live all over Australia and even overseas.

The Town could provide financial help to cover these costs, and in return would be acknowledged on any documentation and correspondence. Another suggestion is that the Town could allow Mr Ellam to use its photocopying facilities at no charge, or alternatively place one of its old photocopiers in Mr Ellam's home.

B. Sponsorship:

This could also be provided to Mr Ellam for his displays at various fairs, festivals and schools. The Town, in conjunction with Mr Ellam, could also produce educational work sheets for schools. Again, the Town's sponsorship should be acknowledged.

C. *The Collection:*

The record keeping system at the moment is totally manual, based on Mr Ellam's extensive personal knowledge of what is on the display boards and in the files and filing cabinets. The Town could supply Mr Ellam with a computer and the necessary software to automate the records. The Town could also pay for a Research Assistant to update and manage the record system.

D. *Mr Ellam's knowledge:*

Mr Ellam should be interviewed to capture his personal knowledge and historical information, which link the items together and bring the Collection to life. This would also need to be transcribed. The Town could pay for this.

Strategy for the future:

Mr Ellam has expressed concerns should he become frail or die. There is a danger that after 10 years of dedicated collecting this wonderful collection may be dissipated, sold, absorbed into another private collection or museum, or be exploited for someone's personal or commercial gain, none of which are desirable to him. It is imperative therefore that the Town becomes actively involved and endeavours to maintain the collection as a "working" collection.

A properly constituted legal agreement should be entered into between the Town and Mr Ellam, to engender a partnership for the collection. A keeping place also needs to be considered for this collection, as it is not in the best interests of the conservation of the material or Mr Ellam for it to remain in his house. None of the material is archivally sound. All of the documents should be copied onto archival paper and proper storage methods need to be implemented. Temperature control, fire safety and security are all issues. The collection therefore needs to be relocated and proper maintenance given as soon as possible. The collection also needs to be managed by a suitably qualified person. It is important therefore that this concept be incorporated into the Town's Strategic Plan.

STRATEGIC IMPLICATIONS:

This unique asset for the Town enhances the vision of Vincent as a "special place which has its own distinctive identity," and which is "rich in history and heritage."

FINANCIAL/BUDGET IMPLICATIONS:

It may be possible for the Town to access funding to implement some of these initiatives, for example a grant application to the Lotteries Commission. The Western Australian Museum also has a museum assistance program whereby staff from the museum are available for field visits to community based museums to provide advisory and training services. In addition, the Heritage Collections Council, a collaborative venture between the museum sector and the Commonwealth, State and Territory Governments, provides assistance to small scale and under resourced organisations which are responsible for the task of caring for heritage collections.

In the short term, it is estimated that \$500 should cover Mr Ellam's copying, postage and telephone expenses for the year, or until a policy for his collection is implemented.

Sponsorship of exhibitions could incorporate covering the general costs, and also the provision of a brochure, which could cost up to \$1000.

The cost of supplying a computer and software can be kept low if it is possible to supply an old computer from the Town. To pay a researcher to organise the system would require a minimum of 3 months at award rates. To pay an interviewer to record and transcribe Mr Ellam's knowledge would require a minimum of 5 hours of tape. This would cost \$1000 to record and transcribe.

COMMENTS:

In summary the Town should concentrate on the following areas of activity:

- Collection management*
- Conservation*
- Exhibitions*
- Public Relations*
- Recording the unwritten knowledge.*
- Management of the project.*

Moved by Cr Piper, Seconded by Cr Hall

That the recommendation be adopted.

Moved by Cr Franchina, Seconded by Cr Hall

That this Item be DEFERRED to explore further options.

CARRIED (6-1)

For

Cr Drewett

Cr Chester

Cr Franchina

Cr Hall

Cr Ker

Cr Woodley"

Against

Cr Piper

10.4.1 Use of Common Seal

Ward:	-	Date:	6 August 2002
Precinct:	-	File Ref:	ADM0042
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi		
Amended by:	-		

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 Chester

That the recommendation be adopted.

CARRIED (8-0)

(Cr Piper on approved leave of absence)

DETAILS:

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

Date	Document	No of copies	Details
03/07/02	Deed	3	Town of Vincent and Elizabeth Ann Scott re: Deed of Appointment as Manager, Library Services
03/07/02	Deed of Easement	2	Town of Vincent and Complex Land Solutions Pty Ltd, of Suite 2, 16 Blackwattle Parade, Hepburn Heights, Via Padbury WA 6025 on behalf of Peter John Wright and others re: Express Right of Way (ROW) Lot 8 (No. 10) Barnett Street, North Perth
11/07/02	Agreement - Lump Sum Contract for Minor Works (Edition 2)	3	Town of Vincent and Palassis Architects of 353 Rokeby Road, Subiaco WA 6008 re: the conservation of the interior of North Perth Town Hall, North Perth

10.4.2 National General Assembly of Local Government 2002

Ward:	-	Date:	6 August 2002
Precinct:	-	File Ref:	ADM0031
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-		
Amended by:	-		

RECOMMENDATION:

That the Mayor and Chief Executive Officer be authorised to attend the National General Assembly of Local Government (and Regional Co-operation and Development Forum) to be held in the Alice Springs Convention Centre, Alice Springs, from Sunday 3 November 2002 to Wednesday 6 November 2002 at an estimated cost of \$2,405.00 each.

COUNCIL DECISION ITEM 10.4.2

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (8-0)

(Cr Piper on approved leave of absence)

BACKGROUND:

The Ninth National General Assembly of Local Government is to be held in the Alice Springs Convention Centre, Alice Springs from Sunday 3 November 2002 to Wednesday 6 November 2002. This is the peak forum for Local Government Elected Members from throughout Australia.

The theme for Assembly 2002 is "Civil Society: The Leadership Challenge". This highlights the importance of the role of elected local representatives and officials of the community in building a civil society. Civil societies respect their members, their institutions, the environment and surrounding culture. Guest speakers will include: Lieutenant General Peter Cosgrove, Chief of Army and 2001 Australian of the Year; Mr Neville Roach, Chairman of Fujitsu Australia, who has been made an Officer of the Order of Australia for his services to business and his contribution to the development of Australian multiculturalism; and Mr Rick Farley, Managing Director of the Farley Consulting Group, which specialises in land use agreements and a key figure in the passage of the Native Title Act in 1993.

The Assembly will be attended by in excess of 500 delegates Elected Members and Senior Local Government personnel and provides an excellent forum to discuss issues affecting Local Government.

The Local Government Regional Co-operation and Development Forum is in its sixth year and brings together Local Government Councillors and staff to discuss local and regional economic development.

The theme for this year's Forum is Regional Economic Governance. It will examine how Councils are working together in partnership with other spheres of government, business and the community to improve economic outcomes at the regional level. The Forum will highlight the State of the Regions report prepared by National Economics in conjunction with the Australian Local Government Association and will focus on regions working together to achieve sustainable growth and the development of policies that complement local, state and national policy agendas.

FINANCIAL IMPLICATIONS:

	Economy Class
Assembly Registration	675.00
Accommodation	555.00
Airfare (economy class) **	823.00
Forum Registration	100.00
Expenses allowance (taxis, meals, etc)	252.00
	<u>\$2,405.00</u>

** *Business Class Airfare is \$1,782.00*

LEGAL POLICY:

Council's Policy 4.1.13 – "*Conferences – attendance, representation and related issues*" – Clause 1 states that a maximum of one Elected Member and one officer may attend interstate or international conferences.

Council's Policy 4.1.14 – "*Conferences – travel and accommodation expenses*"- states that the Mayor and Chief Executive Officer are entitled to travel business class and all other persons to travel economy class.

STRATEGIC IMPLICATIONS:

Attendance at this National Forum is an excellent opportunity for the Mayor and Chief Executive Officer to be appraised of issues relating to Local Government, to network with colleagues and to lobby politicians.

The Chief Executive Officer last attended the National General Assembly in 1999. The Mayor has not previously attended the National General Assembly.

COMMENT:

It is requested that approval be granted for the Mayor and Chief Executive Officer to attend the National General Assembly of Local Government.

10.4.3 Delegations for the Period 1 April 2002 to 30 June 2002

Ward:	Both	Date:	31 July 2002
Precinct:	All	File Ref:	ADM0018
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-		
Amended by:	-		

RECOMMENDATION:

That the Council ENDORSES the delegations for the period 1 April 2002 to 30 June 2002 as shown in the Information Bulletin dated 13 August 2002.

COUNCIL DECISION ITEM 10.4.3

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (8-0)

(Cr Piper on approved leave of absence)

BACKGROUND:

The Local Government Act 1995, at Section 5.42, allows for a Council to delegate to the Chief Executive Officer its powers and functions.

The purpose of delegating authority to the Chief Executive Officer is to provide for the efficient and orderly administration of the day to day functions of the Local Government. The Chief Executive Officer and Executive Managers exercise the delegated authority in accordance with the Council's policies.

ADVERTISING/CONSULTATION:

Not applicable.

LEGAL/POLICY:

Section 5.42 of the Local Government Act 1995 gives power to a Council to delegate to the CEO the exercise of its powers and functions; prescribes those functions and powers which cannot be delegated; allows for a CEO to further delegate to an employee of the Town; and states that the CEO is to keep a register of delegations. The delegations are to be reviewed at least once each financial year by the Council and the person exercising a delegated power is to keep appropriate records.

It is considered appropriate to report to Council on a quarterly basis on the delegations utilised by the Town's Administration. A copy of these for the quarter is shown in the Information Bulletin. Quarterly reports will be reported to Council in April, July, October and December of each year.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

It is recommended that the delegations be endorsed by the Council.

10.4.7 Town of Vincent Review of Ward Names – Consideration of Public Submissions

Ward:	Nil	Date:	6 May 2002
Precinct:	Nil	File Ref:	ADM0057
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-		
Amended by:	-		

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES, pursuant to Clause 9 of Schedule 2.2 of the Local Government Act 1995 to change the name of the Mt Hawthorn Ward to “North” and the North Perth Ward to “South”; and*
- (ii) *advises the Local Government Advisory Board of the new Ward names.*

COUNCIL DECISION ITEM 10.4.7

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (8-0)

(Cr Piper on approved leave of absence)

DETAILS:

At its meeting held on 14 May 2002, Council resolved inter alia to:

- “(ii) *submit a report to the Local Government Advisory Board, proposing that;*
 - (a) *the Town retain two Wards as shown in Map 3, Plan 2023.CP.03;*
 - (b) *the Council supports changing the Ward names and that the community will be further consulted about alternative names;”*

A discussion paper was prepared outlining the current situation and listing some possible alternative names for consideration as shown in Appendix 10.4.7.

CONSULTATION/ADVERTISING:

An advertisement was placed in local newspapers on 6 and 9 July 2002, on the Town’s website and public noticeboard seeking the community’s views on whether the names should remain the same or suggestions for alternative names. In addition, a copy of the discussion paper was sent to all Precinct and Business Groups in the Town.

Four (4) submissions were received. These are as follows:

1. Hyde Park Precinct Group

The issue of naming of the Wards was discussed at the Hyde Park Precinct Group meeting of 15 July 2002. While members were initially keen to choose a name with some interest, and reflecting the history of the area it became clear that the most important criteria was that the wards must clearly and unambiguously indicate the ward in question.

To achieve this, and to make the names descriptive of the ward area, members supported the renaming of the Wards to “North” and “South”.

2. Dudley Maier, Chatsworth Road, Highgate

Strongly supports changing the Ward names to “North” and “South”. Believes the current names are not accurate and are a source of confusion. Does not support the use of historic names as they will cause just as much confusion as the existing names.

3. Pattie Brady and Roti Payer, The Boulevarde, Mt Hawthorn

Would like the name of “Mt Hawthorn” to remain. Believes Council has more important projects to deal with.

4. Matt Buckels, Burke Street, Leederville

Made the following suggestions

- a) Ward that has a lot of residential areas but no major shopping districts.
- b) Ward that is supposed to somehow represent the conflicting and geographically diverse interests of Mt Lawley, Leederville and Northbridge commercial areas.

“I’d make a more sensible suggestion, but I fear that any comment I make may be interpreted as “consultation” on changing the name of the Town of Vincent itself.”

CEO’s Comment

Of the four (4) submissions received, two preferred “North” and “South” and another preferred to retain “Mt Hawthorn”. One submission did not suggest any names.

As the current Ward names are confusing, the use of “North” and “South” can be supported.

LEGAL/POLICY:

Schedule 2.2 of the Act requires local government with Wards to carry out review of the ward boundaries and the number of Councillors for each ward from time to time so that not more than eight years elapse between successive reviews. As the Town was created on 1 July 1994, a review is to be completed by mid 2002.

On 24 July 2002 the Local Government Advisory Board advised:

“The Board supports the proposed ward boundary amendment between the North Perth Ward and the Mt Hawthorn Ward.

The Board also noted that the Town is still conducting a process to determine if any change to the ward names will be proposed.

The Board seeks your early advice regarding any proposal to change the names of the wards. Upon receipt of this advice the Board will then submit its recommendations to the Minister for Local Government and Regional Development."

STRATEGIC IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Nil, other than advertising costs.

COMMENTS:

The very low numbers of submissions received indicates that there is very little community interest in the Ward names.

10.1.1 No.39 (Lot 107) Sydney Street, North Perth - Proposed Retaining Walls and Filling to Existing Single House

Ward:	Mount Hawthorn	Date:	30 July 2002
Precinct:	North Perth, P8	File Ref:	PRO1632 (00/33/1058)
Reporting Officer(s):	H Coulter		
Checked/Endorsed by:	Y Scheidegger, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme the Council APPROVES the application submitted by SJB Town Planning and Urban Design on behalf of the landowners D R and L Gillman for proposed retaining walls and filling to existing single house at No.39 (Lot 107) Sydney Street, North Perth and as shown on plans stamp dated 26 April 2002, subject to;

- (i) prior to the issue of a Building Licence, or commencement of works on-site, whichever occurs first, revised plans shall be submitted and approved demonstrating the following:*
 - (a) the finished ground level of the lower terrace shall be no higher than Relative Level (RL) 7.89 metres; and*
 - (b) the maximum total height of any proposed boundary fencing along the western (rear) boundary, including any retaining wall, shall be no higher than 2.4 metres in total above the average existing ground level of Relative Level (RL) 7.47 metres;*
- (ii) any permanent excavation or filling below or above existing ground level shall be maintained at its natural angle of repose, or retained by walls of masonry or reinforced concrete construction, the design of which must be submitted to and approved by the Town prior to the erection of such walls;*
- (iii) all proposed retaining walls shall be constructed entirely within the boundaries of Lot 107 unless prior satisfactory agreement with adjoining landowners has been granted; and*
- (iv) compliance with all relevant Building, Engineering and Environmental Health requirements;*

to the satisfaction of the Chief Executive Officer.

Moved Cr Doran-Wu, Seconded Cr Hall

That the recommendation be adopted, subject to Clause (i) being deleted and subsequent Clauses being re-numbered.

CARRIED (8-0)

(Cr Piper on approved leave of absence)

COUNCIL DECISION ITEM 10.1.1

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 SJB Town Planning and Urban Design on behalf of the landowners D R and L Gillman for proposed retaining walls and filling to existing single house at No.39 (Lot 107) Sydney Street, North Perth and as shown on plans stamp dated 26 April 2002, subject to;

- (i) any permanent excavation or filling below or above existing ground level shall be maintained at its natural angle of repose, or retained by walls of masonry or reinforced concrete construction, the design of which must be submitted to and approved by the Town prior to the erection of such walls;*
- (ii) all proposed retaining walls shall be constructed entirely within the boundaries of Lot 107 unless prior satisfactory agreement with adjoining landowners has been granted; and*
- (iii) compliance with all relevant Building, Engineering and Environmental Health requirements;*

to the satisfaction of the Chief Executive Officer.

FURTHER REPORT:

The Council at its Ordinary Meeting held 25 June 2002 deferred this Item 'to consider the new revised plans'. The applicant provided supporting information to the Elected Members and also requested a site meeting. It is noted that the additional information does not alter or amend the proposal and accordingly, the officer's recommendation remains unchanged.

The following is the verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 25 June 2002.

"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 SJB Town Planning and Urban Design on behalf of the landowners D R and L Gillman for proposed retaining walls and filling to existing single house at No.39 (Lot 107) Sydney Street, North Perth and as shown on plans stamp dated 26 April 2002, subject to;

- (i) prior to the issue of a Building Licence, or commencement of works on-site, whichever occurs first, revised plans shall be submitted and approved demonstrating the following:*
 - (a) the finished ground level of the lower terrace shall be no higher than Relative Level (RL) 7.89 metres; and*
 - (b) the maximum total height of any proposed boundary fencing along the western (rear) boundary, including any retaining wall, shall be no higher than 2.4 metres in total above the average existing ground level of Relative Level (RL) 7.47 metres;*

- (ii) any permanent excavation or filling below or above existing ground level shall be maintained at its natural angle of repose, or retained by walls of masonry or reinforced concrete construction, the design of which must be submitted to and approved by the Town prior to the erection of such walls;
- (iii) all proposed retaining walls shall be constructed entirely within the boundaries of Lot 107 unless prior satisfactory agreement with adjoining landowners has been granted; and
- (iv) compliance with all relevant Building, Engineering and Environmental Health requirements;

to the satisfaction of the Chief Executive Officer.

Moved by Cr Cohen, Seconded by Cr Hall

That the recommendation be adopted.

COUNCIL DECISION ITEM 10.1.5

Moved by Cr Cohen, Seconded by Cr Doran-Wu

That this item be DEFERRED in order to allow sufficient time to consider the new revised plans.

CARRIED (9-0)

LANDOWNER: D R and L Gillman
APPLICANT: SJB Town Planning
ZONING: Metropolitan Region Scheme - Urban
Town Planning Scheme No.1 – Residential R30/40
EXISTING LAND USE: Single House

COMPLIANCE:

Requirements	Required	Proposed
Filling to Western boundary	300 - 600 millimetres	1010 millimetres maximum
Use Class	Single House	
Use Classification	'P'	
Lot Area	529 square metres	

SITE HISTORY:

The site currently accommodates a single house. The surrounding area is characterised by single residential development.

The property is oriented east-west and slopes down from east to west. The backyard falls a maximum of 1.46 metres and has a maximum cross fall of Relative Level (RL) 0.72 metres.

DETAILS:

Approval is sought to fill and retain the backyard of the existing property. In support of the application, the applicant states the following:

*"The proposal is to terrace the backyard into 2 levels with the objective of -
Creating some useable space
Relating the upper terrace to at least within 1 metre of the rear of the house.
The upper terrace is proposed to be at a level of 9.0. The lower terrace will be at a
level of 8.4. The existing 1.8 metre high fence will be placed on top of the lower
terrace so as to ensure privacy of the rear verandah.*

...

*On the western side the levels will be 0.72 metres to 0.85 metres higher. This is the
only property affected by the proposal and the owner has been unable to gain
agreement in writing from the neighbour because he is undecided as to the
development for his property....it is only this property that potentially could be
impacted by the proposal. The raised levels of 0.72 to 0.85 metres will mean that
there will be potentially overlooking. ...In order to address these overlooking impacts
the owner proposes to raise the boundary."*

CONSULTATION/ADVERTISING:

*One submission was received during the advertising period. An excerpt of the letter is as
follows:*

*"The construction of a retainer wall making a higher fence would affect the intended
open space area of my proposed new home. As the land size is only 230 square
metres and the out side open space is at the minimal required, openness is essential to
avoiding a deep hole affect.*

...

*Plans of my proposed new home have been submitted to the Town of Vincent, I intend
to commence building as soon as approval is required...."*

COMMENTS:

*The submitted plans detail retaining walls along the southern and western boundaries of the
lot. The rear yard drops away from the highest point of 9.06 metres to 7.39 metres in the
south-western most corner of the lot. As such, the proposed retaining wall of 720 millimetres
to 1050 millimetres plus standard boundary fencing along the western (rear) boundary of the
lot would result in a total wall height of 2850 millimetres. The Town's Policy relating to Site
Levels states that new development should 'minimise changes to the natural level of a site, as
seen from the street or other public place, or from an adjoining property'.*

*The proposed filling and retaining along the western boundary does not receive the support of
the adjoining landowner and given the significant impact such a wall would have on the
amenity of the adjoining lot, it is not supported. Accordingly, it is recommended that the level
of the second terrace area be no higher than RL 7.89 metres and that any proposed retaining
along the western (rear) boundary not exceed 600 millimetres above the average existing
ground level of 7.47 metres.*

*Given the receipt of no objections from the other two adjoining landowners, the proposed
filling and retaining to the upper terrace is supported. It is noted however, that the proposed
retaining and filling will not have an undue impact on the amenity of Lot 106 given that any
proposed retaining walls and fencing will address current issues of overlooking. With regard
to Lot 108, given the land is elevated and the main area of private open space is located at the
rear of the property and currently retained, it is not considered that the proposal will unduly
affect the amenity of this property."*

10.1.20 No.53 (Lot 67) Ruby Street, Corner Hunter Street, North Perth – Proposed Alterations and Two Storey Addition to Existing Two Storey Single House

Ward:	Mount Hawthorn	Date:	30 July 2002
Precinct:	North Perth, P8	File Ref:	PRO2079 00/33/1154
Reporting Officer(s):	P Mastrodomenico		
Checked/Endorsed by:	Y Scheidegger , R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme the Council APPROVES the application submitted by David Beetson on behalf of the owner Sabina Elisabeth Leitman for a two storey single house at No.53 (Lot 67) Ruby Street, Corner Hunter Street, North Perth, and as shown on the plans stamp dated 11 June 2002, subject to:

- (i) a road and verge security 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;*
- (ii) the construction of crossovers shall be in accordance with the Town's specifications;*
- (iii) the proposed air conditioner compressor unit to be relocated to the eastern elevation;*
- (iv) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (v) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the windows to the bedroom on the first floor to the western elevation shall be screened with a permanent obscure material to a minimum of 1.4 metres above the finished first floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed. The obscure portion of the window shall be fixed in a closed position and any higher part may be openable, or the whole window be top hinged and the obscure portion of the window openable to a maximum of 20 degrees;*
- (vi) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the balcony accessible from the existing living area on the first floor level on the northern elevation shall be screened with a permanent obscure material to a minimum height of 1.4 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; and*
- (vii) compliance with all relevant Environmental Health, Engineering and Building requirements;*

to the satisfaction of the Chief Executive Officer.

Moved Cr Chester, Seconded Cr Cohen

That the recommendation be adopted, subject to the following amendments to Clauses (v) and (vi):

- "(v) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the windows to the bedroom on the first floor to the western elevation shall be screened with a permanent obscure material. A permanent obscure material does not include a self adhesive material or other material that is easily removed. The windows shall be fixed in a closed position;*
- (vi) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the balcony accessible from the existing living area on the first floor level on the southern elevation shall be screened with a permanent obscure material to a minimum height of 1.8 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;"*

and the addition of Clause (viii):

- "(viii) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the existing window to the living area on the existing first floor on the western elevation shall be screened with a permanent obscure material. A permanent obscure material does not include a self adhesive material or other material that is easily removed. The window shall be fixed in a closed position;"*

CARRIED (8-0)

(Cr Piper on approved leave of absence)

COUNCIL DECISION ITEM 10.1.20

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme the Council APPROVES the application submitted by David Beetson on behalf of the owner Sabina Elisabeth Leitman for a two storey single house at No.53 (Lot 67) Ruby Street, Corner Hunter Street, North Perth, and as shown on the plans stamp dated 11 June 2002, subject to:

- (i) a road and verge security 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;*
- (ii) the construction of crossovers shall be in accordance with the Town's specifications;*
- (iii) the proposed air conditioner compressor unit to be relocated to the eastern elevation;*
- (iv) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*

- (v) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the windows to the bedroom on the first floor to the western elevation shall be screened with a permanent obscure material. A permanent obscure material does not include a self adhesive material or other material that is easily removed. The windows shall be fixed in a closed position;*
- (vi) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the balcony accessible from the existing living area on the first floor level on the southern elevation shall be screened with a permanent obscure material to a minimum height of 1.8 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;*
- (vii) *compliance with all relevant Environmental Health, Engineering and Building requirements; and*
- (viii) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the existing window to the living area on the existing first floor on the western elevation shall be screened with a permanent obscure material. A permanent obscure material does not include a self adhesive material or other material that is easily removed. The window shall be fixed in a closed position;*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: Sabina Elisabeth Leitman
APPLICANT: David Beetson
ZONING: Metropolitan Region Scheme: Urban
 Town Planning Scheme No.1: Residential R30/40
EXISTING LAND USE: Single House

COMPLIANCE:

Use Class	Single house
Use Classification	"P"
Lot Area	491 square metres

Requirements	Required	Proposed
Side setback		
-Western elevation	4.0 metres	First floor 2.6 metres
Balcony setback	6.0 metres	4.9 metres
Air conditioning unit setback	6.0 metres	1.0 metre

SITE HISTORY:

The subject site is occupied by a two storey dwelling. The second storey (loft) was granted approval under a Building Licence issued by the Town on 12 July 2001. The surrounding area is characterised by single storey dwellings.

CONSULTATION/ADVERTISING:

There was one objection received during the advertising period. Issues raised included the following:

"The position of the exterior air conditioner compressor, overlooking from the proposed upstairs living room and balcony and the proposed upper storey window on the west side of property and the existing window of existing second storey, unresolved matter."

DETAILS:

Approval is sought for alterations and two storey additions to the existing two storey single house.

COMMENTS:

Privacy/Overlooking

With regards to overlooking, the windows to the bedroom on the first floor on the western elevation should be screened in accordance with the Town's Policy relating to Privacy.

The proposed balcony has a proposed a side boundary setback of 4.9 metres. The Town's Policy relating to Privacy provides for a setback of 6 metres from the common boundary. With regards to overlooking, the balcony shall be screened to 1.4 metres in accordance with the Town's Policy relating to Privacy.

Previous Screening Condition

A condition of the Building Licence that was issued on 12 July 2001 required the window to the loft (now living area) on the existing first floor on the western elevation to be screened by the previous landowners in accordance with the Town's Policy relating to Privacy. The Town's Policy relating to Privacy as of 12 July 2001 (which has been subsequently amended) required the entire area of a window to be glazed and non openable. Condition 12 of the Building Licence reads as follows:

"Prior to the first occupation of the development, the entire area of the window to the bedroom on the first floor level on the western side elevation shall be screened with fixed obscure glazing and be non opening as agreed with the owner, Mr B Geier in the letter dated 27 March 2001."

A site inspection has revealed that the existing window does comply with the Town's current Policy relating to Privacy as it is obscured and openable to a maximum of 20 degrees. The existing window is a separate issue and is not part of this application and therefore will be separately dealt with the Town.

Air Conditioner Compressor Unit

The proposed air conditioner compressor unit is proposed to be located 1 metre from the common boundary. The Town's Policy relating to Privacy provides for a setback of 6 metres from the common boundary, therefore the proposed air conditioner compressor unit shall be conditioned to be relocated to the eastern side of the property. The existing air conditioner unit is a separate issue and is not part of this application and therefore will be separately dealt with by the Town.

Summary

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

10.1.13 No. 8 (Part Lots 21 and 22) Campsie Street, North Perth - Demolition of Existing Dwelling and Construction of Three (3) Two-Storey Grouped Dwellings

Ward:	North Perth	Date:	26 July 2002
Precinct:	Smith's Lake, P6	File Ref:	PRO 2089 00/33/1169
Reporting Officer(s):	V Lee		
Checked/Endorsed by:	Y Scheidegger, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by V Civitella on behalf of the owners Civitella Holdings Pty Ltd T/A, for proposed demolition of existing dwelling and construction of three (3) two-storey grouped dwellings at No. 8 (Part Lots 21 and 22) Campsie Street, North Perth, as shown on plans stamp-dated 1 August 2002, 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. 6 (Lot 20) and No. 10 (Lot 31) Campsie Street, North Perth, for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary wall facing No. 6 (Lot 20) and No. 10 (Lot 31) Campsie Street, North Perth 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 the front fences and gates adjacent to Campsie 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;*
- (iv) a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Campsie Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. This is to include to provision of at least one Fraxinus griffithi on the verge to replace the Schinus terebinthifolius which is to be removed for the crossover to Unit B. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (v) no street trees shall be removed, cut back, pruned or interfered with in any way, without the prior approval of the Town's Parks Services Section;*
- (vi) all car parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications and dimensions specified in Clause 1.6 of the Residential Planning Codes;*

- (vii) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (viii) *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;*
- (ix) *detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building Licence application;*
- (x) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title 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;*
- (xi) *a right of way security bond and/or bank guarantee for \$880.00 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
- (xii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division.*
- (xiii) *a road and verge security deposit bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the Town's assets have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (xiv) *the construction of crossovers shall be in accordance with the Town's specifications, including the crossover to Unit B, having a minimum width of 3 metres;*
- (xv) *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;*
- (xvi) *a visual truncation of 2 metres x 2 metres at the intersection of the driveways and footpaths on Campsie Street;*
- (xvii) *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);*

(xviii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the first floor of Unit A being setback a minimum of 6 metres from the front boundary; and*

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

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.13

Moved Cr Drewett, Seconded Cr Ker

That the recommendation be adopted.

Moved Cr Drewett, Seconded Cr Hall

That Clause (xviii) be deleted.

**AMENDMENT CARRIED ON THE CASTING
VOTE OF THE PRESIDING MEMBER(5-4)**

(Cr Piper on approved leave of absence)

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

MOTION LOST AS NO ABSOLUTE MAJORITY WAS RECEIVED (4-4)

(Cr Piper on approved leave of absence)

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

Reason:

The extent of non compliance is considered excessive. The overall bulk and scale is excessive. This is a Greenfield site and should totally comply and not in keeping with the streetscape of the area.

LANDOWNER:	Civitella Holdings Pty Ltd T/A
APPLICANT:	V Civitella
ZONING:	Metropolitan Region Scheme - Urban Town Planning Scheme No. 1 - Residential R40
EXISTING LAND USE:	Single House

COMPLIANCE:

Requirements	Required	Proposed
Setbacks - Front - Rear - Side - north - Side - south	6 metres 6 metres 1 metres single storey 1.1 metres two storey 1 metre single storey 1.1 metres two storey	3 metres 0.2 metre 0.05 metre to garage unit A 1 metre unit A living 0.05 metre to garage unit C 1 metre to entry of unit C
Plot Ratio	0.5	0.65
Street Setbacks Policy	Garage within front setbacks	Unit A garage setback 4 metres with open grille (behind setback of house)
Store Rooms	4 square metres (minimum dimension 1.5 metres)	3 x storerooms incorporated into garages (1 metre by 4 metres)
Crossovers	3 metres wide (minimum)	2.5 metres wide
Use Class	Grouped Dwellings	
Use Classification	'P'	
Lot Area	779 square metres	

SITE HISTORY:

The existing house is a rendered brick and tile dwelling that was constructed c.1933.

DETAILS:

The proposal involves the demolition of the existing house, and construction of three two-storey grouped dwellings. Proposed Units A and B have vehicular access proposed from Campsie Street, while Unit C has vehicular access from the rear right of way (ROW).

CONSULTATION/ADVERTISING:

Two submissions were received during the consultation period.

The first submission generally supported the development but requested that Unit B have frosted windows for the north facing window of bedroom 1 and also for the north facing window of bedroom 4, to both let in light to the bedroom and hallway but also protect the privacy of the adjoining unit. Concern was also expressed regarding overshadowing and blocking of light from the development.

The second submission requested the garage to Unit C be setback from the ROW and also request that the balcony to the upper level of Unit C be setback to reduce potential overlooking into the rear yards of homes in Toorak Rise.

COMMENTS:

Demolition

A detailed heritage assessment is contained in Appendix 10.1.13.

The subject place is a rendered brick and tile dwelling that was constructed c.1933. It represents a part of the residential building stock that was constructed during the Interwar period from 1919 to 1939. The dwelling is mostly intact and while some of its original features such as windows and ceilings are of interest, it is not considered that these features alone justify the retention of the house or qualify the place for consideration for entry in the Town's Municipal Heritage Inventory. The place is not rare and overall it is considered to be of little aesthetic, historic, scientific and social value.

The place does not meet the minimum criteria for entry in the Town's Municipal Heritage Inventory and as such, it is recommended that the proposal to demolish the place be approved, subject to standard conditions.

Plot Ratio

The proposal generally complies with the Town's Policy relating to Building Scale in terms of height, and is generally considered to be sympathetic to the surrounding dwellings in terms of bulk and scale. The proposed variation to plot ratio is therefore supported.

Setbacks

Campsie Street is considered to have an established streetscape with the existing houses generally setback more than 6 metres. The applicant has requested that the Council consider supporting the proposed variation to the front setback from Campsie Street. Proposed Unit A's ground and first floor have a setback between 3 and 4 metres with the garage setback 4 metres. The ground floor setback variation is generally supported, however it is considered appropriate that the first floor additions are setback 6 metres to decrease the impact of the building on the streetscape.

The applicant has revised the plans to change the garage into a carport with a grille style door to decrease the impact of the garage on the Campsie Street streetscape. This variation to the setback of the garage is therefore supported.

The proposed parapet walls for the garages comply with the R-Codes in that less than one quarter of the property boundaries are affected. The other proposed variations to the northern and southern property boundaries are considered to be minor and are therefore generally supported.

Unit C Garage

One submission received during the consultation period requested that the garage to Unit C be setback off the ROW. The Town's Technical Services have advised that they have no objection to the reduced setback of the garage to Unit C from the ROW. The ROW has been widened to 7 metres and therefore it is considered that there is adequate manoeuvring area from this garage.

Unit C Balcony

One submission received during the public consultation period requested that the balcony to Unit C be setback off the ROW. The applicant has revised plans showing that the proposed balcony on the first floor of Unit C, setback 1 metre from the ROW and have screened portions of the balcony to protect the adjoining neighbours privacy. They have requested that no further screening of this balcony is imposed to obtain views to the City, which will look over the ROW. This reduced balcony setback is therefore supported.

Privacy

The applicant has revised plans to address neighbours concerns relating to privacy from first floor windows, to comply with the Town's Policy relating to Privacy.

Overshadowing

Due to separation distances between the houses and the southern property boundary, the proposal is not considered to cause significant overshadowing to the adjoining property.

