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Nil	120
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Nil	120
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Nil	120
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120
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Minutes of the Ordinary Meeting of the Council of the Town of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 19 November 2002 commencing at 6.01pm.

**1. DECLARATION OF OPENING**

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

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

**(a) Apologies:**

Nil

**(b) Present:**

Mayor Nick Catania, JP	Presiding Member
Cr David Drewett, JP	Deputy Mayor - Mt Hawthorn Ward
Cr Simon Chester	Mt Hawthorn Ward
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
Ms Jenny D'Anger	Journalist - Voice News
Ryan Emery	Journalist - Guardian Express
Members of the Public	Approximately 24

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

Nil

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

1. David Owen of 188B Grosvenor Road, North Perth – Item 10.1.14. Requested that Councillors resist approval despite the recent TPAT decision to uphold an appeal and approve the application. He expressed concern that although the TPAT decision had been handed down 10 days previously, there had been no written decision yet issued, and this was needed to assess grounds for appeal within the allowable 21 days. Stated that the Council had previously refused the application and that the building would set a precedent for three storey development in the area and harm the aesthetics due to its bulk.
2. David Ristovsky of 4 Redgum Street, Greenwood – Item 10.1.1. Stated that he was representing the applicants, his brother and sister-in-law, and that the 4.8 metres set back from the verge to the garage would allow the parking of a standard family size car. Requested Councillors to approve the application and allow the reduced setback of the garage on the basis of safety, privacy and practicability.
3. Steven Robinson of 26 Witchcliffe Way, Dianella – Item 10.1.9. Stated that in December 1999, Council voted to cut off vehicular access from the property. The owner had unsuccessfully applied to Main Roads WA for access last month, and although the property was zoned commercial, development options were limited. Requested Councillors to consider approving the application for billboards on the property.
4. Joe Eastoe of 34 Chatsworth Road, Highgate – Item 10.1.10. Referred to the Council decision to refuse a previous application, and to the TPAT Moullin versus Town of Cottesloe decision excerpts that he had emailed to Councillors. He stated that TPAT had stated that heritage consideration cannot be elevated to the extent that he considered it was in his application. Stated he believed refusal of his application was based on an incorrect interpretation of the TPAT decision.
5. Patricia Kershaw of 4 Smith Street, Highgate – Item 10.1.12. Stated that the existing wall was in need of repair, the road was busy and the laneway by the property was an access way for units nearby. Requested Councillors to approve the application based on her need for privacy and safety, and in view that the fence did fit the streetscape and was not being increased in height. Provided photos for distribution to the Council.
6. Dr Susan MacKenzie of 3/121 Alma Road North Perth – Item 10.1.6. Stated that she was also representing the views of residents at 1, 2 and 4/121 Alma Road, North Perth. Advised that she had sent a letter to Council and spoken to several Councillors regarding the ROW. Noted the application was conditionally approved at the last meeting. Requested Councillors to approve as a two storey and not as a two storey with a loft. Stated that the ROW width was a safety issue as property would be set back half a metre from the ROW.

7. Steed Farrell of 90 Matlock Street, Mount Hawthorn representing the Mount Hawthorn Precinct Group – Item 10.1.2. Referred to parking shortfall of this application and the recent approved Oxford Hotel application, and the resultant parking shortfall in the area. Requested the Town of Vincent to urgently consider a review of parking arrangements for this part of Oxford Street, and to formulate and implement a parking strategy in consultation with local residents to allay their concerns about the effect of developments on the amenity of the area
8. Dudley Myer of 51 Chatswood Road, Highgate – Item 10.1.14 and 10.2.5. Referred to Item 10.1.14, clause (vi) and stated that the word “may” should be replaced with “must”. Thanked the CEO for his letter in response to his questions in regard to the sale of the old Bottleyard land. Stated that he considered the report provided in regard to parking, Item 10.2.5 was poor, and that the ratepayers of the Town of Vincent need to be considered over the “community at large” as referred to in the report.
9. Kate Boyle of 22 Monger Street, Perth – Item 10.2.5. Stated that report provided was poor and did not provide solutions to the ongoing property development and increased need for parking for commercial developments.
10. Laurence Scanlon of 1/90 King Street, Perth – Item 10.1.2. Stated he was representing the owner. Referred to parking and requested the Councillors to judge the high quality development on its merits.
11. Lena Bruno of 38 Camelia Street, North Perth – Item 10.1.6. Referred to a letter sent to the Town of Vincent last month concerning the previous approval from the Council. Stated that the application conforms with the Town Planning Scheme with or without the loft area and that she had spent time and money to do so. Urged Councillors to approve the application.
12. Ian Anderson of 44 Anzac Road, Mount Hawthorn – Oxford Hotel application, Item 10.1.2 of Ordinary Meeting of Council held on 5 November 2002. Stated that the Oxford Hotel has an application with the Liquor Licensing Board to convert the Hotel to a Tavern, and if successful will be in a position to increase the maximum capacity based on the approved plans. Requested that Councillors consider rescinding their previous approval decision.
13. Shirley Benton 46 Smith Street, Mount Hawthorn – Item 10.2.5. Stated her disappointment with the report provided. Referred to the parking situation, exacerbated by the local cafes, and made intolerable when Perth Glory matches played. In reference to the method of consultation/advertising in the report, she requested that this be done by a letter drop to residents, and not by way of advertisement in local papers.
14. Philip Sarich of 40 Anzac Road, Mount Hawthorn – Oxford Hotel application, Item 10.1.2 of Ordinary Meeting of Council held on 5 November 2002.

**Cr Hall departed the Chamber at 6.31pm.**

Philip Sarich requested that Councillors consider the parking issue in the nearby streets, and the views of residents be considered, and that parking be provided for them, with the Oxford Hotel using their unused land for parking for patrons.

15. Rick Zielinski of 59 Darch Street, Yokine – Item 10.1.7. Stated that the application and elevations were approved two years ago, and that the current elevations were less than the previous application, and that the neighbours had no objections. Requested Councillors to approve the application.

**Cr Hall returned to the Chamber at 6.34pm.**

There being no further questions, Public Question Time closed at 6.35pm.

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

IB03.

**4. APPLICATIONS FOR LEAVE OF ABSENCE**

Cr Ker applied for leave of absence for the Ordinary Meeting of Council 3 December 2002, as he is interstate on business.

**Moved by Cr Piper, Seconded by Doran Wu**

*That Councillor Ker's application for leave of absence for 3 December 2002 be approved.*

**CARRIED (9-0)**

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

Ms LaRosa of 145 Raglan Road, North Perth together with nine petitioners objected to the proposed home occupation for a therapeutic massage at No. 147 Raglan Road, North Perth on the basis that it will cause nuisance and adversely affect the amenity of the area. It was recommended that this petition be referred to Executive Manager of Environmental and Development Services for investigation and report.

**Moved by Cr Ker, Seconded by Cr Hall**

*That the petition be received and the report be prepared as recommended.*

**CARRIED (9-0)**

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

**Moved by Cr Cohen, Seconded by Cr Piper.**

*That the Minutes of the Ordinary Meeting of Council held on 5 November 2002 be confirmed as a true and correct record, subject to the following amendments:*

- (i) *Item 10.1.6, clause (xii) – a notation be made that the obscure glazing refers to the bathroom and toilet windows on the north east elevation;*
- (ii) *Item 10.1.2 clause (i) and (ii) be deleted, and the remaining clauses be renumbered accordingly; and*
- (iii) *Item 10.4.3 be amended to include the word “October” in clause (i) and the Appendix 10.4.3 be amended to read “7 October 2003” and “21 October 2003”, in lieu of “14 October 2003” and “28 October 2003”.*

**CARRIED (9-0)**

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

Nil.

**8. DECLARATION OF INTERESTS**

- 8.1 Mayor Catania declared a financial interest in Item 10.1.3 – Investment Report. The extent of his interest being that he is the Chairman of the Board of Directors of the North Perth Bendigo Bank.
- 8.2 Cr Simon Chester declared a proximity interest in Item 10.1.11, relating to 79 Chelmsford Street, Mount Lawley. The extent of his interest being that he and his partner own property in close proximity.

**9. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN (WITHOUT DISCUSSION) – CR DAVID DREWETT, JP**

- 9.1 Can the Council change a previous decision without a rescission of the original decision? (Yes/No.)**

*Response:*

*This question indicates a simple “Yes/No” answer. However, the matter is more complex as follows;*

*Generally, the Council has the power to revoke or change its decisions and the procedure and requirements are prescribed in the Local Government 1995, Section 5.25(e), Local Government (Administration) Regulations 1996, Regulation 10 and Town of Vincent Local Law relating to Standing Orders, Clause 3.20.*

*However, Council decisions made under the Town Planning and Development Act 1928 cannot generally be revoked or changed – the decision is final.*



**9.2 Can the Officers/Administration change a Council decision? (Yes/No.)**

Response:

*Refer to Response 9.1. However, in addition, on occasions a Council decision may include the authority for the "Town's Officers/Administration" to negotiate or determine some matters. In these cases, the Council decision normally contains a clause which qualifies the action to be "subject to the satisfaction of the Chief Executive Officer".*

*Examples of these Council decisions usually relate to contractual matters (for example, lease negotiations, determination of conditions, (dates, dollar amounts) or finalisation and negotiation of Offer and Acceptance documentation).*

*Whilst strictly this is not giving the authority for an Officer to change a Council decision, invariably in some cases the negotiations/determinations/finalisation may result in the final outcome being different to that contained in the original Council decision.*

**9.3 If yes, what legislation or regulations afford this power?**

Response:

*Refer to Response 9.1.*

**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 10.1.14, 10.1.1, 10.1.9, 10.1.10, 10.1.12, 10.1.6, 10.1.2, 10.4.2, 10.2.5 and 10.1.7.

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

Item 10.4.1.

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

Items 10.3.1 and 10.1.11.

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

**10.4 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	10.1.16
Cr Drewett	10.3.2
Cr Cohen	10.2.3, 10.1.5 and 10.1.4
Cr Franchina	Nil
Cr Piper	Nil
Cr Chester	Nil
Cr Hall	10.1.8
Cr Doran-Wu	10.1.15
Cr Ker	Nil

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

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

Items 10.1.3, 10.1.13, 10.2.1, 10.2.2, 10.2.4, 10.3.3, 10.3.4 and 10.3.5.

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

Nil

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

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

Items 10.1.3, 10.1.13, 10.2.1, 10.2.2, 10.2.4, 10.3.3, 10.3.4 and 10.3.5.

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

Items 10.1.14, 10.1.1, 10.1.9, 10.1.10, 10.1.12, 10.1.6, 10.1.2, 10.4.2, 10.2.5 and 10.1.7.

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

Item 10.4.1.

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

Items 10.3.1 and 10.1.11.

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

Items 10.1.16, 10.3.2, 10.2.3, 10.1.5, 10.1.4, 10.1.8 and 10.1.15.

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

Nil

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

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

Items 10.1.3, 10.1.13, 10.2.1, 10.2.2, 10.2.4, 10.3.3, 10.3.4 and 10.3.5.

**CARRIED (9-0)**

**10.1.3 No. 323 (Lot 50) William Street, Corner Newcastle Street, Perth - Proposed Signage to Eating House (Fast Food Outlet)**

<b>Ward:</b>	North Perth	<b>Date:</b>	12 November 2002
<b>Precinct:</b>	Beaufort, P13	<b>File Ref:</b>	PRO0172 00/33/1325
<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 Metropolitan Region Scheme, the Council APPROVES the application submitted by Peter D Webb and Associates on behalf of the owners Bombax Pty Ltd for proposed signage to eating house (fast food outlet) in existing building at No. 323 (Lot 50) William Street, corner Newcastle Street, Perth, as shown on plans stamp dated 7 October 2002, subject to:*

- (i) prior to the issue of a Sign Licence, revised plans shall be submitted and approved demonstrating the illuminated signs attached to the fascia of the verandahs being deleted from the proposal or having a maximum dimension of 600 millimetres by 600 millimetres and not projecting beyond the outer frame or surround of the verandah fascia;*
- (ii) all signage shall be subject to a separate Sign Licence application being submitted and approved prior to the erection of the signage;*
- (iii) the signage shall not have flashing or intermittent lighting and any illumination of the signs shall be of a low intensity;*
- (iv) the projecting signs shall not project beyond the outer frame or surround of the verandah;*
- (v) the projecting signs attached underneath the verandah are to be placed at right angles to the front street boundary and placed such that the centre of its base longitudinally is equidistant from the outer edge of the verandah and the vertical plane of the shop front directly opposite the end of such sign;*
- (vi) compliance with all relevant Environmental Health, Engineering and Building requirements, including relevant Australian Standards and noise regulations;*
- (vii) a road and verge security deposit 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 have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (viii) the windows and doors and adjacent floor area facing William Street and Newcastle Street shall maintain an active and interactive frontage to the adjacent streets; and*

- (ix) *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.*

**AMENDED OFFICER RECOMMENDATION:**

Amend the preamble and clause (i) of the previous recommendation as follows:

*"That;*

*in accordance with the provisions of the Metropolitan Region Scheme, the Council APPROVES the application submitted by Peter D Webb and Associates on behalf of the owners Bombax Pty Ltd for proposed signage to eating house (fast food outlet) in existing building at No. 323 (Lot 50) William Street, corner Newcastle Street, Perth, as shown on plans stamp dated 7 October 2002 and 19 November 2002, subject to:*

- (i) *prior to the issue of a Sign Licence, revised plans shall be submitted and approved demonstrating the illuminated signs attached to the fascia of the verandahs being deleted from the proposal or ~~having a maximum dimension of 600 millimetres by 600 millimetres~~ and not projecting beyond the outer frame or surround of the verandah fascia;"*

