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**14. CLOSURE**

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 17 December 2002 commencing at 6.14pm.

**1. DECLARATION OF OPENING**

The Presiding Member, Mayor Nick Catania, JP declared the meeting open at 6.14pm.

**2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE**

**(a) Apologies:**

Nil

Mayor Catania advised that Cr Chester had advised that he would arrive late.

**(b) Present:**

Mayor Nick Catania, JP	Presiding Member
Cr David Drewett, JP	Deputy Mayor - Mt Hawthorn Ward
Cr Simon Chester	Mt Hawthorn Ward (from 7.07pm)
Cr Caroline Cohen	North Perth Ward
Cr Helen Doran-Wu	Mt Hawthorn Ward
Cr Basil Franchina	Mt Hawthorn Ward
Cr Kate Hall	North Perth Ward
Cr Ian Ker	North Perth Ward
Cr Marilyn Piper, JP	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 Manager Corporate Services
Debbie Winfield	Minute Secretary
Jeff Fondacaro	Centre Supervisor, Beatty Park Leisure Centre (until 7.30pm - attended for presentation Item 7.1)
Dale Morrissy	Assistant Manager – Aquatics and Operations (until 7.30pm - attended for presentation Item 7.1)
Ms Jenny D'Anger	Journalist - Voice News (until 10.17pm)
Ryan Sturman	Journalist - Guardian Express (until 10.17pm)
Members of the Public	Approximately 94

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

Nil

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

1. Mr Philip Kallacis of 32A Woodville Street, North Perth, representing residents opposed to the development – Item 10.1.26. Tabled twelve copies of the letter dated 15 December 2002 sent to Councillors from the residents opposed to the development, stating objections and concerns, and photographs showing the development in relation to the residential houses. Stated that a meeting organised by the developer was held on the morning after they submitted the second design, and the current application was the third design, and that the bulk and density were the main areas of non compliance.
2. Mr Ananthan Amadarajah of 48 Anzac Road, Mount Hawthorn - Item 11.2 Stated that at the recent public meeting between residents and the Oxford Hotel owners, there was an understanding between parties that residents were entitled to residential parking from 4pm/5pm to 7am/8am. Stated that on equity grounds, he believed the restriction should apply to both sides of Anzac Street.
3. Ms Naomi Brown of 5 Menzies Street, North Perth - Item 10.1.26. Stated that there were issues for the residents of Woodville and Menzies Street relating to loss of amenity, the increase in noise and the loss of privacy, as a result of the density, bulk and scale of the proposed development, and the increase in traffic and associated parking issues. Also stated that to keep the heritage houses facing Fitzgerald Street, the density in the available area had been taken up to ninety, the development was too big for the block, unsuitable in size and out of character for the neighbourhood. Requested Councillors to reject the application.
4. Mr David Barnes of Cape Bouvard Developments Pty Ltd, of unstated address – Item 10.1.26. Stated that the original proposal had been amended as a result of consultation with residents and to address Council concerns, and he believes the resulting proposal is a responsible one, addresses the concerns and provides a high quality infill development which retains the Fitzgerald Street streetscape. Requested Councillors to support the application.
5. Mr Louis Zampogna of 3/177 Carr Place, Leederville – Item 10.1.2. Stated that he would like to bring this item forward.
6. Mr David Barber of 739 Broome Street, Cottesloe – Item 10.1.6. Stated the café proposed would be a local café so that people do not need to use their vehicles, and that the car parking issue could be resolved using payment in lieu. Sought Councillors approval of the application.
7. Mr Brian Watt of 111 Carr Street, West Perth, representing the Cleaver Precinct Group – Item 10.1.17. Stated the proposal was not consistent with the orderly and proper planning or the preserved amenity of the residents of the area, and it does not comply with the Residential Design Codes in a number of areas, including significantly in height, setback, density and privacy. Requested that Councillors refuse the application in accordance with the Officer's recommendation.

8. Mr Anthony Rechichi, Architect of 218 William Street, Northbridge, representing owners L and A Meseva – Item 10.1.18. Stated that the application was resubmitted to Council as the result of an oversight on the administrative procedure. He advised that Councillors should approve the application because the open space almost complied (42.1% against the required 45%) and prepared to modify to meet 45%, the reduced front setback is not out of character with the existing streetscape, neighbours have consented to the design and have no issues with scale, bulk and privacy.
9. Ms Maureen Hague of 49 Anzac Road Mount Hawthorn – Item 11.2. Stated that she supports the current residential parking in Anzac Street and that residential parking is only one of the issues involving the Oxford Hotel. She asked why this issue was again on the Agenda as she believes residents were advised last month that no further proposals would be considered without consultation with the residents. She thanked the Mayor and Councillors for their efforts to attain a balance on this issue.
10. Ms Judith Burrows of 70 Auckland Street, North Perth, representing the North Perth Precinct Group – Item 10.1.21. Requested Councillors to support Officer's recommendation, and thus support the wishes of the majority of the residents, and to forward all Scheme documents to the Department of Planning and Infrastructure.
11. Ms Cecilia Mollison of 240 Selby Street, Wembley, speaking on behalf of her father, Mr George Mollison – Item 10.1.21. She requested that Councillors consider Mr Mollison's property (which is on the north side of Scarborough Beach Road) for R60 zoning, as per the properties between Charles Street and London Street.
12. Mr John Hockley of 3 Leslie Street, Mount Lawley, representing the Banks Precinct Action Group as Chairperson– Item 10.1.20. Stated that the community supports the Officer's recommendation.
13. Ms Carol Lonman of 7 Hyde Street, Mount Lawley – Item 10.1.27. Stated that she had some concerns with the potential use of the storage area under the roof, based on the height and the windows. Requested Councillors to refuse the application, and that future approval be dependant on reduced height and the deletion of the southern windows.
14. Ms Rosalynne Tamaki of 49 Anzac Road, Mount Hawthorn– Item 11.2. Stated that residents near the Oxford Hotel were subject to stress as a result of the noise of patrons and the loud music, and the proposed removal of residential parking demonstrates a disregard for residents' rights to amenity of the area. Also stated that for the past five years, residents had been obligated to attend Council meetings to defend their right for residential amenity. Thanked Councillors Chester, Doran-Wu, Ker and Mayor Catania for their past support.
15. Mr Cosi Schirippa of 88 Auckland Street, North Perth, representing the North Perth Precinct Group – Item 10.1.21. Stated that last November's petition and the recent submission showed that 85% of residents supported the R20 zoning and requested the Councillors to support the Officer's recommendation and approve the rezoning. Also requested that Council accelerate and follow through the next phase to the Western Australian Planning Commission.

16. Ms Leonie Crow of 9 Hyde Street, Mount Lawley – Item 10.1.27. Stated that the southern boundary of this development is the northern boundary of her property, and the development, a nine metre high building is 0.8 metres from her fence, resulting in loss of amenity, privacy and light, and considerable height, bulk and scale. Requested that Council refuse the application.
17. Mr Roy Liversage of 6 Hammond Street, West Perth – Item 10.1.17. He stated that the regulations should be adhered to and that there was already congestion and a lack of carparking. Asked why the Council was being asked to consider this application which did not comply. Requested Councillors to support the Officer' recommendation of refusal.
18. Ms Alison Egan of 45 Anzac Road, Mount Hawthorn – 11.2. Stated that residential parking was needed on both sides of Anzac road, seven days a week, and removing residential parking would exacerbate the noise problems caused by patrons leaving the nearby Oxford Hotel. Also referred to recent increased patronage of the hotel and questioned how Town rangers would enforce a three hour parking restriction. Requested Councillors to not rescind the previous decision.
19. Mr Steve Robertson of 26 Witchcliffe Way, Dianella – Item 10.1.5. Thanked the Councillors for their time over the last few weeks and stated he would undertake any suggestions from the Council, and requested support of the application.
20. Mr Jim Christos of 132 Eaton Street, North Perth – Item 10.1.21. Stated that the proposed rezoning would cause him a potential financial loss as it would result in his property zoned as R20, the property behind zoned as R60 and the property across the road as R30/40. He believed he would be surrounded by development and not be in a position to develop his property.
21. Ms Shirley Benton of 34/46 Smith Street, Highgate, representing the Forrest Precinct Group – Item 10.2.1. Thanked the Town of Vincent, Mayor Catania and Cr Cohen for addressing the issue of the paving of the ROW bounding Harold, Wright, Turner and Lord Streets. Requested Council to support this item.
22. Ms Yolanda Nardizzi of 5 Kinkuna Way, City Beach – Item 10.1.17. Stated that she had personally canvassed some of the residents of Oak Lane, Hammond and Janet Streets, with the proposed development and had a positive response. She believes that there will not be an overwhelming number of vehicles as a result of the development.
23. Mr Paul McCarthy of 32 Woodville Street, North Perth – Item 10.1.26. Stated that his objections and that of his fellow residents was due to the significant and numerous non-compliance, including amalgamation of blocks, setbacks and height limitations. Also stated that the Knutsford Locality Plan Policy statement summed up concerns and that development was possible with compliance. Requested Councillors to reject the proposal.

24. Mr Chris Angelkov of 274 Walcott Street, Mount Lawley – Item 10.1.21. Stated that Eaton should be treated no differently to North Perth, East Perth and Subiaco, as long as the development is in harmony with the area. Referred to the potential financial loss on properties being down zoned and requested that current zoning be maintained, but with more stringent control of development.
25. Mr Stuart Dobson of 27 Woodville Street, North Perth – Item 10.1.26. Requested Councillors to refuse the application based on the non-compliance. Referred to his letter dated 15 December 2002, and the summary of non-compliance table on page 4, covering height, building scale and bulk, and setbacks.

**Cr Hall departed the Chamber at 7.05pm.**

**Cr Drewett departed the Chamber at 7.06pm.**

**Cr Chester entered the Chamber at 7.07pm.**

26. Mr Ron Brooks of 11 Hopgood Street, Melville, representing owners Mr and Mrs Arseven - Item 10.1.27. He commended the Officer for a fair assessment of the application. Stated that the owners have been seeking development since August 2001, that the new Residential Design Codes had been introduced since this time, and that the owners accepted the need for land taken for the Right of Way. Claimed owners had made significant concessions by removing top the floor, lowering the height of the building and that they accepted all conditions in the Officer's report

**Crs Drewett and Hall returned to the Chamber at 7.08pm.**

**Cr Piper departed the Chamber at 7.09pm.**

27. Mr Charles Mc Keevey 1125 Gill Street, Parkerville - Item 10.1.21. Stated that he had a property in Loch Street, and recently, properties on either side had approvals for subdivision. He believes his property is ideal for subdivision and requested a provision to that properties can be considered on an individual basis.

**Cr Piper returned to the Chamber at 7.11pm.**

28. Mr Joe Nardizzi of 5 Kinkuna Way, City Beach - Item 10.1.17. Stated that as the developer, he supported the application, and that he considered the development would enhance the area as it was of a high quality.
29. Mr Ley Wedyke of 48 Auckland Street, North Perth – Item 10.1.21. Stated he had purchased his property over eight years ago because it was subdividable, and currently all adjoining lots to his have been subdivided. Also stated that in between Scarborough Beach Road, London Street, Charles Street and Green Street there are 172 subdivided lots, and these were not included in the 85% in the survey. Referred to the potential financial loss on being unable to subdivide the property and this is unfair to investors.

30. Mr Ian Anderson of 44 Anzac Road, Mount Hawthorn – Item 11.2. Requested Councillors not to accept the motion to rescind residents only parking on the south side of Anzac Road. He stated that it was agreed at a recent public meeting between the hotel owner and the residents, that unrestricted parking apply during the day, and restricted residential parking after 5pm on both sides of Anzac Street, and requested that Councillors support this.
31. Mr Philip Sarich 40 Anzac Road, Mount Hawthorn – Item 11.2. Stated that the Agenda item was not clear and he requested Councillors to support the agreement at the recent public meeting that there be unrestricted residential parking on both sides of Anzac Street.
32. Ms Lucia Dedear of 98 Buxton Street, Mount Hawthorn - Item 10.1.26, also speaking on behalf of Tony Keene 93 Kalgoorlie Street, Mount Hawthorn. Believes the development does not respect the Locality Statement of the Town Planning Scheme because it does not comply and results in loss of amenity. Stated that the application should be refused.
33. Mr Tom Clarke of 3 Hyde Street – Item 10.1.27. Stated that he opposed the development as he believed it was inappropriate for the location, there was no significant reduction in the bulk of the building in the new plans, the affect on the amenity of adjacent properties would be significant and it would set a precedent for other developments.
34. Mr Dudley Maier of 51 Chatswood Street, Highate – Item 10.4.2 and 10.1.6. In regard to 10.4.2, Mr Maier requested that to ensure public involvement in the process, all reports be placed on the Town’s website for a minimum of four days. In regards to Item 10.1.6, stated that he believed there was an error concerning the calculation of the car parking shortfall. Also stated that the owner has the opportunity to provide parking on the property, and requested Council to ensure the owner be required to provide parking and not cash-in-lieu.
35. Mr Dominic Italiano of 99 Flinders Street, Mount Hawthorn – Item 10.1.16. Stated that he had a number of concerns about the accuracy of the Officer’s report, and referred to page 71, under the heading Details, and advised that the fence has not been erected along the southern boundary, as stated in the report, the east elevation of the fence is 1.25 metres, and not 1.4 metres as stated in the report and the proposal does not involve variation to the size and location of the verandah. Mr Italiano also advised that under the heading Comments, he would like to clarify, that headlight glare does affect both his indoor and outdoor living areas, and that his neighbours had signed a petition in support of the fence. Mr Italiano requested Councillors to support the application on its merit.
36. Mr Mario Pisoneri of 16 Kalgoorlie Street, Mount Hawthorn – re verge trees. Mr Pisoneri stated that he had not received a reply to a letter dated 13 November 2002 sent to Council in relation to verge trees which he has asked to have flat topped as they are two metres off his verge. He asked why there had been no reply.

*Mayor Catania stated that a response will be provided to Mr Pisoneri.*

There being no further questions from the public, Public Question Time was closed at 7.26 pm.

**(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

IB03

**4. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS**

5.1 G. M. Singleton (on behalf of Harwood Place Action Group) of 20 Harwood Place, West Perth, with 18 signatories, regarding a proposed Backpackers hostel, Lot 28 Newcastle Street. It was recommended that this petition be referred to Executive Manager of Environmental and Development Services for investigation and report.

5.2 Ms Alison Glifford of 181 Grosvenor Road, North Perth, with 4 signatories, objecting to a proposed three storey single house No. 190 (Lot 302) Grosvenor Road, Corner Leake Street, North Perth. Reason was the proposed height. It was recommended that this petition be referred to Executive Manager Environmental and Development Services for investigation and report.

5.3 North Perth Precinct Group (c/- Jon Adams, Co-Chairman North Perth Business and Community Association), PO Box 649, North Perth WA. Petition with 234 signatories supporting and requesting the urgent upgrading of Fitzgerald Street between Angove Street and Raglan Road to match the Angove Street upgrade. It was recommended that this petition be referred to Executive Manager Technical Services for investigation and report.

**Moved Cr Chester, Seconded Cr Hall**

*That the petitions be received and the reports be prepared as recommended.*

**CARRIED (9-0)**

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

**Moved Cr Hall Seconded Cr Chester**

*That the Minutes of the Ordinary Meeting of Council held on 3 December 2002 be confirmed as a true and correct record.*

**CARRIED (9-0)**

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

*That the Minutes of the Special Meeting of Council held on 10 December 2002 be confirmed as a true and correct record.*

**CARRIED (9-0)**

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

**7.1 Employee of the month**

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 December 2002, the award is presented to Jeff Fondacaro, Centre Supervisor, Beatty Park Leisure Centre. Jeff was nominated by Deb Vanallen, Beatty Park Leisure Centre Manager for the exceptional customer service he provides to clubs, groups and casual users of the centre, his willingness to help out staff in all areas of the facility, his efforts in the organisation and participation in Beatty Park Leisure Centre's 40th Birthday Party and providing Induction Training to Pool Lifeguards both internally and externally while still looking after the day to day operations as a Centre Supervisor. Jeff also enthusiastically took on the role of Occupational Health And Safety Representative for Beatty Park Leisure Centre at very short notice.

Jeff's proactive and positive approach in all his dealings at the centre are a credit to himself and the organisation.

**7.2 Announcement Under Section 3.12(2) Of The Local Government Act 1995 To Amend A Local Law**

It is advised that the Town Of Vincent hereby gives public notice that it intends to amend the Town Of Vincent Local Law relating to parking facilities, as published in the Government Gazette on 23 May 2000, to include Pier Street, Brewer Street and Stirling Street, Perth and Richmond Street, Leederville in the First Schedule, as Designated Ticket Machine Zones within the Town Of Vincent.

This amendment will:

Allow for fees to be imposed for parking in Pier Street, Brewer Street, Stirling Street, Perth and Richmond Street, Leederville and

For the installation of ticket issuing machines in Pier Street, Brewer Street and Stirling Street, Perth and Richmond Street, Leederville

Report 10.1.25 relates to this matter.

**7.3 URGENT BUSINESS**

The Presiding Member approved of two matters of urgent business in accordance with Standing Orders, as follows;

- (i) Motion from Councillor Helen Doran-Wu – proposed Town Of Vincent Community Forum to discuss the proposed Prostitution Control Bill; and

- (ii) Council to proceed behind closed doors to consider the Confidential Motion from Councillor Caroline Cohen regarding the naming of Banks Reserve Proposed Regional Recreation Path

Both motions were circulated to elected members.

## 8. DECLARATION OF INTERESTS

- 8.1** Mr John Giorgi declared a financial interest in Item 10.4.5. The extent of his interest being that the performance appraisal relates to his Contract of Employment with the Town of Vincent.
- 8.2** Mayor Catania declared a financial interest in Item 10.3.1 – Investment Report. The extent of his interest being that he is the Chairman of the Board of Directors of the North Perth Community Bank.
- 8.3** Cr Cohen declared a financial and proximity interest in Item 10.1.20. The extent of her interest being that she owns and resides in a house in close proximity in Gardener Street, which could be perceived as a conflict of interest.
- 8.4** Mayor Catania declared a proximity interest in Item 10.1.26. The extent of his interest being that his family company owns adjacent property.
- 8.5** Cr Franchina declared a proximity interest in Item 10.1.23. The extent of his interest being that he owns property in close proximity.
- 8.6** Cr Drewett declared a proximity interest in Item 10.1.23. The extent of his interest being that his office operates from 341 Oxford Street in close proximity, which could be perceived as a conflict of interest.
- 8.7** **Later in the meeting, at 8,00pm** Cr Hall declare a proximity interest in Item 10.1.25. The extent of her interest being that she resides and rents a house nearby, on the west side of Pier Street.
- 8.8** **Later in the meeting, at 8.05pm** Cr Franchina declared a proximity interest in Item 10.1.25. The extent of his interest being that he owns property in close proximity.

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

Nil.

**Crs Doran-Wu and Hall departed the Chamber at 7.38pm.**

**Crs Doran-Wu returned to the Chamber at 7.40pm.**

**Cr Chester departed the Chamber at 7.40pm.**

**Crs Chester and Hall returned to the Chamber at 7.42pm.**

## 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 10.1.26, 11.2, 10.1.2, 10.1.6, 10.1.17, 10.1.18, 10.1.21, 10.1.20, 10.1.27, 10.1.5, 10.2.1, 10.4.2, and 10.1.16.

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:**

Items 10.1.25 and 10.3.3.

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	Nil
Cr Cohen	10.1.1, 10.1.15 and 10.2.2
Cr Franchina	Nil
Cr Piper	Nil
Cr Chester	10.1.10, 10.1.4, 10.1.12, 10.3.6
Cr Hall	Nil
Cr Doran-Wu	Nil
Cr Ker	10.1.11, 10.2.3, 10.3.7 and 10.4.7

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:**

10.1.23, 10.1.24, 10.1.25, 10.1.26, 10.3.1 and 10.4.5.

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

Items 10.1.3, 10.1.7, 10.1.8, 10.1.9, 10.1.13, 10.1.14, 10.1.19, 10.1.22, 10.2.4, 10.3.2, 10.3.4, 10.3.5, 10.4.1, 10.4.3, 10.4.4, 10.4.6.

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

Items 10.4.7, 11.1 and 13.2

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 10.1.3, 10.1.7, 10.1.8, 10.1.9, 10.1.13, 10.1.14, 10.1.19, 10.1.22, 10.2.4, 10.3.2, 10.3.4, 10.3.5, 10.4.1, 10.4.3, 10.4.4, 10.4.6.

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

Items 10.1.26, 11.2, 10.1.2, 10.1.6, 10.1.17, 10.1.18, 10.1.21, 10.1.20, 10.1.27, 10.1.5, 10.2.1, 10.4.2, and 10.1.16.

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

Items 10.1.25 and 10.3.3.

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

Items 10.1.1, 10.1.15, 10.2.2, 10.1.10, 10.1.4, 10.1.12, 10.3.6, 10.1.11, 10.2.3, 10.3.7.

(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;**

10.1.23, 10.1.24, 10.1.25, 10.1.26, 10.3.1, 10.4.5.

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

Items 10.4.7. and 13.2.

**Moved Cr Hall, Seconded Cr Chester**

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

*10.1.3, 10.1.7, 10.1.8, 10.1.9, 10.1.13, 10.1.14, 10.1.19, 10.1.22, 10.2.4, 10.3.2, 10.3.4, 10.3.5, 10.4.1, 10.4.3, 10.4.4, 10.4.6.*

**CARRIED (9-0)**

**10.1.3 Further Report - Nos. 317 - 323 (Lots 3 and 53) Bulwer Street, Corner Fitzgerald Street, Perth - Proposed Demolition of Existing Building and Construction of Car Wash Facility and Associated Waiting Room, Office and Ancillary Facilities**

<b>Ward:</b>	North Perth	<b>Date:</b>	10 December 2002
<b>Precinct:</b>	Hyde Park, P12	<b>File Ref:</b>	PRO0170 00/33/1304
<b>Reporting Officer(s):</b>	V Lee		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That;*

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

(a) *the application is not consistent with the orderly and proper planning and preservation of the amenities in the locality;*

(b) *the non-compliance with the Town's Policy relating to the Hyde Park Precinct; and*

(c) *consideration of the objections received;*

*the Council REFUSES the application submitted by A Michael on behalf of the owners E and I Bonetti and SA Grewal for proposed car wash facility and associated waiting room, office and ancillary facilities as shown on plans stamp dated 25 November 2002 at Nos. 317 - 323 (Lots 3 and 53) Bulwer Street, Corner Fitzgerald Street, Perth; and*

(ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application dated 5 September 2002 submitted by A Michael on behalf of the owners E and I Bonetti and SA Grewal, for the proposed demolition of the existing building at No. 323 (Lot 53) Bulwer Street, corner Fitzgerald Street, Perth, 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 (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*

(c) *a development proposal for the redevelopment of the subject property shall be submitted to and approved by the Town prior to the issue of a Demolition Licence;*

- (d) *support of the demolition application is not to be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property;*
- (e) *demolition of the existing dwelling may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies for the retention of existing buildings valued by the community;*
- (f) *any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies; and*
- (g) *compliance with all relevant Environmental Health, Engineering and Building requirements;*

*to the satisfaction of the Chief Executive Officer.*

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**COUNCIL DECISION ITEM 10.1. 3**

**Moved Cr Hall, Seconded Cr Chester**

*That the recommendation be adopted.*

**CARRIED (9-0)**

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**FURTHER REPORT:**

The Council at its Ordinary Meeting held on 3 December 2002, received a report relating to proposed demolition of the existing building and construction of a car wash facility and associated waiting room, office and ancillary facilities on the subject property and deferred its consideration of the application at the request of the applicant.

In a letter dated 9 December 2002, the applicant has provided the following information regarding the proposal and addresses several concerns that were raised as a part of the community consultation process.

*"After reading your report dated 3rd December 2002, it was obvious that I had not clearly explained my application for the carwash and waiting room.*

*In your report, there was an objection stating there would be more traffic with the potential of accidents. I don't think this is a major issue due to the carwash is on an intersection with controlled traffic lights. After observing other car washes that are not managed by anyone that is anyone can come and go as they please because they are a 24-hour carwash, I have never observed any traffic problems. As with the noise factor, the turbines, which are required for the vacuum, are housed in the machine room at the rear of the property. There is no other noise, apart from the motor vehicles starting their engines.*

*With the comment that car parking should not be visible from the public environment, cannot comply with our development. This is a corner site, and the parking of any motor vehicles would always be visible from any one of the main roads.....All the vehicles, which come in for a wash, are going to have a maximum stay of twenty minutes. The Council have already approved KFC parking on the corner, which is visible from all directions. We are proposing to build a waiting room on the corner, and provide sails to take the emphasis off a car park situation.*

*I cannot agree with your comment, stating this is a light industrial development. We are providing a service for the community. We are not going to be manufacturing or storing any products. On these sites there was a mechanical workshop and a building equipment handy hire business, and both buildings were run down. We are planning to demolish both buildings and provide two new buildings. The new waiting room building on the corner will have glass wall facing the intersection and the southern side, where customers will be entering the building to pay for the car wash. The remaining walls are going to be rendered. We are also planning to landscape the area, which has been resumed by Main Roads, and upgrade the streetscape on the intersection. This building will have tea and coffee facilities, and also toilets to cater for all people, including disabled. People will be entering the site from Fitzgerald Street and park their motor vehicles in the waiting area. They will enter this building to pay for their car wash. They have the option to sit inside, which will be air conditioned, or they can sit outside in the landscaped garden if they wish to smoke. The second building, which is going to be constructed mainly of glass (facing North) and painted concrete panels (facing South). The concrete panels were chosen to hide the run down building neighbouring our site. In here most of the cleaning is going to be done. In here, the motor vehicle will be vacuumed and soaped. It then will be taken through a high-pressure spray wash to remove all the soap and taken to a vacant spot under the sails to be dried. When the motor vehicle has been completed, the customer will be called and they will be free to drive off on to Bulwer Street.*

*Listed below are reasons why we recommend that a service like a car wash and waiting room should be located at this site.*

- 1. Due to the shortfall of water, we will be advising people to come and get their cars clean at this car wash, where the water will be managed properly. Unlike other carwashes, all cars will be soaped once and when it is taken through the high pressure spray wash, only 20 litres of water is used.*
- 2. While the customers are waiting for their motor vehicles to be cleaned, there are a number of small businesses on the opposite side of Bulwer Street, where they can go and do some shopping. Talking to the owners of the businesses, they are complaining that there is nothing to attract people to come to this area. The only business doing well is Torre the butcher.*
- 3. People, who wash their cars at home, not only use a lot of water, but also contaminate our drainage system from using all types of detergents. In this car wash, all the water is recycled and no chemicals or detergents will contaminate the ground.*
- 4. As stated earlier, the operating hours will be between 10.00am and 7pm in the summer months and 10.00am and 6pm in the winter months. Therefore there will be no noise or any unsightly floodlights in the early or late hours in the day. Unlike most car wash facilities in Perth, most of them are 24 hours.*
- 5. The nearest resident to this development is approximately 14 metres away to the West. An existing dwelling, and a new 2.4 metre high wall, which we are proposing to build, will buffer the noise to that resident. We have also agreed as requested to plant mature trees to help reduce the noise factor. (The starting of the motor vehicles). All but one of the properties neighbouring and opposite this site are commercial."*

In response to the applicant's comments, the Town acknowledges that proposal is located on a site previously used for light industrial purposes and is adjacent to a fast food outlet with a car park which dominates the streetscape at this intersection.

However, the proposed use is still considered to be a light industrial or service industrial use, and although it will be significantly less imposing than a 24 hour machine operated carwash, the use is still considered to be inappropriate in this location as detailed in the previous officer report. Accordingly, it is recommended that the application for the car wash facility and associated waiting room, office and ancillary facilities be refused, as per the previous Officer Recommendation.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on the 3 December 2002.

*"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) the application is not consistent with the orderly and proper planning and preservation of the amenities in the locality;*
- (b) the non-compliance with the Town's Policy relating to the Hyde Park Precinct; and*
- (c) consideration of the objections received;*

*the Council REFUSES the application submitted by A Michael on behalf of the owners E and I Bonetti and SA Grewal for proposed car wash facility and associated waiting room, office and ancillary facilities as shown on plans stamp dated 25 November 2002 at Nos. 317 - 323 (Lots 3 and 53) Bulwer Street, Corner Fitzgerald Street, Perth; and*

*(ii) in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application dated 5 September 2002 submitted by A Michael on behalf of the owners E and I Bonetti and SA Grewal, for the proposed demolition of the existing building at No. 323 (Lot 53) Bulwer Street, corner Fitzgerald Street, Perth, 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 (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (c) a development proposal for the redevelopment of the subject property shall be submitted to and approved by the Town prior to the issue of a Demolition Licence;*

- (d) *support of the demolition application is not to be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property;*
- (e) *demolition of the existing dwelling may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies for the retention of existing buildings valued by the community;*
- (f) *any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies; and*
- (g) *compliance with all relevant Environmental Health, Engineering and Building requirements;*

*to the satisfaction of the Chief Executive Officer.*

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*Moved Cr Piper, Seconded Cr Cohen*

*That the recommendation be adopted*

*COUNCIL DECISION ITEM 10.1.8*

*Moved Cr Drewett, Seconded Cr Hall*

*That this Item be DEFERRED at the applicant's request.*

*CARRIED (7-1)*

*For  
Mayor Catania  
Cr Cohen  
Cr Doran-Wu  
Cr Drewett  
Cr Franchina  
Cr Hall  
Cr Piper*

*Against  
Cr Chester*

*(Cr Ker on leave of absence.)*

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*LANDOWNER: E and I Bonetti and SA Grewal*  
*APPLICANT: A Michael*  
*ZONING: Metropolitan Region Scheme - Urban, abuts Other Regional Road*  
*Town Planning Scheme No. 1 - Commercial, abuts Other Regional Road*  
*EXISTING LAND USE: Lot 3: Light Industry*  
*Lot 53: Building / Handyman Equipment Business*

*COMPLIANCE:*

<i>Use Class</i>	<i>Carwash facility and associated waiting room, office and ancillary facilities</i>
<i>Use Classification</i>	<i>"Unlisted Use"</i>
<i>Lot Area</i>	<i>927 square metres</i>

*SITE HISTORY:*

*The subject properties are located on the south eastern corner of Bulwer and Fitzgerald Streets. Lot 53 is occupied by a single storey brick and iron building fronting Bulwer Street and an adjacent open yard. Lot 3 is occupied by a light industrial building. Surrounding land uses include the Hyde Park Hotel to the west, fast food premise and a variety of shops to the north, residential areas to the east, and shops and a variety of commercial uses to the south.*

*8 August 1994 The Council resolved to conditionally approve an application for a two storey building consisting of 2 shops, 2 showrooms and 4 grouped dwellings with a car parking shortfall of 7 bays.*

*28 August 1995 The Council resolved to conditionally approve a change of use from a pest control business to a building equipment/handyman tool hire business.*

*24 August 1998 The Council at its Ordinary Meeting resolved to accept an application for the demolition of the existing buildings and development of a single storey eating house with roof-deck and basement car parks, and resolved to defer its decision pending further information regarding car parking.*

*14 September 1998 The Council at its Ordinary Meeting resolved to conditionally approve the demolition of the existing building and development of a single storey eating house with roof-deck and basement car parks.*

*12 February 2002 Conditional Planning Approval was granted under delegated authority for a proposed change of use from building/handyman equipment hire business to consulting room and shop and associated alterations, additions and partial demolition.*

*24 September 2002 The Council at its Ordinary Meeting resolved to grant conditional Planning Approval for the demolition of the existing dwelling and light industrial building at Nos. 315 and 317 (Lots 7 and 3) Bulwer Street, Perth.*

*DETAILS:*

*The proposal involves the demolition of the existing building on No. 323 (Lot 53) Bulwer Street, and construction of a car wash facility and associated waiting area, office and ancillary facilities. The proposal includes a 7.1 metres high concrete parapet wall along the south-western property boundary and attached colorbond canopy over the car vacuum and wash areas. A machine room, laundry and staff facilities are located in the south east corner. Large shade sails are proposed over the waiting, drying and car parking areas. The waiting room and office is a single storey building located at the intersection of Fitzgerald and Bulwer Streets. The building has windows and doors facing the intersection and toilet facilities, including disabled facilities are identified.*

*The plans show landscaping and upgrading of the surrounding footpath. The applicant has also advised that they are willing to undertake landscaping and similar streetscape works to improve the streetscape on the adjacent verge.*

*The applicant has advised that the car wash operating hours will be between 10.00am and 7.00pm Monday to Sunday during summer months, and 10.00am and 6pm during winter months. Vehicles will enter the site from the existing crossover on Fitzgerald Street. The car wash staff drive the vehicle through the various cleaning stations, including vacuum, wash dry and detailing the vehicles as required by the owner. While waiting for the vehicle to be cleaned, the owner is able to wait in the waiting room or sit outside and watch their car be cleaned. Vehicles exit the site onto Bulwer Street. The applicant has advised that the cleaning is done manually and that there are no car washes of this kind currently operating in Perth.*

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

*The proposal was subject to 'SA' advertising as it is considered to be an "Unlisted Use". Signs were erected on site, neighbours contacted by registered mail, and a notice was put in the local newspaper. Two submissions were received during the advertising period. One requesting that a truncation be imposed at the intersection for safety and visual reasons, appropriate landscaping and upgrade of the footpaths to encourage pedestrian use. The second submission objected to the proposal with concerns relating to further traffic problems and potential accidents, and noise disturbance from the machinery.*

*The application was also referred to the Department for Planning and Infrastructure for comment as the subject site abuts Bulwer and Fitzgerald Streets, which are 'Other Regional Roads' reservations in the Metropolitan Region Scheme. The Department advised that they do not object to the proposed development.*

#### **COMMENTS:**

##### *Heritage*

*The subject building on No. 323 (Lot 43) Bulwer Street is dated circa 1900 and was formerly part of an active local commercial centre servicing this part of Perth, centred around the Bulwer Street and Fitzgerald Street intersection. The building has undergone substantial changes to its physical fabric, with only minor elements remaining from its original construction date and does not warrant a full assessment.*

*Portions of skirting board along one wall, partial vertical timber board wall cladding and rear verandah timber flooring are the remaining elements from its original construction date. Ceiling detail dating from the late 1930s are present. 1950s sewerage plans show the building envelope and the adjacent commercial structures at Nos. 325, 327 and 329 Bulwer Street, located directly on the corner of Bulwer and Fitzgerald Streets, since demolished. A large covered workshop area is attached to the former house and is accessed by the original back verandah.*

*Due to its much altered state, the place has little cultural heritage significance, and does not meet the minimum criteria for entry into the Town's Municipal Heritage Inventory.*

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

*Conditional Planning Approval for the demolition of the buildings on Nos. 315 and 317 Bulwer Street, Perth was granted at the Ordinary Meeting of Council held on 24 September 2002, as this was received as a separate application.*

*Proposed Use*

*The Town's Policy relating to the Hyde Park Precinct states that development within the area zoned Commercial shall be occupied by small scale commercial uses which are compatible with, and largely serve the surrounding residential uses. Building scale, character and site layout is to be compatible with the existing buildings and car parking is to be located at the rear of properties. Car parks should not visually detract from the public environment or character of the area and should preferably not be visible from streets and public spaces. Service industries are only permitted where they are to be secondary and/or ancillary to an appropriate primary permitted use.*

*The proposed car wash facility is a use not specifically listed in the Town's Town Planning Scheme No. 1. It is considered that the proposed car wash facility is similar in nature to either a light industry or service industry use. A service industry is not defined in the Town's Town Planning Scheme No. 1, however the Model Scheme Text defines a 'Service Industry' as follows:*

*"a light industry carried out on..... land and buildings having a retail shop front and used as a depot for receiving goods to be serviced."*

*The intersection is considered to be a prominent corner in the Town, with the Hyde Park Hotel on the south western corner and single storey shops on the north eastern corner being built with a zero setback to the street. Historical records suggest that a building with a similar setback and scale was also located at the subject site. This is considered to create a unique commercial streetscape. The intersection is also considered a major commercial gateway into the North Perth District Centre and Northbridge.*

*The proposal is not considered appropriate in this intersection as the building scale, character and site layout of the proposal is considered to be incompatible with existing buildings in this locality, and the proposed car parking visually detracts from the public environment and character of the area.*

*There is also concern that the proposed car wash facility will have an unreasonable affect on the amenity of surrounding residents through potential noise, floodlights and odours.*

*In light of the above, it is recommended that the application for the proposed car wash facility and associated waiting room, office and ancillary facilities be refused."*

**10.1.7 Nos. 82 - 90 (Lots 1, 4 and 8) Scarborough Beach Road Corner Dunedin Street, Mount Hawthorn - Proposed Illuminated Pylon Sign to Existing Shops**

<b>Ward:</b>	Mount Hawthorn	<b>Date:</b>	5 December 2002
<b>Precinct:</b>	Mount Hawthorn, P1	<b>File Ref:</b>	PRO 0432 00/33/1368
<b>Reporting Officer(s):</b>	P Mastrodomenico		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme the Council APPROVES the application submitted by Perth Sign Company Pty on behalf of the owner, W A Robinson, for a proposed illuminated pylon sign to existing shops at Nos. 82-90 (Lots 1, 4 and 8) Scarborough Beach Road corner Dunedin Street, Mount Hawthorn, and as shown on the plans stamp dated 1 November 2002, subject to:*

- (i) prior to the issue of the Sign Licence, revised plans shall be submitted and approved demonstrating the pylon sign incorporating the following:
  - (a) not exceeding 2.5 metres measured horizontally across the face of the sign;*
  - (b) not exceeding 2.5 metres measured vertically across the face of the sign;*
  - (c) not to be greater than 4.0 square metres in area; and*
  - (d) not to comprise flashing, intermittent or running lights;**The revised plans shall not result in any greater variation to the requirements of the Town's Policies;**
- (ii) a road and verge security bond and /or bank guarantee of \$220.00. shall be lodge prior to the issue of a Sign Licence 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;*
- (iii) all signage shall be subject to a separate Sign Licence application being submitted and approved prior to the erection of the signage; and*
- (iv) compliance with all Building, Environmental Health and Engineering requirements and relevant Australian Standards and noise regulations;*

*to the satisfaction of the Chief Executive Officer.*

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**COUNCIL DECISION ITEM 10.1.7**

**Moved Cr Hall, Seconded Cr Chester**

*That the recommendation be adopted.*

**CARRIED (9-0)**

**APPLICANT:** Perth Sign Company  
**OWNER:** W A Robinson  
**ZONING:** Metropolitan Region Scheme: Urban Town Planning  
 Scheme No.1: Residential R60  
**EXISTING LAND USE:** Shop

**COMPLIANCE:**

Use Class	Shop
Use Classification	“SA”
Lot Area	2718 square metres

Requirement	Required	Proposed
Dimensions	Not to exceed 2.5 metres measured horizontally across the face of the sign	3.0 metres measured horizontally across the face of the sign
	Not to exceed 2.5 metres measured vertically across the face of the sign	3.0 metres measured vertically across the face of the sign
Area	Not to be greater than 4.0 square metres in area	7.06 square metres in area (excluding poles)
Illumination	Not comprise flashing, intermittent or running lights	Intermittent light around perimeter of sign and flashing arrow

**DETAILS:**

The applicant seeks approval for the following pylon sign at the corner of Scarborough Beach Road and Dunedin Street in the car park of the Mount Hawthorn Weekend Markets;

- 3000 millimetres (width) x 6000 millimetres (length);
- 7.06 square metres in area;

*Stating: "Mt Hawthorn Weekend Markets, Food Hall Fri Sat Sun."*

The applicant in a submission to the Town, requesting variations to the Town Policy relating to Signs and Advertising, stated the following;

*Council should exercise discretion...in this instance for the following reasons;*

*"One sign must suffice on behalf of all the businesses... two pylon signs could be approved on the site-one for each frontage....In this instance only one sign is being sought and this sign is to be directed at traffic on busy Scarborough Beach Road rather than Dunedin Street which is predominately residential in character. The operators are forced to resort to the display of bunting and as such like to attract passing customer's to the markets. The provisions of a conspicuous appropriately sized identification sign would extinguish the need for such measures and thus will result in tidying up the site to the benefit of the streetscape and amenity...of the markets."*

**CONSULTATION/ADVERTISING:**

No advertising is required for sign applications.

**COMMENTS:**

The proposed pylon sign is proposed to have a signage area of 7.06 square metres, a horizontal and vertical signage dimension of 3.0 metres, a vertical height of 6.0 metres and incorporate flashing lights. The Town's Policy relating to Signs and Advertising requires a maximum horizontal and vertical signage dimension of 2.5 metres and vertical height of 6.0 metres, a maximum signage area of 4.0 metres and no flashing, intermittent or running lights. It is therefore suggested that the proposed sign be conditioned accordingly to comply with the Towns Policy to reflect the above requirements and in order to protect the amenity and streetscape of the area.

**10.1.8 No. 56 (Lot 7) Galwey Street, Dual Frontage with Tennyson Street, Leederville - Proposed Freehold Subdivision**

<b>Ward:</b>	Mount Hawthorn	<b>Date:</b>	2 December 2002
<b>Precinct:</b>	Leederville, P3	<b>File Ref:</b>	120579
<b>Reporting Officer(s):</b>	C Mooney		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Residential Design Codes, the Council RECOMMENDS to the Western Australian Planning Commission that the application submitted by the owners K R & E W Barrett – Lennard for the proposed subdivision of No. 56 (Lot 7 ) Galwey Street, dual frontage with Tennyson Street, Leederville and as shown on plans stamp-dated 24 October 2002 (subdivision120579) be APPROVED, subject to the following conditions:*

- (i) all buildings and effluent disposal systems, having the necessary clearance from the new boundaries as required under the relevant legislation;*
- (ii) support of the subdivision is not to be construed as support of the demolition of the existing building(s) and/or any development on the proposed lots;*
- (iii) if any portion of the existing building(s) is to be demolished to facilitate the proposed subdivision, Planning Approval and/or Demolition Licence is to be obtained from the Town for the demolition of the existing building(s) prior to the clearance of the Diagram or Plan of Survey by the Town;*
- (iv) all buildings and structures that have been granted Planning Approval and/or Demolition Licence for demolition being demolished and associated materials removed from the site and the site made good. A separate Planning Approval and/or Demolition Licence is required from the Town prior to the commencement of any demolition works;*
- (v) the land being filled and/or drained at the subdivider's cost to the satisfaction of the Town and any easements and/or reserves necessary for the implementation thereof, being provided free of cost; and*
- (vi) the applicant obtaining Planning Approval and/or Building Licence for the development of a house(s) on the lots less than 350 square metres in accordance with Clause 2.3.3 of the Residential Design Codes;*

*to the satisfaction of the Chief Executive Officer.*

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**COUNCIL DECISION ITEM 10.1.8**

**Moved Cr Hall, Seconded Cr Chester**

*That the recommendation be adopted.*

**CARRIED (9-0)**

**LANDOWNER:** K R & E W Barrett - Lennard  
**APPLICANT:** K R & E W Barrett - Lennard  
**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	607 square metres

Requirements	Required	Proposed
Minimum Carparking	Two parking spaces for existing dwelling	One parking space for existing dwelling

**SITE HISTORY:**

The subject site has an existing single house that fronts Galwey Street.

**CONSULTATION/ADVERTISING:**

Advertising is not required for subdivision applications.

**DETAILS:**

An application has been received for the subdivision of the subject property into two freehold lots. Lot 1 (which will accommodate the existing dwelling to be retained) consists of 337 square metres and Lot 2 –270 square metres.

**COMMENTS:**

The subject proposal involves a variation to the minimum car parking requirements of two car parking spaces, as outlined in the Residential Design Codes, to one car parking space for the existing dwelling. The proposal has an existing single carparking space, which has been designed to compliment with the architectural style/features of the dwelling. The second car parking space cannot be provided on the proposed Lot 1 due to the location of the existing house on site and configuration of the proposed subdivision. Previous parking arrangements were provided at the rear of the existing lot off Tennyson Street. In addition, proposed Lot 2 requires a minimum site area of 270 square metres as outlined in the Residential Design Codes.

This variation is considered acceptable as the proposed development has adequate access to public transport located on Oxford Street and parking facilities located on Galwey Street. There are no carparking restrictions on Galwey Street adjacent to the subject property. The applicant is retaining the existing dwelling ensuring adequate consideration of the amenity and streetscape character of the locality.

It is recommended that an approval advice be returned to the Western Australian Planning Commission for the proposed freehold subdivision, subject to standard and appropriate conditions to address the above matters.

**10.1.9 No. 2 (Lot 3) Bream Cove, Corner Joel Terrace, Mount Lawley - Proposed Two-Storey Single House**

<b>Ward:</b>	North Perth	<b>Date:</b>	10 December 2002
<b>Precinct:</b>	Banks, P15	<b>File Ref:</b>	PRO2095 (00/33/1185)
<b>Reporting Officer(s):</b>	V Lee		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme the Council APPROVES the application submitted by Coastview Australia Pty Ltd on behalf of Stevsand Holdings Pty Ltd, landowners, for proposed two-storey single house at No. 2 (Lot 3) Bream Cove, corner Joel Terrace, Mount Lawley and as shown on plans stamp dated 28 June 2002, subject to:*

- (i) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:
  - (a) the finished ground floor level of the garage and proposed house not exceeding 7.00 metres based on Australian Height Datum (AHD);*
  - (b) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to and within the front setback of Bream Cove, being 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; and*
  - (c) a minimum of two appropriate design features being incorporated into the solid fence along Joel Terrace;**

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

- (ii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (iii) the construction of crossovers shall be in accordance with the Town's specifications;*
- (iv) a road and verge security bond and/or bank guarantee of \$880 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 Bream Cove and Joel Terrace are 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) *details of all street trees adjacent to the subject property shall be submitted with the Building Licence application;*
- (vi) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (vii) *compliance with all relevant Building, Engineering and Environmental Health requirements; and*
- (viii) *a Certified Practising Consulting Engineer's certification as to the capability of the subject site and adequacy of the proposed foundations, for the development, taking into account the geotechnical and/or hydrogeological composition and history of the site, shall be submitted and approved prior to the issue of a Building Licence;*

*to the satisfaction of the Chief Executive Officer.*

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**COUNCIL DECISION ITEM 10.1.9**

**Moved Cr Hall, Seconded Cr Chester**

*That the recommendation be adopted.*

**CARRIED (9-0)**

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**LANDOWNER:** Stevsand Holdings Pty Ltd  
**APPLICANT:** Coastview Australia Pty Ltd  
**ZONING:** Metropolitan Region Scheme - Urban  
Town Planning Scheme No.1 – Residential R30/40  
**EXISTING LAND USE:** Vacant

**COMPLIANCE:**

<b>Requirements</b>	<b>Required</b>	<b>Proposed</b>
Finished Floor Level determined by the Town's Technical Services	7.00 AHD	8.56 AHD
Street Walls and Fences	Front walls and fences within the primary street setback area to be visually permeable 1.2 metres above the natural ground level.	Retaining walls and portion of solid wall along Bream Cove greater than 1.2 metres. Solid screening wall proposed along Joel Terrace.
Setbacks	1.1 metres to garage from north-western boundary	1 metre to 2 metres.