Store Rooms

The applicant has shown the storerooms incorporated into the garages. Overall the store rooms meet the minimum size as required by the R-Codes however, they are only 1 metre wide. The proposed storage area is considered to be function and practical and therefore the variation to the minimum storeroom dimensions are supported.

Front Fence to the ROW

It is considered appropriate that the eastern boundary fence of Unit C complies with the Town's Policy relating to Street Walls and Fences to improved interaction with the ROW.

Crossovers

The Town's Technical Services require that the crossovers comply with standards, being a minimum of three metres wide. In order to achieve this, it will require the removal of a Japanese Pepper Tree (*Schinus terebinthifolius*) from the verge. The Town's Park's Services have advised that they have no objection to the removal of the *Schinus terebinthifolius* from the verge of Campsie Street as they are considered to be inappropriate for verge planting as they are a weed in many countries, invade sewer and water pipes and due to their soft wooded nature, tend to drop limbs. It is likely that these trees were privately planted. It is considered appropriate that the costs for the removal and replacement of these trees with a Evergreen Ash (*Fraxinus griffithi*) should be met by the applicant/owner at a cost of approximately \$350 per tree.

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

10.1.2 Further Report - No. 318 (Lot 123) Oxford Street, Leederville - Proposed Demolition of the Existing Single House and Construction of Six (6) Two Storey Grouped Dwellings

Ward:	Mount Hawthorn	Date:	6 August 2002
Precinct:	Leederville, P 3	File Ref:	PRO2060 00/33/1109
Reporting Officer(s):	S Robertson		
Checked/Endorsed by:	Y Scheidegger, R Boardman		
Amended by:	-		

FURTHER 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 Overman and Zuideveld Architects on behalf of the owner C Giaimo for the proposed demolition of existing single house and construction of six (6) two storey grouped dwellings on No. 318 (Lot 123) Oxford Street, Leederville, as shown on the amended plans stamp dated 2 August 2002, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (iii) the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (iv) all car parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications and dimensions specified in the Town's Policy relating to Parking and Access and Australian Standards AS2890.1 – "Off Street Parking". The car parking spaces shall not be in tandem arrangement unless they service the same residential unit/dwelling;*
- (v) a road and verge security bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the Town's assets in the Oxford Street road reserve are reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond must be made in writing to the Town;*
- (vi) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (vii) the solid portion of the front fences shall contain a minimum of two design features and all front fences and gates shall comply with the Town's Policy relating to 'Front Fences and Screen Walls', and full details shall be submitted and approved prior to the issue of a Building Licence;*

- (viii) *subject to first obtaining the consent of the owners of No. 320 Oxford Street, No. 51 Marian Street and No. 19 Rae Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 320 Oxford Street, No. 51 Marian Street and No. 19 Rae Street in a good and clean condition;*
- (ix) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (x) *the construction of crossovers shall be in accordance with the Town's specifications and shall be positioned in consultation with and as directed by the Town's Technical Services Division;*
- (xi) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (xii) *a detailed landscaping plan, including a schedule of plant species, 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) *Units 1 and 6 shall be occupied as single bedroom dwellings only;*
- (xiv) *a visual truncation of 2.0 metres by 2.0 metres at the south west corner to the courtyard for Unit 2 shall be provided at the owner's cost; and*
- (xv) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the proposed screening to the windows to bedroom 1 on the western and eastern elevations on the first floor level to Units 1 and 6 respectively, shall be screened with a permanent obscure material to a minimum height of 1.4 metres above the finished first floor level from the adjoining northern boundary such that it complies with the provisions of the Town's 'Privacy' Policy. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.2

Moved Cr Doran-Wu, Seconded Cr Hall

That the recommendation be adopted.

Mayor Catania advised that Cr Franchina had declared a proximity interest in this item. Cr Franchina departed the Chamber at 7.21 pm and did not speak or vote on the matter.

CARRIED (4-3)

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

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Cohen
Cr Chester	Cr Doran-Wu
Cr Drewett	Cr Ker
Cr Hall	

Cr Franchina returned to the Chamber at 7.27 pm

FURTHER REPORT:

The Council, at its Ordinary Meeting held on 23 July 2002, received a Report relating to a proposed demolition of the existing single house and construction of six (6) two storey grouped dwellings on the subject property and deferred its consideration of the application to address the concerns of over intensity and loss of amenity.

The applicant has submitted amended site plans that show the deletion of a small external wing wall to Unit 2 and truncation of the garden bed to Unit 4 to provide for additional vehicle manoeuvring to the carbays allocated to Units 1 and 4, respectively. The Town's Technical Services have advised that the amended plans, and in particular vehicle manoeuvring space to Units 1, 4 and 6 comply with the Town's access and parking requirements.

The development does not seek a density bonus, but rather seeks the Council's approval for the single bedroom dwellings concessions provided for by Part 5 of the Residential Planning Codes (R-Codes). The proposal generally complies with these requirements of the R-Codes.

The applicant has provided wing walls and high level windows to address overlooking to adjoining properties and the proposal generally complies with the Town's Policy relating to 'Privacy'.

The applicant has attempted to address any loss of amenity to adjoining properties by setting back the Units from the boundary at the first floor level, addressing potential overlooking issues, increasing the height of fencing to improve security to the property to the north, and generally taking into account solar orientation of the site and adjoining properties. The applicant has provided a shadow projection plan, which indicates that the proposal will not unreasonably overshadow the properties to the south and will comply with the R-Codes which require less than 50 percent of an adjoining property to be in shadow at noon on 30 June.

The comments contained in the Report presented at the previous Council Ordinary Meeting generally address all non-compliances and the concerns raised by adjoining landowners during the advertising period, and it is considered that the proposal (including the amended plans) can be supported, subject to standard and appropriate conditions to address these matters.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 25 July 2002:

“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 Overman and Zuideveld Architects on behalf of the owner C Giaimo for the proposed demolition of existing single house and construction of six (6) two storey grouped dwellings on No. 318 (Lot 123) Oxford Street, Leederville, as shown on the amended plans stamp dated 9 June 2002, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (iii) the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (iv) all car parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications and dimensions specified in the Town's Policy relating to Parking and Access and Australian Standards AS2890.1 – “Off Street Parking”. The Town's Technical Services section have advised that entry into carbays for Unit 1 and Unit 4 does not meet the Town's minimum manoeuvring requirements. The car parking spaces shall not be in tandem arrangement unless they service the same residential unit/dwelling;*
- (v) a road and verge security bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the Town's assets in the Oxford Street road reserve are reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond must be made in writing to the Town;*
- (vi) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (vii) the solid portion of the front fences shall contain a minimum of two design features and all front fences and gates shall comply with the Town's Policy relating to 'Front Fences and Screen Walls', and full details shall be submitted and approved prior to the issue of a Building Licence;*
- (viii) subject to first obtaining the consent of the owners of No. 320 Oxford Street, No. 51 Marian Street and No. 19 Rae Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing north and south in a good and clean condition;*
- (ix) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (x) the construction of crossovers shall be in accordance with the Town's specifications and shall be positioned in consultation with and as directed by the Town's Technical Services Division;*

- (xi) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (xii) *a detailed landscaping plan, including a schedule of plant species, 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) *Units 1 and 6 shall be occupied as single bedroom dwellings only;*
- (xiv) *a visual truncation of 2.0 metres by 2.0 metres at the south west corner to the courtyard for Unit 2 shall be provided at the owner's cost; and*
- (xv) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the proposed screening to the windows to bedroom 1 on the western and eastern elevations on the first floor level to Units 1 and 6 respectively, shall be screened with a permanent obscure material to a minimum height of 1.4 metres above the finished first floor level from the adjoining northern boundary such that it complies with the provisions of the Town's 'Privacy' Policy. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*

to the satisfaction of the Chief Executive Officer.

Moved Cr Doran-Wu, Seconded Cr Chester

That the recommendation be adopted.

COUNCIL DECISION ITEM 10.1.14

Moved Cr Doran-Wu, Seconded Cr Drewett

That the Item be DEFERRED to address the concerns of over intensity and loss of amenity

CARRIED (5-1)

<u>For</u> Cr Chester Cr Doran-Wu Cr Drewett Cr Cr Hall Cr Ker	<u>Against</u> Mayor Catania
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(Cr Franchina was absent from the Chamber and did not vote. Crs Cohen and Piper on leave of absence)

Cr Franchina returned to the Chamber at 7.12pm

LANDOWNER:	C Giaimo
APPLICANT:	Overman and Zuideveld Architects
ZONING:	Metropolitan Region Scheme: Urban Town Planning Scheme No 1: Residential R60
EXISTING LAND USE:	Single House

COMPLIANCE:

Use Class	Grouped Dwelling
Use Classification	"P"
Lot Area	900 square metres

Requirements	Required	Proposed
Density*	5 Grouped Dwellings OR 8 Single Bedroom Dwellings	4 Grouped Dwellings and 2 Single Bedroom Dwellings
Car Parking	10 car bays (including 2 visitor bays)	11 car bays (including 1 visitor bay)
Oxford Street Setback	6.0 metres first floor setback	5.4 - 6.0 metres first floor setback
Storerooms	4 square metres (1.5 metres minimum internal dimension)	2.7-2.8 square metres (1.0 metre minimum internal dimension)

* Clause 5.2.1 of the Residential Planning Codes states that: "In the case of single bedroom dwellings the number of dwellings permitted may, at the discretion of Council, be up to 50% greater than provided for by the Code applying to the site."

Side Setbacks

Wall	Height	Length	Major Openings	Setback Required	Setback Provided
Southern Boundary					
Unit 5 Ground Floor	3.0 metres	9.0 metres	nil	1.0 metre	nil

<i>Northern Boundary</i>					
<i>Unit 6 Ground Floor</i>	<i>3.0 metres</i>	<i>9.0 metres</i>	<i>nil</i>	<i>1.0 metre</i>	<i>nil</i>
<i>Unit 1 and storerooms Ground Floor</i>	<i>3.0 - 3.5 metres</i>	<i>16.9 metres</i>	<i>nil</i>	<i>1.5 metres</i>	<i>nil</i>
<i>Storerooms</i>	<i>3.0 - 3.5 metres</i>	<i>9.0 metres</i>	<i>nil</i>	<i>1.0 metre</i>	<i>nil</i>

DETAILS:

The proposed development involves demolition of the existing single house and construction of six (6) two storey grouped dwellings, two (2) of which are single bedroom dwellings. The proposal seeks a density bonus for the single bedroom dwellings as provided for in the Residential Planning Codes (R-Codes). The applicant has submitted amended plans which address some of the objections received during the advertising period and some of the original identified non-compliances.

CONSULTATION/ADVERTISING:

Three letters were received during the advertising period. The objections to the proposal related to:

- the density, height, scale and contemporary design of the development, which was considered to be inconsistent with surrounding predominantly single storey residential dwellings;*
- the lack of landscaped area and associated noise screening;*
- the lack of security to adjoining properties; potential overlooking and overshadowing to adjoining properties;*
- replacement of the existing boundary fence; and*
- the potential impacts associated with construction.*

COMMENTS:

Heritage

The subject place at No.318 (Lot 123) Oxford Street, Leederville is a rendered brick and tile dwelling with a hipped roof containing a gablet. The building has undergone substantial alterations in the past and with the exception of its roof detail, little physical evidence is present to suggest the dwelling's original construction style or date. Physical characteristics of the place including roof form, skirting and architrave details suggest the dwelling was constructed circa 1920. Decorative alterations occurred in the 1940s style with further alterations and additions taking place in the 1980s. These physical alterations to the place are supported by City of Perth Building Licence archive cards showing Building Licences issued for various changes from the 1940s onwards.

On the basis of this preliminary information and the substantial alterations to the dwelling, it is considered that the place has little cultural significance and the proposal to demolish the dwelling does not warrant a full heritage assessment. It is recommended that the application to demolish the existing dwelling be approved, subject to standard conditions. The submitted photographs and floor plan satisfies the archival documentation requirements.

Density

The proposed density of the development is supported under Part 5 of the R-Codes, having regard to the Town's Policies and procedures and determination of the application on its merits. It is noted that the site area required per dwelling unit may be reduced to two-thirds of that for other dwelling types. The proposal requires a total lot size of 890 square metres and does not seek a density bonus under Clause 40 of the Town Planning Scheme No.1 as the subject site is 900 square metres.

Contemporary Design

In terms of the architectural style of the development, it is noted that the Council has consistently supported and encouraged proposals within the Town which demonstrate a contemporary architectural theme or honest contemporary architectural form. Reproduction of 'historic' styles has largely been discouraged to ensure that the integrity of existing housing stock of value is not reduced or compromised. As such, it is not considered appropriate or a sensible ethos to expect a contemporary development to incorporate elements or aspects of adjoining and surrounding housing such as a pitched roof to supposedly 'fit in' with the street. The Town's Policy relating to Residential Design Guidelines encourage new development to "demonstrate genuine architectural expression, either as an extension of the existing predominant style, or of contemporary design." In terms of this proposal, the street setback of the dwellings is in keeping with others in the street and exhibits traditional frontage treatments such as glazing, open front yard areas and entry/openings to the street.

Scale and Height

The scale and height of the building is compatible with other single two storey buildings in the street. The Town's Policy relating to the 'Oxford Locality' allows for a general height limit of two storeys (including loft) and the proposal does not exceed the height of adjoining properties by more than a single storey. The application will include the removal of site fill, which will further serve to reduce the height, bulk and scale of the development.

Carparking

Each of the grouped dwellings is provided with two bays (in tandem) and each of the single bedroom dwellings with one car bay, within a secure parking area. The development provides an additional visitor bay and it is not considered that carparking will unreasonably impact on the amenity of the surrounding area.

Oxford Street Setback

The proposed variation to the Oxford Street setback is supported, as the development is generally setback 6.0 metres and incorporates design features which will reduce the bulk and scale of the development.

Side Boundary Setbacks and Overshadowing

The variations to setback requirements of the subject development are determined with reference to the R-Codes and the variations proposed are not considered to unreasonably impact on the amenity of the adjoining properties. The development has been designed with greater than the required southern side boundary setbacks to reduce unreasonable northern overshadowing of properties to the south, and the R-Codes requirements, such that no adjoining lot will be in more than 50 percent shadow at noon on June 21 as a result of the development.

Landscaping

There are no specific minimum requirements for landscaping within grouped dwelling developments. The proposed development has landscaped courtyards and landscaped areas within the development. The proposed building mass, including the proposed parapet walls, will serve to reduce noise generated within the development to adjacent properties.

Privacy

The amended plans provide screening to those windows within 6.0 metres of a boundary to reduce overlooking to adjoining properties, and generally comply with the Town's Policy relating to "Privacy".

Storerooms

The proposed development provides access to practical outdoor storage areas with the additional provision of storage within each unit under the stairs. It is considered that the proposed internal and external storage area meet the intentions of the R-Codes.

Construction

Potential earthworks and dust and vibration associated with the construction phase is addressed and conditioned as part of the Building Licence, and is not a valid planning consideration.

Summary

In light of the above, it is recommended the Council approve the proposal, subject to standard and appropriate conditions to address the above matters and development of such scale and nature."

10.1.31 No. 30 (Lot 8) Bulwer Street, Perth - Proposed Demolition of Existing Building

Ward:	North Perth	Date:	5 August 2002
Precinct:	Forrest, P14	File Ref:	PRO0311 (00/33/1141)
Reporting Officer(s):	H Eames		
Checked/Endorsed by:	Y Scheidegger, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

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

(a) *is not consistent with the orderly and proper planning and the preservation of the amenities of the locality with respect to the visual amenity of the locality by virtue of the demolition of the existing building; and*

(b) *the existing place has cultural heritage significance in terms of its historic, social, aesthetic and representative values;*

the Council REFUSES the application stamp-dated 5 June 2002 submitted by Realty One Pty Ltd on behalf of the landowners A and L Upfill for the demolition of the existing building on No.30 (Lot 8) Bulwer Street, Perth;

(ii) *the landowner be advised that the Council is prepared to give consideration to a development proposal which includes the retention and upgrading of the existing building on the site; and*

(iii) *No. 30 (Lot 8) Bulwer Street, Perth be referred to the Hocking Planning and Architecture Collaboration for consideration for listing on the Town of Vincent Municipal Heritage Inventory as part of the current review of the Inventory.*

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

Moved Cr Ker, Seconded Cr Doran-Wu

That Clause (ii) be amended by adding "all substantial recognition" after the word "upgrading" in line 2.

LOST (2-6)

(Cr Piper on approved leave of absence)

For

**Cr Franchina
Cr Ker**

Against

**Mayor Catania
Cr Chester
Cr Cohen
Cr Doran-Wu
Cr Drewett
Cr Hall**

Moved Cr Drewett, Seconded Cr Doran-Wu

That Clauses (i), (ii) and (iii) be deleted and a new clause be inserted as follows:

"that it be refused as it does not have plans of the proposed development in accordance with the Town's policy."

AMENDMENT LOST

Moved Cr Drewett, Seconded Cr Doran-Wu

That Clauses (i) (b), (ii) and (iii) be deleted and the following words be inserted:

"that this application be refused as plans have not been submitted for the proposed development in accordance with the Council's Policy".

AMENDMENT CARRIED (8-0)

(Cr Piper on approved leave of absence)

MOTION AS AMENDED CARRIED (8-0)

(Cr Piper on approved leave of absence)

COUNCIL DECISION ITEM 10.1.31

That;

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

(a) *is not consistent with the orderly and proper planning and the preservation of the amenities of the locality with respect to the visual amenity of the locality by virtue of the demolition of the existing building; and*

that this application be REFUSED as plans have not been submitted for the proposed development in accordance with the Council's Policy.

LANDOWNER: A and L Uphill
APPLICANT: Realty One Pty Ltd
ZONING: Metropolitan Region Scheme: Urban
Town of Vincent Town Planning Scheme No.1:
Residential R80
EXISTING LAND USE: Lodging House

SITE HISTORY:

The site is occupied by a brick and tile building, circa 1914 constructed as a dwelling, and converted to hospital, hostel and lodging house.

DETAILS:

Approval is sought for the demolition of the existing dwelling.

CONSULTATION/ADVERTISING:

Applications involving demolition only are not required to be advertised.

COMMENTS:

A detailed heritage assessment is contained in Appendix 10.1.31

The place was constructed as a private residence circa 1914 for Mr William Boxhall, dentist. In the early 1920s, it was used as a private maternity hospital and nurse training facility run by Eleanor Harvey, first Matron of King Edward Hospital and prominent leader in early twentieth century maternity care in Western Australia. During the Second World War, the place was occupied by the Women's Australian National Service (WANS) organisation and operated as the Wanslea Hostel for Children. This hostel was a private temporary care facility for mothers who were hospitalised and unable to care for their children. After the war, the place was run as a private hospital and was known during the 1950s as 'Lister Hospital'. By the 1970s, it was run as a guesthouse and in 2002 continues to be run as a lodging house, primarily for overseas backpackers and travellers.

The place has historic significance for its associations with two prominent women in Western Australia. The first of these women is Florence Hummerston, who was chairman of the WANS and was responsible for the establishment of the Wanslea Hostel for Children at No.30 Bulwer Street, Perth in 1943, which later became the Wanslea Family Services organisation. The second woman is Eleanor Harvey, first Matron of King Edward Hospital and critical in the establishment of maternity care and nurse training facilities in Western Australia in the early twentieth century. The place has social significance for the staff and patients that stayed and worked at Miss Harvey's Private Hospital and the staff and children admitted to the Wanslea Hostel for Children during the Second World War. The place also has aesthetic significance for its prominent position at the eastern end of Bulwer Street, and is representative of the uncommon construction of two storey late Federation dwellings constructed in Perth.

In summary, the place meets the threshold for entry into the Town of Vincent Municipal Heritage Inventory, primarily on the grounds of its historic and social values and in accordance with policy it is therefore recommended that the application to demolish the subject place be refused. The landowner should be advised that the Council is prepared to give consideration to a development proposal, which incorporates the retention of the existing building on the site.

10.1.9 No.21 (Lot 6) Violet Street, West Perth - Proposed Two-Storey Single House

Ward:	North Perth	Date:	6 August 2002
Precinct:	Hyde Park, P12	File Ref:	PRO1377 (00/33/1173)
Reporting Officer(s):	H Coulter		
Checked/Endorsed by:	Y Scheidegger, R Boardman		
Amended by:	-		

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 BY AN ABSOLUTE MAJORITY the application submitted by J N Ivanoff on behalf of the landowner V Barakewitsch for a two-storey single house at No.21 (Lot 6) Violet Street, West Perth and as shown on plans stamp dated 25 June 2002, subject to;

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

(a) *the proposed carport/garage being setback 3.3 metres from the front boundary and/or in line with the main building (excluding the porch) and no greater than 50 per cent of the front elevation; and*

(b) *the second storey setback being a minimum of 6 metres from the front boundary.*

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

(ii) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the windows to bedroom three and the void/upper living area on the northern elevation and the window to the living area on the southern elevation on the first floor shall be screened with a permanent obscure material to a minimum of 1.4 metres above the finished first floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed. The obscure portion of the window shall be fixed in a closed position and any higher part may be openable, or the whole window be top hinged and the obscure portion of the window openable to a maximum of 20 degrees;*

(iii) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the southern and eastern sides of the balcony accessible from bedroom 3 and the upper living area on the first floor level shall be screened with a permanent obscure material to a minimum height of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*

- (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) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to Violet 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;*
- (vi) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (vii) *a road and verge security deposit bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the Town's assets have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (viii) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (ix) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (x) *details of all street trees adjacent to the subject property shall be submitted with the Building Licence application;*
- (xi) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s); and*
- (xii) *subject to first obtaining the consent of the owners of No.25 Violet 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.25 Violet Street in a good and clean condition; and*
- (xiii) *compliance with all relevant Environmental Health, Engineering and Building requirements;*

to the satisfaction of the Chief Executive Officer.

Moved Cr Cohen, Seconded Cr Franchina

That the recommendation be adopted.

Moved Cr Cohen, Seconded Cr Drewett

That Clauses (i)(a) and (b) be deleted and a new clause (i)(a) be inserted as follows:

"(i) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the overall building height shall not exceed 9 metres;"

AMENDMENT CARRIED (8-0)

(Cr Piper on approved leave of absence)

**MOTION AS AMENDED CARRIED
BY AN ABSOLUTE MAJORITY (8-0)**

(Cr Piper on approved leave of absence)

COUNCIL DECISION ITEM 10.1.9

That;

in accordance with the provisions of the Metropolitan Region Scheme and the Town of Vincent Town Planning Scheme No.1 the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by J N Ivanoff on behalf of the landowner V Barakewitsch for a two-storey single house at No.21 (Lot 6) Violet Street, West Perth and as shown on plans stamp dated 25 June 2002, subject to;

- (i) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the overall building height shall not exceed 9 metres;*
- (ii) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the windows to bedroom three and the void/upper living area on the northern elevation and the window to the living area on the southern elevation on the first floor shall be screened with a permanent obscure material to a minimum of 1.4 metres above the finished first floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed. The obscure portion of the window shall be fixed in a closed position and any higher part may be openable, or the whole window be top hinged and the obscure portion of the window openable to a maximum of 20 degrees;*
- (iii) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the southern and eastern sides of the balcony accessible from bedroom 3 and the upper living area on the first floor level shall be screened with a permanent obscure material to a minimum height of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*
- (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) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to Violet 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;*
- (vi) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (vii) *a road and verge security deposit bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the Town's assets have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (viii) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (ix) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (x) *details of all street trees adjacent to the subject property shall be submitted with the Building Licence application;*
- (xi) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s); and*
- (xii) *subject to first obtaining the consent of the owners of No.25 Violet 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.25 Violet Street in a good and clean condition; and*
- (xiii) *compliance with all relevant Environmental Health, Engineering and Building requirements;*

to the satisfaction of the Chief Executive Officer.

LANDOWNER:	V Barankewitsch
APPLICANT:	J N Ivanoff
ZONING:	Metropolitan Region Scheme - Urban Town Planning Scheme No.1 – Residential R80
EXISTING LAND USE:	Vacant Land

COMPLIANCE:

Requirements	Required	Proposed
Setbacks Front	6.0 metres	0.6 metre (carport/garage) 3.3 metres (main building)
North (grd)	1.5 metres	Nil
South (1st flr)	4.5 metres	1.6 metres
Building Height	Overall - 9 metres	9.5 metres
Total Open Space	50 per cent (134 square metres)	40 per cent (107.21 square metres)
Use Class	Single House	
Use Classification	'P'	
Lot Area	268 square metres	

SITE HISTORY:

The property is located on the southern side of Violet Street opposite the Royal Park Bowling Club. The surrounding area is characterised predominately by grouped dwelling development and single houses.

DETAILS:

Approval is sought to construct a two-storey single house on the subject property. In support of the application, the applicant writes:

"...Keeping within the setbacks and council requirements on streetscape I designed a home with the help of a professional so that the home would be aesthetically pleasing and would compliment the surrounding homes on the streets and enhance the streetscape. I now find ...that the plans forwarded ..but for one small glitch, that being that the carport and the home have to be in line. If this was the case this house would look out of place and would be the oddball as all the other homes on the street have their carports at the front and actual houses start behind their carports which are all about 6 metres."

ADVERTISING:

One submission has been received during the advertising period of which excerpts are as follows:

"We have viewed the plans of the proposed house at the above address and wish to advise that we have concerns in relation to privacy issues due to the closeness of the house to the back boundary and the location of the balcony at the rear of the house. We are also concerned about the degree to which the building will impact on the amount of sunlight that will be blocked from our property."

COMMENTS:

Setbacks

The reduced front setback is considered supportable given the existing pattern of setbacks along Violet Street. Whilst it is acknowledged that setbacks along Violet Street are typified by carports, the Town's Policy relating to Street Setbacks states that in new development, garages are to be setback six metres or at or behind the main building line and not be greater than 50 per cent of the front elevation. Accordingly, revised plans detailing the garage positioned at or behind the building line and less than 50 per cent of the front elevation will be required.

Given the existing reduced setbacks and form of development on small lots along Violet Street, it is considered that the northern and southern setbacks are acceptable and comply with Clause 1.2 of the Residential Planning Codes (R-Codes).

The property is within the Robertson Locality (Residential Design Guidelines) which stipulates that:

"A general height limit of two storeys (including loft) can be considered provided the second storey (including loft) being generally setback a minimum of 6 metres from the street and the amenity of the area is protected in terms of privacy, scale and bulk."

The proposed front second storey setback to Violet Street of 2.5 metres is unacceptable given the established pattern of second storey setbacks along this street. A significant proportion of Violet Street has been redeveloped over the last 12-15 years with two-storey dwellings exhibiting setbacks of approximately 5.5 metres minimum. Accordingly, in this instance compliance with the Council's Policy relating to the Robertson Locality is considered appropriate.

Privacy

There is the potential for unreasonable overlooking from the first floor windows on the northern and southern elevations and the southern and eastern faces of the balcony to the rear of the dwelling and, in accordance with the Town's Policy relating to Privacy, screening of these windows and the balcony is considered necessary.

Open Space

The provision of 40 per cent open space is acceptable given the proposal incorporates functional, front and side courtyards and a balcony, the site's inner urban location, its proximity to public open space and the growing trend for smaller maintenance-free areas of open space.

Summary

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

10.1.11 No.91 (Lot 157) (Strata Lot 2) Raglan Road, Corner Hyde Street, Mount Lawley - Proposed Additional Two-Storey Grouped Dwelling With Additional Uncovered Storage Area/Roof Terrace to Existing Dwelling

Ward:	North Perth	Date:	6 August 2002
Precinct:	Norfolk, P10	File Ref:	PR01782 00/33/0959
Reporting Officer(s):	B Mirco		
Checked/Endorsed by:	Y Scheidegger, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by the owner S Arseven for the proposed additional two-storey grouped dwelling with additional uncovered storage area/roof terrace to existing dwelling on No.91 (Lot 157) (Strata Lot 2) Raglan Road, corner Hyde Street, North Perth, and as shown on the amended plans stamp-dated 11 June 2002, 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 the front fences and gates adjacent to 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;*
- (ii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (iii) *a road and verge security bond and /or bank guarantee of \$550 shall be lodge prior to the issue of a Building License and be held until all works have been completed and/or any damage to existing Towns assets have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (iv) *a right of way security bond and/or bank guarantee for \$550 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
- (v) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, all four sides of the uncovered storage area on the roof level shall be screened with a permanent obscure material to a minimum height of 1.4 metres above the finished roof floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*

- (vi) *compliance with all relevant Environmental Health, Engineering and Building requirements.*
- (vii) *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;*
- (viii) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (ix) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (x) *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) *proposed crossovers shall be positioned in consultation with and as directed by the Town's Technical Services Division; and*
- (xii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the deletion of the proposed uncovered storage area/roof terrace;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.11

Moved Cr Hall, Seconded Cr Franchina

That the recommendation be adopted.

Moved Cr Hall, Seconded Cr Franchina

That the this item be DEFERRED at the request of the applicant.

CARRIED (6-2)

(Cr Piper on approved leave of absence)

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

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

COMPLIANCE:

Use Class	Grouped dwelling
Use Classification	“P”
Lot Area	541 square metres

Requirements	Required	Proposed
Raglan Road Setback	6.0 metres	1.0 metre
Southern Side Setback - ground floor	1.5 metres	1.3 metres
Carparking	2 car bays for each grouped dwelling	1 standard car bay for proposed grouped dwelling
Total Open Space	50 per cent	41 percent
Plot Ratio	0.5	0.59

SITE HISTORY:

11 April 2000 The Western Australian Planning Commission (WAPC) issued conditional approval for a vacant survey strata subdivision.

14 August 2001 The Council at its Ordinary Meeting of Council resolved to defer consideration of a similar proposal for an additional three-storey grouped dwelling to existing dwelling.

18 December 2001 The Council at its Ordinary Meeting resolved to refuse the proposed additional three-storey grouped dwelling to existing dwelling.

DETAILS:

The applicant seeks approval for a two-storey grouped dwelling including an uncovered storage area/roof terrace above the first floor.

ADVERTISING:

Nine objections were received as a result of advertising. The main concerns included:

- out of character with surrounding area;
- over development of site;
- perceived three-storey nature of development;
- excessive bulk and scale;
- overlooking and privacy issues;
- loss of sunlight;
- loss of amenity;
- heritage value of surrounding area; and
- potential for upper level uncovered storage area to be utilised as a roof terrace.

COMMENTS:

Raglan Road Setback

The proposed reduced front setback is considered supportable, given the setback follows the building line of the main dwelling and consideration of the size constraints of the site.

Setbacks

The southern side ground floor setback is considered supportable, given the relatively minor nature of the concession and there is not considered to be an unreasonable adverse impact on the amenity of the adjacent properties.

Carparking

Two car bays are shown on the plan. However, the Towns Engineering Services have advised that manoeuvring from the second bay will be difficult due to the location of a power pole on the verge. In this instance, the variation to car parking requirements for the proposed grouped dwelling may be considered supportable, given the proximity to public transport and availability of on-street parking.

Overlooking

The proposal indicates an upper level uncovered storage area that could potentially be utilised as a roof terrace. The proposed uncovered storage area/roof terrace cannot be supported due to unreasonable overlooking, objections received and is not considered practical/useable for storage.

Plot Ratio

The proposed plot ratio considered supportable as there is not considered to be an unreasonable adverse effect on the amenity of the area in terms of excessive bulk and scale.

Total Open Space

The proposed total open space is considered supportable, given the useable and functional courtyard area and the proximity to public open space.

Bulk and Scale

The proposal complies with the Town's Policy relating to Building Scale and as such is supported.

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

10.1.24 No. 12C (Lot 801) Kalgoorlie Street, Mount Hawthorn - Proposed Two-Storey Single House and Garage

Ward:	Mount Hawthorn	Date:	1 August 2002
Precinct:	Mount Hawthorn, P1	File Ref:	PRO2094; PRO1614 00/33/1181
Reporting Officer(s):	V Lee		
Checked/Endorsed by:	Y Scheidegger, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by APG Homes on behalf of the owners G and M Gilhooley, for a proposed two-storey single house at No. 12C (Lot 801) Kalgoorlie Street, Mount Hawthorn, as shown on plans stamp dated 27 June 2002, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) the house being setback 6 metres from Kalgoorlie Street;*
 - (b) the height of the wall of the house on the southern property boundary being equal to or less than 6 metres high from the established ground level; and*
 - (c) the height of the wall of the garage on the southern property boundary being equal to or less than 3 metres high from the established ground level;*
- (iii) subject to first obtaining the consent of the owners of No. 12B (Lot 802) Kalgoorlie Street, Mount Hawthorn, for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 12B (Lot 802) Kalgoorlie Street, Mount Hawthorn, in a good and clean condition;*
- (iv) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to Kalgoorlie 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;*
- (v) no street trees shall be removed, cut back, pruned or interfered with in any way, without the prior approval of the Town's Parks Services Section;*

- (vi) *prior to the first occupation of the development, the full length and width of the right of way from Kalgoorlie Street 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;*
- (vii) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
- (viii) *a bond and/or bank guarantee for \$7600 for the full upgrade of the right of way shall be lodged prior to the issue of a Building Licence;*
- (ix) *a road and verge security deposit bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the Town's assets have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (x) *a visual truncation of 2 metres x 2 metres at the intersection of the driveway and the right of way shall be provided at the owner's cost;*
- (xi) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (xii) *proposed crossovers shall be positioned in consultation with and as directed by the Town's Technical Services Division;*
- (xiii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division; and*
- (xiv) *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);*

to the satisfaction of the Chief Executive Officer.

Moved Cr Doran-Wu, Seconded Cr Ker

That the recommendation be adopted, subject to Clause (ii) being amended as follows:

- "(ii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) ~~*the house being setback 6 metres from Kalgoorlie Street;*~~

~~(a)~~ *the height of the wall of the house on the southern property boundary being equal to or less than 6 metres high from the established ground level; and*

~~(b)~~ *the height of the wall of the garage on the southern property boundary being equal to or less than 3 metres high from the established ground level;"*

Moved Cr Ker, Seconded Cr Doran-Wu

That a new Clause (i)(c) be added as follows:

"(i) (c) the truncation be 1.985 metres".