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

*That the recommendation be adopted.*

**CARRIED (9-0)**

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**COUNCIL DECISION ITEM 10.1.3**

*That;*

*in accordance with the provisions of the Metropolitan Region Scheme, the Council APPROVES the application submitted by Peter D Webb and Associates on behalf of the owners Bombax Pty Ltd for proposed signage to eating house (fast food outlet) in existing building at No. 323 (Lot 50) William Street, corner Newcastle Street, Perth, as shown on plans stamp dated 7 October 2002 and 19 November 2002, subject to:*

- (i) *prior to the issue of a Sign Licence, revised plans shall be submitted and approved demonstrating the illuminated signs attached to the fascia of the verandahs being deleted from the proposal or not projecting beyond the outer frame or surround of the verandah fascia;*
- (ii) *all signage shall be subject to a separate Sign Licence application being submitted and approved prior to the erection of the signage;*
- (iii) *the signage shall not have flashing or intermittent lighting and any illumination of the signs shall be of a low intensity;*
- (iv) *the projecting signs shall not project beyond the outer frame or surround of the verandah;*

- (v) *the projecting signs attached underneath the verandah are to be placed at right angles to the front street boundary and placed such that the centre of its base longitudinally is equidistant from the outer edge of the verandah and the vertical plane of the shop front directly opposite the end of such sign;*
- (vi) *compliance with all relevant Environmental Health, Engineering and Building requirements, including relevant Australian Standards and noise regulations;*
- (vii) *a road and verge security deposit 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 have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (viii) *the windows and doors and adjacent floor area facing William Street and Newcastle Street shall maintain an active and interactive frontage to the adjacent streets; and*
- (ix) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*

**LANDOWNER:** Bombax Pty Ltd  
**APPLICANT:** Peter D Webb and Associates  
**ZONING:** Metropolitan Region Scheme - Urban, abuts Other Regional Road  
 Town Planning Scheme No. 1 - "Unzoned", abuts Other Regional Road  
**EXISTING LAND USE:** Commercial

**COMPLIANCE:**

Requirements	Required	Proposed
Projecting Signs	Not to exceed a vertical dimension of 600 millimetres. Not to project beyond the outer frame of the fascia of the verandah.	Proposed illuminated projecting sign with Domino's logo 1 metre by 1 metre wide with a vertical dimension of 1.5 metres, which projects beyond the fascia of the verandah.
Illuminated Translight (wall signs)	Illuminated signs to have a minimum clearance of 2.75 metres from finished ground level.	Proposed illuminated translights approximately 1.2 metres from ground level.

Requirements	Required
Use Class	Eating House
Use Classification	Land not zoned. 'P' in a Commercial zone
Lot Area	1135 square metres

**SITE HISTORY:**

The subject two storey brick, stucco and iron building is listed on the Town's Municipal Heritage Inventory and was constructed circa 1935. The building is one of the few remaining art deco buildings in Perth and was originally used for offices and shops.

The subject shop has previously been used as an eating house / restaurant including a similar pizza franchise.

**DETAILS:**

Domino's Pizza is proposing to open a shop/eating house with predominantly pick up and takeaway, from within the existing building.

The proposed signage includes two projecting signs attached to the underside of the verandah, one on each street frontage and complies with the Town's Policy relating to Signs and Advertising in relation to size and location. The proposal also includes two illuminated translight wall signs and two illuminated projecting signs attached to the fascia of the verandah.

**CONSULTATION/ADVERTISING:**

No submissions were received during the advertising period.

**COMMENTS:**

**Use**

Under the Metropolitan Region Scheme, the land is zoned Urban, however under Town Planning Scheme No. 1 the land is currently unzoned. Accordingly, this application is determined only under the Metropolitan Region Scheme, however due consideration should still be given to the Town's Town Planning Scheme No. 1 and associated Policies.

On 11 June 2002, Council at its Ordinary Meeting resolved to support the rezoning of the subject land from unzoned to Commercial. The Town Planning Scheme Amendment is currently with the Minister for Planning and Infrastructure for determination.

As the building is existing, the surrounding land uses are Commercial and a similar land use has been previously operating from the site, and no objections have been received, the use is considered appropriate.

**Signage**

The proposed projecting signs attached to the underside of the verandah and the non illuminated signs attached to the front of the verandah comply with the requirements of the Town's Policy relating to Signs and Advertising and are therefore supported.

The proposed illuminated projecting signs attached to the fascia of the verandahs exceed the vertical dimension of 600 millimetres as required by the Town's Policy relating to Signs and Advertising. The illuminated signs submitted on the original plans are 1.5 metres by 1.5 metres at the corner of William and Newcastle Street, and 1 metre by 1 metre facing Newcastle Street. The signs are also orientated so that they are diamond in shape configuration, effectively having a vertical dimension of 2 metres and 1.5 metres, respectively. The applicant has advised that their client is willing to reduce the dimension of the proposed illuminated signs to 1 metre by 1 metre, with the vertical dimension of 1.5 metres accordingly. They have advised that their corporate image does not allow the sign to be reduced any further, as consistency in the image of stores across Australia is essential.

This comment is acknowledged, however the proposed illuminated signs will still not comply with the Town's Policy and as the signs are not considered to be sympathetic to the fabric and design of the building listed on the Town's Municipal Heritage Inventory. It is recommended that these signs are deleted as a condition of approval, or reduced in size so that they have a maximum vertical dimension of 600 millimetres and do not project beyond the outer frame or surround of the fascia.

The proposed illuminated translight wall signs on William Street and Newcastle Street generally comply to the requirements of walls signs, however they do not comply with the Town's Policy relating to Signs and Advertising, as they do not have the required minimum clearance from the finished ground level required for an illuminated sign. The applicant is of the view that the proposed translight signs will not distract drivers passing by the store, nor is the signage out of character with other commercial premise along William Street. In this instance, the proposed illuminated translights wall signs are considered to be supportable as they comply with the requirements for wall signs and the illumination is considered to be minor.

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

**FURTHER REPORT:**

The applicant requested that the attached plans stamp dated 19 November 2002, be tabled at the Ordinary Meeting of Council. The plans show modifications to the proposed illuminated signs attached to the fascia of the verandahs having a maximum dimension of 600 millimetres by 600 millimetres. However, the proposed illuminated projecting signs still project beyond the outer frame or surround of the verandah fascia and it is therefore recommended that these signs be deleted from the proposal or modified so that they no longer project beyond the outer frame or surround of the verandah fascia.

Accordingly, it is recommended that the preamble and clause (i) of the previous recommendation be amended to reflect the amended plans and delete reference to the maximum dimension of 600 millimetres by 600 millimetres. The remainder of clause (i) and the remaining clauses should be unchanged.



**10.1.13 No. 109 (Lots 81 - 83) (Survey Strata Lot 5) Chelmsford Road, Corner Jack Marks Lane, Mount Lawley - Proposed Two-Storey Single House**

<b>Ward:</b>	North Perth	<b>Date:</b>	13 November 2002
<b>Precinct:</b>	Norfolk, P10	<b>File Ref:</b>	PRO 0840 00/33/1353
<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, and having regard to the matters it is required consider generally, and in particular:*

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
- (ii) the non-compliance with the access and car parking, privacy, setbacks and open space requirements of the Residential Design Codes (R Codes);*

*the Council REFUSES the application stamp-dated 16 October 2002 submitted by Peter Stannard Homes on behalf of the owner G Howell-Morgan for a proposed two storey single house at No. 109 (Lots 81-83) (Survey Strata Lot 5) Chelmsford Road, corner Jack Marks Lane, Mount Lawley.*

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**COUNCIL DECISION ITEM 10.1.13**

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

*That the recommendation be adopted.*

**CARRIED (9-0)**

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**LANDOWNER:** G Howell-Morgan  
**APPLICANT:** Peter Stannard Homes  
**ZONING:** Metropolitan Region Scheme - Urban  
Town Planning Scheme No. 1 - Residential R40  
**EXISTING LAND USE:** Vacant land

**COMPLIANCE:**

<b>Requirements</b>	<b>Required</b>	<b>Proposed</b>
Setbacks - Front  - Rear - Side - north	4 metres to ground floor of main dwelling 6 metres to first floor 1.5 metres 1.5 metres	3.15 metres to living room 4.2 metres to first floor 0 metre 0 metre
Open Space	45 percent	41 percent
Outdoor Living Area	To be provided behind the street setback area.	Provided in the front setback
Vehicle Manoeuvring Depth	6 metres from the garage opening to the nearest impediment.	5.87 metres to opposite side of right of way.
Privacy	Balconies within 7.5 metres of property boundary on first floor to be screened.  Bedrooms within 4.5 metres of property boundary to be screened.	Southern side of balcony accessible from bedroom 1 on the first floor 6.6 metres from No. 106 Vincent Street. Window to bedroom 3 on the northern elevation setback 3 metres from the property boundary.
Use Class	Single House	
Use Classification	'P'	
Lot Area	217 square metres	

**SITE HISTORY:**

29 March 2000                      The Western Australian Planning Commission conditionally approved the survey strata subdivision, which subdivided one existing allotment into five (5) allotments, with one retaining the existing house, and with no common property.

**DETAILS:**

The proposal involves the construction of a two-storey single house fronting Norfolk Street, with vehicular access proposed from a Town owned and sealed 5 metres wide right of way (ROW) known as Jack Marks Lane.

The applicant has been advised of the non-compliance issues with the new Residential Design Codes (R-Codes), however has requested that the matter be referred to Council for consideration and determination in its current form.

**CONSULTATION/ADVERTISING:**

No submissions were received during the advertising period.

**COMMENTS:**

**Outdoor Living Area**

In this instance, the variation to the location of the outdoor living area to be within the front setback, is supported, given that the design allows for a more favourable streetscape and has partial orientation to the north for passive solar access.

**Privacy**

In order to comply with the privacy requirements of the R Codes, the balcony accessible from bedroom 1 on the southern elevation and the window to bedroom 3 on the northern elevation should be screened and non-openable to a minimum height of 1.6 metres.

**Vehicle Manoeuvring Depth**

In accordance with the R-Codes, revised plans should be submitted and approved demonstrating a minimum of 6 metres between the garage and the nearest impediment, being the opposite side of the ROW.

**Setbacks and Total Open Space**

It is acknowledged that the lot is relatively small in size, however it is considered that the extent of variation to the open space and setback requirements results in a development that is an overdevelopment of the site that will unreasonably affect the amenity of the area.

Accordingly, it is recommended that the proposal be refused.

**10.2.1 Mindarie Regional Council - Secondary Waste Treatment Planning Progress Report No. 2**

<b>Ward:</b>	Both	<b>Date:</b>	11 November 2002
<b>Precinct:</b>	All	<b>File Ref:</b>	ENS0016
<b>Reporting Officer(s):</b>	R Lotznicher		
<b>Checked/Endorsed by:</b>	-		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *receives the report on the Mindarie Regional Council's Secondary Waste Treatment Planning Progress Report No 2;*
- (ii) *notes the activities planned by the Mindarie Regional Council for November 2002 as outlined in Information Bulletin No 2 contained in the report; and*
- (iii) *notes that further reports will be submitted on the Mindarie Regional Council's Secondary Waste Secondary Waste Treatment Planning and associated issues as matters are further progressed.*

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**COUNCIL DECISION ITEM 10.2.1**

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

*That the recommendation be adopted.*

**CARRIED (9-0)**

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**BACKGROUND:**

At the Ordinary Meeting of Council held on 23 July 2002, the Town of Vincent (TOV) Council received a progress report on Mindarie Regional Council (MRC) matters relating to Secondary Waste Treatment, where the following resolution was adopted:

*"That the Council;*

- (i) *receives the report on the Mindarie Regional Council's Secondary Waste Treatment Planning Progress Report; and*
- (ii) *notes that further reports will be submitted on the Mindarie Regional Council's Regional Waste Management Plan, Secondary Waste Treatment Planning and Secondary Waste Treatment Siting issues, as matters progress."*

At the MRC's Ordinary Meeting held on 17 October 2002, the MRC considered the following items relating to secondary waste treatment planning and related issues:

- Item 9.2.2 - Regional Waste Management Plan
- Item 9.2.4 - Secondary Treatment within WA - Progress Report
- Item 9.2.5 - Secondary Waste Treatment Facility - Project Progress Report

The following report is in line with clause (ii) of the TOV Council's resolution (OMC 23 July 2002).

#### **DETAILS:**

##### **Regional Waste Management Plan (Item 9.2.2)**

Progress against particular strategies has been as follows:

##### Maximisation of leased land available for waste management

The MRC conducted a workshop on future land requirements for the business in January 2002. A land requirements plan was endorsed by the MRC at its February meeting. This plan has been endorsed by all member Councils.

##### Minimisation of the impact of Perth's Bush Plan on leased area

A copy of the latest version of Bush Plan – 'Bush Forever' – has been received. Development of Stage Two landfill is proceeding with due respect to Bush Forever restrictions.

##### Development of Stage Two Landfill

The MRC's appointed consultants, Sinclair Knight Merz, have completed an initial design of Stage One final cap and Stage 2 landfill. Key elements of this design, including the final level of Stage 1 and the concept for Stage 2 lining and leachate management have been endorsed by officers from member Councils, including the TOV.

A suggested improvement to the Stage 2 development i.e. the excavation of the northern cells of Stage 2A and Stage 2B as an initial phase of this work, is currently being investigated by the MRC administration and consultants Sinclair Knight Merz, with DEWCP, in the form of a Works Approval proposal for both Stage 2A and 2B

##### Development of Site Master Plan

The MRC had previously developed a Master Plan for Tamala Park. This was subsequently endorsed and communicated to participating Councils for comment.