Use Class	Single House
Use Classification	'P'
Lot Area	352 square metres

**SITE HISTORY:**

The subject lot was created as part of the subdivision of Lots 229-232 Pakenham Street, commonly known as the "Walters Brook" subdivision.

**DETAILS:**

The application involves the construction of a two-storey single house with main frontage and vehicular access from Bream Cove.

**CONSULTATION/ADVERTISING:**

No submissions were received during the consultation period. However, the applicant has liaised with the owner of the adjoining eastern property at Lot 4 Joel Terrace in regard to the proposed cut and fill on the property and proposed finished floor levels. The adjoining property owner of Lot 4 Pakenham Street, to the east, has advised that they have no objection to the proposed finished floor levels as submitted on the plans.

**COMMENTS:**

**Finished Floor and Ground Levels**

Based on the AHD levels determined by the Town's Technical Services, appropriate finished floor and ground levels have been determined for the subject lot and other lots within the "Walters Brook" subdivision. With regard to the subject lot, it has been determined that the maximum finished floor and ground levels not exceeding 7.00 metres AHD would be appropriate for the proposed development. This level has been determined to be appropriate in terms of the potential effect on streetscape and adjoining properties of the bulk and scale of the development. The proposed dwelling and garage has a finished floor level of 8.56 AHD.

The Town's Technical Services determined that Lot 8 to the rear of the subject property should have a finished floor level of 6.6 AHD. The proposed variation to finished floor level would result in a difference of 1.96 metres between the properties which would need to be appropriately retained.

The applicant requests that the Council consider supporting the proposed Finished Floor Level (FFL) of the house at 8.56 metres.

In this instance, the applicant request to support a FFL of 8.56 is not supported. This will create a 1.96 metres difference in levels between the subject lot and adjoining Lot 8 Bream Cove.

This will also require a retaining wall along the length of the lot along Bream Cove. The Town's Technical Services recommendations that the FFL is at the same level as the road and accordingly no retaining wall would be necessary.

Support of the variation is considered to compromise the amenity of the adjoining residents and the streetscape of Bream Cove. Accordingly, it is recommended that approval be subject to the finished floor level being reduced to 7.00 AHD in accordance with the recommendation of the Town's Technical Services.

**Street Walls and Fences**

The plans show a solid screen wall along Joel Terrace, with the proposed house facing Bream Cove. In this instance, Joel Terrace may be considered to be the secondary street. However, in order to reduce the impact of the solid boundary wall on the Joel Terrace streetscape, it is recommended that approval be subject to a minimum of two appropriate design features being incorporated into this portion of the solid wall. In addition, all part of the fence along Bream Cove should comply with the Town's Policy relating to Street Walls and Fences and be 50 per cent visually permeable above the 1.2 metres from the established ground level.

**Setbacks**

Due to the irregular shape of the subject lot, a portion of the proposed garage does not comply with the required setback of the Residential Design Codes (R-Codes). No objections have been received from the adjoining neighbour and provided that the applicant complies with the Town's recommendations regarding the finished floor level, the proposal is not considered to unduly adversely affect the amenity of the adjoining property. Accordingly, it is considered to be a relatively minor variation and is generally supported.

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

**10.1.13 No. 279 (Lots 2, 3 and 4) Oxford Street, Corner Bouverie Place, Leederville - Proposed Demolition of the Existing Service Station and Construction of Eleven (11) Grouped Dwellings, Including Ten (10) Single Bedroom Dwellings and Four (4) Associated Home Businesses**

<b>Ward:</b>	Mount Hawthorn	<b>Date:</b>	10 December 2002
<b>Precinct:</b>	Leederville, P 3	<b>File Ref:</b>	PRO0622 00/33/1358
<b>Reporting Officer(s):</b>	S Robertson		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Urban Concepts on behalf of the owner WR Kirby for the proposed demolition of existing service station and construction of eleven (11) grouped dwellings, including ten (10) single bedroom dwellings and four (4) associated home businesses on No. 279 (Lots 2, 3 and 4) Oxford Street, corner Bouverie Place, Leederville, as shown on the amended plans stamp dated 9 December 2002, subject to:*

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) a report detailing any necessary remedial measures to rectify any unsuitable soil and/or ground water contamination of the subject site to the satisfaction of the Town shall be submitted and approved prior to the issue of a Building Licence. All such measures and works shall be undertaken prior to the first occupation of the development and thereafter maintained, at the applicant's/owner(s)' full expense;*
- (iii) prior to the issue of a Building Licence, revised plans shall be submitted demonstrating:
  - (a) the total height of the development not exceeding 9.0 metres in height above the natural ground level at any point, and the wall height to houses 7 and 8, on the Oxford Street and Bouverie Place elevations not exceeding 6.0 metres, as defined in the Residential Design Codes and the Town's Policy relating to 'Building Scale';*
  - (b) a corner visual truncation of 3.0 metres by 3.0 metres being provided at the intersection of Oxford Street and Bouverie Place;*
  - (c) the home offices/businesses for houses 7 and 8 being directly accessible by stairs to the respective main dwellings;*
  - (d) a one (1) metre by one (1) metre visual truncation being provided where the vehicular access way intersects with Oxford Street road reserve, and a sight line being maintained clear of obstruction above the height of 0.75 metre;**

(e) *a rubbish bin compound which meets the requirements of the Town's Technical and Health Services; and*

(f) *continuous awnings to the building over the Oxford Street and Bouverie Place footpath being provided in consultation with the Town's Technical Services;*

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

(iv) *the home offices/businesses:*

(a) *shall remain associated, ancillary and incidental to the predominant use of the respective house as a residential dwelling;*

(b) *shall not occupy an area greater than 50 square metres;*

(c) *shall not entail the retail sale, display or hire of goods of any nature;*

(d) *may employ, in addition to the resident of the dwelling, no more than two other persons; and*

(e) *shall be restricted to administration/office purposes only;*

(v) *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 \$5 100 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;*

(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) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*

(viii) *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";*

(ix) *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;*

- (x) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (xi) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (xii) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to Oxford Street and Bouverie Place 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;*
- (xiii) *subject to first obtaining the consent of the owners of No. 227 Oxford Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing south in a good and clean condition;*
- (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 and shall be positioned in consultation with and as directed by the Town's Technical Services Division;*
- (xvi) *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);*
- (xvii) *a detailed landscaping plan, including a schedule of plant species, the landscaping and reticulation of the Oxford Street and Bouverie Place verges adjacent to the subject property and the provision of a minimum of one tree per 4 car parking spaces in the carparking area, 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);*
- (xviii) *houses 1-7 and 9-10 , inclusive, shall be occupied as single bedroom dwellings only and shall be limited to a maximum plot ratio floor area of 60 square metres;*
- (xix) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (xx) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development the windows to the bedroom of houses 1 and 11 on the first floor level on the southern and western elevations, respectively, shall be screened within 4.5 metres in a '45 degree cone of vision' of the adjacent boundary, with a permanent obscure material and be non-openable to a minimum height of 1.6 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*

- (xxi) *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*
- (xxii) *prior to the issue of a Building Licence, designs for art work(s) valued at a minimum of 1 per cent of the estimated total cost of the development \$7 500 shall be submitted to and approved by the Town. The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development and Administrative Services Section with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development in the front setback area and be visible from Oxford Street and Bouverie Place, and maintained thereafter by the owner(s)/occupier(s);*

**COUNCIL DECISION ITEM 10.1.13**

**Moved Cr Hall, Seconded Cr Chester**

*That the recommendation be adopted.*

**CARRIED (9-0)**

*to the satisfaction of the Chief Executive Officer.*

**LANDOWNER:** WR Kirby  
**APPLICANT:** Urban Concepts  
**ZONING:** Metropolitan Region Scheme: Urban  
 Town Planning Scheme No 1: Residential R60  
**EXISTING LAND USE:** Service Station

**COMPLIANCE:**

Use Class	Grouped Dwelling
Use Classification	"P"
Lot Area	1293 square metres

<b>Requirements</b>	<b>Required</b>	<b>Proposed</b>
Density	7 Grouped Dwellings OR 11 Single Bedroom Dwellings*	1 Grouped Dwelling and 10 Single Bedroom Dwellings
Height	6.0 metres wall height; 9.0 metres to top of roof	7.0 metres to houses 7 and 8; 9.8 metres at the highest point
Oxford Street Setback	6.0 metres first floor setback	5.4 - 6.0 metres first floor setback
Southern Side Setback ground floor	1.5 metres	nil
first floor	1.5 metres	nil

\* Refer to comments under "Density".

**DETAILS:**

The proposed development involves demolition of the Amgas service station and construction of eleven (11) two storey grouped dwellings, ten (10) of which are single bedroom dwellings. The proposal seeks a density bonus for the single bedroom dwellings as provided for in the Residential Design Codes (R-Codes). The service station is listed on the Town's Non-Conforming Use Register.

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:**

One letter was received during the advertising period. The objection to the proposal related to the mixed use nature of the development, parking and vehicle access associated with the development; building heights and overlooking into adjoining properties.

**COMMENTS:**

**Heritage**

The proposed demolition of the existing service station is considered acceptable, as it is considered that the place has little cultural significance and the proposal to demolish the building does not warrant a full heritage assessment. It is recommended that the application to demolish the existing building 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 4 'Special Purpose Dwellings' of the Residential Design 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 single bedroom dwelling may be reduced to two-thirds of that for other dwelling types. The proposal requires a total lot size of 1277 square metres and does not seek a density bonus under Clause 40 of the Town Planning Scheme No.1 as the subject site is 1293 square metres. It should also be noted that section 20 of the Town's Town Planning Scheme No.1 permits a density bonus of 50 percent for the removal of a non-conforming land use.

**Scale and Height**

The scale and height of the building is generally compatible with other 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 Officer Recommendation has been conditioned to require amended plans to be submitted demonstrating the height of the walls with nil setback to Oxford Street and Bouverie Place be reduced to a maximum of 6.0 metres and that the height of the development does not exceed 9.0 metres above the natural ground level at its highest point.

**Carparking and Vehicle Access**

Each of the single bedroom grouped dwellings is provided with one bay and the two bedroom grouped dwelling with two car bays, within a secure parking area. The development provides an additional five visitor bays which will have a reciprocal carparking arrangement between the home office/businesses use, and it is not considered that carparking will unreasonably impact on the amenity of the surrounding area. It is considered that the reduction of crossovers associated with the existing service station will provide the potential for additional on street carparking from that which currently exists.

The amended plans provide vehicle access from Oxford Street which addresses the concerns raised in relation to vehicular access from and traffic in Bouverie Place.

**Oxford Street Setback**

The variation to the Oxford Street setback is supported as the development is generally setback 6.0 metres and incorporates design features that will reduce the bulk and scale of the development adjacent to the residential area. The nil setback at the corner is consistent with the existing streetscape and serves to address the corner position of the development.

**Side Boundary Setback**

The variations to the side setback requirements are determined with reference to the Residential Design Codes (R-Codes) and the variations proposed are not considered to unreasonably impact on the amenity of the adjoining properties. The parapet wall generally matches a parapet wall on the adjoining property and will not result in any non-compliant overshadowing to the properties to the south.

**Privacy**

The amended plans provide screening to the habitable window areas within 4.5 metres of a boundary to reduce unreasonable overlooking to adjoining properties, and generally comply with the privacy requirements of the R-Codes.

**Summary**

In light of the above, it is recommended the Council approve the proposal which will result in the redevelopment of a site currently occupied by a development with non conforming land use rights, subject to standard and appropriate conditions to address the above matters and development of such scale and nature.

**10.1.14 Nos.38 and 40 (Lots 94 and 95) Albert Street, North Perth - Proposed Freehold Subdivision**

<b>Ward:</b>	North Perth	<b>Date:</b>	9 December 2002
<b>Precinct:</b>	Smith's Lake, P6	<b>File Ref:</b>	120598
<b>Reporting Officer(s):</b>	C Mooney		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That;*

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Residential Design Codes, the Council RECOMMENDS to the Western Australian Planning Commission that the application dated 28 October 2002 submitted by Crossland and Hardy Pty Ltd on behalf of the owners J W Vincent and A R Clissa for the proposed freehold subdivision of Nos. 38 and 40 (Lots 94 and 95) Albert Street, North Perth, and as shown on plans stamp-dated 28 October 2002 (subdivision 120598) ) be REFUSED as the subdivision is not consistent with the orderly and proper planning and the preservation of the amenities of the locality with respect to the subdivision involving a substantial variation to the minimum and average lot area requirements of the Residential Planning Codes (R-Codes); and*
- (ii) *the Council requests the Western Australian Planning Commission that if the Commission is inclined to approve the proposed subdivision, the Town is further consulted to obtain the appropriate conditions of the Town that should apply to the proposed subdivision.*

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**COUNCIL DECISION ITEM 10.1.14**

**Moved Cr Hall, Seconded Cr Chester**

*That the recommendation be adopted.*

**CARRIED (9-0)**

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**LANDOWNER:** J W Vincent and A R Clissa  
**APPLICANT:** Crossland and Hardy Pty Ltd  
**ZONING:** Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R30  
**EXISTING LAND USE:** Single house

**COMPLIANCE:**

<b>Use Class</b>	Single house
<b>Use Classification</b>	"P"
<b>Lot Area</b>	1350 square metres

<b>Requirements</b>	<b>Required</b>	<b>Proposed</b>
Minimum lot area	Minimum 270 square metres Average not less than 300 square metres	Lot 1 - 614 square metres Lot 2 - 180 square metres Lot 3 - 190 square metres Lot 4 - 181 square metres Lot 5 - 185 square metres
Right of Way Vehicular Access - Designated Roads	Minimum - 6 metres width	No. 17474 - 3 metres No. 17471 - 4 metres

**SITE HISTORY:**

The subject site has an existing single house, constructed circa 1910 that fronts Albert Street, abutting both residential and commercial properties.

- May 2001                                      The existing dwelling at the subject site was assessed for entry in the Town's Municipal Heritage Inventory and was deemed to be worthy for entry.
- 13 July 2001                                      Subdivision approval granted by the Western Australian Planning Commission for 40 Albert Street, North Perth - Reference No. 115760, which consisted of 4 freehold lots, of 344, 340, 330 and 333 square metres, respectively.
- 24 August 2001                                      The Town received an application by previous owner R W Browne for demolition of existing buildings at 40 Albert Street, North Perth.
- 25 September 2001                                      Council at its Ordinary Meeting overturned Officer Recommendation for refusal and adoption for entry onto the Town's Municipal Heritage Inventory, and resolved to approve demolition of the above mentioned property:

**CONSULTATION/ADVERTISING:**

Advertising is not required for subdivision applications.

**DETAILS:**

An application has been received for the subdivision of the subject property into five freehold lots, demonstrated by the following:

- Lot 1 - 614 square metres (which proposes to retain the existing dwelling)
- Lot 2 - 180 square metres.
- Lot 3 - 190 square metres
- Lot 4 - 181 square metres
- Lot 5 - 185 square metres

The owner has submitted information in support of the application through correspondence to the Town stamp dated 31 July 2002, which states:

*" . . . previous subdivisions have not recognised the social and heritage value of the existing residence and it is my objective to create smaller lots at the rear and to retain and restore the existing residence. To maintain the economic value of the property and allowing for this I am asking for a density bonus . . . "*

*"The density bonus requested here and the style of development proposed for the newly created lots if approved by council will be reflective of the existing land use and density of commercial and residential development existing adjacent to this site along Charles Street . . ."*

*"I request that this proposal be presented to council for approval so as to allow for the retention of this charming and interesting residence. . ."*

**COMMENTS:**

The subject proposal involves a requirement for right of way widening. The Western Australian Planning Commission (WAPC) policy DC2.6 states, ". . . Residential Road Planning requires a minimum width of 6 metres for a right-of-way for vehicular access."

The Town's Technical Services have provided the following information in regard to rights of way:

*"Although the rights of way (ROWs) adjacent to the development are in fact dedicated as public roads, they do not meet minimum standards for primary access. The ROW which would provide the proposed frontage for the lots is only 3m wide, has no lighting and is not named. The Town will not provide a rubbish removal service from this underwidth network of alleyways, and it is doubtful that Australia Post will be prepared to provide a mail delivery service, where the safety of its employees would be compromised."*

*"Safe pedestrian access can not be provided either, in these ROWs. Egress from garages into narrow ROWs pose significant limitations on the drivers ability to monitor pedestrian or bicycle movements. As parking can certainly not be permitted in the ROWs, access to future dwellings will inevitably be by foot for all but the occupants. Access for emergency services vehicles would not be possible via these ROWs."*

*"The Town's Technical Services has advised that a 6m width is required for vehicular manouvering into and out of garages. The right of way should be widened to 6m with 3m truncations to right angle bends prior to the approval of subdivision."*

The minimum right of way width requirement of 6 metres will result in the following approximate lot sizes:

<b>Lot</b>	<b>Lot Area</b>	<b>Approximate Minimum Lot Area Variation</b>	
Lot 1	534 square metres (which proposes to retain the existing dwelling)		
Lot 2	157 square metres.	113 square metres	72 percent
Lot 3	166 square metres	104 square metres	62 percent
Lot 4	158 square metres	112 square metres	71percent
Lot 5	163 square metres	107 square metres	66 percent

In light of the above, the subject proposal would involve a substantial density variation to the minimum and average lot area (of 322 square metres or 27 percent) requirements. The variation to the minimum lot area requirements, in terms of Lots 2, 3, 4 and 5, exceed the 50 percent requirement as permitted in the Town's Town Planning Scheme No. 1, clause 20 (b) which states the following;

*'Subject to compliance with the procedures set out in the Residential Planning Codes for notifying affected owners and occupiers, the Council may grant an increase in the permitted dwelling density by up to 50% if -*

*the proposed development conserves or enhances an existing dwelling or existing dwellings worthy of retention;'*

In light of the above resultant area and dimensions of the proposed lots, any future application for development on these lots will most likely result in a significant extent of non compliances with the relevant development requirements under the Residential Design Codes, and the Town's Town Planning Scheme No.1 and associated Policies, which may in turn unduly adversely affect the amenity of the area.

In addition, the required right of way (designated road) width requirement may also affect the fabric of the existing residence, depreciating the cultural heritage significance of the building.

The detailed heritage assessment of the existing place is included as an Appendix to this report. The existing residence was constructed in circa 1910 on the subject site. Edward Browne, a pioneer dairy farmer in Western Australia purchased the property in 1919 and it was sons Walter and Robert Irwin who established Brownes Ltd in 1927. In 1929 Walter purchased No. 306 Charles Street abutting No. 40 Albert Street, both properties were situated directly across the road from the Brownes factory on Charles Street. By 1934 Brownes Ltd had become the largest dairy manufacturer in Western Australia. The subject site is deemed to have cultural heritage significance due to; social and historic values through association with the pioneering of the dairy manufacturing industry in Western Australia, and aesthetic values through the establishment of a cultural environment through the location of the historical premises once owned by the Browne family.

It is recommended that advice be returned to the Western Australian Planning Commission recommending refusal for the proposed freehold subdivision for the reasons outlined above.

**10.1.19 Local Interpretation Strategy - For the Interpretation of Sites Owned by and Vested With the Town**

<b>Ward:</b>	All	<b>Date:</b>	4 December 2002
<b>Precinct:</b>	All	<b>File Ref:</b>	PLA0112
<b>Reporting Officer(s):</b>	A Nancarrow		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That the Council:*

- i) *adopts the Local Interpretation Strategy dated December 2002 as shown in Appendix 10.1.19 to this report; and*
- ii) *authorises the Chief Executive Officer to call for expressions of interest from design consultants to undertake the design and production of the interpretative signage panels and to appoint the most suitable consultant.*

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**COUNCIL DECISION ITEM 10.1.19**

**Moved Cr Hall, Seconded Cr Chester**

*That the recommendation be adopted.*

**CARRIED (9-0)**

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**DETAILS:**

As a local government authority, the Town is the owner of a number of culturally significant places that make an important contribution to our sense of place and identity. The enjoyment and value that people draw from these places can be enhanced through interpretation.

A Local Interpretation Strategy has been prepared, which provides a framework for the implementation of appropriate interpretative measures at sites that are owned by or vested with the Town. The Strategy recommends freestanding signage panels as the least intrusive form of interpretation to be introduced at each site.

The Strategy acknowledges that some of the Town's sites are culturally significant to both indigenous and non-indigenous communities and that it is important that the values of all relevant groups be recognised at these sites. As indigenous heritage values will be conveyed through the Town's Wetlands Heritage Trail and Aboriginal Heritage Trail Programs, this Local Interpretation Strategy applies primarily to post-settlement heritage values.

**CONSULTATION/ADVERTISING:**

The Local Interpretation Strategy was not required to be advertised.

**FINANCIAL/BUDGET IMPLICATIONS:**

\$10,000 has been allocated on the 2002/2003 Budget for interpretative signage at the Town's heritage sites. It is estimated that four high quality and substantial signage panels could be designed, produced and installed with these funds. Subject to the success of these four signage panels, additional funds could be allocated in the 2003/2004 and 2004/2005 financial years to produce and install signage panels at the remaining sites.

This project also has the potential to attract funding from external sources. The adoption of the Local Interpretation Strategy by the Council would assist in gaining support for the project from external sources.

**COMMENTS:**

In light of the above, it is recommended that the Council adopt the Local Interpretation Strategy and authorise the Chief Executive Officer to call for expressions of interest from design consultants to undertake the design and production of the interpretative signage panels and to appoint the most suitable consultant.

**10.1.22 Finalisation of Town of Vincent Town Planning Scheme No. 1 Amendment No. 17: Rezoning to Reflect the Outcomes of Metropolitan Region Scheme Amendment No.1031/33 Regional Roads (Part 5) - Loftus Street, Leederville and West Perth**

<b>Ward:</b>	North Perth	<b>Date:</b>	5 December 2002
<b>Precinct:</b>	Leederville, P3	<b>File Ref:</b>	PLA0106
<b>Reporting Officer(s):</b>	B Mirco, Y Scheidegger		
<b>Checked/Endorsed by:</b>	D Abel , R Boardman		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *resolves pursuant to Town Planning Regulation 17(1), to receive the one submission of support and two submissions of non-objection/no comment and further resolve pursuant to Town Planning Regulation 17(2), that Amendment No. 17 to the Town of Vincent Town Planning Scheme No. 1 be adopted for final approval, without modification;*
- (ii) *authorises the Mayor and Chief Executive Officer to execute and affix the Town of Vincent common seal to Amendment No. 17 to the Town of Vincent Town Planning Scheme No. 1 documents reflecting the Council's endorsement of final approval; and*
- (iii) *advises the Hon. Minister for Planning and Infrastructure, Western Australian Planning Commission (WAPC), Environmental Protection Authority, and those who made submissions of (i) above, and forwards the relevant executed documents to and requests the Hon. Minister and WAPC to adopt for final approval and Gazettal, without modification, Amendment No. 17 to the Town of Vincent Town Planning Scheme No. 1.*

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**COUNCIL DECISION ITEM 10.1.22**

**Moved Cr Hall, Seconded Cr Chester**

*That the recommendation be adopted.*

**CARRIED (9-0)**

---

**BACKGROUND:**

At the Ordinary Meeting of Council held on 27 February 2001, the Council resolved the following:

*"That the Council;*

- (i) *receives the correspondence dated 12 December 2000 and accompanying documentation from the Western Australian Planning Commission relating to the Metropolitan Region Scheme (MRS) proposed Amendment No. 1031/33A – 'Regional Roads (Part 5)'; and*

- (ii) *advises the Western Australian Planning Commission that the Council supports the proposed Amendment No.1031/33, but requests the Commission to note the resolution of the Ordinary Meeting of Council held on 23 May 2000 at Item 10.2.5 concerning the property on the north east corner of the Newcastle Street/Loftus Street intersection, being Nos. 596 and 598 (Pt. Lot 116) Newcastle Street, West Perth, and to assist in the resolution of the issue."*

At the Ordinary Meeting of Council held on 28 May 2002, the Council resolved the following:

*"That the Council pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended), resolves to initiate an amendment to the Town of Vincent Town Planning Scheme No. 1 by initiating a rezoning of:*

- (i) *portions of No.58 (Lot 2), Nos.60-62 (Lot 1), No.64 (Lot 111), Nos.68-72 (Lot 5), No.74 (Lot 85), No.76 (Lot 85) and No.78 (Lot 84) Loftus Street and No.157 (Lot 84) Carr Street, West Perth as shown in Appendix 10.1.23, from "unzoned land" to "Residential R80"; and*
- (ii) *portions of Nos.596-598 (Lot Y116) Newcastle Street, West Perth and No.629 (Lot 100) Newcastle Street, Leederville, as shown in Appendix 10.1.23, from "unzoned land" to "Commercial"."*

#### **DETAILS:**

The purpose of the proposed Scheme Amendment is to rezone the following land, which is "unzoned" under the Town's Town Planning Scheme No.1 as a result of the above MRS Amendment:

- (i) portions of No.58 (Lot 2), Nos.60-62 (Lot 1), No.64 (Lot 111), Nos.68-72 (Lot 5), No.74 (Lot 85), No.76 (Lot 85) and No.78 (Lot 84) Loftus Street and No.157 (Lot 84) Carr Street, West Perth, from "unzoned land" to "Residential R80"; and
- (ii) portions of Nos.596-598 (Lot Y116) Newcastle Street, West Perth and No.629 (Lot 100) Newcastle Street, Leederville, from "unzoned land" to "Commercial".

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

The advertising period concluded on 10 December 2002 and the Town received three submissions and are shown in Appendix 10.1.22(a) to this Report.

#### **COMMENTS:**

The summary of the submissions received indicates that:

- Two (2) submissions from government authorities had no objection to the proposed rezoning; and
- One (1) submission from a government authority supported the proposed rezoning.

In light of the above, it is recommended that Amendment No. 17 be adopted without modification, and that the Council seeks final approval of Amendment No. 17 to Town Planning Scheme No. 1.

**10.2.4 London Plane Trees, Birdwood Square and Port Jackson Figs, Hyde Park**

<b>Ward:</b>	North Perth	<b>Date:</b>	25 November 2002
<b>Precinct:</b>	Hyde Park, P12	<b>File Ref:</b>	RES 0022
<b>Reporting Officer(s):</b>	K Godfrey		
<b>Checked/Endorsed by:</b>	J van den bok / R Lotznicher		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *receives the report on the London Plane trees in Birdwood Square and Port Jackson Figs in Hyde Park;*
- (ii) *APPROVES the recommended treatment of Trichoderma spraying to be applied to the infected trees within Birdwood Square and Hyde Park;*
- (iii) *receives a further report on the progress/effectiveness of the Trichoderma spraying and fertilising program in the spring season of 2003;*
- (iv) *APPROVES the removal of the declining Port Jackson Fig tree located on the northern frontage of Hyde Park adjacent to Vincent Street for the reasons outlined in the report; and*
- (v) *APPROVES the replanting of the location listed in (iii) above with a grove of Jarrah trees (Eucalyptus marginata) to continue the theme of the established native garden planting within this area of Hyde Park.*

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**COUNCIL DECISION ITEM 10.2.4**

**Moved Cr Hall, Seconded Cr Chester**

*That the recommendation be adopted.*

**CARRIED (9-0)**

---

**BACKGROUND:**

A report on trees in Birdwood Square and Hyde Park was presented to the Ordinary Meeting of Council on 9 April 2002.

**Birdwood Square**

In the report, the Council was advised that on the eastern side of the park, two (2) London Plane trees were displaying signs of decline in health and vigour evident by the poor leaf cover within the tree's canopy.

An arboriculturalist, engaged to report on the subsequent decline of the trees, determined the presence of the destructive pathogen Armillariella (*Honey fungus*).

### **Hyde Park**

The Council was further advised that in Hyde Park two (2) trees were displaying signs of decline. One (1) tree, a Port Jackson Fig, located on the northern side of Hyde Park adjacent to Vincent Street had declined at a rapid rate. The other tree, also a Port Jackson Fig, located on the southern side of Hyde Park adjacent to Glendower Street. The Arboricultural Consultant inspected both trees and confirmed that they were suffering an infestation of Fig Psyllid (*Mycopsylla fici*).

The following resolution was subsequently adopted.

*“That the Council;*

- (i) receives the report in relation to the trees within Birdwood Square and Hyde Park;*
- (ii) APPROVES the implementation of a program using antagonistic pathogen Trichoderma as recommended in the Arboricultural Consultant’s report (as laid on the table) on the Birdwood Square trees as shown on attached Plan A; and*
- (iii) receives a further report on the progress of the Hyde Park trees and cost implications for carrying out the treatment as outlined in clause (ii) above on the Birdwood Square trees.”*

### **DETAILS:**

#### **Birdwood Square.**

The Arboriculturalist has advised that the ideal solution for eradicating Armillariella (Honey fungus) is to remove all the remnant food base material from the soil eg; small tree roots etc. However, given that the trees (London Plane) are planted in row formation this is not a practical option and therefore it has been recommended the Town undertake the Trichoshield spraying treatment immediately whereby the surrounding soil around the trees drip line is treated. The process involves spraying the product within the root plate zone of the tree/s.

#### **Hyde Park**

The Port Jackson Fig (*Ficus rubiginosa*), located on the northern side of the Park adjacent to Vincent Street had an infestation of Fig Psyllid (*Mycopsylla fici*) which has resulted in the severe defoliation and decline of the tree very rapidly. This pest which reaches plague proportions in some seasons has been known to cause the death of some trees. Usually, vascular injections are recommended however, in this case, due to the severity of the defoliation that had occurred within the tree canopy, the consultant previously recommended against using this treatment and has suggested the Town mulch around the trees base and monitor the trees recovery on a regular basis.

Given the rapid decline in the tree, soil and root samples were taken as a precautionary measure for analysis to determine if any harmful pathogens were present. These results proved negative. The arboricultural recommendations have been adhered to, however, the tree has responded poorly with minimal epicormic growth present and severe staggings within the whole trees canopy.

This tree has since declined further to the point that removal and replanting with a more suitable species is the recommended option.

The other tree located on the southern side of Hyde Park adjacent to Glendower street, Perth, is a mature Port Jackson Fig (*Ficus rubiginosa*) and had the same insect infestation, being the Fig Psyllids (*Mycopsylla fici*). This specimen did not suffer as severe insect infestation; therefore the defoliation of the trees canopy was not as visible. However, the tree’s visual appearance is still average.

The recommended treatment, being vascular injections, requires leaf cover within the tree's canopy to photosynthesise and process the chemical applied. This tree was injected with Rogor on two occasions which had the desired effect in eliminating the Psyllids however, the trees canopy has been very slow to recover. Staff have adhered to the Arboricultural Consultant's recommendations and have applied mulch around the trees drip line and applied additional water to encourage new surface feeding roots.

At present, the tree has declined further with more defoliation within the tree's canopy evident.

The Arboricultural Consultant has therefore recommended applying the same treatment as the Birdwood Square Trees, that being the Trichoderma spraying program.

With the treatment process in addition to the application of "Trichoshield", 360 kg of Nutri – Store carbon fertiliser will be spread at 2 kg per square metres beneath the canopy spread of the declining Port Jackson Fig. This tree will then be monitored over the 2002/2003 summer season to ascertain the effectiveness of the two treatments applied.

**CONSULTATION/ADVERTISING:**

Nil

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2000 – 2002 – Key Result Area 1.6 "To enhance the Townscape and Streetscape"

**FINANCIAL/BUDGET IMPLICATIONS:**

	<b>Birdwood Square</b>	<b>Hyde Park</b>
Treatment program	\$1,247.40	\$138.60
Tree removal		\$1,500.00
Tree replacement		\$800.00
	<b>\$1,247.40</b>	<b>2,438.60</b>

A total cost for both Birdwood Square and Hyde Park being \$3,686.00

Costs for the above works will be sourced the from respective ground maintenance budget.

**COMMENTS:**

The fungal disease that has infected the London Plane trees within Birdwood Square is more commonly associated with Eucalyptus tree species. The Arboricultural Consultant has advised that the diseased trees that were removed by the Town's Contractor did not contribute to the further spread of this fungal disease, nor have any other works recently undertaken in the reserve. The Consultant also stated that this is the first of case of Armillariella (*Honey fungus*) he has seen in this species of ornamental tree.

The two trees located within Hyde Park are infested with the Fig Psyllid that is not only a problem in the Town of Vincent, but is being experienced by other Councils within the metropolitan area who also have the same species of Ficus tree (Port Jackson). The Swan Shire has a couple of mature trees in a similar state of decline.

The City of Melbourne is currently undertaking research into biological pests and diseases that are a potential threat to their trees, which includes research into the affects and control of Fig Psyllid.

Arboricultural Consultant, Charles Aldous Ball has recommended applying a product, Tricosheild, which is sprayed within the root plate zone of the London Plane trees that are infected with the Armillariella (*Honey fungus*) and one of the Port Jackson Fig tree located within Hyde Park which are infected with Fig Psyllid (*Mycopsylla fici*). These trees will then be monitored over the summer season to ascertain its effectiveness in eliminating the Armillariella mella (*Honey fungus*) and Fig Psyllid (*Mycopsylla fici*).

It therefore recommended that Council approves the treatment of Trichoderma spraying to the infected trees in Birdwood Square and one tree in Hyde Park and approves the removal of the declining Port Jackson Fig in Hyde Park and its replacement with a grove of Jarrah trees.

**10.3.2 Authorisation of Expenditure for the Period 01 November - 30 November 2002**

<b>Ward:</b>		<b>Date:</b>	6 December 2002
<b>Precinct:</b>		<b>File Ref:</b>	FIN0033
<b>Reporting Officer(s):</b>	P Forte		
<b>Checked/Endorsed by:</b>	C Liddelow/M Rootsey		
<b>Amended by:</b>			

**OFFICER RECOMMENDATION:**

*That;*

- (i) *the Schedule of Accounts for the period 1 November – 30 November 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.*

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**COUNCIL DECISION ITEM 10.3.2**

**Moved Cr Hall, Seconded Cr Chester**

*That the recommendation be adopted.*

**CARRIED (9-0)**

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**DECLARATION OF INTEREST**

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

**BACKGROUND:**

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

**DETAILS:**

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

<b>FUND</b>	<b>CHEQUE NUMBERS/ PAY PERIOD</b>	<b>AMOUNT</b>
<b>Municipal Account</b>		
Town of Vincent Advance Account	EFT	\$1,008,209.63
<b>Total Municipal Account</b>		<b>\$1,008,209.63</b>
<b>Advance Account</b>		
Automatic Cheques	40801 – 41179	\$586,883.77
Manual Cheques		
Transfer of Creditors by EFT Batch 35 - 43		\$534,375.75
Australia Post Lease Equipment	November 2002	\$311.77
Transfer of Payroll by EFT	November 2002	\$430,953.71
Transfer of PAYG Tax by EFT	November 2002	\$126,119.45
Transfer of Child Support by EFT	November 2002	\$601.84
Transfer of Superannuation by EFT City of Perth	November 2002	\$5,172.14
Local Government	November 2002	\$4,995.08
<b>Total Advance Account</b>		<b>\$1,689,413.51</b>
<b>Bank Charges &amp; Other Minor Debits</b>		
Bank Charges – CBA		\$6,104.18
Lease Fees		\$1,170.41
Corporate MasterCards		\$9,196.44
<b>Total Bank Charges &amp; Other Minor Debits</b>		<b>\$16,471.03</b>
<b>Less GST effect on Advance Account</b>		<b>-\$82,121.50</b>
<b>Total Payments</b>		<b>\$2,631,972.67</b>

**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.

**10.3.4 Lease- North Perth Bowling Club**

<b>Ward:</b>	Mt Hawthorn	<b>Date:</b>	29 November 2002
<b>Precinct:</b>	North Perth P8	<b>File Ref:</b>	RES0010
<b>Reporting Officer(s):</b>	J. Anthony		
<b>Checked/Endorsed by:</b>	M. Rootsey		
<b>Amended by:</b>			

**OFFICER RECOMMENDATION:**

*That the Council APPROVES of a five (5) year lease over the premises at a portion of Woodville Reserve, North Perth, being granted to North Perth Bowling Club subject to final satisfactory negotiations being carried out by the Chief Executive Officer.*

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**COUNCIL DECISION ITEM 10.3.4**

**Moved Cr Hall, Seconded Cr Chester**

*That the recommendation be adopted.*

**CARRIED (9-0)**

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**DETAILS:**

The North Perth Bowling and Recreation Club (Inc) has held a five year Sub-Lease, over portion of Woodville Reserve, since 1 September 1997.

The North Perth Bowling Club was founded in 1907. The club officially opened in 1912 when the clubhouse was built. The club is the eleventh oldest in WA and the sixth oldest in Perth. The club currently has around one hundred members and is the only bowling club in the Town of Vincent. The facilities at North Perth Bowling Club include a dining room for functions and a licensed bar where members enjoy a quiet drink. Social pool and winter darts competitions are also held at the club. The club has been a good tenant in terms of payment of rent and maintenance of premises.

The Club has applied for a Community Sporting and Recreation Facilities Fund (CSRFF) grant which is administered by the Department of Sport and Recreation. A contribution of \$80,000 each is requested from CSRFF and the Town towards the total project cost of \$240,000 to install two synthetic greens at the premises.

The transition from grass to synthetic greens would allow the club to play all year round by being involved in winter pennants and would likely increase the clubs membership, as it would be the only club in the metropolitan area to have synthetic greens. This project will assist with the long term viability and survival of the sport in the Town.

The club has also been proactive in seeking extra membership by engineering a collaborative partnership with the French and Mauritian Society of WA. For 2001/2002 the French and Mauritian Society of WA had a membership of eighty-three (83) adults all of whom are current social members of North Perth Bowling Club. This innovative partnership paves the way for petanque rinks to be built on the reserve as recommended by the *Woodville Reserve: Optimal Facility Utilisation and Management 2001/2002* report.

**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 approves a lease to the North Perth Bowling Club for further five (5) years with the same conditions.

**10.3.5 Tender 245/02 - Marketing and Disposal of "Elven on the Park"**

<b>Ward:</b>	Both	<b>Date:</b>	3 December 2002
<b>Precinct:</b>	All	<b>File Ref:</b>	PRO1957
<b>Reporting Officer(s):</b>	M Rootsey		
<b>Checked/Endorsed by:</b>	J Giorgi		
<b>Amended by:</b>			

**OFFICER RECOMMENDATION:**

*That the Council ACCEPT the tender as submitted by Eftos Estates for a cost of \$12,430 for the marketing and disposal of the seven(7) lot sub-division "Elven on the Park" corner Elven and Emmerson Streets, North Perth as being the most acceptable to the Council.*

**COUNCIL DECISION ITEM 10.3.5**

**Moved Cr Hall, Seconded Cr Chester**

*That the recommendation be adopted.*

**CARRIED (9-0)**

**BACKGROUND:**

The tender for the marketing and disposal of "Elven on the Park" was advertised in the West Australian on the 6th November 2002. The tender was closed on Tuesday 19th November 2002.

**DETAILS:**

The tenders were opened on Tuesday 19th November 2002 at 2.00pm at the Town of Vincent Civic and Administration Centre.

The Purchasing Officer (David Paul) and the Executive Manager Corporate Services were in attendance at the opening of the tender.

Eight (8) tenders were received from the following real estate businesses:

Limnios Option 1	\$49,923.00
Limnios Option 2	\$50,693.00
Limnios Option 3	\$51,463.00
James Estates	\$33,000.00
Paxton Hoad North	\$32,990.00
Woodville Property	\$31,363.90
Roy Weston	\$28,045.50
LJ Hooker	\$20,384.00
<b>Eftos Estates</b>	<b>\$12,430.00</b>
Century 21	\$6,000.00

The tenders were evaluated against the following criteria:

- Price
- Experience in similar projects
- Marketing/advertising proposal
- References
- Locality preference

The tenders were evaluated by the Executive Manager Corporate Services and his assessment was reviewed and supported by the Chief Executive Officer.

**Raw scores**

	<u>James Estates</u>	<u>Paxton Hoad North</u>	<u>Woodville Property</u>	<u>Roy Weston</u>	<u>LJ Hooker</u>	<u>Eftos Estates</u>	<u>Century 21</u>	<u>Limnios</u>
<b>Criteria</b>								
Price	70	70	75	80	85	90	100	65
Experience in similar projects	100	100	100	100	100	100	0	100
Marketing/ Advertising Proposal	80	60	80	70	75	70	60	100
References	100	100	100	100	100	100	100	100
Locality Preference	100	100	100	100	100	100	0	90
<b>Total raw score</b>	<b>450</b>	<b>430</b>	<b>455</b>	<b>450</b>	<b>460</b>	<b>460</b>	<b>260</b>	<b>455</b>

**Weighted Scores**

	<u>James Estates</u>	<u>Paxton Hoad North</u>	<u>Woodville Property</u>	<u>Roy Weston</u>	<u>LJ Hooker</u>	<u>Eftos Estates</u>	<u>Century 21</u>	<u>Limnios</u>
<b>Criteria</b>								
Price	49	49	52.5	56	59.5	63	70	45.5
Experience in similar projects	10	10	10	10	10	10	0	10
Marketing/ Advertising Proposal	8	6	8	7	7.5	7	64	10
References	5	5	5	5	5	5	0	5
Locality Preference	5	5	5	5	5	5	0	4.5
<b>Total weighted score</b>	<b>77</b>	<b>75</b>	<b>80.5</b>	<b>83</b>	<b>87</b>	<b>90</b>	<b>76</b>	<b>75</b>

**Century 21**

Century 21 submitted the lowest tender, however scored poorly as the submission did not provide details of specific experience in other similar projects. The Century 21 franchise was located at Rivervale and therefore outside the local area and as a result scored poorly in this criteria category.

**Eftos Estates**

Provided a competitive submission, the organization is well respected in the area, and has been used by the Town for valuation work. The work done in the past has always been comprehensive, professional conducted and well presented.

The advertising proposal submitted will provide good exposure at a competitive price. There has already been significant interest in this land that it should not be necessary to spend a significant amount of money on advertising.

The other submissions varied according to the amount of advertising proposed and the percentage of sales commission charged.

**CONSULTATION/ADVERTISING:**

The tender was advertised in the West Australian on the 6th November 2002.

**LEGAL/POLICY:**

The tender was conducted in accordance with Section 3.57 Local Government Act 1995 and Local Government (Functions and General) Regulations Part 4.

**FINANCIAL/BUDGET IMPLICATIONS:**

The funds for this tender are included in the budget allocation for Elven Street as listed in the Annual Budget 2002/03.

**COMMENTS:**

It is considered that Eftos Estates will provide the Town with the best value for money for this tender, especially given the interest in this subdivision.

**10.4.1 Use of Common Seal**

<b>Ward:</b>	-	<b>Date:</b>	10 December 2002
<b>Precinct:</b>	-	<b>File Ref:</b>	ADM0042
<b>Reporting Officer(s):</b>	M McKahey		
<b>Checked/Endorsed by:</b>	John Giorgi		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

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

**COUNCIL DECISION ITEM 10.4.1**

**Moved Cr Hall, Seconded Cr Chester**

*That the recommendation be adopted.*

**CARRIED (9-0)**

**DETAILS:**

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

<b>Date</b>	<b>Document</b>	<b>No of copies</b>	<b>Details</b>
29/11/02	Notification under Section 70A	3	Town of Vincent and Inspired Development Group Pty Ltd of PO Box 436, Applecross re: Lot 921 on Deposited Plan 34872 – Nos. 205-207 (Lots 40, 41 and 42) Bulwer Street, Perth
29/11/02	Lease	3	Town of Vincent and Headquarters Youth Recreation, Cultural and Arts Association Inc re: 60 Frame Court, Leederville
13/12/02	Contract Document	2	Town of Vincent and Leederville Gardens (Inc) of 37 Britannia Road, Leederville and Mrs D.N. Higgins re: Unit 55, Leederville Gardens
13/12/02	Contract Document	2	Town of Vincent and Leederville Gardens (Inc) of 37 Britannia Road, Leederville and Mrs C.M. Albers re: Unit 29, Leederville Gardens
13/02/02	Deed for Reduction in Service Fees	1	Town of Vincent and Leederville Gardens (Inc) of 37 Britannia Road, Leederville and Mrs D.N. Higgins
13/02/02	Deed for Reduction in Service Fees	1	Town of Vincent and Leederville Gardens (Inc) of 37 Britannia Road, Leederville and Mrs C.M. Albers

**10.4.3 Adoption of Draft Strategic Plan 2002-2007**

<b>Ward:</b>	Both	<b>Date:</b>	12 December 2002
<b>Precinct:</b>	All	<b>File Ref:</b>	(ADM0038)
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>			
<b>Amended by:</b>			

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *ADOPTS the Draft Strategic Plan 2002-2007, as shown in Appendix 10.4.3;*
- (ii) *advertises the Draft Strategic Plan 2002-2007 for a period of forty two (42) days, effective from 28 January 2003, for public comment and considers any submissions received, at the end of the public consultation period; and*
- (iii) *APPROVES of a second Community Workshop to be held in mid January 2003.*

**COUNCIL DECISION ITEM 10.4.3**

**Moved Cr Hall, Seconded Cr Chester**

*That the recommendation be adopted.*

**CARRIED (9-0)**

**BACKGROUND:**

At the Ordinary Meeting of the Council held on 22 October 2002, the following recommendation was adopted;

*“That the Council;*

- (i) *ACCEPTS the quotation submitted by Bessen Consulting Services at a cost of \$4,895 as being the most acceptable to the Town to carry out a review of the Town's Strategic Plan 2000-2002; and*
- (ii) *APPROVES of the Indicative Timeline for a review of the Council's Strategic Plan 2000-2002, as detailed in this report.”*

**DETAILS:**

Following the appointment of Bessen Consulting Services, the Principal Bevan Bessen held a series of short meetings with the Chief Executive Officer, Executive Managers and the Mayor, to outline the process and timeline for the preparation of the Strategic Plan.