AMENDMENT CARRIED (8-0)

(Cr Piper on approved leave of absence)

MOTION AS AMENDED CARRIED (8-0)

(Cr Piper on approved leave of absence)

COUNCIL DECISION ITEM 10.1.24

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 APG Homes on behalf of the owners G and M Gilhooley, for a proposed two-storey single house at No. 12C (Lot 801) Kalgoorlie Street, Mount Hawthorn, as shown on plans stamp dated 27 June 2002, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) the height of the wall of the house on the southern property boundary being equal to or less than 6 metres high from the established ground level;*
 - (b) the height of the wall of the garage on the southern property boundary being equal to or less than 3 metres high from the established ground level; and*
 - (c) the truncation be 1.985 metres*
- (iii) subject to first obtaining the consent of the owners of No. 12B (Lot 802) Kalgoorlie Street, Mount Hawthorn, for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 12B (Lot 802) Kalgoorlie Street, Mount Hawthorn, in a good and clean condition;*
- (iv) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to Kalgoorlie 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;*

- (v) *no street trees shall be removed, cut back, pruned or interfered with in any way, without the prior approval of the Town's Parks Services Section;*
- (vi) *prior to the first occupation of the development, the full length and width of the right of way from Kalgoorlie Street 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;*
- (vii) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
- (viii) *a bond and/or bank guarantee for \$7600 for the full upgrade of the right of way shall be lodged prior to the issue of a Building Licence;*
- (ix) *a road and verge security deposit bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the Town's assets have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (x) *a visual truncation of 2 metres x 2 metres at the intersection of the driveway and the right of way shall be provided at the owner's cost;*
- (xi) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (xii) *proposed crossovers shall be positioned in consultation with and as directed by the Town's Technical Services Division;*
- (xiii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division; and*
- (xiv) *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);*

to the satisfaction of the Chief Executive Officer.

LANDOWNER:	G and M Gilhooley
APPLICANT:	APG Homes
ZONING:	Metropolitan Region Scheme - Urban Town Planning Scheme No. 1 - Residential R30
EXISTING LAND USE:	Vacant

COMPLIANCE:

Requirements	Required	Proposed
Setbacks		
- Front	6 metres	5.016 metres to ground and first floor (average 7.06 metres)
- Rear	4 metres	1.03 metres to garage
- ROW (secondary street)	2.5 metres to main dwelling	1.265 metres to house
- Side - southern	2.2 metres	0 metre
Open Space	50 per cent	47 per cent
Building Scale	6 metres to top of external wall; 3 metres to top of garage wall	6.5 metres to top of parapet wall; 3.2 metres to top of parapet wall
Length of Parapet Wall	25 per cent of property boundary	70 per cent of property boundary is a parapet
Use Class	Single House	
Use Classification	'P'	
Lot Area	304 square metres	

SITE HISTORY:

- 27 September 2001 The Town, under delegated authority granted Planning Approval for a single house on the subject lot. This house generally complied with the R-Codes and Town's Planning and Building Policies.
- 3 April 2002 The Western Australian Planning Commission approved the subdivision of No. 12 (Lots 66 and 67) into three lots, No. 12C (Lot 801) being 304 square metres, No. 12B (Lot 802) being 313 square metres and No. 12A (Lot 803) 312 square metres.

DETAILS:

The proposal involves a two-storey single house with a parapet wall along the southern property boundary. Vehicular access is proposed via the right of way (ROW) on the northern property boundary.

CONSULTATION/ADVERTISING:

No objections were received during the consultation period.

COMMENTS:

Setbacks

Kalgoorlie Street is considered to have an established streetscape, with the existing houses generally being equal to or more than 6 metres from Kalgoorlie Street. In this instance, it is considered appropriate that the house is setback 6 metres from Kalgoorlie Street.

The applicant has requested that Council consider supporting the proposed setback of 5.016 metres to Kalgoorlie Street. Setting the house back to 6 metres will result in a smaller courtyard at the rear and due to the narrow width of the block they are seeking to maximise the potential of the land for useable outdoor entertaining and living areas. It is acknowledged that the proposal does average 7 metres from Kalgoorlie Street. Should the Council determine that the proposed setback is appropriate, it is recommended that the second storey of the dwelling is setback 6 metres to reduce the impact on the Kalgoorlie Street streetscape.

No objections have been received regarding proposed variations to the rear setback for the garage. The proposal generally complies with the Town's Policy relating to Vehicle Access to Dwellings Via a Right-of-Way, therefore this variation is supported.

Due to the relatively narrow width of the block (8.19 metres), it is considered that the variation to the setback from the ROW is supported.

The zero setback to the southern property boundary and variation to the length of the parapet wall is generally supported due to the narrow width of the subject lot, and as no objections have been received.

Building Scale

The total height of the parapet wall of the house on the southern elevation exceeds 6 metres as specified by the Town's Policy relating to Building Scale. The total height of the parapet wall of the garage exceeds 3 metres as specified by the Town's Policy relating to Building Scale. It is considered appropriate that the height of these walls be reduced to comply with the Town's Policy relating to Building Scale and hence potentially reduce the impact on the adjoining property in terms of overshadowing and bulk and scale.

Open Space

The variations to open space are considered to be minor. There are effective and useable courtyard areas created and therefore, this variation is supported.

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

10.1.22 No. 150 (Lot 7 and Part Lot 8) Richmond Street, Dual Frontage with Bourke Street, Leederville - Proposed Floodlights to the Existing Recreational Facility (Leederville Tennis Club)

Ward:	North Perth	Date:	7 August 2002
Precinct:	Leederville, P3	File Ref:	PRO0594 00/33/1202
Reporting Officer(s):	S Robertson		
Checked/Endorsed by:	R Boardman		
Amended by:	-		

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 Option 1 of the application submitted by Leederville Tennis Club on behalf of the landowner the Town of Vincent for the proposed floodlights to the existing recreational facility (Leederville Tennis Club) on No. 150 (Lot 7 and Part Lot 8) Richmond Street, dual frontage with Bourke Street, Leederville and as shown on the plans stamp-dated 20 May 2002, subject to:

- (i) the Leederville Tennis Club is to take all reasonable precautions to prevent light pollution in relation to nearby residences and in particular to ensure that illuminance from the floodlights is directed away from adjacent residential properties;*
- (ii) the hours of operation of the floodlights shall be limited to 10.00pm; and*
- (iii) compliance with all relevant Environmental Health, Engineering and Building requirements, including the Town's 'Local Law Relating to Fences, Floodlights and Other External Lights' and Australian Standard AS2560.1 - 2002 'Sports Lighting - General Principals'. The Town reserves the right to direct adjustments and to review hours of use of the floodlighting should justifiable complaints be received regarding illumination or associated matters;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.22

Moved Cr Drewett, Seconded Cr Franchina

That the recommendation be adopted.

CARRIED (8-0)

(Cr Piper on approved leave of absence)

LANDOWNER:	Town of Vincent
APPLICANT:	Leederville Tennis Club
ZONING:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Parks and Recreation
EXISTING LAND USE:	Recreational Facility - Leederville Tennis Club

COMPLIANCE:

Use Class	Recreational Facility
Use Classification	P
Lot Area	14606 square metres

DETAILS:

Approval is sought for the erection of floodlights to four of the existing tennis courts at the Leederville Tennis Club. The applicant has submitted the following information with the proposal:

- a. The proposed lighting levels will be to a standard appropriate for the grade of play to be catered for the courts;
- b. Light spill should be no more than 12 lux, 3.0 metres outside court playing sidelines;
- c. The Club standard of lighting relates to competition levels as referred to in AS2560, and the International Tennis Federation book; and
- d. Poles positioned on the side of the court are generally the best locations as this will minimise glare and spill light.

The applicant has submitted three (3) alternative options for the proposed lighting upgrade.

Option 1

Eight (8), 14.0 metres high columns, each with eight (8) 'Britelines' having a luminaire lamp wattage of 2000 watts and a total electrical load of 16Kw.

Option 2

Six (6), 14.0 metres high columns, each with eight (8) 'Britelines' having a luminaire lamp wattage of 2000 watts and a total electrical load of 16Kw.

Option 3

Twelve (12), 10.0 metres high columns, each with twelve (12) 'Sports Pack' having a luminaire lamp wattage of 1000 watts and a total electrical load of 12Kw.

Option 1 is the option preferred by the applicants. Option 2 is considered to displace more light towards the residential area as it relies on corner poles and option 3 does not meet tennis standards for any higher than club playing level.

In response to enquiries raised by adjacent properties owners/occupiers during the advertising period, the applicant has submitted the following information in support of the proposal:

"These days Tennis Clubs generally are having more difficulty in procuring new members as the community at large seems more inclined to want to play tennis when it suits them best, rather than at the designated times of the club. For this reason, an increased number of floodlit courts will enable us to:

- a. *Help secure the clubs financial viability through increased court hire.*
- b. *Help meet the needs of the people of the Town of Vincent, who for varying reasons are preferring to play their tennis in the early evenings. For some it is reduced leisure time and for others, the problems associated with sun related activities. (We would like to point out that 99% of our court hirers are locals).*

The operating hours of the club will not alter with the additional courts. The regulations are that there will be no play beyond 10pm, and this will not change. Our membership currently stands at 121, but this is considered to be at a minimum requirement. We are always endeavouring to increase our club numbers. Our actual club numbers does not affect the floodlit court proposal as club play is organised on the grass courts for Saturday afternoons only.

We do not believe that noise pollution is an issue with this proposal and make the following points:

- a. Tennis is not a noisy sport.*
- b. 90% of court hire is between the hours of 5.30pm and 8.30pm, during which time we doubt that play could be heard over the freeway noise.*

The Club is however conscious of such issues and would monitor and act on any complaints when and if they arose.

We believe that light spillage has been addressed in our proposal and that the proposed lighting falls well within acceptable and regulated standards. Should the proposed lighting not meet such standards, we are happy to re look at this aspect. We will also ensure that the courts located furthest from the residences are utilised first.

The existing flood lit courts are available for hire seven days a week. However our experience shows that 90% of hire takes place from Monday to Thursday and we do not expect this to change because we have additional courts available. Regulations are that lights are out by 10pm. Once again our experience shows the following in relation to court usage:

- a. 80% of our court hire takes place over the summer months.*
- b. 95% of court hire finishes by 8.30pm.*
- c. Therefore in summer, lights mainly used between 7.15pm and 8.30pm.*

We are happy to ensure that with the limited bookings that may go beyond 8.30pm, these will be played on the existing courts which are the furthest from the residences. We do not have any plans for further lighting of courts...there will not be any tournaments played using floodlights."

CONSULTATION/ADVERTISING:

Four (4) comments were received during the advertising period. The concerns raised by adjoining landowners included the way lighting was installed and that the intensity of the proposed floodlights may cause unnecessary glare to adjoining properties; that privacy of occupiers at neighbouring properties are curtailed if activities are increased at night closer to the adjacent dwellings; the potential increase in noise; access to properties may be affected when competitions are conducted at the Club and where insufficient proper parking areas are provided; and that having more night games is likely to increase activities at the Club that *"will attract unwelcomed and irresponsible people into the vicinity resulting in unruly behaviours and possible damage to properties"*

Furthermore, correspondence also raised concern that there was insufficient information submitted with the application to assess the above concerns. This resulted in additional information being provided by the applicant, that contained in the details section above, and will be advertised to those neighbours who commented during the consultation process by way of Council report notification.

COMMENTS:

The proposed floodlights will, at the closest point, be approximately 29 metres from the common boundary with the adjoining residential units. The Town's Local Law relating to Floodlights and Other External Lights requires that the maximum height of the column shall be 7.0 metres and setback a minimum of 2.0 metres from adjacent boundaries. It is considered that, in this instance, the increased height of the columns will reduce the number of columns and associated lights that will be required to obtain the same output of light, and that this is compensated for by the greater than required distance from the adjacent boundaries.

It is acknowledged that the proposed lighting may result in an increase in light and use of the tennis courts and that this needs to be appropriately managed. Accordingly, approval is recommended, subject to standard and appropriate conditions to address the above matters.

10.1.29 No 2A (Lot 106) Campsie Street, North Perth - Additional Two-Storey Grouped Dwelling to Existing Dwelling

Ward:	North Perth	Date:	30 July 2002
Precinct:	Smith's Lake, P6	File Ref:	PRO 1317 00/33/1188
Reporting Officer(s):	V Lee		
Checked/Endorsed by:	Y Scheidegger, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

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

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
- (ii) the non-compliance with the density, setback, total open space and plot ratio requirements of the Residential Planning Codes (R-Codes);*

the Council REFUSES the application stamp dated 5 July 2002 submitted by the owners A and I Kapor, for an additional two-storey grouped dwelling to existing dwelling at No. 2A (Lot 106) Campsie Street, North Perth.

COUNCIL DECISION ITEM 10.1.29

Moved Cr Ker, Seconded Cr Doran-Wu

That the recommendation be adopted.

Moved Cr Ker, Seconded Cr Drewett

That this item be DEFERRED as the owner is overseas and is not able to address Council.

CARRIED (7-1)

(Cr Piper on approved leave of absence)

For

Cr Chester
Cr Cohen
Cr Doran-Wu
Cr Drewett
Cr Franchina
Cr Hall
Cr Ker

Against

Mayor Catania

LANDOWNER(S): A and I Kapor
APPLICANT(S): A and I Kapor
ZONING: Metropolitan Region Scheme - Urban
 Town Planning Scheme No. 1 - Residential R40
EXISTING LAND USE: Vacant

COMPLIANCE:

Requirements	Required	Proposed
Setbacks		
- Front	6 metres	1.4 metres to main dwelling 0 metre to cantilevered balcony
- Rear	4 metres	1 metre
- Side - west	1 metre	0 metre to garage
Open Space (min)	50 per cent	45 per cent
Plot Ratio (max)	0.5	0.77
PAW	1.5 metres	1 metre
Density	500 square metres minimum (250 square metres per strata lot)	499 square metres
Use Class	Single House	
Use Classification	'P'	
Land Area	499 square metres	

SITE HISTORY:

8 December 1997 Building Licence issued for a single house at No. 1 (Lot 106) Campsie Street, North Perth.

DETAILS:

The proposal involves the addition of a two-storey grouped dwelling behind the existing two-storey dwelling on the subject property. Vehicular and pedestrian access to the property is proposed via a right of way (ROW) connecting to Campsie Street.

CONSULTATION/ADVERTISING:

Three submissions were received during the consultation period. Concerns related to a reduction in direct natural sunlight in the backyard of property, variations to open space and setbacks. One objector has spoken to the owner and understands that the house will be 700-800 millimetres above the adjoining ground level of Lot 617, and they would like the retaining wall to conform to relevant Australian Standards and also requested if it would result in the existing bollards being removed from Toorak Rise to allow easier entry into Campsie Street.

COMMENTS:

Density

The current land area is one square metre short of meeting the Residential Planning Codes (R-Codes) requirement for a strata subdivision. The subject property does meet the minimum requirements for a freehold subdivision, if the right of way is made into a dedicated road. The applicant has advised that they wish to proceed with the application for a strata subdivision.

In this instance, the existing house is relatively new (built in 1997) and therefore it is not considered appropriate to support the proposal, as the existing house is not considered to have features of heritage significance worthy of granting a density bonus in accordance with Clause 20, Special Application of the Residential Planning Codes (R-Codes), of the Town Planning Scheme No. 1 (TPS No. 1).

Pedestrian Access Way and Dedication of ROW

The applicant is unable to provide a pedestrian access way, with a minimum width of 1.5 metres, to Campsie Street, as required for the provision of services, due to the location of the existing house. Therefore, the Town recommends that the ROW be made into a dedicated road in order to provide legal access for vehicles, pedestrians and provision of services to the proposed dwelling. As this dedicated road will only serve one property, it is considered appropriate that all cost associated with the dedication of the ROW be met by the applicant/owner.

Setbacks

The proposed dwelling has a 1.4 metres setback to the (to be) dedicated road, with a cantilevered balcony with a zero setback to the ROW. This variation is supported due to the small size of the block and as it is considered to be a minor road. The dwelling addresses the (to be) dedicated road, providing passive overlooking and interaction, which is encouraged. It is considered appropriate that the Town's Policy relating to Street Walls and Fences is applied to this northern property boundary, requiring a visually permeable fence so that visual interaction and passive surveillance of the street is maintained.

The northern property boundary in this instance is considered to be the rear setback. An objection has been received regarding this variation to the rear setback, and the potential reduction in sunlight it may cause to the adjoining lot. In this instance, it is not considered appropriate to also support this variation due to the impact on the adjoining property and implications on total open space, plot ratio and overshadowing.

Total Open Space, Plot Ratio and Overshadowing

A courtyard, with dimensions as required by the R-Codes, provides open space at the north western corner of the block. Due to the orientation of the subject lot, there is the some overshadowing of the adjoining lot. However, the proposed development is not considered to place more than 50 per cent of the adjacent lot in shadow at noon on the 21 June, as specified in the R-Codes as an unreasonable effect on amenity.

Due to objections received from adjacent residents regarding rear setbacks and lack of total open space, these variations are not supported.

It is considered appropriate that the proposed dwelling should be setback 4 metres from the southern property boundary (rear boundary) in accordance with the R-Codes, or a greater portion of the building setback to four metres, to reduce the impact on the adjacent residents by allowing more sunlight into the adjoining properties, increasing total open space and separation distances between properties.

Policy Relating to Street Setbacks

In order to lessen the impact of the garage door on the (to be) dedicated road, it is recommended that the door be a minimum of 50 per cent visually permeable.

Accordingly, it is recommended that the application be refused.

10.1.16 No.63 (Lot 613) Egina Street, Mount Hawthorn - Proposed Patio and Deck Additions to Existing Single House

Ward:	Mt Hawthorn	Date:	1 August 2002
Precinct:	Mt Hawthorn, P1	File Ref:	PRO 2108 00/33/1212
Reporting Officer(s):	M Hansen		
Checked/Endorsed by:	Y Scheidegger, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme the Council APPROVES the application submitted by the owners M C O'Sullivan & E Andreatta for proposed patio and deck additions to existing single house at No. 63 (Lot 613) Egina Street, Mount Hawthorn and as shown on plans stamp dated 13 June 2002, subject to;

- (i) prior to the first occupation of the development, the patio and deck additions to the rear of the existing single house on the northern and southern sides shall be screened with obscured fixed material and be non-opening, to a minimum height of 1.4 metres above the respective patio and deck additions finished floor level;*
- (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) compliance with all relevant Building, Engineering and Environmental Health requirements and the Town's Local Law relating to Fences, Floodlights and Other External Lights;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.16

Moved Cr Ker, Seconded Cr Doran-Wu

That the recommendation be adopted, subject to Clause (i) being amended as follows:

- "(i) prior to the first occupation of the development, the patio and deck additions to the rear of the existing single house on the northern and southern sides shall be screened ~~with obscured fixed material and be non-opening,~~ to a minimum height of ~~1.4~~ 2.4 metres above the respective patio and deck additions finished floor level and as shown on the plans dated 13 June 2002;"*

AMENDMENT CARRIED (8-0)

(Cr Piper on approved leave of absence)

MOTION AS AMENDED CARRIED (8-0)

(Cr Piper on approved leave of absence)

Executive Manager Environmental and Development Services. Comments:

The Town's Policy relating to Privacy requires screening to be in accordance with the original clause (i). The 2.4 metres high screening shown on the submitted plans does not comply with the Town's Policy relating to Privacy. Screening is required to be constructed from an obscure fixed material and be non-opening. The lattice screen shown on the plans clearly does not meet this requirement.

LANDOWNER(S): M C O'Sullivan & E Andreatta
APPLICANT(S): M C O'Sullivan & E Andreatta
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	
Requirements	Required	Proposed
Open Space	50 percent	47 percent
Southern Side Setback	1.5 metres	1.0 metre

SITE HISTORY:

The subject site is occupied by an existing single house. The single dwelling is flanked by residential properties.

DETAILS:

Approval is sought for patio and deck additions to the existing single house.

CONSULTATION/ADVERTISING:

Two letters of objection were received during the advertising period and are summarised as follows:

1. loss of privacy;
2. overlooking into adjoining property due to differing site levels;
3. increase and creation of greater noise pollution;
4. light emissions to adjoining property(s);
5. increase in use of area for social activities;
6. screening nominated on approved plans not in accordance with Towns policies; and
7. reduction in aesthetics.

COMMENTS:

Setbacks

The variation to the southern side setback requirement is considered acceptable as the variation is relatively minor in nature, no objections were received from the neighbours to the southern boundary and a screening condition will be applied.

Given the provision of a 3.0 metres northern side boundary setback, the location of the patio and deck on ground floor elevation is not considered to have an unreasonable adverse effect on adjoining properties. A screening condition is considered appropriate in this instance.

The objections raised concerning loss of privacy to the side boundaries has been addressed with a standard screening condition as noted above. However, the setback to the adjoining property at the rear is 6 metres and therefore complies with the Town's Policy relating to Privacy.

The concerns with overlooking into adjoining properties has been addressed with the standard screening condition. Increased noise levels is not considered a planning issue. However, sound levels created shall not exceed the provisions of the Environmental Protection Act 1986 and the Environmental Protection (Noise) Regulations 1997. This is placed as a condition on the Building Licence when issued.

In addition to above, the increased use of the area for social activities cannot be considered as a valid planning issue.

The concern of increased or creation of light emissions to the adjoining properties is not evident in the plans submitted to the Town. However, compliance with the Town's Local Law relating to Fences, Floodlights and Other External Lights must be adhered to and has been addressed with a relevant condition. The Town shall investigate any alleged breach.

The setback of the proposed additions maintains the existing wall line of the dwelling. The scale and nature of the proposal is not considered to unreasonably adversely affect the amenity of the adjoining properties.

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

10.1.3 Town Planning Appeal Tribunal Appeal No. 70 of 2002 - Phoenix Learning Academy versus Town of Vincent - No.241 (Lot 2) Vincent Street, West Perth - Proposed Change of Use from Single House to Educational Establishment

Ward:	North Perth	Date:	7 August 2002
Precinct:	Cleaver, P5	File Ref:	PRO0405 (00/33/1187)
Reporting Officer(s):	B Mirco		
Checked/Endorsed by:	Y Scheidegger, R Boardman		
Amended by:			

FURTHER OFFICER RECOMMENDATION:

That the Council;

- (i) receives the Further Report relating to the proposed change of use from single house to educational establishment at No.241 (Lot 2) Vincent Street, West Perth; and*
- (ii) the Council authorises the Executive Manager of Environmental and Development Services to represent and mediate on behalf of the Town at the second mediation hearing at the Town Planning Appeal Tribunal to be held on Monday 2nd September 2002 relating to the proposed change of use from single house to educational establishment at No.241 (Lot 2) Vincent Street, West Perth, subject to the following conditions:*
 - (a) the hours of operation shall be between 9am and 4pm Monday to Friday, inclusive;*
 - (b) the number of students shall be restricted to a maximum of 30;*
 - (c) the number of staff shall be restricted to a maximum of 3;*
 - (d) compliance with all relevant Environmental Health, Building and Engineering requirements; and*
 - (e) a detailed landscaping plan, including a schedule of plant species, 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.

COUNCIL DECISION ITEM 10.1.3

Moved Cr Drewett, Seconded Cr Franchina

That the recommendation be adopted.

Mayor Catania advised that Cr Chester had declared a proximity interest in this item. Cr Chester departed the Chamber at 8.00 pm and did not speak or vote on the matter.

CARRIED (7-0)

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

Note: Council requested that the front facades of these buildings be fully restored.

FURTHER REPORT:

At the first mediation held on 31 July 2002, the Town indicated likely support for the proposed change of use from single house to educational establishment subject to compliance with all Building, Health and Engineering requirements and the submission of a detailed landscaping plan to enhance the appearance from the street.

The Council, at its Ordinary Meeting held on 23 July 2002, deferred its consideration of the subject application for further investigation and report. A further site inspection was carried out by officers of the Town's Planning, Building and Health Services and the following comments were raised.

Health Services

Should Council approve the application, the schedule of works should be complied with. It is confirmed that the following schedule of works should be considered prior to the commencement of the use:

- provision of exit signs and smoke detectors in classrooms is recommended;
- provision of fire fighting equipment in accordance with BCA;
- provision of sufficient toilet facilities (in accordance with the provisions of Table F2.3 of the BCA); and
- undertake repairs to the brickwork above the front door to No.241 Vincent Street.

Furthermore, it is recommended that an initial conditional approval for 12 months be granted as only a limited number of students would utilise the facility, (not more than 10 per classroom as discussed during the site meeting) whereafter the matter can be reviewed in accordance with the relevant student numbers.

Building Services

At this time, no application for a Building Licence, including plans outlining the extent of works, has been submitted to the Town. It must be stated initially that the Building Code of Australia (BCA) is a Performance Based document and that this assessment is based on the 'Deemed to Satisfy' requirements only. Should the applicant wish to use an 'Alternative Solution' under the 'Performance Provisions' of the BCA, the Town would review the submission.

The change from residential dwelling, BCA Class 1a, to classrooms, BCA Class 9b, is a change in classification therefore, a full upgrade to the current requirements of the BCA is required.

The follow areas may require addressing: -

- Existing building to be structurally adequate as required by Section B of the BCA;
- Materials and assemblies to have the relevant Fire Hazard Properties as required by BCA C1.10;
- Protection of Openings in accordance with Part C3 of the BCA - No openings within 1 metre of a fire source feature and openings within 3 metres to be protected in accordance with BCA C3.4;
- Fire-resisting construction in accordance with BCA Specification C1.1 Table 5;

- Access and Egress in accordance with BCA D1 - including number of exits, exit travel distances, etc;
- Construction of exits in accordance with BCA D2;
- Access for people with disabilities in accordance with BCA D3 - including access ramp to principle entrance, doorway widths, etc;
- Fire fighting equipment in accordance with BCA E1 - including fire extinguishers, etc;
- Smoke Hazard Management in accordance with BCA E2;
- Emergency Lighting, Exit Signs and Warning Systems in accordance with BCA E4;
- Provision of Sanitary Facilities in accordance with BCA F2; and
- Room Sizes, Light and Ventilation in accordance with BCA F3 & F4.

These comments can not be taken as a full assessment for compliance with the Building Regulations 1989, Local Government (Miscellaneous Provisions) Act 1960 and the BCA. A full assessment will be carried once a full Building Licence application has been made. The information contained in this Report should be seen as a preliminary assessment for any major non-compliances and/or general comments.

In light of the above, it is recommended that the Council resolve the matter during the process of mediation, subject to appropriate conditions. These conditions are generally those which can be supported under the Town Planning Scheme No. 1 and associated Policies. The alternative would be to proceed to a formal hearing at the Town Planning Appeal Tribunal. It is considered that the Town would likely be unsuccessful. Should the Town Planning Appeal Tribunal uphold the appeal, it is likely to be subject to similar conditions to those recommended above. If the matter does proceed to a formal hearing, it would be prudent for the Town to obtain legal representation, and the likely cost of this would be in the region of \$10,000 - \$15,000.

The following is the verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 23 July 2002.

"OFFICER RECOMMENDATION:

That;

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

- the application does not comply with the prescribed use;*
- the premises are not fit for the purpose of the current use; and*
- the lot is not appropriately zoned;*

the Council REFUSES the application dated 25 May 2002 submitted by R Green on behalf of the owner I Chin for the proposed change of use from single house to educational establishment on No.241 (Lot 2) Vincent Street, West Perth.

Moved Cr Doran-Wu, Seconded Cr Ker

That the recommendation be adopted.

COUNCIL DECISION ITEM 10.1.18

Moved Cr Ker, Seconded Cr Doran-Wu

That this Item be DEFERRED for further investigation and report.

CARRIED (5-1)

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Hall
Cr Drewett	
Cr Doran-Wu	
Cr Franchina	
Cr Ker	

(Cr Chester absent from the Chamber and did not vote. Crs Cohen and Piper on leave of absence)

LANDOWNER: I Chin
APPLICANT: R Green
ZONING: Metropolitan Region Scheme: Urban
Town Planning Scheme No.1: Residential R80
EXISTING LAND USE: Educational Establishment (Unauthorised)

COMPLIANCE:

Use Class	Educational Establishment
Use Classification	"AA"
Lot Area	599 square metres

SITE HISTORY:

The subject site is currently operating as the Phoenix English Language Academy.

15 January 2002 The Town advised the owner of the subject property to cease the unauthorised use of existing single house for the purposes of an educational establishment within 14 days.

25 January 2002 The tenant of the subject property requested an extension of operation until the planning application for the change of use was determined by the Town.

4 February 2002 The Town received an incomplete planning application for the subject property.

12 February 2002 The Town granted the tenant of the subject property permission to continue to operate as an educational establishment until the planning application has been determined by the Town.

21 March 2002 The Town received a completed planning application for the proposed change of use from single house to educational establishment.

14 May 2002 The Council at its Ordinary Meeting resolved to refuse the planning application on the following grounds:

- "1. The application does not comply with the prescribed use.
2. There is no planning application before the Council.
3. The premises are not fit for the purpose of the current use.
4. The Lot is not appropriately zoned."

26 June 2002 The Town received notification that an appeal had been lodged with the Town Planning Appeal Tribunal and the First Sitting of the Appeal Tribunal will be held on 22 July 2002.

The Council Planning Officers support this application. If the Council wishes to approve the proposal, the following conditions should apply:

- (i) the hours of operation shall be between 9am and 4pm Monday to Friday, inclusive;*
- (ii) the number of students shall be restricted to a maximum of 30;*
- (iii) the number of staff shall be restricted to a maximum of 3; and*
- (iv) compliance with all relevant Environmental Health, Building and Engineering requirements.*

CONSULTATION/ADVERTISING:

The application was not required to be advertised due to the previous application being advertised and the application being considered by the Council. There were three comments received during the previous advertising period. The main concerns related to insufficient parking, noise, non-residential nature of use, non-compliance with intent of Cleaver Precinct Policy, and operating without a current approval.

DETAILS:

Approval is sought for the change of use from single house to educational establishment.

The applicant has provided the following details:

"We would like Council to re-consider our application on the basis that we were not invited to present our case to Council as per Council policy, and that the reasons for the decision are incorrect from a planning perspective.

*The application does not comply with the prescribed use
An educational establishment is considered an AA use in every zone in the Town of Vincent and as such cannot be approved unless Council exercises its discretion.*

Although the site is occupied by a residential dwelling is considered unreasonable to insist on the site to be used only for residential purposes given its location to the major Loftus Street/Vincent Street intersection.

*There is no planning application before Council
Our application for a change of use IS a planning application and as such was presented to the Council.*

It is not our intent to change the fabric of the building or redevelop.

*The premises are not fit for the purpose of the current use
Council received no briefing from staff on this issue, so it is difficult to understand how this position was reached!*

Discussions with Health and Building indicated the buildings are indeed very fit for the purpose with minimal changes, none of which affect the character of the building.

The lot is not appropriately zoned

Again, Council's own Scheme makes it impossible for the lot to be appropriately zoned. It is an AA use - at Council's discretion. This is a near perfect location for education, which is a low impact activity.

As you can see, the planning reasons for refusal do not seem appropriate, and we ask the Council to reconsider our application."

COMMENTS:

Use

The Cleaver Precinct states "non-residential uses should not further erode existing residential uses." The Town's Policy relating to Non-Residential Uses in/or Adjacent to Residential Areas states "non-residential development on land which is adjacent to land which is or may be used for residential purposes is only permitted where the non-residential use will not cause undue conflict through the generation of traffic and parking, or the emission of noise or any other form of pollution which may be undesirable on residential areas.

Non-residential development in, or adjacent to, residential areas is strongly encouraged to be located within existing building(s) which complement the surrounding residential amenity. In these cases, the Town of Vincent may vary the development requirements provided it does not adversely affect the amenity of the area."

The educational establishment is not considered to have an unreasonable impact on the amenity of the surrounding area nor erode the residential nature of the Cleaver Precinct, given the use is to be located within an existing residential building, and its contextual location adjacent to non-residential uses and the high traffic volume of the Vincent Street/Loftus Street intersection.

Carparking

The Town's Policy relating to Parking and Access indicates a carparking requirement as determined by the Council for an educational establishment. It is considered that the proposed use will not have an unreasonable impact on the amenity of the surrounding area in terms of carparking, given that the students will utilise public transport and there will not be a significant increase in demand for on street parking.

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

Chief Executive Officer's Comments

The Chief Executive Officer amended this Report by changing the Officer Recommendation to a refusal to reflect the Council's previous decision made at the Ordinary Council Meeting of 14 May 2002.'

10.1.4 Town Planning Appeal Tribunal Appeal No. 71 of 2002 - Phoenix Learning Academy versus Town of Vincent - No.243 (Lot 1) Vincent Street, Corner Loftus Street, West Perth - Proposed Change of Use from Single House to Educational Establishment

Ward:	North Perth	Date:	7 August 2002
Precinct:	Cleaver, P5	File Ref:	PRO1992 (00/33/1189)
Reporting Officer(s):	B Mirco		
Checked/Endorsed by:	Y Scheidegger, R Boardman		
Amended by:			

FURTHER OFFICER RECOMMENDATION:

That the Council;

- (i) receives the Further Report relating to the proposed change of use from single house to educational establishment at No.243 (Lot 1) Vincent Street, Corner Loftus Street, West Perth; and*
- (ii) the Council authorises the Executive Manager of Environmental and Development Services to represent and mediate on behalf of the Town at the second mediation hearing at the Town Planning Appeal Tribunal to be held on Monday 2nd September 2002 relating to the proposed change of use from single house to educational establishment at No.243 (Lot 1) Vincent Street, Corner Loftus Street, West Perth, subject to the following conditions:*
 - (a) the hours of operation shall be between 9am and 4pm Monday to Friday, inclusive;*
 - (b) the number of students shall be restricted to a maximum of 30;*
 - (c) the number of staff shall be restricted to a maximum of 3;*
 - (d) compliance with all relevant Environmental Health, Building and Engineering requirements; and*
 - (e) a detailed landscaping plan, including a schedule of plant species, 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.

COUNCIL DECISION ITEM 10.1.4

Moved Cr Drewett, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (7-0)

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

Note: Council requested that the front facades of these buildings be fully restored.