Revision to the Master Plan is proposed, following endorsement by participating Councils to the land requirements plan which, in essence, deletes any plan for the establishment of a secondary waste treatment facility at Tamala Park.

##### Diversion of Class 1

Diversion of Class 1 (inert waste) is continuing.

##### Co-ordination of Greenwaste Management

Greenwaste processing is continuing.

##### Alternative Waste Reduction Methods

Work has been conducted by the Secondary Waste Treatment Committee in regard to alternative sites and community liaison.

The following resolution was subsequently adopted by the MRC.

*"That the Council receive this progress report on the implementation of the Regional Waste Management Plan for information."*

**Secondary Treatment Planning within WA - Progress Report (Item 9.2.4)**

A number of projects are currently in progress within Western Australia with respect to the introduction of secondary waste treatment, or resource recovery as follows:

- Operations of the Atlas facility
- Southern Metropolitan Regional Council projects
- Global Olivine process
- City of Gosnells project
- Eastern Metropolitan Regional Council project

Operations of the Atlas facility

A City of Stirling proposal for disposal of baled residue, at nil cost, to Tamala Park was approved by the MRC at its December 2000 meeting, and, in revised form, at its April 2001 meeting.

The City of Stirling recommenced operations with Atlas, and baled residue is being delivered to Tamala Park. Atlas commenced the processing of all City of Stirling treatable domestic waste in mid November 2001. The data from these exercises is currently being collected and analysed.

Southern Metropolitan Regional (SMRC), Council Projects

The SMRC has progressed contracts for work associated with the establishment of a Regional Waste Management Park located at Canningvale. The SMRC has resolved to accept a tender from Bedminster, and implementation is in progress. Operation of the recycling facility commenced in June 2001. The facility was officially opened in December 2001. Composting operations are set to commence in November 2002.

Global Olivine Process

The Global Olivine group has obtained environmental approval for the establishment of a facility at Kwinana. The Town of Kwinana has resolved to dispose of waste at the proposed Global Olivine facility.

City of Gosnells

The City of Gosnells has contracted with Brightstar for the provision of a waste disposal capability utilising SWERF technology. Brightstar are responsible for progressing the appropriate environmental approvals. This process has been postponed until further notice.

The following resolution was subsequently adopted by the MRC.

*That the Council receive this progress report on secondary waste treatment projects within Western Australia*

**Secondary Waste Treatment Facility - Project Progress Report (9.2.5)**

The MRC previously identified a need to develop business programs other than landfill in order to minimise waste to landfill. The MRC's Strategic Plan, Objective 2, describes this approach as follows:

*To reduce waste to landfill by implementation of appropriate waste treatment methods, for at least that domestic waste generated within the region.*

The MRC previously made the following decisions with regard to this project:

- The acceptance of recommendations by external consultants, Sinclair Knight Merz, in relation to an approach for the introduction of secondary waste treatment capability within the region
- The appointment of external consultants to manage the project on behalf of MRC.
- The identification of a short list of tenderers, for potential tender, assessed as capable of providing such a resource recovery facility to the region
- The adoption of a land requirements plan, which includes a decision to site any secondary waste treatment facility at locations other than Tamala Park
- The acceptance of consultant recommendations regarding priority areas for the establishment of such a facility
- The identification of potential sites for such a facility within the priority one area – Wangara
- The recognition of community concerns with relation to the establishment of such a facility at Wangara, and the revision of the plan to enable investigation of other sites

Project Program

The progress of the project against an agreed program is as follows:

	<b>Task</b>	<b>Start</b>	<b>End</b>
1	Community Consultation	July 02	February 03
2	Site Selection		February 03
3	Environmental Approvals	August 02	September 03
4	Prepare tender documents	October 03	November 03
5	Contractors prepare tenders	November 03	January 04
6	Evaluate tenders	January 04	February 04
7	Negotiate with successful tenderer	February 04	March 04
8	Complete land transaction	March 04	April 04
9	Development Application/ Works Approval	March 04	April 04
10	Design and Construction of Facility	May 04	June 05
11	Facility Commissioned	June 05	September 05

Progress Report

The key points to note from this report as provided by BSD/Meinhardt Joint Venture are as follows:

- Community Engagement with various groups within the City of Wanneroo is continuing.

- Liaison with DEP and EPA regarding environmental assessment of the project has commenced.
- Short listed tenderers have been advised that there is a strong probability that Member Councils may be proceeding to a single bin collection system, and that tender documents will seek demonstrable evidence of processes to handle this type of collection

#### Community Engagement

The MRC's plan for community education and engagement has been developed by the SWTF Working Group. The strategies associated with the plan have been translated into Action Plans by a working group comprising members of the MRC's administration, and external consultants, including representatives from BSD/Meinhardt Joint Venture.

The key activities conducted in August – September 2002 are as follows:

- The continuation of liaison with residents of Wangara, via the local action group.
- The identification of community groups in the area north of Wanneroo proximate to the Council's priority two area for site selection i.e. Neerabup Industrial Estate.
- Liaison with community groups through community group meetings, in order to provide information on the project, and obtain information on community views.
- An information session at City of Wanneroo on 16 September 2002, attended by some eighty (80) community members.
- The preparation of educational material for eventual distribution throughout the Mindarie region

A summary of information obtained from the community to date is as follows:

- That any resource recovery facility should be located such that the distance between this facility and any residences is maximised.
- Significant uncertainty exists concerning the ability of State agencies to accurately prescribe environmental parameters for any facility.
- The community has exhibited greater concerns about waste to energy facilities as distinct from composting facilities.
- Samples of community groups have indicated a willingness to pay additional transport costs in order to ensure that the facility is located well away from any residences

#### Environmental Approvals

The SWTF Working Group met on Friday 20 September 2002, and confirmed the current strategic approach as follows:

- The continued collection and assessment of community input on project issues, including site selection and process technology
- The postponement on any further work on site selection until sufficient community related data has been incorporated into this site selection process



- The initiation of region wide promulgation of educational material on resource recovery, with a 'companion' sheet available for use by member Councils
- The formation of a Community Focus Group, whose role is:

*To Assist With The Planning And Monitoring Of Strategies Associated With Community Engagement At Regional Level*

#### Tender Documents

The Project Team proposes to submit a proposal for environmental approval which identifies four generic technologies and seven typical sites. Proposal to be submitted week commencing 23 September 2002

#### Pricing Policy

The CEO of the MRC was tasked to obtain details of the South Metropolitan Regional Council differential pricing policy, to take account of the different transport cost incurred by member Councils

#### Participation Agreement

The CEO of the MRC was tasked to prepare a Discussion Paper on issues related to a potential Participation Agreement

#### Concept of Resource Recovery Park

The SWTF Working Group supported this concept in principle

#### Future Activities Planned

Future activities associated with this project are as follows:

- Continuation of community engagement in City of Wanneroo and progressively in other member Councils.
- Commencement of region wide education.
- Submission of environmental approval package.
- Investigation into Participation Agreement issues.

#### Resource Recovery Forum – 3 October 2002

This forum was attended by seven MRC Councillors, two representatives of member Councils, 14 officers and two consultants from the Project Team. The event was facilitated by Mr Colin Temby.

The purpose of the forum was as follows:

*To Review Progress On The SWTF Or Resource Recovery Project, And Discuss The Way Ahead*

The format of the forum was as follows:

- Introduction and Welcome
- Presentation of Project Status reports
- Discussion

- Formulation of Action Plans/ Position Statements

Key issues discussed were as follows:

- The nature and extent of proposed community engagement
- The plan to seek environmental approval for multiple sites and multiple technologies
- The tender process for selection of a capability provider
- The process for inclusion of community input to site selection and provider selection

The forum agreed to the following Positions/Actions:

- That MRC receive recommendations with respect to site selection at its meeting in February 2003
- That appropriate community input to this process of site selection be obtained
- That the Project Plan, including key milestones, be endorsed
- That the community engagement process, including the rollout of the Comprehensive Waste Education Strategy to each member Council, be endorsed
- That community engagement include the input into particular tender selection criteria including social and environmental
- That liaison occur with SMRC in order to identify best practice processes for the MRC project

#### Consultation

Consultation to date has occurred with the following groups:

- BSD/Meinhardt Joint Venture
- City of Wanneroo
- Various community groups with the Mindarie Region

#### Comment

The Council's Secondary Waste Treatment Working Group, in conjunction with external consultants, has made significant progress during the reporting period in the areas of community engagement and education. This work will continue in the next reporting period

#### Working Group Meeting – 7 October 2002

The Working Group agreed that a future report on site selection from the Project Team should, appropriately, contain information on the suitability, or otherwise, of Tamala Park for the siting of a facility.

At the MRC meeting of 17 October 2002 Council members raised the following issues in relation to the Secondary Waste Treatment Facility - Project Progress Report:

- The recognition of a February 2003 milestone for site selection
- The deletion of Tamala Park as a potential option for a resource recovery facility
- The need for continuous and comprehensive information on all community engagement

- The need for a financial report on the expenditure on community engagement, for the December 2002 meeting
- The confirmation that project milestones be used as one set of Key Performance Indicators for the project team

MRC agreed decisions, for incorporation in the resolution, as follows:

- The deletion of Tamala Park as a potential option for a resource recovery facility or secondary waste treatment facility.
- The inclusion of project milestones as one set of "Key Performance Indicators" for the project team

The MRC also noted comments from Cr Treby from the City of Wanneroo, and Mr King from BSD Consultants, on the potential impact of external factors on achievement of project milestones and received a verbal progress report.

The following resolution (in part) was subsequently adopted by the MRC.

*"That the Council:*

- (i) *Receive this progress report on a project to establish a Secondary Waste Treatment Facility in the Mindarie region*
- (ii) *Endorse those Position/Actions derived at the Resource Recovery Forum held on 3 October 2002:*
  - (a) *That Council receive recommendations with respect to site selection at its meeting in February 2003*
  - (b) *That appropriate community input to this process of site selection be obtained*
  - (c) *That the Project Plan, including key milestones, be endorsed, and that those project milestones be used as a benchmark for performance with respect to management of the project, with progress reports against this performance to be included in the Agenda for subsequent Council meetings*
  - (d) *That the community engagement process, including the rollout of the Comprehensive Waste Education Strategy to each member Council, be endorsed*
  - (e) *That community engagement include the input into particular tender selection criteria including SOCIAL and ENVIRONMENTAL*
  - (f) *That liaison occur with SMRC in order to identify best practice processes for the MRC project*
- (iii) *Approve the deletion of Tamala Park as a potential site for any resource recovery secondary waste treatment facility, in accordance with previous Council resolutions, including the land requirements plan for the Council's business activities"*

### **MRC "Information Bulletins"**

Mindarie Regional Council as part of the SWTF process has been advising member Councils of activity status through email "Information Bulletin". The information provided in "Information Bulletin" No 2 is as follows:

#### Completed activities

- Regional flyer completed and distributed. Feedback for analysis
- 30 October 2002 - static display at City of Wanneroo (5.30pm to 7.30pm) regarding technologies for resource recovery
- 30 October 2002 - full page advertment in local press on resource recovery project
- 5 November 2002 - briefing to Town of Victoria Park
- 6 November 2002 - briefing to City of Wanneroo conservation committee

#### Proposed activities

- 16 November 2002 - community representatives information day, including visit to SMRC
- 21 November 2002 - workshop on Tamala park (4.30pm - 7.00pm, city of Joondalup)
- 22 November 2002 - MRC Councillor And Member Council Officer Visit To SMRC, Bay Waste (Details TBA)

### **CONSULTATION/ADVERTISING:**

N/A

### **STRATEGIC IMPLICATIONS:**

It is too early to predict the strategic implication for the Town's strategic plan, but this would probably fall in the general category in the Town's Draft Strategic Plan 2000-2002 - Key Result Area 3.4(a) "*Develop a waste management strategy that has positive environmental and financial outcomes*".

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

As previously reported to the Council future waste handling systems will be required to meet the requirements of the SWTF. The cost of secondary waste treatment will obviously mean an increase in the disposal costs for the member Councils.

### **COMMENTS:**

It is recommended that the Council receives the report on the MRC's Secondary Waste Treatment Planning Progress Report No 2 and notes that further reports will be submitted on the MRC's Secondary Waste Secondary Waste Treatment Planning and associated issues as matters are further progressed.

**10.2.2 State Underground Power Program Interim Report - Proposed Round Three (3) Major Residential Projects Submission**

<b>Ward:</b>	Both	<b>Date:</b>	13 November 2002
<b>Precinct:</b>	All	<b>File Ref:</b>	TES0313
<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 interim report on the current status of the State Underground Power Program; and*
- (ii) *receives a further report once Round three (3) submissions for the State Underground Power Program have been called by the Office of Energy.*

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**COUNCIL DECISION ITEM 10.2.2**

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

*That the recommendation be adopted.*

**CARRIED (9-0)**

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**BACKGROUND:**

At its Ordinary Meeting of 5 November 2002 the following Notice of Motion was adopted by Council.

*"That the Council authorises the Chief Executive Officer to prepare, no later than 19 November 2002, expressions of interest for Round 3 of the State Underground Power Program for all areas of the Town of Vincent as Major Residential Projects."*

**DETAILS:**

In accordance with the above Notice of Motion, Technical Services held discussions with the Office of Energy to establish the current status of the State Underground Power Program and the likely date on which submissions for round three (3) of the program would be called.

In anticipation of an impending announcement, officers previously divided the Town into nine (9) zones of approximately 1250 lots to comply with the existing criteria. (Refer attached Plan No. 99070)

However the Office of Energy has provided verbal advice that the Round Three (3) submissions, for the 2003/04 financial year, have been deferred pending changes to the eligibility criteria for Major Residential Projects. Two of the more significant changes relate to non-rateable properties, ie schools, churches, hospitals etc, which refuse to contribute to the scheme (the Office of Energy is awaiting advice from the Crown Solicitors Department) and the maximum and minimum number of lots.