The consultant then conducted three (3) workshops to facilitate input into the preparation of the Strategic Plan document.

Two (2) workshops involving the Elected Members, Chief Executive Officer, Executive Managers and Section Managers were held on 7 and 26 November 2002 respectively.

A further workshop, which was advertised on 30 November 2002, was held on the 4th December 2002 for members of the community to have their input into the Plan.

At this meeting concern was raised by the attendees regarding that only one workshop had been allocated to the community and also the brief advertising period which may have restricted attendance. A request was received from several Precinct Groups for a further session to allow further input and greater participation. This request is supported.

A further request was received from Mr Dudley Maier of Chatsworth Road, Highgate, as follows;

*“The community group only started to look at the Action Plan component of the Strategic Plan at 8:40pm last night. We did not get the opportunity to review the proposed action plan in any detail at all. We felt that we needed more time to review the proposed actions and make suggestions of our own. We felt that another workshop would be beneficial. It would also allow more community members to become involved.*

*Looking at the time frame we thought that a workshop in January was feasible as it would not compromise or delay the organisational review, yet would mean that a plan that more clearly reflected the community’s visions and desires could be developed.*

*The organisational review cannot start before 28 January at the very earliest. It is at this time that the reviewers will need a fairly solid strategic plan. Prior to this time they will need a broad document in order to assist them in developing their tender (i.e. scoping and therefore pricing). I would suspect that the tender price will be governed more by the current organisation structure and size than by any detail found in the strategic plan.*

*We discussed the timeframe and thought that the best approach was for:*

- *Council to approve a draft on 17 December which could be used by tenderers (in the last week of the tender development);*
- *Hold a second community workshop in January. This would need to be held early enough to allow Bevan to incorporate suggestions;*
- *Council approve a ‘final’ draft on 28 January (at the same time as approving the tender);*
- *The ‘final’ draft go out for 6 weeks public comment after 28 January.*

*The idea of the ‘17 December Draft’ going out for public comment was discussed. It would mean that a January workshop, in the middle of the consultation period, would become an information workshop rather than a ‘enhancement’ workshop. It would mean that the plan given to the reviewers was still subject to significant community review. It would be better to get as much of the public’s input into the plan that is available to the reviewers from the beginning of the review (i.e. provide them with a more complete plan from day one).*

*If the 17 December plan was put out for comment we would find that the revised plan (ie after the public’s comments have been included) would be adopted in late February/early March, and the reviewers would get a revised plan in the middle of the review. This revised plan would incorporate the suggestions that could have been included as a result of the January workshop.*

*I hope that you can support the above timeframe. I am sure that the people from last night’s meeting, and many others who would have liked to attend, will be willing to lobby councillors to get their agreement to this revised timeframe.”*

All the workshops were conducted in a very positive and constructive manner, which resulted in good input into the Plan.

The Draft Strategic Plan has been prepared on the basis of the input received at the workshops.

The indicative timetable adopted at the Ordinary Meeting of Council held on 22 October 2002 outlined the following:

- Adoption of Draft Strategic Plan by Council 17 December 2002
- Advertising of Draft Strategic Plan 18 December 2002 to 14 February 2003
- Adoption of Final Strategic Plan 25 February 2003

If a second community workshop is held in January 2003 and the final Draft is to be advertised for six (6) weeks after 28 January 2003, this will delay the Council adopting the Strategic Plan until the Ordinary Meeting of Council to be held on 25 March 2003.

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

The Draft Strategic Plan to be advertised for a period of forty two (42) days for public submissions and comment.

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

It is not a legal requirement to have a Strategic Plan however, it is considered "*Best Practice*" management that a Strategic Plan be adopted to complement and be linked and aligned to both the Principal Activities Plan and the Annual Budget.

#### **STRATEGIC IMPLICATIONS:**

The Strategic Plan provides the elected Council and administration with its aims, goals and objectives (key result areas) for the next five (5) years.

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

Funds of \$8,500 have been allocated in the 2002/03 Annual Budget for the preparation of the new Strategic Plan. The current review is currently within budget.

Once the draft Strategic Plan has been adopted by the Council it will be necessary for the various Key Result Areas to be costed and allocated an appropriate timeframe and responsible officer.

Appropriate allocation of funds (to be considered during the budget process 2003-04) will ensure that the Strategic Plan will be implemented.

#### **COMMENTS:**

The Strategic Plan is a very important document for the Town, as it will provide the future direction to the Council for the next five (5) years. The workshops conducted were very successful and the input received was positive and constructive. The new Draft Plan reflects input by the Elected Members, the Administration and the Community. This will give the Town its future direction and is therefore recommended for adoption.

**10.4.4 Further Report - Proposed Policy: Dangerous Buildings**

<b>Ward:</b>	Both Wards	<b>Date:</b>	11 December 2002
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	ORG0023/PLA0022
<b>Reporting Officer(s):</b>	D, Brits, G Snelling		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That;*

*the Council ADOPTS the Policy relating to Dangerous Buildings, without modification, as shown in Appendix 10.4.4.*

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**COUNCIL DECISION ITEM 10.4.4**

**Moved Cr Hall, Seconded Cr Chester**

*That the recommendation be adopted.*

**CARRIED (9-0)**

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**BACKGROUND:**

The Council at its Ordinary Meeting held on 22 October 2002 resolved as follows:

*"That the Council;*

- (i) receives the report and the proposed Policy relating to Dangerous Buildings as shown in Appendix 10.4.6;*
- (ii) advertises the proposed Policy relating to Dangerous Buildings for public comment, including;*
  - (a) advertising a summary of the proposed Policy for a period of twenty-one (21) days; and*
  - (b) notifying owners of potentially dangerous buildings and requesting their comment within the above advertising period;*
- (iii) after the expiry of the period for submissions:*
  - (a) reviews the proposed Policy, having regard to any written submissions; and*
  - (b) reports to Council with a view of adopting or otherwise the Policy, with or without modifications; and*
- (iv) lists for consideration in the 2003/2004 Budget the sum of \$3,000 for urgent securing and cleaning works with a view to list owners as debtors of the Town to recoup direct costs".*

The previous report was submitted to formalise the procedure and action necessary in relation to the Local Government (Miscellaneous Provisions) Act 1960. The intension is to further promote the preservation of the built environment in the interest of the safety, health and amenity for all residents and the community of the Town.

**LEGAL IMPLICATIONS:**

The proposed Policy has been developed in accordance with Part XV, Division 11, Sections 403 to 406, inclusive, of the *Local Government (Miscellaneous Provisions) Act 1960*.

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2000-2002 – Key Result Area 1: The Physical Environment – “*Objectives: To create an accessible, safe and healthy environment for our community*”; and “*1.3 Develop and implement strategies to enhance the environment.*”

**CONSULTATION/ADVERTISING:**

Two (2) submissions were received during the advertising period. The first submission is anonymous from a “*concerned resident*”.

The following are excerpts from the “*concerned resident's*” letter:

*“I recommend the Council reject complaints which arrive unsupported by adequate evidence as frivolous. There are those who would exploit the opportunity to lodge vexatious claims against others and a measure of accountability would act as a deterrent to trouble makers.*

*Perhaps complaints would need to be lodged on prescribed forms which carry a proviso that in filing the complaint, the complainant attests to the truthfulness of his/her statement. Apart from problems created for property owners, frivolous claims would unnecessarily engage Council staff and result in needless waste of ratepayers' contributions.*

*It is only just and balanced that there be protective measures to ensure that property owners not ...engaged in unnecessary dealings with the Town, unless there is a clear case for action - based on persuasive evidence. Owners must have their fundamental right of privacy and freedom from interference respected.”*

The second submission states in full:

*“I am happy with the proposed policy, however, due to the potential overlap between the draft policy and policy 3.8.8 Derelict Housing, I believe that consideration should be given to amalgamating the two policies.”*

**FINANCIAL/BUDGET IMPLICATIONS:**

The Council at its Ordinary Meeting held on 22 October 2002 resolved that the sum of \$3,000 be listed for consideration in the 2003/2004 Budget for urgent securing and cleaning works with a view to list owners as debtors of the Town to recoup direct costs.

**COMMENTS:**

As the Town values and promotes an accessible, safe and healthy environment for the community, all available and necessary measures should be taken to ensure that dangerous buildings within the community are identified and dealt with in an efficient and consistent manner. However, at the same time the rights of property owners and occupiers are to be preserved and reasonable notice and subsequent reasons be given as far as practicable prior to conducting an internal inspection.

**Submission 1:**

In relation to the “*concerned resident's*” submission, comment/s follow each sentence:

*I recommend the Council reject complaints which arrive unsupported by adequate evidence as frivolous.*

**Comment:** Naturally, written complaints are preferred, but if not received the officer/s should still investigate to establish if the complaint is justified or not as a Duty of Care responsibility. By having a Building Surveyor and Environmental Health Officer investigate an alleged Dangerous Building complaint, the likelihood of frivolous (of little or no justification) complaint will be evident upon conducting the inspection. This procedure provides for greater officer safety as squatters may be present, and greater on-the-spot situational and building safety and health assessment.

*There are those who would exploit the opportunity to lodge vexatious claims against others and a measure of accountability would act as a deterrent to trouble makers.*

**Comment:** Vexatious claims have been discussed above. In relation to accountability, complainant details are placed on file, and may be accessed by the Town's officers and possibly through the Freedom of Information (FOI) provisions. In the case of on-going complaints, officers normally require a written complaint.

*Perhaps complaints would need to be lodged on prescribed forms which carry a proviso that in filing the complaint, the complainant attests to the truthfulness of his/her statement.*

**Comment:** There is no legal requirement for a prescribed form, and less linguistically skilled persons may find such a requirement problematic. From a purely administrative approach, it is desirable and standard pro forma complaint forms are used by the Town's officers.

*Apart from problems created for property owners, frivolous claims would unnecessarily engage Council staff and result in needless waste of ratepayers contributions.*

**Comment:** Concur, however the service obligation in public health and safety remain. Unnecessary wastage in investigating these complaints is negligible.

*It is only just and balanced that there be protective measures to ensure that property owners not ...engaged in unnecessary dealings with the Town, unless there is a clear case for action - based on persuasive evidence.*

**Comment:** Aggrieved property owners have the right to report unsatisfactory action to the Town's Chief Executive Officer for investigation and reply.

*Owners must have their fundamental right of privacy and freedom from interference respected."*

**Comment:** Concur. In the case of an obstructive property owner or in an emergency, additional powers of entry can be used as outlined in the Local Government Act 1995, Local Government (Miscellaneous Provisions) Act 1960, and Health Act 1911. However, such instances will be very rare.

**Submission 2:**

*"I am happy with the proposed policy, however, due to the potential overlap between the draft policy and policy 3.8.8 Derelict Housing, I believe that consideration should be given to amalgamating the two policies."*

**Comment:** These policies have a different focus. Squatting and/or unhygienic/unsafe conditions in the case of Policy 3.8.8 require a securing and cleaning focus. With regard to the proposed policy the focus is on the structural safety. In addition, the legislation involved are separate Acts, namely The Health Act 1911 (as amended) in Policy 3.8.8, and in the proposed policy under the Local Government (Miscellaneous Provisions) Act 1960.

**General Comment:**

In relation to the power of entering and conducting internal inspections, officers are to enter in accordance with legislative powers, whilst being mindful of professional standards that include identification and common courtesy, and customer services charter principles, to efficiently progress Council Resolutions and the Town's legal responsibilities as far as practicable and achievable. Complaints in this regard are investigated by the relevant Executive Manager or Chief Executive Officer.

**CONCLUSION:**

While being mindful of the matters raised in the two submissions, and in particular the rights of property owners, officers deem that sufficient legislative controls are in place to kurb inappropriate action like referring such complaints to the Town's Chief Executive Officer or Office of the State Ombudsman.

Consequently, it is recommend that the proposed policy remain unchanged for final adoption.

**10.4.6 Information Bulletin**

<b>Ward:</b>	-	<b>Date:</b>	11 December 2002
<b>Precinct:</b>	-	<b>File Ref:</b>	-
<b>Reporting Officer(s):</b>	A Smith		
<b>Checked/Endorsed by:</b>	J Giorgi		
<b>Amended by:</b>	-		

***OFFICER RECOMMENDATION:***

*That the Information Bulletin dated 17 December 2002, as distributed with the Agenda, be received.*

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**COUNCIL DECISION ITEM 10.4.6**

**Moved Cr Hall, Seconded Cr Chester**

*That the recommendation be adopted.*

**CARRIED (9-0)**

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**DETAILS:**

The items included in the Information Bulletin dated 17 December 2002 are as follows:

<b>ITEM</b>	<b>DESCRIPTION</b>
IB01	Letter from Local Government Advisory Board – Review of Wards
IB02	Building Code of Australia: Energy Efficiency Measures for Houses
IB03	Response to Questions from Dudley Maier – Special Meeting of Council 10 December 2002
IB04	Department for Planning and Infrastructure – Residential Design Codes – October 2002 Information Session

Mayor Catania announced that he had declared a proximity interest in this Item. Mayor Catania departed the Chamber at 7.43pm and did not speak or vote on the matter. Deputy Mayor, Cr Drewett assumed the Chair.

**10.1.26 Nos. 489-495 (Lot 200) Fitzgerald Street, Dual Frontage with Menzies Street, North Perth – Proposed Twenty-Eight (28) Two-Three Storey Multiple Dwellings, Including Ten (10) Single Bedroom Multiple Dwellings, and Associated Semi-Basement Carparking, to the Existing Four (4) Grouped Dwellings**

<b>Ward:</b>	Mount Hawthorn	<b>Date:</b>	11 December 2002
<b>Precinct:</b>	Smiths Lake, P6	<b>File Ref:</b>	PRO2047 00/33/1114
<b>Reporting Officer(s):</b>	S Robertson		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner Cape Bouvard Developments Pty Ltd for the proposed twenty-eight (28) two-three storey multiple dwellings, including ten (10) single bedroom multiple dwellings, and associated semi-basement carparking, to the existing four (4) grouped dwellings on Nos. 489-495 (Lot 200) Fitzgerald Street, dual frontage with Menzies Street, North Perth, as shown on the amended plans stamp dated 27 September 2002, 5 December 2002 and 11 December 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:*
  - (a) the wall height of the development not exceeding 6.0 metres and the total height to the top of the roof pitch of the development not exceeding 9.0 metres in height, respectively, above the natural ground level at any point when dimensioned and scaled from the southern Menzies Street elevation, the western right of way elevation and the northern elevation, as defined in the Residential Design Codes and the Town's Policy relating to 'Building Scale';*
  - (b) the provision of a single crossover to Fitzgerald Street in accordance with the requirements of and in consultation with the Department for Planning and Infrastructure/Western Australian Planning Commission. The crossover shall comply with the minimum distance from the existing bus stop on Fitzgerald Street;*
  - (c) each multiple dwelling being provided with an outdoor living area with a minimum dimension of 2.0 metres and a minimum area of 10.0 square metres; and*

*(d) no structures or carparking and associated manouvering areas, including fencing, being within the 1.5 metres wide Fitzgerald Street road reservation as stipulated in a letter to the Town from the Department for Planning and Infrastructure dated 6 December 2002;*

*The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes, the Town's Policies and the Department for Planning and Infrastructure/Western Australian Planning Commission;*

- (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) 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. The proposed verge parking shall be dimensioned on the building licence application working drawings and shall comply with the minimum specifications and dimensions specified in the Town's "Paving of Verges to Permit Vehicle Parking";*
- (v) 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";*
- (vi) prior to the first occupation of the development, a minimum of five (5) car parking spaces shall be provided for the visitor component of the development, 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;*
- (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, at the applicant's/owner(s)' full expense;*
- (viii) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to Fitzgerald Street and Menzies 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;*
- (ix) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services;*
- (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 and the Department for Planning and Infrastructure/Western Australian Planning Commission;*
- (xi) a detailed landscaping plan, prepared in consultation with the Town's Parks Services, demonstrating the following:*
- (a) a schedule of plant species;*

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

*shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

- (xii) the ten single bedroom multiple dwelling, as shown on the approved plans, shall be occupied as single bedroom dwellings only, and each shall be limited to a maximum plot ratio floor area of 60 square metres;*
- (xiii) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development*
  - (a) the western side of the balconies and terrace in the western elevation of the western multiple dwelling complex, greater than 500 millimetres above the natural ground level at the ground and first floor levels, respectively;*
  - (b) the windows in the northern elevation of the northern multiple dwelling complex greater than 500 millimetres above the natural ground level at the ground and first floor levels, respectively, within 4.5 metres of the northern boundary;*
  - (c) the northern side of the balconies in the northern elevation of the northern multiple dwelling complex accessible from the bedrooms, greater than 500 millimetres above the natural ground level at the ground and first floor levels, respectively, within 7.5 metres of the northern boundary;*
  - (d) the western side of the balconies in the western elevation of the northern multiple dwelling complex accessible from the bedroom and living room, respectively, on the western most dwelling at the first floor level; and*
  - (e) the eastern side of the balconies in the eastern elevation of the northern multiple dwelling complex accessible from the bedrooms on the eastern most dwellings at the ground and first floor levels, respectively;*

*shall be screened with a permanent obscure material and be non-openable to a minimum height of 1.6 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*

- (xiv) *a right of way security bond and/or bank guarantee for \$1100 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;*
- (xv) *a road and verge security deposit bond and/or bank guarantee of \$1100 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. An application for the refund of the security deposit must be made in writing; and*
- (xvi) *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;*

*to the satisfaction of the Chief Executive Officer.*

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**COUNCIL DECISION ITEM 10.1.26**

**Moved Cr Piper, Seconded Cr Ker**

*That the recommendation be adopted.*

*Debate ensued.*

**LOST (0-8)**

(Mayor Catania was absent from the Chamber and did not vote.)

**Reasons:**

- 1. Consideration of objections received**
- 2. Non compliance to the Residential Design Codes, Town Planning Scheme and Locality Statement**
- 3. Excessive bulk and scale**
- 4. Subdivision Policy - amalgamation of lots was requested**
- 5. The Fitzgerald Street properties are not listed on the Municipal Heritage Inventory and therefore bonuses should not apply**

**Moved Cr Ker, Seconded Cr Piper**

*That should the matter be taken to appeal to the Town Planning Appeal Tribunal or other hearing based appeal process, an Elected Member and a local resident be called as witnesses.*

**MOTION CARRIED (8-0)**

(Mayor Catania was absent from the Chamber and did not vote.)

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**LANDOWNER:** Cape Bouvard Developments Pty Ltd\*  
**APPLICANT:** Cape Bouvard Developments Pty Ltd  
**ZONING:** Metropolitan Region Scheme: Urban  
 Town Planning Scheme No 1: Residential R60  
**EXISTING LAND USE:** Grouped Dwellings and Vacant Land

\*The Town recognises that the property ownership details have changed. The Town has received the new Certificate of Title information which confirms the above landowner information.

**COMPLIANCE:**

Use Class	Multiple Dwellings, Grouped Dwellings
Use Classification	"P", "P"
Lot Area	4362 square metres

Requirements	Required	Proposed
Density	18 multi-bedroom multiple dwellings; 6 single bedroom multiple dwellings; and 4 grouped dwellings	18 multi-bedroom multiple dwellings; 10 single bedroom multiple dwellings; and 4 grouped dwellings
Front Setback - Menzies Street	6.0 metres first floor	Main building-5.4-6.45 metres*** Balcony-4.0 metres
Setbacks to ROW as a secondary street	1.0 metre	nil-3.1 metres (western block)
Boundary Setbacks**	<b>Western Block</b> Western elevation* 2.4 metres <b>Northern Block</b> Western Elevation* 1.8 metres Northern Elevation* 2.8 metres (if screened)	<b>Western Block</b> Western Elevation Nil-3.1 metres <b>Northern Block</b> Western Elevation 1.2-1.8 metres Northern Elevation 3.2 metres

Private Open Space (Outdoor living area)	10 square metres (minimum dimension 2.0 metres)	8 square metres
Privacy	Windows setback: 4.5 metres bedrooms; 6.0 metres other habitable rooms; 7.5 metres outdoor habitable spaces; or screened to a minimum height of 1.6 metres.	A number of habitable windows do not comply with the minimum screening requirements and consequently are closer to the boundaries than permitted.

Height	6.0 metres wall height; 9.0 metres to top of roof pitch	<p style="text-align: center;"><b>Western Block</b></p> <p>Western Elevation (ROW) Wall height 5.6-6.05 metres Roof pitch height 9.3-10.0 metres</p> <p>Eastern Elevation (internal) Wall height 6.25-7.27 metres Roof pitch height 8.7-11.3 metres</p> <p>Menzies Street Elevation Wall height 5.58-6.038 metres Roof pitch height 8.5-9.95 metres</p> <p>Northern Elevation (internal) Wall height 6.1-7.27 metres Roof pitch height 9.9-10.5 metres</p>
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**\* The setback requirements acknowledge that all walls which have major openings to habitable rooms/balconies that do not comply with the Residential Design Code 'Privacy' setback requirements have been conditioned to be screened in the Officer Recommendation (condition xiii) such that they do comply and are no longer defined as having major openings.**

**\*\* There are no internal setback requirements as setbacks relate to the external lot boundaries.**

**\*\*\*It is likely that compliance with condition (ii)(c) will result in a building setback of 6.0 metres.**

**SITE HISTORY:**

It is noted that applications have been received, assessed and determined by the Town on the parcel of land, which includes the rear of No. 485 Fitzgerald Street, having dual frontage to Menzies Street. However, given the nature and scale of the current application, the time since determination of the previous applications and the changes to the Town's Policies and the Residential Design Codes, it is not considered that a detailed history will contribute to the Council's consideration and determination of the current application. A history of the current application is provided below:

- 23 May 2002                      A Planning Application was received by the Town for 33 multiple dwellings to the existing 4 dwellings on the subject site.
- 6 June 2002                      18 written comments received during the initial advertising period.
- 20 June 2002                      The applicant, in a meeting with the Town's Officers, was advised of the nature of the objections received and the preliminary concerns and non-compliances identified by the Town's Officers.
- 16 July 2002                      At its Special Meeting, the Council resolved to receive the deputation by Cape Bouvard Developments Pty Ltd on the proposed development.
- 22 July 2002                      The application was suspended at the written request of the applicant.
- 23 August 2002                      A further meeting with the Town's Officers to discuss revised plans.

- 17 September 2002 The applicant, in a meeting with the Town Officers, outlined the changes that had been made to address the concerns of the Elected Members, the Town and the surrounding residents.
- 27 September 2002 Amended plans were received by the Town for 30 additional multiple dwellings to the existing 4 dwellings. Advertising was withheld at the request of the applicant so that they could further consult with the community.
- 14 October 2002 The Western Australian Planning Commission approved deposited Plan Number 33853 for the subdivision of the subject lot from No. 485 Fitzgerald Street, North Perth.
- 18 October 2002 14 days advertising period of the amended plans received on 27 September 2002 commenced at the request of the applicant.
- 18 November 2002 Meeting between the Town's Officers, the applicant/owner and representatives advising of the nature of the further objections received and the non-compliances identified by the Town's Officers.
- 5 and 11  
December 2002 Further amended plans received by the Town that are being considered in the current report.
- 6 December 2002 Correspondence received from the Department for Planning and Infrastructure in relation to the application that had been referred to them to obtain comments as Fitzgerald Street is reserved as 'Other Regional Road' under the Metropolitan Region Scheme.
- 6 December 2002 The Town received a facsimile from McLeods Barrister and Solicitors, who is representing several neighbouring residents. McLeods advised that the Town was required to properly inform the Council of the concerns raised during the advertising period, of all relevant policies and standards and whether the proposal meets those policies and standards. Furthermore, the letter advised that if the amended plans constituted a minor redesign, that the objections raised during the advertising period remain and requested that the proposal be re-advertised if the amendments were not minor.

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

The plans stamp dated 27 September 2002 were advertised on 18 October 2002 at the request of the applicant/owner. Fourteen (14) submissions were received during the advertising period utilising a uniform prepared resident submission letter. Due to the comprehensiveness of this submission, an anonymous copy is "*Laid on the Table*" for the Council's information. In summary, the main issues raised in this submission are as follows:

The application does not comply with:

- Town of Vincent Town Planning Scheme No. 1.
- Residential Design Codes' density, height, and setback requirements.
- Town of Vincent Planning and Building Policies relating to – 'Local Character', 'Environmental Design', 'Building Scale', 'Parking and Access', 'Heritage Conservation', and 'Site Levels'.

- Other matters of concern that were raised related to public health, environmental and social concerns, loss of vegetation, parking and traffic generation and non-compliance with the Town's Policies relating to the 'Smiths Lake Precinct' and the 'Knutsford Locality'.

In addition to the above standard submission, 10 of the 14 submissions were accompanied by covering letters. These are generally summarised below:

- The development of 30 units in an area which is predominantly single storey residential is unsympathetic to the area and will have a negative impact.
- The development will overshadow and dominate existing properties.
- The increase in traffic created by the development will have an impact on the currently 'safe' roads.
- The density of the development will create a great deal of problems that are being glossed over by the developers.
- The development proposes a density bonus in exchange for 'conserving and enhancing the existing dwellings' however, the development will result in the existing dwellings being compromised rather than enhanced.
- The development will be clearly visible from Fitzgerald Street and will detract from the predominantly single storey houses in the area.
- The development will result in a loss of privacy to adjoining properties.
- The impact on on-street parking that the development will have, including parking in the ROW.
- The development is reminiscent of the 2 and 3 storey walk-ups that were built in the 1970's.
- The provision of 11 car bays in the front setback area of the existing houses will impinge on the significance of these houses, as it is their combined street appearance which is valuable.

In accordance with clause 2.5.3 of the Residential Design Codes (R Codes), the Town is required to provide the applicant with the opportunity to respond to Council on the comments received during the advertising period. In light of the comments received during the advertising period and concerns raised by the Town's Officers, the applicant responded via further amended plans. These amended plans included a reduction in the variations to density, building height and plot ratio and the provision of a bin storage area, to the previously advertised plans dated 27 September 2002. The amended plans were not further advertised as the changes did not constitute significant modifications to the previously advertised plans, and did not involve any further variation to the development requirements.

The Planning Application was also referred to the Department for Planning and Infrastructure (DPI) as the proposal will result in vehicular access to Fitzgerald Street, which is a category 2 road that is reserved under the Metropolitan Region Scheme as 'Other Regional Road'. The Town received a response from the DPI in letter dated 6 December 2002 which is "*Laid on the Table*" for the Council's information. In summary, the DPI will only support a single driveway for traffic that caters for traffic entering and leaving the site via Fitzgerald Street. Furthermore, the DPI does not support the construction of a wall, which is shown on the plans within the 1.5 metres wide Other Regional Road Reservation, which was reserved at the time of amalgamation of the lot.

**DETAILS:**

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

The proposal seeks to retain and conserve four existing grouped dwellings on the site fronting Fitzgerald Street and construct two, two-three storey blocks of multiple dwellings behind.

One of the three storey blocks of multiple dwellings, which generally follows the western boundary, will have two levels comprising nine dwellings, (including one single bedroom dwelling) in each level, comprising a total of 18 multiple dwellings with semi-basement carparking below. In order provide simplicity, and in keeping with the applicants submission, this will be referred to in the report as the Western Block. The other two-three storey block of multiple dwellings generally follows the northern boundary and contains a total of ten dwellings, having four single bedroom dwellings and one two bedroom dwelling on each floor. This will be referred to in the report as the Northern Block.

The application proposed that the grouped dwellings will have an 'in and out' vehicular access to Fitzgerald Street provided by two crossovers and the multiple dwellings will have an 'in only' access from Fitzgerald Street and an 'in and out' access to Menzies Street. No. 495 Fitzgerald Street, North Perth has a tree which is listed on the 'Interim Significant Tree Database- Possible Inclusion'.

The applicant's planning consultant has submitted written information in support of the amended application dated 5 December 2002, which is "*Laid on the Table*" for the Council's information. The submission covers height, setback to the right-of-way, density, plot ratio, private open space, car parking, vegetation, bin storage and ownership details, and generally provides a response to the comments received by the Town during the most recent consultation period and to matters raised by the Town's Officers in the meeting with the owner/applicant and associates held on 18 November 2002.

**COMMENTS:**

**Heritage**

The proposed development seeks a density bonus on the basis of retaining four existing dwellings along Fitzgerald Street. It is considered that there is an intact streetscape along the western side of Fitzgerald Street, between Farmer Street to the north and Angove Street to the south. The majority of dwellings in this section of the street are variations of Federation style. The subject dwellings are worthy of retention on the basis that they contribute to this intact streetscape. Each of the Federation houses along this section of Fitzgerald Street has a uniform setback and are relatively well kept and presented to the street and their contribution a necessary element in the retention of the intact streetscape of Federation houses. The overall scale, proportions of lot coverage, massing, street setbacks and building materials and variations of detailed styling are in keeping with the suburban landscape of North Perth.

The matter of this streetscape has previously been presented to the Council in relation to the demolition application for the dwelling at No.501 Fitzgerald Street, to the north of the subject dwellings and within the streetscape area. The dwellings are therefore worthy of retention, however, the application of a density bonus should be such that the intent of the bonus, to protect the value of the existing property, is not lost or substantially reduced. The scale and nature of the development that is likely to result from compliance with the Officer Recommendation will generally compliment the existing buildings and will not adversely affect their existing scale, form and proportions.

### **Density**

The proposal seeks a 9.4 percent density bonus under Clause 20 of Town Planning Scheme No.1 for the retention and conservation of the four dwellings with significant streetscape significance. This effectively equates to a density bonus of 4 single bedroom multiple dwellings and it is considered that a density bonus of this scale can be supported as it will result in the retention and conservation of these dwellings.

Minimum site areas for grouped dwellings in areas zoned Residential R60 is afforded a transitional period by the new Residential Design Codes and accordingly, the density provision of the 1991 Residential Planning Codes have been applied.

### **Bulk, Scale and Height**

The Town's Policy relating to the 'Knutsford Locality' provides for a general height limit of two storeys including loft.

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

The applicant has submitted that the proposed roof pitch of 35 degrees is consistent with the existing houses on the site and with residential development within the locality.

It is acknowledged that a development that exceeds the maximum height, as stipulated in the R-Codes when viewed directly from the street or adjoining property, may contribute to unreasonable height, bulk and scale and have an adverse negative impact on the amenity of the adjoining properties and streetscape. There is some concern that such a roof pitch may facilitate the introduction of habitable roof lofts. Accordingly, the Officer Recommendation has been conditioned such that the subject property should comply with the maximum height that corresponds with and is adjacent to the southern, northern and eastern boundaries respectively.

It is considered that the proposal will be viewed as being no greater than two storeys from the adjoining properties, including those properties adjacent to the right of way, subject to compliance with the maximum height requirements on the northern, western and Menzies Street external elevations, and as conditioned in the Officer Recommendation. It is noted that the three storey element of the proposal will be internal and its impact visually reduced from Fitzgerald and Menzies Streets by virtue of distance from the road and some screening by the existing dwellings. The applicant was advised of the Town's position regarding height, however, the amended plans do not comply with these requirements.

The Town's Policy relating to 'Building Scale' also states that "*amalgamation of lots and the redevelopment of large scale, multi-storeyed residential buildings are not permitted except in very specific locations where the existing residential character will not be eroded or the amenity of the existing housing compromised*". This provision is essentially to avoid development similar to the 1960's high rise flats and two and three storey walk-up that often did not have balcony access.

It is considered that, in this case, the amalgamation facilitated the conservation of 4 dwellings with significant streetscape value, will control unreasonable vehicular access to the rear right of way and to Fitzgerald Street, and the proposed development subject to compliance with the Officer Recommendation conditions will not unduly erode the residential character and amenity of the area.

### **Carparking**

The total carparking requirement for the development is 50 bays, including a minimum of 5 visitor bays. The proposal includes a total of 54 bays on the subject site, which complies with the requirements of the Residential Design Codes.

### **Private Outdoor Living Area**

The multiple dwelling component of the development has been conditioned in the Officer Recommendation to provide compliant areas of outdoor living area. The grouped dwellings have each been provided with a compliant private outdoor courtyard area.

### **Vehicular Access and Traffic Generation**

The Policies of the Town and the Western Australian Planning Commission, generally encourages vehicular access to a development which abuts a right of way to be off the right of way. In light of the objections however, that were received during the consultation period for the original proposal, the developer has removed vehicular access to the right of way. Nevertheless, the development still addresses the right of way to provide passive surveillance. It is considered that vehicular movements can be managed via dual access to Fitzgerald and Menzies Streets and the Officers have supported the amended plans, which do not afford vehicular access to the right of way. The applicant submitted a traffic study undertaken by Sinclair Knight Merz with the original proposal that indicates that the traffic generated by the proposal would be within the capacity of the surrounding road system, including Sholl Lane.

### **Front Setback**

The setback variation at the first floor level provides some architectural relief and provides for passive surveillance of the street, and is not considered to unreasonably impact on the amenity of the existing streetscape. It is acknowledged that the provision of compliant private outdoor living area may result in a further increase to the setbacks of the main building at the first floor level.

### **Setback to the Right of Way**

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

The applicant has justified the setback variation for the following reasons:

*“ the wall is only a 9.5 metres section of the entire right of way frontage, which is approximately 82 metres long, and therefore the impact on the continuity and character of the right-of-way streetscape created will be minimal;*

*the right-of-way is 5 metres wide and provides substantial separation to the rear boundary of the Woodville Street properties opposite;...”*

The right of way complies with the general 5.0 metres wide minimum requirement and widening was not required at the time of subdivision/amalgamation of the subject lot. Furthermore, widening is unlikely to be required in the future, particularly given that vehicular access from the property has been removed from the subject development in response to concerns raised during the initial consultation period. Exponents of urban design also acknowledge that a narrowness at the opening to a 'street' which then widens out, provides a sense of 'streetscape' to a particular area.

### **Side Boundary Setbacks**

The variation to the side boundary setbacks is supported as they are unlikely to result in an unreasonable negative impact on the amenity of the adjoining properties, particularly in terms of unreasonable overlooking and overshadowing of the adjoining properties. Notwithstanding this information, the R-Codes define adjoining lots as "*any lot which shares a boundary or portion of a boundary with a lot upon which there is a proposed residential development site or is separated from that lot by a right-of-way, vehicle access way...or the equivalent not more than 6m in width*", which generally acknowledges that setback to an adjoining lot may have regard to the width of the right of way.

### **Privacy**

The Residential Design Codes' 'Privacy' provisions addresses screening to windows and active habitable outdoor areas to reduce unreasonable overlooking to adjoining properties and can generally be conditioned to comply. Consideration has been taken into account by the Town and the developer of the need to generally address the right of way and provide for passive surveillance and the need to protect the privacy of adjoining landowners, particularly those adjacent to the right of way.

### **Landscaping and Removal of Vegetation**

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

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

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

No. 491: One Jacaranda tree (*Jacaranda mimosaeifolia*). This tree is estimated to be around forty years of age and is 10 metres high with a canopy spread of 6 metres, and is in a sound healthy state of growth with no visible signs of insect or pathogen damage evident. As there are Jacarandas shown on the proposed landscape plan and given its location relative to the proposed development, it is recommended that it be retained and incorporated within the development.

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

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

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

No. 489 - one Paper Bark;

No. 491 - one Paper Bark;

No. 493 - one PaperBark; and

No. 495 - one Paper Bark.

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

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

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

### **Overshadowing**

The development will not cause unreasonable northern overshadowing of properties to the south, and complies with the Residential Design Codes 'Design for Climate' 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.

### **Public Health**

A suitable bin storage that is adequately screened and accessible from a collection point is required under the Health Act and will be assessed by the Town's Technical Services and Health Services. The amended drawings provide a suitable bin storage area that meets these requirements and will be further addressed by the Town prior to the issue of a Building Licence.

### **Summary**

The proposed development will result in the conservation of the existing four dwellings that have significant streetscape value and it is generally acknowledged that some form of development on this lot would contribute to the continued gentrification of this area and revitalization of the North Perth Centre. It is considered that the nature and extent of the non-compliances, and in particular height, can be addressed adequately by planning conditions and that the Building Licence application plans can be designed such that the compliance with these conditions will not result in the requirement for a new Planning Application to be submitted to and determined by the Town.

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

Mayor Catania returned to the Chamber at 7.55pm and resumed the Chair. He was advised that Item 10.1.26 was lost (0-8).

**11.2 Notice of Motion - Councillor Marilyn Piper - Motion to Change a Council Decision relating to Anzac Road Parking Restrictions (TES0508)**

*That;*

- (1) *as required by the Town of Vincent Local Law relating to Standing Orders, Clause 3.21(3), the Council CONSIDERS the Statement of Impact prepared by the Chief Executive Officer, as detailed in this report, before voting on a Motion to revoke or change a decision of the Council;*
- (2) *the Council RECEIVES the Motion to Change a Council Decision concerning the Residential Parking Restrictions in Anzac Road, Mount Hawthorn;*
- (3) *the Council NOTES that the Council, at its Ordinary Meeting held on 27 August 2002 (Item No. 10.2.4.) decided;*

**COUNCIL DECISION ITEM 10.2.4**

*"That the Council;*

- (i) *receives the report on the Review of the Residential Parking Zone on the South Side of Anzac Road, between Oxford and Shakespeare Streets, Mount Hawthorn; and*
- (ii) *APPROVES the continuation of the existing Residential Parking restriction in Anzac Road, between Oxford and Shakespeare Streets, Mount Hawthorn, as shown on attached Plan No. 2085 PP.1."*
- (4) *Councillor M Piper, Councillor B Franchina, and Councillor C Cohen, MOVE a motion to change the decision by;*

*"changing the current parking restrictions, in Anzac Road, Mount Hawthorn, to a Parking Time Restriction, operating at all times";*
- (5) *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, Councillor M Piper, Councillor B Franchina, and Councillor C Cohen, being one third of the number of offices of members of the Council, support this motion; and*
- (6) *the Council RESOLVES BY AN ABSOLUTE MAJORITY to change the decision by;*

*"changing the current Residents Only Parking Restrictions, on the south side of Anzac Road, Mount Hawthorn, to a three-hours (3P) Parking Time Restriction, operating at all times on the south side of Anzac Road, between Oxford Street and Shakespeare Street, Mount Hawthorn."*

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**Moved Cr Piper, Seconded Cr Drewett**

*That the recommendation be adopted.*

*Debate ensued.*

**Moved Cr Chester, Seconded Cr Drewett**

*That in clause 6 the word “three” is deleted and replaced with the word “two”, “2P” is deleted and replaced with “3P”, “operating at all times” is deleted and replaced with “8am to 5pm Monday to Friday”, and the words “and current restrictions to remain at all other times” are added, as follows:*

“(6) *changing the current Residents Only Parking Restrictions, on the south side of Anzac Road, Mount Hawthorn, to a two-hours (2P) Parking Time Restriction, operating 8am to 5pm Monday to Friday, and current restrictions to remain at all other times, on the south side of Anzac Road, between Oxford Street and Shakespeare Street, Mount Hawthorn.*”

*Debate ensued.*

**AMENDMENT CARRIED (7-2)**

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

**Moved Cr Piper, Seconded - - - - -**

*That the residential only restrictions be removed.*

*Debate ensued.*

Mayor Catania ruled that the amendment was not acceptable, as it was not in accordance with Standing Orders. (It was contrary to clause 3.7.1 - an amendment is not to have the effect of negating a motion or the intent of a motion.)

**Moved Cr Piper Seconded Cr Drewett**

*That the Motion be put.*

**MOTION LOST (3-6)**

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

**Moved Chester Cr, Seconded Cr Hall**

*That a new clause (7) be added as follows:*

*“(7) that the Parking Restrictions be implemented immediately.”*

*Debate ensued.*

**AMENDMENT CARRIED (9-0)**

**Moved Cr Drewett, Seconded Cr Piper**

*That the motion be put.*

**MOTION CARRIED (8-1)**

**For**

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

**Against**

Mayor Catania

**MOTION AS AMENDED CARRIED  
BY AN ABSOLUTE MAJORITY(6-3)**

**For**

Cr Chester  
Cr Cohen  
Cr Drewett  
Cr Franchina  
Cr Hall  
Cr Piper

**Against**

Mayor Catania  
Cr Doran-Wu  
Cr Ker

**COUNCIL DECISION ITEM 11.2**

*That,*

- (1) as required by the Town of Vincent Local Law relating to Standing Orders, Clause 3.21(3), the Council CONSIDERS the Statement of Impact prepared by the Chief Executive Officer, as detailed in this report, before voting on a Motion to revoke or change a decision of the Council;*
- (2) the Council RECEIVES the Motion to Change a Council Decision concerning the Residential Parking Restrictions in Anzac Road, Mount Hawthorn;*
- (3) the Council NOTES that the Council, at its Ordinary Meeting held on 27 August 2002 (Item No. 10.2.4.) decided;*

**COUNCIL DECISION ITEM 10.2.4**

*“That the Council;*

- (i) *receives the report on the Review of the Residential Parking Zone on the South Side of Anzac Road, between Oxford and Shakespeare Streets, Mount Hawthorn; and*
- (ii) *APPROVES the continuation of the existing Residential Parking restriction in Anzac Road, between Oxford and Shakespeare Streets, Mount Hawthorn, as shown on attached Plan No. 2085 PP.1.”*
- (4) *Councillor M Piper, Councillor B Franchina, and Councillor C Cohen, MOVE a motion to change the decision by;*
- “changing the current parking restrictions, in Anzac Road, Mount Hawthorn, to a Parking Time Restriction, operating at all times”;*
- (5) *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, Councillor M Piper, Councillor B Franchina, and Councillor C Cohen, being one third of the number of offices of members of the Council, support this motion;*
- (6) *the Council RESOLVES BY AN ABSOLUTE MAJORITY to change the decision by;*
- changing the current Residents Only Parking Restrictions, on the south side of Anzac Road, Mount Hawthorn, to a two-hours (2P) Parking Time Restriction, operating 8am to 5pm Monday to Friday, and current restrictions to remain at all other times, on the south side of Anzac Road, between Oxford Street and Shakespeare Street, Mount Hawthorn; and*
- (7) *the Parking Restrictions be implemented immediately.*

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*REPORT BACKGROUND:*

*COUNCIL DECISION – 22 OCTOBER 2002*

*Moved* by Cr Piper, *Seconded* by Cr Hall

*That the motion be adopted.*

*Debate ensued.*

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

*That this motion LIE ON THE TABLE.*

*CARRIED (5-4)*

*For*

*Mayor Catania*

*Cr Chester*

*Cr Doran-Wu*

*Cr Franchina*

*Cr Ker*

*Against*

*Cr Cohen*

*Cr Drewett*

*Cr Hall*

*Cr Piper*

**FURTHER REPORT:**

At the Ordinary Meeting of Council held on 22 October 2002, this matter was considered and the decision was for the matter to "Lie on the Table". The effect of this decision is that all debate at the time is to cease immediately and for the Council to proceed to the next business. Debate on the motion "Laid on the Table" is to be adjourned until the meeting resolves to take the motion from the Table or a Member raises the motion from the Table by giving appropriate notice.

On 10 December 2002, Councillors Piper, Drewett and Cohen requested that this matter be placed on the Agenda for the Ordinary Meeting of Council to be held on 17 December 2002.

The following is the verbatim report considered at the Ordinary Meeting of Council held on 22 October 2002.