FURTHER REPORT:

At the first mediation held on 31 July 2002, the Town indicated likely support for the proposed change of use from single house to educational establishment subject to compliance with all Building, Health and Engineering requirements and the submission of a detailed landscaping plan to enhance the appearance from the street.

The Council, at its Ordinary Meeting held on 23 July 2002, deferred its consideration of the subject application for further investigation and report. A further site inspection was carried out by officers of the Town's Planning, Building and Health Services and the following comments were raised.

Health Services

Should Council approve the application, the schedule of works should be complied with. It is confirmed that the following schedule of works should be considered prior to the commencement of the use:

- provision of exit signs and smoke detectors in classrooms is recommended;
- provision of fire fighting equipment in accordance with BCA; and
- provision of sufficient toilet facilities (in accordance with the provisions of Table F2.3 of the BCA).

Furthermore, it is recommended that an initial conditional approval for 12 months be granted as only a limited number of students would utilise the facility, (not more than 10 per classroom as discussed during the site meeting) whereafter the matter can be reviewed in accordance with the relevant student numbers.

Building Services

At this time, no application for a Building Licence, including plans outlining the extent of works, has been submitted to the Town. It must be stated initially that the Building Code of Australia (BCA) is a Performance Based document and that this assessment is based on the 'Deemed to Satisfy' requirements only. Should the applicant wish to use an 'Alternative Solution' under the 'Performance Provisions' of the BCA, the Town would review the submission.

The change from residential dwelling, BCA Class 1a, to classrooms, BCA Class 9b, is a change in classification therefore, a full upgrade to the current requirements of the BCA is required.

The follow areas may require addressing: -

- Existing building to be structurally adequate as required by Section B of the BCA;
- Materials and assemblies to have the relevant Fire Hazard Properties as required by BCA C1.10;
- Protection of Openings in accordance with Part C3 of the BCA - No openings within 1 metre of a fire source feature and openings within 3 metres to be protected in accordance with BCA C3.4;
- Fire-resisting construction in accordance with BCA Specification C1.1 Table 5;
- Access and Egress in accordance with BCA D1 - including number of exits, exit travel distances, etc;
- Construction of exits in accordance with BCA D2;
- Access for people with disabilities in accordance with BCA D3 - including access ramp to principle entrance, doorway widths, etc;
- Fire fighting equipment in accordance with BCA E1 - including fire extinguishers, etc;
- Smoke Hazard Management in accordance with BCA E2;

- Emergency Lighting, Exit Signs and Warning Systems in accordance with BCA E4;
- Provision of Sanitary Facilities in accordance with BCA F2; and
- Room Sizes, Light and Ventilation in accordance with BCA F3 & F4.

These comments can not be taken as a full assessment for compliance with the Building Regulations 1989, Local Government (Miscellaneous Provisions) Act 1960 and the BCA. A full assessment will be carried once a full Building Licence application has been made. The information contained in this Report should be seen as a preliminary assessment for any major non-compliances and/or general comments.

In light of the above, it is recommended that the Council resolve the matter during the process of mediation, subject to appropriate conditions. These conditions are generally those which can be supported under the Town Planning Scheme No. 1 and associated Policies. The alternative would be to proceed to a formal hearing at the Town Planning Appeal Tribunal. It is considered that the Town would likely be unsuccessful. Should the Town Planning Appeal Tribunal uphold the appeal, it is likely to be subject to similar conditions to those recommended above. If the matter does proceed to a formal hearing, it would be prudent for the Town to obtain legal representation, and the likely cost of this would be in the region of \$10,000 - \$15,000.

The following is the verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 23 July 2002.

"OFFICER RECOMMENDATION:

That;

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

- (i) the application does not comply with the prescribed use;*
- (ii) the premises are not fit for the purpose of the current use; and*
- (iii) the lot is not appropriately zoned;*

the Council REFUSES the application dated 1 July 2002 submitted by R Green on behalf of the owner M Di Fabrizio for the proposed change of use from single house to educational establishment on No.243 (Lot 1) Vincent Street, corner Loftus Street, West Perth.

Moved Cr Ker, Seconded Cr Doran-Wu

That the recommendation be adopted.

COUNCIL DECISION ITEM 10.1.19

Moved Cr Ker, Seconded Cr Doran-Wu

That this Item be DEFERRED for further investigation and report.

CARRIED (5-1)

<i><u>For</u></i>	<i><u>Against</u></i>
<i>Mayor Catania</i>	<i>Cr Hall</i>
<i>Cr Drewett</i>	
<i>Cr Doran-Wu</i>	
<i>Cr Franchina</i>	
<i>Cr Ker</i>	

(Cr Chester absent from the Chamber and did not vote. Crs Cohen and Piper on leave of absence)

Cr Chester returned to the Chamber at 7.00pm.

LANDOWNER: *M Di Fabrizio*
APPLICANT: *R Green*
ZONING: *Metropolitan Region Scheme: Urban*
Town Planning Scheme No.1: Residential R80
EXISTING LAND USE: *Educational Establishment (Unauthorised)*

COMPLIANCE:

<i>Use Class</i>	<i>Educational Establishment</i>
<i>Use Classification</i>	<i>"AA"</i>
<i>Lot Area</i>	<i>706 square metres</i>

SITE HISTORY:

The subject site is currently operating as the Phoenix English Language Academy.

- 15 January 2002 The Town advised the owner of the subject property to cease the unauthorised use of existing single house for the purposes of an educational establishment within 14 days.*
- 25 January 2002 The tenant of the subject property requested an extension of operation until the planning application for the change of use was determined by the Town.*
- 4 February 2002 The Town received an incomplete planning application for the subject property.*
- 12 February 2002 The Town granted the tenant of the subject property permission to continue to operate as an educational establishment until the planning application has been determined by the Town.*
- 21 March 2002 The Town received a completed planning application for the proposed change of use from single house to educational establishment.*
- 14 May 2002 The Council at its Ordinary Meeting resolved to refuse the planning application on the following grounds:*
- "1. The application does not comply with the prescribed use.*
 - 2. There is no planning application before the Council.*
 - 3. The premises are not fit for the purpose of the current use.*
 - 4. The Lot is not appropriately zoned."*
- 26 June 2002 The Town received notification that an appeal had been lodged with the Town Planning Appeal Tribunal and the First Sitting of the Appeal Tribunal will be held on 22 July 2002.*

The Council Planning Officers support this application. If the Council wishes to approve the proposal, the following conditions should apply:

- (i) the hours of operation shall be between 9am and 4pm Monday to Friday, inclusive;*

- (ii) *the number of students shall be restricted to a maximum of 30;*
- (iii) *the number of staff shall be restricted to a maximum of 3; and*
- (iv) *compliance with all relevant Environmental Health, Building and Engineering requirements.*

CONSULTATION/ADVERTISING:

The application was not required to be advertised due to the previous application being advertised and the application being considered by the Council. There were three comments received during the previous advertising period. The main concerns related to insufficient parking, noise, non-residential nature of use, non-compliance with intent of Cleaver Precinct Policy, and operating without a current approval.

DETAILS:

Approval is sought for the change of use from single house to educational establishment.

The applicant has provided the following details:

"We would like Council to re-consider our application on the basis that we were not invited to present our case to Council as per Council policy, and that the reasons for the decision are incorrect from a planning perspective.

The application does not comply with the prescribed use

An educational establishment is considered an AA use in every zone in the Town of Vincent and as such cannot be approved unless Council exercises its discretion.

Although the site is occupied by a residential dwelling is considered unreasonable to insist on the site to be used only for residential purposes given its location to the major Loftus Street/Vincent Street intersection.

There is no planning application before Council

Our application for a change of use IS a planning application and as such was presented to the Council.

It is not our intent to change the fabric of the building or redevelop.

The premises are not fit for the purpose of the current use

Council received no briefing from staff on this issue, so it is difficult to understand how this position was reached!

Discussions with Health and Building indicated the buildings are indeed very fit for the purpose with minimal changes, none of which affect the character of the building.

The lot is not appropriately zoned

Again, Council's own Scheme makes it impossible for the lot to be appropriately zoned. It is an AA use - at Council's discretion. This is a near perfect location for education, which is a low impact activity.

As you can see, the planning reasons for refusal do not seem appropriate, and we ask the Council to reconsider our application."

COMMENTS:

Use

The Cleaver Precinct states "non-residential uses should not further erode existing residential uses." The Town's Policy relating to Non-Residential Uses in/or Adjacent to Residential Areas states "non-residential development on land which is adjacent to land which is or may be used for residential purposes is only permitted where the non-residential use will not cause undue conflict through the generation of traffic and parking, or the emission of noise or any other form of pollution which may be undesirable on residential areas.

Non-residential development in, or adjacent to, residential areas is strongly encouraged to be located within existing building(s) which complement the surrounding residential amenity. In these cases, the Town of Vincent may vary the development requirements provided it does not adversely affect the amenity of the area."

The educational establishment is not considered to have an unreasonable impact on the amenity of the surrounding area nor erode the residential nature of the Cleaver Precinct, given the use is to be located within an existing residential building, and its contextual location adjacent to non-residential uses and the high traffic volume of the Vincent Street/Loftus Street intersection.

Carparking

The Town's Policy relating to Parking and Access indicates a carparking requirement as determined by the Council for an educational establishment. It is considered that the proposed use will not have an unreasonable impact on the amenity of the surrounding area in terms of carparking, given that the students will utilise public transport and there will not be a significant increase in demand for on street parking.

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

Chief Executive Officer's Comments

The Chief Executive Officer amended this Report by changing the Officer Recommendation to a refusal to reflect the Council's previous decision made at the Ordinary Council Meeting of 14 May 2002."

10.1.5 Town Planning Appeal Tribunal Appeal No. 75 of 2002 - Phoenix Learning Academy versus Town of Vincent - No.64 (Lot 41) Cleaver Street, West Perth - Proposed Change of Use from Single House to Educational Establishment

Ward:	North Perth	Date:	7 August 2002
Precinct:	Cleaver, P5	File Ref:	PRO1993 (00/33/1000)
Reporting Officer(s):	B Mirco		
Checked/Endorsed by:	Y Scheidegger, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That the Council;

- (i) *receives the report relating to the proposed change of use from single house to educational establishment at No.64 (Lot 41) Cleaver Street, West Perth; and*
 - (ii) *the Council authorises the Executive Manager of Environmental and Development Services to advise on behalf of the Town at the second mediation hearing at the Town Planning Appeal Tribunal to be held on Monday 2 September 2002 relating to the proposed change of use from single house to educational establishment at No.64 (Lot 41) Cleaver Street, West Perth, that the proposal cannot be supported for the following reasons:*
 - (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
 - (b) *the non-compliance with the requirements of the Town's Policies relating Parking and Access, Non-Residential Uses in/or Adjacent to Residential Areas and the Cleaver Precinct; and*
 - (c) *consideration of the objections received;*
- and that the Appeal SHOULD proceed to formal Hearing.*

Moved Cr Ker, Seconded Cr Doran-Wu

That the recommendation be adopted.

Moved Cr Ker, Seconded Cr Drewett

That an additional Clause (iii) be added as follows:

"(iii) encourages the applicant to withdraw their appeal relating to this item."

AMENDMENT CARRIED (7-0)

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

MOTION AS AMENDED CARRIED (7-0)

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

Cr Chester returned to the Chamber at 8.10 pm

COUNCIL DECISION ITEM 10.1.5

That the Council;

- (i) *receives the report relating to the proposed change of use from single house to educational establishment at No.64 (Lot 41) Cleaver Street, West Perth; and*
- (ii) *the Council authorises the Executive Manager of Environmental and Development Services to advise on behalf of the Town at the second mediation hearing at the Town Planning Appeal Tribunal to be held on Monday 2 September 2002 relating to the proposed change of use from single house to educational establishment at No.64 (Lot 41) Cleaver Street, West Perth, that the proposal cannot be supported for the following reasons:*
 - (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
 - (b) *the non-compliance with the requirements of the Town's Policies relating Parking and Access, Non-Residential Uses in/or Adjacent to Residential Areas and the Cleaver Precinct; and*
 - (c) *consideration of the objections received;**and that the Appeal SHOULD proceed to formal Hearing; and*
- (iii) *encourages the applicant to withdraw their appeal relating to this item.*

LANDOWNER: C Di Renzo
APPLICANT: P Ruoling
ZONING: Metropolitan Region Scheme: Urban
Town Planning Scheme No.1: Residential R80
EXISTING LAND USE: Educational Establishment (Unauthorised)

COMPLIANCE:

Use Class	Educational Establishment
Use Classification	"AA"
Lot Area	842 square metres

SITE HISTORY:

The subject site is currently operating as the Phoenix English Language Academy.

15 January 2002 The Town advised the owner of the subject property to cease the unauthorised use of existing single house for the purposes of an educational establishment within 14 days.

25 January 2002 The tenant of the subject property requested an extension of operation until the planning application for the change of use was determined by the Town.

- 4 February 2002 The Town received an incomplete planning application for the subject property.
- 12 February 2002 The Town granted the tenant of the subject property permission to continue to operate as an educational establishment until the planning application has been determined by the Town.
- 21 March 2002 The Town received a completed planning application for the proposed change of use from single house to educational establishment.
- 14 May 2002 The Council at its Ordinary Meeting resolved to refuse the application for the following reasons:
- "(a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (b) *the non-compliance with the requirements of the Town's Policies relating Parking and Access, Non-Residential Uses in/or Adjacent to Residential Areas and the Cleaver Precinct; and*
- (c) *consideration of the objections received."*

CONSULTATION/ADVERTISING:

There were eight comments received during the advertising period. The main concerns related to insufficient parking, noise, non-residential nature of use, non-compliance with intent of Cleaver Precinct Policy, and operating without a current approval.

DETAILS:

At the first mediation held on 31 July 2002, the Town indicated it is unlikely to give favourable consideration to the proposed change of use from single house to educational establishment.

COMMENTS:

The second sitting of the mediation has been scheduled for 10am, Monday 2 September 2002 at the Town Planning Appeal Tribunal.

During the mediation process the Town indicated it is unlikely to give favourable consideration to the proposed change of use from single house to educational establishment. It is considered that the Town has a strong case to successfully defend the Appeal.

In light of the above, it is recommended that the Council resolve to proceed to a formal hearing should the applicant not wish to withdraw the subject appeal.

10.1.14 No.138 (Lots 276 & 277) Matlock Street, Mount Hawthorn - Proposed Demolition of Existing Dwelling and Construction of Four, Two-storey Single Houses

Ward:	Mount Hawthorn	Date:	6 August 2002
Precinct:	Mount Hawthorn, P1	File Ref:	PRO0706 (00/33/1166)
Reporting Officer(s):	H Coulter; A Nancarrow		
Checked/Endorsed by:	Y Scheidegger, R Boardman		
Amended by:	-		

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 BY AN ABSOLUTE MAJORITY the application submitted by the landowners C & F Stoinis Pty Ltd for demolition of the existing dwelling and construction of four, two-storey single houses at No.138 (Lots 276 & 277) Matlock Street, Mount Hawthorn and as shown on plans stamp dated 20 June 2002, subject to;

- (i) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the window to the stairwell on the northern elevation on the first floor shall be screened with a permanent obscure material to a minimum of 1.4 metres above the finished first floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed. The obscure portion of the window shall be fixed in a closed position and any higher part may be openable, or the whole window be top hinged and the obscure portion of the window openable to a maximum of 20 degrees;*
- (ii) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the western side of the balcony accessible from bedroom 2 on the first floor level shall be screened with a permanent obscure material to a minimum height of 1.4 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;*
- (iii) prior to the issue of a Building Licence, the subject land shall be subdivided as generally shown on the approved plans on Certificates of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to subdivide the subject land as generally shown on the approved plans within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (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) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to Matlock 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;*
- (vi) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Matlock Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (vii) *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;*
- (viii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (ix) *a road and verge security deposit bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the Town's assets have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (x) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (xi) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (xii) *details of all street trees adjacent to the subject property shall be submitted with the Building Licence application;*
- (xiii) *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);*
- (xiv) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (xv) *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;*

(xvi) *subject to first obtaining the consent of the owners of Nos.134 and 140 Matlock Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing Nos. 134 and 140 Matlock Street in a good and clean condition; and*

(xvii) *compliance with all relevant Environmental Health, Engineering and Building requirements;*

to the satisfaction of the Chief Executive Officer.

Moved Cr Doran-Wu, Seconded Cr Cohen

That the recommendation be adopted, subject to Clause (vii) being amended and new Clauses (xviii) and (xix) being added as follows:

“(vii) prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title 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;

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

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

Moved Cr Chester, Seconded Cr Ker

That the a new Clause (xx) be added as follows:

“(xx) prior to the issue of a Building Licence, that plans be submitted showing the front setback to be 6.0 metres or greater;”

AMENDMENT CARRIED (8-0)

(Cr Piper on approved leave of absence)

Moved Cr Drewett, Seconded Cr Franchina

That the a new Clause (xxi) be added as follows:

“(xxi) that the plans fully comply with the Town's Town Planning Scheme;”

**AMENDMENT CARRIED ON THE
CASTING VOTE OF THE PRESIDING MEMBER (5-4)**

(Cr Piper on approved leave of absence)

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

Chief Executive Officer, John Giorgi, advised the Council that this amendment is considered inappropriate as the applicant could not comply with the conditions as the non compliance areas are excessive (as shown on page 61 of the Agenda). He suggested that Council REFUSE the item in this case.

Moved Cr Ker, Seconded Cr Drewett

That the amendment be re-committed.

CARRIED (8-0)

(Cr Piper on approved leave of absence)

Cr Drewett withdrew his amendment relating to full compliance with the Town's Town Planning Scheme.

Moved Cr Ker, Seconded Cr Hall

That Clauses (i) to (xvii) inclusive and new clauses (vii), (xviii), (xix), (xx) and (xxi) of the previous recommendation be replaced with the following:

That the Council:

- (i) ***APPROVES the demolition of the existing building on No. 138 (Lots 276 and 277) Matlock Street, Mt Hawthorn, subject to;***
 - (a) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
 - (b) *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; and*
 - (c) *compliance with all relevant Environmental Health, Engineering and Building requirements; and*
- (ii) ***REFUSES the application submitted by the landowners, C & F Stoinis Pty Ltd, for the construction of four , two-storey single houses at No. 138 (Lots 276 and 277) Matlock Street, Mt Hawthorn, and as shown on plans stamp dated 20 June 2002.***

AMENDMENT CARRIED (8-0)

(Cr Piper on approved leave of absence)

MOTION AS AMENDED CARRIED (8-0)

(Cr Piper on approved leave of absence)

Reasons:

1. **The number of non compliance is considered excessive.**
2. **Consideration of objections received.**
3. **Council considers this as a Greenfield site and expects that compliance should fully comply with the Town Planning Scheme.**

Executive Manager Environmental and Development Services Comments:

The ROW to the rear of the subject property is privately owned, not in Crown ownership and is 5.0 metres in width. Accordingly, standard conditions requiring its upgrading, right of access over the ROW and relevant bonds are required.

The Town's Engineering Services have also advised that the Town wrote to the Department of Land Administration (DOLA) on 27 June 2002 (inclusive of letters of comment from all service providers and the Department of Planning and Infrastructure approval) requesting the resumption of the ROW. To date, no response has been received from DOLA. Until the resumption is completed, the applicant's property does not have a legal right of access. Furthermore, once the resumption is completed, the Town has no plans to upgrade the ROW in the foreseeable future.

COUNCIL DECISION ITEM 10.1.14

That the Council:

- (i) ***APPROVES the demolition of the existing building on No. 138 (Lots 276 and 277) Matlock Street, Mt Hawthorn, subject to;***
 - (a) ***a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;***
 - (b) ***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; and***
 - (c) ***compliance with all relevant Environmental Health, Engineering and Building requirements; and***
 - (ii) ***REFUSES the application submitted by the landowners, C & F Stoinis Pty Ltd, for the construction of four , two-storey single houses at No. 138 (Lots 276 and 277) Matlock Street, Mt Hawthorn, and as shown on plans stamp dated 20 June 2002.***
-

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

COMPLIANCE:

Requirements	Required	Proposed
Setbacks		
Front	6.0 metres *	3.4 metres to verandahs of units 1 & 2; 5.35 metres to units 3 & 4
North (grd) (first floor)	1.0 - 3.5 metres 3.2 metres	Nil - 2.3 metres 1.5 metres
South (grd) (first floor)	1.0 - 3.5 metres 3.2 metres	Nil - 2.3 metres 1.5 metres
East (rear to ROW)	6.0 metres	Nil
Filling to Site	300-600 millimetres	728 - 1000 millimetres (southern side of lot)
Total Open Space	50 per cent per lot (151 square metres)	44 per cent per lot (132 square metres)
Use Class	Single Houses	
Use Classification	'P'	
Lot Area	1208 square metres	

* Clause 2.5.3 of the R Codes permits the Council to vary the front setback to a minimum of 1.5 metres in cases of two or more single houses.

SITE HISTORY:

The property is located on the eastern side of Matlock Street between Green and Ellesmere Streets. Surrounding landuses are characterised by predominately single residential development interspersed with recent sporadic two-storey development. A 5.8 metres wide, crown-owned partially sealed right of way exists at the rear of the property.

DETAILS:

Approval is sought to demolish the existing dwelling and to construct four, two-storey single houses on separate freehold lots.

ADVERTISING:

One submission has been received after the close of the advertising period of which excerpts are as follows:

"...we are seriously concerned that there has been no notification of the wider community on this significant proposal,...

...Stated in the Draft Planning and Building Policy Manual, July 2000...there are two paragraphs that are of specific relevance:

...There appears to be a strong consensus that new development should follow the predominant patterns of housing type, street setbacks, front garden treatment, street rhythm and scale of buildings.

Of special concern is the retention of existing intact streetscapes...This development also has wider implications for our 'street rhythm' as there are a number of other blocks in the immediate vicinity ...that have the potential for development of a similar nature....

The usage of our right of way would also be impacted upon with increased traffic....Many residents that I have spoken with in Mount Hawthorn, not only those immediately affected, are against such high density housing."

COMMENTS:

Demolition

A detailed heritage assessment is contained in Appendix 10.1.14.

The subject place is a weatherboard and iron dwelling that was constructed c.1905. There is a substantial brick and iron extension at the rear of the dwelling that was constructed c.1990. The place has *some historic and representative value* as an early timber dwelling constructed in the Mount Hawthorn area. It was constructed at a time when outer suburban areas north of Perth were developed as a result of the increased population and residential expansion associated with the Gold Boom.

Overall, the place is in poor condition and has sustained considerable damage. Most notably, the fireplace mantelpieces have been removed and the ceilings of the four main rooms of the original dwelling have been torn away to the extent that the timber roof rafters and iron roof are largely exposed. Photographs provided by the owner with the subject planning application show the ceilings as intact. This damage has significantly impacted on the integrity of the building (and to some degree on its authenticity), such that it would now be problematic to insist on the retention of the dwelling.

As such, it is recommended that the proposal to demolish the existing dwelling on the site be approved, subject to standard conditions.

Setbacks

The Residential Planning Codes (R Codes) permits the Council to vary the front setback for a group of two or more single houses. In this instance, the proposed front setback of the dwellings is acceptable given the existing pattern of setbacks along Matlock Street. The variation to the northern and southern ground and first floor setbacks are considered acceptable given no specific objections have been received and the habitable room openings are setback in compliance with the requirement.

The property is within the Ellesmere Locality (Residential Design Guidelines) which stipulates that:

'A general height limit of two storeys (including loft) can be considered provided the second storey (including loft) being generally setback a minimum of 6 metres from the street and the amenity of the area is protected in terms of privacy, scale and bulk.

The proposed front second storey setbacks to Matlock Street of 5.107 - 5.355 metres is acceptable given the pattern of setbacks of dwellings along this street. Setbacks along this section of Matlock Street vary between side carport walls setback 500 millimetres to significant 8-9 metres setbacks. It is not considered that these variations will unreasonably affect the amenity of the area in terms of privacy, scale and bulk.

Open Space

The provision of 44 per cent open space per lot is considered a minor variation given each lot is provided with functional front and rear yards and balconies to the rear. Further, the given the site's proximity to local parks and the growing trend for smaller maintenance-free areas of open space, the variation is considered acceptable in this instance.

Site Levels

In light of the variation of levels across the two lots, it is considered that the proposed finished floor levels and subsequent filling of the land is appropriate.

The comments received in response to the advertising procedure are acknowledged however, it is noted that the proposal complies with the minimum and average lot sizes for development in a Residential R30 zone. Further, the scale and nature of the dwellings are not dissimilar to new development in the surrounding area and it is not considered that they would have a detrimental impact on the amenity of the area. In terms of the design of the dwellings, the Council, whilst encouraging the retention of cultural heritage significance, does not necessarily encourage the replication of housing styles as a means of maintaining character in an area but rather encourages a diversity in housing styles.

Summary

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

10.2.4 Proposed Swan River Regional Recreational Path – Banks Reserve to Mitchell Street, Mt Lawley

Ward:	North Perth	Date:	8 August 2002
Precinct:	Banks P15	File Ref:	TES0172
Reporting Officer(s):	C Wilson		
Checked/Endorsed by:	R Lotznicher		
Amended by:			

OFFICER RECOMMENDATION:

That the Council;

- (i) receives the report on the proposed Swan River Regional Recreational Path – Banks Reserve to Mitchell Street, Mt Lawley;*
- (ii) supports the extension of the Swan River Regional Recreational Path from Banks Reserve to Mitchell Street subject to the Department for Planning and Infrastructure agreeing to pursue with the Swan River Trust and Department for Environmental Protection an alternate alignment that either traverses or skirts the 'old clay pits' on the river (or eastern side further away from the residences) as shown on attached Plan A (option 6).*
- (iii) on the basis that the new alignment is approved by the agencies mentioned in clause (ii) above, further requests that the Department for Planning and Infrastructure:*
 - (a) liaises with all affected residents,*
 - (b) prepares a detailed management plan addressing residents concerns in respect of security and privacy,*
 - (c) carries out a full environmental impact and ethnographic study in accordance with the relevant state and federal acts and approvals, and*
 - (d) upon completion of the project carries out a full environmental rehabilitation program to the satisfaction of the Town prior to the new infrastructure being handed over to the Town; and*
- (iv) receives a further report on the matter once progress has been made with regard to clauses (ii) and (iii) above.*

Moved Cr Drewett, Seconded Cr Cohen

That the recommendation be adopted.

Cr Hall departed the Chamber at 8.25pm

Moved Cr Drewett, Seconded Cr Ker

That Clause (ii) be split into (a) and (b) and a new clause (b) to be added as follows:

"advise the Department of Planning and Infrastructure that the Council reaffirms its preference for a foreshore boardwalk;"

AMENDMENT CARRIED (7-0)

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

Cr Hall returned to the Chamber at 8.28 pm

MOTION AS AMENDED CARRIED (8-0)

(Cr Piper on approved leave of absence)

COUNCIL DECISION ITEM 10.2.4

That the Council;

- (i) *receives the report on the proposed Swan River Regional Recreational Path – Banks Reserve to Mitchell Street, Mt Lawley;*
 - (ii)
 - (a) *supports the extension of the Swan River Regional Recreational Path from Banks Reserve to Mitchell Street subject to the Department for Planning and Infrastructure agreeing to pursue with the Swan River Trust and Department for Environmental Protection an alternate alignment that either traverses or skirts the 'old clay pits' on the river (or eastern side further away from the residences) as shown on attached Plan A (option 6);*
 - (b) *advise the Department of Planning and Infrastructure that the Council reaffirms its preference for a foreshore boardwalk;"*
 - (iii) *on the basis that the new alignment is approved by the agencies mentioned in clause (ii) above, further requests that the Department for Planning and Infrastructure:*
 - (a) *liaises with all affected residents,*
 - (b) *prepares a detailed management plan addressing residents concerns in respect of security and privacy,*
 - (c) *carries out a full environmental impact and ethnographic study in accordance with the relevant state and federal acts and approvals, and*
 - (d) *upon completion of the project carries out a full environmental rehabilitation program to the satisfaction of the Town prior to the new infrastructure being handed over to the Town; and*
 - (iv) *receives a further report on the matter once progress has been made with regard to clauses (ii) and (iii) above.*
-

BACKGROUND:

The Council has, over several years, received a number of reports on the Swan River Regional Recreational Path (RRP), Banks Reserve to Bardon Park (Maylands), with little progress having been achieved to date.

At the special meeting of Council held on the 16 July 2002 representatives from the Department for Planning and Infrastructure (DPI) gave the Council a progress report/presentation on the current status of Swan River RRP project.

The DPI's presentation was made on the basis that an equitable route had been agreed with the local community in the guise of the Banks Precinct Action Group (BPAG) Bike Committee.

However public question time prior to the meeting revealed that there was still some opposition to the proposed alignment, specifically from the residents most directly affected. Residents living adjacent the 'old clay pits' immediately to the north of Banks Reserve objected to the proximity of the RRP to their properties.

DETAILS:

At its Ordinary Meeting on 16 November 1998, the Council approved in principle the construction of the Swan River Regional Recreational Path from Banks Reserve to Bardon Park, Maylands (City of Bayswater). Council also resolved "*that Bikewest liaise closely with the Banks Precinct Action Group and the local community*".

In early 2001 the Town constructed a portion of the RRP from, its then terminus, near Summer Street to Walters Brook, where upon the DPI constructed a new bridge in late 2001.

The most contentious part of the Swan River RRP project has always been the Town's section north of Banks Reserve to Mitchell Street. More specifically the section through or around the 'old clay pits' immediately north of Banks Reserve.

The residents abutting this section have been aggrieved since an earlier proposal was circulated in 2000 showing the path located against or near their property boundaries.

In an endeavour to overcome local opposition the DPI's Metropolitan Infrastructure Directorate, the section now responsible for implementing the project, has been liaising with the Banks Precinct Action Group (BPAG) Bike Committee.

On 16 February 2002 a public meeting/Councillor briefing session was held on-site to illustrate what was considered a compromise route.

In June 2002 the DPI and a majority of BPAG Bike Committee agreed on a route based upon the outcome of meeting of the 16 February.

At the aforementioned special meeting of Council held on the 16 July 2002 representatives from the Department for Planning and Infrastructure (DPI) made a presentation to Council, based upon the new route alignment seeking an indication of Councils support. As there was still opposition from some residents to the proposed alignment, especially at the Banks Reserve end, some Councillors requested that the alignment in this vicinity (near the "clay pits") be reviewed, ie moved further away from the properties. Refer Plan A.

The DPI have acknowledged the residents ongoing concerns and have indicated a willingness to reconsider the proposed alignment but are seeking guidance from Council.

FINANCIAL IMPLICATIONS

The Council had, for a number of years (approved the Ordinary Meeting of Council 16 November 1998), a budget allocation of \$38,500 set aside as the Town's contribution to the project. However in light of the fact the project hadn't progressed this item was deleted from the 2001/02 budget.

To date all discussions with the DPI have centred on obtaining community and Council support for the project and therefore the financial implications, if any, are yet to be addressed.

STRATEGIC IMPLICATIONS:

In line with Strategic Plan 2000-2002 - Key Result Area 1 "*The physical Environment Objectives*

- *to enhance the richness of our natural environment, built environment and heritage.*
- *To create an accessible, safe and healthy environment for our community"*

COMMENTS:

There is considerable expectation and support in the wider community for the Swan River RRP Banks Reserve to Bardon Park to progress. The Swan River is obviously one of the City's greatest assets and there is ever increasing pressure for people to have unfettered access to the river. The aforementioned section of the RRP is a strategic missing 'link' in the path forcing recreational cyclists, pedestrians and indeed residents to use Guildford Road to travel between Banks Reserve and the Maylands peninsular.

However since the Special Meeting of Council on 16 July 2002 the DPI have come to the understanding that they (the DPI) have to find the balance between an alignment and design that addresses the concerns of the residents. Therefore in an endeavour to find a solution to the current impasse the DPI is seeking Council guidance and support to achieve an acceptable outcome whereby the RRP is shifted closer to the river foreshore, whether it be over or around the 'old clay pits'.

10.2.3 Proposed Angle Parking, Controlled by Ticket Issuing Machines, on the South Side of Richmond Street, Leederville

Ward:	North Perth	Date:	29 July 2002
Precinct:	Oxford Centre, P4	File Ref:	PKG0079
Reporting Officer(s):	R Lotznicher		
Checked/Endorsed by:	M Rootsey, John Giorgi		
Amended by:	-		

OFFICER RECOMMENDATION:

That the Council;

- (i) *receives the report on the proposed introduction of Embayed Right Angled Parking Controlled by Ticket Issuing Machines, on the South Side of Richmond Street, Leederville*
- (ii) *APPROVES the proposal to install angle parking on the south side of Richmond Street, Leederville, between Loftus Street and Oxford Street, estimated to cost \$150,000, as shown on concept Plan Nos 2079-DP.01 and 2079-DP.02;*
- (iii) *APPROVES the proposed alterations to the current parking in Richmond Street, Bourke Street and Scott Street as shown on Plan Nos 2079-PP.01 and concept Plan No 2079-PP.02;*
- (iv) *in accordance with its policy No. 4.1.21, Community Consultation, advertises the proposals as outlined on concept Nos 2079-DP.01 and 2079-DP.02 and Plan No. 2079-PP.01 and concept plan No. 2079-PP.02 to all owners and occupiers of Richmond Street, Fleet Street, Burgess Street, Scott Street between Bourke Street and Galwey Street and Bourke Street between Loftus Street and Oxford Street, Leederville, for a period of fourteen (14) days inviting written submissions on the proposal and consider any submissions received at the conclusion of the period; and*
- (v) *notes that sufficient funds have been allocated in the 2002/2003 budget to implement the proposed embayed right-angled parking as shown on concept Plan Nos 1107-PP.01 and 1107-PP.02;*
- (vi) *APPROVES the proposal to install seven (7) Ticket Issuing Machines on the south side of Richmond Street, Leederville, between Oxford Street and Loftus Street, as shown on attached concept Plans, subject to a further report being presented to Council at the conclusion of the statutory consultation period as outlined in Clause (vii);*
- (vii) *notes that the re-allocation of \$50,000, for the purchase and installation of four (4) additional Ticket Issuing Machines and associated signage and linemarking will be required, possibly from the existing 2002/2003 Parking- Ticket Machine budget allocation;*

- (viii) ***APPROVES BY A SPECIAL MAJORITY the amendment of the First Schedule of the Town of Vincent Local Law Relating to Parking Facilities to include Richmond Street, Leederville as a Ticket Machine Zone, within the Town of Vincent and receives a further report from the Chief Executive Officer, after the expiry of the statutory consultation period listing any comments from the public and providing any further recommendations considered appropriate;***

In accordance with the provisions of Section 3.12 of the Local Government Act 1995 as amended, the Council gives a Statewide advertisement, indicating where the proposed amendment may be viewed and seeking public comment on the following amendments to the Town of Vincent Parking Facilities Local Law.