The non-rateable issue is of relevance in that several large institutions have had to be connected to underground power schemes at the expense of the local government and therefore indirectly subsidised by the wider community.

In respect to the minimum number of lots, the Office of Energy is considering amending the existing criteria of 1,000 to 1,250 lots to allow minimum 800 lots to a maximum of 1350 per submission. If this is adopted this will allow the Town greater flexibility in determining rational geographical boundaries when dividing the Town into zones for consideration.

**CONSULTATION/ADVERTISING:**

Nil public consultation required at this time.

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2000-2002 - Key Result Area 1.6 "*Continue to apply for funding for the Undergrounding of Power through the Office of Energy and develop an underground power strategy.*"

**FINANCIAL/BUDGET IMPLICATIONS:**

Possible significant financial implications in 2003/04 financial year, the order of which cannot be determined until the revised submission criteria is released.

**COMMENTS:**

At the present time, the Office of Energy does not anticipate calling for Round Three (3) submissions until December 2002 at the earliest.

However in light of Councils renewed interest in pursuing possible Underground Power Program funding for a Major Residential Protect, Technical Services, in consultation with Corporate Services, will progress an Underground Power Proposal with a view to reporting to Council when official notification from the Minister's office is received.

**10.2.4 White Ribbons for Road Safety Campaign**

<b>Ward:</b>	Both	<b>Date:</b>	13 November 2002
<b>Precinct:</b>	All	<b>File Ref:</b>	TES0173
<b>Reporting Officer(s):</b>	A. Munyard		
<b>Checked/Endorsed by:</b>	R Lotznicher		
<b>Amended by:</b>	-		

**RECOMMENDATION:**

*That the Council;*

- (i) receives the report on the 2002/2003 White Ribbons for Road Safety campaign;*
- (ii) APPROVES Council's vehicles being fitted with a white ribbon for the duration of the campaign; and*
- (iii) advises Roadwise of its resolution.*

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**COUNCIL DECISION ITEM 10.2.4**

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

*That the recommendation be adopted.*

**CARRIED (9-0)**

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**BACKGROUND:**

As in previous years, Roadwise, under the auspices of the Western Australian Municipal Association (WAMA), has invited the Town to participate in the 2002 White Ribbons for Road Safety campaign. The aim of the campaign is to raise public awareness of road safety over the 2002/2003 Christmas/New Year period and is a joint WAMA and Road Safety Council initiative. The campaign began in 1986, gaining momentum annually so that in the past five (5) years the number of ribbons distributed has increased from 20,000 to 75,000.

**DETAILS:**

The major objective of the White Ribbons campaign is to place road safety on the public agenda. The concept was developed to raise awareness of the need for all Western Australians to be responsible for their safety on the roads.

The wearing of a White Ribbon, or fixing to one's vehicle, indicates the undertaking of a personal commitment to uphold road safety throughout the Christmas and New Year season.

It is also the intention of Roadwise to highlight the role of Local Government in reducing road crashes and related trauma in Western Australia. It is the opinion of WAMA that:

*“Too often the community does not realise or understand the important engineering and environmental interventions being put into place by Local Government to create safer roads and road users.”*

This will be the seventh White Ribbons campaign and will be officially launched on Friday 6 December 2002 and will run throughout the festive season. As with previous campaigns, the theme of the 2002 promotion is to again acknowledge and thank those agencies, such as Local Government, the WA Police Service, Fire and Rescue Service, St John’s Ambulance, Main Roads WA, Department of Planning and Infrastructure, Royal Flying Doctor and State Emergency Services, who work together to save lives on our roads.

**CONSULTATION/ADVERTISING:**

Roadwise will launch this year's White Ribbons campaign on Friday 6 December 2002, and will be promoting it with television and newspaper coverage.

**FINANCIAL/BUDGET IMPLICATIONS:**

There are no costs to the Town in participation with the program.

**STRATEGIC IMPLICATIONS:**

In line with Item 1.5 of the Town's Draft Strategic Plan 2000-2002 – *“Develop and implement a plan to manage through traffic and local traffic, and reduce car dependence.”*

**COMMENTS:**

As a symbol of Council’s commitment to road safety, particularly over the coming festive season, a white ribbon will be provided for Councillors, Council Officers and the public to either wear or attach to their preferred mode of transport. The campaign will run from Friday 6 December 2001 and continue throughout the festive season.



### 10.3.3 Smith's Lake Mural Art Project

<b>Ward:</b>	North Perth	<b>Date:</b>	1 November 2002
<b>Precinct:</b>	Smith's Lake	<b>File Ref:</b>	CMS0085
<b>Reporting Officer(s):</b>	R. Savage		
<b>Checked/Endorsed by:</b>	J. Anthony/ M. Rootsey		
<b>Amended by:</b>			

**OFFICERS RECOMMENDATION:**

*That the Council APPROVES the implementation of a new mural at Smith's Lake, at an estimated cost of \$19,750.*

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**COUNCIL DECISION ITEM 10.3.3**

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

*That the recommendation be adopted.*

**CARRIED (9-0)**

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**BACKGROUND:**

The Smith's Lake Mural Art Project is designed to coincide with the beautification of Smith's Lake and the implementation of the Wetlands Heritage Trail. The remuraling of the wall with images relevant to Smith's Lake will be a focal point for people of all ages to view the history and stories of the area through the images of the young artist's. The wall is approximately 60 meters long and 4 meters high. The current mural was painted in 1997 and portrays images of no real relevance to Smith's Lake, some local residents have asked for the current mural to be painted over.

**DETAILS:**

The Smith's Lake Mural Art project is a very unique and innovative project that will provide five (5) local young muralists with an opportunity to develop a comprehensive understanding of all facets of working as professional artist. The project has been recognised by Arts WA and received \$7,000 in funding towards the project implementation.

Letters of support for the project have been received from

- Claise Brook Catchment Group
- Aranmore Catholic College
- Passages Resource Centre
- Smith's Lake Precinct Group

Jamie "Stormie" Mills is a well respected professional urban artist and will be the mentor artist for the project. The artists will create three design concepts for the wall, the designs will then be distributed for comment through a process of community consultation.

The mentor artist, in conjunction with the young artists will be responsible for researching Smith's Lake and its history to ensure that the mural has relevance to the current and future use of the area.

The project will provide an opportunity for the young muralists to work in a respected and professional manner and to allow the wider community to view the stories of the area through the images of the young artists.

**LEGAL/POLICY:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Arts WA has contributed \$7,000 towards this project based on an allocation of \$6,000 by the Town of Vincent. A funding application has also been submitted to Community Arts Network WA for \$7,500. The estimated total cost of the project is \$19,750.

**STRATEGIC IMPLICATIONS:**

The implementation of the Smith's Lake mural art project is keeping with the Town's Strategic Plan 2000 – 2002.

KRA 2.1

*“Develop and implement a program of events celebrating our cultural diversity and identity (include community consultation and community group)”.*

KRA 1.6

*“Continue to enhance the townscape and streetscape, building a distinctive style for the Town of Vincent”*

**ADVERTISING/CONSULTATION:**

The five (5) young artists will be sourced from existing mural arts projects and through local newspaper advertisements. The three final designs will go through a comprehensive community consultation process before its implementation.

**COMMENT:**

The Smith's Lake Mural Art Project will help to overcome some of the community misunderstanding of urban and mural art through reinforcing the need for community consultation and encouraging young muralists to work in ways that respect community values and feelings. The process will adopt an integrated approach targeting various sectors of the community.

Smith's Lake is a historical and culturally significant area within the Town of Vincent. The beautification of the lake and adjoining Wetlands public art installation will be further enhanced through the muraling of the wall. The mural will be a focal point for people of all ages walking the Wetlands Heritage Trail to view the history and stories of the area through the images of the young artists.

**10.3.4 Carols by Candlelight Donation for Perth Modern School**

<b>Ward:</b>	Both	<b>Date:</b>	12 November 2002
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN 0008
<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;*

- (i) a donation of \$500 (five hundred dollars) to Perth Modern School to assist the Mount Hawthorn Christian Council with the community celebration of “Carols by Candlelight” on Saturday 7 December 2002;*
- (ii) fees for the use of the Mount Hawthorn Lesser Hall and Braithwaite Park for this event being waived; subject to availability; and*
- (iii) that the donation is subject to Town of Vincent signage being displayed and appropriate acknowledgment of the contribution at the event.*

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**COUNCIL DECISION ITEM 10.3.4**

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

*That the recommendation be adopted.*

**CARRIED (9-0)**

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**DETAILS:**

The students of the Year 10 Small Business Studies class at Perth Modern School are helping to organise this year’s Carols by Candlelight with the Mount Hawthorn Christian Council. The annual celebration of “Carols by Candlelight” will be held on Sunday 8 December 2002 at Braithwaite Park in Mt Hawthorn.

Attendance levels at previous “Carols by Candlelight” indicate that it is an important annual event for people living in the Town of Vincent and surrounding areas. Feedback from participants suggests that what people enjoy most about the event is the opportunity to get together with fellow community members to celebrate Christmas through song.

The Mt Hawthorn Christian Council relies upon local traders and churches for the bulk of the funding necessary to run the event. The Town of Vincent has made previous donations of \$500 (five hundred dollars) in 1998, 1999 and 2000 and \$630 (six hundred and thirty dollars) in 2001 towards this event.

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2000 – 2002 - Key Result Area 2.1: “*Publicly celebrate and promote the Town’s diversity*”.

**FINANCIAL/BUDGET IMPLICATIONS:**

It is expected that the donation of \$500 (five hundred dollars) will be expended from the Donations account.

**COMMENTS:**

“Carols by Candlelight” contributes to a positive sense of community identity in the Town of Vincent. Last year it was the only Christmas Carols held in the Town of Vincent.

**10.3.5 Donation Towards Vietnamese Cultural Association**

<b>Ward:</b>	Both	<b>Date:</b>	24 October 2002
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0008
<b>Reporting Officer(s):</b>	A Hope		
<b>Checked/Endorsed by:</b>	J Anthony/M Rootsey		
<b>Amended by:</b>			

**OFFICER RECOMMENDATION:**

*That the Council APPROVES a donation of \$400 (four hundred dollars) to the Vietnamese Cultural Association to assist them to purchase new national costumes.*

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**COUNCIL DECISION ITEM 10.3.5**

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

*That the recommendation be adopted.*

**CARRIED (9-0)**

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**DETAILS:**

The Vietnamese Cultural Association has requested a donation of \$550 to assist them with the purchase of new national costumes which will be worn in the Perth Christmas Pageant this year and at other celebrations such as the annual Vietnamese New Year Festival held at Hyde Park. Most of the national dresses owned by the Association are very old and worn and they cannot afford to replace them without external sponsorship.

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2000 – 2002 - Key Result Area 2.1: *“Publicly celebrate and promote the Town’s diversity”*.

**FINANCIAL/BUDGET IMPLICATIONS:**

It is expected that the donation of \$400 (four hundred dollars) will be expended from the Donation account.

**COMMENTS:**

The Vietnamese Community has a strong connection with the Town of Vincent and festivals such as the Vietnamese Luna Festival have become important cultural events for many Vietnamese and non-Vietnamese residents in the Town.

**10.1.14 No.190 (Lot 302) Grosvenor Road, Corner Leake Street, North Perth - Proposed Three-Storey Single House - Determination of Town Planning Appeal Tribunal**

<b>Ward:</b>	North Perth	<b>Date:</b>	13 November 2002
<b>Precinct:</b>	Smith's Lake, P6	<b>File Ref:</b>	PR01861 (00/33/0865)
<b>Reporting Officer(s):</b>	D Abel		
<b>Checked/Endorsed by:</b>	R Boardman		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That;*

*in light of the Town Planning Appeal Tribunal decision to uphold an appeal and approve the application submitted by R Voulon on behalf of the owner Temple of Bel Pty Ltd for the proposed three-storey dwelling at No.190 (Lot 302) Grosvenor Road, corner Leake Street, North Perth as shown on the amended plans stamp-dated 30 January 2002, the Council applies the following conditions to this proposed development:*

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

*(a) the louvers to the terrace and timber slats to the void, on the first floor, incorporating a gap with a minimum width as the louvre and slats battens respectively, in between each louvre and slat batten; and*

*(b) a 800 millimetres by 800 millimetres truncation being provided at the south western corner entry to the garage;*

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

*(ii) a detailed schedule of external finishes (including materials and colour schemes and details), with particular attention to reducing the visual impact of the development on the streetscape and adjacent properties, shall be submitted and approved prior to the issue of a Building Licence;*

*(iii) prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use and undertake works on the right of way, to the satisfaction of the Town;*

- (iv) *a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for a standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
- (v) *a footpath security deposit bond and/or bank guarantee of \$220 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (vi) *prior to the issue of a Building Licence, permission is required to be obtained from the Town's Technical Services Division to construct a footpath/pedestrian access to the proposed dwelling. This pedestrian access/footpath may be required to be provided directly from the adjoining right of way;*
- (vii) *to protect the privacy of adjacent residents, prior to the first occupation of the development, the window to the dining room on the northern elevation on the first floor shall either be deleted, or screened with a permanent obscure material and be non-openable to a minimum height of 1.6 metres above the finished first floor level. The permanent obscure material does not include a self-adhesive material or other material that is easily removed.*
- (viii) *a detailed landscaping plan prepared in consultation with the Town's Parks Services Section (including a schedule of plant species and the planting of at least two mature trees on the Leake Street verge adjacent to the subject property with the height, location and species being specified by the Town's Parks Services Section, and the landscaping and reticulation of the Leake Street and Grosvenor Street verges adjacent to the subject property) shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s); and*
- (ix) *compliance with all relevant Environmental Health, Building and Engineering requirements;*

*to the satisfaction of the Chief Executive Officer.*

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**COUNCIL DECISION ITEM 10.1.14**

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

*That the recommendation be adopted.*

*Debate ensued.*

**Moved by Cr Chester, Seconded by Cr Hall**

*That this item be DEFERRED until the written decision of the Town Planning Appeal Tribunal is received.*

**CARRIED (6-3)**

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

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**LANDOWNER:** Temple of Bel Pty Ltd  
**APPLICANT:** R Voulon  
**ZONING:** Metropolitan Region Scheme: Urban  
Town Planning Scheme No.1: Residential R40  
**EXISTING LAND USE:** Single House

**COMPLIANCE:**

Use Class	Single House
Use Classification	"P"
Lot Area	Existing Lot 302 - 577 square metres

**SITE HISTORY:**

20 November 2001 The Council at its Ordinary Meeting refused an application for a three storey single house.

18 December 2001 The Council at its Ordinary Meeting deferred its consideration of an application for a three storey single house at the request of the applicant in order for the applicant to modify the plans.