*"CHIEF EXECUTIVE OFFICER'S STATEMENT OF IMPACT:*

*In order to consider the Statement of Impact, in accordance with the Town of Vincent Local Law Relating to Standing Orders Clause 3.21 (3) it is necessary to note that the Council Decision under consideration has already been implemented. The following is the history of this matter.*

**BACKGROUND:**

*The Oxford Hotel, Oxford Street, Mount Hawthorn was refurbished in 2000, in accordance with the conditions of approval determined on appeal by the Minister for Planning and without the need to provide any additional parking facilities for the anticipated increase in patronage.*

*Because of the inconvenience to the residents of Anzac Road, a Report was presented to the Council on 5 December 2000 recommending, among other things, public consultation about a possible introduction of a Residential Parking Zone and of twenty-four (24) 90° angled parking bays in Anzac Road, Mount Hawthorn, between Oxford Street and the right-of-way, at the rear of the hotel. This was approved.*

*On 24 July 2001, the Council again considered the matter and approved the Council-amended proposal for the twenty-four (24) 90° angled parking bays and a Residential Parking Restriction on the south side of Anzac Road, between Oxford Street and Shakespeare Street, Mount Hawthorn.*

*On 14 August 2001, by Notice of Motion, Councillor Franchina proposed the introduction of ticket parking machines to the twenty-four (24) 90° angled parking bays in Anzac Road, Mount Hawthorn. The decision was deferred to the following Ordinary Meeting.*

*On 28 August 2001, by Notice of Motion, Councillor Franchina proposed the introduction of ticket parking machines to the twenty-four (24) 90° angled parking bays in Anzac Road, Mount Hawthorn. The decision was amended to introduce paid parking only between 8.00pm and 8.00am.*

*On 11 September 2001, the Council formally approved the introduction of fees of 60 cents per hour, at all times, for the paid parking in Anzac Road and approved the required amendments to the Parking Facilities Local Law, pending a favourable response from the statutory public consultation period.*

*At the same meeting, on 11 September 2001, Councillor Chester presented a Notice of Motion for the introduction of "Residents Only" parking restrictions on the north side of Anzac Road and for a performance review of the Anzac Road restrictions after six (6) months. This Notice of Motion was approved.*

*On 9 October 2001, a further report was presented to the Council, regarding a response from Main Roads WA, indicating that they did not approve the signal-modifications at the intersection, which was an integral part of the redevelopment of the western section of Anzac Road, adjacent to the Oxford Hotel. As part of the report, the Council approved clause 3 of the recommendation as follows:*

- "3. in the event that 2. above is approved, the Council APPROVES BY AN ABSOLUTE MAJORITY;*
- (i) not proceed with the installation of the half 'seagull' island, angled parking area and speed hump as shown on a the attached drawing A4-00-151/A for the reasons outlined in the report;*
  - (ii) advise the respondents of its resolution."*

*The previously approved paid parking restrictions were not therefore installed.*

*On 20 November 2001, the Council approved a Notice of Motion to revoke the previous approval, to introduce a "Residents Only" parking restriction on the north side of Anzac Road.*

*The result of the above was that the original approval, on 24 July 2001, for the introduction of "Residents Only" parking restrictions on the south side of Anzac Road, between Shakespeare Street and the right-of-way at the rear of the Oxford Hotel was the only restriction approved.*

*On 25 June 2002, the Council considered a Notice of Motion from Councillor Drewett, recommending that the "Residents Only" restrictions only operate between 6.00pm and 6.00am, the following day. The decision of the Council was that the matter "Lie on the Table".*

*A survey was undertaken in July 2002, to establish if the Residents Only restrictions continued to be appropriate and, since the responses resulted in 50% of the residents wanting them retained and 50% wanting them changed, it was approved by the Council, on 27 August 2002, that the status quo should remain.*

*Since 27 August 2002, there has been a number of complaints that residents are deliberately parking their vehicles on the north side of Anzac Road (the unrestricted area), so that hotel patrons are unable to make use of the unrestricted area and can not park in the Residential Parking Zone, even though there is always available spaces.*

#### **STATEMENT OF IMPACT:**

#### **LEGAL IMPLICATIONS**

##### *Residents*

*Whether a "Residents Only" parking restriction or a timed parking restriction is in place, residents who do not have available on-site parking facilities can apply for Residential and Visitor's Parking Permits, which negate the need to comply with parking time restrictions. The only disadvantage in having parking time restrictions, as opposed to Residential Restrictions would be in the reduced availability of vacant spaces for residents.*

*However, random surveys, undertaken by Rangers over the past few months, suggest that there is likely to be a number of available spaces, irrespective of restrictions.*

*A three-hour (3P) parking time restriction is normally only introduced in areas where there is very little demand for a turnover of parking spaces, such as Brewer Street and Glendower Street, Perth. Where there is a need for a regular turnover of parking spaces, it has been the normal practice to introduce one-hour (1P) or two-hour (2P) restrictions. However, Anzac Road may be an appropriate street for the suggested three-hour (3P) restriction.*

#### *Rangers*

*Rangers will deal with whatever restrictions are approved by the Council, so there should be little impact on their duties. However, the Rangers' roster was developed to maximise the coverage, at the times when it is most required. Currently, they finish work at 8.00pm on Mondays and Tuesdays, 9.30pm on Wednesdays and midnight on Thursdays to Sundays. This may present difficulties on Mondays to Wednesdays, since patrons would not usually go to the Oxford Hotel till 6.00pm or later and, with a three-hour restriction in place, the Rangers may not be able to deal with offenders, unless there is a revision of the roster requirements. Any such review of the current roster, will have a consequential impact in another area, by reducing the times that Rangers are available on the "busiest" days.*

#### *Businesses*

*It is unlikely that there will be any complaints from the local businesses, since they have long requested the changes. There have been a number of requests from the businesses, primarily from the Oxford Hotel, to remove the Residential Restrictions, during the day, when many residents are at work. Other than the Oxford Hotel, the other businesses would be unlikely to be affected by a retention of the Residential Restrictions at night.*

*There are no adverse legal implications associated with the proposed alteration to the existing Council decision. The new restrictions will be enforced in the same way as all other similar restrictions, throughout the Town.*

#### **FINANCIAL IMPLICATIONS:**

*The financial implications will be restricted to the alteration of the existing signage on the south side of Anzac Road and the erection of new signage on the north side of Anzac Road. It is estimated that this will cost approximately \$500.00.*

**10.1.2 Further Report – Nos. 177-179 (Lot 48) Carr Place, Leederville – Proposed Additional Eight Two Storey Grouped Dwellings to Existing Six Two Storey Grouped Dwellings and Associated Alterations and Additions, Including Fencing – Outcome of Town Planning Appeal Mediation**

<b>Ward:</b>	Mount Hawthorn	<b>Date:</b>	11 December 2002
<b>Precinct:</b>	Oxford Centre, P4	<b>File Ref:</b>	PRO 0119 00/33/0944
<b>Reporting Officer(s):</b>	S Robertson		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme and the Metropolitan Region Scheme the Council APPROVES the application submitted by R Zampogna, on behalf of the owners M, V, M and R Zampogna, for an additional eight, two storey grouped dwellings to existing six two storey grouped dwellings and associated alterations and additions, including fencing on Nos. 177-179 (Lot 48) Carr Place, Leederville as shown on plans stamp dated 7 February 2002, subject to:*

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) the car parking areas 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 owners/occupiers to the satisfaction of the Town;*
- (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 general security bond and/or bank guarantee of \$1100 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and a bollard has been installed where Bold Court meets the path between units 7 and 8, and/or reinstated to the satisfaction of the Town's Technical Services Division;*
- (v) the path between units 7 and 8 to Bold Court shall not be used for vehicle access. A central bollard on the boundary shall be installed to the satisfaction and specifications of the Town's Technical Services Division, and maintained thereafter by the owner(s)/occupier(s);*
- (vi) a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Carr Place 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) all affected windows on the upper level facing the side boundaries shall have a minimum sill height of 1.6 metres in accordance with the Residential Design Codes;*

- (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 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) *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; and*
- (xi) *prior to the first occupation of the development, the car visitors parking spaces shown on the approved plans shall be clearly marked and signposted for the exclusive use of visitors to the development;*

*to the satisfaction of the Chief Executive Officer.*

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**COUNCIL DECISION ITEM 10.1.2**

**Moved Cr Chester, Seconded Cr Ker.**

*That the recommendation be adopted.*

**Moved Cr Chester, Seconded Cr Ker.**

*That a new clause (xii) be added as follows:*

*“(xii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating no additional fill being placed on the site.*

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

*Debate ensued.*

**AMENDMENT LOST (4-5)**

**For**  
Mayor Catania  
Cr Chester  
Cr Doran-Wu  
Cr Ker

**Against**  
Cr Cohen  
Cr Drewett  
Cr Franchina  
Cr Hall  
Cr Piper

Cr Chester departed the Chamber at 8.25pm.

*Debate ensued.*

Cr Chester returned to the Chamber at 8.26pm.

**ORIGINAL MOTION LOST (1-8)**

**For**  
Mayor Catania

**Against**  
Cr Chester  
Cr Cohen  
Cr Doran-Wu  
Cr Drewett  
Cr Franchina  
Cr Hall  
Cr Ker  
Cr Piper

**Reasons:**

1. Non-compliance with orders
2. Current orders in effect
3. Non-compliance with Town Planning Scheme
4. Height of wall
5. Illegal fill on the site

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**FURTHER REPORT:**

The Council at its Ordinary Meeting held on 3 December 2002 deferred its consideration of the proposal in order to seek clarification of issues raised at the Ordinary Meeting in relation to the height of the retaining wall and improvements.

The 'associated works' of the development are an existing boundary retaining wall and brick fence constructed upon the retaining wall on the western and southern boundaries of the property (hereafter referred to as 'fence'); existing fill which has been placed on the property to increase the site level of the property; an increase in the height of the fence; and an increase in the amount of fill placed on the property.

The fence has a maximum height of 3.24 metres above the ground level of the lot adjacent to the southern boundary of the property, and 3.88 metres above the ground level of the lot adjacent to the western boundary. The application proposes to increase the height of the fence adjacent to the western boundary from 3.88 metres to 4.4 metres (at some points) above the existing ground level of the lot adjacent to the western boundary of the property.

A site inspection shows that considerable changes in ground levels on the subject and adjoining site have occurred over time. The Brook and March Licensed Surveyors level and feature survey plan indicates that some portions of the property have been filled up to a maximum of approximately 1.5 metres above the natural ground level of the property at the south western corner. This fill has been contained within the retaining walls which have been constructed on the site.

The application also indicates that the finished floor level of the grouped dwellings would be approximately 1.7 metres above the natural ground level of the property, thus indicating that a further 0.7 metre of fill will be placed on the subject site.

The following extracts from the Planning Notice further details that portion of the works on the site that are unauthorised:

*"There is a fence on the Property constructed of limestone blocks and clay bricks measuring from approximately 2400 millimetres high to approximately 3240 millimetres high above the natural ground level along the western side boundary, and from approximately 2400 millimetres high to approximately 3240 millimetres high above the natural ground level along the southern rear boundary ('Unauthorised Fence')."*

*"Site fill between 300 millimetres and 1580 millimetres above the natural ground level has been placed on the Property ('Unauthorised Fill')."*

The Minister for Planning and Infrastructure mediators and committee members arrived at the following information in relation to the site works setbacks:

*"The new Codes require a setback for retaining walls and fill. It was agreed it would be very difficult for Council to obtain support for a setback requirement. Council has already given approval (via a Building Licence) for the retaining wall. It is logical and reasonable that the approval included fill. Furthermore, the wall and fill affected by the new requirements adjoin a commercial zone. The Council Scheme permits parapet walls (2 storeys?). In any event, the adjoining land is used as a car parking for a recent office development that is set well back from the common boundary. After consideration of these factors, it was agreed there would be great difficulty associated with establishing loss of amenity."*

The following is a more comprehensive site history than that presented in the previous report:

- |                               |  |
|-------------------------------|--|
| 18 December 1995              | The Council at its Ordinary Meeting granted conditional Planning Approval for six grouped dwellings at Nos. 177-179 (Lot 48) Carr Place, Leederville.  |
| 11 October 2000               | A Building Licence for a retaining wall on the site was issued under delegated authority as it did not exceed the maximum height as outlined in the Town's Local Law relating to Fences, Floodlights and other External Lights.                                  |
| December 2001<br>January 2002 | The Town investigated reports that unauthorised fencing, of approximately 2.9-3.9 metres in height, had been erected on the subject site. The height did not comply with the Town's Local Law which requires approval for fences exceeding 2.4 metres in height. |
| 19 February 2002              | Planning Application received by the Town seeking Planning Approval for eight additional grouped dwellings including associated boundary fences, and seeking retrospective Planning Approval for the unauthorised fencing on the subject property.               |

- 9 April 2002 The Council, at its Ordinary Meeting, refused the above Planning Application. The Council also resolved that the unauthorised portion of the retaining wall, boundary fence and site fill shall be removed within 14 days of notification and the Council authorised the Chief Executive Officer to commence legal proceedings should this requirement not be complied with;
- 31 May 2002 The Town commissioned a detailed survey of the subject site, including the height of retaining walls and boundary fences that had been constructed, by Brook and March Licensed Surveyors.
- 6 June 2002 A copy of the applicant's appeal to the Office of the Minister for Planning and Infrastructure was received by the Town.
- 17 June 2002 Planning and Building Notices were issued in respect of the unauthorised retaining wall, boundary fence and site fill that had been placed upon the site.
- 19 July 2002 Respondent Statement lodged by the Town's solicitors acting on behalf of the Town.
- 12 and 18  
November 2002 Mediation conferences held between the appellant and representatives of the Office of the Minister for Planning and Infrastructure and the Town.

It is noted that neither the Planning or Building Notices have been appealed to the appropriate Minister, and that the statutory time period in which they can be appealed has since lapsed.

If the Council refuses the above application the matter is expected to proceed to a Town Planning Appeal Tribunal hearing. The Town is likely to incur substantial costs if it is required to appoint a solicitor and a town planning consultant to represent the Town at the Tribunal Hearing. Based on previous costs incurred by the Town for similar representation, this is conservatively estimated to cost \$16 000.

It should be noted that should the Council resolve to approve the application, this will include retrospective approval for the unauthorised portions of the retaining wall, boundary fence and site fill. In light of the above, the previous Officer Recommendation remains unchanged.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 3 December 2002:

*"OFFICER RECOMMENDATION:*

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme and the Metropolitan Region Scheme the Council APPROVES the application submitted by R Zampogna, on behalf of the owners M, V, M and R Zampogna, for an additional eight, two storey grouped dwellings to existing six two storey grouped dwellings and associated alterations and additions, including fencing on Nos. 177-179 (Lot 48) Carr Place, Leederville as shown on plans stamp dated 7 February 2002, subject to:*

- (i) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) *the car parking areas 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 owners/occupiers to the satisfaction of the Town;*
- (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 general security bond and/or bank guarantee of \$1100 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and a bollard has been installed where Bold Court meets the path between units 7 and 8, and/or reinstated to the satisfaction of the Town's Technical Services Division;*
- (v) *the path between units 7 and 8 to Bold Court shall not be used for vehicle access. A central bollard on the boundary shall be installed to the satisfaction and specifications of the Town's Technical Services Division, and maintained thereafter by the owner(s)/occupier(s);*
- (vi) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Carr Place 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) *all affected windows on the upper level facing the side boundaries shall have a minimum sill height of 1.6 metres in accordance with the Residential Design Codes;*
- (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 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) *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; and*
- (xi) *prior to the first occupation of the development, the car visitors parking spaces shown on the approved plans shall be clearly marked and signposted for the exclusive use of visitors to the development;*

*to the satisfaction of the Chief Executive Officer.*

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Moved Cr Piper, Seconded Cr Cohen

That the recommendation be adopted

*Debate ensued*

COUNCIL DECISION ITEM 10.1.10

Moved Cr Drewett, Seconded Cr Piper

That this Item be DEFERRED for further clarification of the issues raised and a report to be submitted.

CARRIED (6-2)

For

Cr Cohen  
Cr Doran-Wu  
Cr Drewett  
Cr Franchina  
Cr Hall  
Cr Piper

Against

Mayor Catania  
Cr Chester

(Cr Ker on leave of absence.)

Reasons:

Clarification of issues raised in relation to the height of the wall and improvements.

LANDOWNERS:

M, V, M and R Zampogna

APPLICANT:

R Zampogna

ZONING:

Metropolitan Region Scheme: Urban  
Town Planning Scheme No.1: Commercial and Residential R80

EXISTING LAND USE:

Six Grouped Dwellings

COMPLIANCE:

Use Class	Grouped Dwelling
Use Classification	'P'
Lot Area	2732 square metres

Requirements	Required under 2002 Residential Design Codes	Proposed
Plot Ratio	0.65	0.655
Car-parking	32 car bays (including 4 visitor bays)	24 car bays (nil visitor bays for new dwellings)
Site Works	Filling has been previously addressed in the report to the Ordinary Meeting of Council held on 9 April 2002.	

*SITE HISTORY:*

*The subject land is located within the Carr Locality which has a mix of original houses and redevelopment. Original houses are usually single storey and the denser redeveloped residential properties containing two and three-storey dwellings.*

*Carr Place is characterised by a mixture of residential, commercial and light industrial uses and is within close proximity to Leederville Oval and the Oxford Street commercial precinct.*

*18 December 1995 The Council at its Ordinary Meeting granted conditional Planning Approval for six grouped dwellings at Nos. 177-179 (Lot 48) Carr Place, Leederville.*

*11 October 2000 A Building Licence for a retaining wall on the site was issued under delegated authority as it did not exceed the maximum height as outlined in the Town's Local Law relating to Fences, Floodlights and other External Lights.*

*December 2001/  
January 2002 The Town investigated reports that unauthorised fencing, of approximately 2.9-3.9 metres in height, had been erected on the subject site. The height did not comply with the Town's Local Law which requires approval for fences exceeding 2.4 metres in height.*

*19 February 2002 Planning Application received by the Town seeking Planning Approval for eight additional grouped dwellings including associated boundary fences, and seeking retrospective Planning Approval for the unauthorised fencing on the subject property.*

*9 April 2002 The Council, at its Ordinary Meeting, refused the above Planning Application.*

*6 June 2002 A copy of the applicant's appeal to the Office of the Minister for Planning and Infrastructure was received by the Town.*

*19 July 2002 Respondent's Statement lodged by the Town's solicitors acting on behalf of the Town.*

*12 & 18  
November 2002 Mediation conferences held between the appellant and representatives of the Office of the Minister for Planning and Infrastructure and the Town.*

*DETAILS:*

*This application proposes to develop the rear of Lot 48 Carr Place. Access to the proposed dwellings is provided via a central driveway from Carr Place through the existing grouped dwelling development at the front of the block. Pedestrian access is also proposed from Bold Court.*

*The Officer Report and Recommendations contained in this report will facilitate a mediated outcome for the appeal that is currently before the Minister for Planning and Infrastructure.*

*CONSULTATION/ADVERTISING:*

*The application was advertised during the assessment process for the original planning application and one submission was received during this previous advertising period. The submission raised concerns regarding overlooking due to the differences in height between the properties, and the overall height of boundary fences, including the construction of a retaining wall and unauthorised boundary fence above it.*

*COMMENTS:*

*Plot Ratio*

*The variation to plot ratio represents 14 square metres, and is generally supported as the bulk, scale and height of the development is not considered to have an adverse impact on the amenity of the area or the adjoining properties in this instance. Furthermore, it is acknowledged that there may be a slight margin for error in the plot ratio calculations when scaled from the plans.*

*Car Parking and Site Works*

*In the mediated outcome document prepared by the Minister for Planning and Infrastructure mediators and committee members, the following statements are made:*

*"CAR PARKING: The proposal provided additional bay(s) under the R Codes (24 or 25 provided; 23 required) but fails to meet the deemed to comply standards under the new Codes which require 32 bays. However, it was agreed the proposal complies with the parking criteria under the Performance Criteria of the new Codes. Clause P1 provides for consideration of "the location of the proposed development in relation to public transport and other facilities." The proposal is in close proximity to the Town Centre and public transport. Other factors in favour of the appellant were that parking for six of the units was approved and provided in accordance with requirements under the Old Codes. Furthermore, it was noted that all units have the capacity to include a tandem bay, even though the provision of tandem bay may cause problems with storage and courtyard requirements.*

*SITE WORK SETBACKS: The new Codes require a setback for retaining walls and fill. It was agreed it would be very difficult for Council to obtain support for a setback requirement. Council has already given approval (via a Building License) for the retaining wall. It is logical and reasonable that the approval included fill. Furthermore, the wall and fill affected by the new requirements adjoin a commercial zone. The Council Scheme permits parapet walls (2 storeys?). In any event, the adjoining land is used as a car parking for a recent office development that is set well back from the common boundary. After consideration of these factors, it was agreed there would be great difficulty associated with establishing loss of amenity."*

*The site works have generally been addressed in the report to the Ordinary Meeting of Council held on 9 April 2002 and are supported on the basis of the commercial zoning and nature of the adjacent properties and the difficulty in establishing a loss of amenity associated with the site works.*

*Overlooking*

*Overlooking into the adjacent side properties has been addressed by the appellant undertaking to have these windows with a minimum sill height of 1.6 metres above the finished first floor levels.*

*A summary of the meditated outcome is as follows:*

- "A. The Council will cease action with reference to the Section 401 (Local Government Act) Notice (height of retaining wall and fence).*
- B. The Council will cease action with reference to the Section 10 (Town Planning and Development Act) Notice (fence and fill).*
- C. The Council will resolve drainage and parking issues associated with the new road in the subdivision.*
- D. The Appellant agreed (with reference to the proposed development) that all affected windows on the upper level facing the side boundaries would have cill [sill] heights of 1.6 metres as required by the Policy [Residential Design Codes].*
- E. Subject to reasonable development conditions, the Council will approve the proposed development (AP 07906.02L).*
- F. The Appellant will cease action under the Section 18 (2) appeal (021.18(2) Vincent)."*

*In the mediated outcome document the mediators and committee members advised that "the parties agreed that the best planning and administrative outcome would be achieved if all issues could be resolved together". The mediators and committee members at the mediation conferences also advised that the Minister for Planning and Infrastructure will most likely uphold the appeal and approve the proposed development.*

*In light of the above, the mediated outcome is considered acceptable, and it is recommended that the proposal be approved, subject to standard and appropriate conditions to address the above matters."*

**10.1.6 No. 507 (Lot 26) Beaufort Street, Corner Mary Street, Mount Lawley - Proposed Change of Use from Shop and Vehicle Sales Premises to Eating House and Vehicle Sales Premises and Associated Alterations**

<b>Ward:</b>	North Perth	<b>Date:</b>	10 December 2002
<b>Precinct:</b>	Mount Lawley, P11	<b>File Ref:</b>	PRO0727 00/33/1384
<b>Reporting Officer(s):</b>	V Lee		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by D Barber on behalf of the owner D Di Florio, for proposed change of use from shop and vehicle sales premises to eating house and vehicle sales premises and associated alterations at No. 507 (Lot 26) Beaufort Street, corner Mary Street, Mount Lawley as shown on plans stamp dated 12 November 2002 and 19 November 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) a road and verge security deposit bond and/or bank guarantee of \$1000 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;*
- (iii) compliance with all relevant Environmental Health, Engineering and Building, including access for people with disabilities in accordance with the Building Code of Australia;*
- (iv) prior to the issue of a Building Licence or the first occupation of the development, which ever occurs first, revised plans or suitable arrangements shall be submitted and approved demonstrating the provision of a bin storage area that is not visible from Beaufort Street and Mary Street to the satisfaction of the Town's Health Services and Technical Services.*

*The revised plans shall not result in any greater variation to the requirements of the Town's Policies;*
- (v) 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;*
- (vi) prior to the issue of the Building Licence or first occupation of the development, whichever occurs first, the applicant/owner shall pay a cash-in -lieu contribution of \$10,700 for the equivalent value of 4.28 car parking spaces, based on the cost of \$2,500 per bay as set out in the Town's 2002/2003 Budget;*

- (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) *prior to the first occupation of the development, five (5) bicycle parking rail(s) shall be provided. The bicycle parking rails are to be to the Town's specifications and be installed at a location determined by the Town's Technical Services;*
- (ix) *the windows and doors and adjacent floor area facing Beaufort Street and Mary Street shall maintain an active and interactive frontage to the adjacent streets;*
- (x) *the proposed alfresco dining area shall be delineated on the footpath to the satisfaction of the Town's Health Services and be subject to an alfresco dining licence being applied for and obtained prior to first commencement of such alfresco dining;*
- (xi) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Mary 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);*
- (xii) *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; and*
- (xiii) *the public floor area for the eating house shall be limited to 124.3 square metres;*  
*to the satisfaction of the Chief Executive Officer.*

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**Moved Cr Hall, Seconded Cr Cohen.**

*That the recommendation be adopted subject to the following amendments.*

*In clause (vi), delete "\$10,700" and replace with "\$15, 875," delete "4.28" and replace with "6.35", and in clause (xiii) delete "124.3" and replace with "99", as follows:*

*“(vi) prior to the issue of the Building Licence or first occupation of the development, whichever occurs first, the applicant/owner shall pay a cash-in-lieu contribution of \$15,875 for the equivalent of 6.35 car parking spaces, based on the cost of \$2,500 per bay as set out in the Town's 2002/2003 Budget:*

*(xiii) the public floor area for the eating house shall be limited to 99 square metres;”*

*Debate ensued.*

**CARRIED (6-3)**

**For**  
Mayor Catania  
Cr Cohen  
Cr Doran-Wu  
Cr Drewett  
Cr Franchina  
Cr Hall

**Against**  
Cr Chester  
Cr Ker  
Cr Piper

**COUNCIL DECISION ITEM 10.1.6**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by D Barber on behalf of the owner D Di Florio, for proposed change of use from shop and vehicle sales premises to eating house and vehicle sales premises and associated alterations at No. 507 (Lot 26) Beaufort Street, corner Mary Street, Mount Lawley as shown on plans stamp dated 12 November 2002 and 19 November 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) a road and verge security deposit bond and/or bank guarantee of \$1000 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;*
- (iii) compliance with all relevant Environmental Health, Engineering and Building, including access for people with disabilities in accordance with the Building Code of Australia;*
- (iv) prior to the issue of a Building Licence or the first occupation of the development, whichever occurs first, revised plans or suitable arrangements shall be submitted and approved demonstrating the provision of a bin storage area that is not visible from Beaufort Street and Mary Street to the satisfaction of the Town's Health Services and Technical Services.*

*The revised plans shall not result in any greater variation to the requirements of the Town's Policies;*
- (v) 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;*
- (vi) prior to the issue of the Building Licence or first occupation of the development, whichever occurs first, the applicant/owner shall pay a cash-in -lieu contribution of \$15,875 for the equivalent value of 6.35 car parking spaces, based on the cost of \$2,500 per bay as set out in the Town's 2002/2003 Budget;*
- (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) prior to the first occupation of the development, five (5) bicycle parking rail(s) shall be provided. The bicycle parking rails are to be to the Town's specifications and be installed at a location determined by the Town's Technical Services;*
- (ix) the windows and doors and adjacent floor area facing Beaufort Street and Mary Street shall maintain an active and interactive frontage to the adjacent streets;*
- (x) the proposed alfresco dining area shall be delineated on the footpath to the satisfaction of the Town's Health Services and be subject to an alfresco dining licence being applied for and obtained prior to first commencement of such alfresco dining;*

- (xi) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Mary 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);*
- (xii) *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; and*
- (xiii) *the public floor area for the eating house shall be limited to 99 square metres;*
- to the satisfaction of the Chief Executive Officer.*

**LANDOWNER:** D Di Florio  
**APPLICANT:** D Barber  
**ZONING:** Metropolitan Region Scheme - Urban, abuts Other Regional Road Reservation  
 Town Planning Scheme No. 1 - Commercial, abuts Other Regional Road Reservation  
**EXISTING LAND USE:** Shop and Vehicle Sales Premises

**COMPLIANCE:**

Use Class	Eating House Vehicle Sales Premises
Use Classification	'P' 'AA'
Lot Area	379 square metres

**Car Parking:**

Car parking requirement (nearest whole number)	32 carbays
Apply the adjustment factors.	(0.612)
<ul style="list-style-type: none"> <li>▪ 0.85 (within 400m of a bus stop)</li> <li>▪ 0.80 (within 50m of one or more public car parks in excess of 50 spaces)</li> <li>▪ 0.90 (provision of end-of-trip facilities)</li> </ul>	19.58 carbays
Minus the car parking provided on site.	nil
Minus the most recently approved on site car parking shortfall.	15.3 carbays
Resultant shortfall.	4.28 carbays

**Bicycle Parking Facilities:**

Required	Provided
One class one or class two bicycle parking spaces per 100 square metres public area for staff use. Three class three bicycle parking spaces for patrons.	Five class three bicycle parking spaces.

**SITE HISTORY:**

The subject property is not listed on the Town's Municipal Heritage Inventory. It is occupied by a vehicle sales premises at the rear fronting Mary Street, and the existing building was a furniture shop and is currently vacant. There is currently no staff or visitor car parking provided on site.

**DETAILS:**

The proposal involves the conversion of the furniture shop into an eating house. The proposal includes minor modifications to the building, including internal fit out and the provision of disabled toilet facilities and access from Mary Street.

**CONSULTATION/ADVERTISING:**

Three objections were received during the consultation period, including comments from the Hyde Park Precinct Group and Forrest Precinct Group, with concerns relating to the lack of parking provided on site. It was expressed that parking problems in residential streets around Beaufort Street have become acute in recent years and until these problems have been addressed, they do not believe any applications with parking shortfalls along Beaufort Street should be approved. One objector suggested that a '9 to 5' business would be more appropriate in order to spread the parking demand across the day.

**COMMENTS:**

The objectors concerns relating to the lack of car parking are noted. However, the proposed eating house is a permitted use within the Commercial Zone.

The Town's Policy relating to Parking and Access, suggests that the Council may determine to accept a cash-in-lieu payment where the resultant shortfall is greater than 0.5, to provide and/or upgrade parking in other car parking areas.

The Town's records suggest that the existing vehicle sales premises have been operating from the subject site since 1976, and the existing building appears to been constructed in the early decades of the 20th century (pre 1930's). If calculated using the Town's current Policy relating to Parking and Access, there is an existing car parking shortfall of 3 car parking bays for the vehicle sales premises, and 12.3 bays for the shop.

In this instance a cash-in-lieu payment is considered appropriate and it is recommended that approval of the proposed change of use be subject to a cash in lieu payment of \$10,700 for the resultant short fall of 4.28 car parking bays.

The applicant has shown five bicycle parking rails on the adjacent footpath, and provided showers and locker end-of-trip facilities for staff. As the building is existing, and there is not considered to be adequate area available in this instance, it is considered too onerous to require the provision of class one or two bicycle parking facilities on site. Accordingly, the provision of class three facilities is considered acceptable in this instance.

The applicant has provided the Town with a copy of an agreement with the adjoining tenant for the storage of rubbish on their property for collection off the rear right of way.

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

**FURTHER COMMENTS:**

Further assessment of the application has resulted in revised car parking calculations. The public floor area previously included the toilets and hallways leading to the toilets and disabled access into the building. These areas will not be able to have removable tables and chairs. It is therefore considered appropriate that these areas are not included in the total public area to calculate the car parking requirements. In addition, the alfresco area on the adjoining footpath is not included in the public floor area calculation as the Town does not grant Planning Approval for development on the road reserve. Therefore, the public floor area is 99 square metres.

The adjustment factors have also been modified as the distance to the nearest public car park was incorrect.

**CAR PARKING:**

Car parking requirement (nearest whole number)	25 carbays
Apply the adjustment factors. <ul style="list-style-type: none"><li>▪ 0.85 (within 400m of a bus stop)</li><li>▪ 0.85 (within 400m of one or more public car parks in excess of 75 spaces - corner Barlee and Beaufort Streets and Chelmsford Road)</li><li>▪ 0.90 (provision of end-of-trip facilities)</li></ul>	(0.65)  16.25 carbays
Minus the car parking provided on site.	nil
Minus the most recently approved on site car parking shortfall (after taking into account the relevant adjustment factors)	9.9 carbays
Resultant shortfall.	6.35 carbays

Accordingly, it is recommended that clauses (vi) and (xiii) be modified to reflect the above.

**10.1.17 Nos.179-183 (Lot 102) Charles Street, Dual Frontage with Oak Lane, West Perth - Proposed Eight (8), Three Storey Grouped Dwellings**

<b>Ward:</b>	North Perth	<b>Date:</b>	10 December 2002
<b>Precinct:</b>	Cleaver, P5	<b>File Ref:</b>	PR01118 00/33/1379
<b>Reporting Officer(s):</b>	S Robertson		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme 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;*
- (ii) the non-compliance with the density, setbacks, carparking, building height, open space/landscaping, design for climate and plot ratio requirements of the Residential Design Codes, and the Town's Policies relating to Street Setbacks and the "Florence Locality"; and*
- (iii) consideration of the objections received;*

*the Council REFUSES the application submitted by J Nardizzi on behalf of the owners Choice Constructions Pty Ltd for the proposed eight (8), three storey grouped dwellings as shown on plans stamp-dated 11 November 2002 at Nos. 179-183 (Lot 102) Charles Street, dual frontage with Oak Lane, West Perth.*

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**COUNCIL DECISION ITEM 10.1.17**

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

*That the recommendation be adopted.*

*Debate ensued.*

**Moved Cr Hall, Seconded - - - - -**

*That the item be deferred.*

**Motion lapsed as there was no seconder.**

*Debate ensued.*

**CARRIED (7-2)**

<p><b><u>For</u></b>  <b>Cr Chester</b>  <b>Cr Cohen</b>  <b>Cr Doran-Wu</b>  <b>Cr Drewett</b>  <b>Cr Franchina</b>  <b>Cr Ker</b>  <b>Cr Piper</b></p>	<p><b><u>Against</u></b>  <b>Mayor Catania</b>  <b>Cr Hall</b></p>
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**LANDOWNER:** Choice Constructions Pty Ltd  
**APPLICANT:** J Nardizzi  
**ZONING:** Metropolitan Region Scheme – Urban Town of Vincent  
Town Planning Scheme No. 1 – Residential R80  
**EXISTING LANDUSE:** Vacant

**COMPLIANCE:**

Use Class	Grouped Dwellings	
Use Classification	“P”	
Lot Area	1000 square metres	
<b>Requirements</b>	<b>Required</b>	<b>Proposed</b>
Density	6 grouped dwellings 1000 square metres	8 grouped dwellings 133.33 square metres
Plot Ratio	0.65	1.16
Height	6.0 metres wall height 9.0 metres to roof pitch	7.445 metres wall height 9.934 metres to roof pitch
Carparking	16 resident bays plus 2 visitor bays	16 resident bays*
Primary Street Setback (Oak Lane)	4.0 metres ground floor 6.0 metres upper floor	1.5-2.5 metres
Northern side setback - ground floor - first floor - second floor	1.5 metres 5.5 metres 6.6 metres	1.3-4.0 metres 1.3-4.0 metres 1.3-4.0 metres
Southern side setback - first floor - second floor	5.5 metres 6.6 metres	4.0 metres 4.0 metres
Privacy	Windows setback: 4.5 metres bedrooms; 6.0 metres other habitable rooms; 7.5 metres outdoor habitable spaces; or screened to a minimum height of 1.6 metres.	A number of habitable windows are unscreened and closer to the boundaries than permitted.

\* The Town’s Technical Services has advised that the proposed visitor carparking configuration cannot be provided in tandem and does not meet the minimum vehicle manouvering dimensions. Accordingly, it has not been included in the carparking assessment.

**SITE HISTORY:**

- 9 October 1995 At the Ordinary Meeting, the Council approved the development of seven 2-storey grouped dwellings on Lot 102. This Planning Approval incorporated variations to the density, plot ratio, setbacks, total open space, private open space, car parking and storeroom requirements of the Residential Planning Codes (R-Codes) under the R80 standard. The majority of variations were approved under clause 48 of the previous Town of Vincent Town Planning Scheme (1985).
- 12 October 1995 Approval to Commence Development issued by the Town for seven 2-storey grouped dwellings, valid for two years from the date of issue.
- 18 January 2000 At the Ordinary Meeting, the Council refused a proposal for eight 2-storey grouped dwellings for the following reasons:
1. *Plot ratio in excess of requirement.*
  2. *Number of dwellings and density in excess of requirement.*
  3. *Lack of visitor carparking bays on site.*
  4. *Lack of street carparking in area.*
  5. *Loft area is considered habitable space.*
  6. *Objections received.*
- 14 March 2000 Appeal to the Minister for Planning against the refusal for eight 2-storey grouped dwellings at the Ordinary Meeting of Council held on 18 January 2000 referred to the Town for response.
- 28 March 2000 At the Ordinary Meeting, the Council refused a proposal for eight 2-storey grouped dwellings. This proposal was submitted by the same applicant/owner as the previous refusal and was predominantly the same, other than the following modifications:
1. Addition of two visitor car parking spaces;
  2. Deletion of the loft floor levels; and
  3. Deletion of the southern boundary wall.
- 27 April 2000 The appellant's further submission of revised plans to the Minister, received by the Town. Revisions included:
1. Addition of two visitor car parking spaces;
  2. Deletion of the loft floor levels; and
  3. Deletion of the southern boundary wall.
- 24 May 2000 Letter outlining the Minister's decision to uphold the appeal.
- 25 June 2002 The Council, at its Ordinary Meeting, recommended refusal to the Western Australian Planning Commission for the construction of eight (8),three storey grouped dwellings.
- 4 November 2002 Advice returned from the Western Australian Planning Commission advising that the Commission's determination of the application is not required as the affected property is located outside of, but adjacent to, the Planning Control Area (PCA) No. 54 for Charles Street.

**DETAILS:**

The subject site is currently vacant, cleared land. Lot 102 is sited between Lot 101 to the south and Lot 103 to the north. Both of the adjoining properties were created as development sites at the same time as Lot 102. Development on both Lots 101 and 103 involved generous concessions to the density and plot ratio standards required in accordance with the R80 density code, and approved under the provisions of the previous Town of Vincent Town Planning Scheme (1985). The adjoining properties maintain four grouped dwellings with three levels (two storeys with loft/attic space within the roof areas). The applicant seeks approval for the construction of 8 three-storey grouped dwellings, which remains largely unchanged from the development refused by the Council at its 25 June 2002 Ordinary Meeting.

The applicant has submitted a written justification for the proposal which is "*Laid on the Table*" for Council's information.

**CONSULTATION/ADVERTISING:**

Five (5) submissions were received during the advertising period. Two of these were in support of the development and the remaining three objected to the application. The objections raised related to:

- the density bonus sought;
- excessive plot ratio;
- loss of amenity;
- increase in parking demands, traffic and the visitor bay configuration;
- unreasonable bulk, scale and height;
- absence of landscaping; and
- obstruction of right of way.

Prior to the receipt of the most recent Planning Application, a petition in support of the application containing (81) signatures and accompanying letters of support was submitted. A letter objecting to the petition was received indicating that many of the signatures received on the petition lived some distance away from the site. It is acknowledged that the majority of signatures were received from residents in the Cleaver Precinct.

As the subject property is adjacent to the Planning Control Area No.54 - Charles Street, the previous application was referred to the Western Australian Planning Commission (WAPC) for its comments. The WAPC has advised that the development did not impact on the Planning Control Area.

**COMMENTS:**

**Density**

The proposal seeks a density bonus of 33.3 per cent for grouped dwellings on a vacant site. There are no provisions to grant a density bonus on the subject site under Clause 20 of the Town's Town Planning Scheme No. 1. The development on the adjoining properties does not set a precedent as they were approved under the provisions of a now rescinded Town Planning Scheme. It is considered that granting approval for a density bonus on this site would undermine the provisions of Clause 20 of the Scheme and the consistent approach that the Town has on refusing density bonus' on vacant land.

The applicant has been advised that the Town will not generally support a density bonus on vacant land, including the Council's resolution on 25 June 2002, but has requested that the application be determined on the plans submitted.

### **Height**

The subject property is located in the 'Florence Locality', which has a general height limit of two storeys plus loft. The proposed development has three storeys with a pitched roof above and does not comply with the requirements of the Residential Design Codes. Whilst it is recognised that the adjoining properties have a similar maximum height to the apex of the roof, the proposed variation to height is not supported, as it will contribute to and facilitate a scale of development which is not consistent with the zoning provision of the Town Planning Scheme.

### **Primary Street Setback**

The development does not comply with the setback requirements to Oak Lane. Whilst there are habitable openings which face Oak Lane, the development does little to interact with either Oak Lane or Charles Street and is not supported.

### **Setbacks**

The variation to the side setback requirements is not supported as it will generally not contribute to a development that is complimentary to the streetscape and amenity of the adjoining properties. The required setback may be reduced if the windows are screened to a minimum height of 1.6 metres above the respective finished floor levels, however, this will result in a development which will require a large number of high level windows, which will adversely impact on the amenity of the future occupiers and the area in general, in terms of the resultant visual impact.

### **Plot Ratio**

The substantial variation to plot ratio generally reflects the height, bulk and scale of the development, and appears to be an overall result of the variations sought to density, height and setbacks and is not supported.

### **Landscaping**

The development does not indicate any landscaping and the almost total hard surface cover of the site does not comply with the "Design for Climate" and "Open Space" (-landscaping) requirements of the Residential Design Codes as the development may contribute to excessive surface runoff and lack of ground water recharge and exceeds a maximum of 50 per cent hard surface in the street setback area, which is considered to unreasonably negatively impact on the amenity of the area.

### **Carparking**

The proposed carparking configuration for the visitor component of the development does not meet the minimum manoeuvring space, and cannot be provided in tandem. The resident tandem bays are shorter than the required 10.0 metres, but can overhang into the courtyard area, which exceeds the required minimum area.

### **Summary**

The proposed development involves a significant number and extent of non-compliances with the relevant development requirements under the Residential Design Codes, and the Town's Town Planning Scheme No.1 and associated Policies, which results in a development that will unreasonably adversely affect the amenity and proper and orderly planning of the area. Accordingly, it is recommended that the proposed development be refused for the reasons outlined above.

**10.1.18 No. 28 (Lot 87) Loch Street, Dual Frontage with Carrington Street, North Perth - Proposed Two-Storey Single House to Existing Dwelling**

<b>Ward:</b>	Mount Hawthorn	<b>Date:</b>	10 December 2002
<b>Precinct:</b>	North Perth, P8	<b>File Ref:</b>	PRO 1755 00/33/1419
<b>Reporting Officer(s):</b>	P Mastrodomenico		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme 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;*
  - (a) *the open space, street setback, side setback and privacy requirements of the Residential Design Codes (R-Codes); and*
  - (b) *the street setback requirements of the Town's Policies relating to Street Setbacks and the Eton Locality;*

*the Council REFUSES the application submitted by Rechichi Architects on behalf of the owners, L Mesev and A Meseva, for the proposed two-storey single house to the existing dwelling at No. 28 (Lot 87) Loch Street, dual frontage with Carrington Street, North Perth.*  
cd

**COUNCIL DECISION ITEM 10.1.18**

**Moved Cr Cohen, Seconded Cr Chester.**

*That the recommendation be adopted.*

**LOST (2-7)**

**For**  
Cr Chester  
Cr Cohen

**Against**  
Mayor Catania  
Cr Doran-Wu  
Cr Drewett  
Cr Franchina  
Cr Hall  
Cr Ker  
Cr Piper

**Reasons:**

1. Non-compliance is minimal
2. Open space and street setback acceptable
3. Innovative design is encouraged

**ALTERNATIVE RECOMMENDATION:**

**Moved Cr Drewett, Seconded Cr Ker.**

*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 Rechichi Architects on behalf of the owners, L Mesev and A Meseva, for the proposed two-storey single house to the existing dwelling at No. 28 (Lot 87) Loch Street, dual frontage with Carrington Street, North Perth as shown on plans stamp-dated 27 August 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) 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 fences and gates adjacent to Loch Street and Carrington 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 footpath 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. 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;*
  - (a) the windows to bedroom 3 on the first floor level on the eastern and western elevations;*
  - (b) the balcony to bedroom 3 on the first floor level on the southern and eastern elevations;*
  - (c) the window to bedroom 2 on the first floor level on the southern elevation;*
  - (d) the windows to the study and entertainment rooms on the first floor level on the eastern elevation; and*
  - (e) the window to the loft on the loft floor level on the southern elevation;*

*shall be screened with a permanent obscure material and be non-openable to a minimum height of 1.6 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*

- (v) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Carrington Street and Loch Street verges adjacent to the subject property, shall be submitted to and approved by the Town 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) *details of all street trees adjacent to the subject property shall be submitted with the Building Licence application;*
- (vii) *street trees will only be removed with the written consent of the Town's Parks Services. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (viii) *subject to first obtaining the consent of the owners of Nos. 26 and 30 Carrington Street / Nos. 17 and 21 Loch Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 26 and 30 Carrington Street / Nos. 17 and 21 Loch Street in a good and clean condition;*
- (ix) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (x) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services; and*
- (xi) *compliance with all relevant Environmental Health, Engineering and Building requirements;*

*to the satisfaction of the Chief Executive Officer.*

**CARRIED (8-1)**

**For**  
Mayor Catania  
Cr Cohen  
Cr Doran-Wu  
Cr Drewett  
Cr Franchina  
Cr Hall  
Cr Ker  
Cr Piper

**Against**  
Cr Chester

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**LANDOWNER:** L Mesev and A Meseva  
**APPLICANT:** Rechichi Architects  
**ZONING:** Metropolitan Region Scheme - Urban  
Town Planning Scheme No.1 - Residential R 30/40  
**EXISTING LAND USE:** Single House

**COMPLIANCE:**

<b>Requirements</b>	<b>Required</b>	<b>Proposed</b>
Open Space	45 per cent (101.2 metres squared)	42.1 per cent (94.7 metres squared)
Street Setback	4.0 metres to ground floor; and 6.0 metres to upper floor	1.0 metre to garage and upper floor terrace; 2.0 metres to porch and upper floor ensuite; and 4.0 metres to upper floor master suite and loft floor
Side Setbacks eastern - garage - ground floor - upper floor -loft floor  western - ground level - upper floor -loft floor  southern - ground floor - upper floor -loft floor	 1.1 metres 1.5 metres 1.6 metres 1.5 metres  1.2 metres 1.2 metres 1.6 metres  1.5 metres 1.5 metres 1.5 metres	 nil 1.2 metres nil - 1.2 metres nil – 1.2 metres  nil nil - 1.2 metres 1.2 – 2.2 metres  1.2 metres 1.2 – 3.2 metres 3.2 – 4.4 metres
Privacy	Screening to 1.6 metres above finished first floor level to overlooking major openings.	1.4 metres high screening to overlooking major openings.
Use Class	Single House	
Use Classification	'P'	
Lot Area	531 square metres (for the existing lot) 225 square metres (for future lot fronting Carrington Street)	

**SITE HISTORY:**

The Council at its Ordinary Meeting held on 24 July 2001 resolved to grant conditional approval for the development of a single storey grouped dwelling fronting Carrington Street, to the existing dwelling.

The Council at its Ordinary Meeting held on 5 November 2002 resolved to refuse the application for a two-storey single house fronting Carrington Street, to the existing dwelling.

**DETAILS:**

The applicant is seeking a reconsideration of the application for a very similar proposal to that refused on 5 November 2002, as they were not formally advised that the application was being considered by the Council on 5 November 2002.

The subject lot has adequate area to potentially be survey strata subdivided into two lots. In support of their proposal, the applicant has provided the following comments:

*"...concession is sought for the reduced front setback to the garage on the basis of the existing precedence of vehicle storage in the immediate locale. The tight confines of the site coupled with its solar orientation, has let little for consideration in the location of the garage, whilst also enabling retention of the existing street tree.*

*Privacy issues concerning the three adjoining properties have been addressed by providing obscure screening to overlooking windows and balcony's to 1.4 metres above floor level."*

**CONSULTATION/ADVERTISING:**

The subject application was not advertised as an application for a very similar proposal was advertised and determined by the Council within the past 12 months.

No comments were received during the previous consultation period. However, signatures of no objection regarding the nil-setback concession, were submitted from the adjoining property owners on 7 October 2002.

**COMMENTS:**

**Open Space**

The Residential Design Codes (R-Codes) require that a development on a survey-strata lot without common property, as for a green title lot, is assessed as a Single House. The development is then required to individually comply with the Codes in relation to all standards, including the provision of open space. In this instance, the new two-storey residence was assessed in accordance with the requirements of a single house, with a future lot area of 225 metres squared.

The Town has further assessed its interpretation of the Residential Design Codes since their gazettal on 4 October 2002 with regards to open space provision. Open space may include a terrace area which is uncovered. The applicant has stated that they are prepared to remove the covering from the subject terrace and therefore it can be included as open space. Based on this additional information, the open space provision is 42.1 percent (94.7 square metres).

The R-Codes require the provision of 45 percent open space, whereas the proposal only provides 42.1 percent, which is a shortfall of 6.5 square metres. The shortfall of open space is not considered supportable in this instance, as it involves a variation to the requirements of the R-Codes.