**LOCAL GOVERNMENT ACT 1995 (as amended)
TOWN OF VINCENT PARKING FACILITIES LOCAL LAW
AMENDMENT**

In pursuance of the powers conferred upon it by Section 3.12 of the Local Government Act 1995, the above-mentioned Local Law and all other powers enabling it, the Council of the Town of Vincent HEREBY RECORDS having resolved on 13 August 2002 to make the following amendments to the Town of Vincent Parking Facilities Local Law published in the Government Gazette on 23 May 2000.

That the existing First Schedule relating to Ticket Machine Zones – Periods and Fees, be amended as follows:

- (a) by inserting in column 1 “South side of Richmond Street”;***
- (b) by inserting in column 2 “Between Oxford Street and Loftus Street”***
- (c) by inserting in column 3 “8.00 am to 8.00pm Mon – Sun***

COUNCIL DECISION ITEM 10.2.3

Moved Cr Franchina, Seconded Cr Ker

That the recommendation be adopted.

Mayor Catania advised that Cr Doran-Wu had declared a proximity interest in this item. Cr Doran-Wu departed the Chamber at 8.32 pm and did not speak or vote on the matter.

CARRIED BY A SPECIAL MAJORITY (7-0)

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

Cr Doran-Wu returned to the Chamber at 8.33 pm

DETAILS:

FURTHER REPORT:

Richmond Street (Oxford St to Loftus St)

Richmond Street is classified as an Access Road in accordance with the functional road hierarchy. It has residential properties on the north side and an educational facility (TAFE) and a public car park on the south side. Some other statistics with regard to the road is as follows:

- | | |
|----------------------------|--|
| ▪ Length | 450 metres |
| ▪ Road reserve width | 20 metres |
| ▪ Existing on-road parking | 52 unrestricted bays south side
36 restricted bays north side |
| ▪ Average daily traffic | 1900 vpd |
| ▪ Posted speed | 50 kph |

Angle Parking

As previously reported to Council (23 July 2002):

Item 10.8.1 of the Town of Vincent Car Parking Strategy states that:

"A plan has been prepared to provide additional angled parking bays along Richmond Street, Leederville. This should significantly improve the availability of parking in the area, particular for TAFE users....."

At the meeting, a resident expressed concerns that a number of mature box trees would need to be removed to accommodate the angle parking. The resident also suggested that 45° angle parking in lieu of 90° angle parking would be more appropriate. The cost of the ticket machines was also an issue.

Comment:

While 45° angle parking has advantages in terms of manoeuvring, in this case it is not considered appropriate for the following reasons:

- Would only work if road was made "one way" east to west.
- Retention of trees would result in a net gain of only two (2) on street parking bays.

Austrroads Part 11 "Guide to Traffic Engineering Practice" Parking

Austrroads Part 11 states that:

"The most common form of kerbside parking on roadways is parallel parking. It has least impact on through vehicles and requires less lane width than other parking angles. Other parking configurations can be used to suit particular situations.

Angle parking (i.e. parking at angles other than that for parallel parking) can accommodate up to twice as many vehicles along a kerb than parallel parking. The difference is a function of the angle used, low angles (less than 30 degrees) give little advantage. The maximum advantage is given when 90 degree parking is used. Further, angle parking may be more convenient to the parker since the parking manoeuvre can be easier than with parallel parking. The decision of whether to use angle parking may be based on consideration of:

- *Width of road*
 - *Traffic volume*
 - *Type of traffic*
 - *Speed characteristics*
 - *Vehicle dimensions*
 - *Turnover expected*
 - *Nature of the neighbourhood or abutting land uses*
 - *Road function classification"*
- Existing road width can accommodate 90° angle parking
 - Richmond Street is a Lower Order road, with 1900 vpd
 - Traffic comprises mainly classes 1 to 3, i.e. cars, light commercial vehicles
 - Speed characteristics include 85th percentile speed of 55 kph with an average speed of 42 kph
 - Vehicles using the street belong mainly to students, employees in the area and residents
 - Turnover will be medium to low (students), and longer term for employees
 - Predominantly residential to the north, with educational/recreational to the south
 - Richmond Street is classified as an Access Road in accordance with the Metropolitan Functional Road Hierarchy

The standard also recommends that when used in on-street situations, angle parking should be considered in conjunction with other measures to reduce any adverse impacts.

Comment:

It is proposed to install evenly spaced raised plateaus along Richmond Street to reduce traffic speeds. It is also proposed to construct a formal Entry Statement at the Loftus and Oxford Street ends of the street.

The proposed changes will ensure that longer term parkers will use the ticket parking area in Richmond Street and shorter term parkers will be confined to the streets with restricted parking.

Australian Standard 2890.5 - 1993 - Parking Facilities Part 5 - On Street Parking

One of the concerns raised related to vehicle manoeuvring from embayed parking bays. The above standard outlines the dimensions required to accommodate all forms of parking in an on-road situation.

In accordance with the above standards for 90degree angle parking, the minimum bay width is 2.40m and the minimum manoeuvring space is 5.4m. Therefore, to ensure that manoeuvring problems do not occur, dimensions for the revised 90degree angle parking design for Richmond Street, as outlined on concept Plan No 2079-DP.01 is as follows (also refer to standard cross section Drawing No 2079-DP.02

	Minimum Standard	Proposed
Standard parking bay width (m)	2.40	2.60
Manoeuvring space width (m)	5.40	6.00
Length of bay (m)	4.80	4.80
Footpath width (m)	1.50 m	2.40

The proposal as outlined will increase the overall on-road parking in Richmond Street between Oxford and Loftus Streets from 88 to 132 i.e. an 86% increase.

Comment:

The proposed dimensions of the angle parking bays as outlined above, will ensure that manoeuvring in and out of the bays will not compromise safety.

Existing Street Trees (Richmond Street)

There are 24 existing Box trees on the south side of Richmond Street. The revised concept plan ensures that 22 of the 24 trees are retained and an additional two (2) trees are planted at the Oxford Street end.

There are 25 trees in the northern side of Richmond Street. There will be a minor widening of the roadway on the north side, however, the majority of these trees will not be affected by the proposal.

Surrounding Streets

As recommended in the report presented to Council on 23 July 2002, prior to any proposal being implemented, owner/occupiers in the area bounded by Richmond, Oxford, Loftus and Bourke Streets, including Scott Street, would be consulted.

The following table outlines the current and proposed restrictions in the above area:

Street	Existing Restrictions		Proposed Restrictions	
Richmond St	South- No restriction	North - 1P	South Ticket Parking *	<i>North - no change</i>
Fleet St	East - 2P	West - 2P	<i>East - no change</i>	<i>West - no change</i>
Scott St (Richmond to Bourke)	East - No Parking	West - 2P	<i>East - no change</i>	<i>West - no change</i>
Scott St (Bourke to Galway)	East - No Parking	West - No restriction	<i>East - no change</i>	West - 2P
Burges St	East - 2P	West - 2P	<i>East - no change</i>	<i>West - no change</i>
Bourke St (Oxford to Loftus)	South- No restriction	North - No restriction	South - 2P	North - 2P

* 8.00 am to 8.00 pm Mon - Fri and 8.00 am to 12 noon Sat.

Comments

Plan No 2079-PP.01 outlines the existing restrictions and concept plan No 2079-PP.02 outlines the proposed restrictions.

CONSULTATION/ADVERTISING:

In accordance with policy No. 4.1.21 the proposal will be advertised to all owners and occupiers of Richmond Street , Fleet Street, Scott Street, Burgess Street and Bourke Street between Loftus Street and Oxford Street, Leederville, for a period of fourteen (14) days and invite written submissions on the proposal and consider any submissions received at the conclusion of the period.

In addition it is proposed that the First Schedule of the Town of Vincent Local Law Relating to Parking Facilities be amended to include Richmond Street, Leederville as a Ticket Machine Zone, within the Town of Vincent.

In accordance with the provisions of Section 3.12 of the Local Government Act 1995 as amended there will be a State wide advertisement indicating where the proposed amendment may be viewed and seeking public comment on the following amendments to the Town of Vincent Parking Facilities Local Law.

After the expiry of the statutory consultation period a further report from the Chief Executive Officer listing any comments from the public and providing any further recommendations considered appropriate will be presented to Council

STRATEGIC IMPLICATIONS:

Item 1.4 of the Strategic Plan 1998/2002, "*Develop and implement a Transport and Car Parking Strategy*" indicates a need to develop a model for car parking requirements for shopping precincts and other public areas. The above proposal would be in keeping with this strategy.

FINANCIAL/BUDGET IMPLICATIONS:

Sufficient funds have been allocated in the 2002/2003 budget to implement the proposed embayed right-angled parking.

The re-allocation of \$50,000, for the purchase and installation of four (4) additional Ticket Issuing Machines and associated signage and linemarking will be required, possibly from the 2002/2003 Ticket Machine budget allocation.

COMMENTS:

As previously reported to Council Richmond Street is currently being used as a free all-day car parking facility by people who commute into the City as well as students who attend TAFE. When the Loftus Centre Car Park became time restricted, a number of all-day parked vehicles moved into Richmond Street to enable them to park all-day at no cost. This has created problems for students and it is therefore recommended that Parking Time Restrictions, in the form of Ticket Issuing Machines be introduced into Richmond Street, to prevent this from occurring.

To facilitate the introduction of parking fees, there is a need for the Local Law Relating to Parking Facilities to be amended to include Richmond Street into the First Schedule. It is considered appropriate to consult with local residents, businesses and Leederville TAFE, to obtain an accurate assessment of public support.

Under the Local Government Act 1995, there is a requirement for any proposed amendment to a Local law to be advertised State wide, for a period of not less than 6 weeks and that, after this consultation period, a further report, listing any objections or comments should be presented to the Council.

In addition, the public will be consulted regarding the proposed introduction of angle parking and time restrictions as outlined on concept plan Nos 2079-DP.01, 2079-DP.02 and 2079-PP.02.

Following is the previous report presented to Council at its Ordinary Meeting held on 23 July 2002:

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES the installation of embayed right-angled parking on the south side of Richmond Street, Leederville, between Loftus Street and Oxford Street, estimated to cost \$150,000, as shown on attached Plan Numbers 1107-PP.01 and 1107-PP.02;*
- (ii) *APPROVES the installation of seven (7) Ticket Issuing Machines on the south side of Richmond Street, Leederville, between Oxford Street and Loftus Street, as shown on attached Plan Numbers 1107-PP.01 and 1107-PP.02;*
- (iii) *APPROVES BY AN ABSOLUTE MAJORITY the re-allocation of \$50,000 from a source to be determined, for the purchase and installation of four (4) additional Ticket Issuing Machines and associated signage and linemarking;*
- (iv) *APPROVES BY A SPECIAL MAJORITY the amendment of the First Schedule of the Town of Vincent Local Law Relating to Parking Facilities to include Richmond Street, Leederville as a Ticket Machine Zone, within the Town of Vincent;*

In accordance with the provisions of Section 3.12 of the Local Government Act 1995 as amended, the Council gives a Statewide advertisement, indicating where the proposed amendment may be viewed and seeking public comment on the following amendments to the Town of Vincent Parking Facilities Local Law.

*LOCAL GOVERNMENT ACT 1995 (as amended)
TOWN OF VINCENT PARKING FACILITIES LOCAL LAW
AMENDMENT*

In pursuance of the powers conferred upon it by Section 3.12 of the Local Government Act 1995, the above-mentioned Local Law and all other powers enabling it, the Council of the Town of Vincent HEREBY RECORDS having resolved on 23 July 2002 to make the following amendments to the Town of Vincent Parking Facilities Local Law published in the Government Gazette on 23 May 2000.

That the existing First Schedule relating to Ticket Machine Zones – Periods and Fees, be amended as follows:

- (a) *by inserting in column 1 “South side of Richmond Street”;*
- (b) *by inserting in column 2 “Between Oxford Street and Loftus Street”;* and
- (c) *by inserting in column 3 “8.00 am to 8.00pm Mon – Fri and 8am to 12 noon Sat”;*
- (v) *receives a further report from the Chief Executive Officer, after the expiry of the statutory consultation period listing any comments from the public and providing any further recommendations considered appropriate; and*
- (vi) *consults with Leederville TAFE and the residents of Richmond Street, Fleet Street, Scott Street and Burgess Street, between Richmond Street and Bourke Street, Leederville requesting them to provide suggestions and comments on the proposal, in addition to the statutory advertising requirements;*

to the satisfaction of the Chief Executive Officer.

Moved Cr Chester, Seconded Cr Ker

That the recommendation be adopted.

COUNCIL DECISION ITEM 10.2.9

Moved Cr Chester, Seconded Cr Ker

That the Item be DEFERRED for further investigation and report to address concerns raised by members of the public.

CARRIED (6-0)

(Cr Doran-Wu absent from the Chamber and did not vote. Crs Cohen and Piper on leave of absence)

Cr Doran-Wu returned to the Chamber at 8.15pm.

BACKGROUND:

As the Loftus Centre Car Park is now time restricted to a maximum period of three hours (3P parking), there have been numerous complaints from Leederville TAFE, both staff and students. They complain that they are no longer able to make use of the Loftus Centre Car Park, because their classes last for a minimum time of three hours and it is almost impossible for them to move their vehicles in time to avoid an Infringement Notice.

In recent months, Frame Court Car Park and the long-term sections of The Avenue Car Park are "filling up", early every morning and, since students start college at around 9.00am, they are unable to find a parking space. Even when The Avenue Car Park re-configuration has been completed, there is unlikely to be sufficient parking facilities to accommodate the increasing volume of vehicles, seeking parking.

DETAILS:

Item 10.8.1 of the Town of Vincent Car parking Strategy states that :

"A plan has been prepared to provide additional angled parking bays along Richmond Street, Leederville. This should significantly improve the availability of parking in the area, particularly for TAFE users....."

In view of the above, and the current situation it is considered appropriate for the Council to consider the introduction of long-term parking facilities, controlled by parking Ticket Issuing Machines, on the south side of Richmond Street, Leederville.

The proposal shown on Plan Nos 1107-PP.01 and 1107-PP.02 includes approximately 120 embayed right-angled parking bays, which would greatly increase the availability of long-term parking in the area. Currently, the south side of Richmond Street is used almost exclusively by students attending Leederville TAFE and, if embayment parking is to be introduced, parking fees would offset the capital outlay and on-going maintenance.

The south side of Richmond Street, between Oxford Street and Loftus Street, currently has no time restrictions and allows vehicles to park for the whole day, free of charge. Commuters to the City are also possibly making use of this free facility and catching a bus to their workplaces and, since these people usually park early each day, they take up spaces which could be used by students.

The north side of Richmond Street, along with both sides of Scott Street, Burgess Street and Fleet Street has two hours (2P) parking time restrictions applied with a prohibition on verge parking by everyone, including residents.

The recently installed Ticket Issuing Machines in Oxford Street attract a fee of 80 cents per hour to a maximum daily fee of \$4.40 and the Richmond Street machines could be programmed to accept a similar hourly and daily rate. If the times, during which the ticket machines are operating, is standardised on 8.00am to 8.00pm Monday to Sunday, embayed parking bays would also allow people attending Leederville Oval games to park there. Students traditionally have limited financial resources and it is suggested that, if Students provide evidence of full-time study at Leederville TAFE, concessional parking of perhaps \$1.50-\$2.00 per day could be offered. It is anticipated that, even with student concessions, a revenue of approximately \$40,000 per year, for Richmond Street, Leederville, would be achievable.

While there is a statutory consultation and advertising process for an amendment to a Local Law, the Town would generally consult local residents for any change in parking restrictions, which may impact on them. It is therefore considered appropriate for residents in Richmond Street, Fleet Street, Scott Street and Burgess Street, as well as those businesses, situated close by on Oxford Street, along with Leederville TAFE, to be made aware of the proposal, to enable them to formulate comments and suggestions about their concerns.

In the 2000/2001 Budget, the Town purchased four Ticket Issuing Machines for Loftus Centre Car Park and these are currently situated in the Works Depot at Osborne Park and three (3) would be available for installation as soon as the proposal has been approved. The additional four (4) Ticket Issuing Machines would need to be purchased at an estimated cost of \$8,500 each.

LEGAL/POLICY:

The Town of Vincent Parking Facilities Local Law will need to be amended to incorporate Richmond Street into the First Schedule. Once this has been done, Rangers can enforce the ticket parking restrictions, in the same way as they currently do in William Street, Perth.

STRATEGIC IMPLICATIONS:

Item 1.4 of the Strategic Plan 1998/2002, "Develop and implement a Transport and Car Parking Strategy" indicates a need to develop a model for car parking requirements for shopping precincts and other public areas. The above proposal would be in keeping with this strategy.

CONSULTATION / ADVERTISING:

There will be a need to advertise the proposed Local law amendment but, since the parties who are likely to be most affected have already been notified, there will be no need to further advertise the proposal.

FINANCIAL/BUDGET IMPLICATIONS:

The costs associated with this proposal includes the purchase of four Ticket Issuing Machines, and the installation of seven (machines) including signage, linemarking and lighting and is estimated to cost \$50,000. Given the projected revenue from the Ticket Issuing Machines, this amount would be recouped over a two (2) year period.

In addition sufficient funds have been allocated in the 2002/2003 budget (Leederville Oval Works) for the construction of 120 Angled parking bays estimated to cost \$150,000.

COMMENTS:

Richmond Street is currently being used as a free all-day car parking facility by people who commute into the City as well as students who attend TAFE. When the Loftus Centre Car Park became time restricted, a number of all-day parked vehicles moved into Richmond Street to enable them to park all-day at no cost. This has created problems for students and it is therefore recommended that Parking Time Restrictions, in the form of Ticket Issuing Machines be introduced into Richmond Street, to prevent this from occurring.

To facilitate the introduction of parking fees, there is a need for the Local Law Relating to Parking Facilities to be amended to include Richmond Street into the First Schedule. It is considered appropriate to consult with local residents, businesses and Leederville TAFE, to obtain an accurate assessment of public support.

Under the Local Government Act 1995, there is a requirement for any proposed amendment to a Local law to be advertised Statewide, for a period of not less than 6 weeks and that, after this consultation period, a further report, listing any objections or comments should be presented to the Council.

BACKGROUND:

A report entitled "Recommended Embayed Angled Parking Controlled By Ticket Machines" was presented to Council at its Ordinary Meeting held on 23 July 2002, however, the Council resolved :

That the Item be deferred for further investigation and report to address concerns raised by members of the public.

10.1.30 No. 38 (Lot 31) Camelia Street, North Perth - Proposed Additional Two-Storey with Loft Grouped Dwelling to Existing Dwelling

Ward:	North Perth	Date:	31 July 2002
Precinct:	Smith's Lake, P6	File Ref:	PRO 2107 00/33/1210
Reporting Officer(s):	V Lee		
Checked/Endorsed by:	Y Scheidegger, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

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

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
- (ii) the non-compliance with the car parking, setbacks, plot ratio, pedestrian access, total open space and storeroom requirements of the Residential Planning Codes (R-Codes) and the Town's Policies relating to Building Scale, Monastery Locality and Privacy;*

the Council REFUSES the application stamp dated 10 July 2002 submitted by the owner L Bruno, for proposed additional two-storey with loft grouped dwelling to existing dwelling at No. 38 (Lot 31) Camelia Street, North Perth.

COUNCIL DECISION ITEM 10.1.30

Moved Cr Cohen, Seconded Cr Ker

That the recommendation be adopted.

Moved Cr Franchina; Seconded Cr Hall

That this item be DEFERRED at the applicant's request.

**CARRIED ON THE CASTING VOTE
OF THE PRESIDING MEMBER (5-4)**

(Cr Piper on approved leave of absence)

<u>For</u>	<u>Against</u>
Mayor Catania (2 votes)	Cr Cohen
Cr Chester	Cr Dorah-Wu
Cr Franchina	Cr Drewett
Cr Hall	Cr Ker

LANDOWNER: L Bruno
APPLICANT: L Bruno
ZONING: Metropolitan Region Scheme - Urban
 Town Planning Scheme No. 1 - Residential R40
EXISTING LAND USE: Single House

COMPLIANCE:

Requirements	Required	Proposed
Setbacks		
- Rear - ROW	6 metres	1.5 metres to dwelling
- Side - northern	1 metre to study and living rooms	0 metre
- Side - southern	1 metre to garage	0 metre
Car Parking	2 bays per dwelling	one bay shown for existing house
Plot Ratio	0.5 (max)	0.78
Total Open Space	50 per cent (min)	37 per cent
PAW Width	1.5 metres	0.9 metre
Monastery Precinct Height	two storeys including loft provided setback is 6 metres from street and the amenity of the area is protected in terms of privacy, scale and bulk	two storeys plus loft (effectively 3 storeys in terms of privacy and effect on neighbours amenity)
Building Scale Policy	6 metres to top of external wall 9 metres to top of pitched roof	7 metres including fill 10.4 metres including fill
Store Room	4 metres square store room per dwelling	no store room shown for existing house
Use Class	Grouped Dwelling	
Use Classification	'P'	
Lot Area	529 square metres	

SITE HISTORY:

The existing single storey house is not listed on the Town's Municipal Heritage Inventory.

DETAILS:

The proposal involves the addition of a two-storey and loft grouped dwelling behind the existing single-storey house. Currently the existing house has vehicular access from the rear via the right of way (ROW). The proposed house has vehicular and pedestrian access only from the ROW.

CONSULTATION/ADVERTISING:

Four objections were received during the consultation period. Concerns raised relate to the overall height of the development, overshadowing, overlooking, loss of privacy, loss of sunlight and air circulation, length of parapet walls, reduced setbacks, concern that the design is not in keeping with the area.

COMMENTS:

Building Scale

The proposal involves a significant amount of fill at the rear of the proposed house. The proposal does not comply with the Town's Policy relating to Building Scale in terms of height to top of pitched roof, and top of external wall for a two storey development. The Town's Policy relating to the Monastery Locality states that a general height limit of two storeys (including loft) can be considered. Effectively the proposal is considered to be a three-storey development in terms of the effect on neighbours amenity and privacy, and therefore the proposed variations to Building Scale are not supported.

Privacy

Generally, the windows on the northern and southern elevations have been designed so that there is no adverse affect to the privacy of the adjoining residents.

However, there is considered to be potential overlooking and loss of privacy from windows to the loft and from the first floor balconies. It is considered appropriate that the northern and southern sides of both the balconies on the first floor are screened to protect the privacy of the adjoining residents. Should the Council determine to approve a loft in addition to two storeys, it is considered appropriate that the windows to the loft be screened to address neighbours concerns and as the windows to the loft on the eastern elevation are less than 6 metres from the adjoining properties on the other side of the ROW.

Pedestrian Access

Due to the location of the existing house there is insufficient room down the side of the house to provide a pedestrian access way to Camelia Street for the provision of services, rubbish and mail collection. There is less than 1 metre down each side of the house and therefore this strata development should not be supported.

Alternatively, the applicant may wish to have the ROW at the rear dedicated to provide direct access for vehicles, pedestrians and services. However, this would require the ROW to be widened and require the agreement of other affected landowners to obtain enough land to obtain the minimum width. It is considered appropriate that dedication of the ROW is at the expense of the affected landowners.

Setbacks

Should the application be approved it is considered appropriate that the proposed dwelling and garage be setback to allow the ROW to be widened and reclassified as a dedicated road. This would increase separation distances between the residences on the other side of the ROW and assist in addressing issues relating to privacy and overlooking. Therefore, the variation to the eastern property setback is not supported.

It is acknowledged that the subject property is relatively narrow (11.26 metres). The proposed single storey parapet walls on the northern and southern property boundaries generally comply with the requirements of the R-Codes, in that the walls are less than one quarter of the length of any common boundary. Therefore, these variations to the side boundaries are supported.

Store Room

Should the proposal be supported, revised plans should be submitted and approved showing a store room for the existing house with a minimum dimension of 4 square metres.

Car Parking Bays

Should the proposal be supported, revised plans should be submitted to and approved by the Town, demonstrating the provision of two car parking bays per dwelling.

Accordingly, it is recommended that the proposal be refused.

10.1.7 Nos. 11- 15 (Lot 14) Cowle Street, West Perth - Proposed Alterations and Additions to Existing Two Grouped Dwellings

Ward:	North Perth	Date:	17 July 2002
Precinct:	Hyde Park, P12	File Ref:	PRO 2087 00/33/1167
Reporting Officer(s):	V Lee		
Checked/Endorsed by:	Y Scheidegger, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by the owner R Piller, for proposed alterations and additions to existing two grouped dwellings, at Nos. 11 - 15 (Lot 14) Cowle Street, West Perth, as shown on plans stamp dated 19 June 2002, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (iii) subject to first obtaining the consent of the owners of No. 19 (Lot 21) and No. 9 (Lot 13) Cowle Street, West Perth for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 19 (Lot 21) and No. 9 (Lot 13) Cowle Street, West Perth in a good and clean condition;*
- (iv) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to Cowle Street, West Perth, 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;*
- (v) no street trees shall be removed, cut back, pruned or interfered with in any way, without the prior approval of the Town's Parks Services Section;*
- (vi) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division; and*
- (vii) a road and verge security deposit bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the Town's assets have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.7

Moved Cr Ker, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED BY AN ABSOLUTE MAJORITY (7-1)

(Cr Piper on approved leave of absence)

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

LANDOWNER:	R Piller
APPLICANT:	R Piller
ZONING:	Metropolitan Region Scheme - Urban Town Planning Scheme No. 1 - Residential R80
EXISTING LAND USE:	Grouped Dwellings

COMPLIANCE:

Requirements	Required	Existing	Proposed
Setbacks - Rear	4 metres	10.1 metres to dwelling 0 metre to existing water closet	1.25 metres to dwelling 0 metre to water closet / store
- Side - north western	1.5 metres	0.2 metre	0 metre
- Side - south eastern	1.5 metres	0 metre	0.2 metre
Car Parking	2 car parking bays	0 bays	0 bays
Plot Ratio (max)	0.55	0.44	0.73
Courtyards	minimum 24 square metres	approximately 54 square and 60 square metres	15.6 square metres and 14 square metres
Store rooms	minimum 4 square metres	Nil	2.2 square metres
Total Open Space (min)	50 per cent	55 per cent	27 per cent
Building Scale	3 metres to top of external wall	4.1 metres	3.8 metres

Use Class	Grouped Dwellings
Use Classification	'P'
Lot Area	275.17 square metres

SITE HISTORY:

In support of the application the owner/applicant provided the following information;

"11 Cowle Street was built by Mr P Mangan in 1903 for his family. The terrace house was built on Perth Town Lot Y 198. Mr Mangan also owned Perth Town Lot Y199 and he built a similar property on this lot in approximately 1920. The Mangan family owned these properties continuously until 2000. At this time the properties were owned by John Mangan, Kathleen Lyons and Margaret Pozzi. These three siblings had previously inherited the properties.

At some point the two separate Town lots were amalgamated. Survey Strata division of the lots was approved in 2001. The DOLA reference being 40442.

The existing construction is generally double brick and iron. The accommodation consists of one bedroom, one living room, a very basic kitchen (sink and original stove). There is an outdoor toilet and a basic bathroom under the verandah (bath only).

The properties remain in the same basic condition as when they were built. The structure is sound and the facades are original.

The proposed development maintains the original facades and structure. The proposed additions are sympathetic and require little alteration to the original buildings. We are committed to restoring the terraces and maintaining the heritage of the properties and of Cowle Street, which has a high proportion of original character residences.

The proposed development seeks to add modern conveniences to ensure that the properties are relevant for the next 100 years."

The properties are listed on the Town's Interim Heritage Data Base. The Town's Heritage Officer has no objection to the proposal.

DETAILS:

The proposal involves single storey extensions to the rear of both grouped dwellings. The additional areas are to be used for kitchen, living and bathroom purposes. The resultant rear courtyards are smaller than the size specified in the R-Codes.

The existing water closets adjacent to the rear right of way are proposed to be retained for storage purposes.

CONSULTATION/ADVERTISING:

One neighbour requested that the proposed parapet wall on the north western property boundary be setback from this boundary to allow more light into the adjoining property.

COMMENTS:

Open Space and Plot Ratio

It is acknowledged that the application involves the retention of the existing form of the century homes and modernises them to have more useable living areas. Due to the narrowness and overall small size of the block, this has resulted in significant increase in site plot ratio, and decrease in total open space.

There are existing parapet walls and/or existing reduced setbacks along both property boundaries, and therefore light and air circulation around these houses is already significantly reduced. In order to reduce the impact on the adjoining properties, the rear courtyards have been positioned so that there is open space adjacent to the rear of the adjoining properties, hence providing some light and air circulation. The rear courtyards are considered to be of a useable and functional size.

The proposed additions are single storey. In considering the affect on streetscape, it may be considered more favourable for the Town to support the proposed variations to Total Open Space rather than encouraging the addition of a second storey.

Due to the narrow and small nature of the blocks, and existing parapet walls adjoining the subject properties, these variations to open space and plot ratio are supported.

Setbacks

In this area of Cowle Street, the lots are generally narrow and the majority of properties have been built side by side, with nil or minimal separation distances between the side boundaries. The proposal involves the continuation of these setbacks with further variation involving a parapet wall along the north western property boundary and a parapet wall between the strata lots.

One objection has been received regarding the proposed parapet wall on the north-western elevation as it may reduce light and air to the adjoining property courtyard. On inspection, the adjoining courtyard area is already covered (iron roof), and therefore limiting the amount natural light received. In addition, the adjoining property has an existing fence approximately 3.4 metres high, adjacent to the proposed parapet wall. Therefore, the proposed additions will be approximately 200 - 400 millimetres higher than the existing fence.

Due to the orientation of the lots, the proposed parapet wall will not overshadow the adjoining lot, nor the adjoining courtyard.

In this instance, setting the proposed wall back in line with the existing house (approximately 200 millimetres), is not considered to achieve a more desirable outcome in terms of additional light and air circulation between the houses.

Therefore, it is considered that the proposed parapet wall would not unduly affect the amenity of the adjoining property. Due to the existing variations to setbacks and due to the narrowness of the lots, in this instance, these setback variations are supported.

Stores

The Town encourages the retention of the original water closets adjacent to the rear right of way for storage purposes and therefore, the smaller storage areas in this instance are supported.

Courtyards

No. 15 Cowle Street, has an existing courtyard at the front of the house of approximately 18 square metres and at the rear of approximately 14 square metres. No. 11 Cowle Street, has a smaller courtyard at the front of the house of approximately 6 square metres and a rear courtyard of approximately 15.6 square metres. Even through the minimum size for courtyards are not met, the reduced sized courtyards in this instance are supported as the area created is still considered useable.

Car parking

The property currently does not have rear access for vehicles and the houses have been positioned in such a manner that there is no room on site for the parking of vehicles. Therefore in this instance, there is no ability to park vehicles on the property, and as the proposal does not increase the number of dwellings on this property, this variation is approved.

Building Scale

The existing single storey buildings have a wall height greater than stipulated by the Town's Policy relating to Building Scale. The proposed additions, including wall height and height to the pitch of the roof, follow the existing line of the main buildings and due to the slope of the land, are actually lesser in height than the existing main buildings. The height to the pitch of the roof complies with the Town's Policy relating to Building Scale. Therefore, in this instance, this variation is supported.

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

10.1.8 No.21 (Lot 800) Monger Street, Perth - Proposed Two-Storey Single House

Ward:	North Perth	Date:	6 August 2002
Precinct:	Beaufort, P13	File Ref:	PRO1288 (00/33/1196)
Reporting Officer(s):	H Coulter		
Checked/Endorsed by:	Y Scheidegger, R Boardman		
Amended by:	-		

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 BY AN ABSOLUTE MAJORITY the application submitted by Tangent Nominees Pty Ltd on behalf of the landowners P J & B C Walsh for a two-storey single house at No.21 (Lot 800) Monger Street, Perth and as shown on plans stamp dated 3 July 2002, subject to;

- (i) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating a minimum depth of 10 metres for the parking of two vehicles in tandem in the proposed garage;*
- (ii) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the window to the study and bedroom three on the southern elevation on the first floor shall be screened with a permanent obscure material to a minimum of 1.4 metres above the finished first floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed. The obscure portion of the window shall be fixed in a closed position and any higher part may be openable, or the whole window be top hinged and the obscure portion of the window openable to a maximum of 20 degrees;*
- (iii) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (iv) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to Monger 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;*
- (v) a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Monger Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (vi) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*

- (vii) *a road and verge security deposit bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the Town's assets have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (viii) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (ix) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (x) *details of all street trees adjacent to the subject property shall be submitted with the Building Licence application;*
- (xi) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (xii) *the garage 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 proposed main dwelling (not including the porch) and the western boundary wall;*
- (xiii) *subject to first obtaining the consent of the owners of Nos.17 and 25 Monger Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing Nos. 17 and 25 Monger Street in a good and clean condition; and*
- (xiv) *compliance with all relevant Environmental Health, Engineering and Building requirements;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.8

Moved Cr Franchina, Seconded Cr Chester

That the recommendation be adopted.