12 February 2002 The Council at its Ordinary Meeting refused an application for a three storey single house as shown on amended plans stamp dated 30 January 2002.

11 April 2002 The applicant/owner lodged an appeal with the Town Planning Appeal Tribunal (TPAT) against the Council's refusal of 12 February 2002.



- 15 May 2002 TPAT first sitting on the appeal.
- 19 June 2002 TPAT mediation session on the appeal.
- 29 July 2002 TPAT directions hearing on the appeal.
- 13 August 2002 The Council at its Ordinary Meeting considered a Confidential Report on the appeal and resolved to receive advice from the Town's solicitors, Minter Ellison, and authorise the Executive Manager Environmental and Development Services to represent the Town at the TPAT hearing to be held on 23 September 2002.
- 23 September 2002 TPAT hearing on the appeal. The Town was represented by Minter Ellison.
- 7 November 2002 Handing down of TPAT determination on the appeal. Attended by the Town's solicitors, Minter Ellison on behalf of the Town.

**DETAILS/COMMENTS:**

In a letter dated 8 November 2002, the Town's solicitors, Minter Ellison, advised that "*... the Tribunal allowed Mr Voulon's appeal and made orders that the Town has 14 days in which to formulate conditions to give effect to the Tribunal's decision ...*".

A copy of the Minter Ellison's letter is included as an attachment to this report.

The Town has not yet received a copy of the TPAT written reasons for its decision at the time of preparation of this report.

The conditions to be applied by the Town on the approved development should not result in a significant alteration to the development. The Town is also required to negotiate with the appellant to achieve a common set of conditions, and if there are any disputes the matter will be referred to the TPAT for arbitration/determination.

In light of the above, it is recommended that the Council apply the conditions to the subject development as detailed in the Officer Recommendation. These conditions are similar to those applied in the Officer Recommendation contained in the reports to the Ordinary Meetings of Council held on 12 February 2002 and 13 August 2002; and has been amended to reflect the new Residential Design Codes, that the adjacent right of way has been recently upgraded, and that the development was treated as a grouped dwelling by the TPAT, hence no longer a requirement for the subdivision of the land.

**10.1.1 No.151 (Lot 98) (Strata Lot 3) Carr Street, West Perth - Proposed Alterations, Additions and Garage to and Partial Demolition of Existing Single House**

<b>Ward:</b>	North Perth	<b>Date:</b>	13 November 2002
<b>Precinct:</b>	Cleaver, P5	<b>File Ref:</b>	PRO2167 (00/33/1326)
<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 Metropolitan Region Scheme, the Council APPROVES the application submitted by Suburban Building on behalf of the owners M and A Ristovsky for the proposed alterations, additions and garage to and partial demolition of existing single house on No.151 (Lot 98) (Strata Lot 3) Carr Street, West Perth, and as shown on plans stamp dated 7 October 2002 and amended plans stamp-dated 22 October 2002, subject to:*

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (iii) 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) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
  - (a) the proposed garage being one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted) within six (6) metres of the front boundary, OR the garage being set back a minimum of six (6 ) metres from the front boundary or behind the line of the front main building wall (excluding open verandah, porch, balcony and the like) of the dwelling; and*
  - (b) the exact, not approximate, setbacks of the proposed pergola/patio and additions to the side and rear boundary shall be depicted on the revised plans;*

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

- (v) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (vi) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (vii) *subject to first obtaining the consent of the owners of No. 153 Carr Street and Nos. 145-149 Carr Street respectively, for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 153 Carr Street and the units at Nos.145 - 149 Carr Street in a good and clean condition;*
- (viii) *detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building Licence application; and*
- (ix) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*

*to the satisfaction of the Chief Executive Officer.*

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**Moved by Cr Hall, Seconded by Cr Ker**

*That the recommendation be adopted.*

**Moved by Cr Hall, Seconded by Ker**

*That clause (iv)(a) be deleted and clause (iv)(b) be redesignated accordingly.*

**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 Suburban Building on behalf of the owners M and A Ristovsky for the proposed alterations, additions and garage to and partial demolition of existing single house on No.151 (Lot 98) (Strata Lot 3) Carr Street, West Perth, and as shown on plans stamp dated 7 October 2002 and amended plans stamp-dated 22 October 2002, subject to:*

- (i) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*

- (iii) *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) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
    - (a) *the exact, not approximate, setbacks of the proposed pergola/patio and additions to the side and rear boundary shall be depicted on the revised plans;*
- The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (v) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
  - (vi) *the construction of crossovers shall be in accordance with the Town's specifications;*
  - (vii) *subject to first obtaining the consent of the owners of No. 153 Carr Street and Nos. 145-149 Carr Street respectively, for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 153 Carr Street and the units at Nos.145 - 149 Carr Street in a good and clean condition;*
  - (viii) *detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building Licence application; and*
  - (ix) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*

*to the satisfaction of the Chief Executive Officer.*

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<b>LANDOWNER:</b>	M and A Ristovsky
<b>APPLICANT:</b>	Suburban Building
<b>ZONING:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R80
<b>EXISTING LAND USE:</b>	Single House

**COMPLIANCE:**

Use Class	Single House
Use Classification	"P"
Lot Area	434 square metres

Requirements	Required	Proposed
Street Setback Policy	Garages to be at 6.0 metres from the frontage street or behind the main line of the front main building wall.	4.8 metres to proposed garage. (7.0 metres to existing front main building wall).
Setbacks: Western Elevation - parapet wall, 9.0 metres in length and 4.1 metres in height.	1.1 metres	Nil
Eastern Elevation - garage parapet wall, 8.0 metres in length and 3.5 in height.	1.0 metre	Nil

**SITE HISTORY:**

The subject property accommodates a single house. The surrounding land use is predominantly residential.

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

**CONSULTATION/ADVERTISING:**

No objections were received during the advertising period.

**DETAILS:**

Approval is sought for alterations, additions and garage to and partial demolition of existing single house.

**COMMENTS:**

The proposed additions are in keeping with the line of the existing house and will abut a parapet wall at No. 153 Carr Street, and will not unduly adversely affect the amenity of that adjoining property. The eastern side setback will abut and adjoin a dividing brick fence at Nos. 145 - 149 Carr Street, and will not unduly adversely affect the amenity of that adjoining property. Therefore, the variation to the side setbacks requirements are supported.

The existing streetscape features consist of open carports within the front setback, and it is considered that the garage will have a dominating affect on the streetscape limiting interaction between the development and the street. The proposed garage does not comply with the Town's Policy relating to Street Setbacks, which requires garages to be setback six metres from the street frontage. The Town's Policy however, will consider open carports to be located within the front setback.

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

**10.1.9 Nos. 596-598 (Lot 116) Newcastle Street, corner Loftus Street, West Perth - Proposed Demolition of Existing Dwelling and Proposed Signage (Billboards) and Associated Retaining Walls and Landscaping**

<b>Ward:</b>	North Perth	<b>Date:</b>	11 November 2002
<b>Precinct:</b>	Cleaver, P5	<b>File Ref:</b>	PRO 0799 00/33/1315
<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;*

- (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 WA Billboards on behalf of the owner G Cerini for the proposed demolition of the existing dwelling at Nos. 596-598 (Lot 116) Newcastle Street, corner Loftus Street, West Perth, and as shown on the plans stamp-dated 27 September 2002, subject to:*
- (a) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
  - (b) *an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
  - (c) *a development proposal for the redevelopment of the subject property shall be submitted and approved 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 bonuses under the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies for the retention of existing dwellings valued by the community; and*
  - (f) *compliance with all relevant Environment Health, Engineering and Building requirements; and*
- (ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme and having regard to the matters it is required to consider generally, and in particular:*
- (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality with respect to the protection and enhancement of the social, physical and cultural environment of Newcastle Street, Loftus Street and the Cleaver Precinct;*

(b) *the non-compliance with the Town's Policy relating to 'Signs and Advertising'; and*

(c) *consideration of the 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 27 September 2002.*

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**Moved by Cr Drewett, Seconded by Cr Ker**

*That the recommendation be adopted.*

*Debate ensued.*

Cr Piper departed the Chamber at 7.08pm.

*Debate ensued.*

Cr Piper returned to the Chamber at 7.10pm.

*Debate ensued.*

**Moved by Cr Drewett, Seconded by Hall**

*That clause (ii) be deleted.*

**AMENDMENT LOST (4-5)**

**For**

Cr Drewett  
Cr Franchina  
Cr Hall  
Cr Piper

**Against**

Mayor Catania  
Cr Chester  
Cr Cohen  
Cr Doran-Wu  
Cr Ker

**COUNCIL DECISION ITEM 10.1.9**

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

**For**

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

**Against**

Cr Piper

**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.

**DETAILS:**

The application seeks approval to demolish the existing vacant dwelling and 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 and 4.0 metres respectively, which will be attached to retaining walls created by demolition of the building and excavation of the site to approximate street level.

The following are excerpts from the information submitted by the applicant in support of the application:

*"...excavate the site down to the approximate street level of datum of 10.00 AHD...Construct a new retaining wall on two sides of the property from limestone...The new retaining wall would be approx 5m high on the east and northern wall and will rise above the retained ground levels by approximately 1.8 metres to form new boundary fences for adjoining lots...."*

*Ground level floodlights would be installed immediately in front of each sign for illumination at night. These will be concealed within garden mounds or beds forming a boundary line between the open park area and the signs themselves. The balance of the park would be paved and lawned...and maintained by WA Billboards at our expense. The intention is that the area could be used by the general public as public open space by local residents and day workers."*

**CONSULTATION/ADVERTISING:**

Two comments were received during the 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 also 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:**

##### **Demolition**

A detailed heritage assessment is contained in the Appendix 10.1.9.

The subject dwelling is constructed of red brick and tiled roof, is dated circa 1905 and forms part of the building stock dating from the end of the Gold Rush period. Substantial alterations occurred in the 1930s to convert the property into two smaller dwellings. The place has sustained vandalism and smoke damage in recent years and has been boarded up.

The place has little to some representative value as a much altered Federation Bungalow situated in an elevated position, adapted and reconfigured into two smaller dwellings during the inter-war years. This value is limited and given the alterations and damage to the structure, it is considered appropriate that a complete archival record should precede development of the site.

In light of the above, it is recommended that approval be granted for the demolition of the existing dwelling, subject to standard conditions, including the provision of an archival records of the place.

##### **Signage**

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 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.

**10.1.10 No. 34 (Lot 128) Chatsworth Road, Highgate - Proposed Alterations, Rear Garage, including Cellar, Additions and Two-Storey Additions to and Partial Demolition of the Existing Single House**

<b>Ward:</b>	North Perth	<b>Date:</b>	11 November 2002
<b>Precinct:</b>	Hyde Park, P12	<b>File Ref:</b>	PRO1595 00/33/1342
<b>Reporting Officer(s):</b>	A Nancarrow, S Robertson		
<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 owner J Eastoe for the proposed rear garage, including cellar, additions to the existing single house at No. 34 (Lot 128) Chatsworth Road, Highgate, and as shown on the plans stamp-dated 11 October 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) *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;*
  - (c) *a road/verge security deposit bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
  - (d) *subject to first obtaining the consent of the owners of the adjoining Nos. 32 and 36 Chatsworth Road for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 32 and 36 Chatsworth Road in a good and clean condition;*

- (e) *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;*
- (f) *the garage/cellar structure shall not be used for industrial, commercial or habitable purposes;*
- (g) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division; and*
- (h) *compliance with all relevant Environmental Health, Engineering and Building requirements; and*
- (ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme and having regard to the matters it is required to consider generally, and in particular:*
- (a) *is not consistent with the orderly and proper planning and the preservation of the amenities of the locality by virtue of the additions and alterations to the existing single house having unreasonable adverse impact on the amenity, streetscape and cultural heritage of the locality;*
- (b) *the existing place has cultural heritage significance in terms of its aesthetic, historic, social and representative values;*
- (c) *non compliance with the Town's Policies relating to 'Bulk and Scale' and the 'St Albans Locality' and the provisions of the Residential Design Codes relating to Boundary Setbacks, Building Height and Privacy; and*
- (d) *consideration of the objection received;*

*the Council REFUSES the application submitted by the landowner J Eastoe for alterations and two-storey additions to and partial demolition of the existing single house at No.34 (Lot 128) Chatsworth Road, Highgate, as shown on the plans stamp-dated 11 October 2002.*

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**COUNCIL DECISION ITEM 10.1.10**

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

*That the recommendation be adopted.*

**CARRIED (9-0)**

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<b>LANDOWNER:</b>	J Eastoe
<b>APPLICANT:</b>	J Eastoe
<b>ZONING:</b>	Metropolitan Region Scheme - Urban Town Planning Scheme No. 1 - Residential R80
<b>EXISTING LAND USE:</b>	Single House

**COMPLIANCE:**

Use Class	Single House
Use Classification	"P"
Lot Area	316 square metres

Requirements	Required	Proposed
Total Open Space	45 percent (142 square metres)	38 percent (120 square metres)
Height	Maximum 7.0 metres (concealed roof)	8.1-8.3 metres
Car Manoeuvring Space	6.0 metres length *	3.0 metres length
Rear (northern) setback	2.5 metres	nil
Privacy	Screening of: balconies within 7.5 metres, habitable rooms within 6.0 metres and bedrooms with 4.5 metres of a lot boundary.	No screening proposed

\* measured to the northern side of the right of way.