**Street Setback**

The proposal does not comply with the R-Codes or Town Policies requirements for front setbacks. The R-Codes require a front setback of 4.0 metres in an area coded R40. The Eton Locality Policy requires a setback of 6 metres for the upper floor. The Town's Policy – Street Setbacks requires that a garage be setback 6.0 metres from the street frontage or behind the line of the front main building (not behind a porch or balcony). With this in mind, the proposal does not comply with either the R-Codes or Town Policies, as it is proposes a 1.0 metre setback to the garage and upper floor terrace area, a 2.0 metres setback to the porch and upper floor ensuite, and 4.0 metres to the upper floor master suite and loft floor.

The subject (southern) side of Carrington Street comprises predominately single storey garages and outbuildings and the rear of dwellings fronting Loch Street. Some garages and outbuildings have been built within the Carrington Street setback area. The lesser street setbacks of these garages and outbuildings along Carrington Street, which service dwellings fronting Loch Street, is not deemed to set an appropriate precedent for new dwellings to have similar street setback concessions.

The opposite (northern) side of Carrington Street accommodates predominately single storey dwellings with an average front setback of 9 metres (see attached aerial photograph). It is expected that the subject (northern) side of Carrington Street would be redeveloped in the future as in the case of the subject development application, with new dwellings fronting onto Carrington Street. The reduced front setbacks are not considered supportable, as it would set a precedent for further similar development on neighbouring properties and is considered out of character with the traditional setbacks of the existing streetscape, especially along the opposite (northern) side of Carrington Street.

**Privacy**

To protect neighbours privacy, it is recommended that the overlooking habitable room windows and balconies be screened to 1.6 metres above the first floor level in accordance with the new R-Codes.

**Side Setbacks**

The boundary walls and other reduced side setbacks are generally acceptable, as the neighbouring property owners have no objection to them and single storey boundary walls have little impact upon neighbouring properties in this instance. However, the two-storey high boundary wall to the eastern boundary is considered quite excessive. The R-Codes only allow for single storey (up to 3.5 metres high) boundary walls for properties coded R30 or higher. Therefore, any boundary walls higher than this requires Council to exercise its discretion when considering approval. In this particular case, the two-storey boundary wall is considered to be detrimental to the streetscape and is not the norm nor appropriate within this residential area.

The zero metre setback to the proposed garage and terrace area on the western side setback is not considered acceptable within the front setback area.

Accordingly, it is recommended that the proposal be refused.

**10.1.21 Finalisation of Town of Vincent Town Planning Scheme No. 1 – Amendment No. 11: Rezoning the land contained in the “Eton – Locality Plan 7”**

<b>Ward:</b>	Mount Hawthorn	<b>Date:</b>	11 December 2002
<b>Precinct:</b>	North Perth, P8	<b>File Ref:</b>	PLA0101
<b>Reporting Officer(s):</b>	B Mirco		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *resolves pursuant to Town Planning Regulation 17(1), to receive the two hundred and eighty seven (287) submissions and further resolve pursuant to Town Planning Regulation 17(2), that Amendment No. 11 to the Town of Vincent Town Planning Scheme No. 1 be adopted for final approval, as per Option No.2 - Rezoning the land contained in the Eton - Locality Plan 7 from "Residential R30" and "Residential R30/40" to "Residential R20";*
- (ii) *authorises the Mayor and Chief Executive Officer to execute and affix the Town of Vincent common seal to Amendment No. 11 to the Town of Vincent Town Planning Scheme No. 1 documents reflecting the Council's endorsement of final approval; and*
- (iii) *advises the Hon. Minister for Planning and Infrastructure, Western Australian Planning Commission (WAPC), Environmental Protection Authority, and those who made submissions as outlined in (i) above, and forwards the relevant executed documents to and requests the Hon. Minister and WAPC to adopt for final approval and Gazettal, Amendment No. 11 to the Town of Vincent Town Planning Scheme No. 1.*

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**Moved CrDoran-Wu, Seconded Cr Ker.**

*That the recommendation be adopted subject to the following amendment to clause (i).*

*Delete the words “two hundred and eighty seven (287)” and replace with “three hundred and four (304)”, as follows:*

- (i) *resolves pursuant to Town Planning Regulation 17(1), to receive the three hundred and four (304) submissions and further resolve pursuant to Town Planning Regulation 17(2), that Amendment No. 11 to the Town of Vincent Town Planning Scheme No. 1 be adopted for final approval, as per Option No.2 - Rezoning the land contained in the Eton - Locality Plan 7 from "Residential R30" and "Residential R30/40" to "Residential R20";*

*Debate ensued.*

**Moved Cr Piper, Seconded Cr Hall.**

*That current zoning remain on both sides of London Street for properties fronting London Street*

*Debate ensued.*

**AMENDMENT LOST (2-7)**

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

**Moved Cr Ker, Seconded Cr Piper.**

*That clause (i), be amended and the words "as per Option 2" be deleted and replaced with "with modification, to reflect" and the words "Residential R30 and" be deleted, and clause (iii) be amended and following the word Gazettal, the words "with modification," are added, as follows:*

- "(i) resolves pursuant to Town Planning Regulation 17(1), to receive the three hundred and four (304) submissions and further resolve pursuant to Town Planning Regulation 17(2), that Amendment No. 11 to the Town of Vincent Town Planning Scheme No. 1 be adopted for final approval, with modification, to reflect - Rezoning the land contained in the Eton - Locality Plan 7 from "Residential R30" to "Residential R20";*
- (iii) advises the Hon. Minister for Planning and Infrastructure, Western Australian Planning Commission (WAPC), Environmental Protection Authority, and those who made submissions as outlined in (i) above, and forwards the relevant executed documents to and requests the Hon. Minister and WAPC to adopt for final approval and Gazettal, and modification, Amendment No. 11 to the Town of Vincent Town Planning Scheme No. 1.*

**Cr Chester requested it be recorded in the minutes that he did not request this amendment.**

*Debate ensued.*

**AMENDMENT LOST (2-7)**

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

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

**For**  
Mayor Catania  
Cr Chester  
Cr Cohen  
Cr Doran-Wu  
Cr Drewett  
Cr Franchina  
Cr Hall  
Cr Piper

**Against**  
Cr Ker

**COUNCIL DECISION ITEM 10.1.21**

*That the Council;*

- (i) resolves pursuant to Town Planning Regulation 17(1), to receive the three hundred and four (304) submissions and further resolve pursuant to Town Planning Regulation 17(2), that Amendment No. 11 to the Town of Vincent Town Planning Scheme No. 1 be adopted for final approval, as per Option No.2 - Rezoning the land contained in the Eton - Locality Plan 7 from "Residential R30" and "Residential R30/40" to "Residential R20";*
- (ii) authorises the Mayor and Chief Executive Officer to execute and affix the Town of Vincent common seal to Amendment No. 11 to the Town of Vincent Town Planning Scheme No. 1 documents reflecting the Council's endorsement of final approval; and*
- (iii) advises the Hon. Minister for Planning and Infrastructure, Western Australian Planning Commission (WAPC), Environmental Protection Authority, and those who made submissions as outlined in (i) above, and forwards the relevant executed documents to and requests the Hon. Minister and WAPC to adopt for final approval and Gazettal, Amendment No. 11 to the Town of Vincent Town Planning Scheme No. 1.*

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**SITE HISTORY:**

- |                   |   |
|-------------------|---|
| 26 February 2002  | At its Ordinary Meeting, the Council resolved to initiate Scheme Amendment No.11.   |
| 12 March 2002     | The Western Australian Planning Commission (WAPC) and the Environmental Protection Authority (EPA) were advised of the resolution to initiate Amendment No. 11.     |
| 26 March 2002     | Correspondence received from the EPA stating that the proposed amendment does not require an environmental assessment.  |
| 23 April 2002     | WAPC advise the Town that further information is required to support the Amendment in relation to a land use plan and existing and proposed development potential.  |
| 13 May 2002       | The Town sends response to WAPC.  |
| 11 September 2002 | WAPC advises the Town that consent to advertise has been granted, subject to an alternate amendment being included in the proposal.                                 |
| 25 September 2002 | The Town sends correspondence to WAPC seeking clarification on the WAPC's advice with regard to the alternate amendment and providing a simplified submission form. |

- 22 October 2002 The Town received clarification from WAPC with regard to the alternate amendment and providing a simplified submission form.
- 30 October 2002 Servicing Authorities, affected Government Authorities, Local Authorities and property owners and occupiers, and Precinct Groups sent notice of the Amendment.
- 30 October 2002 Amendment advertised in the 'West Australian' newspaper.
- 2 November 2002 Amendment advertised in the 'Voice News' newspaper.
- 10 December 2002 Advertising period completed. 287 submissions lodged with the Town.

**DETAILS:**

The amendment proposes to rezone the land contained in the Eton - Locality Plan 7 from Residential R30 and Residential R30/40 to Residential R20. The amendment was advertised for public comment with the following three options made available:

*"1. Do not change the current Scheme provisions.*

*OR*

*2. "Rezone the land contained in the "Eton - Locality Plan 7" from " Residential R30" and "Residential R30/40" to "Residential R20"."*

*(TOWN OF VINCENT INITIATED AMENDMENT)*

*OR*

3. i) *Increase the density coding for sites containing existing non-residential uses abutting Other Regional Roads or which are sufficiently large to be capable of being developed in keeping with the general amenity of the locality from "Residential R30" to "Residential R60".*
- ii) *Otherwise maintain existing density coding in the Eton Locality, but amend Clause 20(4)(c) of Town Planning Scheme No.1 to specify appropriate criteria for development and subdivision standards at the R40 Code from:*

*"20. SPECIAL APPLICATION OF THE RESIDENTIAL PLANNING CODES*

- (4) Notwithstanding the provisions of the Residential Planning Codes, the following special applications of the Residential Planning Codes apply:-*  
*(c) North Perth Precinct P8,*

*Dual Coding: Within the area coded R30/40, development will only be permitted to R40 standards where the existing house is retained and where criteria specified in the precinct document is satisfied."*

*to*

*"20. SPECIAL APPLICATION OF THE RESIDENTIAL DESIGN CODES*

- (4) Notwithstanding the provisions of the Residential Design Codes, the following special applications of the Residential Design Codes apply:-*  
*(c) North Perth Precinct P8,*

*Dual Coding: Within the area coded R30/40, development shall only be permitted to R40 standards where one or more of the following place characteristics is evident:*

- i) *the place is listed on the Heritage List under clause 23 of the Scheme;*
- ii) *an existing house is worthy of retention and conservation;*
- iii) *the lot has at least 16 metres lot frontage to a public road;*
- iv) *the lot has at least 12 metres lot frontage to a public road, where;*
  - 1) *development is not proposed in a battleaxe formation; and*
  - 2) *the vehicle cross-over/s and hardstand area forward of the existing dwelling do not exceed 3.0 metres in width; and*
- v) *the land has multiple public road frontages."*

*(WESTERN AUSTRALIAN PLANNING COMMISSION RECOMMENDED AMENDMENT)"*

**CONSULTATION/ADVERTISING:**

The advertising period commenced on 30 October 2002 and concluded on 10 December 2002. The advertising included an advertisement circulating once in a state and local newspaper. At the completion of the advertising period, two hundred and eighty seven submissions were received. The schedule of submissions received is included as Appendix 10.1.21 (a) to this report.

**COMMENTS:**

In total, the Town received two hundred and eighty seven submissions of which 21 supported Option No.1, 222 supported Option No.2, 4 supported Option No.3, 2 of no comment/no objection and one written submission objecting to the rezoning to R20.

The submission list can be summarised as follows:

<b>OPTIONS</b>	<b>NUMBER</b>	<b>PERCENTAGES</b>
Option No.1	32	11%
Option No.2	244	85%
Option No.3	8	3%
Written Submission (objection to rezoning to R20)	1	0.5%
No Comment/No Objection	2	0.5%
<b>Total</b>	<b>287</b>	<b>100%</b>

It should be noted that the R20 coding is considered a low density given the Town's inner urban location and proximity to the Perth CBD and other facilities and services. A decrease in density of the area will result in a decrease in the number of dwellings possible, however will not necessarily control height, bulk and scale as these factors are addressed separately by other requirements of the Residential Design Codes and the Town's Policies.

Notwithstanding the above, the above results together with the Council's previous resolutions relation to this matter, indicate strong support for Option No.2, and as such is recommended for adoption.

It is therefore recommended that the Council seeks final approval of Amendment No. 11 to Town Planning Scheme No. 1, with the adoption of Option No.2.

**FURTHER COMMENTS:**

**The following information was tabled at the meeting by Executive Manager Environmental and Development Services Manager.**

Amend summary table (on page 89 of the Agenda) of summarised submission list as follows:

<b>OPTIONS</b>	<b>NUMBER</b>	<b>PERCENTAGES</b>
Option No.1	37	12 %
Option No.2	247	81 %
Option No.3	14	5 %
Written Submission (objection to rezoning to R20)	2	1 %
No Comment/No Objection	4	1 %
<b>Total</b>	<b>304</b>	<b>100 %</b>

Amend submission Nos. 244 and 248 and add submission Nos. 303 and 304 to Schedule of Submissions as shown in Appendix 10.1.21(a) to the report, as shown on the Attached.

Mayor Catania announced that Cr Cohen had declared a proximity interest in Item 10.1.20. Cr Cohen departed the Chamber at 9.22pm and did not speak or vote on the matter.

**10.1.20 Finalisation of Town of Vincent Town Planning Scheme No. 1 Amendment No. 15: Rezoning of part of the Riverside Locality from "R20/40" to "Residential R20"**

<b>Ward:</b>	North Perth	<b>Date:</b>	5 December 2002
<b>Precinct:</b>	Leederville, P3	<b>File Ref:</b>	PLA0105
<b>Reporting Officer(s):</b>	B Mirco, Y Scheidegger		
<b>Checked/Endorsed by:</b>	D Abel , R Boardman		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) resolves pursuant to Town Planning Regulation 17(1), to receive the two submissions of support, four submissions of non-objection/no comment and one submission of non-support and further resolve pursuant to Town Planning Regulation 17(2), that Amendment No. 15 to the Town of Vincent Town Planning Scheme No. 1 be adopted for final approval, without modification;*
- (ii) authorises the Mayor and Chief Executive Officer to execute and affix the Town of Vincent common seal to Amendment No. 15 to the Town of Vincent Town Planning Scheme No. 1 documents reflecting the Council's endorsement of final approval; and*
- (iii) advises the Hon. Minister for Planning and Infrastructure, Western Australian Planning Commission (WAPC), Environmental Protection Authority, and those who made submissions of (i) above, and forwards the relevant executed documents to and requests the Hon. Minister and WAPC to adopt for final approval and Gazettal, without modification, Amendment No. 15 to the Town of Vincent Town Planning Scheme No. 1.*

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**Moved Cr Ker, Seconded Cr Drewett.**

*That the recommendation be adopted subject to the following amendments to clause (i).*

*Add the words "one late submission of support and one late submission of non support", following the words "no comment", and at the end of the clause add "- Rezoning of part of the Riverside Locality from "Residential R20/40" to "Residential R20", as follows:*

- "(i) resolves pursuant to Town Planning Regulation 17(1), to receive the two submissions of support, four submissions of non-objection/no comment and one submission of non-support, one late submission of support and one late submission of non support and further resolve pursuant to Town Planning Regulation 17(2), that Amendment No. 15 to the Town of Vincent Town Planning Scheme No. 1 be adopted for final approval, without modification- Rezoning of part of the Riverside Locality from "Residential R20/40 to "Residential R20"";*

*Debate ensued.*

**MOTION AS AMENDED CARRIED (8-0)**

(Cr Cohen was absent from the Chamber and did not vote.)

**COUNCIL DECISION ITEM 10.1.20**

*That the Council;*

- (i) *resolves pursuant to Town Planning Regulation 17(1), to receive the two submissions of support, four submissions of non-objection/no comment and one submission of non-support, one late submission of support and one late submission of non support and further resolve pursuant to Town Planning Regulation 17(2), that Amendment No. 15 to the Town of Vincent Town Planning Scheme No. 1 be adopted for final approval, without modification- Rezoning of part of the Riverside Locality from "Residential R20/40 to "Residential R20"";*
- (ii) *authorises the Mayor and Chief Executive Officer to execute and affix the Town of Vincent common seal to Amendment No. 15 to the Town of Vincent Town Planning Scheme No. 1 documents reflecting the Council's endorsement of final approval; and*
- (iii) *advises the Hon. Minister for Planning and Infrastructure, Western Australian Planning Commission (WAPC), Environmental Protection Authority, and those who made submissions of (i) above, and forwards the relevant executed documents to and requests the Hon. Minister and WAPC to adopt for final approval and Gazettal, without modification, Amendment No. 15 to the Town of Vincent Town Planning Scheme No. 1.*

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**BACKGROUND:**

At the Ordinary Meeting of Council held on 18 December 2001, the Council resolved the following:

*"That the Council;*

- (i) *receives and acknowledges the extensive work undertaken by the North Perth Precinct Group Inc. regarding the petition and accompanying documentation supporting an R20 density code for the Locality of Eton - North Perth Precinct;*
- (ii) *considers the review of the residential densities of Banks Precinct and the entire Town of Vincent as part of the Residential Densities Review for the Town, which is to be finalised following the adoption of the recommendations of the Municipal Heritage Inventory Review; and*
- (iii) *pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended), RESOLVES to amend the Town of Vincent Town Planning Scheme No. 1 by initiating the rezoning of the land contained in the "Eton - Locality Plan 7" as identified in the Town of Vincent Policies relating to the Residential Design Guidelines - Locality Statements, from "Residential R60", "Residential R30/40" and "Residential R30", respectively, to "Residential R20."*

At the Ordinary Meeting of Council held on 26 February 2002, the Council resolved the following:

*"That;*

- (1) *the Council, in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(e) of the Local Government Act 1995 having received the support of all of the members, the Council resolves to REVOKE OR CHANGE the following resolution adopted by the Council at its Ordinary Meeting held on 18 December 2001 (Item No. 10.1.23) namely;*

*"That the Council;*

- (i) *receives and acknowledges the extensive work undertaken by the North Perth Precinct Group Inc. regarding the petition and accompanying documentation supporting an R20 density code for the Locality of Eton - North Perth Precinct;*
  - (ii) *considers the review of the residential densities of Banks Precinct and the entire Town of Vincent as part of the Residential Densities Review for the Town, which is to be finalised following the adoption of the recommendations of the Municipal Heritage Inventory Review; and*
  - (iii) *pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended), RESOLVES to amend the Town of Vincent Town Planning Scheme No. 1 by initiating the rezoning of the land contained in the "Eton - Locality Plan 7" as identified in the Town of Vincent Policies relating to the Residential Design Guidelines - Locality Statements, from "Residential R60", "Residential R30/40" and "Residential R30", respectively, to "Residential R20".*
- (2) *in the event that (1) above is resolved, the Council APPROVES BY AN ABSOLUTE MAJORITY;*

*That the Council;*

- (i) *receives and acknowledges the extensive work undertaken by the North Perth Precinct Group Inc. regarding the petition and accompanying documentation supporting an R20 density code for the Locality of Eton - North Perth Precinct;*
- (ii) *receives and acknowledges the extensive work undertaken by the Banks Precinct Action Group regarding the petition and accompanying documentation supporting an R20 density code for the locality of Banks Precinct;*
- (iii) *pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended), RESOLVES to amend the Town of Vincent Town Planning Scheme No. 1 by initiating the rezoning of the land contained in the "Eton - Locality Plan 7" as identified in the Town of Vincent Policies relating to the Residential Design Guidelines - Locality Statements, from "Residential R30" and "Residential R30/40" to "Residential R20";*
- (iv) *pursuant to section (7) of the Town Planning and Development Act 1928 (as amended) RESOLVES to amend the Town of Vincent Town Planning Scheme No. 1 by initiating the re-zoning of the land contained in the Banks locality as identified in the Town Of Vincent Policies Relating to the Residential Design Guides - Locality Statements, from "Residential R20/40" to "Residential R20"; and*
- (v) *receives the report on submissions received from advertising the amendment and final consideration of the amendment no later than June 2002."*

An Information Bulletin relating to "*Town of Vincent Town Planning Scheme No.1 Amendment No.11: Rezoning of Eton Locality to "Residential R20" and Amendment No.15: Rezoning of Riverside Locality to "Residential R20" - Progress Report*" was presented at the Ordinary Meeting of Council held on 25 June 2002.

**DETAILS:**

The purpose of the proposed Scheme Amendment is to rezone the land contained in the Banks Locality, as identified in the Town of Vincent Policies relating to the Residential Design Guides - Locality Statements, from "Residential R20/40" to "Residential R20".

**CONSULTATION/ADVERTISING:**

The advertising period concluded on 10 December 2002 and the Town received seven submissions, which are shown in Appendix 10.1.20(a) to this Report.

**COMMENTS:**

The summary of the submissions received indicates that:

- Four (4) submissions from government authorities had no objection to the proposed rezoning;
- Two (2) submissions supported the proposed rezoning; and
- One (1) submission did not support the proposed rezoning.

The submission of non-support indicates concern that a decrease in zoning would affect the value of the property. While the comments are noted, the Town assesses amendments in accordance with planning principles and does not strongly consider the affect of land values in its assessment procedure.

In light of the above, it is recommended that Amendment No. 15 be adopted without modification, and that the Council seeks final approval of Amendment No. 15 to Town Planning Scheme No. 1.

Cr Cohen returned to the Chamber at 9.30pm. Mayor Catania advised that Item 10.1.20 was carried (8-0).

**10.1.27 No.91 (Lot 157) (Strata Lot 2) Raglan Road, Corner Hyde Street, Mount Lawley - Two-Storey Single House**

<b>Ward:</b>	North Perth	<b>Date:</b>	10 December 2002
<b>Precinct:</b>	Norfolk, P10	<b>File Ref:</b>	PR01782 00/33/0959
<b>Reporting Officer(s):</b>	S Robertson		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council SUPPORTS the application submitted by the owner S Arseven for the two storey single house on No.91 (Lot 157) (Strata Lot 2) Raglan Road, corner Hyde Street, North Perth, and as shown on the amended plans stamp-dated 19 November 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) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (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) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (viii) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (ix) *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);*
- (x) *proposed crossovers shall be positioned in consultation with and as directed by the Town's Technical Services Division;*
- (xi) *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 level on the southern elevation shall be screened with a permanent obscure material and be non-openable to a minimum height of 1.6 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*
- (xii) *the proposed roof loft storage area shall not be used for habitable purposes;*
- (xiii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating a minimum of 45 percent open space on the subject property (strata Lot 2) in accordance with the provisions of the Residential Design Codes. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (xiv) *prior to the issue first occupation of the development, the power pole shall be relocated to allow sufficient maneuvering into/from the carport and car parking bay, at the applicant's/owner's cost; and*
- (xv) *subject to first obtaining the consent of the owners of No. 11 Hyde 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. 11 Hyde Street in a good and clean condition;*

*to the satisfaction of the Chief Executive Officer.*

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**COUNCIL DECISION ITEM 10.1.27**

**Moved Cr Hall, Seconded Cr Ker.**

*That the recommendation be adopted.*

*Debate ensued.*

**Moved Cr Doran-Wu, Seconded Cr Piper.**

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

*“(xvi) the windows in the roof are deleted.”*

**AMENDMENT CARRIED (7-2)**

**For**  
Mayor Catania  
Cr Cohen  
Cr Doran-Wu  
Cr Drewett  
Cr Franchina  
Cr Ker  
Cr Piper

**Against**  
Cr Chester  
Cr Hall

**MOTION AS AMENDED LOST (0-9)**

**Reasons:**

1. Non-compliance
2. Out of character with surrounding area
3. Over development of site
4. Perceived three-storey nature of development
5. Excessive bulk and scale
6. Overlooking and privacy issues
7. Loss of sunlight
8. Loss of amenity
9. Heritage value of surrounding area

**FURTHER MOTION**

**Moved Cr Ker, Seconded Cr Hall**

*That should the matter be taken to appeal to Town Planning Appeal Tribunal or other hearing based appeal process, an Elected Member and a local resident be called as witnesses.*

**CARRIED (9-0)**

**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	Single House	
Use Classification	“P”	
Lot Area	541 square metres Survey strata Lot 2 - 190 square metres	
<b>Requirements</b>	<b>Required</b>	<b>Proposed</b>
Raglan Road Setback	6.0 metres first floor	5.8 metres first floor
Setback to ROW	1.0 metre	Nil*
Southern Rear Setback		
- ground floor	1.5 metres	1.3 metres
Eastern Side Boundary		
- Ground floor	1.0 metre	nil
- First floor	1.2 metres	nil
Total Open Space	45 per cent	39 percent

\*A 0.5 metre wide portion of the land abutting the ROW was ceded at the time of subdivision for the purposes of ROW widening.

**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, 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.
- 13 August 2002        The Council, at its Ordinary Meeting, received a report relating to the proposed additional two-storey grouped dwelling with uncovered roof storage area/terrace to existing dwelling. The item was deferred at the request of the applicant.
- 27 August 2002        The Council, at its Ordinary Meeting, resolved to refuse the application for the proposed additional two-storey grouped dwelling with uncovered roof storage area/terrace to existing dwelling.
- 12 September 2002    The applicant lodged an appeal with the Town Planning Appeal Tribunal against the Council's refusal.
- 11 October 2002       The first sitting of the Town Planning Appeal Tribunal. A copy of the grounds of appeal received by the Town from the appellant by hand at this sitting.
- 18 October 2002       The Town lodged the Respondent Statement with the Town Planning Appeal Tribunal.
- 28 October 2002       The Mediation of the subject Appeal was adjourned to enable revised plans to be prepared by the applicant and submitted to the Council for its consideration.

**DETAILS:**

The applicant seeks approval for a two-storey single house, including a loft storage area contained within the created roof space. The new plans generally result in a development which has been reduced in height to comply with the Residential Design Codes definition of two storey and has enclosed the original roof terrace/storage area within the roof space. Gazettal of the new Residential Design Codes no longer requires plot ratio to be determined for this application.

**CONSULTATION/ADVERTISING:**

The current report seeks a mediated outcome between the Town and the applicant at the Town Planning Appeal Tribunal. The Planning Application was previously advertised and the comments received during that advertising period will be considered by the Council in formulating a resolution for a mediated outcome.

For the Council's information, nine objections were received during the advertising period. 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 at the first floor level is considered supportable, given that the setback does not detract from the side setback to Raglan Road of the existing dwelling facing Hyde Street, consideration of the size constraints of the site, and having regard to similar scale developments which have been constructed within the immediate area.

##### **Setbacks**

The southern rear 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. The variation to setback to the right of way is supported as 0.5 metre was ceded at the subdivision stage to facilitate future right of way widening. The variation to the eastern side boundary is supported given the solar orientation of the site and the setback to the dwelling on the adjoining lot, and the variation is not considered to unreasonably impact on the amenity of the adjoining property.

##### **Carparking**

Two car bays are shown on the plan. However, the Town's Technical 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, it is considered appropriate that the applicant pay for all costs associated with the relocation of the power pole to allow adequate maneuvering.

##### **Overlooking**

The proposed uncovered storage area/roof terrace has been removed and replaced by a loft storage area contained within the roof space. The applicant has deleted the fixed stairs to the loft and replaced them with a folding attic ladder. This also complies with the Building Code of Australia requirements such that the roof space cannot be utilised as a habitable room. The Officer Recommendation has been conditioned to ensure that this roof space is not used for habitable purposes in the future. The window to the habitable window in the southern elevation is shown as stained glass and has been conditioned to ensure that it meets the privacy requirements of the Residential Design Codes.

##### **Total Open Space**

Since the gazettal of the new Residential Design Codes (R Codes), the Town is taking a consistent approach in requiring applications to comply with the open space provisions. Accordingly, the approval has been conditioned such that it complies with the open space provisions of the codes, which require 45 percent open space for this development. This could be achieved by converting the proposed single carport into an uncovered open car parking bay.

##### **Height, Bulk and Scale**

The proposal complies with the Town's Policy relating to "Building Scale" and the Residential Design Codes height requirements, and as such is supported.

**Overshadowing**

The proposal complies with the overshadowing provisions of the R Codes.

**Design and Character**

The Town's Policies encourages appropriate contemporary design, and the design of the proposed development is considered acceptable.

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

**10.1.5 No. 574 (Lot 552) Beaufort Street, Corner of Clarence Street, Mount Lawley - Proposed Change of Use from Office to Eating House and Associated Signage and Alterations**

<b>Ward:</b>	North Perth	<b>Date:</b>	10 December 2002
<b>Precinct:</b>	Mount Lawley, P11	<b>File Ref:</b>	PRO0922 00/33/1374
<b>Reporting Officer(s):</b>	V Lee		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by L Newton-Burriss on behalf of the owners, the estate of W A Hopkins, for proposed change of use from office to eating house and associated signage and alterations at No. 574 (Lot 552) Beaufort Street, corner of Clarence Street, Mount Lawley, as shown on plans stamp dated 6 November 2002 and 22 November 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) a road and verge security deposit bond and/or bank guarantee of \$220 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the 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;*
- (iii) compliance with all relevant Environmental Health, Engineering and Building requirements, including access for people with disabilities in accordance with the Building Code of Australia;*
- (iv) prior to the issue of a Building Licence or the first occupation of the development, whichever occurs first, revised plans shall be submitted and approved demonstrating the provision of a bin storage area that is not visible from Beaufort Street or Clarence Street to the satisfaction of the Town's Health Services and Technical Services;*

*The revised plans shall not result in any greater variation to the requirements of the Town's Policies;*
- (v) 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;*
- (vi) prior to the issue of the Building Licence or first occupation of the development, whichever occurs first, the applicant/owner shall pay a cash-in-lieu contribution of \$1800 for the equivalent value of 0.72 car parking spaces, based on the cost of \$2,500 per bay as set out in the Town's 2002/2003 Budget;*

- (vii) *all signage shall be subject to a separate Sign Licence application being submitted and approved prior to the erection of the signage;*
  - (viii) *the signage shall not have flashing or intermittent lighting;*
  - (ix) *the proposed projecting sign attached to the fascia of the verandah is not to project beyond the outer frame or surround of the fascia;*
  - (x) *prior to the first occupation of the development, two (2) bicycle parking rail(s) shall be provided. The bicycle parking rails are to be to the Town's specifications and be installed at a location determined by the Town's Technical Services;*
  - (xi) *the windows and doors and adjacent floor area facing Beaufort Street shall maintain an active and interactive frontage to Beaufort Street;*
  - (xii) *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*
  - (xiii) *the public floor area for the eating house shall be limited to 17 square metres;*
- to the satisfaction of the Chief Executive Officer.*
- 

**Moved Cr Chester, Seconded Cr Cohen.**

*That the recommendation be adopted subject to the following amendment to clause (vi).*

*Amend clause (vi) and delete "\$1800" and replace with "\$7975", and delete "0.72" and replace with "3.19", as follows:*

- “(vi) prior to the issue of the Building Licence or first occupation of the development, whichever occurs first, the applicant/owner shall pay a cash-in-lieu contribution of \$7975 for the equivalent value of 3.19 car parking spaces, based on the cost of \$2,500 per bay as set out in the Town's 2002/2003 Budget;”*

**Cr Piper departed the Chamber at 9.31pm.**

**CARRIED (8-0)**

**(Cr Piper was absent from the Chamber and did not vote.)**

**COUNCIL DECISION ITEM 10.1.5**

***That;***

***in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by L Newton-Burriss on behalf of the owners, the estate of W A Hopkins, for proposed change of use from office to eating house and associated signage and alterations at No. 574 (Lot 552) Beaufort Street, corner of Clarence Street, Mount Lawley, as shown on plans stamp dated 6 November 2002 and 22 November 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) *a road and verge security deposit bond and/or bank guarantee of \$220 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the 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;*
- (iii) *compliance with all relevant Environmental Health, Engineering and Building requirements, including access for people with disabilities in accordance with the Building Code of Australia;*
- (iv) *prior to the issue of a Building Licence or the first occupation of the development, whichever occurs first, revised plans shall be submitted and approved demonstrating the provision of a bin storage area that is not visible from Beaufort Street or Clarence Street to the satisfaction of the Town's Health Services and Technical Services;*  
*The revised plans shall not result in any greater variation to the requirements of the Town's Policies;*
- (v) *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;*
- (vi) *prior to the issue of the Building Licence or first occupation of the development, whichever occurs first, the applicant/owner shall pay a cash-in-lieu contribution of \$7975 for the equivalent value of 3.19 car parking spaces, based on the cost of \$2,500 per bay as set out in the Town's 2002/2003 Budget;*
- (vii) *all signage shall be subject to a separate Sign Licence application being submitted and approved prior to the erection of the signage;*
- (viii) *the signage shall not have flashing or intermittent lighting;*
- (ix) *the proposed projecting sign attached to the fascia of the verandah is not to project beyond the outer frame or surround of the fascia;*
- (x) *prior to the first occupation of the development, two (2) bicycle parking rail(s) shall be provided. The bicycle parking rails are to be to the Town's specifications and be installed at a location determined by the Town's Technical Services;*
- (xi) *the windows and doors and adjacent floor area facing Beaufort Street shall maintain an active and interactive frontage to Beaufort Street;*
- (xii) *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*
- (xiii) *the public floor area for the eating house shall be limited to 17 square metres;*

*to the satisfaction of the Chief Executive Officer.*

---

**LANDOWNER:** Estate of W A Hopkins  
**APPLICANT:** L Newton-Burriss

**ZONING:** Metropolitan Region Scheme - Urban, abuts Other Regional Road  
Town Planning Scheme No. 1 - Commercial, abuts Other Regional Road

**EXISTING LAND USE:** Office, Eating House

**COMPLIANCE:**

Use Class	Office, Eating House
Use Classification	'P'
Lot Area	558 square metres

**Car Parking:**

Car parking requirement (nearest whole number)	19 carbays
Apply the adjustment factors. <ul style="list-style-type: none"> <li>▪ 0.85 (within 400m of a bus stop)</li> <li>▪ 0.80 (within 50m of one or more public car parks in excess of 50 spaces)</li> </ul>	(0.58)
	11.02 carbays
Minus the car parking provided on site.	6 car bays
Minus the most recently approved on site car parking shortfall.	4.3 carbays
Resultant shortfall.	0.72 car bays

**Bicycle Parking Facilities:**

Required	Provided
One class one or class two bicycle parking space per 100 square metres public area for staff use. Three class three bicycle parking spaces for patrons.	No bicycle parking spaces identified on the plans. One bicycle parking space existing on adjacent footpath on Beaufort Street.

**SITE HISTORY:**

The building is not listed on the Town's Municipal Heritage Inventory. The existing building appears to be constructed in the early decades of the 20th century (pre 1930's).

29 September 1998 The Council at it Ordinary Meeting conditionally approved a change of use from shop to eating house and associated alteration and additions. This was subject to conditions including:

- (ii) *the two (2) proposed car parking bays located on Clarence Street, to be designed and constructed to the satisfaction of the Council's Engineering Services Section. All associated costs to be borne by the applicant/owner;*
- (vi) *prior to the use first commencing operation, the owners of Lot 1 and Pt Lot 45 Beaufort Street shall either enter into a Legal Agreement with a caveat or easement being registered on the relevant Certificates of Title such that the car parking spaces and associated access and manoeuvring shall be for the use of the uses on both Lot 1 and Part Lot 45 Beaufort Street; or*

*Lots 1 and Part Lot 45 Beaufort Street shall be amalgamated into one lot on a new Certificate of Title;*

11 February 1999 The Western Australian Planning Commission conditionally approved the amalgamation of Lot 1 and Part Lot 45.

26 February 2002 Council at its Ordinary Meeting granted conditional approval for proposed outdoor dining area to existing eating house subject to conditions including:

- (vi) *"prior to the first occupation of the development, the applicant/landowner shall pay a cash-in-lieu contribution of \$5750 for the equivalent value of 2.3 car parking spaces, based on the estimated cost of \$2500 per bay as set out in the Town's 2001/2002 Budget;"*

#### **DETAILS:**

The proposal involves the conversion of one of the offices into an eating house, with a public floor area of 17 square metres. Toilet facilities are shared with the adjoining tenancies on the same lot and toilet facilities for people with disabilities are existing.

The proposal includes a projecting sign attached to the fascia of the verandah and an illuminated window sign, which generally comply with the requirements of the Town's Policy relating to Signs and Advertising.

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

No submissions were received during the consultation period.

#### **COMMENTS:**

The Town's Policy relating to Parking and Access, suggests that the Council may determine to accept a cash-in-lieu payment where the resultant shortfall is greater than 0.5, to provide and/or upgrade parking in other car parking areas.

In this instance, a cash-in-lieu payment is considered appropriate and it is recommended that approval of the proposed change of use be subject to a cash in lieu payment of \$1800 for the resultant short fall of 0.72 car parking bays.

There is an existing bicycle parking rail erected on the footpath outside the existing eating house (Nandos) on Beaufort Street. In accordance with the Town's Policy relating to Parking and Access, it is recommended that approval be conditioned so that two additional bicycle rails are installed on Beaufort Street or Clarence Street at the expense of the applicant/owner, in a location and specifications to be determined by the Town's Technical Services.

The toilets facilities on the lot have recently been upgraded including the provision of a unisex toilet for people with disabilities. Due to the relatively minor scale of the proposal, in this instance, it may be considered too onerous to require additional end-of -trip facilities such as showers to be provided. Notwithstanding, the applicant is encouraged to install such end-of-trip facilities to encourage staff to bicycle to work. As the building is existing, and there is not considered to be adequate area available, in this instance, it is considered too onerous to require the provision of Class One or Two bicycle parking facilities. Accordingly, the provision of Class Three facilities is considered acceptable in this instance.

**Signs and Advertising**

The proposed signage generally complies with the Town's Policies relating to Signs and Advertising and therefore are supported.

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

**10.2.1 Rescind Part of Council Resolution Relating to Ordinary Meeting of Council held on 6 November 2001 - Item 10.2.3 - Proposed Dedication of Right of Way Bounded by Harold, Wright, Turner and Lord Streets, Highgate (TES0390 & PRO1058)**

<b>Ward:</b>	North Perth Ward	<b>Date:</b>	9 November 2002
<b>Precinct:</b>	Forrest Precinct P14	<b>File Ref:</b>	TES0390 & PRO1058
<b>Reporting Officer(s):</b>	R. Lotznicher		
<b>Checked/Endorsed by:</b>			
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (1) *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(e) of the Local Government Act 1995 having received the support of one third of the number of Members of the Council, namely Mayor Catania, Cr Cohen and Cr Hall, resolves to CHANGE the following resolution adopted by the Council at its Ordinary Meeting held on 6 November 2001 - item No. 10.2.3 Clause (iv), namely;*

*"That the Council;*

- (iv) *requests Homeswest to pave, drain, illuminate and provide appropriate traffic calming devices in the whole of the subject right of way"*

- (2) **RESOLVES BY AN ABSOLUTE MAJORITY to approve of the following;**

*"That the Council;*

- (i) *agrees to share the cost on a 50/50 basis with Homeswest to pave, drain, illuminate and provide appropriate traffic calming devices in the remaining unsealed portion of the subject Right of Way at an estimated cost of \$19,000; as shown on attached Plan No. 2130-RP-1; and*
- (ii) **APPROVES** *the allocation of \$9,500 from the 2002/2003 right of way upgrade contribution allocation, to fund the Town's 50% share of the cost."*

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**COUNCIL DECISION ITEM 10.2.1**

**Moved Cr Cohen, Seconded Cr Ker.**

*That the recommendation be adopted.*

Cr Piper returned to the Chamber at 9.33pm.

**CARRIED BY AN ABSOLUTE MAJORITY (9-0)**

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**BACKGROUND:**

At the Ordinary meeting of Council held on 6 November 2001 the Council adopted the following resolution;

*"That;*

- (i) the Council receive the report on the proposed dedication of the right of way bounded by Harold, Wright, Turner and Lord Streets, Highgate;*
- (ii) the Council commences the process of closure and dedication of the right of way as a public road as shown on attached Plan No. 1128-RP-01, in accordance with Section 56 of the Land Administration Act 1997;*
- (iii) a further report be presented to the Council following receipt of all submissions from affected parties regarding the proposed closure and dedication; and*
- (iv) the Council requests Homeswest to pave, drain, illuminate and provide appropriate traffic calming devices in the whole of the subject Right of Way."*

A request signed by Mayor Catania, Cr Hall and Cr Cohen has been received, requesting the Council to consider rescinding clause (iv) of the Council resolution from its Ordinary Meeting held on 6 November 2001.

#### **DETAILS:**

At the Ordinary Meeting of Council held on 19 December 2000, the Council resolved to conditionally to approve a development enabling Homeswest to commence construction at 387-389 Lord Street.

The development included the provision of twelve (12) underground parking bays with ramped access off the unsealed ROW and one of the conditions of approval was the requirement for Homeswest to pave and drain the right of way (ROW) adjacent to the lot, and also install lighting, crash barriers and traffic calming.

Further investigation subsequent to the issue of a building license revealed that right of access over the adjacent ROW was not appurtenant to the development lot.

In accordance with the conditional planning approval conditions Homeswest upgraded the portion of ROW from Lord Street to the western most boundary of the allotment.

Homeswest recently have also recently completed the construction of sixteen (16) single bedroom dwellings and one (1) grouped dwelling at 387-389 Lord Street, Highgate.

#### **Dedication as a Public Street**

In order to secure the right of access and to reflect the upgraded status of the ROW it was resolved at the Ordinary Meeting of Council held on 6 November 2001 to commence the process of dedicating the ROW as a public road. In accordance with the process as laid down in sections 52 and 56 of the Land Administration Act all adjacent residents, service providers, and the Department for Planning and Infrastructure (DPI) were requested to comment on the proposal.

No objections have been received from any affected party, and the Town now awaits a letter of support from DPI.

In a recent telephone communication it was confirmed by an Officer from DPI that the matter was under consideration and the Town should receive notification of DPI's decision in the next few weeks.

The Land Administration Act requires that prior to making a request to the Minister for Lands, the Council resolve to proceed with the dedication following another report outlining the responses to the consultation. This report will be prepared immediately the Town receives approval from DPI.

### **ROW Upgrading Proposal**

Homeswest, as the developer, funded the upgrading and installation of lighting in the portion of ROW adjacent to their lot.

The Council, at its Ordinary Meeting of 6 November resolved that Homeswest upgrade the remaining 70m of ROW and provide one streetlight.

Homeswest, to date have advised they are not prepared to upgrade the remaining portion of ROW but have indicated that, as a gesture of goodwill, they will share the cost of the ROW upgrade with the Town.

An extract from a letter dated 2 December 2002 from the Department of Housing and Works (DHW) regarding this matter is outlined as follows:

*"When initial approval was given by Council for the Department of Housing and Works (DHW) to develop the above site, it was conditional on DHW gaining the consent of the owner of the privately owned right of way.*

*This caused a halt to construction while efforts were made to locate and then arrange for the owner's approval to grant access. At the same time, local residents were apprehensive about some issues and it was agreed DHW representatives would meet with local residents.*

*Subsequently, DHW met with a number of residents, including Shirley Benton of the Forest Precinct Group. Also present at the meeting was the Chief Executive Officer of the Town of Vincent. This meeting occurred on 15 October 2001.*

*At the meeting, DHW gave some concessions, however, not all resident requests were agreed to.*

*In a letter dated 22 October 2001, Forrest Precinct Group wrote to me, confirming the agreements made. This included that DHW would take responsibility for the "lighting, landscaping, sealing of the full laneway from Lord Street to Wright Street, and traffic calming to the right of way".*

*As the latter issue was not agreed to, I (in correspondence dated 22 October 2001) wrote to the Forrest Precinct Group, indicating I had not agreed to this - a copy of this letter was also sent to the Chief Executive Officer of the Town of Vincent.*

*On 6 November, Council met to discuss a recommendation which included a clause stating "the Council requests Homeswest to pave, drain, illuminate and provide appropriate traffic calming devices in the whole of the subject right of way". I am advised a representative of the Forrest Precinct Committee again suggested DHW had committed to this at this meeting.*

*I raise the above because this misconception has created some confusion between Council and DHW.*

*I therefore wish to advise that while DHW is not prepared to fully fund the remaining unsealed section of the right of way, it will, as a gesture of goodwill, agree to your suggestion for the cost to be shared equally between DHW and Council."*

**FINANCIAL/BUDGET IMPLICATIONS:**

The estimated cost for the Town to carry out the upgrading works is \$14,000 and the estimated cost for Western Power to install one streetlight is between \$4,000 and \$5,000.

Therefore, the total estimated cost of the works is around \$19,000.

**STRATEGIC IMPLICATIONS:**

N/A

**COMMENTS:**

The adjoining residents and the Forrest Precinct Group believe that Homeswest gave a commitment to upgrade the entire ROW between Lord and Wright Streets.

Homeswest claim that such a commitment was never made by them and that they were only required, as a condition of Planning Approval, to upgrade the portion of ROW directly adjacent to the development lot, from Lord Street.

The Council, at its Ordinary Meeting of 6 November 2001 resolved to request that Homeswest upgrade the remaining 70m of ROW and provide one streetlight, however, as this did not form part of the conditional development approval (and would have been difficult to enforce if it had), this requirement cannot be enforced.

Homeswest have now indicated that, as a gesture of goodwill, they are prepared to share the cost of the ROW upgrade with the Town.

It is therefore recommended that the Town and Homeswest share the cost on a 50/50 basis to pave, drain, illuminate and provide appropriate traffic calming devices in the remaining unsealed portion of ROW at an estimated cost of \$19,000 i.e. \$14,000 for the ROW upgrade and \$4,000 to \$5,000 for the installation of a street lighting, and the Town's 50% share of the cost be funded from the 2002/2003 right of way upgrade contribution allocation.