CARRIED BY AN ABSOLUTE MAJORITY (8-0)

(Cr Piper on approved leave of absence)

LANDOWNER:	P J & B C Walsh
APPLICANT:	Tangent Nominees Pty Ltd
ZONING:	Metropolitan Region Scheme - Urban Town Planning Scheme No.1 – Residential R80
EXISTING LAND USE:	Vacant Land

COMPLIANCE:

Requirements	Required	Proposed
Setbacks		
Front	6.0 metres	1.21 metres
East (grd)	1.8 metres	Nil
(1st flr)	1.4 metres	Nil
West (grd)	1.8 metres	Nil
(1st flr)	1.4 metres	Nil
Car Parking	2 bays	2 bays in tandem (minimum length not achieved)
Total Open Space	50 per cent (121.5 square metres)	40 per cent (96 square metres)
Use Class	Single House	
Use Classification	'P'	
Lot Area	243 square metres	

SITE HISTORY:

The property is located on the southern side of Monger Street between Money and Lindsay Streets. This particular section of Monger Street is predominately residential in use although a number of office uses also exist. The existing dwellings on the southern side of Monger Street have reduced setbacks with a number of dwellings exhibiting nil setbacks to the front boundary. The surrounding area is characterised by commercial uses along William and Beaufort Streets whereas a mix of residential and commercial uses is apparent in Money and Lindsay Streets.

22 March 2000 A Demolition Licence was issued for the existing single house.

11 July 2000 The Council at its Ordinary Meeting conditionally approved a two-storey single house. The plans detailed nil setbacks to Monger Street and the eastern and western side boundaries.

31 August 2000 The Western Australian Planning Commission approved a Deposited Plan creating one new lot.

DETAILS:

Approval is sought to construct a two-storey single house on the subject property.

ADVERTISING:

One submission has been received during the advertising period of which excerpts are as follows:

"As adjoining owners to the east, we believe the proposed development will have adverse effects on our property in terms of:

Privacy - two-storey aspect of proposed development will result in overlooking.

Solar Access - proposed development will block out sunlight;

Aesthetics - proposed development design will spoil streetscape, and

Future development potential of the area.

Please note our residence has habitable rooms with windows oriented towards the proposed walls."

COMMENTS:

Setbacks

The reduced front setback is considered supportable given the existing pattern of setbacks along the southern side of Monger Street. The enclosure of the garage with a roller door however, is not supported, given the impact such a structure would have on the interface and interaction between the dwelling and Monger Street. The dwelling already incorporates a number of significant concessions to the development standards applicable to the site. Support for these variations is recommended in the knowledge that to do so will encourage the consolidation of the existing urban form. The erection of a solid door to the garage would however, have an adverse affect on the visual amenity of the Monger Street streetscape.

Given the existing reduced setbacks and form of development on small lots along Monger Street, it is considered that the eastern and western setbacks are acceptable and comply with Clause 1.2 of the Residential Planning Codes (R-Codes).

The property is within the Lindsay Locality (Residential Design Guidelines) which stipulates that:

"A general height limit of two storeys (including loft) can be considered provided the second storey (including loft) being generally setback a minimum of 6 metres from the street and the amenity of the area is protected in terms of privacy, scale and bulk."

The proposed reduced setback of the second storey is considered supportable in view of the existing form of development along Monger Street and, in particular, the existing two and three storey development on Monger Street on the corners of Money and Lindsay Streets.

Privacy

There is the potential for unreasonable overlooking from the first floor windows on the southern (rear) elevation and in accordance with the Town's Policy relating to Privacy, screening of these windows is considered necessary.

Overshadowing

The shadow from the proposed new dwelling will effectively cast in a south-easterly direction across the rear section of the adjoining property at No.17 Monger Street and it is unlikely that any shadowing cast by the building would be greatly or effectually reduced by setting the wall back in compliance with the setback. The overshadowing is less than 50 per cent of the adjoining lot as required by Clause 1.7.2 of the Residential Planning Codes (R Codes).

Open Space

The provision of 40 per cent open space is acceptable given the proposal incorporates functional, front and rear courtyards and a balcony, the site's inner urban location, its proximity to Birdwood Square and the growing trend for smaller maintenance-free areas of open space.

Summary

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

10.1.10 No.164 (Lot 7) Alma Road, North Perth - Proposed One (1) Single Storey Grouped Dwelling and One (1) Two-Storey Grouped Dwelling

Ward:	North Perth	Date:	5 August 2002
Precinct:	Smith's Lake, P6	File Ref:	PRO2002 (00/33/1193)
Reporting Officer(s):	B Mirco		
Checked/Endorsed by:	Y Scheidegger, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by G West on behalf of the owners G West, E Alcorn, M Kelly and F Botha for the proposed one (1) single storey grouped dwelling and one (1) two-storey grouped dwelling on No.164 (Lot 7) Alma Road, North Perth, and as shown on the plans stamp-dated 2 July 2002, subject to:

- (i) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (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 the front fences and gates adjacent to Alma 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;*
- (iii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (iv) a road and verge security bond and /or bank guarantee of \$550 shall be lodge prior to the issue of a Building License and be held until all works have been completed and/or any damage to existing Towns assets have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (v) a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
- (vi) a bond and/or bank guarantee for \$14, 400 for the full upgrade of the right of way shall be lodged prior to the issue of a Building Licence;*

- (vii) *prior to the first occupation of the development, the full length and width of the right of way from Leake Street to the western 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;*
- (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) *the internal length of the carport to be a minimum of 5.4 metres;*
- (x) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the pedestrian accessway being a minimum width of 1.5 metres;*
- (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) *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;*
- (xiii) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (xiv) *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;*
- (xv) *subject to first obtaining the consent of the owners of Nos.162 and 166 Alma Road, North Perth for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing Nos.162-164 Alma Road, North Perth in a good and clean condition; and*
- (xvi) *compliance with all relevant Environmental Health, Engineering and Building requirements.*

to the satisfaction of the Chief Executive Officer.

Moved Cr Drewett, Seconded Cr Ker

That the recommendation be adopted, subject to Clause (vi) be amended as follows:

- "(vi) a bond and/or bank guarantee for ~~\$14,400~~ \$7,200 for the full upgrade of the right of way shall be lodged prior to the issue of a Building Licence;"*

AMENDMENT CARRIED BY AN ABSOLUTE MAJORITY (8-0)

(Cr Piper on approved leave of absence)

COUNCIL DECISION ITEM 10.1.10

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by G West on behalf of the owners G West, E Alcorn, M Kelly and F Botha for the proposed one (1) single storey grouped dwelling and one (1) two-storey grouped dwelling on No.164 (Lot 7) Alma Road, North Perth, and as shown on the plans stamp-dated 2 July 2002, subject to:

- (i) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (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 the front fences and gates adjacent to Alma 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;*
- (iii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (iv) a road and verge security bond and /or bank guarantee of \$550 shall be lodge prior to the issue of a Building License and be held until all works have been completed and/or any damage to existing Towns assets have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (v) a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
- (vi) a bond and/or bank guarantee for \$7, 200 for the full upgrade of the right of way shall be lodged prior to the issue of a Building Licence;*
- (vii) prior to the first occupation of the development, the full length and width of the right of way from Leake Street to the western 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;*
- (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) the internal length of the carport to be a minimum of 5.4 metres;*

- (x) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the pedestrian accessway being a minimum width of 1.5 metres;*
- (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) *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;*
- (xiii) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (xiv) *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;*
- (xv) *subject to first obtaining the consent of the owners of Nos.162 and 166 Alma Road, North Perth for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing Nos.162-164 Alma Road, North Perth in a good and clean condition; and*
- (xvi) *compliance with all relevant Environmental Health, Engineering and Building requirements.*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: G West, E Alcorn, M Kelly, F Botha
APPLICANT: G West
ZONING: Metropolitan Region Scheme: Urban
Town of Vincent Town Planning Scheme No.1:
Residential R40
EXISTING LAND USE: Single house

COMPLIANCE:

Use Class	Grouped Dwelling
Use Classification	"P"
Lot Area	673 square metres

Requirements	Required	Proposed
Alma Road Street Eastern side setback (front dwelling)	6.0 metres	4.0 metres
- ground floor	1.5 metres	nil - 3.12 metres
- first floor (rear dwelling)	4.5 metres	3.05 metres
- ground floor Western side setback	1.0 metre	nil

(front dwelling) -first floor	4.5 metres	1.5 metres - 2.9 metres
(rear dwelling) - ground floor	1.5 metres	nil - 1.2 metres
Total Open Space	50 percent	41 percent
Plot Ratio	0.5	0.54

SITE HISTORY:

28 May 2002 The Council at its Ordinary Meeting resolved to conditionally approve the proposed demolition of the existing dwelling and refuse the proposed construction of two (2) two-storey grouped dwellings.

DETAILS:

Approval is sought for the construction of one (1) single storey grouped dwelling and one (1) two-storey grouped dwelling to form two (2) grouped dwellings.

CONSULTATION/ADVERTISING:

There were no objections received during the advertising period.

COMMENTS:

Alma Road Setback

The proposed Alma Road setback is considered supportable, given a similar reduced front reduced setback to the existing dwelling at No.162 Alma Street, North Perth.

Side Setbacks

The western and eastern side parapets are considered supportable given the single storey nature and no objections received. The remaining setback concessions being sought to the western and eastern side boundaries are considered supportable, given there will be no unreasonable adverse impact on adjacent properties.

Total Open Space

The total open space concession is sought is considered supportable, given the relatively minor nature of the concession being sought, functional and useable courtyard areas to both proposed dwellings and close proximity to public open space.

Plot Ratio

The plot ratio concession being sought is considered supportable, given the relatively minor nature of the concession and the proposed bulk and scale is not considered unreasonable.

Accordingly, it is recommended that the proposed redevelopment be approved, subject to standard and appropriate conditions.

10.1.12 No.207 (Lot 42) Bulwer Street (Dual Frontage with Edith Street), Perth - Proposed Two Storey Mixed Use Development Comprising (2 X Offices and 4 X Grouped Dwellings)

Ward:	North Perth	Date:	6 August 2002
Precinct:	Hyde Park, P12	File Ref:	PRO1598 (00/33/1184)
Reporting Officer(s):	B Mirco		
Checked/Endorsed by:	Y Scheidegger, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by P Perin on behalf of the owners B and T Nguyen for proposed two storey mixed use development comprising 2 offices and 4 grouped dwellings on No.207 (Lots 42) Bulwer Street, (dual frontage with Edith Street) and as shown on the amended plans stamp-dated 6 August 2002, subject to:

- (i) 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;*
- (ii) 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 accordance with the Town's Policy relating to "Parking and Access" and Australian Standards AS2890.1 - 'Off Street Parking', and disabled access bays in accordance with the ACROD standards;*
- (iii) the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (iv) 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) all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath levels;*
- (vi) 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;*

- (vii) *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;*
- (viii) *a detailed landscaping plan, including a schedule of plant species, the landscaping and reticulation of the Bulwer Street and Edith Street verges adjacent to the subject property, and the provision of one (1) tree for every four (4) car bays proposed for the offices, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (ix) *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 \$1200 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;*
- (x) *redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (xi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the provision of a 4.0 square metres store not visible from the adjacent streets and in accordance with the Residential Planning Codes for each grouped dwelling. The revised plans shall not result in any greater variation to the requirements of the Residential Planning Codes and the Town's Policies;*
- (xii) *the office floor space shall be limited to a maximum gross floor area of 110 square metres;*
- (xiii) *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 (\$4000) 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);*
- (xiv) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (xv) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (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) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to Bulwer Street and Edith 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;*

- (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) *subject to first obtaining the consent of the owners of Nos.205 and 209 Bulwer Street, Perth for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing Nos.205 and 209 Bulwer Street, Perth in a good and clean condition;*
- (xx) *the crossover width shall not exceed 7.3 metres;*
- (xxi) *prior to the issue of the Building Licence, the applicant/owner shall pay a cash-in-lieu contribution of \$3400 for the equivalent value of 1.36 car parking spaces, based on the cost of \$2500 per bay as set out in the Town's 2001/2002 Budget; and*
- (xxii) *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 Ker, Seconded Cr Drewett

That the recommendation be adopted.

CARRIED BY AN ABSOLUTE MAJORITY (8-0)

(Cr Piper on approved leave of absence)

LANDOWNER: B and T Nguyen
APPLICANT: P Perin
ZONING: Metropolitan Region Scheme: Urban
Town of Vincent Town Planning Scheme No.1:
Local Centre
EXISTING LAND USE: Vacant

COMPLIANCE:

Use Class	Grouped Dwelling, Office Building
Use Classification	"AA, P"
Lot Area	405 square metres

Requirements	Required	Proposed
Density	2 grouped dwellings OR 3 multiple dwellings	4 grouped dwellings (39.26 percent density bonus)

Car parking	Grouped dwelling - 2 car bays for the first 4 grouped dwellings (8 car bays) Office - 1 car bay for every 50 square metres of gross floor area or part thereof (2.09 car bays) Total - 8.09 car bays	6 car bays
Bulwer Street Setback	6.0 metres	nil
Edith Street Setback	6.0 metres	nil
Western side setback	2.0 metres - 2.2 metres	nil
Eastern side setback	2.0 metres - 2.2 metres	nil
Courtyard Area	24 square metres (minimum dimension 4.0 metres)	Units 3 & 4 10.12 square metres (minimum dimension 1.4 metres) Units 1 & 2 none specified for private use of each dwelling
Total Open Space	50 percent	37.5 percent
Plot Ratio	0.55	0.85

Car Parking

Office car parking requirement (nearest whole number)	2 car bays
Apply the adjustment factors <ul style="list-style-type: none"> ▪ 0.85 (within 400metres of a bus stop) ▪ 0.80 (45 percent of gross floor area is residential) 	(0.68) 1.36 car bays
Minus the car parking provided on site	nil (as all carparking provided on site is required for proposed dwellings)
Minus the most recently approved on site car parking shortfall	nil
Resultant office car parking shortfall	1.36 car bays

SITE HISTORY:

- 19 December 2000 The Council at its Ordinary Meeting granted conditional approval for the demolition of existing building and development of a mixed use building (2 x offices, 1 x single house).
- 27 February 2001 The Council resolved to defer consideration for the proposed demolition of existing building and development of a mixed use building (2 x offices, 2 x single houses).
- 13 March 2001 The Council at its Ordinary Meeting resolved to conditionally approve the demolition of existing building and development of a mixed use building (2 x offices, 2 x single houses).

28 May 2002 The Council at its Ordinary Meeting resolved to conditionally approve a two-storey mixed use development comprising 8 grouped dwellings and 3 offices on the adjacent property at No.205 Bulwer Street, Perth. The officer recommendation for refusal included the following reasons:

- "(i) the development is not consistent with the orderly and proper planning or the preservation of the amenities of the locality; and*
- (ii) the non-compliance with the density, carparking, open space, courtyard area and plot ratio requirements of the Residential Planning Codes (R-Codes);"*

DETAILS:

Approval is sought for the development of four grouped dwellings and two offices.

CONSULTATION/ADVERTISING:

No comments were received during the advertising period.

COMMENTS:

Density

Consideration of the granting of a density bonus for mixed use developments needs to be assessed in terms of the overall amenity and impact of the development. In this instance, it is considered that the proposed density of the development is considered supportable and will have a positive impact on the amenity of the area.

Carparking

The proposal generally provides one car bay per residential and office unit. Given the inner city location of the development the proposed carparking provision is considered supportable. An appropriate cash-in-lieu condition should be applied for the proposed shortfall.

Setbacks

The proposed setbacks are considered supportable as they generally comply with the intent of the Hyde Park Precinct Policy.

Plot Ratio

The proposed plot ratio is not considered to have an unreasonable adverse impact on the amenity of the area.

Total Open Space

The proposed total open space is considered supportable, given the functional and useable areas of communal open space and the close proximity to public open space.

No.205 Bulwer Street

The adjacent property was granted conditional planning approval for a two-storey mixed use development comprising 8 grouped dwellings and 3 offices on the adjacent property at No.205 Bulwer Street, Perth by the Council at its Ordinary Meeting held on 28 May 2002. The proposal did not involve a greater density bonus and had a relatively minor but greater car parking shortfall of 2.04 car bays, as compared to 1.36 car bays for this proposal.

Overall Development

Although the proposed development involves a significant number and extent of non-compliances with the relevant development requirements under the Residential Planning Codes, the proposed development is not considered to have an unreasonable adverse effect on the streetscape and amenity of the area. The overall intent of this proposal is to be combined with the adjacent approval for No.205 Bulwer Street to provide a positive and interactive contribution to the amenity of the subject area.

In light of the Council approval for the adjacent mixed use development at No.205 Bulwer Street, Perth at its Ordinary Meeting held on 28 May 2002, it is recommended that the proposed development be approved, subject to standard and appropriate conditions.

10.1.15 No. 197 (Lot 6) Lake Street, Perth – Conversion of (Including Partial Demolition of) the Existing Commercial Building to Four (4), Two Storey Plus Loft Grouped Dwellings

Ward:	North Perth	Date:	5 August 2002
Precinct:	Hyde Park, P12	File Ref:	PRO2044 00/33/1116
Reporting Officer(s):	S Robertson		
Checked/Endorsed by:	Y Scheidegger, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by Meyer Shircore Architects on behalf of the owner M Rasheed for the conversion of (including partial demolition of) the existing commercial building to four (4) two-storey plus loft grouped dwellings at No. 197 (Lot 6) Lake Street, Perth and shown on the amended plans stamp dated 26 July 2002, subject to;

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) 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;*
- (iii) prior to the first occupation of the development, a pedestrian access way of a minimum width of 1.5 metres being provided and constructed from Lake Street to the proposed rear dwelling, or alternative appropriate arrangements to facilitate the provision of services and pedestrian access to each of the proposed grouped dwelling;*
- (iv) 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;*
- (v) 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;*

- (vi) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (vii) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Lake Street verge adjacent to the subject property and adjacent to the right of way, 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);*
- (viii) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the windows to:*
 - (a) *bedroom 1 to Units 3 and 4 on the southern elevation on the loft floor level;*
 - (b) *bedrooms 2 and 3 to Unit 1, bedroom 3 to Unit 2, and bedroom 3 and kitchen to Unit 3 and Unit 4, on the northern elevation on the first floor level; and*
 - (c) *bedroom 2 to Units 3 and 4, on the northern elevation on the loft floor level;*

shall be screened with a permanent obscure material to a minimum height of 1.4 metres above the finished loft, first floor and loft floor levels respectively. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The obscure portion of the windows shall be fixed in a closed position and any higher part may be openable, or the whole windows be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees;
- (ix) *a two 2 metres by two 2 metres truncation being provided through the courtyard of Unit 1 where the right of way intersects with Lake Street;*
- (x) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to Lake 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;*
- (xi) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (xii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (xiii) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site; and*
- (xiv) *prior to the first occupation of the development, light(s) shall be provided to the rear right of way which is to comply with relevant standards and shall be illuminated during times of darkness and shall be maintained by the property owners. Details of the lighting onto the rear right of way 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.

COUNCIL DECISION ITEM 10.1.15

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

LOST (0-8)

(Cr Piper on approved leave of absence)

Reasons:

1. **The development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality, with respect to the visual amenity of the locality by virtue of the scale, mass and bulk of the proposed development on the Lake Street streetscape, and the adjacent properties;**
2. **Non-compliance with the density, total and private open space, plot ratio, front and side setback requirements of the Residential Planning Codes;**
3. **Non-compliance with the Council's Policies relating to Building Scale and Privacy; and**
4. **Consideration of objections received.**
5. **Overshadowing is a concern.**

Executive Manager Environmental and Development Services comments:

Density

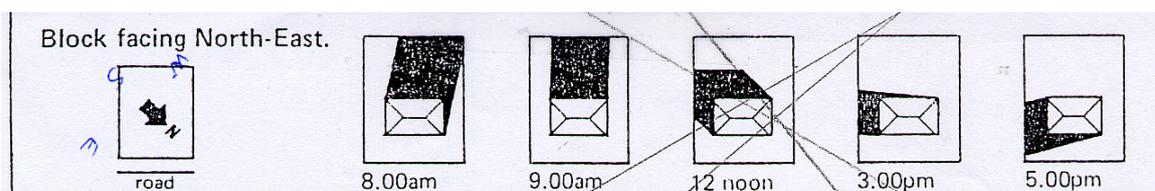
The proposal requires an 18 per cent density bonus for four grouped dwellings.

Height

The Policy relating to the "Robertson" Locality provides for a general height limit of two storeys (including loft). The total height of the proposed new grouped dwelling complies with the Town's Policy relating to "Building Scale", which stipulates a maximum total height of 9.0 metres for two storey dwellings. The proposed contemporary design of the dwelling results in a shift of what would be a traditional roof pitch away from the southern boundary towards the right of way and is considered to have less impact on the amenity of the adjoining properties than what may otherwise be achieved from two-storey plus loft development that complied with the Town's Policy relating to 'Building Scale'.

Sunlight

The building will cast shadow in a south-easterly direction across less than 50 per cent of the adjoining property at noon on the 21 June, and as such complies with Clause 1.7.2 of the Residential Planning Codes (R Codes) relating to amenity.



LANDOWNER: M Rasheed
APPLICANT: Meyer Shircore Architects
ZONING: Metropolitan Region Scheme – Urban
 Town Planning Scheme No.1 – Residential R80
EXISTING LAND USE: Commercial Building

COMPLIANCE:

Use Class	Grouped Dwelling
Use Classification	'P'
Lot Area	541 square metres

Requirements	Required	Proposed
Total Open Space	50 percent (270.5 square metres) (nil - existing)	19.6 percent (106.0 square metres)
Height	Two Storey plus Loft (Total height of 9.0 metres, wall height of 6.0 metres)	Two Storey plus Loft (Total height of 9.0 metres, wall height of 8.0 metres)
Plot Ratio	0.55	1.0
Private Open Space	40 square metres (including a 24 square metres courtyard with a minimum dimension of 4.0 metres)	Unit 1 61.0 square metres (including a 21.87 square metres balcony with a minimum dimension 2.7 metres) Unit 2 49.19 square metres (including a 17.32 square metres balcony with a minimum dimension 2.0 metres) Unit 3 45.54 square metres (including a 19.34 square metres balcony with a minimum dimension 2.0 metres) Unit 4 43.68 square metres (including a 19.46 square metres balcony with a minimum dimension 2.0 metres)
Lake Street Setback	6.0 metres (6.0 metres first floor)	nil - 3.0 metres (loft) (nil existing)
Southern Side Setback Ground Floor	1.5 metres	nil
First Floor plus Loft	3.0-7.8 metres	1.5-3.0 metres (balcony) 3.5-5.0 metres (building) (nil existing)
Northern Side Setback	up to 6.3 metres*	1.5 -2.5 metres from boundary (nil existing)

* Clause 1.5.8 (d) states that "where a lot adjoins a right of way...the required setback may be reduced by up to half of the width of the right of way."

DETAILS:

The subject site is located on the western side of Lake Street, adjacent to a privately owned, sealed right-of-way (ROW), and is occupied by a disused commercial building which occupies the entire site.

The application seeks approval for alterations to (including partial demolition of) the existing building to convert it to four (4) contemporary two storey plus loft grouped dwellings, which will be accessed from the right of way.

The applicant has submitted amended plans which address some of the objections received during the advertising period and some of the original identified non-compliances, and has submitted the following information in support of the proposal:

“..we have setback the loft 3 metres from the existing 2-storey facade (which has a zero setback) to the street boundaries and provided a balcony with open balustrade...The proposed development now has a much reduced bulk and scale to Lake Street in combination with proposed demolition of the south eastern portion of the existing building. This has an effect of not only reducing the existing bulk and scale to Lake Street but also opening up the streetscape to the existing heritage semi detached residences to the south.

The maximum height of the proposed development (top of roof) has been reduced to 9 metres. The proposed setbacks on the north and south boundaries are increased from the existing nil setback to 1.6 and 2.6 metres to the north and 3 and 5 metres to the south.

Overlooking to both northern and southern properties has been considered and measures have been taken to overcome any overlooking issues. Units 3 and 4 have been well setback and screening has been provided to prevent overlooking onto the southern properties.

To the north, overlooking onto the three properties opposite the right of way has been managed according to the different conditions. The property on No. 203 Brisbane Street has an open balcony over the garage facing Lake Street which is clearly visible from the street. Therefore, any overlooking to this property is not considered important. However, if this is considered an issue, obscuring of portions of windows to Unit 1 could easily resolve this matter. The windows to the properties on 207A and 207B Brisbane Street are over 12 metres from the windows in the propose development. Two large trees situated on the properties of 209 and 211 Brisbane Street obscure the rear yards of these properties and as such, overlooking is obviated.

The proposed development will increase security to the right of way as lighting and visibility will be increased. In addition to this courtyards with open fencing and habitable rooms face the right of way.”

CONSULTATION/ADVERTISING:

Three comments were received during the advertising period. The comments generally objected to the proposed contemporary design of the proposed new grouped dwellings, which does not respect the heritage of the area, including the single storey character dwellings to the south; the height of the proposal, which is considered to constitute a three storey development; overlooking to properties to the north, adjacent to the ROW; the bulk and scale of the development including the proposed excess to plot ratio and density; the increase in noise and activity generated in the ROW and the lack of noise buffering by materials used in the development; the lack of security of the development; and the loss of light and outlook to properties to the north and south.

COMMENTS:

Design

The contemporary design of the proposed residential conversion is supported. Brisbane and Lake Streets have an eclectic mix of residential dwellings, which are generally representative of design over the last century and the proposed new dwelling is considered to add to the existing character and vitality of the immediate area. The applicant has provided open style fencing which addresses the ROW to improve security and to enable the proposed vegetation within the development to act as a buffer.

Plot Ratio

The variation sought to plot ratio is supported as the proposal generally complies with the Town's Policy relating to "Building Scale", and the design of the new grouped dwellings attempts to minimise the potential impact on the adjoining properties. The bulk and scale of the proposal is generally compatible with contemporary dwellings in the area and will represent an improvement to the existing commercial building, which contributes little to the existing streetscape.

Height

The Policy relating to the "Robertson" Locality provides for a general height limit of two storeys (including loft). The total height of the proposed new grouped dwelling complies with the Town's Policy relating to "Building Scale", which stipulates a maximum total height of 9.0 metres for two storey dwellings. The proposed contemporary design of the dwelling results in a shift of what would be a traditional roof pitch away from the southern boundary towards the right of way and is considered to have less impact on the amenity of the adjoining properties than what may otherwise be achieved from two-storey plus loft development that complied with the Town's Policy relating to 'Building Scale'.

Open Space

The proposed variation to the open space requirement for the grouped dwellings is supported as the existing commercial building covers 100 percent of the site. The reductions to parapet walls fronting Lake Street, contributes to the streetscape and the adjacent Lake Street verge and right of way creates some openness.

Courtyard Area

The proposed variation to the minimum dimensions of the courtyard areas are supported as each grouped dwelling will have functional outdoor areas which are accessible from active habitable areas within each dwelling, and which generally exceed the private open space required for each dwelling. The development is in close proximity to Hyde Park and is not considered to unreasonably adversely impact on the amenity of future occupiers of the property.

Lake Street Setback

The visual impact of building mass on the streetscape has generally been addressed by setting back the loft to 3.0 metres, demolishing portions of the existing parapet walls within the front setback area, incorporating windows into the proposed two storey front facade and having an open style fencing which addresses Lake Street. The proposed two storey plus loft nature of the development is compatible with the surrounding single, two-storey and three-storey dwellings. It is considered that setting back the 'loft' portion of the development from 3.0 metres to 6.0 metres will have a negligible effect on the streetscape.

Southern Side Setback

There is no change proposed to the height of the existing parapet wall, which is not considered to unreasonably impact on the amenity of the adjoining property.

Northern Side Setback

The proposed northern side setback is supported as the subject property is adjacent to the ROW, it results in an increase to the setback of the existing commercial building, the properties on the opposite side of the ROW generally are setback to the ROW, the proposal is south of the properties on the opposite side of the ROW and is unlikely to result in unreasonable overshadowing and the development is not considered to unreasonably impact on the amenity of the adjoining properties.

Rear Setback

The proposed rear setback is considered acceptable as it represents an extension to the existing setback of the commercial building, is separated from the property to the west by a 3.0 metres ROW and will not have an unreasonable negative impact on the amenity of the surrounding properties.

Privacy

Openings to habitable rooms and balconies facing the properties on the opposite side of the ROW to the north should be conditioned to comply with the Town's Policy relating to 'Privacy'.

By virtue of the existing 4.0 metres parapet wall on the southern boundary and the setbacks to the proposed balconies and windows to habitable rooms, the intentions of the Town's Policy relating to 'Privacy' are generally met. The requirement to screen these openings to a minimum height of 1.4 metres above the finished floor level, with the exception of bedrooms 1 to Units 3 and 4, would have negligible effect on the privacy of the adjoining property. The applicant has submitted elevations which illustrate this point.

Sunlight

The proposed overshadowing on the lot to the south will comply with the Residential Planning Codes (R-Codes), which requires less than 50 percent of the adjacent property to be in shadow at noon on 30 June. The decrease in height of the parapet wall on the southern boundary will serve to increase light to windows on the northern elevation of the adjoining property.

Whilst the proposal may alter the microclimate of the immediate area, including the potential loss of ambient sky-light to those properties to the north, it is not considered that the proposal will unreasonably impact on the amenity of the adjoining properties.

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

10.4.4 Delegations to the Chief Executive Officer 2002-2003

Ward:	All	Date:	31 July 2002
Precinct:	-	File Ref:	ADM0018
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-		
Amended by:	-		

OFFICER RECOMMENDATION:

That pursuant to Section 5.42 of Division 4 of Part 5 of the Local Government Act 1995, the Council APPROVES BY AN ABSOLUTE MAJORITY the delegation of the exercise of its powers and duties to the Chief Executive Officer, as detailed in the Delegation Register, as shown in Appendix 10.4.4.

COUNCIL DECISION ITEM 10.4.4

Moved Cr Chester, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (8-0)

(Cr Piper on approved leave of absence)

BACKGROUND:

The Local Government Act 1995, at Section 5.42, allows for a Council to delegate to the Chief Executive Officer its powers and functions.

The purpose of delegating authority to the Chief Executive Officer is to provide for the efficient and orderly administration of the day to day functions of the Local Government. The CEO exercises the delegated authority in accordance with the Council's policies.

The CEO has reviewed the current delegation register. The register is the same as that adopted last year and includes delegations which have been approved during the year by the Council.

LEGAL/POLICY:

Section 5.42 of the Local Government Act 1995 gives power to a Council to delegate to the CEO the exercise of its powers and functions; prescribes those functions and powers which cannot be delegated; allows for a CEO to further delegate to an employee of the Town; and states that the CEO is to keep a register of delegations. The delegations are to be reviewed at least once each financial year by the Council and the person exercising a delegated power is to keep appropriate records.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

It is recommended that the delegations be approved by the Council.

10.3.5 Tender No. 240/02 - Marketing Agents for Leederville Gardens Retirement Estate

Ward:	Both	Date:	5 August 2002
Precinct:	All	File Ref:	TEN0252
Reporting Officer(s):	M Rootsey		
Checked/Endorsed by:	John Giorgi		
Amended by:	-		

OFFICER RECOMMENDATION:

That the Council accepts the tender as submitted by St Ives Realty as Marketing Agents for Leederville Gardens Retirement Estate, as being the most acceptable to the Town.

COUNCIL DECISION ITEM 10.3.5

Moved Cr Ker, Seconded Cr Drewett

That the recommendation be adopted.

Moved Cr Drewett, Seconded Cr Franchina

That this item be DEFERRED and the matter be referred to the Leederville Gardens Retirement Village Board prior to being considered by the Council.

CARRIED (8-0)

(Cr Piper on approved leave of absence)

BACKGROUND:

The Tender for Marketing Agents was advertised in the West Australian newspaper on the 13th July 2002. One (1) tender was received at 2.00pm 30th July 2002. Present at the opening were David Paull (Purchasing/Contracts Officer) and Natasha Forsyth (Manager Financial Services).

The Tender received was from St Ives Realty.

DETAILS:

The Specifications required the tenderers to submit the following:

- A marketing/advertising plan for the re-leasing of villas at Leederville Gardens Retirement Estate.
- Details of commissions and fees.
- Details of procedure for marketing/advertising expenditure.
- Details of previous experience with related projects.
- References from the above projects.
- Evidence of financial viability of the organisation.

Details of Commissions and Fees:

The agency fee shall be 80% (+ GST) of the re-letting, marketing and administration costs as specified in the resident's Lease Agreement (3.2% of the first \$200,000 + 2.2% of amount exceeding \$200,000 - based on re-leased bond [all + GST]).

In the event that another Agent is nominated the agency will be non-exclusive but St Ives Realty will continue to act on behalf of the Town assisting the other Agent to sell the Lease and to ensure proper representation of the Village and its lease arrangement.

In this case St Ives Realty's remuneration will be 20% (+GST) of the Scale Fee if another Agent sells the Lease. The other Agent is to receive 60% (+GST) of Scale Fee if they introduce the new Lessee. If St Ives Realty sell the Lease the 60% (+GST) of Scale Fee will apply with the other Agent to receive 20% (+GST). This arrangement closely reflects existing conjunctional agency arrangements practised in suburban real estates.

St Ives Realty has previous experience at the following retirement villages:

- St Ives Darglish
- St Ives Myaree
- St Ives Eldercare
- Ocean Gardens, City Beach
- Leederville Gardens
- St Ives Northshore
- Faulkner Park - Belmont
- St Ives Centro
- St Ives Murdoch
- St Ives Mandurah

Marketing and Advertising:

- Six monthly marketing plan and budget to be developed.
- Marketing costs to be met from 20% of the re-letting, marketing and administration fee set aside from each re-lease and if required.
- St Ives Realty employs nine experienced and specialist full-time retirement village sales consultants. One will be dedicated to Leederville Gardens.
- Regular public openings of units at least once per week or as required by enquiry or specific marketing programmes.
- Promotion and advertising primarily in the press together with public open days promoted through press and direct mail.
- The Town is encouraged to increase its support and participation and utilise its communication to promote the village as a community asset.

CONSULTATION/ADVERTISING:

Advertised in the West Australian on 13th July 2002, closed 18 days after advertising.

LEGAL/POLICY:

The tender was conducted in accordance with the Local Government (Functions and General) Regulations 1996 Part 4 - Tender for providing goods and services.

STRATEGIC IMPLICATIONS:

Strategic Plan 2000 – 2002 - Key Result Area 2.4(a) *“to facilitate the provision of services and programs which are relevant to the needs of our community”* and Key Result Area 2.4(b) *“Promote community development and cultural diversity of the Town”*

FINANCIAL/BUDGET IMPLICATIONS:

The funds received from the re-leasing of units at Leederville Gardens are the major source of income for the Leederville Gardens Village Estate.