**Side Setbacks**

Wall	Height	Length	Major Openings	Setback Required	Setback Provided
Eastern (garage)	3.0 metres	6.0 metres	No	1.0 metre	nil
Western (garage)	3.0 metres	6.0 metres	No	1.0 metre	nil
Eastern	8.0 metres	15.5 metres	Yes (balconies)	5.1 metres	0.9 metre
Western	8.0 metres	15.5 metres	No	2.2 metres	nil
Western (ground floor addition)	3.0 metres	15.5 metres	No	1.5 metres	nil

**SITE HISTORY:**

The site is occupied by a Federation style residence that was built in 1902 and presently is in good condition. The place is listed on the Town of Vincent Interim Heritage Database.

The subject application for alterations, two-storey additions and garage involving partial demolition to the existing dwelling at No.34 (Lot 128) Chatsworth Road, Highgate was conditionally approved by the Council at the Ordinary Meeting held on 19 December 2000, subject to plans being submitted and approved prior to the issue of a Building Licence, demonstrating:

- (a) *the deletion of all alterations and additions to the house other than the proposed garage;*
- (b) *a minimum vehicle manoeuvring distance, measured from the northern boundary of the right of way to the garage door opening, shall be 6.0 metres; and*
- (c) *all carparking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications and dimensions specified in Clause 1.6 of the Residential Planning Codes.*

The proposed alterations and additions to the existing dwelling were so extensive that they essentially constituted a de facto demolition. The application was refused on the grounds that the place had heritage value as part of an intact streetscape of Federation style residences, which was almost entirely developed during the Gold Rush period of the late nineteenth and early twentieth century.

On 16 February 2001, the Town received notice from the Office of the Minister for Planning that the owner of the subject site had lodged an appeal against the conditions of the Planning Approval that required the deletion of all proposed alterations and additions to the existing dwelling and a minimum manoeuvring distance of 6.0 metres for the rear garage.

On 12 December 2001, the Town received notice from the Minister for Planning and Infrastructure of her decision to dismiss the appeal against the condition requiring the deletion of all proposed alterations and additions to the existing dwelling. The Minister recognised that Chatsworth Road is largely characterised by houses built at the turn of the last century and remains predominantly intact in terms of the original development and architectural style. The Minister advised that, "*great care needs to be taken to protect and preserve the character and amenity of the area and I am not satisfied that sufficient weight has been directed to this issue*".

In her correspondence dated 12 December 2001, the Minister further advised of her decision to partly uphold the condition relating to manoeuvring distance, by replacing it with a new condition that:

*the depth of the proposed garage being increased to a minimum of 405mm and the opening bay increased to provide access for a standard vehicle to and from the right of way in both directions.*

At the Ordinary Meeting held on 12 February 2002, the Council conditionally approved a revised application submitted by the landowner for proposed two-storey additions and alterations, including garage to the existing single dwelling at No.34 (Lot 128) Chatsworth Road, Highgate. This proposal was more sensitive to the retention of the form and fabric of the existing dwelling and its contribution to Chatsworth Road.

#### **DETAILS:**

The landowner has resubmitted the application for alterations, two-storey additions and garage involving partial demolition to the existing dwelling on the site, which was considered by the Council at its Ordinary Meeting held on 19 December 2000.

The landowner has resubmitted the application in light of the *Moullin vs. Town of Cottesloe* Town Planning Appeal Tribunal determination, which was handed down in August this year.

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

One written objection was received during the advertising period. The following is an excerpt from that letter:

*"I object to the submitted plans which show a two storey building of very different style to the current house. The northern side of Chatsworth Road contains villa style houses of very similar styles dating from 1902. On that side only one original house in the whole street has been replaced....The property at number 34 is one that retains all its original features such as wooden sash window, timber finial on the street gable and other features. I feel that the proposed development is so unlike the current house, and so different in style to the houses in this street, that it will significantly detract from the streetscape...While I acknowledge that any owner has a right to renovate an older home to make it more comfortable to live in, there are many other houses in the street which have been renovated to make fine homes which retain their original features, and maintain the lovely Chatsworth Road streetscape."*

## COMMENTS:

### Heritage

A detailed heritage assessment is contained in Appendix 10.1.10.

Development of residential lots along Chatsworth Road commenced in 1896, during the population explosion and residential building boom that accompanied the Gold Rush. Records show that by 1904, 33 of the 51 lots along Chatsworth Road had already been developed. Construction of residences continued along the street for a number of years and by 1912, the street was almost entirely developed. The subject place was constructed in 1902 by builder, Charles Jarrett.

Chatsworth Road is an intact streetscape that is characterised by consistent short front and side setbacks and predominantly single storey residences of a modest scale. The historic value of this is in the ability of Chatsworth Road to demonstrate the pattern and form of development that occurred in the inner city areas of Perth around the turn of the last century. Much of the original housing stock is still intact and the majority of residences exhibit characteristics of Federation style architecture, thus comprising a streetscape that is not only uniform in terms of the pattern of development, but also architectural style.

The place at No.34 Chatsworth Road contributes to the streetscape both in terms of the development pattern and architectural style. The place is therefore considered an integral element within the street and is considered to have cultural heritage significance in terms of its *aesthetic, historic, social* and *representative* values.

The loss of significant fabric that will result from the proposed alterations and additions is so great that the proposal essentially constitutes a de facto demolition. It will result in a loss of historic building stock along Chatsworth Road and the disruption of an intact streetscape that is highly valued by the local community. It is on these grounds that the development proposal was previously not supported by the Town.

In August this year, the Town Planning Appeal Tribunal used the *Moullin vs. Town of Cottesloe* case to make a number of general observations about the weight given to heritage considerations in the determination of planning applications. These observations were summarised in a memorandum to Elected Members dated 29 August 2002. The essence of the observations made by the Tribunal was that if a property is not listed on the State Register of Heritage Places, then heritage considerations should not be elevated to the prime or sole determinant of a development application. The Tribunal pointed out that heritage is one of several planning considerations that needs to be taken into account when determining applications and that it should not dominate the planning agenda.

On 9 October 2002, the Town attended a presentation by Minter Ellison Lawyers on the role of heritage in planning decisions and more specifically, the *Moullin vs. Town of Cottesloe* case. They provided a set of principles that define the role of heritage in planning decisions, which they derived from past Town Planning Appeal Tribunal determinations. The principles are:

- Heritage values are part of the amenity of a locality;
- Heritage buildings are an aspect of the streetscape and character of an area;
- Cultural heritage significance will be a relevant planning consideration without heritage provisions in town planning schemes;
- Listing a building in a Municipal Heritage Inventory is only one relevant factor. That is, if a building is not listed on a Municipal Heritage Inventory, it can still have cultural heritage significance, and this significance can be taken into account in the determination of development applications; and

- It is necessary to ensure that entry into a Municipal Heritage Inventory is based on recognised criteria such as those used by the Heritage Council of Western Australia.

In summary, cultural heritage significance is a valid planning consideration because it forms part of the amenity and character of an area. It follows that planning applications can be refused on heritage grounds if the loss of a building or other heritage attributes to an area will have an unreasonable impact on the amenity of that area.

It seems that the *Moullin vs. Town of Cottesloe* case demonstrates the way in which too much weight can be given to heritage considerations in the determination of planning applications. The case related to the development of a newly subdivided vacant site in the Claremont Hill Heritage Area. The Council imposed conditions on the new development, which required the incorporation of certain architectural features that are characteristic of existing houses in the area. The Town Planning Appeal Tribunal was of the opinion that the new development did not necessarily have to repeat historic architectural features in order for the overall amenity of the area to be maintained. It should be noted that the Town of Vincent does not impose conditions on new developments that require them to conform to historic architectural styles. Rather, the Town of Vincent encourages appropriate contemporary architectural design.

The subject development application is not considered to be comparable to the *Moullin vs. Town of Cottesloe* case. The *Moullin vs. Town of Cottesloe* case involved the development of a vacant site where there was no loss of existing building stock, whereas the subject application will result in the loss of significant building stock in an intact streetscape. It is considered that the buildings dating from the turn of the last century along Chatsworth Road and the intactness of the street contribute significantly to the amenity and character of the area. It is considered that the loss of significant building stock and the disruption to the intactness of Chatsworth Road, which will result from the proposed alterations and additions to the existing dwelling, will have an unreasonable impact on the amenity of the area. As such, it is recommended that the proposed alterations and two storey additions, with the exception of the garage, including the cellar, be refused.

### **Total Open Space**

The variation to total open space is not supported. The recently gazetted Residential Design Codes decrease the total open space requirement from 50 percent to 45 percent and the Town has applied the new total open space requirements consistently. It should be noted that the previous Planning Approval varied the total open space requirement under clause 40 of Town Planning Scheme No.1 as the application provided functional courtyard areas, the adjoining verge and right of way provided a sense of openness and the close proximity to Hyde Park. The total open space requirement will not be varied if the proposed alterations and two storey additions to the existing dwelling are not supported.

### **Height**

The Town's Policy relating to the 'St Albans Locality' provides for a general height limit of two storeys including loft in this area. The proposal exceeds the maximum wall height permitted under the Town's Policy relating to 'Bulk and Scale' and the Residential Design Codes and the proposed height is considered to unreasonably impact on the amenity of the St Albans locality, the streetscape and the adjoining properties.



**Western Side Setback**

The proposal incorporates a 2.5 metres extension of the existing boundary wall towards the north (rear) and a first floor level incorporating balcony openings at the boundary. The proposed boundary wall does not comply with the requirements of the Residential Design Codes and is not supported as it will unreasonably impact on the amenity of the adjoining properties.

**Eastern Side Setback**

The proposal incorporates variations to the setback requirements of the Residential Design Codes, and is not supported as it will unreasonably impact on the amenity of the adjoining properties.

**Privacy**

The proposal contains openings to habitable rooms and outdoor active habitable spaces that are not screened in accordance with the Residential Design Codes, and are not supported as they will contribute to unreasonable overlooking to the adjoining properties.

**Car Manoeuvring Space**

The Town's Technical Services advises that the minimum width required for ease of vehicle manoeuvring is 6.0 metres. It is possible to reduce this minimum aisle width where it can be demonstrated that the garage opening is sufficiently wide enough to provide for adequate manoeuvring. The proposed garage complies with the Town's vehicle manoeuvring template and with the previous condition imposed by the Minister for Planning and Infrastructure.

**Summary**

In light of the above, it is recommended that the proposed alterations and two storey additions to the existing single house be refused, primarily in respect to the adverse impact that it will have on the cultural heritage significance of the subject place and the streetscape of Chatsworth Road. The proposed garage and associated cellar has been recommended for conditional approval in order that the refusal will not preclude the building of the garage to the rear.

**10.1.12 No. 4 (Lot 7) (Strata Lot 4) Smith Street, Perth - Proposed Alterations and Additions to Front Fence OF Existing Group Dwelling.**

<b>Ward:</b>	North Perth	<b>Date:</b>	12 November 2002
<b>Precinct:</b>	North Perth, P8	<b>File Ref:</b>	PRO 1959 00/33/1009
<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 Metropolitan Region Scheme and having regard to the matters it is required to consider generally, and in particular:*

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
- (ii) the non-compliance with the Residential Design Codes and the Town's Policy relating to Street Walls and Fences;*

*the Council REFUSES the application dated 9 October 2002 submitted by the owner P Kershaw for the proposed alterations and additions to front fence of existing grouped dwelling, and as shown on plans stamp-dated 9 October 2002 at No.4 (Lot 7) (Strata Lot 4) Smith Street, Perth.*

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**COUNCIL DECISION ITEM 10.1.12**

**Moved by Cr Hall, Seconded by Cr Cohen**

*That the recommendation be adopted.*

*Debate ensued*

**For**  
Cr Chester

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

**LOST (1-8)**

**Reasons:**

1. On the basis of safety for the area.
2. Noise control.
3. Privacy.

***ALTERNATIVE RECOMMENDATION***

**Moved by Cr Hall, Seconded by Cr Franchina**

*That the following alternative recommendation be adopted.*

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner P Kershaw for the proposed alterations and additions to front fence of existing grouped dwelling, and as shown on plans stamp-dated 9 October 2002 at No.4 (Lot 7) (Strata Lot 4) Smith Street, Perth, subject to;*

- (i) *compliance with all relevant Environmental Health, Engineering and Building requirements;*

*to the satisfaction of the Chief Executive Officer.*

**Moved by Cr Ker, Seconded by Cr Cohen**

*That a clause (ii) be added as follows, and the word "and" be added at the end of clause (i):*

- "(ii) the retention of the present visual truncation provided at the intersection of the right of way and Smith Street."*

**AMENDMENT CARRIED (9-0)**

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

**COUNCIL DECISION ITEM 10.1.12**

*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 P Kershaw for the proposed alterations and additions to front fence of existing grouped dwelling, and as shown on plans stamp-dated 9 October 2002 at No.4 (Lot 7) (Strata Lot 4) Smith Street, Perth, subject to;*

- (i) *compliance with all relevant Environmental Health, Engineering and Building requirements; and*
- (ii) *the retention of the present visual truncation provided at the intersection of the right of way and Smith Street.*

*to the satisfaction of the Chief Executive Officer.*

**Note: It was requested that the Town's Policy relating to fencing be reviewed and a report submitted to the Council to reflect changes required by the new Residential Design Codes.**

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**LANDOWNER:** P Kershaw  
**APPLICANT:** P Kershaw  
**ZONING:** Metropolitan Region Scheme – Urban  
Town Planning Scheme No. 1 – Residential R80

**EXISTING LANDUSE:** Two Grouped Dwellings

**COMPLIANCE:**

Use Class	Grouped dwelling
Use Classification	“P”
Lot Area	809 square metres

<b>Requirements</b>	<b>Required</b>	<b>Proposed</b>
Front Fence	Solid up to 1.2 metres, 50 percent visual permeability to a height of 1.8 metres.	Solid brick up to a height of 1.75 metres.