**10.4.2 Delegated Authority – 2002/2003 Council Recess Period**

<b>Ward:</b>	Both	<b>Date:</b>	6 December 2002
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	ADM0018
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>	-		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That pursuant to Section 5.42 of the Local Government Act 1995, the Council APPROVES BY AN ABSOLUTE MAJORITY, delegated authority to the Chief Executive Officer, in consultation with the Mayor and all available Councillors, to deal with any items of business (other than those requiring and Absolute Majority) that may arise from 18 December 2002 to 10 February 2003, subject to;*

- (i) the action taken only being in accordance with the Officer's recommendation;*
- (ii) a report summarising the items of business dealt with, including the reason for urgency, under delegated authority being submitted for information to the Council at its meeting to be held on 25 February 2003; and*
- (iii) a delegation register be kept and made available for public inspection during the period that the delegation applies.*

---

**Moved Cr Cohen, Seconded Cr Drewett.**

*That the recommendation be adopted.*

*Debate ensued.*

**Moved Cr Chester, Seconded Cr Hall.**

*That a new clause (iv) be added as follows:*

- “(iv) items being displayed in the Town of Vincent Administration Centre, the Library and on the Town's Website for a period of four (4) days.”*

**CARRIED (9-0)**

**MOTION AS AMENDED**  
**CARRIED BY AN ABSOLUTE MAJORITY(9-0)**

**COUNCIL DECISION ITEM 10.4.2**

*That pursuant to Section 5.42 of the Local Government Act 1995, the Council APPROVES BY AN ABSOLUTE MAJORITY, delegated authority to the Chief Executive Officer, in consultation with the Mayor and all available Councillors, to deal with any items of business (other than those requiring and Absolute Majority) that may arise from 18 December 2002 to 10 February 2003, subject to;*

- (i) the action taken only being in accordance with the Officer's recommendation;*
- (ii) a report summarising the items of business dealt with, including the reason for urgency, under delegated authority being submitted for information to the Council at its meeting to be held on 25 February 2003;*

- (iii) *a delegation register be kept and made available for public inspection during the period that the delegation applies; and*
  - (iv) *items being displayed in the Town of Vincent Administration Centre, the Library and on the Town's Website for a period of four (4) days.*
- 

**BACKGROUND:**

The Council will be in recess from 18 December 2002 to 10 February 2003. Therefore, it will be necessary to make arrangements to enable items of business that may arise during that period to be dealt with. This procedure has operated satisfactorily in previous years.

**CONSULTATION/ADVERTISING:**

An advertisement has been placed in a local paper advertising the meeting dates for 2003. The dates of Council Meetings are displayed on the Notice board in the foyer and on the Town's website. The schedule indicates that there is no Council meeting in January 2003, (other than a Special Meeting on 28 January 2003 to consider the tender for the Independent Organisation Review). There is also a "Message on Hold" advising that there is no Council meeting in January.

**LEGAL/POLICY:**

The Local Government Act 1995 states:

*"Delegation of some powers and duties to CEO  
5.42(1) A local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act (other than those referred to in section 5.43 and this power of delegation)."*

Matters requiring an Absolute or Special Majority decision of the Council cannot be approved under Delegated Authority.

**COMMENTS:**

The Council is in recess from 18 December 2002 until 10 February 2003. The Council has resolved not to hold an Ordinary meeting in January. A Council resolution is required to approve of matters which may arise under delegated authority.

It is therefore recommended that the Council approve of the arrangements to be made to deal with urgent items of business that may arise during the 2002/2003 recess period.

**10.1.16 No. 99 (Lot 155) Flinders Street, Corner Woodstock Street, Mount Hawthorn - Proposed Alterations, Additions and Front Fence to Existing Single House**

<b>Ward:</b>	Mount Hawthorn	<b>Date:</b>	9 December 2002
<b>Precinct:</b>	Mount Hawthorn, P1	<b>File Ref:</b>	PRO1909 00/33/1417
<b>Reporting Officer(s):</b>	V Lee		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That;*

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

- (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
- (b) *the non-compliances with the Streetscape requirements of the Residential Design Codes (R-Codes);*

*the Council REFUSES the application submitted by the owner, D Italiano for proposed alterations, additions and front fence to existing single house at No. 99 (Lot 155) Flinders Street, Corner Woodstock Street, Mount Hawthorn, as shown on the plans stamp-dated 5 December 2002; and*

(ii) *the Council:*

- (a) *advises the owner of No. 99 (Lot 155) Flinders Street, corner Woodstock Street, Mount Hawthorn, that the unauthorised part of the front fence adjoining the northern and eastern boundaries is to be removed or altered to be in compliance with the approved plans within fourteen (14) days of notification, and that the Council will commence legal proceedings should this requirement not be complied with; and*
- (b) *authorises the Chief Executive Officer to undertake legal proceedings, should the above requirements not be complied with.*

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**COUNCIL DECISION ITEM 10.1.16**

**Moved Cr Drewett, Seconded Cr Ker.**

*That the recommendation be adopted.*

*Debate ensued.*

**LOST (0-9)**

**Reasons:**

1. Does not affect the amenity of the area
2. Side setback is acceptable
3. Minor front fence height variation

**ALTERNATIVE RECOMMENDATION:**

**Moved Cr Drewett, Seconded Cr Ker.**

*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 D Italiano for proposed alterations, additions and front fence to existing single house at No. 99 (Lot 155) Flinders Street, corner Woodstock Street, Mount Hawthorn as shown on plans stamp-dated 5 December 2002, subject to:*

- (i) *subject to first obtaining the consent of the owners of No. 97 Flinders Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 97 Flinders Street in a good and clean condition;*
- (ii) *no street trees shall be removed, cut back, pruned or interfered with in any way, without the prior approval of the Town's Park Services;*
- (iii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services;*
- (iv) *a footpath 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 has been reinstated to the satisfaction of the Town's Technical Services. An application for the refund of the security deposit must be made in writing; and*
- (v) *compliance with all relevant Environmental Health, Engineering and Building requirements;*

*to the satisfaction of the Chief Executive Officer.*

**CARRIED (9-0)**

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<b>LANDOWNER:</b>	D Italiano
<b>APPLICANT:</b>	D Italiano
<b>ZONING:</b>	Metropolitan Region Scheme - Urban Town Planning Scheme No. 1 - Residential R30
<b>EXISTING LAND USE:</b>	Single House

**COMPLIANCE:**

<b>Requirements</b>	<b>Required</b>	<b>Proposed</b>
Streetscape Requirements 3.2.5 A5	Front walls and fences within the primary street setback area to be visually permeable 1.2 metres above natural ground level.	A solid wall to a height of 1.8 metres proposed within the front setback area along the southern side boundary; Solid fence greater than 1.2 metres high along Flinders Street and Woodstock Street.
Streetscape Requirements 3.2.1 Secondary Street	Buildings other than carports and garages setback in accordance with Table 1 - 1.5 metres	0 metre setback to verandah from Woodstock Street.
Use Class	Single House	
Use Classification	'P'	
Lot Area	488 square metres	

**SITE HISTORY:**

16 January 2002

The Town granted conditional Planning Approval for alterations, additions, and front fence to existing single house with the application showing the maximum height of the solid portion of the front fence (excluding columns) adjacent to the northern, southern and eastern boundaries less than 1.0 metre. Conditions included:

- "(i) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *the proposed verandah, including columns and roof, being setback at or behind the setback of the main building wall of the existing house on the Woodstock Street elevation;*
  - (b) *the solid portion of the proposed fence being reduced to a maximum height of 1.2 metres above the adjacent footpath level in accordance with the requirements of the Town's Policy - Street Walls and Fences;*
  - (c) *the overall height of the proposed fence and gate being reduced to a maximum height of 1.8 metres above the existing adjacent footpath level in accordance with the requirements or the Town's Policy - Street Walls and Fences;*
  - (d) *the height of the pillars for the proposed front fence (including decorative capping) being reduced to a maximum height of 2 metres above the adjacent footpath level in accordance with the requirements of the Town's Policy - Street Walls and Fences;*

(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 metres. The solid portion of the front fence and gate adjacent to Flinders and Woodstock Streets shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fence and gate being visually permeable, with a minimum 50 per cent transparency;"*

- 17 April 2002 The Town issued a Building Licence for alterations, additions and front fence to the existing dwelling. The proposed fence along the northern, southern and eastern boundaries was to be constructed of reconstituted stone blocks with wrought iron infill panels
- 28 August 2002 The Town received a complaint regarding the subject fence, causing line of sight problems.
- 10 September 2002 A site inspection was undertaken by the Town's Officers. The fence was measured and varied in height due to the slope of the land from 1500 millimetres to 2370 millimetres with pillar up to 3060 millimetres.
- 11 October 2002 Notices were served under the Town Planning and Development Act 1928 and the Town of Vincent Town Planning Scheme No. 1 and the Local Government (Miscellaneous Provisions) Act 1960 requiring that the unauthorised part of the fence structure be pulled down or removed within 28 days and 35 days, respectively.
- 23 October 2002 The owner wrote to the Town advising that he believed he had not contradicted previous approval and had acted in good faith. He requested that the Town concede approval as the fence does not affect the neighbours amenity or aesthetics of the street.
- 6 November 2002 The owner was advised in writing of the due process to lodge appeals with the Minister for Local Government and Regional Development and the Minister for Planning and Infrastructure, and application for retrospective Planning Approval.
- 27 November 2002 The Town received a letter from the owner requesting "*a stay of execution*" while retrospective Planning Approval is sought.
- 6 December 2002 Planning application was received by the Town.

**DETAILS:**

The applicant is seeking retrospective Planning Approval for the subject fence that has been erected along the southern, eastern and northern property boundaries with frontage to Flinders Street and Woodstock Street. The plans shows the fence varying in height due to the slope of the land. Along Flinders Street the fence is solid to a height of 1.4 metres from the existing ground level. Along the Woodstock Street frontage the solid fence varies in height from 1.4 metres high to a maximum height of 2.4 metres from the existing ground level. A portion of the proposed verandah is attached to the fence with piers up to 3.95 metres in height from the existing ground level. Along the southern boundary fence, the fence is solid to a height of 1.8 metres from the existing ground level.

The proposal also involves variations to the size and location of the verandah previously granted Planning Approval on 16 January 2002.

In support of the application, the applicant has provided the following submission.

*"..I understand that I can apply for retrospective planning approval for the structure but in the meantime the Shire can move against me to have the fence removed.*

*Firstly, can I request a stay of execution for an action in order I can explain and make application for a retrospective planning approval, failing that being granted I would appeal to the Minister for Planning and Infrastructure.....*

*During the construction phase, which was carried out in the last month or so, it was found that as vehicles turn at the roundabout outside of the premise at night, their lights directly into the main living area. The slope of the block negates the barrier effect of the original fence....*

*I consulted with the builder and it was decided to vary the fence by raising the solid brick wall to a height of 1.3 metres with a capping instead of open wrought iron fence to alleviate the problem of lights and subsequent noise from vehicles. We simply replaced the wrought iron with solid limestone. This has completely eliminated the problem caused by vehicle traffic and lights....*

*In addition, I have measured a number of similar fences in the area all of which are higher than the current fence that I have constructed.....*

*Unfortunately, the problem with traffic noise and lights did not become evident until we constructed the first phase of the fence, otherwise I would not have varied from the original plan.....*

*Without variation, quite frankly, the living area at night would be untenable. The fence is very similar to others as it now stands and is not out of keeping with the general street scape. In fact I have had many compliments and approaches from neighbours and the builder is citing the fence to other customers as an example of his work."*

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

The current application was not advertised for comment, although the applicant has also provided the Town with a copy of a submission signed by 38 residents of the area stating;

*"I/We the undersigned believe that the fence constructed at 99 Flinders Street, Mt Hawthorn improves the streetscape and in no way affects of the area.*

*As local residents we have no complaint as to the dimensions or to the building materials used and urge the council to remove its request to modify the existing construction."*

#### **COMMENTS:**

The applicants concerns relating to headlight glare into living areas are noted. The Residential Design Codes (R Codes) suggest variations to the acceptable development criteria may be allowed when there is the need to provide protection from noise and headlight glare where roads are designated as Primary or District Distributors or Integrator Arterials or where there is need to provide screening where there is no alternative outdoor living area to the front setback. The subject land does not meet any of these performance criteria to warrant support for the variation.

The fence is not considered to meet the objectives of the Streetscape requirements of the R-Codes. The fence is not considered to contribute towards an attractive streetscape and does not contribute towards security for occupants and passersby. The wall is a solid structure, which does not promote interaction and passive overlooking of the street nor into the property.

The fence erected is considered to be in contravention of the previous Planning Approval and Building Licence and it is recommended that the application be refused and the applicant instructed to modify the fence to comply with the Planning Approval and Building Licence, or remove the structure within 14 days.

The proposed verandah structure does not comply with the setback requirements of the R Codes where the verandah is attached to the fence and has a zero setback to Woodstock Street. In combination with the fence, the verandah structure is considered to be of significant bulk and scale and have a detrimental impact on the amenity and streetscape of the area. The applicant is advised that the Town may consider supporting the proposed verandah, subject to the verandah being setback from the Woodstock Street property boundary and not being attached to the fence.

Accordingly, it is recommended that the application be refused.

Mayor Catania announced that Crs Franchina and Hall had declared a proximity interest in Item 10.1.25. Crs Franchina and Hall departed the Chamber at 9.42pm and did not speak or vote on the matter.

**10.1.25 Progress Report - Parking Initiatives/Strategies throughout the Town of Vincent**

<b>Ward:</b>	Both	<b>Date:</b>	11 November 2002
<b>Precinct:</b>	All	<b>File Ref:</b>	PLA0084; PKG0044
<b>Reporting Officer(s):</b>	R Lotznicher, J MacLean, A Munyard, Y Scheidegger		
<b>Checked/Endorsed by:</b>	D. Abel, R Boardman		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) receives the Progress Report on Parking Initiatives/Strategies throughout the Town;*
- (ii) lists appropriate funds for consideration in the 2003/2004 Draft Budget to further implement the recommendations of the adopted Car Parking Strategy as outlined in Appendix 10.1.25(a) and summary of recommendations in Appendix 10.1.25(b);*
- (iii) proceeds with the installation of paid parking in Pier Street, between Brewer Street and Brisbane Street, the north side of Brewer Street, between Lord Street and Pier Street, the angled parking area in Stirling Street, between Parry and Brisbane Streets and the south side of Richmond Street, between Loftus Street and Oxford Street, subject to all the statutory requirements been complied with and the appropriate community consultation being carried out;*
- (iv) funds the works as outlined in clause (iii) above, from the 2002/2003 Ticket Machines allocation and should the allocated funding not be sufficient, stages the implementation works over two(2) financial years and lists additional funds for consideration in the 2003/2004 Draft Budget;*
- (v) as part of the proposal outlined in clause (iii) above, determines the appropriate parking restrictions to be applied to the various adjoining streets, as outlined in the report and indicated on Plan No. 2128-PP-1, which may be affected by the introduction of paid parking and consults with the affected residents;*
- (vi) receives a further report prior to the implementation of the proposals as outlined in clauses (iii) and (iv) once the investigations have been completed and the community has been consulted;*
- (vii) holds a public meeting in February 2003 with residents and businesses in and around the Beaufort Shopping Precinct to determine the most suitable parking restrictions for Beaufort Street, adjoining streets and proposals for the Barlee Street carpark;*

- (viii) *continues to investigate and implement the most effective parking restrictions for the streets identified in the report which currently have no restrictions and are either under investigation, as outlined in Plan No. 2128-PP-1, or will require investigation in the future due to changing circumstances in the Town (refer Plan No. 2127-PP-1);*
- (ix) *lists appropriate funding, to be determined, for consideration in the 2003/2004 Draft Budget to progressively introduce paid parking in the streets and carparks as outlined in the report and outlined on Plan No. 2129-PP-1 and as identified in the adopted Car Parking Strategy;*
- (x) *retains the current multi-skilled workforce in Law and Order Services and does not separate the functions of "Parking Ranger" and "General Ranger";*
- (xi) **APPROVES BY A SPECIAL MAJORITY** *the First Schedule of the Town of Vincent Local Law Relating to Parking Facilities to be amended to include the west side of Pier Street, the north side of Brewer Street, the south side of Richmond Street and the median angled parking area in Stirling Street as a Ticket Machine Zones, 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 17 December 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 "East side of Pier Street";*
- (b) *by inserting in column 2 "Between Brewer Street and Brisbane Street";*
- (c) *by inserting in column 3 "8.00 am to 8.00pm Mon – Fri and 8am to 12 noon Sat";*
- (d) *by inserting in column 1 "North Side of Brewer Street";*
- (e) *by inserting in column 2 "Between Lord Street and Pier Street";*
- (f) *by inserting in column 3 "8.00 am to 8.00pm Mon – Fri and 8am to 12 noon Sat";*
- (g) *by inserting in column 1 "median parking area of Stirling Street";*
- (h) *by inserting in column 2 "Between Parry Street and Brisbane Street";*
- (i) *by inserting in column 3 "8.00 am to 8.00pm Mon – Fri and 8am to 12 noon Sat";*
- (j) *by inserting in column 1 "South side of Richmond Street";*
- (k) *by inserting in column 2 "Between Loftus Street and Oxford Street";*
- (l) *by inserting in column 3 "8.00 am to 8.00pm Mon – Fri and 8am to 12 noon Sat"; and*

- (xii) *the Chief Executive Officer, after the expiry of the statutory consultation period, again reports to the Council listing any comments from the public and providing any further recommendations considered appropriate.*

**Moved Cr Ker, Seconded Cr Chester.**

*That the recommendation be adopted.*

*Debate ensued.*

**Moved Cr Ker, Seconded Cr Doran-Wu.**

*That clause (x) be amended, and the words "pending the outcome of the Independent Organisational Review" be added following the words "General Ranger", as follows.*

- "(x) *retains the current multi-skilled workforce in Law and Order Services and does not separate the functions of "Parking Ranger" and "General Ranger" pending the outcome of the Independent Organisational Review;"*

*Debate ensued.*

**AMENDMENT CARRIED (7-0)**

(Crs Franchina and Hall were absent from the Chamber and did not vote.)

**CLAUSES (iii), (iv), (vi), (xi), (xii) LOST 4-3**  
**(AN ABSOLUTE MAJORITY WAS NOT ACHIEVED)**

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

(Crs Franchina and Hall were absent from the Chamber and did not vote.)

**CLAUSES (i), (ii), (v), (vii), (viii), (ix), (x) CARRIED 4-3**  
**(Clauses renumbered accordingly)**

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

(Crs Franchina and Hall were absent from the Chamber and did not vote.)

**COUNCIL DECISION ITEM 10.1.25**

*That the Council;*

- (i) *receives the Progress Report on Parking Initiatives/Strategies throughout the Town;*
- (ii) *lists appropriate funds for consideration in the 2003/2004 Draft Budget to further implement the recommendations of the adopted Car Parking Strategy as outlined in Appendix 10.1.25(a) and summary of recommendations in Appendix 10.1.25(b);*

- (iii) *as part of the proposal outlined in clause (iii) above, determines the appropriate parking restrictions to be applied to the various adjoining streets, as outlined in the report and indicated on Plan No. 2128-PP-1, which may be affected by the introduction of paid parking and consults with the affected residents;*
- (iv) *holds a public meeting in February 2003 with residents and businesses in and around the Beaufort Shopping Precinct to determine the most suitable parking restrictions for Beaufort Street, adjoining streets and proposals for the Barlee Street carpark;*
- (v) *continues to investigate and implement the most effective parking restrictions for the streets identified in the report which currently have no restrictions and are either under investigation, as outlined in Plan No. 2128-PP-1, or will require investigation in the future due to changing circumstances in the Town (refer Plan No. 2127-PP-1);*
- (vi) *lists appropriate funding, to be determined, for consideration in the 2003/2004 Draft Budget to progressively introduce paid parking in the streets and carparks as outlined in the report and outlined on Plan No. 2129-PP-1 and as identified in the adopted Car Parking Strategy; and*
- (vii) *retains the current multi-skilled workforce in Law and Order Services and does not separate the functions of "Parking Ranger" and "General Ranger" pending the outcome of the Independent Organisation Review;*

**BACKGROUND:**

At the Ordinary Meeting of Council held on 10 September 2002, the following resolution was adopted:

*"That the Council authorises the Chief Executive Officer to;*

- (i) *identify those localities in the Town where unrestricted parking is currently available at no cost and impinges upon the parking availability and amenity of the Town's residents/businesses;*
- (ii) *investigate the most effective parking restrictions for the localities identified in clause (i) above, including, but not limited to, hourly restrictions, residential only parking or the introduction of street ticketing machines;*
- (iii) *investigate the cost effectiveness of;*
  - (a) *employing additional staff; or*
  - (b) *employing staff whose specific role is parking inspection, Monday to Friday inclusive, to implement clause (ii) above; and*
- (vi) *provide a report to Council at the earliest possible convenience, or no later than December 2002."*

**DETAILS:**

At the Ordinary Meeting of Council held on 12 February 2002, the Council passed the following resolution in adopting the Town of Vincent Car Parking Strategy:

*"That the Council;*

- (i) receives the Town of Vincent Car Parking Strategy dated January 2002 as 'Laid on the Table', which has regard to the written submissions received during the advertising period as detailed in Appendix 10.1.11; and*
- (ii) adopts the Town of Vincent Car Parking Strategy dated January 2002 as 'Laid on the table....."*

The changes suggested by the Council at the meeting were incorporated in the final Strategy, which is laid on the table.

The adopted Car Parking Strategy was widely acclaimed by the community and other stakeholders as 'an excellent Strategy' and 'one of the best Strategies produced by the Town'. These accolades were also endorsed by many of the Elected Members when they considered and adopted the Strategy. The Town has been most keen to have this Strategy not "shelved", but rather implemented so that its benefits can be achieved.

In light of the above, the Town's officers included funds of \$40,000 in the 2002/2003 Draft Budget for implementation of year 1 of the 10 years implementation plan of the Car Parking Strategy, as detailed in Appendix 10.1.25(a) and (b). However the Council did NOT include any funds in the 2002/2003 Budget for the formal implementation of the Strategy.

The following clauses from the Council's resolution of its Ordinary Meeting held on 10 September 2002 have been addressed individually and have been referanced, wherever possible, to the Council's adopted Car Parking Strategy.

***Identify those localities in the Town where unrestricted parking is currently available at no cost and impinges upon the parking availability and amenity of the Town's residents/businesses.***

**Adopted Car Parking Strategy:**

Part 6 of the Strategy deals with current parking restrictions, time limits, implementation of parking fees, enforcement, residential permits, and signage. The adopted recommendations ensure that the provision of parking restrictions is fair, equitable and well managed.

Part 6.5 of the Strategy recommends the following implementation plan:

*The parking survey identified a number of streets where on-street car spaces are consistently in demand. These are generally the streets in and around the District Centres. The following table (Table 6.2) represents a programme for the implementation of restrictions in the Town for the period between 2002 - 2008 within the four district centres. The table also includes the modifications in time restrictions recommended in the Public Car Park Feasibility Study prepared by BSD Consultants for the Town in 1996. It should be reiterated that the implementation of these restrictions should be done only after further consultation with residents of affected streets.*(Refer Appendix 10.1.25(a) attached)

The Adopted Strategy has outlined a long term implementation program (2002-2010) however, as previously mentioned no funds are available in the 2002/2003 Budget for this implementation program.

However, the Town has commenced the implementation of some measures listed for 2002/2003 in the Adopted Strategy that can be accommodated in the current parking budget.

The great majority of measures listed for 2002/2003, in the Adopted Strategy, are adjacent to the Beaufort Street Strip and will be subject to new or amended restrictions once the consultation process has been completed and the results assessed.

In some instances, changed circumstances and/or the input of affected ratepayers have necessitated variations to the Strategy's recommendations. Such is the case where new developments or proposed developments have not been taken into account at the time of the Study. The redevelopment of the Leederville Oval is an example which has generated a new set of criteria to be considered with regard to parking management.

**Record of Restricted /Unrestricted on road parking: (refer Plan No. 2127-PP-1)**

The Town's Technical Services Section keeps an updated graphical record of all parking restrictions throughout the Town.

**Current process to implement Restricted Parking:**

Notwithstanding the recommendations of the Car Parking Strategy, restrictions continue to be implemented at locations where residents report a persistent parking problem. In accordance with the Town's commitment to consultation, all potentially affected residents and business proprietors are canvassed prior to any changes being made.

The Town's officers at times find a degree of dissent amongst those affected regarding the validity of complaints and the desirability of introducing restrictions.

The majority of the complaints received are with regard to regular all day parking, presumably by employees and commuters.

**Current unrestricted parking which may impinge upon the parking availability and amenity of the Town's residents/businesses:**

As previously mentioned as an updated graphical record of all parking restrictions throughout the Town is kept therefore, there is no difficulty in identifying areas where free all-day parking is currently available. However, it is impossible to determine which vehicles belong to City workers and which vehicles belong to the Town's workers, visitors, shoppers etc.

Although it is acknowledged that this parking activity (City Workers) does take place in some streets, it is by no means wide spread throughout the Town. Each problem reported is assessed and actioned individually according to its unique circumstances, and the best outcome is usually achieved for the majority of affected residents and businesses.

The existing parking restrictions in the Town have been implemented on a balanced needs basis and have only been introduced in streets where it can be shown advantages to one section of the community do not result in an insurmountable disadvantage to others.

Streets currently under investigation where complaints have been received in the past 6 months include Bourke Street, Glendower Street, Knebworth Street, Palmerston Street, Raglan Road (just west of Fitzgerald Street) and those in the vicinity of the Beaufort Street Strip. These are highlighted on the attached Plan No. 2128-PP-1.

**Businesses Staff Parking:**

The Town comprises a large number of commercial businesses with many employees. It is considered the creation of "blanket" parking restrictions, would create a situation where there would be nowhere for these employees to park and it would be unreasonable and impractical for employers to provide staff parking for their employees.

Before additional restricted street parking is implemented other alternatives should be investigated such as additional off street parking facilities. For example, the existing car parks in Leederville are increasingly being used to capacity. Currently there is a demand for more parking spaces in the Frame Court Car Park than there are spaces available and the overflow is filling The Avenue Car Park. The proposed reconfiguration of The Avenue Car Park and the proposed future public car parking bays within the Leederville Oval should assist in the short to median term, however in the long term these may also become congested.

A large number of vehicles currently make use of the unrestricted streets in Vincent for parking and their drivers currently walk to their workplaces.

Comments / Conclusions

Currently very few complaints are received from residents regarding on road parking restrictions. The streets where current complaints have been received have been outlined and consultation is either in progress or is about to commence.

In addition, as previously mentioned, Part 6 of the adopted Car Parking Strategy outlines a long term program (2002-2010) to implement/change current restrictions both on street and in car parks however as previously mentioned no funds have been allocated in the 2002/2003 Budget for year 1 of this implementation program.

It is considered that should localities in the Town where current unrestricted parking, at no cost, were to be become restricted, unless alternative parking facilities were provided or unrestricted paid parking were implemented, the majority of vehicles belonging to workers in the Town's businesses could not be accommodated and, ultimately, this would have a negative impact on the Town.

*Investigate the most effective parking restrictions for the localities identified above, including, but not limited to, hourly restrictions, residential only parking or the introduction of street ticketing machines.*

**Adopted Car Parking Strategy:**

As previously mentioned Part 6 of the Strategy deals with current parking restrictions, time limits, implementation of parking fees, enforcement, residential permits, and signage. The adopted recommendations ensure that the provision of parking restrictions is fair, equitable and well managed.

Table 6.2 (attached as Appendix 10.1.25(b)) outlines recommendations and implementation time table:

*Part 6.1, of the adopted Strategy, deals with Charges and Time Limits;  
Part 6.2, of the adopted Strategy, deals with Implementing Paid Parking;  
Part 6.4, of the adopted Strategy, deals with Residential Parking Permits & Parking Zones.*

**Introducing Effective Parking Restrictions:**

As previously mentioned, the adopted Car Parking Strategy (Part 6) outlines a long term program to implement appropriate restrictions in the roads identified.

When new locations are identified as being problematic in regard to parking, the current practice is for each street to be considered in conjunction with other surrounding streets and residential/commercial activity so that effective remedial measures can be implemented.

Restrictions, if implemented, must reflect the best interests of all residents, businesses and their visitors and clients. Unfortunately, there are occasions when the most desirable solution for one group can have a very negative impact on another. Each location requires careful evaluation prior to changes being introduced.

It is therefore considered impractical to recommend a "blanket" time-restriction for an area, since some streets may suit short-term time restrictions, others a longer term time restrictions, while some streets would be better left unrestricted.

In addition, businesses would almost certainly complain as their staff and customers would be inconvenienced. There may also be disquiet as residents and ratepayers would need to apply for Residential and Visitor Parking Permits.

Also, while residents are generally home in the evenings, many drive to their work places, which results in a much reduced demand for residential parking spaces during the day and therefore the business-use of the available bays would not inconvenience residents.

**Introduction of Paid Parking:** *(refer also further section in the report)*

This is dealt with in detail in Part 6 of the adopted Car Parking Strategy and further in the report where the Council resolution from the Ordinary Meeting held on 23 September 2002 is discussed. An extract from Part 6.3 of the Strategy is as follows:

*"It is considered appropriate that additional funds obtained from the increased restrictions and enforcement of parking be used in part to improve alternative transport modes, such as cycleways, footpaths and bus stops, and ultimately to implement a local area transit system, similar to the CAT system in the city. It is fitting that the Town utilise moneys raised from parking revenue to encourage people to consider using another form of transport.*

*To specify this fund in a Strategy would ensure that the Town's community is aware that the implementation of ticket machines is not necessarily a 'revenue raiser' for the Town, but an advantage to the entire community by forming the basis for improved alternative transport modes. Also, paid parking is more effective in regularly freeing up the more utilised spaces. By promoting the perceived 'benefits' of paid parking, the community is less likely to object."*

Comment

As previously mentioned, Part 6 of the adopted Car Parking Strategy outlines a long term program (2002-2010) to implement restrictions, time limits, parking fees and residential permits. The adopted recommendations ensure that the provision of parking restrictions is fair, equitable and well managed. However, as previously mentioned no funds have been allocated in the 2002/2003 Budget for year 1 of this implementation program.

Although exemptions from restrictions are available to residents and their visitors, many consider it inconvenient to ensure that their visitors are provided with, and display, Permits each time they park, and this would outweigh any advantage in having the parking restrictions. Residents are only eligible for a maximum of two Permits if no on site parking is available on their property. A maximum of two Visitor's Permits is currently issued to residents, and therefore restrictions must inevitably cause occasional inconvenience.

***Investigate the cost effectiveness of employing additional (Enforcement) staff***

**Adopted Car Parking strategy:**

Part 6.3 of the Strategy deals with enforcement. An extract from the Strategy is as follows:

*"The funds collected from the installation of ticket machines, and subsequent additional fines, could be used to employ an additional ranger for the short term, to further enforce the restrictions. The ranger should, preferably, be employed as a dedicated parking enforcement officer, in order to concentrate primarily on parking related offences."*

**Additional Rangers**

It is difficult to assess the optimum number of Rangers, needed to obtain the most benefit to the Town's residents, ratepayers, businesses and visitors. The current complement of a Senior Ranger and eight (8) Rangers was decided upon, after taking into account the times when parking, dog and other complaints indicated a need for staff to be on duty. This number of Rangers ensures that every street in the Town is monitored on a regular basis for parking, animal, litter and other offences and, since the introduction of "Zones of Responsibility" a few months ago has operated extremely well.

There is no doubt that the employment of one or two additional Rangers would result in increased revenue to the Town and would ensure that some streets are policed on a more regular basis. However, it is considered unlikely for there to be any reduction in the number of complaints received, since the expectations of the residents would also increase in proportion to the number of staff available.

***Investigate the cost effectiveness of employing additional (Enforcement) staff whose specific role is parking inspection, Monday to Friday inclusive.***

**Current Enforcement arrangements:**

The Town currently employs 8 Rangers and all spend approximately 75% of their time on parking enforcement. To retain the same number of staff and to split their functions, such that a similar time would be devoted to parking or to "other areas of jurisdiction", would result in 2 Rangers dealing with all non-parking matters and 6 dealing with solely parking matters. It would not be possible to provide personnel for animal control duties at night and, since both would require at least some Saturdays and Sundays off each month, would result in only 1 Ranger being available at weekends.

Currently, the Town has been broken up into zones and Rangers are currently assigned a zone for a week at a time. The Rangers have been directed to assess the situation in their allocated zone on a daily basis, to make the most efficient use of their time. Currently, Monday, Tuesday and Wednesday mornings do not result in many parking infringement notices being issued, where Thursdays and Fridays result in numerous notices.

Rangers are aware of parking and other problems in each of these zones and patrol the streets in the most effective way.

**Rangers verses Parking Inspectors:**

The issue of Rangers vs Parking Inspectors has been discussed on a number of occasions and, while it would not be difficult to implement, it is considered that whatever system is decided upon, unless the personnel are multi-skilled, the service to the ratepayers will decline.

By having a multi-skilled Section who deal with everything which occurs, the community can expect Ranger attention fairly quickly, but if the functions are split, while complainants could expect a rapid response to parking matters, response-times to other complaints could be very long.

Rangers use their knowledge of the areas to decide whether they should enforce parking, dogs, litter or other sections of their responsibility, on a daily basis.

Unless staff numbers were increased, it would clearly be a retrograde step to create the situation where fewer Rangers were available to deal with the various complaints that are received daily.

Comment

It is considered the introduction of dedicated Parking Inspectors could result in slightly more parking revenue to the Town, however this is likely to be at the expense of enforcement in other areas, such as litter control, display of signs, rubbish in rights of way etc.

It is therefore considered that to maintain a similar service to that which is currently being provided, would require the Town to employ a minimum of four (4) additional Ranger staff - this would ensure that 4 Rangers (dealing with animal, litter and general enforcement) could be rostered to provide adequate daily coverage from 7.00am to 7.00pm and eight (8) Parking Rangers can be rostered on duty during the current hours of operation.

**Paid Parking :Ordinary Meeting of the Council, held on 23 September 2002**

At the Ordinary Meeting of Council, held on 23 September 2002, the following resolution was adopted regarding the introduction of Paid Parking in the Town:

*"That the Council;*

- (i) introduces a policy which implements paid parking in all future parking facilities created in the Town, including the proposed Richmond Street Angle parking;*
- (ii) implements paid parking in Pier Street, between Brewer Street and Brisbane Street, the north side of Brewer Street, between Lord Street and Pier Street and in the angle parking in Stirling Street, between Parry and Brisbane Streets; and*
- (iii) requests the Chief Executive Officer to prepare a report, including detailing the necessary Local Law amendment."*

Officers of the Town have considered the implications of this resolution and report as follows:

***Introduces a policy which implements paid parking in all future parking facilities created in the Town, including the proposed Richmond Street Angle parking:***

It should be noted that this has been interpreted to mean that in all future parking facilities, where angled parking bays, or large numbers of bays are introduced, parking ticket machines should also be introduced.

The development of embayed on road parking is an expensive exercise and, while it would usually only be undertaken to increase the available facilities, or to rationalise the existing restrictions, in the principle of "User Pays", a parking fee would provide a return on the initial expenditure.

There are a number of areas of the Town, where it would be appropriate to introduce paid parking and these have been recommended to the Council for a number of years at Budget preparation time. The areas are outlined below:

Oxford Street, between Leederville Parade and Vincent Street, Leederville

Ticket issuing machines on the east side of Oxford Street, close to Leederville Parade, have been met with general approval and the bays are regularly filled with vehicles. The hourly and daily rates are currently the same as those for The Avenue and Frame Court Car Parks, although it may be appropriate to increase the cost slightly, to encourage drivers to leave the kerbside bays free for use by casual parkers.

Oxford Street Car Park, between Oxford Street and Faraday Street, Mount Hawthorn

Currently, this car park is almost exclusively used by taxi drivers who collect their cab from Midway Taxis, in Oxford Street, Mount Hawthorn. Because of their shift commencement and finish times, they arrive at the car park when the car park is empty. The car park is completely filled from about 6.00am to 8.00pm each day and, because there is no time limit on parking they can remain there for as long as they require. The introduction of parking fees may encourage the taxi drivers to seek alternative facilities and this will make some bays available to casual parkers.

Oxford Street, between Anzac Road and Scarborough Beach Road, Mount Hawthorn

In conjunction with the introduction of ticket issuing machines in Oxford Street Car Park, it would be appropriate to also time-restrict the kerbside facilities in Oxford Street. Although unconfirmed, it has been reported that a few of the taxi drivers, who are unable to park in Oxford Street Car Park, leave their keys with Midway Taxis and a staff member moves the vehicles every 2 hours during the day. This defeats the parking restrictions in Oxford Street and the introduction of paid parking would mean that the taxi-drivers could not continue to do this.

Stuart Street, between Fitzgerald Street and Palmerston Street, Perth

In February 2002, after a number of complaints received from businesses, the Town introduced three-hour parking time restrictions in Stuart Street, Perth. Because this restriction created an inconvenient situation for staff of Mayne Logistics (Armaguard Division), a petition was received by the Town, seeking consideration for concessions to be given to them. Under the Town's Parking Facilities Local Law, there is no provision for the issue of parking permits to staff and it was therefore decided that the Town was unable to assist.

However, if parking ticket issuing machines were introduced in Stuart Street, full-time staff would then have a facility to purchase a pre-paid monthly parking permit, which would reduce the daily cost, substantially. The Armaguard staff have indicated that paid parking would be infinitely preferable to the current situation where, because there is no long-term parking facilities close to their place of employment, they regularly receive \$30.00 parking fines.

Fitzgerald Street, between Grosvenor Road and Angove Street, Wasley Street Car Park and View Street Car Park, North Perth

For some time, local businesses have complained that there is insufficient parking facilities, in the area around North Perth Plaza Shopping Centre, to accommodate all-day parking by their staff, while continuing to provide short-term facilities for customers. The recent introduction of a three-hour (3P) parking time restrictions in Wasley Street Car Park and the re-configuration of View Street Car Park has resulted in a number of complaints from staff of local businesses, about the inability to find long-term parking spaces.

Richmond Street, between Oxford Street and Loftus Street, Leederville

This location was recently upgraded, at a substantial cost, to increase the number of available parking bays from 43 to approximately 120. In the initial reports to the Council, it was recommended that ticket machines be introduced to control all-day parking in this unrestricted parking zone, but this has not yet been approved. The students from Leederville TAFE regularly complain that they are unable to find long-term parking bays nearby, since a substantial number of the free all-day parking bays are taken up by staff from Leederville businesses, before their classes commence. They have written to the Town on a number of occasions and have sent two (2) petitions to Elected Members, seeking support in resolving the situation. It would be possible for the Town to provide concessional pre-paid monthly parking permits to students at a reduced rate, while maintaining an hourly or daily parking fee, similar to that currently provided in Oxford Street near the intersection with Leederville Parade, for all other users.

A policy that automatically introduces paid parking in the various streets, as they are upgraded, will mean that the process to amend the Local Law can be commenced at the same time as the original approval is given for the road work. This will provide added efficiencies and will streamline the process.

***Implements paid parking in Pier Street, between Brewer Street and Brisbane Street, the north side of Brewer Street, between Lord Street and Pier Street in the angle parking in Stirling Street, between Parry and Brisbane Streets and the south side of Richmond Street, between Loftus Street and Oxford Street:***

***Pier Street, Brewer Street and Stirling Street Area***

As has been communicated on a number of occasions, the introduction of ticket issuing machines to Pier Street, Brewer Street and Stirling Street can be implemented without any major difficulties. It is considered appropriate to set the parking fees at the same level as that currently being charged in Brisbane Street Car Park - 60 cents per hour to a maximum of \$3.30 per full day (8.00am to 8.00pm). This would also enable the Town to sell monthly pre-paid parking permits, at a monthly cost of \$33.00, to people who park every day.

However, it is suggested that vehicles will be unlikely to make regular use of Pier Street or Brewer Street, when the streets north of Bulwer Street remain unrestricted. To introduce parking time restrictions in Stirling, Smith and Wright Streets, north of Bulwer Street, will almost certainly be met with opposition, because of the resultant inconvenience generated by the need to apply for Residential/Visitor's Parking Permits and the need to remember to give them to guests. This opposition from residents may reduce when the vehicles parking in these streets, cause congestion and obstructions, but this is likely to be some time after the introduction of ticket issuing machines.

### ***Leederville Area***

As has previously been reported to the Council, the reconfiguration of the parking bays on the south side of Richmond Street, Leederville, has resulted in a substantial increase in available parking bays. The full-time students from Leederville TAFE need somewhere to park, while they attend lectures from around 9.00am till around 4.30pm, each day and Richmond Street, being immediately outside the doors to the TAFE, would be an ideal place. However, if these parking bays are left with restrictions, the result is likely to be that staff from businesses in Leederville will monopolise the bays, from early each morning, in preference to paying to park in Frame Court or The Avenue Car Parks. This will result in students still having nowhere to park to attend lectures.

It has been suggested on a number of occasions that the introduction of paid parking will make parking in Richmond Street less attractive to local staff and would provide a facility for the Town to enable a much-reduced, concessional parking fee to be offered to full-time students.

### **CONSULTATION/ADVERTISING:**

There was extensive public consultation undertaken prior to the Town's Car Parking Strategy being compiled and adopted.

Appropriate consultation will be necessary for the majority of the above recommendations and will occur as a matter of course. There is a statutory requirement for the Town to advertise any amendments to the Local Laws, for a period of not less than 6 weeks and for the Council to consider any suggestions, comments or recommendations made in response.

### **LEGAL/POLICY:**

There are no adverse legal implications associated with the above recommendations and, should the proposed parking restrictions be approved, Rangers would deal with offences in the same way as they do throughout the Town.

### **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 to address car parking issues for residential, commercial and shopping precincts and other public areas. The above proposals would be in keeping with this strategy.

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

It would be necessary for a report, detailing likely costs, associated with the Council's approval of all or some of the above recommendations, to be submitted at a later date.

### **COMMENTS:**

As outlined in the report, the adopted Car Parking Strategy was widely acclaimed by the community and other stakeholders as 'an excellent Strategy' and 'one of the best Strategies produced by the Town'. These accolades were also endorsed by many of the Elected Members when they considered and adopted the Strategy. The Town has been keen not to have this Strategy "shelved", but rather implemented so that the outcomes and benefits can be achieved.

In light of the above, the Town's officers included funds of \$40,000 in the 2002/2003 Draft Budget for implementation of year 1 of the 10 years Car Parking Strategy implementation however, the Council did NOT include any funds in the 2002/2003 Budget for the formal implementation of the Strategy.

It is considered most of the actions/proposals/requests contained in the previous resolutions of Council discussed in this report are closely aligned with the recommendations as contained in the adopted Car Parking Strategy. This report therefore has referenced relevant issues wherever possible to the adopted Car Parking Strategy and added to and also expanded on matters addressed in the Strategy.

It is recommended that the Law and Order Services not be divided into a "Parking" Section and "Other" Section, because of the resultant inefficiencies and the costs associated with the employment of additional staff. The current structure of the Section ensures that any Ranger can be asked to respond to a complaint from the public, irrespective of whether it is one of a parking, litter, animal or other nature. It also promotes the image that, if a member of the public approaches a Ranger in the street, the Officer will be able to deal with the complaint at that time, rather than having to pass the complaint on to another Ranger for action.

The Officers Recommendation therefore has been structured to create a conduit for implementation, further investigation, community consultation, development of future initiatives and provides for further reports to the Council.

Crs Franchina and Hall returned to the Chamber at 9.45pm. Mayor Catania advised that Item 10.1.25, clauses (i), (ii), (v), (vii), (viii), (ix) and (x) of the Officer's Recommendation were carried (4-3), and clauses (iii), (iv), (vi), (xi) and (xii) of the Officer's Recommendation were lost (4-3), an absolute majority was not achieved.

**10.3.3 Beatty Park Leisure Centre - Purchase of Additional Equipment as Part of the Improved Safety and Emergency Initiatives**

<b>Ward:</b>		<b>Date:</b>	28 November 2002
<b>Precinct:</b>		<b>File Ref:</b>	CMS0001
<b>Reporting Officer(s):</b>	Deb Vanallen		
<b>Checked/Endorsed by:</b>	M Rootsey, J Giorgi		
<b>Amended by:</b>			

**OFFICER RECOMMENDATION:**

*That Council APPROVE BY ABSOLUTE MAJORITY the purchase of a defibrillation unit at a cost of \$6,330, install an emergency evacuation controller to the Centre wide public address system at a cost of \$1,280 and purchase a purpose built mobile viewing platform for lifeguards at a cost of \$4,350 as part of the Centre's improved safety and emergency initiatives, to be funded from the Beatty Park Leisure Centre Reserve fund.*

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**COUNCIL DECISION ITEM 10.3.3**

**Moved Cr Piper, Seconded Cr Cohen.**

*That the recommendation be adopted.*

**CARRIED BY AN ABSOLUTE MAJORITY(9-0)**

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**BACKGROUND:**

Following the two incidents that occurred at Beatty Park Leisure Centre in early 2002, a formal review of safety and operational procedures has been conducted by the Chief Executive Officer, Executive Manager Corporate Services, Centre Manager and Assistant Services Manager – Aquatic and Operations. The review revealed that the Centre followed procedures, has good systems in place, together with the appropriate supervision and staffing levels. The manual resuscitation efforts by the aquatic staff were conducted according to their training procedures.

**DETAILS:**

As part of the review and investigation process, staff have liaised closely with the Coroners Office, the Royal Life Saving Society and St John's Ambulance. It has been recommended that the Centre could further improve the level of safety and emergency support offered to patrons by having the following equipment:- a semi automatic defibrillation unit available on site, installing an 'emergency evacuation controller' to the Centre's public address system and obtaining a mobile viewing platform for visibility into both outdoor pools (particularly the dive pool).

**Defibrillation Unit**

This defibrillation unit would be available as a 'first responder' for emergencies where resuscitation is required. The chance of resuscitation is improved dramatically with this technology and ensures continuous monitoring until ambulance assistance arrives at the Centre. Key staff will be given training in the operation of the unit by St John's Ambulance.

**Emergency Evacuation Controller**

The installation of the emergency evacuation controller to the Centre wide public address system will allow the staff to sound a low pitched tone throughout the facility reinforcing calls for an evacuation. This method is often used to reinforce the need for action, yet is designed to avoid panic.

**Lifeguard Viewing Platform**

The purpose built mobile viewing platform will improve visibility to both of the outdoor pools for the lifeguards supervising this area. This will replace the current lifeguard chair on the outdoor pool deck

**STRATEGIC IMPLICATIONS:**

*Strategic Plan 2000-2002:*

*Key Result Area 2.5 Consolidate Beatty Park as a premier leisure centre*

Beatty Park Leisure Centre's Mission refers to a commitment to providing members of the community with a safe, friendly and fun environment. The Vision statement calls for the Centre to be an innovative facility which offers a consistently high level of service to patrons in a friendly and professional manner.

**FINANCIAL/BUDGET IMPLICATIONS:**

The recommended defibrillation unit, PowerHeart AED, is valued at \$6,330. The installation of the emergency evacuation controller to the Centre wide public address system is at a cost of \$1,280. The purpose built viewing platform will cost \$4,350. These items are not included in the 2002/2003 budget as they were recommended as part of the formal review conducted following the incidents at the Leisure Centre in early 2002. The funds for these purchases will be drawn from Beatty Park Leisure Centre's Reserve Fund.