COMMENTS:

Only one (1) tender was received, however the tender as submitted by St Ives Realty meets all the criteria as laid out in the specifications. The tender from St Ives Realty is therefore recommended.

10.1.6 Nos. 228 - 232 (Lots 17 and 18) Carr Place, Leederville – Unauthorised Demonstration Ramp to Existing Shop

Ward:	North Perth	Date:	6 August 2002
Precinct:	Oxford Centre, P4	File Ref:	PRO1308
Reporting Officer(s):	S Robertson		
Checked/Endorsed by:	Y Scheidegger, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That the Council;

- (i) *receives the Report relating to the unauthorised demonstration ramp to the existing shop at Nos. 228-232 (Lots 17 and 18) Carr Place, Leederville; and*
- (ii) *the Council authorises the Executive Manager of Environmental and Development Services to represent and mediate on behalf of the Town at the second mediation hearing at the Town Planning Appeal Tribunal to be held on Thursday 15 August 2002 relating to the unauthorised demonstration ramp to the existing shop at Nos. 228-232 (Lots 17 and 18) Carr Place, Leederville, subject to the following conditions:*
 - (a) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
 - (b) *the ramp shall be incidental, ancillary and associated to the approved use as a shop and shall be used for demonstration purposes only. The proposed ramp shall not be used by members of the general public;*
 - (c) *the premises shall be adequately sound insulated in accordance with the Herring Storer Acoustics Report dated 17 October 2001, prior to the first commencement of use of the ramp;*
 - (d) *a detailed management plan that addresses first aid supervision and the control of noise, litter and anti-social behaviour (to reasonable levels) associated with the development shall be submitted and approved prior to the first commencement of use of the ramp, and thereafter implemented and maintained;*
 - (e) *prior to the first commencement of the use of the ramp, a structural engineer's report certifying the structural integrity and fire safety including retardation ratings, of the ramp and acoustic treatments, shall be submitted to and approved by the Town;*
 - (f) *the ramp use shall be limited to;*
 - (i) *between 3.30 pm and 9.30 pm Monday to Friday, 12.30 pm and 10.30 pm Saturdays, and 9.00 am and 9.00 pm Sundays, inclusive; and*
 - (ii) *a maximum of one (1) person shall use the ramp at any one time; and*
 - (g) *any increase in the intensity of this use or change in the approved use shall require another planning application to be submitted to and approved by the Town prior to the commencement of that use;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.6

Moved Cr Ker, Seconded Cr Cohen

That the recommendation be adopted.

LOST (0-8)

(Cr Piper on approved leave of absence)

Reason:

The previous Council decision has not been rescinded.

LANDOWNER: M Grincer
APPLICANT: Peter Cann Development Consulting
ZONING: Metropolitan Region Scheme: Urban
Town Planning Scheme No. 1: District Centre
EXISTING LAND USE: One (1) eating house and two (2) shops.

COMPLIANCE:

Use Class	Shop
Use Classification	"P"
Lot Area	1074 square metres

SITE HISTORY:

- 8 November 1999 The Council at its Ordinary Meeting conditionally **approved** an application for demolition of the existing building and the development of a mixed use building.
- 11 April 2000 Council at its Ordinary Meeting conditionally **approved** proposed change of use from unclassified to office in the approved mixed use building and revised plans.
- 26 June 2001 The Council at its Ordinary Meeting **refused** an application seeking retrospective Planning Approval for the existing demonstration ramp.
- 23 April 2002 The Council at its Ordinary Meeting **refused** a further application seeking retrospective Planning Approval for the existing demonstration ramp.
- 14 May 2002 The Council at its Ordinary Meeting granted conditional **Planning Approval** for the mixed use building it had previously considered at its 8 November 1999 meeting, for which Planning Approval had since expired.
- 24 June 2002 The First Sitting of the Town Planning Appeal Tribunal was adjourned to mediation.

- 11 July 2002 First mediation hearing at the Town Planning Appeal Tribunal between Mr P Cann and Mr S Bailey representing the appellant and the Town's Executive Manager Environmental and Development Services (EMEDS) and Senior Planning Officer (Statutory) (SPOS) representing the respondent.
- 18 July 2002 Site visit at the subject property between the Town's EMEDS and SPOS, the tenant of 'Australian Formal Wear' Mr J Barker, and the son of the landowner Mr T Grincer.

DETAILS:

At the first mediation hearing, debate focused on the content and adequacy of the acoustic report and it was generally agreed by the Tribunal that the Town would attempt to facilitate an acoustic reading of the adjoining retail tenancy, to be undertaken at the applicants' expense. It was determined that this would give the Town the opportunity to appropriately address the noise and vibration concerns raised by the adjoining retail tenant during and subsequent to the previous consultation period.

The EMEDS met with the tenant of 'Australian Formal Wear', adjacent to the skateboard shop, Mr J Barker and the son of the landowner of the skateboard shop and formal wear tenancy, Mr T Grincer, on site. The tenant of Australian Formal Wear declined to conduct a meeting at his premises and refused to discuss the potential resolution of the matter, stating that he had referred the matter to his lawyers for their action. No opportunity was given for the EMEDS to facilitate an acoustic consultant to undertake an acoustic and vibration reading and assessment from the shop.

The son of the owner of the property advised the Town's officers that at the expiry of the lease on the tenancies in approximately 12 months, it is intended to proceed with the approval for the mixed use development on the site.

Subsequent to the site inspection, Mr P Cann, acting on behalf of the appellant, has verbally advised the EMEDS that the tenants of the skateboard shop would be willing to adhere to the proposed hours of operation of the ramp in order to facilitate a mediated outcome.

COMMENTS:

The second sitting of the mediation has been scheduled for 9.30am, Thursday 15 August 2002 at the Town Planning Appeal Tribunal. In the absence of obtaining consent to conduct an acoustic and vibration reading from the adjoining 'Australian Formal Wear' tenancy, it is considered that the original Herring Storer Acoustic Report dated 17 October 2002, undertaken and submitted by the applicant as part of the planning application determined at the Ordinary Meeting of Council held on 23 April 2002, satisfies the requirements for the appellant to undertake an impact assessment and identifies the necessary remedial work required to bring the demonstration ramp in line with current standards.

During the mediation process, the Town's officers have continued to address the potential adverse impact on the occupiers of the adjoining tenancies and the locality as a whole. In light of the stance which has been taken by the adjoining tenant, it is considered that the Town has explored all of those options which are available to it, to ensure that this is achieved.

In light of the above, it is recommended that the Council resolve the matter during the process of mediation, subject to appropriate conditions. These conditions are generally those which can be supported under the Town Planning Scheme and associated Policies. The alternative would be to proceed to a formal hearing at the Town Planning Appeal Tribunal. It is considered that the Town would likely be unsuccessful. Should the Town Planning Appeal Tribunal uphold the appeal, it is likely to be subject to similar conditions to those recommended above. If the matter does proceed to a formal hearing, it would be prudent for the Town to obtain legal representation, and the likely cost of this would be in the region of \$15,000.

10.1.25 No.210 (Lot 99) Stirling Street, Perth - Proposed Three-Storey Mixed Use Development (1 X Office, 2 X Multiple Dwellings)

Ward:	North Perth	Date:	1 August 2002
Precinct:	Beaufort, P13	File Ref:	PRO2052 00/33/1226
Reporting Officer(s):	B Mirco		
Checked/Endorsed by:	Y Scheidegger, R Boardman		
Amended by:	-		

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 Miller on behalf of the owners Redswan Holdings Pty Ltd for the proposed three-storey mixed use development (1 x office, 2 x multiple dwellings) on No.210 (Lot 99) Stirling Street, Perth and as shown on the plans stamp-dated 18 July 2002, 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) subject to first obtaining the consent of the owners of Nos.206 and 216 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 Nos.206 and 216 Stirling Street in a good and clean condition;*
- (iii) a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Stirling Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (iv) a road and verge security deposit bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (v) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to Stirling 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;*
- (vi) prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title 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;*

- (vii) *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;*
- (viii) *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;*
- (ix) *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;*
- (x) *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;*
- (xi) *the proposed office shall maintain an active and interactive frontage with Stirling Street;*
- (xii) *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;*
- (xiii) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the northern side of the balcony accessible from the sitting room and dining room on the first and second floor levels shall be screened with a permanent obscure material to a minimum height of 1.4 metres above the finished first and second floor levels. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*
- (xiv) *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;*

(xv) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division; and*

(xvi) *compliance with all relevant Environmental Health, Building and Engineering requirements;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.25

Moved Cr Cohen, Seconded Cr Ker

That the recommendation be adopted.

CARRIED ON THE CASTING VOTE OF THE PRESIDING MEMBER (5-4)

(Cr Piper on approved leave of absence)

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

LANDOWNER:	Redswan Holdings Pty Ltd
APPLICANT:	J Miller
ZONING:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential/Commercial R80
EXISTING LAND USE:	Vacant

COMPLIANCE:

Use Class	Office Building/Multiple Dwelling
Use Classification	"AA, P"
Lot Area	392 square metres

Requirements	Required	Proposed
Stirling Street Setback	6.0 metres	nil
Northern side		
- ground floor	1.5 metres	nil
- first floor	2.5 metres	nil
- second floor	3.5 metres	nil
Southern side		
- ground floor	1.5 metres	nil
- first floor	2.5 metres	nil
- second floor	3.5 metres	nil
Total Open Space	60 percent	30 percent
Communal Open Space	20 percent	nil
Trees	1 tree to be provided for every four car bays	nil
Carparking	Residential - 4 car bays Office - 3.49 car bays Total - 7.49 car bays	6 car bays

Car Parking

Office car parking requirement	3.49 car bays
Apply the adjustment factors	(0.52)
<ul style="list-style-type: none"> ▪ 0.85 (within 800 metres of a rail station) ▪ 0.85 (within 400metres of a bus stop) ▪ 0.90 (within 400 metres of public car park with in excess of 25 car bays) ▪ 0.80 (45 percent of gross floor area is residential) 	1.81 car bays
Minus the car parking provided on site	2 car bays
Minus the most recently approved on site car parking shortfall	nil

SITE HISTORY:

9 July 2002 The Council refused a similar application at its Ordinary Meeting for the following reasons:

- (i) the non-compliance requirements of this item;
- (ii) the development does not add to the amenity of the area; and
- (iii) the lack of communal open space.

CONSULTATION/ADVERTISING:

No comments were received during the advertising period.

DETAILS:

Approval is sought for the construction of a three-storey mixed use development consisting of one office and two multiple dwellings.

COMMENTS:

Stirling Street Setback

The proposed nil setback to Stirling Street is considered supportable given the reduced setbacks of buildings in the immediate vicinity and the openness and interaction a reduced setback achieves.

Total Open Space and Communal Open Space

The concession to total open space is considered supportable given the useable and functional private balconies to the front and rear of the multiple dwellings and the proximity to public open space.

Trees

The concession to the provision of tree planting is considered supportable, given the constraints of the site and the provision of two substantial existing verge trees.

Car Parking

The car parking complies with the Town's requirements once the adjustment factors have been applied. As such the carparking provision is supported.

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

10.1.32 No.164 (Lot 1) Edward Street, Perth – Proposed Change of Use to Residence and 'Consulting Rooms' - Beauty Therapy

Ward:	North Perth	Date:	5 August 2002
Precinct:	Beaufort, P13	File Ref:	PRO2081 00/33/1157
Reporting Officer(s):	S Robertson		
Checked/Endorsed by:	Y Scheidegger, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

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

- (a) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality with respect to the adverse effect on the amenity of the adjoining properties;*
- (b) non compliance with the Town's Policy relating to 'Parking and Access' and Australian Standards AS2890.1 – "Off Street Parking"; and*
- (c) consideration of objections received;*

the Council REFUSES the application dated 14 June 2002, submitted by the owner H Morgan for a change of use to residence and consulting rooms – 'beauty therapy' on No. 164 (Lot 1) Edward Street, Perth and as shown on the plans stamp dated 14 June 2002.

COUNCIL DECISION ITEM 10.1.32

Moved Cr Hall, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (8-0)

(Cr Piper on approved leave of absence)

LANDOWNER: H Morgan
APPLICANT: H Morgan
ZONING: Metropolitan Region Scheme: Urban
 Town Planning Scheme No.1: Residential-Commercial R80
EXISTING LAND USE: Vacant building

COMPLIANCE:

Use Class	Consulting Room
Use Classification	"SA"
Lot Area	367 square metres

Car Parking (non-residential):

Car parking requirement (nearest whole number)* ▪ Consulting Room-3 bays per consulting room;	6 car bays
Apply the adjustment factors ▪ 0.85 (within 800 metres of rail station) ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.85 (within 400 metres of one or more public car parks in excess of 75 spaces)	(0.614) 3.68 car bays
Minus the car parking provided on site *.	1 carbay
Minus the most recently approved on site car parking shortfall.	nil
Resultant shortfall/surplus	2.68 car bays shortfall

*2 car bays required for the residential component of this development have been deducted from the 'car parking requirement' and 'car parking provided on site' figures.

DETAILS:

The vacant building appears to have originally been used as a residence and the applicant has verbally advised that the most recent use of the building was as a chemist shop. The application seeks to change the use of the building to part-residence and part-consulting rooms for the purpose of beauty therapy.

The proposal will have two (2) consulting rooms. The residential component of the building will have three (3) bedrooms and a lounge. The kitchen, laundry and bathroom will be shared between the two uses. The application provides for six (6) carparking bays to the front and rear of the existing building.

The owner has submitted copies of relevant adult education certificates to support the application.

The Town's Planning and Building and Health Services conducted an internal and external site inspection of the premises on 11 July 2002. The inspection revealed the premises was in a dilapidated state and was in the preliminary stages of being renovated. The applicant/owner stated that the plans showed a shower being installed in bedrooms 1, 2 and 3.

CONSULTATION/ADVERTISING:

Eight (8) letters were received during the advertising period, predominantly raising concerns about the proposed use as consulting rooms and the assurances that the Council could give to ensure that the use remains legal and appropriately controlled, particularly in terms of hours of operation.

The following are excerpts from these letters:

"The 3 bedrooms each have a shower (no en-suites) but no windows because they have been painted over, isn't that illegal?"

"My Beauty Therapist has a hand basin with hot and cold water in her consulting room. The proposal doesn't include this basic requirement."

"No legitimate Beauty Therapy business would board up its shop front."

"What residence do you know that has a shower in each bedroom? No toilet, no hand basin, just a shower."

"I find it most unusual that the Reception area faces a back lane."

“Parking...Only accessible if the ‘client’ drives in and than reverses all the way back down the narrow laneway (60m) or turns in neighbouring property.”

“The are in question doe not readily lend itself to this type of commercial operation...”

“The common facilities together with the number of rooms indicate the likelihood that a large number of patrons will use the facilities at any one time.”

“The use of the building ... is an inappropriate use of the land and would do nothing to enhance the amenity of the area...and would substantially defeat the expectations of residents and occupiers.”

“The relevant locality is the area in which the noise and traffic are likely to have an impact.”

“...there is a fear of loss of privacy in the change of general character of the area by the intended use.”

COMMENTS:

Carparking

The Town’s Technical Services has advised that the two carparking bays in the front setback area are substandard and do not meet the minimum length requirement of 5.4 metres. Furthermore, as the rear right-of-way is 3.0 metres in width, in order to provide adequate vehicular manouvering space, it will only be possible to provide a total of three (3) car parking spaces to the rear of the right-of-way, which conform with the Australian Standards and Town’s adopted standards.

The applicant has verbally advised that the use of the building as a residence will be by people other than those which are intending to conduct the business and it is not considered appropriate to apply reciprocal carparking to the application.

The carparking shortfall, after the application of adjustment factors, represents a 45 percent shortfall to the total commercial component carparking requirement for the development. Whilst the Town’s Policy relating to ‘Parking and Access’ provides for a cash-in-lieu contribution to shortfall carparking, it is not considered that it is appropriate to apply a cash-in-lieu payment in this instance, given that such a large carparking concession is sought and the implications that this may have on existing and future development in the area.

The Town is currently advertising Amendment No. 6 to the Town’s Planning and Building Policy relating to ‘Parking and Access’ which closes on 9 August 2002. The draft Policy relating to ‘Parking and Access’ has been applied in the assessment of this application.

Land Use

The general area is characterised by residential buildings that have been converted for commercial use along with purpose-built commercial buildings. The Policy relating to the 'Beaufort Precinct' states that the Town should protect and enhance the amenity and general environmental standards of existing and future residential development and ensure the compatibility of commercial and residential uses, avoiding conflict between different uses.

The Town’s Building Surveyor has indicated that the Building Code of Australia require habitable rooms to be provided with natural light and ventilation.

Whilst it is proposed that the use of the building is to be for both residential and commercial use, in light of the objections received, the scale and nature of the proposed development and non-compliances with the Town's Policy relating to Parking and Access and Australian Standard AS2890.1 "Off Street Parking", it is considered that the proposal will have an unreasonable detrimental impact on the amenity of future occupiers and the surrounding uses. Accordingly, it is recommended that the proposal be refused.

10.4.5 Appointment of a Minute Secretary

Ward:	-	Date:	7 August 2002
Precinct:	-	File Ref:	ADM0016
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-		
Amended by:	-		

RECOMMENDATION:

That the Chief Executive Officer be authorised to engage the services of a Minute Secretary on a contract basis, as detailed in this report at an estimated cost of \$30,000 per annum.

COUNCIL DECISION ITEM 10.4.5

Moved Cr Drewett, Seconded Cr Cohen

That the recommendation be adopted.

Moved Cr Hall, Seconded Cr Ker

That this item be DEFERRED and a further report be submitted outlining the options and costs relating to the appointment of a Minutes Secretary and also an Agenda / Minutes Secretary.

CARRIED (8-0)

(Cr Piper on approved leave of absence)

Cr Cohen departed the Chamber at 9.05 pm

BACKGROUND:

At the Ordinary Meeting of Council of 11 June 2002, Cr Piper requested that the engagement of a Minute Secretary to assist the Chief Executive Officer in the preparation of the Minutes, be investigated.

A Minute Secretary would be required to;

- (a) attend all Ordinary Meetings of Council each month, except January and Special Meetings of Council, for approximately 4 hours; and
- (b) work 1½ - 2 days or 15 hours per week. Skills required are to include word processing, shorthand and knowledge of meeting procedures.

The contract would be for an initial period of 12 months. During this period, other options will be investigated.

Enquiries have been made with an employment agency, who were able to supply such a person who was experienced, qualified, interested and available to work those hours.

Currently the preparation of Agendas and Minutes is shared on a rotational basis between the Chief Executive Officer's Personal Assistant, Executive Assistant and Executive Secretaries. Previously a Minute Secretary was utilised at Council Meetings, however this was discontinued as it was seen to have little benefit in the secretaries taking the Minutes - particularly those that did not have proficient shorthand skills. In addition, the Meeting was taped in the main part to assist in the preparation of the Minutes.

To re-introduce the above system would place an unacceptable workload on the individuals and this would require a complete reorganisation of current duties.

At present the above procedure occurs, however the Minutes are dictated by the Chief Executive Officer following the Council Meeting. The employment of an experienced Minute Secretary would be beneficial and has been recommended by the Department of Local Government.

Over previous years, the Town has participated in the Department of Local Government survey of Minutes and Agendas and has been rated as having a very high standard - in fact, the Town's Minutes and Agendas have been used as a model throughout Local Government.

FINANCIAL IMPLICATIONS:

The salaries for this person would be approximately \$25,000 per annum. In addition, a computer and associated office equipment would need to be purchased at an estimated cost of \$5,000.

No funds have been provided on the Budget and a source would need to be determined.

LEGAL POLICY:

The Local Government Act 1995, Section 5.22(1) states; "*The person presiding at a meeting of a Council or a Committee is to cause minutes to be kept of the meeting's proceedings*".

STRATEGIC IMPLICATIONS:

N/A.

COMMENT:

It is recommended that approval be granted for the Chief Executive Officer to engage the services of a Minute Secretary.

10.3.7 Disposal of Lot Y246 Part Lot 123 and Lot Y246 (3989m²) Corner Stuart and Palmerston Streets, Perth

Ward:	Both	Date:	5 August 2002
Precinct:	All	File Ref:	PRO0692
Reporting Officer(s):	M Rootsey		
Checked/Endorsed by:	John Giorgi		
Amended by:	-		

OFFICER RECOMMENDATION:

That the Council

- (i) *NOTES that the offer from Oceanbird Holdings Pty Ltd for the purchase of Lot Y246, part Lot 123 and Lot Y246 (3,989m²) corner Stuart and Palmerston Streets, Perth, has been advertised in accordance with Section 3.58 (3) and (4) and the Local Government Act 1995;*
- (ii) *considers the two (2) submissions received on the disposal of Lot Y246 Part Lot 123 and Lot Y246 (3989m²) corner Stuart and Palmerston Streets, Perth;*
- (iii) *ACCEPTS the offer as submitted by Oceanbird Holdings Pty Ltd for two million, one hundred and ten thousand dollars (\$2,110,000), subject to the conditions of sale as prepared by the Town's solicitors for Lot 246, part Lot 123 and Lot Y246, corner Stuart and Palmerston Streets, Perth; and*
- (iv) *authorises the Chief Executive Officer to complete the contractual arrangements for the sale and includes the Town's solicitors alternative condition of sale as part of the Contract for Sale of Land by Offer and Acceptance.*

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted, subject to an additional Clause (v) being included as follows:

- "(v) includes as a condition of sale that the site should be developed at the R60 code, which is consistent with the provisions of the Town Planning Scheme for the site."*

Cr Cohen returned to the Chamber at 9.07 pm

Cr Drewett departed the Chamber at 9.08 pm

AMENDMENT CARRIED (7-0)

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

COUNCIL DECISION ITEM 10.3.7

That the Council

- (i) *NOTES that the offer from Oceanbird Holdings Pty Ltd for the purchase of Lot Y246, part Lot 123 and Lot Y246 (3,989m²) corner Stuart and Palmerston Streets, Perth, has been advertised in accordance with Section 3.58 (3) and (4) and the Local Government Act 1995;*
- (ii) *considers the two (2) submissions received on the disposal of Lot Y246 Part Lot 123 and Lot Y246 (3989m²) corner Stuart and Palmerston Streets, Perth;*
- (iii) *ACCEPTS the offer as submitted by Oceanbird Holdings Pty Ltd for two million, one hundred and ten thousand dollars (\$2,110,000), subject to the conditions of sale as prepared by the Town's solicitors for Lot 246, part Lot 123 and Lot Y246, corner Stuart and Palmerston Streets, Perth;*
- (iv) *authorises the Chief Executive Officer to complete the contractual arrangements for the sale and includes the Town's solicitors alternative condition of sale as part of the Contract for Sale of Land by Offer and Acceptance; and*
- (v) *includes as a condition of sale that the site should be developed at the R60 code, which is consistent with the provisions of the Town Planning Scheme for the site.*

BACKGROUND:

At the Ordinary Council Meeting of 9th July 2002, the following resolution was adopted:

That Council:

- (i) *APPROVES the offer as submitted by Oceanbird Holdings Pty Ltd for two million, one hundred and ten thousand dollars (\$2,110,000), subject to Oceanbird Holdings Pty Ltd obtaining a section 18 clearance from the Department of Indigenous Affairs;*
- (ii) *Advertises the disposal of the property for 14 days, inviting submissions in accordance with section 3.58 of the Local Government Act;*
- (iii) *Considers any submission made on the disposal following the advertising period;*
- (iv) *includes as a condition of sale that the site should be developed at the R60 code, which is consistent with the provisions of the Town Planning Scheme for the site; and*
- (v) *authorise the Chief Executive Officer to request the Town's lawyers to review the conditions of sale, prior to signing of any agreement, to ensure that the Town's position is not compromised.*

DETAILS:

The disposal of the above property were advertised in the West Australian on the 13th July 2002, the closing date for submissions was the 30th July 2002. Two (2) submissions were received.

Hyde Park Precinct Group Inc - Sally Lake (Chairperson)

Members present at the latest meeting of the Hyde Park Precinct Group Inc (HPPG) expressed the desire to make the following comment upon the above land sale currently out for public comment.

The group remains opposed to the private sale of any of Robertson Park, the group acknowledges the political inevitability of the sale of the current parcel, and that council has reduced the extent of the sale from 100% to 40% of the total bottle yard land. The justification provided to local residents by council for the sale over the years has included the commitments to certain community outcomes. We would like to remind council of some of these, which include the following.

Commitment A:

That the sale of the land would be used for otherwise unfunded community improvements, and that a significant part of the sale will be used for upgrading the unsold remainder of Robertson Park.

We note that almost \$500,000 is currently budgeted to refurbish the park, and that the promised funding of the wetland, cottage restoration, and adjacent road works are additional to this figure. We also believe that items such as irrigation and playground upgrading that all other parks have recently benefited from should be funded separately from the above refurbishment allocation.

Commitment B:

That the park refurbishment will be undertaken in a manner based on the design developed by Council's Robertson Park Working Group. It is understood that this group will continue to develop the design to a constructible form. The HPPG supports this process and requests that the community have a further opportunity to comment on the plan before its implementation commences.

Commitment C:

That the type of buildings to be constructed on the site and their relationship to the park will be in accordance with the design guidelines that were developed and adopted by council for this site. The group remains very keen that council continues to support and implement these guidelines.

We look forward to seeing the implementation of the long waited for improvement to this much neglected space so that the community can begin to reap some of the potential that has hitherto been untapped.

Comment:

The Town has carried forward \$498,000 in the 2002/03 Budget for the redevelopment of Robertson Park. There are separate budget line items included in the budget for the wetland, cottage restoration and adjacent road works mentioned in the submission.

The Robertson Park Working Group has recently been re-convened to confirm the design of the refurbishment of the park.

Any development of buildings on the site will be in accordance with the relevant design guidelines for the site.

Dudley Maier - 51 Chatsworth Road, Highgate

I strongly oppose the sale of so much of the 'bottleyard' portion of Robertson Park. While I could accept the sale of a small portion in order to finance the redevelopment of the park, the sale of so much land is extremely shortsighted given the increasing population in the immediate area.

Cr Drewett was correct when he pointed out that the delays in the sale had not had an adverse impact on the projects to be funded by the sale of the bottleyard, and that the Town will, in the medium term, be getting funds from the sale of Tamala Park. It is a shame that Council did not have the courage to pursue this course.

Upon completion of the sale I would urge the Town to commence the redevelopment of the park as a matter of urgency. The locals have suffered the deliberate neglect of the park for too long.

Finally, I would point out the inadequacy of basing any sale price on valuations from the Valuer General's Office. These valuations have been shown to be notoriously inaccurate and the use of them can call into question whether the price put on land does give the best return to the community. I am also concerned with the process that has been followed in the sale of this land. Elements of it were rushed because a clear process was not agreed to at the very beginning.

The day that this land is sold will be a black day for the community.

Comment:

The sale of this land has been considered by the Council on numerous occasions. The amount of land to be sold has been substantially reduced to approximately 38%. The development of the Park can be scheduled into the works programme on the projected settlement period once the offer is finalised. The Town is very keen to complete this project.

The Town will not be receiving any funds from the sale of Tamala Park for several years, at the earliest.

The use of the Valuer Generals Office for valuation is considered prudent, as the organisation is not in the market place for commercial business and therefore not influenced by commercial pressures.

Valuations had also previously been provided from commercial valuers, which were not used in this report as the time period since the valuation had lapsed. However, the price being offered by the purchaser is above both sets of valuations, which suggests that it is a commercially sound decision.

Mr Maier's comments about the process are not supported.

FURTHER DETAILS:

As part of the previous resolution the Town's solicitors were requested to review the conditions of sale to ensure the Town's position was not compromised. They were of the opinion that a number of conditions were peripheral matters which need not be conditions of the contract for sale, these matters they believed could be dealt with by "requisitions on title" which the purchaser may wish to serve on the Town.

The Town's solicitors prepared alternative conditions of sale as listed below.

The following conditions form part of the Contract for Sale of Land by Offer and Acceptance. In the event of any inconsistency between these conditions and the Contract for Sale of Land by offer and Acceptance, these conditions shall prevail.

1. This contract is subject to and conditional upon the creation of a lot (as defined in the *Town Planning & Development Act 1928*) comprising the Land, under the grant of conditional subdivision approval made by the West Australian Planning Commission and dated 29 May 2002 which is annexed to this Contract and marked Annexure "A" ('Conditional Approval').
 - 1.1 The Vendor will use all reasonable endeavours to complete compliance with all of the conditions of the Conditional Approval ('Approval Conditions') within six months from the date of this Contract.
 - 1.2 The Vendor is liable for all costs involved in ensuring compliance with the Approval Conditions.
 - 1.3 If the Vendor is not able, through its reasonable endeavours, to procure the approval of any other responsible authorities whose approval is required for the compliance with the Approval Conditions, then the Vendor may (within thirty (30) days of becoming aware of such inability) give written notice to the Purchaser terminating this Contract with immediate effect from the date of service of the notice, whereupon the Deposit shall be repaid to the Purchaser without interest.
 - 1.4 In the event that any responsible authority, whose approval is required for compliance with the Approval Conditions, imposes a requirement which would have a material adverse affect on the Purchaser's proposals for the development of the Land, then the Purchaser may, within fourteen (14) days after such requirement is notified to the Purchaser by the Vendor or by the relevant responsible authority, give written notice to the Vendor (such notice to provide full details of the effect of the requirement on the Purchaser's proposed development of the Land) that the Purchaser wishes to terminate this contract. If the Vendor is satisfied in its absolute discretion that the requirement does have a material adverse effect on the Purchaser's proposals for the development of the Land, then by written notice the Vendor shall release the Purchaser from this Contract whereupon this Contract shall be terminated with immediate effect from the date of service of the notice, and the Deposit shall be repaid to the Purchaser without interest.
 - 1.5 For the avoidance of doubt, the Purchaser acknowledges that the Vendor's obligation to ensure compliance with the Approval Conditions does not include an obligation to appeal the imposition of any such conditions to a Court, Tribunal or Minister with authority to deal with such an appeal.
2. The Vendor, will within twelve months after settlement of this Contract, construct the pathways indicated on the plan annexed to this Contract and marked Annexure "B", such construction to be in accordance with the Vendor's usual specifications for the construction of such pathways.
3. If, prior to settlement, the Purchaser seeks any relevant approval, authority or permit relating to the proposed subdivision or development of the Land, and the application form for such approval, permit or authority requires the endorsement of the owner of Land, then the Vendor will sign any such application upon the written request of the Purchaser.

- 3.1 The Vendor's endorsement of such an application is not to be construed as approval for or consent to any subdivision or development which is the subject matter of such an application.
- 3.2 For the avoidance of doubt, the Vendor's obligations under this special condition 3 do not include financial obligations in relation to any such application for approval, permit or authority.

The offer submitted by Oceanbird Holdings was subject to a number of conditions as outlined in a letter of the 10th May 2002. The conditions are listed as follows:

- The Town of Vincent will construct all pathways at their cost (external to the site).
- Easements may have to be granted to the Water Corporation however we acknowledge that this is not a vendor problem.
- You confirmed that you hold documentation from the Water Corporation Sewerage and Drainage Division that the present existing sewer facilities will be capable of carrying the extra flow that may be created by the sub-division of the land in question into an additional 17 lots without the need for further upgrade.
- You have confirmed that you hold on file appropriate clearances clearing the site of any claims whatsoever by any party including but not limited to environmental considerations, archaeological deposits relating to Aboriginal and European heritage matters.
- The property is zoned R80. The design guidelines for the "old bottleyard" as per appendix 7 of your information pack are acknowledged. The purchaser acknowledges that the Town of Vincent's preferred option is for the development to comprise of lots as per the attached plan.
- The land is free from any easements, encumbrances (refer also to item 2 above) and impositions of any kind by any person/s, local, state or federal authorities or anyone else that may, in the purchaser's opinion, adversely affect the land.
- All costs involved in subdividing or separation of the 3,989m² from parent lot are to be paid for by the vendor.
- Once the offer is accepted by the vendor, the vendor will provide any support to the purchaser that may be required to enable the purchaser to attend to any Local, State, Federal or statutory requirements.

The Town sought further clarification of the conditions outlined in the letter 10th May 2002 from Oceanbird Holdings in a letter of the 24th May 2002, the contents of which are as follows:

- The Town of Vincent will construct all pathways at their cost (external to the site).
- Easements may have to be granted to the Water Corporation and you acknowledge that this is not a vendor problem.
- The Town advises that there is currently no sewer connection to the site, however the Town's Civil Engineering Consultants advise the following:

That when the Watercorp installed the sewerage reticulation mains they would have taken into account future development in the catchment and designed the system to cater for this. This site can either be serviced from either extending the existing sewer at the rear of lots west of bottleyard site (north of bottleyard) or providing a connection from the existing manhole in Stuart Street which is on the 535 diameter main sewer line or both. The final connection and configuration will be dependant on the type of development (see attached diagram).

- The Town has the appropriate section 18 clearance from the Department of Indigenous Affairs, however we have been advised that if a new owner wishes to develop the site in

any way that includes ground disturbing works, including works associated with subdivision of it, he/she must lodge a section 18 application to gain consent for that purpose.

- The Town property is zoned R80 and that you acknowledged the “design guidelines” for the “Old Bottleyard” being the property.
- The Town confirms that to its knowledge the land is free from any easements, encumbrances and impositions of any kind by any persons, Local, State or Federal authorities or anyone else that may, in the purchaser’s opinion adversely affect the land.
- The Town confirms that all costs involved in subdividing or separation of 3989m² from the parent lot are to be paid for by the vendor.
- The Town will provide any support to the purchaser that may be required to enable the purchaser to attend to any Local, State, Federal or statutory requirements.
- The offer is subject to approval by the Council of the Town of Vincent.
- The offer will be required to be advertised for 14 days in accordance with Section 3.58 of the Local Government Act.

These conditions have now been confirmed. In a letter from Oceanbird Holdings dated 31st May 2002, they advise that following our discussions the offer will be put to Council and that this is subject to them obtaining a section 18 clearance from the Department of Indigenous Affairs.