**SITE HISTORY:**

The site is occupied by two grouped dwellings.

- 4 February 2002      Applicant submitted a planning application for proposed carport, store and alterations and additions to fencing at existing grouped dwelling.
- 30 April 2002      Applicant advised the Town to withdraw/delete the front fence from the abovementioned application, due to the applicant wishing to refer the matter to Council for consideration.
- 13 May 2002      Conditional approval was granted to amended plans stamp-dated 1 May 2002 for proposed carport and store.

**DETAILS:**

The proposal includes alterations to the existing open front fence such that the fence will be solid and constructed to a height of 1.75 metres, with piers constructed to a nominal height of 1.85 metres. The proposal comprises a solid brick fence with a bagged and painted finish. The proposal covers an overall length of 8.05 metres along Smith Street, and 3.5 metres along the privately owned and sealed right of way along the south eastern side boundary.

The adjoining strata property currently has similar fencing to the existing open fencing of No. 4 Smith Street.

The applicant has submitted the following information in support of the application through correspondence to the Town dated 9 October 2002:

*"As discussed previously, I am aware that these modifications are not in line with the Town of Vincent's current open streetscape policy however I am hopeful that the Council will take into consideration the need for privacy in this busy and noisy area."*

The property has a private outdoor living area at the rear of the property.

**CONSULTATION/ADVERTISING:**

No objections were received during the advertising period

**COMMENTS:**

It is recommended that the proposal be refused as it is considered to unfavourably affect the amenity and streetscape of the area, primarily due to the discouragement of compatible interaction and casual surveillance between the development and the street. In addition, the fencing inappropriately adds bulk and scale to the existing dwelling.

**10.1.6 No. 38 (Lot 31) Camelia Street, North Perth - Proposed Additional Two-Storey with Storage Area in Roof Space Single House and Alterations to Existing Dwelling**

<b>Ward:</b>	North Perth	<b>Date:</b>	11 November 2002
<b>Precinct:</b>	Smith's Lake, P6	<b>File Ref:</b>	PRO 2107 00/33/1347
<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 the owner L Bruno, for proposed additional two-storey with storage area in roof space, single house and alterations to existing dwelling at No. 38 (Lot 31) Camelia Street, North Perth, as shown on plans dated 17 October 2002, subject to:*

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (iii) subject to first obtaining the consent of the owners of No 40 (Lot 32) and No 36 (Lot 30) Camelia Street, for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No 40 (Lot 32) and No. 36 (Lot 30) Camelia 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 Camelia 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 Camelia 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) 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;*

- (vii) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the western, northern and southern sides of the balcony accessible from bedroom 1 on the first floor level, and the eastern, northern and southern sides of the balcony accessible from bedroom 2 and the sitting room on the first floor, shall be screened with a permanent obscure material and be non-openable to a minimum height of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*
- (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 Residential Design Codes, with a minimum length of 5.4 metres;*
- (ix) *the roof space area shall be used for storage purposes only;*
- (x) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
- (xi) *a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
- (xii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (xiii) *a road and verge security deposit bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the Town's assets have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (xiv) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (xv) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (xvi) *a pedestrian access way with a minimum width of 1.1 metres along the length of the existing dwelling, and a minimum width of 1.5 metres for the remaining length from Camelia Street to the rear lot / dwelling shall be provided and constructed;*

(xvii) *no car parking structures shall be erected within the front setback area adjacent to Camelia Street; and*

(xviii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the main dwelling being setback a minimum of 2.5 metres from the right of way rear/eastern boundary;*

*to the satisfaction of the Chief Executive Officer.*

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**Moved by Cr Ker, Seconded by Cr Cohen**

*That the recommendation be adopted.*

*Debate ensued.*

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

*That clause (ix) be deleted and the following new clause be inserted:*

*“(ix) that the loft floor and access stairs shall be deleted;”*

**AMENDMENT LOST (2-7)**

**For**  
Cr Chester  
Cr Ker

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

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

*That clause (xviii) be deleted.*

**AMENDMENT CARRIED (8-1)**

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

**Against**  
Cr Chester

**MOTION AS AMENDED CARRIED (6-3)**



**For**  
Mayor Catania  
Cr Cohen  
Cr Drewett  
Cr Franchina  
Cr Hall  
Cr Piper

**Against**  
Cr Chester  
Cr Doran-Wu  
Cr Ker

**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 the owner L Bruno, for proposed additional two-storey with storage area in roof space, single house and alterations to existing dwelling at No. 38 (Lot 31) Camelia Street, North Perth, as shown on plans dated 17 October 2002, subject to:*

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (iii) subject to first obtaining the consent of the owners of No 40 (Lot 32) and No 36 (Lot 30) Camelia Street, for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No 40 (Lot 32) and No. 36 (Lot 30) Camelia 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 Camelia 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 Camelia 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) 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;*
- (vii) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the western, northern and southern sides of the balcony accessible from bedroom 1 on the first floor level, and the eastern, northern and southern sides of the balcony accessible from bedroom 2 and the sitting room on the first floor, shall be screened with a permanent obscure material and be non-openable to a minimum height of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*

- (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 Residential Design Codes, with a minimum length of 5.4 metres;*
- (ix) *the roof space area shall be used for storage purposes only;*
- (x) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
- (xi) *a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
- (xii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (xiii) *a road and verge security deposit bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the Town's assets have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (xiv) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (xv) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (xvi) *a pedestrian access way with a minimum width of 1.1 metres along the length of the existing dwelling, and a minimum width of 1.5 metres for the remaining length from Camelia Street to the rear lot / dwelling shall be provided and constructed;*
- (xvii) *no car parking structures shall be erected within the front setback area adjacent to Camelia Street; and*

*to the satisfaction of the Chief Executive Officer.*

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**LANDOWNER:** L Bruno  
**APPLICANT:** L Bruno  
**ZONING:** Metropolitan Region Scheme - Urban  
 Town Planning Scheme No. 1 - Residential R40  
**EXISTING LAND USE:** Single House

**COMPLIANCE:**

Requirements	Required	Proposed
Setbacks - Side - northern	1.5 metres to study and living rooms	0 metre
- Side - southern	1 metre to garage / store	0 metre
- Rear - eastern	2.5 metres to main dwelling from right of way (ROW)	1.5 metres to study from ROW
Pedestrian Accessway Width	1.5 metres	1.1 metres along side the existing house
Monastery Precinct Height	Two storeys including loft provided the amenity of the area is protected in terms of privacy, scale and bulk.	Two storeys plus storage area within loft.
Use Class	Grouped Dwelling	
Use Classification	'P'	
Lot Area	529 square metres	

**SITE HISTORY:**

The existing single storey house is not listed on the Town's Municipal Heritage Inventory.

The Council at its Ordinary Meeting held on 13 August 2002 received a report relating to a proposed additional two-storey with loft grouped dwelling to existing dwelling on the subject property and deferred its consideration of the application at the request of the applicant. The applicant revised the plans to address several of the issues raised in the report.

The Council at its Ordinary Meeting held on 8 October 2002 conditionally approved the proposed additional two-storey with loft grouped dwelling to existing dwelling on the subject land subject to conditions including;

*"(ix) the loft floor shall be deleted;"*.

The applicant and Town's Officers also request clarification as to whether this will require removal of the feature windows / gable ends on the eastern and western elevations, and /or removal of the internal staircase to the loft/storage area, to satisfy this condition.

**DETAILS:**

This application is for a similar proposal to that previously approved, as the applicant is requesting Council support for the proposal including the storage area within the roof space. A 3 metres wide, privately owned sealed ROW runs along the rear boundary.

**CONSULTATION/ADVERTISING:**

This application was not referred to the neighbours as an application for a similar proposal has been advertised and determined by the Council within the previous 12 months as per the Town's Policy relating to Community Consultation.

Notwithstanding, a further submission was received from a previous objector reiterating concerns regarding pedestrian and vehicular safety and emergency vehicular access into the right of way (ROW), and the proposed setback of the building from the ROW.

Concern was raised that the development at No. 121 Alma Road does not have separate pedestrian access and the ROW provides sole access to these properties. The complainant also raised concern that emergency services, such as ambulances and fire trucks, would not be able to manoeuvre equipment from the vehicles within the 3 metres wide ROW. There is concern that supporting the variation to the rear setback, with the study only setback 1.5 metres, will lead to future developments with reduced setbacks, compounding the problem.

Four objections were received during the original consultation period. Concerns raised relate to the overall height of the development, overshadowing, overlooking, loss of sunlight and air circulation, length of parapet walls, reduced setbacks, and concern that the design is not in keeping with the area.

It is understood that the applicant also met with the adjoining property owners to discuss the issues raised. As a result, one previous objection to the proposal was withdrawn in writing. Three objectors reaffirmed their objection to the proposal with the main concerns being the setback of the proposed building to the right of way (ROW) and that the proposal does not comply with the intent of the Monastery Precinct, as the proposal is considered to be two-storey and a loft. The proposed plot ratio and total open space and the implications on the adjoining neighbours amenity in terms of privacy and sense of space were also reiterated.

The applicant advised the Town's Officers that they were willing to compromise and modify the plans, within reason, to address neighbours' concerns. They have advised that they have modified the plans to include obscure glazing and are willing to obscure other windows and doors facing the ROW to address any further concerns regarding overlooking.

It is also noted that the dwellings at No. 121 Alma Road, approved at the Ordinary Meeting of Council held on 22 March 1999, are setback a similar distance from the ROW, are a similar height, bulk and scale and have a greater plot ratio and lesser open space.

#### **COMMENT:**

##### **Car Parking**

The plans include modifications to the existing house/verandah to allow for two uncovered cars to be parked at the front of the existing house. Additional modification is required to obtain the minimum length for the car parking bays in order to comply with the Residential Design Codes (R-Codes). It is recommended that this be imposed as a condition of approval.

##### **Building Scale**

The plans show some cut and fill on the site. The proposal generally complies with the Town's Policy relating to Building Scale, in that the maximum height to the ridge of the roof is less than 9 metres, and 6 metres to the top of wall, and therefore complies with the height restrictions of a two-storey building.

##### **Pedestrian Access Way (PAW) Width**

The applicant has identified that there is 1.1 metres width down the northern side of the existing house for the PAW. This variation to the PAW width is considered acceptable, as the existing house is to be retained and will still adequately provide for mail and garbage collection and installation of services. The proposal should be conditioned so that a PAW width of 1.5 metres is required where possible, for the remaining length of the PAW.

### **Monastery Precinct**

The revised plans reduce the impact of the house in terms of height. However, the owner requests the retention of the feature gable in the roof space to add visual interest to the house. The area within the roof space is now shown as a 'storage area', rather than habitable roof space / loft. The room does not have openable windows and is not considered to have adequate ventilation to be considered a habitable room. The applicant has shown the windows in this area as obscure glazing in an attempt to address neighbours' concerns regarding perceived overlooking from this room. It is recommended that this be conditioned to ensure that this roof space shall be used for storage purposes only.

Should the Council determine that the use of the loft space for storage purposes is not acceptable, clarification is sought as to what modifications to the plans should be made, for example, will the feature gable window be required to be deleted or/and the internal staircase to the roof space need to be deleted.

### **Total Open Space and Plot Ratio**

Under the new Residential Design Codes (R Codes), plot ratio is not applicable to such development at this density.

Total open space was recalculated on the plans received. Under the new R Codes, total open space is calculated for grouped dwellings by the area of a lot not occupied by buildings divided by the area allocated for the exclusive use of that dwelling and the proportionate share of any associated common property, therefore including the PAW. 48 per cent total open space was calculated and therefore the proposal complies with the open space requirement.

### **Privacy**

Should the application be approved, it is considered appropriate that the northern, western and southern sides of the western balcony be screened in accordance with the R-Codes. To address neighbours concerns regarding perceived overlooking from the eastern balcony, it is recommended that the southern, eastern and northern sides of the eastern balcony on the first floor are screened in accordance with the R-Codes.

### **Setback From ROW**

The new R Codes require the main building to be setback a minimum of 2.5 metres from the ROW, and porches, balconies and the like setback a minimum of 1.5 metres from the ROW. In addition, the Town's Planning and Building and Technical Services are preparing a policy relating to the future road widening of the ROW's through the Town, including the subject ROW. Preliminary advice from the Western Australian Planning Commission (WAPC) suggests that ideally 2 metres of land would be acquired from the subject property, to potentially allow a dedicated road with a width of 5 metres in accordance with the WAPC's Planning Bulletin No. 33 July 1999.