**COMMENT:**

The implementation of the semi automatic defibrillation unit together with the installation of an emergency evacuation controller to the Centre wide public address system and the mobile viewing platform will enhance the Beatty Park Leisure Centre's safety and emergency support program. The Chief Executive Officer strongly supports these safety initiatives.

Mayor Catania announced that he had declared a financial interest in this Item and departed the Chamber at 9.47pm and did not speak or vote on the matter, and Deputy Mayor, Cr Drewett assumed the Chair.

### 10.3.1 Investment Report

Ward:		Date:	02 December 2002
Precinct:		File Ref:	FIN0033
Reporting Officer(s):	C Liddelow		
Checked/Endorsed by:	M Rootsey		
Amended by:			

**OFFICER RECOMMENDATION:**

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

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**COUNCIL DECISION ITEM 10.3.1**

**Moved Cr Ker, Seconded Cr Chester.**

*That the recommendation be adopted.*

**CARRIED (8-0)**

**(Mayor Catania was absent from the Chamber and did not vote.)**

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**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 November 2002 were \$14,248,318 compared with \$14,244,078 at 31 October 2002. At 30 November 2001, \$12,648,063 was invested.

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

	Budget	Actual	%
	\$	\$	
Municipal	300,000	122,114	40.70
Reserve	355,100	131,510	37.03

**COMMENT:**

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

Mayor Catania returned to the Chamber at 9.49pm and resumed the Chair. He was advised that Item 10.3.1 was carried (8-0).

**10.1.24 Retail Traders Association of WA Draft Code of Practice for the Management of Abandoned Shopping Trolleys**

<b>Ward:</b>	Both Wards	<b>Date:</b>	11 December 2002
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	ENS0090
<b>Reporting Officer(s):</b>	J MacLean		
<b>Checked/Endorsed by:</b>	R Boardman		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *receives the "Draft Code of Practice for the Management of Abandoned Shopping Trolleys", proposed by the Retail Traders Association of WA; and*
- (ii) *DOES NOT become a signatory to the Draft Code of Practice for the Management of Abandoned Shopping Trolleys.*

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**COUNCIL DECISION ITEM 10.1.24**

**Moved Cr Chester, Seconded Cr Drewett**

*That the recommendation be adopted.*

**CARRIED (9-0)**

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**BACKGROUND:**

The Retail Traders Association of WA has apparently received a number of complaints from shopping centres that there is no consistent approach being used by Local Government, in dealing with shopping trolleys, which have been removed from shopping centres and abandoned in kerbside locations.

In an attempt to address this matter, the Retail Traders Association of WA invited the Western Australian Local Government Association (WALGA) to assist in creating a process, which would be the same, irrespective of where in Western Australia the problems occurred. Director of Policy for WALGA, attended a number meetings, where a Draft Code of Practice was developed. However, when it was presented to the State Council of WALGA, it was resolved that it would be in the best interests of Local Government to reject the Draft Code. Since the Local Government Act 1995 already has appropriate provisions to enable Local Governments to create Local Legislation and local procedures to deal with the problems and to impound abandoned "goods", where appropriate, it was considered unnecessary.

Because of this rejection by WALGA, the Retail Traders Association of WA then decided to seek individual agreement from the various Local Governments for them to abide by the Draft Code of Practice, in their respective areas.

**DETAILS:**

The proliferation of abandoned shopping trolleys have been a problem in the Town of Vincent since it first commenced operation, in 1995 and had been a problem for many years before that, under the City of Perth. The City of Perth introduced the *"By-law Relating to Removal and Disposal of Obstructing Animals or Vehicles"* and this was subsequently adopted by agreement, by the Town of Vincent.

When the Local Government Act 1995 was enacted, Subdivision 4 provided for the impounding of *"goods"* and it was therefore necessary to amend the local legislation to take this into account. During the Review of Local Laws process, the *"By-law Relating to Removal and Disposal of Obstructing Animals or Vehicles"* was repealed and the *"Town of Vincent Local Law Relating to the Removal and Disposal of Obstructing Animals or Shopping Trolleys"* was gazetted on 22 December 1998.

The Town's Law and Order Services developed procedures for dealing with abandoned shopping trolleys and these have been effective in ensuring that shopping centre management undertakes regular patrols to collect errant trolleys. This places the responsibility for ensuring that trolleys do not litter our streets for periods, longer than necessary, on the people who own them. A copy of this procedure is attached at Appendix 10.1.24 to this report.

Rangers enjoy a good working relationship with the various stores who use trolleys and with the contractors, engaged to collect shopping trolleys from streets surrounding the shopping centres. The procedure requires Rangers to make them aware when and where they see trolleys.

The Draft Code of Practice is very similar to the procedure already in place in the Town of Vincent and would operate in the same way, with similar results. However, unlike the current procedure, the Draft Code does not recognise the difference between a trolley in a place where it could be a danger to the public and one in any other place.

The Code also seems to shift some of the responsibility, on to Local Government, for ensuring the removal of the trolleys, rather than it being retained by the owners of these trolleys. It is believed that, if a store provides trolleys and allows its customers to remove them from the shopping centre, it should be incumbent on that store to look for and recover them. The store management should not expect Local Government to expend staff time and effort to do this for them.

By declining to formally support the Draft Code of Practice for the Management of Shopping Trolleys, the current procedures used by the Town's Rangers will remain unchanged. The existing process, which was developed by the Town of Vincent, in the best interests of the residents, ratepayers, businesses and visitors of the Town, will be maintained, irrespective of the Code. By rejecting the request, the Town will also retain the ability to amend its own procedures to meet any changing needs of the community, without the requirement for the change to be ratified by the Retail Traders Association of WA.

**CONSULTATION/ADVERTISING:**

There is no need to advertise the report.

**LEGAL/POLICY:**

The Town has existing legislation to deal with abandoned shopping trolleys and has an effective procedure already in place. The Local Government Act 1995 provides for the impoundment and retention of "goods", where a "contravention that can lead to impounding" (contravention of Local Legislation) takes place and there is no need for further legislation or agreements to be made.

**STRATEGIC IMPLICATIONS:**

Key Result Area 1.8, of the current Town of Vincent Strategic Plan 2000 - 2002, requires the Council to "Develop and implement a comprehensive strategy for law, order and public safety". The above recommendations would be in keeping with this objective.

**FINANCIAL/BUDGET IMPLICATIONS:**

There are no financial implications associated with this report.

**COMMENTS:**

The Retail Traders Association of WA has asked for the Town to formally agree to abide by a Draft Code of Practice for the Management of Abandoned Shopping Trolleys. However, since the Town of Vincent has an already effective procedure in place, which is very similar to the proposed Code of Practice, it is considered unnecessary to do so.

By declining to ratify the Draft Code of Practice, the Town retains its ability to meet any changes in the needs of the community, while continuing to co-operate with local shopping centres in the way that abandoned shopping trolleys are dealt with.

Mayor Catania announced that Chief Executive Officer, John Giorgi had declared a financial interest in Item 10.4.5. John Giorgi departed the Chamber at 9.50pm.

**10.4.5 Chief Executive Officer's Annual Performance Appraisal 2001-2002**

<b>Ward:</b>	-	<b>Date:</b>	11 December 2002
<b>Precinct:</b>		<b>File Ref:</b>	Personal
<b>Reporting Officer(s):</b>	Mayor Nick Catania and CEO, John Giorgi		
<b>Checked/Endorsed by:</b>	-		
<b>Amended by:</b>	-		

**RECOMMENDATION:**

*That the Council ENDORSES the report of the Mayor (and Committee of the Council) authorised to conduct the Chief Executive Officer's Performance Review 2001-2002.*

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**COUNCIL DECISION ITEM 10.4.5**

**Moved Cr Drewett, Seconded Cr Cohen.**

*That the recommendation be adopted.*

**CARRIED (9-0)**

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**BACKGROUND:**

The Chief Executive Officer's Performance Review 2001-2002 was conducted by a Committee of the Council comprising of Mayor Nick Catania and all Councillors.

The Chief Executive Officer submitted his performance review on 30 August 2002, to the Mayor, in accordance with his Contract of Employment Deed and this was circulated separately on a confidential basis to Elected Members.

On 13 September 2002, the Mayor forwarded a copy of the CEO Appraisal Report to all Councillors and also requested written comment. A follow-up memo was sent on 26 September 2002 to a number of Councillors.

The CEO Appraisal Committee met on 1 October, 5 November and 10 December 2002. The Chief Executive Officer was not requested to attend any of the meetings with the Appraisal Committee.

On 1 October 2002, the CEO Appraisal Committee met and a report was prepared. This was presented to the Chief Executive Officer for comment on 8 October 2002. The Chief Executive Officer replied on 14 October 2002.

On 5 November 2002, the CEO Appraisal Committee held a second meeting. An amended Committee report was subsequently forwarded to the Chief Executive Officer on 11 November 2002. The Chief Executive Officer replied on 21 November 2002.

Committee comments were made and returned to the Chief Executive Officer on 25 November 2002. The Chief Executive Officer made appropriate comments and returned these to the Mayor on 2 December 2002. These comments were forwarded to all Councillors.

A final CEO Appraisal Committee meeting was held on 10 December 2002 and a subsequent recommendation and minor changes were made to the Appraisal Committee's report. (These are underlined.) The Chief Executive Officer was advised by the Mayor of these changes on 11 December 2002. The Chief Executive Officer makes no further comment with respect to these minor changes.

### **APPRAISAL COMMITTEE REPORT:**

#### **1. Conclusions about the Officers' Performance during the Period of Review**

The Committee report to the Council is as follows;

The CEO Appraisal Committee made comments on the four main Performance Criteria specified in the Chief Executive Officers' Contract of Employment Deed. These are;

1. Organisational Management
2. Statutory Compliance
3. Human Resources
4. Relationships -
  - (a) Elected Members
  - (b) Others

The Committee is of the opinion that the CEO has performed in a satisfactory manner and meets the Contract of Employment criteria as detailed in the Confidential Appendix which has been circulated separately to Elected Members.

CEO's Comments:

*The CEO's comments have been included in the Confidential Appendix and no further comment is required.*

#### **2. Performance Criteria**

The Committee recommends that the Council not vary the performance criteria as a consequence of the performance review this year.

CEO's Comments:

*The CEO concurs with this recommendation.*

### 3. Directions or Recommendations

The Committee recommends that the following directions or recommendations be made;

- (i) That a better framework of the CEO Performance Appraisal Review be developed, in consultation with the Chief Executive Officer, focussing on overall management.

CEO's Comments:

*The time taken to conduct the CEO Appraisal (over three and a half months) is considered protracted. Advice from the Town's Industrial Service, (the Western Australian Local Government Association) considers 4-6 weeks a more acceptable timeframe.*

*The CEO Performance Appraisal Review is prescribed in the current Contract of Employment Deed. It can therefore be reviewed at the appropriate time.*

#### COMMUNITY CONSULTATION/ADVERTISING:

Not applicable.

#### FINANCIAL/BUDGET IMPLICATIONS:

Nil.

#### STRATEGIC IMPLICATIONS:

Nil.

#### LEGAL/POLICY IMPLICATIONS:

The Local Government Act 1995, Section 5.38 requires that "... *The performance of each employee who is employed for a term of more than one year including the CEO and each senior employee is to be reviewed at least once in relation to every year of employment*".

The CEO's Performance Review is specified in the Contract of Employment at Item 5.0 as follows;

***"5.0 Performance Review***

- 5.1 The Town shall give to the Officer at least 14 (fourteen) days' notice in writing that a performance review is to be conducted.***
- 5.2 Any performance review will be conducted on behalf of the Town by the Mayor and a Committee of the Council.***
- 5.3 A performance review conducted under this clause shall follow the following procedure:***

- (a) *as soon as practicable after receipt of notice, the Officer shall prepare a report assessing his own performance of the duties as Chief Executive Officer measured against the Position Description and the Performance Criteria;*
- (b) *the Officer will present his report to the Mayor and the Committee, as the case requires, and make Himself available for interview;*
- (c) *the Mayor shall prepare a report, in consultation with the Officer, to be signed by both the Mayor and the Officer;*
- (d) *the Committee shall submit the report, with an appropriate recommendation to the Council.*

**5.4** *The report referred to in clause 5.3(c) shall include:*

- (a) *any conclusions about the Officer's performance during the period the subject of the performance review;*
- (b) *any proposal to vary the Performance Criteria as a consequence of the performance review and any comments by the Officer contrary to those proposals;*
- (c) *any directions or recommendations made to the Officer in relation to his or her future performance of the duties as Chief Executive Officer; and*
- (d) *details of the extent, if any, to which the Officer disagrees with the statements in the report.*

**5.5** *A performance review shall not be conducted by the Town more often than once in every 12 months."*

**SIGNED:** .....  
**NICK CATANIA, JP**  
**MAYOR**

**SIGNED:** .....  
**JOHN GIORGI, JP**  
**CHIEF EXECUTIVE OFFICER**

<b>DATE:</b> .....	<b>DATE:</b> .....
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Chief Executive Officer, John Giorgi returned to the Chamber at 9.51pm. Mayor Catania advised that Item 10.4.5 was carried (9-0). Mayor Catania announced that Crs Drewett and Franchina had declared a proximity interest in Item 10.1.23 and they departed the Chamber at 9.51pm.

**10.1.23 Proposed Amendment No. 20 to the Town of Vincent Town Planning Scheme No. 1 - Proposed Rezoning of No. 16 (Lot 28) Brentham Street, Leederville from "Town of Vincent Scheme Reserves Public Purpose - Institute for the Deaf" to "Residential R60"**

<b>Ward:</b>	Mount Hawthorn	<b>Date:</b>	10 December 2002
<b>Precinct:</b>	Leederville, P3	<b>File Ref:</b>	PLA0139
<b>Reporting Officer(s):</b>	Y Scheidegger		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That the Council pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended), resolves to initiate an amendment to the Town of Vincent Town Planning Scheme No. 1 by initiating a rezoning of No. 16 (Lot 28) Brentham Street, Leederville, from "Town of Vincent Scheme Reserves Public Purpose - Institute for the Deaf" to "Residential R60".*

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**COUNCIL DECISION ITEM 10.1.23**

**Moved Cr Ker, Seconded Cr Doran-Wu.**

*That the recommendation be adopted.*

**CARRIED (7-0)**

**(Crs Drewett and Franchina were absent from the Chamber and did not vote.)**

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**DETAILS:**

The Town of Vincent received letters dated 11 November 2002, 27 November 2002 and 29 November 2002, respectively and accompanying documentation from the Thompson McRobert Edgeloe (TME) on behalf of the Western Australian Deaf Society requesting the initiation of the rezoning of No. 16 (Lot 28) Brentham Street, Leederville, from "Town of Vincent Scheme Reserves Public Purpose - Institute for the Deaf" to "Residential R60".

An extract of the letters, relevant plans and information supporting the proposed rezoning are included as Appendix 10.1.23 to this report.

The subject site is zoned "Urban" under the Metropolitan Region Scheme (MRS). Currently, the subject site is located adjacent to the Aranmore Catholic Primary School, which is, reserved "Town of Vincent Scheme Reserves Public Purpose - Primary School" on the northern side. The southern and eastern sides' land is reserved "Metropolitan Region Scheme Reserves - Parks and Recreation". On the opposite side of Brentham Street, Leederville, land is zoned "Residential R60". In the immediate area, there is a predominant zoning of "Residential R60".

The proposed "Residential" zoning under Town Planning Scheme No.1 is considered to be the most appropriate zoning for the subject site. The residential zone permits both residential and appropriate non-residential uses and allows for the possibility of mixed-use development. Given the site's proximity to the Oxford Centre, Mitchell Freeway, public transport, public open space and Aranmore Catholic Primary School, the residential zone can be supported. With regard to the proposed density of R60, this can be supported as the R60 density code is currently applied to most properties in the immediate vicinity. Furthermore, on the opposite side of Brentham Street from the subject site, the zoning is "Residential R60".

Based on the proposed lot size of 5,150 square metres, at R60, the site will have the potential to accommodate up to 28 grouped dwellings or single houses or up to 31 multiple dwellings. The proposed updated subdivision concept plan submitted as part of the rezoning request shows the creation of 20 lots that comply with the minimum and average lot area requirements under R60. The proposed subdivision will be subject to further assessment at the subdivision stage, including the requirement for public open space provision.

If the proposed amendment is gazetted, an amendment will be required to the Policies relating to the Leederville Precinct and Brentham - Locality Plan 9 to reflect the subject site being zoned Residential.

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2000-2002 – Key Result Areas: 1.1 *“Implement Town Planning Scheme No. 1 and associated policies and guidelines”.*

**COMMENTS:**

The majority of the Town is zoned "Urban" under the MRS. The majority of zonings under Town Planning Scheme No. 1 include residential, commercial and residential-commercial within the "Urban" zone. The Western Australian Deaf Society has deemed the subject site surplus to its requirements and no longer requires a 'public purpose' reservation. The proposed zoning of "Residential R60" is considered appropriate for the subject site.

In light of the above, it is recommended that the Council initiates Amendment No. 20 to Town Planning Scheme No. 1.

Crs Drewett and Franchina returned to the Chamber at 9.52pm. Mayor Catania advised that Item 10.1.23 was carried (7-0).

**10.1.1 Further Report - No. 275 (Lot 50) Stirling Street, Corner Bulwer Street, Perth – Proposed Alterations and Two Storey Recreational Facility Additions to the Existing Club**

<b>Ward:</b>	North Perth	<b>Date:</b>	11 December 2002
<b>Precinct:</b>	Beaufort, P13	<b>File Ref:</b>	PRO 1284 00/33/1208
<b>Reporting Officer(s):</b>	S Robertson		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman		
<b>Amended by:</b>	-		

**FURTHER OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owners Australian Asian Association for the proposed alterations and two storey recreational facility additions to the existing club on No. 275 (Lot 50) Stirling Street, corner Bulwer Street, Perth and as shown on the plans stamp dated 9 July 2002, subject to:*

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) the use of the recreational facility shall remain incidental, ancillary and related to the activities and operations of the 'club' occupying the premises and shall be used by members of the club only. The recreational facility room shall not be hired out nor used by non-members of the club or members of the public, as agreed to by the owner/applicant in letter to the Town dated 11 December 2002;*
- (iii) the time of operation and use of the recreational facility room shall be limited to 8.00am to 10.00pm, inclusive, daily;*
- (iv) a detailed management plan that addresses the control of noise, traffic, car parking, litter and anti-social behaviour (to reasonable levels) associated with the development shall be submitted to and approved by the Town prior to the first occupation of the development, and thereafter implemented and maintained;*
- (v) prior to the issue of the Building Licence, the applicant/landowner shall pay a cash-in-lieu contribution of \$14 100 for the equivalent value of 5.64 car parking spaces, based on the cost of \$2500 per bay as set out in the Town's 2002/2003 Budget;*
- (vi) the recreational facility 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 to and approved by the Town 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) *the approval is valid for the first floor recreational facility extensions and associated alterations only and does not include any alterations to the existing building, which would require a separate Planning Approval to be applied for and obtained from the Town prior to commencement of such alterations;*
- (viii) *the gross floor area of the recreational facility additions component shall be limited to a maximum of 321 square metres;*
- (ix) *prior to the first occupation of the development, three (3) bicycle parking rails, shall be provided at a location convenient to the entrance of the development within the subject property. Details of the design and layout of the bicycle parking facilities shall be submitted to and approved by the Town prior to the installation of such facilities;*
- (x) *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;*
- (xi) *subject to first obtaining the consent of the owners of No. 273 Stirling Street and Nos. 77 and 87 Bulwer Street, Perth for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing south, north and west respectively in a good and clean condition; and*
- (xii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*

*to the satisfaction of the Chief Executive Officer.*

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**Moved Cr Hall, Seconded Cr Ker.**

*That the recommendation be adopted.*

*Debate ensued.*

**Moved Cr Hall, Seconded Cr Ker.**

*That clause (iii) be amended and the words "inclusive, daily" be deleted and replaced with "weekends, and 8.00am to 8.00pm weekdays", and a new clause (xiii) be added, as follows:*

*"(iii) the time of operation and use of the recreational facility room shall be limited to 8.00am to 10.00pm, weekends and 8.00am to 8.00pm weekdays;"*

*"(xiii) the matter be reviewed in 12 months and further report to Council on noise and anti-social behaviour."*

*Debate ensued.*

**AMENDMENT LOST (2-7)**

For  
Cr Franchina  
Cr Hall

Against  
Mayor Catania  
Cr Chester  
Cr Cohen  
Cr Doran-Wu  
Cr Drewett  
Cr Ker  
Cr Piper

Moved Cr Piper, Seconded Cr Hall.

*That clause (iv) be amended and the word “addresses” be deleted and replaced with “ensures”, as follows:*

*“(iv) a detailed management plan that ensures the control of noise, traffic, car parking, litter and anti-social behaviour (to reasonable levels) associated with the development shall be submitted to and approved by the Town prior to the first occupation of the development, and thereafter implemented and maintained;*

*Debate ensued.*

AMENDMENT CARRIED (9-0)

MOTION AS AMENDED CARRIED (9-0)

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 the owners Australian Asian Association for the proposed alterations and two storey recreational facility additions to the existing club on No. 275 (Lot 50) Stirling Street, corner Bulwer Street, Perth and as shown on the plans stamp dated 9 July 2002, subject to:*

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) the use of the recreational facility shall remain incidental, ancillary and related to the activities and operations of the 'club' occupying the premises and shall be used by members of the club only. The recreational facility room shall not be hired out nor used by non-members of the club or members of the public, as agreed to by the owner/applicant in letter to the Town dated 11 December 2002;*
- (iii) the time of operation and use of the recreational facility room shall be limited to 8.00am to 10.00pm, inclusive, daily;*
- (iv) a detailed management plan that ensures the control of noise, traffic, car parking, litter and anti-social behaviour (to reasonable levels) associated with the development shall be submitted to and approved by the Town prior to the first occupation of the development, and thereafter implemented and maintained;*

- (v) *prior to the issue of the Building Licence, the applicant/landowner shall pay a cash-in-lieu contribution of \$14 100 for the equivalent value of 5.64 car parking spaces, based on the cost of \$2500 per bay as set out in the Town's 2002/2003 Budget;*
- (vi) *the recreational facility 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 to and approved by the Town 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) *the approval is valid for the first floor recreational facility extensions and associated alterations only and does not include any alterations to the existing building, which would require a separate Planning Approval to be applied for and obtained from the Town prior to commencement of such alterations;*
- (viii) *the gross floor area of the recreational facility additions component shall be limited to a maximum of 321 square metres;*
- (ix) *prior to the first occupation of the development, three (3) bicycle parking rails, shall be provided at a location convenient to the entrance of the development within the subject property. Details of the design and layout of the bicycle parking facilities shall be submitted to and approved by the Town prior to the installation of such facilities;*
- (x) *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;*
- (xi) *subject to first obtaining the consent of the owners of No. 273 Stirling Street and Nos. 77 and 87 Bulwer Street, Perth for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing south, north and west respectively in a good and clean condition; and*
- (xii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*

*to the satisfaction of the Chief Executive Officer.*

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**FURTHER REPORT:**

The Council at its Ordinary Meeting held on 3 December 2002 deferred consideration of the application to obtain further information on the site history and site use.

The Town's Health Services have advised that its records indicate that no complaints in relation to noise or anti-social behaviour have been received to date during 2002, however that in past years there were periodic complaints regarding external litter, late night noise (particularly external noise from human activity), and discarded syringes at the rear of No. 265 Stirling Street strata premises. The Town's records indicate as follows:

- 17 December 1998 Complaint received from a resident in relation to unreasonable noise from the premises (amplified music).
- 10 April 1999 3 complaints were received regarding a rave party from owners/occupiers of an adjacent residential development.
- 26 May 1999 Noise Management Plan through amending conditions of hire was received from the owner/applicant of the subject property.
- 9 November 2001 Complaint in relation to an event that occurred on 9 November 2001, when youths loitered and created noise externally, was received from an adjoining resident.

The Health Services have advised that in more recent times, whenever a problem is raised they have liaised with the Association's Administration Secretary who has been very responsive. As a management tool, noise, litter and alcohol provision requirements have been included in the Association's Application Form for Hall Hire to minimise impact on nearby residents upon the Town's request last year. This strategy has been helpful. Furthermore, the Town often also requests the WA Police Services to patrol and monitor public events and external activities in the interest of the wellbeing of nearby residents.

Subsequent to the item being included in the Agenda and deferred at the Ordinary Meeting of Council held on 3 December 2002, the Town has received correspondence from two residents from the immediate area. The correspondence raised objections to the development in relation to noise, traffic and car parking, and detailing anti-social behaviour that has occurred during and after functions at the centre including congregation of people outside the building, obscene language, arguing and inappropriate behaviour, litter and music from cars parked in Greenway Street.

Following discussions with the Australian Asian Association, The Town received a letter from the owner/applicant dated 11 December 2002 providing additional information in support of the application and clarifying the intended use of the recreation facility addition. The following is an excerpt from that letter:

*"With regard to the new development our answers to your specific questions are as follows:*

*The hall will be built over our existing function room  
Access to the hall will be through our front entrance  
It will be used as a recreation centre **not a function room**  
It will not be available for hire  
It will be used during the day and up to 10pm only by members  
The general public will not have access  
Entry will be supervised by paid staff  
It will be used for indoor games, squash, pool, board games, etc."*

The owner/applicant has also suggested that since the Town has provided guidelines for hiring the premises, which have been strictly adhered to, that they have not had any complaints.

In light of the above, it is recommended that the application be approved, subject to standard and appropriate conditions that were contained in the previous Officer Report and Recommendation, plus additional conditions which further address the above matters.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 3 December 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 the owners Australian Asian Association for the proposed alterations and two storey recreational facility additions to the existing club on No. 275 (Lot 50) Stirling Street, corner Bulwer Street, Perth and as shown on the plans stamp dated 9 July 2002, subject to:*

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) the use of the recreational facility shall remain incidental, ancillary and related to the activities and operations of the 'club' occupying the premises;*
- (iii) a detailed management plan that addresses the control of noise, traffic, car parking, litter and anti-social behaviour (to reasonable levels) associated with the development shall be submitted and approved prior to the first occupation of the development, and thereafter implemented and maintained;*
- (iv) prior to the issue of the Building Licence, the applicant/landowner shall pay a cash-in-lieu contribution of \$14 100 for the equivalent value of 5.64 car parking spaces, based on the cost of \$2500 per bay as set out in the Town's 2002/2003 Budget;*
- (v) the recreational facility 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;*
- (vi) the approval is valid for the first floor recreational facility extensions and associated alterations only and does not include any alterations to the existing building, which would require a separate Planning Approval to be applied for and obtained from the Town prior to commencement of such alterations;*
- (vii) the gross floor area of the recreational facility additions component shall be limited to a maximum of 321 square metres;*
- (viii) prior to the first occupation of the development, three (3) bicycle parking rails, shall be provided at a location convenient to the entrance of the development within the subject property. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*

- (ix) 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;
- (x) subject to first obtaining the consent of the owners of No. 273 Stirling Street and Nos. 77 and 87 Bulwer Street, Perth for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing south, north and west respectively in a good and clean condition; and
- (xi) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;

to the satisfaction of the Chief Executive Officer.

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Moved Cr Hall, Seconded Cr Cohen

That the recommendation be adopted

Debate ensued

Cr Piper departed the Chamber at 7.21pm.

Debate ensued.

Cr Piper returned to the Chamber at 7.23pm.

COUNCIL DECISION ITEM 10.1.7

Moved Cr Hall, Seconded Cr Doran-Wu

That this Item be DEFERRED for further investigation and report on the site history and use.

CARRIED (8-0)

(Cr Ker on leave of absence.)

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LANDOWNER: Australian Asian Association  
APPLICANT: Australian Asian Association  
ZONING: Metropolitan Region Scheme: Urban  
Town Planning Scheme No 1: Residential  
(R80)/Commercial  
EXISTING LAND USE: Club (Private)  
COMPLIANCE:

Use Class	Club
Use Classification	"SA"
Lot Area	811 square metres

*Car Parking:*

<i>Car parking requirement (nearest whole number) for the whole development</i>	<i>34 car bays</i>
<ul style="list-style-type: none"> <li>▪ <i>Office-15 bays</i></li> <li>▪ <i>Recreation-19 bays</i></li> </ul>	
<i>Apply the adjustment factors:</i>	<i>(0.646)</i>
<ul style="list-style-type: none"> <li>▪ <i>0.85 (within 400 metres of a bus stop)</i></li> <li>▪ <i>0.8 (within 50 metres of one or more public carparks in excess of 50 spaces)</i></li> <li>▪ <i>0.95 (provides onsite bicycle parking)</i></li> </ul>	<i>21.96 car bays</i>
<i>Minus the car parking provided on site.</i>	<i>6 car bays</i>
<i>Minus the most recently approved on site car parking shortfall.</i>	<i>10.32 car bays</i>
<i>Resultant shortfall (if less than or equal to 0.5 car bays, no parking bays or cash-in-lieu is required)</i>	<i>5.64 car bays</i>

*SITE HISTORY*

- 13 November 1995 At its Ordinary Meeting, the Council granted conditional Planning Approval for extensions to an existing community centre.*
- 23 July 2002 The Planning Application was suspended pending the commencement of 'SA' advertising by the applicant.*

*CONSULTATION/ADVERTISING:*

*One comment was received during the advertising period objecting to the placement of full length windows in the wall of the ground floor level of the northern elevation of the plans, which may afford overlooking into an adjacent commercial premises.*

*DETAILS:*

*The subject site is located along Stirling Street at the intersection with Bulwer Street, and is occupied by a two storey building occupied by the Australian Asian Association. The proposal seeks to add a 321 square metres recreation room at the first floor level, set back behind an existing first floor extension.*

*COMMENTS:*

*Beaufort Precinct*

*The subject property is located in the Beaufort Precinct, and land zoned Residential/Commercial R80 is generally encouraged to have a two-thirds residential component. The existing club has been occupying the premises for a number of years and the extension is not considered to prejudice future residential development in what is an existing and firmly entrenched commercial area.*

*Car Parking*

*The proposed recreation room addition to the existing club will not result in the provision of any additional carparking on site. Accordingly, there is a resultant shortfall of 5.64 car bays and this has been conditioned in accordance with the Town's 'cash-in-lieu' carparking provision.*

*Privacy*

*The proposed development application will result in a first floor extension that has no windows in any of the elevations that would overlook neighbouring commercial properties. The application does not show any alterations to or additions of windows at the ground floor level. Notwithstanding this information, any future modifications to the commercial building in the future are subject to a separate Planning Approval and the recommendation has been conditioned accordingly.*

*Summary*

*The proposed extensions to the Australian Asian Association Club will be largely indiscernible when viewed from the street. The shortfall in parking has been conditioned in accordance with the Town's Policy relating 'Parking and Access'. The nature of the recreational facility use has been conditioned to ensure it remains ancillary to the approved existing club use on the site.*

*It is recommended that the Council approve the proposal, subject to standard and appropriate conditions to address the above matters."*

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

<b>Ward:</b>	North Perth	<b>Date:</b>	5 December 2002
<b>Precinct:</b>	Cleaver, P5	<b>File Ref:</b>	PRO 0799 00/33/1405
<b>Reporting Officer(s):</b>	S Robertson, H Eames		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme 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 with respect to the protection and enhancement of the social, physical and cultural environment of Newcastle Street, Loftus Street and the Cleaver Precinct;*
- (ii) the non-compliance with the Town's Policy relating to 'Signs and Advertising'; and*
- (iii) consideration of the previous objections received;*

*the Council REFUSES the application submitted by WA Billboards on behalf of the owner G Cerini, for the proposed signage (billboards) and associated retaining walls and landscaping at Nos. 596-598 (Lot 116) Newcastle Street, corner Loftus Street, West Perth, as shown on the plans stamp-dated 26 November 2002.*

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**COUNCIL DECISION ITEM 10.1.15**

**Moved Cr Drewett, Seconded Cr Chester.**

*That the recommendation be adopted.*

*Debate ensued.*

**CARRIED (5-4)**

**For**  
Mayor Catania  
Cr Chester  
Cr Cohen  
Cr Doran-Wu  
Cr Ker

**Against**  
Cr Drewett  
Cr Franchina  
Cr Hall  
Cr Piper

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**LANDOWNER(S):** G Cerini  
**APPLICANT(S):** WA Billboards

**ZONING:** Metropolitan Region Scheme - Urban  
Town Planning Scheme No. 1 - Commercial

**EXISTING LAND USE:** Vacant Single House

**COMPLIANCE:**

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

**SITE HISTORY:**

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

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

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

**DETAILS:**

The application seeks approval to erect billboards, including the associated site excavation, retaining walls and landscaping, at the corner of Vincent Street and Loftus Street.

The proposal will result in the creation of two billboards being 12.0 metres by 3.0 metres and 18.0 metres by 4.0 metres respectively, which will be attached to limestone retaining walls approximately 5.0 metres high, created by demolition of the building and excavation of the site to approximate street level. Ground level floodlights will be installed in front of each sign for illumination and the balance of the property will be landscaped, grassed and reticulated.

The subject proposal is very similar to that refused by the Council at its Ordinary Meeting held on 19 November 2002, however, the applicant has submitted an addendum to the application which is included as Appendix 10.1.15 for Council's information.

**CONSULTATION/ADVERTISING:**

The application was not advertised as a similar Planning Application was advertised and determined during the last 12 months, and the matter is being referred to the Council for its determination.

Two comments were received during the previous advertising period. The first raised concern over the potential damage to the adjoining property as a result of the associated excavation and retaining works. The second was from the Cleaver Precinct Action Group Inc that objected to the erection of billboards for the following reasons:

1. *It would set a precedent in the Precinct, which is deemed residential.*
2. *It would lower the standard of the area. Huge billboards lit up at night are not aesthetically pleasing.*
3. *Billboards can be a distraction to drivers.*

4. *It is an inappropriate site for billboards, and we would hope that other more suitable options could be put forward and discussed with the Town of Vincent."*

The application was previously referred to the Department for Planning and Infrastructure for its comment on the application, however, at the time of preparing the report no response has been received. Notwithstanding this information, the applicant has submitted correspondence from Main Roads Western Australia dated 17 July 2002 in response to the proposal. The following information was contained within that response:

*"All considered, Main Roads is prepared to support the concept provided that:*

- *The applicant/owner provides adequate setback from the motorists line of sight through the traffic signals to the nearest edge of the billboard.*
- *The billboards do not display advertising which by virtue of colour or content may confuse the motorist or imitate the traffic signals or road signs.*
- *Advertising content shall not contain material (by reasonable definition) that may be offensive to the public or cause unacceptable levels of distraction.*
- *Billboard sizes are in keeping with standard industry sizes and are found by Main Roads and Council to be suitable for this site.*

*The specifics of this indicative approval will be subject to review once the Town of Vincent has been approached and if Council formally approves the application."*

#### **COMMENTS:**

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

It is acknowledged that the development possibilities of the site are limited and that any future development on the site should encourage excavation in order to improve vehicular site lines. However, the site forms an effective 'gateway' into the Town and there is a concern that the presence of such signage within the Town and in particular, on a prominent entry point into the Town, imposes an undesirable and inaccurate image of the municipality. The proposed signage is considered large and obtrusive, does not complement the area and has an unreasonable impact on the amenity and existing streetscape of the area.

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

**10.2.2 Revised Closure Proposal for the Portion of the Leake Street Road Reserve as Determined by the Department for Planning & Infrastructure**

<b>Ward:</b>	Mount Hawthorn	<b>Date:</b>	9 December 2002
<b>Precinct:</b>	Smith's Lake, P6	<b>File Ref:</b>	TES0350, TES0516
<b>Reporting Officer(s):</b>	A Munyard		
<b>Checked/Endorsed by:</b>	R Lotznicher		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *receives the report on the revised closure proposal for the portion of the Leake Street Road Reserve, as determined by the Department for Planning and Infrastructure;*
- (ii) *APPROVES the revised closure of portion of the Leake Street road reserve as shown on attached Plan No. 2032-CP.02; and*
- (iii) *formally requests the Minister for Lands to vest the closed portion of road reserve in the Town of Vincent for the purpose of Public Open Space.*

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**COUNCIL DECISION ITEM 10.2.2**

**Moved Cr Ker, Seconded Cr Franchina.**

*That the recommendation be adopted.*

**CARRIED (8-1)**

**For**  
Mayor Catania  
Cr Cohen  
Cr Doran-Wu  
Cr Drewett  
Cr Franchina  
Cr Hall  
Cr Ker  
Cr Piper

**Against**  
Cr Chester

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**BACKGROUND:**

At the Ordinary Meeting of Council held on 12 March 2002 the Council resolved to approve in principal the partial closure of the Leake Street road reserve, with the intent of formalising as Public Open Space a portion of the reserve that has served as such for several decades. The resolution was as follows :-

*"That the Council;*

- (i) receives the report on the proposed closure of a portion of the Leake Street Road Reserve;*
- (ii) APPROVES in principle the closure of a portion of the Leake Street road reserve as shown on plan 2032-CP.01;*
- (iii) APPROVES in principle requesting that the Minister for Lands vest the closed portion of road reserve in the Town of Vincent for the purpose of Public Open Space;*
- (iv) APPROVES the placement of an advertisement outlining the proposal in a local newspaper and consults with affected residents, community groups, and service providers; and*
- (v) receives a further report detailing any submissions received prior to a formal application being made to the Minister for Lands."*

This resolution on 12 March 2002 followed the adoption on 26 February 2002 of a Notice of Motion prepared by Mayor Nick Catania and Councillor Simon Chester, in which it was resolved that measures be investigated to preserve the usage of the landscaped portion of over- width road reserve for such purposes in perpetuation.

In the report, the Chief Executive Officer provided the following comments:

*"The subject area is land vested in the Crown and is located within the Leake Street road reserve.*

*It is recommended that the Chief Executive Officer be authorised to investigate and report on the necessary steps to close this portion of the road reserve and request the Department of Land Administration to designate the land "Reserve for Recreation". This action will empower the Town to preserve the existing "parkland" and safeguard against any future developments encroaching into the "parkland" for the provision of access and services."*

#### **DETAILS:**

Following the Council's resolution to close the affected part of the Leake Street road reserve, service providers were asked for their comments, and the Department for Planning and Infrastructure (DPI) was notified of the Council's proposal.

Notification of the DPI's decision regarding the partial closure was received on 28 November 2002. They advised that the Western Australian Planning Commission (WAPC) did not support the road closure as requested by the Town because it would impact on the development potential of adjacent properties. However, they have indicated that they are prepared to support a modified proposal subject to the following conditions:

- i) the portion of the Leake Street road reserve proposed to connect with the rights-of-way located between Alma Road, Raglan Road and Grosvenor Road being widened to 8 metres so as to afford the abutting lots frontage to Leake Street and access to services (as per the attached plan);*
- ii) satisfactory arrangements being made with relevant servicing agencies for the relocation and/or protection of affected services.*

In order to satisfy the first requirement, it is proposed that the Town comply by conceding an additional two (2) metre strip (approximately) either side of the existing "right of way" extension, thus allowing the requested eight (8) metre width of road reserve to remain. The proposal as amended is depicted on attached Plan No. 2032-CP-02.

It is the Town's intention that these additional strips will be treated as "verge" and will remain grassed. There may, however, be a requirement to widen the sealed area to a total width of 8 metres, depending on the future development of properties where access is via Leake Street and the connecting rights of way.

The second condition set down by the WAPC will be addressed via the creation of an access easement following the boundaries of the adjacent properties, as requested by AlintaGas. There are no other services affected by the proposal.

#### **CONSULTATION/ADVERTISING**

The proposed road closure would be processed in accordance with section 58 of the Land Administration Act 1997, which requires that the proposal be advertised in a paper circulating the district. Adjacent residents and suppliers of services will also be approached individually, requesting their comments. After the mandatory 35-day advertising period, the closure request, together with an application for a Management Order, will be made to the Minister.

#### **STRATEGIC IMPLICATIONS:**

In line with the principles of Strategic Plan Key result Area 1.3, *-Develop and implement strategies to enhance the environment.*

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

The cost of advertising the proposal in two local news publications would be approximately \$300.00.

#### **COMMENTS:**

The Town wishes to proceed with the preservation and protection of this valuable Public Open Space, and therefore must comply with the ruling of the DPI regarding the width of these access spurs which bisect the proposed public open space. It is recommended that the Council approve the amendments to the proposal as required under the ruling of the DPI.

**10.1.10 Nos. 28-30 (Lots 22 and 23) Church Street, Perth - Proposed Three-Storey Single House**

<b>Ward:</b>	North Perth	<b>Date:</b>	4 December 2002
<b>Precinct:</b>	Beaufort, P13	<b>File Ref:</b>	PRO2172 00/33/1337
<b>Reporting Officer(s):</b>	V Lee		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provision of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Lorraine Gherinich Design and Derek Nash Architects on behalf of the owners J and R Stanton for a proposed three storey house at Nos. 28 - 30 (Lots 22 and 23) Church Street, Perth as shown on plans stamp-dated 18 November 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) a 2 metres by 2 metres visual truncation being provided at the intersection of the driveways and the right of way, and footpath on Church Street, respectively;*
  - (b) a minimum of two appropriate design features being incorporated into the fences facing Church Street and the right of way on Lot 22; and*
  - (c) the solid portion of the front fences and gates adjacent to and within the front setback of Lot 23 Church Street being 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;*

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

- (iii) subject to first obtaining the consent of the owners of No. 26 Church 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. 26 Church Street in a good and clean condition;*
- (iv) the workshop/studio is not to be used for industrial, commercial or habitable purposes;*
- (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) *a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
- (vii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (viii) *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;*
- (ix) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (x) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (xi) *no car parking structures shall be erected within the front setback area adjacent to Church Street; and*
- (xii) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of Lot 22 Church Street that a three storey development has been approved on adjoining Lot 23 Church Street, which potentially will overlook and may be considered to unduly affect the privacy of adjoining Lot 22. This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;*

*to the satisfaction of the Chief Executive Officer.*

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**Moved Cr Chester, Seconded Cr Drewett.**

*That the recommendation be adopted subject to the following amendments to clauses (ii)b and (ii)(c).*

*Delete the words "Church Street and" in clause (ii)(b), and add the words "Lot 22 and" before the words "Lot 23" in clause (ii)(c), as follows:*

- (b) *a minimum of two appropriate design features being incorporated into the fences facing the right of way on Lot 22; and*
- (c) *the solid portion of the front fences and gates adjacent to and within the front setback of Lot 22 and Lot 23 Church Street being 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;*

*Debate ensued.*

**Moved Cr Ker, Seconded Cr Doran-Wu.**

*That a new clause (xiii) be added as follows:*

*“(xiii) the titles of the two lots be amalgamated.”*

**CARRIED (8-1)**

**For**

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

**Against**

Mayor Catania

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

**For**

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

**Against**

Mayor Catania

**COUNCIL DECISION ITEM 10.1.10**

*That;*

*in accordance with the provision of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Lorraine Gherinich Design and Derek Nash Architects on behalf of the owners J and R Stanton for a proposed three storey house at Nos. 28 - 30 (Lots 22 and 23) Church Street, Perth as shown on plans stamp-dated 18 November 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) a 2 metres by 2 metres visual truncation being provided at the intersection of the driveways and the right of way, and footpath on Church Street, respectively;*
  - (b) a minimum of two appropriate design features being incorporated into the fences facing the right of way on Lot 22; and*

- (c) *the solid portion of the front fences and gates adjacent to and within the front setback of Lot 22 and Lot 23 Church Street being 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;*

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

- (iii) *subject to first obtaining the consent of the owners of No. 26 Church 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. 26 Church Street in a good and clean condition;*
- (iv) *the workshop/studio is not to be used for industrial, commercial or habitable purposes;*
- (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) *a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
- (vii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (viii) *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;*
- (ix) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (x) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (xi) *no car parking structures shall be erected within the front setback area adjacent to Church Street;*

- (xii) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of Lot 22 Church Street that a three storey development has been approved on adjoining Lot 23 Church Street, which potentially will overlook and may be considered to unduly affect the privacy of adjoining Lot 22. This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development; and*
- (xiii) *the titles of the two lots be amalgamated.*
- to the satisfaction of the Chief Executive Officer.*

**LANDOWNER:** J and R Stanton  
**APPLICANT:** Lorraine Gherinich Design and Derek Nash Architects  
**ZONING:** Metropolitan Region Scheme - Urban  
 Town Planning Scheme No. 1 - Residential-  
 Commercial R80  
**EXISTING LAND USE:** Vacant

**COMPLIANCE:**

Requirements	Required	Proposed
Height	Three storey can be considered provided that the amenity of the adjacent residential area is protected in terms of privacy, scale and bulk.	Three storey.
Plot Ratio	0.75 maximum, however the Town may consider variations to accommodate specific site and location circumstances.	1.85
Setbacks - Rear	First floor 1.5 metres minimum. Second floor 4.8 metres minimum.	0 metre to terrace 3.8 metres
- Side - west and east	4 metres minimum.	0 metre
Privacy	First and Second Floor Windows within 6 metres of property boundary to be screened.	Kitchen and sitting room 1.7 metres from adjacent lot owned by same landowner, 7.8 metres from nearest property under different ownership.
Newton Locality	General height limit of two storey provided the second storey is setback a minimum of 6 metres.	Three storeys with second and third storeys setback 4.5 metres from Church Street.
Fences	Fences to be a maximum of 1.8 metres high.	Fence around Lot 22, 3 metres high.
Design for Climate	Development to be designed so that no more than 50 percent of the adjoining property is out shadowed at midday, 21 June.	Likely that more than 50 per cent of the adjoining property is overshadowed.

Use Class	Single House
Use Classification	'P'
Lot Area	Lot 23 - 189 square metres Lot 22 - 189 square metres

**SITE HISTORY:**

- 7 January 1999            The Western Australian Planning Commission conditionally approved the amalgamation of Lots 4, 5 and 6 Church Street.
- 1999 - 2000             Existing factory demolished.
- 30 March 2000         The Western Australian Planning Commission conditionally approved the subdivision of Lots 4, 5 and 6 Church Street, to create 5 lots ranging in size from 185 square metres to 189 square metres, each with frontage to Church Street and privately owned right of way.
- 5 December 2000      The Council at its Ordinary Meeting conditionally approved a three-storey mixed use development comprising single house, shop and associated office on the subject site.
- 24 July 2002           The Council at its Ordinary Meeting conditionally approved a change of use application from single house, shop and associated office to single house, art gallery and associated alterations on an adjacent lot at No. 24 (Lot 25) Church Street. The subject building is three storey and of similar bulk and scale to the subject proposal. The immediately abutting lots are currently vacant.