The letter further confirms the Water Corporation has advised that connection to the sewer will more than likely be to Stuart Street as the first option or to other sewer connection points to the north or west of the property. If this is the case the Water Corporation will require an easement through part of the balance of the property to be able to connect the sewer to the Minister’s sewer line.

The Council included a further condition of sale at the Ordinary Council meeting of the 9th July 2002 which includes as a condition of sale that the site should be developed at the R60 code, which is consistent with the provisions of the Town Planning Scheme for the site.

CONSULTATION/ADVERTISING:

The disposal of the property was advertised in the West Australian on the 13th July 2002.

LEGAL/POLICY:

It is therefore recommended that the land parcel be sold by private treaty in accordance with Section 3.58 of the Local Government Act 1995. This states that:

- (2) *Except as stated in this section, a local government can only dispose of property to -*
 - (a) *the highest bidder at public auction; or*
the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property -*
 - a) *it gives statewide public notice of the proposed disposition -*
 - i) *describing the property concerned;*

- ii) *giving details of the proposed disposition; and*
 - iii) *inviting submissions to be made to the Local Government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*
- and*
- b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include -*
- a) *the names of all other parties concerned;*
 - b) *the consideration to be received by the Local Government for the disposition; and*
 - c) *the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the propose disposition.*

STRATEGIC IMPLICATIONS:

In accordance with Strategic Plan 2000-2002

3.5 Develop and Implement Strategies to improve the town's Physical Infrastructure, including buildings and land.

FINANCIAL/BUDGET IMPLICATIONS:

The Council has budgeted to receive \$2,200,000 from the land sale with \$471,000 allocated for subdivisional expenditure.

The offer of \$2,110,000 for these lots is financially acceptable to the Town.

The terms of settlement proposed are 90 days from Notification of Acceptance by the Vendor the Purchaser or Issue of Separate Title for the lot whichever is the later.

VALUATION:

The Town has received two valuations on the lots for sale. A valuation from Paxton Hoad (North) - \$1,600,000 to \$1,900,000 dated 12th November 2001 and a valuation from the Valuer Generals Office of \$1,850,000 received on the 25th March 2002.

COMMENTS:

The offer from Oceanbird Holdings Pty Ltd is acceptable to the Town. The Conditions of Sale imposed will ensure that the Town's position is not compromised. It is therefore recommended that Council accept this offer.

10.1.33 Leederville Hotel, Lot 30 (No. 742) Newcastle Street, Leederville - Application for Extended Trading Permit

Ward:	North Perth	Date:	7 August 2002
Precinct:	Oxford Centre; P4	File Ref:	ENS 0053
Reporting Officer(s):	A Bosworth		
Checked/Endorsed by:	D Brits, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That the Council;

- (i) *receives the written submission from the Leederville Hotel to support their Extended Trading Permit Application as 'Laid on the Table';*
- (ii) *advises the Department of Racing, Gaming and Liquor that the Council RECOMMENDS APPROVAL and that in the event that the Director Liquor Licensing issues conditional approval for the proposal, the following conditions should be complied with, with a view to addressing any concerns associated with the facility:*
 - (a) *frequent re-distribution of an after hours-mobile contact phone number for the Duty Manager shall be made available to surrounding residents to expedite remedial action regarding any unreasonable noise, and anti-social behaviour associated with the Hotel;*
 - (b) *the existing 'Premises Management and Harm Minimisation Plan for the Leederville Hotel' shall be upgraded and detailed to include the extended trading hours after midnight and relevant contingency planning and resolution action. The Sections relating to control of noise, traffic, car parking, litter and anti-social behaviour shall be upgraded accordingly and a copy provided to the Town and the Department of Racing, Gaming and Liquor within 14 days of approval;*
 - (c) *any approval should explicitly exclude external areas in particular, the beer garden; and*
 - (d) *the conditional approval be reviewed in 6 months, and annually thereafter; and*
- (iii) *recommends to the Director of Liquor Licensing, Department of Racing, Gaming and Liquor that it give due consideration to the three (3) objections received by the Town and any others directly received.*

COUNCIL DECISION ITEM 10.1.33

Moved Cr Ker, Seconded Cr Doran-Wu

That the recommendation be adopted.

Cr Drewett returned to the Chamber at 9.12 pm

LOST (0-8)

(Cr Piper on approved leave of absence)

Reasons:

1. **Loss of amenity in the area.**
 2. **Consideration of objections received.**
 3. **The inconvenience caused to the residents in the area.**
-

BACKGROUND:

On 19 July 2002, the Town received a letter from the Department of Racing, Gaming and Liquor, advising that an Application had been received from Pent Pty Ltd, The Leederville Trust, for an Extended Trading Permit at the Leederville Hotel located at No. 742 Newcastle Street, Leederville.

In particular, the application requests approval to grant extended trading between the hours of 12:00 midnight and 2.00am Wednesday to Saturdays inclusive, and 10:00pm and 12:00 midnight on Sundays. The application applies to the whole of the licensed premises with the **exception of the beer garden.**

CONSULTATION/ADVERTISING:

In accordance with the Town's Community Consultation Policy, letters were distributed to all residents within a 100-metres radius of the premises. This letter advised residents of the proposal, and requested written comments be directed to the Town and Liquor Licensing Division, Department of Racing, Gaming and Liquor by 6 August 2002.

Of the forty-nine (49) letters sent to owners and occupiers, three (3) objections were received. These related to the following issues that may be exacerbated by later trading: Parking, Noise, Increased traffic in surrounding streets, and Public Safety concerns.

DETAILS:

Health Services

The application submitted to the Director of Liquor Licensing included a comprehensive twelve page written submission, as '*Laid on the Table*', addressing issues such as community needs and recent planning approval received regarding redevelopment the hotel.

In addition, it detailed that the hotel management is looking to expand its client base, tending towards a more mature clientele and attracting more visitors to the Leederville Entertainment Precinct by providing a venue with diverse features including food. With the extended trading hours, this may lessen the impact of "*closing time*" on the surrounding residential areas and services such as public transport as patrons may leave in a more staggered/gradual manner.

The new design incorporates the following improvements:

- Disabled access to all areas of the venue;
- Food Service;
- Up to date Fire Facilities;
- Easy access to Emergency Exits;
- One central toilet block incorporating 32 pans and 10 metres of male urinals;
- Re-bituminising of all surrounding private roads, right of ways and Hotel car park;
- Beautification of the surrounding area;
- New public lighting and manned carpark security from dawn to close; and
- Improved sound containment (further sound containment improvements are currently being developed with acoustic consultants Herring & Storer).

The Leederville Hotel has a relatively new management team, focussed on achieving a popular and safe venue by consulting with Local Police and the Town, and has adopted a Management and Harm Minimisation Plan as required by the Department of Racing, Gaming and Liquor.

The Town has received noise complaints from one complainant in the past twelve months, and the Hotel acted promptly by redistributing after-hours Duty Manager mobile number contact to surrounding residents.

Planning Services

The Town's Planning Services have confirmed that the proposal generally corresponds to the Planning Approval granted by the Council at its Ordinary Meeting held on 25 June 2002 for alterations and additions to the existing hotel and associated carparking.

Furthermore, it is advised that the Oxford Centre Study does not make any specific recommendations on the operating hours of the Leederville Hotel. However, the guiding land use principles that are embodied in the Study recommend:

- Support and encouragement of the growth of employment generating businesses;
- To promote the intensification of land uses in closest proximity to the railway station; and
- To encourage mixed use residential within the core, but seek to carefully manage the inter-relationship of such uses with non-compatible containment uses such as night clubs.

Department of Racing, Gaming and Liquor - Liquor Licensing Division

The Liquor Licensing Division of the Department of Racing, Gaming and Liquor have confirmed that seventeen (17) objections have been received.

COMMENTS:

The Reporting Officers deem it appropriate to recommend that should conditional approval be granted, the following conditions be considered for inclusion by the Department of Racing, Gaming and Liquor in the Approval:

- Frequent re-distribution of an after hours-mobile contact phone number for the Duty Manager be made available to surrounding residents to expedite remedial action regarding any unreasonable noise, and anti-social behaviour associated with the Hotel;
- the existing 'Premises Management and Harm Minimisation Plan for the Leederville Hotel' be upgraded and detailed to include the extended trading hours after midnight and relevant contingency planning and resolution action. The Sections relating to control of noise, traffic, car parking, litter and anti-social behaviour to be upgraded accordingly and a copy provided to the Town and the Department of Racing, Gaming and Liquor within 14 days of approval;
- any approval should explicitly exclude external areas in particular the beer garden; and
- the conditional approval be reviewed in 6 months, and annually thereafter.

10.1.23 No.20 (Lot 10) Court Street, Highgate - Proposed Two-Storey Single House

Ward:	North Perth	Date:	1 August 2002
Precinct:	Forrest, P14	File Ref:	PRO1620 (00/33/1192)
Reporting Officer(s):	B Mirco		
Checked/Endorsed by:	Y Scheidegger, R Boardman		
Amended by:	-		

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 L Tucker for the proposed two-storey single house on No.20 (Lot 10) Court Street, Highgate and as shown on the plans stamp-dated 1 July 2002, 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 the front fences and gates adjacent to Court 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;*
- (ii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (iii) *a road and verge security bond and /or bank guarantee of \$550 shall be lodge prior to the issue of a Building License and be held until all works have been completed and/or any damage to existing Towns assets have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (iv) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the windows to bedroom 1 on the north eastern and south eastern elevation on the first floor shall be screened with a permanent obscure material to a minimum of 1.4 metres above the finished first floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed. The obscure portion of the window shall be fixed in a closed position and any higher part may be openable, or the whole window be top hinged and the obscure portion of the window openable to a maximum of 20 degrees;*
- (v) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the south eastern and north western sides of the balcony accessible from the living room and study on the first floor level shall be screened with a permanent obscure material to a minimum height of 1.4 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;*
- (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) *subject to first obtaining the consent of the owners of No.46 Wright Street, Highgate for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No.46 Wright Street, Highgate in a good and clean condition; and*
- (x) *compliance with all relevant Environmental Health, Engineering and Building requirements;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.23

Moved Cr Drewett, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (8-0)

(Cr Piper on approved leave of absence)

LANDOWNER: L Tucker
APPLICANT: L Tucker
ZONING: Metropolitan Region Scheme: Urban
 Town Planning Scheme No.1: Residential R80
EXISTING LAND USE: Vacant

COMPLIANCE:

Use Class	Single House
Use Classification	"P"
Lot Area	318 square metres

Requirements	Required	Proposed
Court Street setback		
North western side setback	6.0 metres	1.5 metres
- ground floor (carport)	1.0 metre	nil
- first floor		
South eastern side setback	4.2 metres	1.5 metres
- ground floor	1.5 metres	1.19 metres- 1.67 metres
- first floor	4.0 metres	1.67 metres
Total Open Space	50 percent	48 percent

SITE HISTORY:

- | | |
|-------------------|---|
| 24 January 2001 | The Town issued a Planning Approval for the demolition of the existing single house. |
| 1 February 2001 | The Town issued a Demolition Licence for the existing single house. |
| 13 March 2001 | The Council at its Ordinary Meeting refused an application for two (2) two-storey grouped dwellings. |
| 15 May 2001 | Notice of Appeal to the Town Planning Appeal Tribunal received by the Town, against the Council's Refusal issued 21 March 2001. |
| 15 May 2001 | The Appellant's Grounds of Appeal received by the Town. |
| 20 June 2001 | First sitting of the Appeal in the Town Planning Appeal Tribunal. |
| 26 June 2001 | The Council at its Ordinary Meeting refused an application for two (2) two-storey grouped dwellings. |
| 26 July 2001 | Appeal mediation to resolve relevant issues held. |
| 11 September 2001 | The Council resolved to be a party to a Consent Order with the inclusion of appropriate conditions to dispose of the appeal. |
| 1 July 2002 | The Town received this application for a two-storey single house. |

CONSULTATION/ADVERTISING:

There were no objections received as a result of the advertising and the Town also received a signed copy of the plans in support of the subject proposal by the owners of adjacent No.46 Wright Street, Highgate.

DETAILS:

Approval is sought for a proposed two-storey single house.

COMMENTS:

Court Street Setback

The Court Street setback is considered supportable, given the reduced setback on the adjacent north-western side property and the narrow width of the street.

Setbacks

The north western side setback is considered supportable, given the support from the adjacent owner and there is not considered to be an unreasonable adverse effect on the amenity of the adjacent property.

The south eastern side setback is considered supportable, given there is not considered to be an unreasonable adverse effect on the amenity of the adjacent property.

Privacy

There is considered to be the potential for unreasonable overlooking from the balcony to the living and study area on the south eastern elevation, and from the bedroom 1 windows on the north eastern and south eastern elevations and as such appropriate screening conditions should be applied.

Total Open Space

The proposed total open space is considered supportable, given the minor nature of the concession being sought and the close proximity to public open space.

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

10.4.6 Information Bulletin

Ward:	-	Date:	7 August 2002
Precinct:	-	File Ref:	-
Reporting Officer(s):	A Smith		
Checked/Endorsed by:	J Giorgi		
Amended by:	-		

RECOMMENDATION:

That the Information Bulletin dated 13 August 2002 and distributed to Elected Members with the Agenda be received.

COUNCIL DECISION ITEM 10.4.6

Moved Cr Ker, Seconded Cr Drewett

That the recommendation be adopted.

Mayor Catania advised that Cr Chester had declared a proximity interest in this item. Cr Chester departed the Chamber at 9.18 pm and did not speak or vote on the matter.

CARRIED (7-0)

(Cr Chester was absent and did not vote. Cr Piper on approved leave of absence)

Cr Chester returned to the Chamber at 9.19 pm

DETAILS:

The items included in the Information Bulletin dated 13 August 2002 are as follows:

ITEM	DESCRIPTION
IB01	Delegations for the Period 1 April 2002 to 30 June 2002
IB02	Department of Local Government and Regional Development - Withdrawal of Building Notice Appeal - Paul and Jennifer Jongste versus Town of Vincent 95 (Lot 191) Kalgoorlie Street, Mount Hawthorn
IB03	Nos. 196-198 (Lot 101) Scarborough Beach Road, Mount Hawthorn - Determination of Minister for Planning and Infrastructure on Planning Refusal
IB04	No. 241 (Lot 2) Vincent Street, West Perth - response to Town Planning Appeal Tribunal on Planning Refusal
IB05	No. 243 (Lot 2) Vincent Street, West Perth - response to Town Planning Appeal Tribunal on Planning Refusal
IB06	No. 64 (Lot 41) Cleaver Street, West Perth - response to Town Planning Appeal Tribunal on Planning Refusal
IB07	Nos. 177-179 (Lot 48) Carr Street, Leederville - letter from Minter

ITEM	DESCRIPTION
	Ellison Lawyers enclosing Statement of Respondent
IB08	Lot 74 Wavertree Place, Leederville - letter from Faye Caldwell on behalf of the residents of Wavertree Place
IB09	No. 12 Monger Street, Perth - letter from Rizzo Associates withdrawing application for change of use
IB10	CCP Snapshot - Issue No. 10 - July 2002
IB11	Letter from Western Australian Planning Commission - Metropolitan Region Scheme Proposed Amendment No. 1060/33A - Approval requirements under the Metropolitan Region Scheme for development by a Public Authority (Amended Provisions)
IB12	Response to Questions from Ms Lucia Dedear – Special Council Meeting 16 July 2002

10.1.26 Nos. 632-634 (Lots 1 and 2) Newcastle Street, Leederville – Request for Reconsideration of a Condition of Planning Approval for the Demolition of Existing Building and Construction of a Four Storey Mixed Use Development Comprising One (1) Shop, Four (4) Offices, an Educational Establishment and Associated Carparking

Ward:	North Perth	Date:	2 August 2002
Precinct:	Oxford Centre, P 4	File Ref:	PRO0943 00/33/1223
Reporting Officer(s):	S Robertson		
Checked/Endorsed by:	Y Scheidegger, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Architekton Architects on behalf of the owners Trinity Theological College Incorporated for the reconsideration of a condition of planning approval for the demolition of the existing building and construction of a four storey mixed use development comprising one (1) shop, four (4) offices, an educational establishment and associated carparking, on Nos. 632-634 (Lots 1 and 2), Newcastle Street, Leederville, and as shown on the plans stamp dated 17 July 2002, subject to:

- (i) *compliance with all of the conditions of Planning Approval dated 24 June 2002 with the exception of condition (xxii);*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.26

Moved Cr Franchina, Seconded Cr Doran-Wu

That the recommendation be adopted.

Mayor Catania advised that Cr Ker had declared a proximity interest in this item. Cr Ker departed the Chamber at 9.20 pm and did not speak or vote on the matter.

CARRIED (7-0)

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

Cr Ker returned to the Chamber at 9.21 pm.

LANDOWNER:	Trinity Theological College Incorporated
APPLICANT:	Architekton Architects
ZONING:	Metropolitan Region Scheme: Urban Town Planning Scheme No 1: Commercial
EXISTING LAND USE:	Vacant Carpark
COMPLIANCE:	

Use Class	Showroom, Office Building and Educational Establishment
Use Classification	"P", "P", "AA"
Lot Area	1607 square metres

SITE HISTORY:

11 June 2002 The Council at its Ordinary Meeting, granted conditional approval for the demolition of the existing buildings and construction on a four storey mixed use development comprising one (1) shop, four (4) offices, an educational establishment and associated carparking. Condition (xxii) of the approval stated:

"(xxii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the fourth storey of the development being setback a minimum of 4.0 metres from the Newcastle Street boundary. The revised plans shall not result in any greater variation to the requirements of the Residential Planning Codes and the Town's Policies;"

CONSULTATION/ADVERTISING:

The application was not advertised, as it represents a revision to an application which addresses a condition of planning approval that has been considered by the Council within the past 12 months and is being referred to the Council for its determination.

DETAILS:

The applicant has submitted a further planning application seeking the Council's endorsement of revised plans to address condition (xxii) of the Planning Approval dated 24 June 2002.

The applicant has submitted the following information in support of the proposal:

"We wish to submit revised drawings showing our proposed amendment which can be described as follows:

- 1. The fourth level at the Newcastle Street frontage is actually a mezzanine sits within the volume of the third level Library and under a raking ceiling. We have set this mezzanine 4.0 metres back from the boundary within the third level.*
- 2. We have referred to the Town of Vincent Residential Design Guidelines: Building Scale and the table relating Performance Criteria and Acceptable Development. This table notes that for ridges greater than 6.0 metres and for Three Storey buildings, the maximum height is 12.0 metres. There is no direct application from this table to our development but we have applied the 12.0 metre maximum to the Newcastle Street elevation*
- 3. The maximum eaves height to Newcastle St. as shown on the drawings is 12.0 metres, with the roof above pitching away from the street at 25 degrees to create a hipped roof over the mezzanine."*

COMMENTS:

The revised plans generally address the setback condition by reducing the visible bulk and scale associated with the mezzanine level of the proposal and it is considered that the pitched roof generally complies with the intentions of this condition. Accordingly, the revised plan is considered to fulfil condition (xxii) of the Planning Approval granted by the Council at its Ordinary Meeting held on 11 June 2002.

10.4.8 Confidential Report - Town Planning Appeal Tribunal Appeal No. 44 of 2002 - Voulon versus Town of Vincent and David Owen - No 190 (Lot 302) Grosvenor Road, Corner Leake Street, North Perth - Proposed Three Storey Single House (Norfolk Precinct) PRO1861 (00/33/0865)

Ward:	North Perth	Date:	7 August 2002
Precinct:	Norfolk, P10	File Ref:	PRO 1861 (00/33/0865)
Reporting Officer(s):	B Mirco, V Lee		
Checked/Endorsed by:	Y Scheidegger, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That pursuant to section 5.95 of the Local Government Act 1995 and clause 2.15 of the Town of Vincent Local Law Relating to Standing Orders, the Council proceeds "behind closed doors" at the conclusion of the items, to consider the confidential report, circulated separately to Elected Members, relating to the Proposed Three Storey Single House at No. 190 (Lot 302) Grosvenor Road, corner Leake Street, North Perth.

COUNCIL DECISION ITEM 10.4.8

Moved Cr Drewett, Seconded Cr Franchina

That the recommendation be adopted.

Cr Ker departed the Chamber at 9.18 pm

CARRIED (7-0)

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

DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains information of a legal nature which may jeopardise the Town's position if made public.

LEGAL:

The Town of Vincent Local Law Relating to Standing Orders states the following:

"2.15 Confidential business

- (1) *All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is –*
- (i) *to be treated as strictly confidential; and*
 - (ii) *not, without the authority of Council, to be disclosed to any person other than–*
 - (a) *the Members; and*
 - (b) *Officers of the Council but only to the extent necessary for the purpose of carrying out their duties;*

prior to the discussion of that matter at a meeting of the council held with open doors.

- (2) *Any report, document or correspondence which is to be placed before the Council or any committee and which is in the opinion of the Chief Executive Officer of a confidential nature, may at his or her discretion be marked as such and –*
- (i) then to be treated as strictly confidential; and*
 - (ii) is not without the authority of the Council to be disclosed to any person other than the Mayor, Councillors or the Officers of the Council referred to in sub-clause (1).”*

The confidential report is provided separately to Elected Members, the Chief Executive Officer and Executive Managers.

At the conclusion of these matters, the Council may wish to make some details available to the public.

10.4.9 Confidential Report - Hill's Weeping Figs (*Ficus hillii*) – Street Verge Trees

Ward:	Both	Date:	12 July 2002
Precinct:	Mt Hawthorn P1, Smith's Lake P6, North Perth P8, Norfolk P10, Hyde Park P12 & Beaufort P13	File Ref:	TES0234
Reporting Officer(s):	J van den Bok, R Lotznicher		
Checked/Endorsed by:	R Lotznicher, John Giorgi		
Amended by:	-		

OFFICER RECOMMENDATION:

That pursuant to section 5.95 of the Local Government Act 1995 and clause 2.15 of the Town of Vincent Local Law Relating to Standing Orders, the Council proceeds "behind closed doors" at the conclusion of the items, to consider the confidential report, circulated separately to Elected Members, relating to the potential liability of the Hill's Weeping Figs – Street Verge Trees.

COUNCIL DECISION ITEM 10.4.9

Moved Cr Drewett, Seconded Cr Franchina

That the recommendation be adopted.

CARRIED (7-0)

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

DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains information of a legal nature which may jeopardise the Town's position if made public.

LEGAL:

The Town of Vincent Local Law Relating to Standing Orders states the following:

"2.15 Confidential business

- (1) All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is –*
- (i) to be treated as strictly confidential; and*
 - (ii) not, without the authority of Council, to be disclosed to any person other than–*
 - (a) the Members; and*
 - (b) Officers of the Council but only to the extent necessary for the purpose of carrying out their duties;*

prior to the discussion of that matter at a meeting of the council held with open doors.

- (2) *Any report, document or correspondence which is to be placed before the Council or any committee and which is in the opinion of the Chief Executive Officer of a confidential nature, may at his or her discretion be marked as such and –*
- (i) *then to be treated as strictly confidential; and*
 - (ii) *is not without the authority of the Council to be disclosed to any person other than the Mayor, Councillors or the Officers of the Council referred to in sub-clause (1).”*

The confidential report is provided separately to Elected Members, the Chief Executive Officer and Executive Managers.

At the conclusion of these matters, the Council may wish to make some details available to the public.

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

12.1 Cities for Climate Protection - Nominated Councillor

Ward:	Both Wards	Date:	31 July 2002
Precinct:	All Precincts	File Ref:	PLA0096
Reporting Officer(s):	G McLeod-Thorpe		
Checked/Endorsed by:	Y Scheidegger, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That Mayor Nick Catania, JP be nominated as the Cities for Climate Protection Elected Member for the Town of Vincent.

COUNCIL DECISION ITEM 12.1

Moved Cr Drewett, Seconded Cr Chester

That the recommendation be adopted.

Cr Ker returned to the Chamber at 9.20 pm

CARRIED (8-0)

(Cr Piper on approved leave of absence)

DETAILS:

The Town has received a letter and *CCP Snapshot* dated July 2002 from the International Council for Local Environmental Initiatives, asking the Town to nominate an Elected Member to act as the Elected Member contact point for the Cities for Climate Protection (CCP) Program. The purpose of this contact is to ensure that the Council is kept up to date with the CCP Program and issues relevant to local government. The nominated Elected Member will be emailed *CCP Snapshot* on a monthly basis, which is a two-page newsletter designed specifically for CCP Mayors and Elected Members and provides an update on local, state, national and international happenings on greenhouse action.

COMMENTS:

The CCP Nominated Elected Member will be used as a contact point for briefings on the CCP Program. The Elected Member will be part of an email network, and will be kept up to date on the political actions of other CCP Councils. In light of the above, it is recommended that Mayor Nick Catania, JP be nominated as the CCP Elected Member for the Town.

13. URGENT BUSINESS

Nil

At 9.22 pm Moved Cr Drewett, Seconded Cr Franchina

That the Council proceed behind closed doors to considers confidential Items 10.4.8 and 10.4.9.

Reporters Jenny D'Anger and Ryan Sturman and one (1) member of the public departed the Chamber.

Cr Doran-Wu departed the Chamber at 9.21 pm.

10.4.8 Confidential Report - Town Planning Appeal Tribunal Appeal No. 44 of 2002 - Voulon versus Town of Vincent and David Owen - No. 190 (Lot 302) Grosvenor Road, Corner Leake Street, North Perth - Proposed Three Storey Single House

Ward:	North Perth	Date:	7 August 2002
Precinct:	Norfolk, P10	File Ref:	PRO 1861 (00/33/0865)
Reporting Officer(s):	B Mirco, V Lee		
Checked/Endorsed by:	Y Scheidegger, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That the Council;

- (i) *receives the advice from the Town's Solicitors, Minter Ellison, dated 15, 22 and 30 July 2002, attached at Appendix 10.4.8; and*
- (ii) *the Council authorises the Executive Manager Environmental and Development Services to represent and mediate on behalf of the Town at the hearing of the Town Planning Appeal Tribunal to be held on a date to take place in September 2002, relating to the proposed three storey single house at No. 190 (Lot 302) Grosvenor Road, corner Leake Street, North Perth, subject to the following conditions:*
 - (a) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (i) *the louvres to the terrace and timber slats to the void, on the first floor, incorporating a gap with a minimum width as the louvre and slats battens respectively, in between each louvre and slat batten;*
 - (ii) *an 800 millimetres by 800 millimetres truncation being provided at the south western corner entry to the garage; and*
 - (iii) *the highlight windows on the first and second floor on the eastern elevation are limited to a maximum area of 1.5 square metres for each level;*
 - (b) *a detailed schedule of external finishes (including materials and colour schemes and details), with particular attention to reducing the visual impact of the development on the streetscape and adjacent properties, shall be submitted and approved prior to the issue of a Building Licence;*
 - (c) *prior to the first occupation of the development, the full length and width of the right of way from Leake Street 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;*

- (d) *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 and undertake works on the right of way, to the satisfaction of the Town;*
- (e) *a bond and/or bank guarantee for \$6000 for the full upgrade of the right of way shall be lodged prior to the issue of a Building Licence;*
- (f) *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 a 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;*
- (g) *a footpath 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;*
- (h) *prior to the issue of a Building Licence, the subject land shall be subdivided as generally shown on the approved plans on Certificates of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to subdivide the subject land as generally shown on the approved plans within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (i) *prior to the issue of a Building Licence, permission is required to be obtained from the Town's Technical Services Division to construct a footpath/pedestrian access to the proposed dwelling. This pedestrian access/footpath may be required to be provided directly from the adjoining right of way;*
- (j) *any filling placed on the site shall not exceed a height of 300 millimetres above the established natural ground level of any adjoining lot. A height in excess of 300 millimetres to a maximum of 600 millimetres above the established natural ground level of any adjoining lot may be permitted by the Town, subject to the written consent of the owners of all adjoining properties to the proposed depth of filling;*
- (k) *to protect the privacy of adjacent residents, prior to the first occupation of the development, the window to the dining room on the northern elevation on the first floor shall either be deleted, or screened with fixed obscured material and be openable to a maximum of 20 degrees to a minimum height of 1.4 metres above the finished first floor level. The obscured material shall not be self adhesive material or other material that is easily removed.*

- (l) *a detailed landscaping plan prepared in consultation with the Town's Parks Services (including a schedule of plant species and the planting of at least two mature trees on the Leake Street verge adjacent to the subject property with the height, location and species being specified by the Town's Parks Services, and the landscaping and reticulation of the Leake Street and Grosvenor 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); and*
- (m) *compliance with all relevant Environmental Health, Building and Engineering requirements;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.4.8

Moved Cr Drewett, Seconded Cr Cohen

That the recommendation be adopted.

Cr Doran-Wu returned to the Chamber at 9.23 pm.

Debate ensued.

LOST (0-8)

(Cr Piper on approved leave of absence)

Reason

The Council considers this matter should not be approved and a strong stand should be taken.

ALTERNATIVE RECOMMENDATION:

Moved Cr Chester, Seconded Cr Franchina

That the following alternative recommendation be adopted.

That the Council;

- (i) *receives the advice from the Town's Solicitors, Minter Ellison, dated 15, 22 and 30 July 2002, as shown on Appendix 10.4.8 to this Report; and*
- (ii) *authorises the Executive Manager Environmental and Development Services to represent the Town at the hearing of the Town Planning Appeal Tribunal to be held on 23 September 2002, relating to the proposed three storey single house at No. 190 (Lot 302) Grosvenor Road, corner Leake Street, North Perth.*

CARRIED (8-0)

(Cr Piper on approved leave of absence)

Note: The Chief Executive Officer advised that this report is now released to the public as the Council has determined the matter.

LANDOWNER: Temple of Bel Pty Ltd
APPLICANT: R Voulon
ZONING: Metropolitan Region Scheme: Urban
Town Planning Scheme No. 1: R40
EXISTING LAND USE: Single House

COMPLIANCE:

Use Class	Single House
Use Classification	"P"
Lot Area	Existing Lot 302 - 577 square metres Proposed Lot - 215 square metres

Side Setbacks

Wall	Height	Length	Major Openings	Setback Required	Setback Provided
Eastern side	2.743 metres	14.2 metres	No	1.5 metres	nil
Northern side	5.743 metres	13.1 metres	Yes	3.5 metres	3.0 metres - 5.0 metres

Requirements	Required	Proposed
Leake Street setback	6.0 metres	0.2 metre - 2.0 metres
Total Open Space	50 percent (107.5 square metres)	43.8 percent (94.15 square metres)
Front fence	1.2 metres high solid	portion 1.8 metres high solid

SITE HISTORY:

- 20 November 2001 The Council at its Ordinary Meeting refused an application for a three storey single house.
- 12 February 2002 The Council at its Ordinary Meeting refused an application for a three storey single house.
- 11 April 2002 The Town was advised that an appeal had been lodged against the decision of the Town to refuse and application for planning consent to develop a three storey single house on No. 190 (Lot 302) Grosvenor Road, Corner Leake Street, North Perth.
- 15 May 2002 Minter Ellison, the Town's Solicitors appeared on behalf of the Town for the first sitting of the Appeal Tribunal.
- 19 June 2002 Minter Ellison, the Town's Solicitors appeared on behalf of the Town at the mediation.
- 29 July 2002 Minter Ellison, the Town's Solicitors appeared on behalf of the Town at the Town Planning Appeal Tribunal (TPAT).

COMMENTS:

The Town's Solicitors, Minter Ellison have advised that the Town has two principal options regarding the future course of the Appeal. Firstly, it can defend the Appeal and attempt to persuade the TPAT that Mr Voulon's proposed residence should not be approved. The Town's Solicitors advise that in their previous correspondence with the members of the TPAT presiding at the mediation, they privately expressed the view that the Town's prospects of success at the hearing of the appeal were remote. The Town's Solicitors advise that while those particular TPAT members would not preside at the hearing, their views must be given significant weight.

The Town's second option is to enter into negotiations with Mr Voulon in an attempt to agree to a set of conditions which would enable the development to proceed.

The Town's Solicitors are seeking instruction from the Town as to whether the matter should progress to a hearing or alternatively, wishes to enter into negotiations with the Mr Voulon on the basis that his proposed residence would be approved subject to agreed conditions. In the solicitors view, the Town does not have a strong case to successfully defend the appeal and recommends that the Town consider whether there are any conditions upon which the proposed residence could be approved.

Accordingly, it is recommended that the Town acknowledges the Town's Solicitors advice and considers supporting the conditions imposed in the Officers recommendation when considered at the Ordinary Council Meeting held on 12 February 2002.

In light of the above, it is recommended that the Council resolve the matter during the process of mediation subject to appropriate conditions. These conditions are generally those which can be supported under the Town Planning Scheme and associated Policies. The alternative would be to proceed to a formal hearing at the Town Planning Appeal Tribunal, and it is considered that the Town would be unsuccessful. Should the Town Planning Appeal Tribunal uphold the appeal, it may be subject to lesser conditions to those recommended above. If the matter does proceed to a formal hearing, it would be prudent to obtain legal representation, and the likely cost of this would be in the region of \$15,000 - \$20,000.

10.4.9 Confidential Report - Hill's Weeping Figs (Ficus hillii) – Street Verge Trees

COUNCIL DECISION ITEM 10.4.9

Moved Cr Franchina, Seconded Cr Cohen

That the recommendation be adopted.

Debate ensued.

Moved Cr Drewett, Seconded Cr Hall

That this item LIE ON THE TABLE and more information be obtained and a strategy for implementation be prepared.

CARRIED (8-0)

(Cr Piper on approved leave of absence)

At 9.58 pm Moved Cr Ker, Seconded Cr Chester

That Council resume an open meeting.

CARRIED (8-0)

(Cr Piper on approved leave of absence)

14. CLOSURE

Presiding Member, Mayor Nick Catania JP, declared the Meeting closed at 9.59pm with Councillors Chester, Doran-Wu, Drewett, Franchina, Cohen, Hall, and Ker, Chief Executive Officer, John Giorgi JP, Executive Manager Corporate Services, Mike Rootsey, Executive Manager Environmental and Development Services, Rob Boardman, Executive Manager Technical Services, Rick Lotznicher present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 13 August 2002.

Signed:Presiding Member
Mayor Nick Catania, JP

Dated this day of 2002