**DETAILS:**

The proposal involves the construction of a three storey house wholly on Lot 23, with vehicular access to a double garage proposed at the rear from a privately owned and sealed 3.5 metres wide right of way. The owner also owns adjacent Lot 22 and wishes to keep the lots on separate certificates of titles, however also to be able to use Lot 22 as the garden area for the proposed house. For the purpose of this application, the site coverage and plot ratio has been calculated on Lot 23 only.

The applicant has provided the following statement in support of the proposal:

*"The proposal is for a three storey residence, that takes direct reference from the adjoining "Artplace" in terms of its architectural language, setbacks and height. It also, through the use of industrial materials such as steel beams and zincalulme sheeting refers indirectly to the industrial origins of the neighbourhood. The aesthetic is one of crisp, modernist lines measured against industrial chic and highlighted by bold primary colours."*

**CONSULTATION/ADVERTISING:**

No submissions were received during the consultation period.

**COMMENTS:**

### **Building Scale, Height, Overshadowing and Setbacks**

The Town's Policy relating to the Beaufort Precinct states that three storeys can be considered in this locality provided that the adjacent area is protected in terms of privacy, scale and bulk. Setbacks to Church Street are to be such distance as is generally consistent with the building setback on adjoining land and in the immediate locality.

In addition, the Town's Policy relating to the Newton Locality states that a general height limit of two storeys (including loft) can be considered providing the second storey (including loft) is generally setback a minimum of 6 metres from the street and the amenity of the area is protected in terms of privacy bulk and scale.

In the immediate area, the surrounding streetscape is a unique mix of building design including single storey workers cottages with a reduced setback, 2 to 3 storey retro-fit housing designs with nil setback to Church Street, and industrial use warehouses /factories.

The 'Artplace' at No. 24 Church Street, the first development to occur in this recent subdivision, has been approved with a similar first and second floor setback to Church Street as the proposal.

The applicant has requested that Council support this variation and support a three storey development in light of the contextual setting of the proposal and scale of the 'Artplace' approved at No. 24 Church Street. In addition, the applicant seeks concession on the setback requirement of the first and second floor, particularly as directly opposite are 2-3 storey buildings with nil setback to Church Street. In this instance, as no objections have been received from the adjoining properties, and the proposed front setbacks are not considered to unduly affect the streetscape, the front setbacks are therefore supported.

Due to the narrowness of the lots and as no objections have been received from the adjoining residents regarding the nil setbacks to the side boundaries, these side setback variations are supported in this instance.

The nil setback to right of way is generally supported provided that 6 metres manoeuvring area is provided from the garage to the nearest impediment (other side of the right of way (ROW)).

Due to the orientation and width of the lots created in this subdivision, overshadowing greater than permitted in the Residential Design Codes is likely to occur over the adjoining lot at midday on 21 June. In this instance, due to the contextual setting of the development, overshadowing is likely to occur in any development greater than single storey. The proposed dwelling is setback 3.3 metres from the rear ROW, which may allow for the affected landowner to incorporate a courtyard/terrace to maximise this northern exposure.

### **Plot Ratio and Open Space**

The Town's Policy relating to the Beaufort Precinct states that residential development is to be in accordance with R80 standards and a maximum plot ratio of 0.75 is to apply to all development types; however, the Town of Vincent may consider variations to the Residential Design Codes (R-Codes), including the density, to accommodate specific site and location circumstances, provided acceptable levels of residential amenity can be maintained.

The development on Lot 23 is considered to have adequate and useable outdoor courtyard areas, and a sense of openness is created by the courtyard within the front setback and terrace over the garage overlooking the public open space at the rear of the ROW. Due to the narrowness of the subject site and the adjoining lots, it is anticipated that buildings of a similar height, bulk and scale will be built on the adjoining vacant lots. As no objections have been received, and due to the unique contextual setting of the proposed dwelling, these variations are supported in this instance.

### **Privacy**

The proposal includes wall to ceiling windows around the central light court on the first and second floors. Potentially, this could create a loss of privacy for the adjoining lot when developed. The applicant has advised that they wish to keep the lots under separate certificates of title, rather than amalgamate the lots as a condition of approval. Therefore, there is potential for Lot 22 to be sold prior to the proposed house being built. In order to make potential owners of Lot 22 aware of the proposed three storey development, particularly including the potential for over looking from the first and second floor windows on the north western elevation, it is recommended that approval be subject to a memorial being lodged on title to advise prospective purchasers of the proposed development. This will enable the potential purchaser to design their house to protect their reasonable privacy.

### **Workshop/Studio**

The applicant has advised that the proposed workshop/studio is for the owners use only and does not anticipate that the workshop/studio will be used for commercial uses. In order to protect the amenity of the surrounding residential uses, it is considered appropriate that approval be subject to conditions ensuring that the workshop/studio is not used for industrial, commercial or habitable purposes.

### **Fence**

The applicant has advised that the owner is seeking permission to erect a three metres high solid wall around the property, for privacy and security. It is anticipated that the adjoining lot to the east will build a parapet wall. In this instance, the Town may consider supporting a three metres high wall along the side property boundary in the interim while the adjoining lot is vacant.

However, it is considered appropriate that the proposed fence for Lot 23 facing Church Street complies with the requirements of the R-Codes and be 50 percent visually permeable above the height of 1.2 metres from the established ground level. In addition, in order to create visual interest to the streetscape, it is considered appropriate that the three metres high walls facing Church Street and the right of way on Lot 22 incorporate design features.

Given the narrowness of the lots, zoning and contextual setting of the proposal, these variations are generally supported in this instance. Accordingly, it is recommended that the application be approved, subject to standard and appropriate conditions to address the above.

**10.1.4 No. 184-186 (Lot 821) Scarborough Beach Road, Corner Matlock Street, Mount Hawthorn – Change of Use from Approved Eating House to Consulting Rooms and Recreational Facility (Beauty Salon) and Associated Alterations**

<b>Ward:</b>	Mount Hawthorn	<b>Date:</b>	6 December 2002
<b>Precinct:</b>	Mount Hawthorn Centre, P2	<b>File Ref:</b>	PRO1537 00/33/1345
<b>Reporting Officer(s):</b>	S Robertson		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme the Council APPROVES the application submitted by O Forrest and D Bertolini on behalf of the owners J D Wolozny , K J Cook, S A Guy, M D Leadbetter and J Letizia for the change of use from approved eating house to consulting rooms and recreational facility (beauty salon) and associated alterations at Nos. 184-186 (Lot 821) Scarborough Beach Road, corner Matlock Street, Mount Hawthorn and as shown on the plans stamp dated 15 and 30 October 2002, subject to:*

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) a maximum of seven (7) consulting rooms shall be used at any one time;*
- (iii) the use is restricted to 'Consulting Room and Recreational Facility' for the purpose of a beauty salon only and any increase in the intensity of this use or change in the approved use will require a planning application to be submitted to and approved by the Town prior to the commencement of the use;*
- (iv) 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;*
- (v) the hours of operation shall be limited to 8:00am to 9:00pm, Monday to Saturday inclusive;*
- (vi) the activities, doors and windows fronting Scarborough Beach Road and Matlock Street, shall maintain an active and interactive relationship with these roads/streets; and*
- (vii) 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 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;*

*to the satisfaction of the Chief Executive Officer.*

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**COUNCIL DECISION ITEM 10.1.4**

**Moved Cr Doran-Wu, Seconded Cr Hall.**

*That the recommendation be adopted.*

**CARRIED (9-0)**

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**LANDOWNER:** J D Wolozny, K J Cook, S A Guy, M D Leadbetter and J Letizia  
**APPLICANT:** O Forrest and D Bertolini  
**ZONING:** Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Commercial  
**EXISTING LAND USE:** Commercial Mixed Use Building

**COMPLIANCE:**

Use Class	Consulting Room and Recreational Facilities
Use Classification	“AA”
Lot Area	1019 square metres

**SITE HISTORY:**

12 September 2000 The Council at its Ordinary Meeting conditionally approved a proposal for demolition of existing car yard building and construction of three-level building including two shops, three offices and an eating house.

**DETAILS:**

The proposal seeks Planning Approval to change the use of the approved eating house tenancy, which is currently vacant, to consulting rooms and recreation facility for the purposes of beauty therapy. The proposed premises will comprise a spa room, float tank, stream room, wax rooms and treatment rooms. The applicant has submitted a curriculum vitae, together with copies of relevant qualifications pertaining to beauty therapy. A copy of the proposed activities submission is included as Appendix 10.1.4 to this report.

**CONSULTATION/ADVERTISING:**

No objections were received during the advertising period.

**COMMENTS:**

The use classes reflect a combination of uses that have been previously applied and approved by the Town in relation to proposed uses of a similar scale and nature. The subject Planning Application represents a combination of consulting rooms, for *"the treatment of physical or mental injuries or ailments"* and recreational facilities, for *"public or private swimming pools [including spa]; physical health studios and any other similar purpose"* in accordance with the uses' respective definitions under the Town's Town Planning Scheme No. 1. This is further detailed in the proposed activities submission.

The application does not require any additional carparking to be provided to what was originally required and approved for the eating house component of the commercial development.

The proposal is not considered to unreasonably adversely affect the amenity or character of the area. Accordingly, it is recommended that the proposal be approved, subject to standard and appropriate conditions to address the above matters.

**10.1.12 No. 136 (Lot 63) Richmond Street, Leederville - Proposed Demolition of Existing Dwelling and Construction of Two (2) Two-Storey Single Houses**

<b>Ward:</b>	North Perth	<b>Date:</b>	6 December 2002
<b>Precinct:</b>	Leederville, P3	<b>File Ref:</b>	PRO2183 00/33/1365
<b>Reporting Officer(s):</b>	V Lee, H Eames		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provision of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Ausasia Design Consultants on behalf of the owners LL and G Ng, for proposed demolition of the existing dwelling and construction of two (2) two-storey single houses at No. 136 (Lot 63) Richmond Street, Leederville, as shown on plans stamp dated 25 November 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 Nos. 138 and 134 Richmond Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 138 and 134 Richmond Street 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 Richmond 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 Richmond 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) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the windows to bedrooms 3 on the north eastern elevation, bedrooms 2 on the south-western elevations, and the passageway on the north-western and north-eastern elevations, on the first floor of the two single houses shall be screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed;*

- (vii) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (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; and*
- (xii) *a visual truncation of 2 metres by 2 metres shall be provided at the intersection of the driveway and the footpath at the owner's cost;*

*to the satisfaction of the Chief Executive Officer.*

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**COUNCIL DECISION ITEM 10.1.12**

**Moved Cr Chester, Seconded Cr Ker.**

*That the recommendation be adopted.*

**CARRIED (8-1)**

**For**  
Mayor Catania  
Cr Cohen  
Cr Doran-Wu  
Cr Drewett  
Cr Franchina  
Cr Hall  
Cr Ker  
Cr Piper

**Against**  
Cr Chester

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**LANDOWNER:** LL and G Ng  
**APPLICANT:** Ausasia Design Consultants  
**ZONING:** Metropolitan Region Scheme - Urban Town Planning Scheme No. 1 - Residential R60  
**EXISTING LAND USE:** Single House

**COMPLIANCE:**

<b>Requirements</b>	<b>Required</b>	<b>Proposed</b>
Setbacks Side -north west -ground floor -first floor Side - north east -ground floor -first floor Buildings on Boundary 3.3.2 A2 (iii)	1.1 metres 1.2 metres  1.1 metres 1.2 metres Walls not higher than 3.5 metres with an average of 3.0 metres for 2/3 the length of the balance of the boundary behind the front setback, to one side boundary only.	0 metre 1.074 metres  0 metre 1.074 metres Buildings on boundary proposed on both side boundaries.
Privacy	Windows to bedroom 2 within 4.5 metres of property boundary to be screened.	Windows not screened.

Use Class	Single House
Use Classification	'P'
Lot Area	448 square metres

**SITE HISTORY:**

There is an existing single storey house on the subject site which is not listed on the Town's Municipal Heritage Inventory.

**DETAILS:**

The proposal involves the demolition of the existing house and construction of two (2) two-storey single houses with frontage to Richmond Street.

**CONSULTATION/ADVERTISING:**

Three objections were received during the consultation period. Concerns were raised regarding the loss of the existing dwelling and trees and the contribution they make to the area. It was also requested that windows to bedrooms 2 and 3 and the hall ways be screened to protect the adjoining neighbours privacy and the retention of the almond tree in the back garden. One neighbour also queried how the parapet walls would be finished.

In response to the submissions received the applicant has advised that they are prepared to obscure and fix the windows up to 1.6 metres from the finished floor level, finish the parapet walls to match the bricks of adjoining properties to the satisfaction of the adjoining properties, and will try to incorporate the almond tree into landscaping if it does not interfere with the development.

## COMMENTS:

### **Demolition**

A detailed heritage assessment is contained in Appendix 10.1.12.

The subject place is a red brick and iron dwelling, constructed partly with weatherboard at the rear. The property was part of the No.3 Leederville subdivision, which was released for sale in the late nineteenth century. The dwelling itself was not constructed until 1919, for Joseph Farney, who was an engine driver by occupation. The place is a modest workers home from the Interwar period and although it is quaint in its appearance, it essentially has little cultural heritage value. It is not linked to any important people or events, it is not aesthetically unique or outstanding, it is not rare and it provides only a minor contribution to the community's sense of place. Furthermore, Richmond Street is considered to have little streetscape value, due to a lack of cohesiveness in terms of style, construction materials, height, massing and setbacks. In an overall planning context, it is considered that the amenity of Richmond Street and Leederville will not be unreasonably affected by the removal of the subject dwelling.

In summary, 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.

### **Setbacks**

The applicant has provided revised plans which address several non-compliances in the original submission. The revised plans stamp-dated 25 November 2002 generally comply with the streetscape, access, car parking, open space, plot ratio, height and design for climate requirements of the Residential Design Codes (R Codes).

The proposed boundary walls on the side boundaries complies with several of the requirements of the R Codes as the walls are less than 3 metres in height and are less than 2/3 of the length of the balance of the boundary behind the front setback. However, they are proposed on both side boundaries of the proposed lots. In this instance, the proposal is considered to meet the performance criteria in that it is considered to make an effective use of space, particularly as the lots are considered to be relatively narrow. The proposed boundary walls are not considered to have any significant adverse effect on the amenity of the adjoining property. The proposed single houses abut each other on one of these side boundaries. The other proposed boundary wall is single storey and 5.69 metres in length and not considered to restrict the amount of direct sun to major openings of habitable rooms and outdoor living areas of the adjoining properties. The applicant is willing to finish the boundary walls to satisfy the requirements of the adjoining neighbours and therefore the proposed boundary walls are supported.

The variations to the side setbacks are generally supported, as the variation is considered to be minor, no objections have been received in regard to these setbacks, and will not unreasonably adversely affect the amenity of the adjoining properties.

### **Privacy**

The applicant has advised that they are willing to comply with the screening requirements of the R-Codes and in addition screen the hall/stairs to protect the adjoining neighbours' amenity. It is recommended that this be conditioned should the application be approved.

### **Trees**

The trees on site, including the rear almond tree is not listed on the Town's Significant Tree Inventory nor the Interim Significant Tree Data Base.

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

Cr Doran-Wu departed the Chamber at 10.07pm.

### 10.3.6 Cultural Development Seeding Grant Application

<b>Ward:</b>	Both	<b>Date:</b>	4 December 2002
<b>Precinct:</b>	All	<b>File Ref:</b>	CMS0008
<b>Reporting Officer(s):</b>	D Spurgeon		
<b>Checked/Endorsed by:</b>	J Anthony/M Rootsey		
<b>Amended by:</b>			

**OFFICER RECOMMENDATION:**

*That Council APPROVES the application of Mount Hawthorn Junior Primary School for a Cultural Development Seeding Grant of \$800.*

---

**COUNCIL DECISION ITEM 10.3.6**

**Moved Cr Chester, Seconded Cr Ker.**

*That the recommendation be adopted.*

**CARRIED (8-0)**

**(Cr Doran-Wu was absent from the Chamber and did not vote.)**

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**DETAILS:**

Mount Hawthorn Junior Primary School's project, Celebrating Cultural Diversity at Mount Hawthorn Junior Primary School, is planned to coincide with Multicultural Week (14-21 March) in 2003.

Mount Hawthorn Junior Primary School is planning a collaborative project between the students and community members, under the guidance of artist Vicki Roberts. The project will involve the production of five canvas banners, representing the various cultures that coexist within Mount Hawthorn. The banners will be unveiled at the school assembly, towards the end of Multicultural week. Also on the day of the assembly, students of the school will be involved in four workshops conducted by bilingual workers from the Ethnic Child Care Resource Centre in Leederville.

The Cultural Development Seeding Grant would be used to support this project, in particular, to be put towards the cost of employing four bilingual workers for the workshops

**CONSULTATION/ADVERTISING:**

These applications were received after the March 2002 advertised round. Such applications are processed as per the advertised round applications.

**STRATEGIC IMPLICATIONS:**

The Cultural Development Seeding Grants and the submitted application address the following section of the Town's Strategic Plan 2001-02:

2.1 *Publicly celebrate and promote the Town's diversity.*

**FINANCIAL/BUDGET IMPLICATIONS:**

Of the \$10,000 budgeted for this item, \$7,236 remains unallocated.

**COMMENTS:**

On completion of the project, the banners produced will be available to be displayed in the Town of Vincent.

Cr Doran-Wu returned to the Chamber at 10.09pm. Mayor Catania advised that Item 10.3.6 had been carried (8-0).

**10.1.11 No.26 (Lot 17) Woodville Street, North Perth - Proposed Additional Multiple Dwelling Above a Two Bay Garage to the Existing Single House and Single Bay Garage to the Multiple Dwelling.**

<b>Ward:</b>	Mount Hawthorn	<b>Date:</b>	9 December 2002
<b>Precinct:</b>	Smith's Lake, P6	<b>File Ref:</b>	PRO2137 (00/33/1386)
<b>Reporting Officer(s):</b>	P Mastrodomenico		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That;*

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme the Council APPROVES the application submitted by the landowner M Thornton for a proposed additional multiple dwelling above a two bay garage to the existing single house and single bay garage to the multiple dwelling at No.26 (Lot 17) Woodville Street, North Perth and as shown on plans stamp dated 14 November 2002, subject to;*
- (a) *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;*
  - (b) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the new front fences and gates adjacent to Woodville 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;*
  - (c) *prior to the issue of a Building Licence, where no implied right of access exists for lots adjacent to a Council owned private right of way, the applicant is required to apply to and obtain from the Town for an expressed right endorsement to both titles at the applicant's/owner(s)' full expense;*
  - (d) *a right of way security bond and/or bank guarantee for \$1000 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;*
  - (e) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
  - (f) *compliance with all relevant Environmental Health, Engineering and Building requirements; and*

- (g) *the provision and construction of a pedestrian accessway with a minimum width of 1.5 metres, except along the existing dwelling where it can be 1.2 metres wide, to the proposed road lot/dwelling;*

*to the satisfaction of the Chief Executive Officer; and*

- (ii) *the Council authorises the Chief Executive Officer to refund \$72.50 to the applicant, such that the applicant pays \$100 towards administration/processing costs for Council to consider this application, in light that this matter has been recently considered by Council and the modifications to the plans are considered to be relatively minor.*

---

**Moved Cr Ker, Seconded Cr Cohen.**

*That the recommendation be adopted subject to an additional new clause (i)(h) as follows:*

- “(i) (h) *prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating the deletion of the garage door to the western side of the proposed double garage. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town’s Policies.*”

**CARRIED (8-1)**

**For**  
Mayor Catania  
Cr Chester  
Cr Doran-Wu  
Cr Drewett  
Cr Franchina  
Cr Hall  
Cr Ker  
Cr Piper

**Against**  
Cr Cohen

**COUNCIL DECISION ITEM 10.1.11**

*That;*

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme the Council APPROVES the application submitted by the landowner M Thornton for a proposed additional multiple dwelling above a two bay garage to the existing single house and single bay garage to the multiple dwelling at No.26 (Lot 17) Woodville Street, North Perth and as shown on plans stamp dated 14 November 2002, subject to;*
- (a) *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;*
- (b) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the new front fences and gates adjacent to Woodville 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;*

- (c) *prior to the issue of a Building Licence, where no implied right of access exists for lots adjacent to a Council owned private right of way, the applicant is required to apply to and obtain from the Town for an expressed right endorsement to both titles at the applicant's/owner(s)' full expense;*
- (d) *a right of way security bond and/or bank guarantee for \$1000 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;*
- (e) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (f) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (g) *the provision and construction of a pedestrian accessway with a minimum width of 1.5 metres, except along the existing dwelling where it can be 1.2 metres wide, to the proposed road lot/dwelling; and*
- (h) *prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating the deletion of the garage door to the western side of the proposed double garage. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies.*

*to the satisfaction of the Chief Executive Officer; and*

- (ii) *the Council authorises the Chief Executive Officer to refund \$72.50 to the applicant, such that the applicant pays \$100 towards administration/processing costs for Council to consider this application, in light that this matter has been recently considered by Council and the modifications to the plans are considered to be relatively minor.*

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<b>LANDOWNER:</b>	M Thornton
<b>APPLICANT:</b>	M Thornton
<b>ZONING:</b>	Metropolitan Region Scheme - Urban Town Planning Scheme No.1 – Residential R40
<b>EXISTING LAND USE:</b>	Single House

**COMPLIANCE:**

<b>Requirements</b>	<b>Required</b>	<b>Proposed</b>
Setbacks		
North (grd & 1st flr)	1.2 metres	Nil
South (grd & 1st flr)	1.2 metres	Nil
Right of Way		
-garage	1.0 metre	1.0 metre
-multiple dwelling	2.5 metres	1.0 metre
Pedestrian accessway	1.5 metres wide	1.2 metres wide
Communal open space	20 square metres	Nil
Balcony	At least one balcony assessable from a habitable room and with a minimum dimension of 2metres and a minimum area of 10 square metres	Nil
Use Class	Multiple Dwelling	
Use Classification	'P'	
Lot Area	693 square metres	

**SITE HISTORY:**

The property is located on the eastern side of Woodville Street and has access to a Council owned 5.0 metres wide sealed right of way along the rear boundary. The surrounding area is characterised predominantly by single houses, with a mix of older and newer styles.

The Council at its Ordinary Meeting held on 8 October 2002, refused the application for the proposed additional multiple dwelling above a two bay garage to the existing single house and single bay garage to the multiple dwelling for the following reasons;

1. Amenity of inhabitants; and
2. Number of non-compliances.

**DETAILS:**

Approval is sought to construct a two-storey rear building with access from the rear right of way. The development comprises a double garage and a single garage on the ground floor and a multiple dwelling above. The double garage is for the use of the existing single house.

The applicant has amended the plans and has included three windows to the eastern/rear elevation on the first floor and additional two windows to the western elevation on the first floor.

The applicant has also made a written submission requesting that the fee be waived completely (that is, refunded in full) as the original proposal was recommended for approval by Officers and that, with respect to the concerns expressed by Council in their rejection of the proposal, the amendments made of the proposal are of a relatively minor nature.

The applicant explains that he expected that no additional fee would be levied. The applicant was advised that there was an additional fee of 50 per cent of the original fee and, (which equates to \$172.50) to reapply to the Town. In light of the extent of resources needed for the administration, processing and reassessment undertaken for this proposal, it is considered appropriate that a fee of \$100 be paid, and the applicant be refunded \$72.50.

**CONSULTATION/ADVERTISING:**

The application was not advertised as it is for a very similar proposal that was the subject of an application advertised and determined within the past 12 months. There were no objections received during the advertising period of the previous application.

**COMMENTS:**

The proposed reduced side setbacks are considered supportable as they comply with clause 3.3.1 and 3.3.2 of the Residential Design Codes (R-Codes), adjacent to existing structures on the neighbouring properties, no objections were received during the previous consultation period, and will not unreasonably adversely affect the amenity of the area.

The proposed rear setback of 1.0 metre is considered acceptable in this case as it allows for an adequate manoeuvring area of 6.0 metres depth.

The proposal includes a pedestrian access from the rear dwelling to Woodville Street. The Town's Policy Vehicle Access to Dwelling Via a Right of Way requires a pedestrian accessway with a minimum width of 1.5 metres, however will consider a lesser width where it abuts an existing house that is being retained. A reduction therefore in the required width of the accessway from 1.5 metres to 1.2 metres is considered acceptable in accordance with the Policy.

The proposal is being considered as a multiple dwelling in accordance with the Residential Design Codes, as portion of the proposed dwelling is over the proposed garage for the existing house. Under the Residential Design Codes multiple dwellings require communal open space and a balcony, however, this is not considered appropriate in this instance due to the nature and scale of the development.

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

**10.2.3 Proposed Traffic Calming Safety Improvements – Kalgoorlie Street, Mount Hawthorn**

<b>Ward:</b>	Mt Hawthorn	<b>Date:</b>	11 December 2002
<b>Precinct:</b>	Mt Hawthorn Precinct P1	<b>File Ref:</b>	TES0292 & TES0173
<b>Reporting Officer(s):</b>	C Wilson		
<b>Checked/Endorsed by:</b>	R Lotznicher		
<b>Amended by:</b>			

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) receives the report on the proposed implementation of traffic calming measures in Kalgoorlie Street, Mt Hawthorn, Berryman Street to Scarborough Beach Road;*
- (ii) refers the matter to the Local Area Traffic Management Advisory Group for consideration, and invites a representative(s) of the residents to attend;*
- (iii) advertises the Local Traffic Management Advisory Groups recommendations for public comment for a period of twenty one (21) days, inviting written submissions; and*
- (iv) receives a further report at the conclusion of the public consultation phase.*

---

**Moved Cr Ker, Seconded Cr Piper.**

*That the recommendation be adopted.*

*Debate ensued.*

**Moved Cr Ker, Seconded Cr Doran-Wu.**

*That the following new clause (iii) be added and the remaining clauses redesignated accordingly and that in the original clause (iii), redesignated as clause (iv) the word "recommendations" be deleted and replaced with the word "advice", as follows*

- “(iii) considers the advice from the Local Area Traffic Management Advisory Group at a future meeting;” and*
- (iv) advertises the Local Traffic Management Advisory Groups advice for public comment for a period of twenty one (21) days, inviting written submissions;”*

**CARRIED (9-0)**

**MOTION AS AMENDED CARRIED (9-0)**

**COUNCIL DECISION ITEM 10.2.3**

*That the Council;*

- (i) receives the report on the proposed implementation of traffic calming measures in Kalgoorlie Street, Mt Hawthorn, Berryman Street to Scarborough Beach Road;*

- 
- (ii) *refers the matter to the Local Area Traffic Management Advisory Group for consideration, and invites a representative(s) of the residents to attend;*
  - (iii) *considers the advice from the Local Area Traffic Management Advisory Group at a future meeting;*
  - (iv) *advertises the Local Area Traffic Management Advisory Groups advice for public comment for a period of twenty one (21) days, inviting written submissions; and*
  - (v) *receives a further report at the conclusion of the public consultation phase.*
- 

### **BACKGROUND:**

Kalgoorlie Street, Berryman Street to Scarborough Beach Road, is used extensively as both a drop off and pick-up point for pupils of the nearby Mt Hawthorn Primary Schools and as an access/parking area for the adjacent Braithwaite Park and Community centre.

As the result of approaches by residents and parents of students of the Mt Hawthorn Primary Schools, the Council allocated funds in 2002/03 Capital Works Programs to install traffic calming measures in Kalgoorlie Street between Berryman Street and Scarborough Beach Road. Further, Council sought to have Scarborough Beach Road, The Boulevard to Killarney Street, and Kalgoorlie Street, Berryman Street to Scarborough Beach Road, designated as 40 kph School Zones.

In accordance with Council's Public Consultation Policy, the attached concept plan, No. 2114-CP-1, was prepared and distributed to the residents of Kalgoorlie Street seeking their views on the proposed treatments.

Public consultation closed on 22 November 2002, resulting in seven (7) submissions including a thirteen (13) signature petition. All respondents agreed that some form of traffic calming was warranted but had differing views on how this should be achieved.

The signatories to the petition, as with two (2) of the individual submissions, are seeking to have Kalgoorlie Street closed at the intersection of Scarborough Beach Road, currently left out only, and create a cul-de-sac. While there is some merit in this idea, it has implications for the surrounding road network and could potentially impinge upon other residents.

### **DETAILS:**

In response to the Town's letter seeking residents' views on the proposed Kalgoorlie Street Traffic Calming and Parking Improvements, some seven (7) submissions were received, including a thirteen (13) signature petition read at the Ordinary Meeting of Council on 3 December 2002, seeking to have Council consider the following:

1. *Close Kalgoorlie Street at the intersection of Scarborough Beach Road.*
2. *Continue the landscaping/vegetation strip across the cul-de-sac head.*
3. *Construct a turning area adjacent the closure.*

Essentially, what the residents are proposing is not dissimilar to the cul-de-sac that the Town installed at the intersection of Blackford Street and Scarborough Beach Road, Mt Hawthorn, in 2000/01. However, if it were to proceed, it has wider implications for the surrounding road network and may be to the detriment of other residents.

With regard to the introduction of 40 kph School Zones in Scarborough Beach Road and Kalgoorlie Street, Main Roads WA (MRWA) have advised, as per the attached correspondence, that they are considering the Scarborough Beach Road request but Kalgoorlie Street will not be supported.

Given that the residents' expectations exceed that of the intended works, it recommended that the proposed Kalgoorlie Street traffic calming measures be referred to the Local Area Traffic Management (LATM) Advisory Group for consideration in accordance with the following process.

- The residents' representative(s) be invited to attend a meeting of the LATM to consider the scope of works and the potential impact upon surrounding streets and to reach a consensus of possible outcomes.
- The Local Area Traffic Management Advisory Group's recommendations be advertised to the affected residents, by way of a letter drop, inviting comments for a period of 21 days.
- That a further report be presented to Council at the conclusion of the public consultation.
- If the works can be accommodated within the existing budget allocation, that they proceed in the current financial year or:
- If the works exceed the current budget allocation, that the monies be carried forward to 2003/04 and additional funds listed for consideration in the draft 2003/04 budget.

#### **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 to be consulted in accordance with Council Policy No. 4.1.21 "Community Consultation".

#### **FINANCIAL IMPLICATIONS:**

The existing budget allocation is sufficient to undertake traffic calming and parking improvements as originally proposed to the residents. If a cul-de-sac was the approved outcome, the monies may not be adequate, however, until the scope of works is determined, this cannot be accurately assessed.

#### **COMMENTS:**

The residents of Kalgoorlie Street, Berryman Street to Scarborough Beach Road, have expressed a strong desire to be actively involved in the decision making process on any possible/future traffic calming measures to be introduced. Therefore, it is recommended that representative(s) of the residents/petitioners be invited to attend a meeting of the Local Area Traffic Management Advisory Group to discuss their concerns and possible solutions.

### 10.3.7 Councillor Buddy Scheme

<b>Ward:</b>	Both	<b>Date:</b>	4 December 2002
<b>Precinct:</b>	All	<b>File Ref:</b>	CMS0053
<b>Reporting Officer(s):</b>	D Casey		
<b>Checked/Endorsed by:</b>	J Anthony/M Rootsey		
<b>Amended by:</b>			

**OFFICER RECOMMENDATION:**

*That the Council adopts the Councillor Buddy Scheme for people with disabilities as outlined.*

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**COUNCIL DECISION ITEM 10.3.7**

**Moved Cr Ker, Seconded Cr Doran-Wu.**

*That the recommendation be adopted.*

**CARRIED (9-0)**

---

**BACKGROUND:**

The Councillor Buddy Scheme was presented at the Ordinary Meeting of Council on 13 February 2001 as Agenda Item 10.3.9 where it was resolved "*That this Item lay on the table until the Disability Advisory Group has considered the matter*".

At the meeting of the Disability Access Advisory Group held on 27 November 2002, the matter was discussed and the group supported the initiative with positive feedback being received about the proposed scheme. The community representative felt it was a good initiative, which would not only assist community members with a disability but would also promote the positive image that the Town has with regard to supporting people with a disability.

The Town of Vincent currently enjoys a reputation as being a proactive Council working consistently towards improving access for people with disabilities. In part this is due to the many partnerships which have been developed in the last few years with initiatives including hosting the People with Disabilities (WA) AGM and sponsorship of the ACROD Art Awards in addition to the development of inclusive and accessible events in the Town. This proposal presents a scheme which would further enhance the reputation of the Town and Elected Members in a unique and positive way.

**DETAILS:**

The Councillor Buddy Scheme is designed to be a voluntary scheme which will establish a system where local councillors are linked to families of, and individuals with a disability, living in their wards. This scheme will give Councillors a personal perspective of the needs of people with a disability and therefore give them the information they need to ensure that they are considering their needs, alongside other community members, when making decisions about the development of services and facilities in the local area.

By making more personal connections the scheme would enable people to discuss issues at an early stage thus increasing the likelihood of a positive resolution being reached at an early stage and avoid the conflicts which can arise when people are frustrated at being overlooked by policy makers.

The extent of the relationship will be determined by the Councillors and families involved dependent on the commitments of both parties. A relationship may be developed where contact is maintained by phone, letter and occasional visits to enjoy birthday celebrations. If convenient both parties may want to have a relationship which involves more regular contact and social visits to community events or activities in which there is a mutual interest.

The main thrust however is to ensure that there is a known contact to exchange information and concerns, ensuring therefore there is consultation and feedback on issues affecting residents with a disability.

The principal of this proposal is already in place through the "Adopt a Politician" Scheme, which is a national scheme run by the Development Disability Council which links State and Federal politicians to families of, and people with a disability, in their electorate. This scheme has been popular with politicians and has successfully given people with a disability a voice and increased the politicians' awareness of the needs of people with disabilities. The Town recently hosted a politician adoption scheme which was a successful and well attended event, with four politicians and local families being adopted.

The Councillor Buddy Scheme would extend the principles of Adopt a Politician giving it a local focus. This would be an innovative project as no other council is running a similar scheme and it would provide residents a unique opportunity to promote self advocacy at a local level.

The benefits which would be seen include:

- Developing better working relationships with residents with a disability which would enable Council to improve consultation on a range of issues affecting their needs;
- Giving people a personal link to Council making it easier to raise issues of concern;
- Improving advocacy for people with disabilities, this would include self-advocacy as people would feel empowered by having a known contact to approach and advocacy by councillors who would have a greater awareness of needs;
- Improve communication between Council and residents; and
- Local residents would gain a greater understanding of how Council works and the role of councillors enabling them to offer constructive feedback rather than criticism.

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

The Councillor Buddy Scheme will be advertised in the Voice News, The Guardian Express, a range of disability publications and newsletters of local service providers.

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

Nil.

#### **STRATEGIC IMPLICATIONS:**

Strategic Plan 2000 – 2002

Key Result Area 2

Objectives        To provide services which are relevant to the needs of our community.  
                      To promote community development and cultural diversity.  
                      To provide opportunities for people in our community to live healthy, active  
                      and creative lifestyle.  
                      To facilitate communication flow and exchange of information between  
                      community and Council.

Key Result Area 2.1: Publicly celebrate and promote the Town's diversity.

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.*

In all areas an important performance measure is community feedback and there are  
opportunities to improve this through this scheme.

**FINANCIAL/BUDGET IMPLICATIONS:**

The projected budget of \$2,200 would be expended from the Disability Services Budget.

**COMMENTS:**

Improving access to services for people with disabilities is becoming increasingly important.  
A number of laws have been passed regarding equal rights and additionally people with  
disabilities, their relatives and friends are becoming increasingly vocal in demanding changes.  
However most people recognise that the best way to improve access is through education and  
increasing people's awareness of their needs in a positive way. It is also recognised that to  
make changes links need to be created between community members affected by disability  
and the people in a position within that community to make positive changes. This scheme  
would provide those links and enable change to occur in a positive way which would be  
beneficial to all members of the community.

The implementation of the scheme would also further a number of objectives of the Town's  
Disability Services Plan (DSP). As the Disability Services Commission requires an annual  
report on the implementation of the DSP it is important to ensure that objectives are met.  
This scheme would demonstrate a commitment to meeting many of the objectives of the DSP,  
but particularly those relating to community consultation, raising awareness of the needs of  
people with a disability, and adaptation of services.

**MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**11.1 Notice of Motion – Councillor Caroline Cohen – Investigation of Proposed Ferry Service**

*That;*

- (i) *the Council requests the Chief Executive Officer to write to Transperth, TravelSmart, the State Government of Western Australia and other stakeholders to advocate (or to initiate investigation into) a ferry service;*
- (ii) *this service to operate from the Riverside (Banks) Precinct to the City of Perth via Claise Brook, promoting TravelSmart principles and to synergise the transport system linking rail with bicycle, bus and river; and*
- (iii) *a report be presented to the Council.*

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**COUNCIL DECISION ITEM 11.1.**

**Moved Cr Cohen, Seconded Cr Ker.**

*That the recommendation be adopted.*

**CARRIED (9-0)**

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## 12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

<b>12.1 WALGA Nominations – Community Housing Standing Committee (Panel of 3 Names), Local Government Self Insurance Schemes Board (2 Elected Members, 2 Serving Officers)</b>
--

<b>Ward:</b>	-	<b>Date:</b>	10 December 2002
<b>Precinct:</b>	-	<b>File Ref:</b>	ORG0045
<b>Reporting Officer(s):</b>	Manuela MCKahey		
<b>Checked/Endorsed by:</b>	John Giorgi		
<b>Amended by:</b>	-		

### RECOMMENDATION:

*That;*

- (i) \_\_\_\_\_ *.be nominated as WALGA Member – Community Housing Standing Committee (Panel of 3 Names);*
- (ii) *Cr \_\_\_\_\_ and .Cr \_\_\_\_\_ .be nominated as WALGA Member – Local Government Self Insurance Schemes Board (2 Elected Members); and*
- (iii) \_\_\_\_\_ *.and \_\_\_\_\_ .be nominated as WALGA Member – Local Government Self Insurance Schemes Board (2 Serving Officers).*

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### COUNCIL DECISION ITEM 12.1

Moved Cr Ker, Seconded Cr Chester.

*That nil nominations be submitted.*

*CARRIED (9-0)*

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### BACKGROUND:

Please see Appendix 12.1 for details.

**NOMINATIONS CLOSE COB WEDNESDAY 15 JANUARY 2003.**

### 13. URGENT BUSINESS

<b>13.1 Motion of Urgent Business - Councillor Helen Doran-Wu - Proposed Town of Vincent Community Forum to Discuss the Proposed Prostitution Control Bill 2002</b>
---

*That;*

- (i) *the Chief Executive Officer be requested to organise a Community Forum in late January 2003 to discuss the proposed Prostitution Control Bill 2002; and*
- (ii) *invitations be extended to the various stakeholders, including Minister for Police and Emergency Services, the Hon. Michelle Roberts, Police Service, Western Australian Local Government Association (WALGA), representatives of the sex industry workers and interested members of the public.*

---

**Moved by Doran-Wu Cr, Seconded by Cr Ker**

*That the recommendation be adopted subject to the following amendment to clause (ii).*

*Add the words ",but not limited to", before the words "Minister for Police" as follows:*

*"(ii) invitations be extended to the various stakeholders, including, but not limited to Minister for Police and Emergency Services, the Hon. Michelle Roberts, Police Service, Western Australian Local Government Association (WALGA), representatives of the sex industry workers and interested members of the public."*

**CARRIED (9-0)**

#### **COUNCIL DECISION ITEM 13.1**

*That;*

- (i) *the Chief Executive Officer be requested to organise a Community Forum in late January 2003 to discuss the proposed Prostitution Control Bill 2002; and*
- (ii) *invitations be extended to the various stakeholders, including, but not limited to Minister for Police and Emergency Services, the Hon. Michelle Roberts, Police Service, Western Australian Local Government Association (WALGA), representatives of the sex industry workers and interested members of the public."*

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#### **CHIEF EXECUTIVE OFFICER'S COMMENT:**

The Prostitution Control Bill 2002 has been advertised for public comment and submissions are to be received no later than Friday, 7 February 2003. The next Ordinary Meeting of the Council is scheduled for Tuesday 11 February 2002. The Town has requested an extension of time in order that the Town's Administration can prepare a report for the consideration of the Council.

It is considered that a community forum will enable the various stakeholders to provide feedback and comment which will be useful for the Town's Administration in the preparation of its report.

To enable the community forum to be prepared and advertised, a proposed date is Wednesday 28 January 2003, commencing at 7pm.

**Moved Cr Hall, Seconded Cr Ker.**

*That the meeting move behind closed doors to consider the remaining confidential items.*

**CARRIED (9-0)**

At 10.17pm Mayor Catania advised that Council will be proceeding behind closed doors to consider Items 13.1 and 13.2 and 10.4.7 as these items contains information which is considered confidential.

Three members of the public and 2 journalists departed.

**13.2 Confidential - Motion of Urgent Business - Councillor Caroline Cohen - Naming of Banks Reserve Proposed Regional Recreation Path**

*That the Council recommends to the Department of Planning and Infrastructure that the proposed Regional Recreation Path between Banks Reserve and Mercy Hospital be named "The Tony Di Scerni Bike Path".*

**CHIEF EXECUTIVE OFFICER'S COMMENT:**

The Banks Precinct Action Group has considered this matter and has written to the Council that one of its members, Mr Tony Di Scerni, be recognised for his efforts in this matter. This proposal, if approved, will involve the erection of appropriate signage, located at the Banks Reserve entry to the proposed path.

It is most appropriate for the Council to recognise one of its community members for their efforts.

This matter is most sensitive as Mr Di Scerni is unwell with cancer and therefore, the Council should consider the matter on a confidential basis to respect Mr Di Scerni's privacy.

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**COUNCIL DECISION ITEM 13.2**

**Moved Cr Cohen, Seconded Cr Ker.**

*That the recommendation be adopted.*

*Debate ensued.*

**CARRIED (9-0)**

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**Note: The Chief Executive Officer advised that this report is now released to the public as the Council has determined the matter.**

**10.4.7 Confidential Report - Nomination - Premier's Australia Day Active  
Citizenship Awards**

<b>Ward:</b>	-	<b>Date:</b>	11 December 2002
<b>Precinct:</b>	-	<b>File Ref:</b>	CVC0005
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>	-		
<b>Amended by:</b>	-		

**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 Nomination - Premier's Australia Day Active Citizenship Awards.*

**COUNCIL DECISION ITEM 10.4.7.**

**Moved Cr Hall, Seconded Cr Ker.**

*That the recommendation be adopted.*

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) SUPPORTS the nomination of \_ \_ \_ \_ of \_ \_ \_ \_ for the Premier's Australia Day Active Citizenship Award in the category of "A Person of 25 Years or Older" for services to the Vincent community as outlined in this report; and*
- (ii) forwards this nomination to the Australia Day Council of Western Australia for consideration.*

**CARRIED (9-0)**

**DETAILS:**

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains information which should not be made public until the Australia Day Council of Western Australia considers the nomination.

**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.

## **CONFIDENTIAL REPORT**

### **DETAILS:**

In October 2002 the Australia Day Council of Western Australia wrote to the Town advising of the Premier's Australia Day Active Citizenship Awards. These new awards replace the former Australia Day Citizen of the Year Awards and are designed to encourage greater community involvement in the nomination process. The Awards foster, recognise and celebrate significant contributions to community life and active citizenship in all local government areas of Western Australia.

### **Guidelines and Criteria**

Each year two local citizens and one local community group in each local government area will be eligible for this Award.

The recipients will be selected from people and groups who have made a noteworthy contribution during the current year, or given outstanding service to the local community over a number of years through active involvement.

### **Categories**

The Awards include the following categories:

- Premier's Australia Day Active Citizenship Award for a person of 25 years or older
- Premier's Australia Day Active Citizenship Award for a person under 25 years
- Premier's Australia Day Active Citizenship Award for a community group or event

### **Selection Criteria**

The winners will have been judged to have shown active citizenship and:

- Significant contribution to the local community.
- Demonstrated leadership on a community issue resulting in the enhancement of community life.
- A significant initiative which has brought about positive change and added value to community life.
- Inspiring qualities as a role model for the community.

### **Eligibility Criteria**

- Nominees should reside principally within the local authority.
- Awards will not be granted posthumously.
- Groups of people or couples will not normally be eligible except when meeting the criteria for a community group.
- A person cannot receive the same award twice, but can be considered for another award.
- Unsuccessful nominees may be nominated in future years.
- Sitting members of State, Federal and Local Government are not eligible.

### **Judging Process**

All category winners of the Premier's Australia Day Active Citizenship Awards will be selected from nominations received from the community, your local government or its appointed committee.

The judging panel will be made up of representatives from the local government and the local community.

These prestigious awards are only available to one recipient in each category in each year. Where local government represents more than one district or town, awards may be made to one winner from each category in each centre.

The judge's decision will be final and no correspondence will be entered into by the Australia Day Council of Western Australia.

### **ADVERTISING/CONSULTATION:**

Nominations were called by the time in November 2002 and at the close of nominations on 6 December 2002, one nomination was received as follows:

*Nominator* – Information confidential

*Nominee* – Information confidential

### ***Reasons for Nomination***

Information confidential

### ***Demonstrated active citizenship***

Information confidential

*Other Recognition*

Information confidential

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil – apart from advertising costs in the community newspapers

**LEGAL IMPLICATIONS:**

Nil

**STRATEGIC IMPLICATIONS:**

Nil.

**COMMENTS:**

The recognition of community members' service to the community fosters community spirit and pride. Accordingly, the nomination of \_ \_ \_ is supported and it is recommended that it be forwarded to the Australia Day Council of Western Australia for consideration.

**14. CLOSURE**

Presiding Member, Mayor Nick Catania JP, declared the Meeting closed at 10.23pm with Councillors Chester, Doran-Wu, Drewett JP, Franchina, Cohen, Hall, Ker and Piper JP, Chief Executive Officer, John Giorgi JP, Executive Manager Environmental and Development Services, Rob Boardman, Executive Manager Corporate Services, Mike Rootsey, Executive Manager Technical Services, Rick Lotznicher and Minutes Secretary, Debbie Winfield present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 17 December 2002.

Signed: .....Presiding Member  
Mayor Nick Catania, JP

Dated this ..... day of ..... 2003