Accordingly, the study would be required to be setback a further 1 metre from the ROW. The window addressing the ROW is also required to comply with the fire requirements of the Building Code of Australia. Therefore, it is recommended that approval be subject to revised plans being submitted and approved showing the main building being setback a minimum of 2.5 metres from the ROW.

Accordingly, it is recommended that the application and accompanying amended plans dated 17 October 2002 be approved, subject to standard and appropriate conditions to address the above matters.

**10.1.2 Nos. 401-403 (Lot 500) Oxford Street, Mount Hawthorn – Proposed Alterations and Additions to Existing Commercial Building to create a Three (3) Storey Mixed Use Development Containing Three (3) Shops, One (1) Eating House and Ten (10) Multiple Dwellings and Associated Basement Carparking**

<b>Ward:</b>	Mount Hawthorn	<b>Date:</b>	13 November 2002
<b>Precinct:</b>	Mount Hawthorn Centre, P2	<b>File Ref:</b>	PRO1846 00/33/1323
<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 BY AN ABSOLUTE MAJORITY the application submitted by Lawrence J Scanlan and Associates Pty Ltd on behalf of the owner Australian Electrical, Electronics Foundary and Engineering Union (WA Branch) for the proposed alterations and additions to existing commercial building to create a three storey mixed use development containing three (3) shops, one (1) eating house and ten (10) multiple dwellings and associated basement carparking on Nos. 401-403 (Lot 500), Oxford Street, Mount Lawley and as shown on the plans stamp dated 3 October 2002 and the amended plans stamp dated 8 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) the gross floor area of the shop component shall be limited to a maximum of 465 square metres, and the public floor area of the eating house component shall be limited to 27 square metres;*
- (iv) the windows, doors and activities within the floor area adjacent to Oxford Street shall maintain an active and interactive frontage with Oxford Street;*
- (v) prior to the issue of the Building Licence, the applicant/landowner shall pay a cash-in-lieu contribution of \$15 000 for the equivalent value of five (5) car parking spaces, based on the cost of \$2500 per bay as set out in the Town's 2002/2003 Budget;*
- (vi) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*

- (a) *the deletion of the proposed 'Phoenix canariensis' palm trees from the right of way. In keeping with a request from the adjoining landowner at No. 24 Fairfield Street, a mature 'Phoenix canariensis' palm tree, or suitable alternative species, having a minimum height of 5.0 metres when planted, shall be planted to the rear of No. 24 Fairfield Street adjacent to the right of way, in consultation with the subject property owner and as agreed to by the applicant on behalf of the owner, in a letter to the Town dated 4 November 2002; and*
- (b) *continuous awnings to the building over the Oxford Street footpath and aligned with the extension of the north and south boundaries, being provided in accordance with the Town's 'Mount Hawthorn Centre' Policy;*
- (vii) *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 (\$8 000) shall be submitted to and approved by the Town. The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development and Administrative Services Section with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed in the front setback area prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (viii) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property that the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities. This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;*
- (ix) *the residential component of the development shall be adequately sound insulated prior to the first occupation of the development. The necessary sound insulation shall be in accordance with the recommendations, developed in consultation with the Town, of an acoustic consultant registered to conduct noise surveys and assessments in accordance with the Environmental Protection Act 1986. The sound insulation recommendations shall be submitted and approved prior to the issue of a Building Licence. The engagement of and the implementation of the recommendations of this acoustic consultant are to be at the applicant's/owner(s)' costs;*
- (x) *prior to the first occupation of the development, the ten (10) car parking spaces provided for the residential component of the development shall be clearly marked and signposted for the exclusive use of the residents of the development and shall not be in tandem arrangement unless they service the same residential unit/dwelling;*
- (xi) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (xii) *prior to the 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;*

- (xiii) *a road and verge security bond and/or bank guarantee of \$2500 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;*
  - (xiv) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
  - (xv) *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;*
  - (xvi) *all car parking bays and ramp 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". A minimum of one (1) disabled bay to ACROD Standards is to be provided and be accessible to the proposed commercial tenancies;*
  - (xvii) *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;*
  - (xviii) *a visual truncation of 2.0 metres by 2.0 metres shall be provided at the south western intersection of the driveway/ramp and the right of way at the owner's expense;*
  - (xix) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
  - (xx) *a low impact 'speed hump' shall be provided at the exit to the undercroft ramp to protect vehicular/pedestrian safety for exiting vehicles; and*
  - (xxi) *a detailed landscaping plan, including a schedule of plant species to be planted and the landscaping and reticulation of the subject property adjacent to the right of way, shall be submitted and approved prior to the issue of a Building Licence. This landscaping should provide for a vegetation screening of the carpark from the right of way whilst still maintaining vehicular sight lines. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- to the satisfaction of the Chief Executive Officer.*



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**Moved by Cr Cohen, Seconded by Cr Doran-Wu**

*That the recommendation be adopted, subject to clause (v) being amended as follows:*

*"(v) prior to the issue of the Building Licence, the applicant/landowner shall pay a cash-in-lieu contribution of \$12 500 ~~\$15 000~~ for the equivalent value of five (5) car parking spaces, based on the cost of \$2500 per bay as set out in the Town's 2002/2003 Budget;"*

Cr Piper departed the Chamber at 8.20pm.

*Debate ensued.*

Cr returned to the Chamber at 8.24pm.

**CARRIED BY AN  
ABSOLUTE MAJORITY(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 10.1.2**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by Lawrence J Scanlan and Associates Pty Ltd on behalf of the owner Australian Electrical, Electronics Foundary and Engineering Union (WA Branch) for the proposed alterations and additions to existing commercial building to create a three storey mixed use development containing three (3) shops, one (1) eating house and ten (10) multiple dwellings and associated basement carparking on Nos. 401-403 (Lot 500), Oxford Street, Mount Lawley and as shown on the plans stamp dated 3 October 2002 and the amended plans stamp dated 8 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) the gross floor area of the shop component shall be limited to a maximum of 465 square metres, and the public floor area of the eating house component shall be limited to 27 square metres;*
- (iv) the windows, doors and activities within the floor area adjacent to Oxford Street shall maintain an active and interactive frontage with Oxford Street;*

- (v) *prior to the issue of the Building Licence, the applicant/landowner shall pay a cash-in-lieu contribution of \$12 500 for the equivalent value of five (5) car parking spaces, based on the cost of \$2500 per bay as set out in the Town's 2002/2003 Budget;*
- (vi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
  - (a) *the deletion of the proposed 'Phoenix canariensis' palm trees from the right of way. In keeping with a request from the adjoining landowner at No. 24 Fairfield Street, a mature 'Phoenix canariensis' palm tree, or suitable alternative species, having a minimum height of 5.0 metres when planted, shall be planted to the rear of No. 24 Fairfield Street adjacent to the right of way, in consultation with the subject property owner and as agreed to by the applicant on behalf of the owner, in a letter to the Town dated 4 November 2002; and*
  - (b) *continuous awnings to the building over the Oxford Street footpath and aligned with the extension of the north and south boundaries, being provided in accordance with the Town's 'Mount Hawthorn Centre' Policy;*
- (vii) *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 (\$8 000) shall be submitted to and approved by the Town. The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development and Administrative Services Section with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed in the front setback area prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (viii) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property that the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities. This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;*
- (ix) *the residential component of the development shall be adequately sound insulated prior to the first occupation of the development. The necessary sound insulation shall be in accordance with the recommendations, developed in consultation with the Town, of an acoustic consultant registered to conduct noise surveys and assessments in accordance with the Environmental Protection Act 1986. The sound insulation recommendations shall be submitted and approved prior to the issue of a Building Licence. The engagement of and the implementation of the recommendations of this acoustic consultant are to be at the applicant's/owner(s)' costs;*
- (x) *prior to the first occupation of the development, the ten (10) car parking spaces provided for the residential component of the development shall be clearly marked and signposted for the exclusive use of the residents of the development and shall not be in tandem arrangement unless they service the same residential unit/dwelling;*

- (xi) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (xii) *prior to the 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;*
- (xiii) *a road and verge security bond and/or bank guarantee of \$2500 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;*
- (xiv) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
- (xv) *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;*
- (xvi) *all car parking bays and ramp 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". A minimum of one (1) disabled bay to ACROD Standards is to be provided and be accessible to the proposed commercial tenancies;*
- (xvii) *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;*
- (xviii) *a visual truncation of 2.0 metres by 2.0 metres shall be provided at the south western intersection of the driveway/ramp and the right of way at the owner's expense;*
- (xix) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (xx) *a low impact 'speed hump' shall be provided at the exit to the undercroft ramp to protect vehicular/pedestrian safety for exiting vehicles; and*

(xxi) *a detailed landscaping plan, including a schedule of plant species to be planted and the landscaping and reticulation of the subject property adjacent to the right of way, shall be submitted and approved prior to the issue of a Building Licence. This landscaping should provide for a vegetation screening of the carpark from the right of way whilst still maintaining vehicular sight lines. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

*to the satisfaction of the Chief Executive Officer.*

**LANDOWNER:** Australian Electrical, Electronics Foundary and Engineering Union (WA Branch)  
**APPLICANT:** Lawrence J Scanlan and Associates Pty Ltd  
**ZONING:** Metropolitan Region Scheme: Urban  
 Town Planning Scheme No 1: Commercial  
**EXISTING LAND USE:** Commercial Building

**COMPLIANCE:**

Use Class	Shop, Eating House and Multiple Dwellings
Use Classification	"P", "P" and "P"
Lot Area	1164 square metres

Requirements	Required	Proposed
Density	6.9 multiple dwellings	10 multiple dwellings
Plot Ratio	0.7	0.88

**Car Parking (non-residential):**

Car parking requirement (nearest whole number)*	37 carbays
<ul style="list-style-type: none"> <li>▪ Eating House-6 bays</li> <li>▪ Shop-31 bays</li> </ul>	
Apply the adjustment factors	(0.549)
<ul style="list-style-type: none"> <li>▪ 0.8 (development contains a minimum 45 percent residential floor space)</li> <li>▪ 0.85 (within 400 metres of a bus stop)</li> <li>▪ 0.85 (within 50 metres of one or more public carparks in excess of 50 spaces)</li> <li>▪ 0.95 (secure adjacent street bicycle parking – 3 spaces)</li> </ul>	20 carbays
Minus the car parking provided on site *	15 carbays
Minus the most recently approved on site car parking shortfall.	nil
Resultant shortfall (if less than or equal to 0.5 car bays, no parking bays or cash-in-lieu is required)	5 car bays

\*10 car bays required for the residential component of this development have been deducted from the car parking requirement and car parking provided on site figures.

## **SITE HISTORY**

6 November 2001 At its Ordinary Meeting, the Council granted retrospective conditional Planning Approval for a change of use from office to shop (beauty therapy). At the same meeting, an application seeking retrospective Planning Approval for unauthorised signage was refused.

## **CONSULTATION/ADVERTISING:**

Two comments were received during the advertising period from the same property owners. The letters raised concerns about the potential overlooking from the proposed development into an adjoining rear property, particularly if the proposed palms were not permitted to be planted in the adjacent right of way. Concern was also raised in relation to an increase in general traffic flows in the right of way and associated noise, and the potential overbearing colours that the development could be.

## **DETAILS:**

The subject site is located along Oxford Street, close to the intersection with Scarborough Beach Road, and is within the Mount Hawthorn Centre. Vehicular access to the property is via a rear, sealed, Town owned right of way. The proposal seeks to convert the existing commercial building into a mixed use development comprising ground floor retail and an eating house use with two levels, comprising ten residential apartments, above.

The applicant has submitted the following information in support of the application:

*“ We trust that council can support our application for planning approval based on the project’s merits. These include but not necessarily limited to:*

*Upgrading of a very tired and rundown building*

*Upgrade is to be at a higher level of design and specification than the immediate surrounds.*

*Change of use is more in keeping with the adjacent (rear) residential areas.*

*Building envelope has been stepped back from the boundaries and elsewhere modulated in a way that the presence of the building as it relates to the street should be even less than what exists now, even with the extra level included.*

*Increase in area is only 6% over the existing building.”*

The dwellings are all classified as multiple dwellings in accordance with the ‘Mixed Use Development’ provisions of the Residential Design Codes.

## **COMMENTS:**

### **Density**

The proposal represents a 43 percent density bonus on the residential portion of the development. It is considered that the number of dwellings within the proposed buildings will not unduly influence the scale, bulk or effective visual impact of the buildings in the locality. Further, it is considered that the proposed density and mixed use nature of the development will positively affect the functionality of the locality in terms of vibrancy, life and sustainability, within the Mount Hawthorn Centre. Accordingly, it is recommended that the proposed density, in this case, be approved.

### **Plot Ratio**

Plot ratio is commonly used as a measure of bulk and scale, together with height which is generally addressed below. The proposal uses the existing building and provides for large functional 2 bedroom residential units, which together with the provision of communal open space and greater than required private living areas may result in the attraction of owner/occupiers within the development. It is considered that, in this instance, the variation to plot ratio will not unreasonably negatively impact on the amenity of the area or compromise the amenity of future occupants of the residential units.

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

The Town's Policy relating to the 'Mount Hawthorn Centre' states "*Buildings with two storeys (including loft) are strongly encouraged. A third storey (including loft) can be considered, provided that the amenity of the adjacent residential area is protected in terms of privacy, scale and bulk*". The immediate surrounding area is characterised by a mix of commercial development fronting Oxford Street and residential development to the west on the opposite side of the right of way.

The total height of the development is 12.0 metres to the pitch of the roof and generally has less height in terms of bulk and scale and a reduced parapet height from that which is existing, to 8.41 metres.

The variation is supported as it is considered, the height, bulk and scale of the development is not considered out of character with development within the immediate area and it will result in the upgrade of a building and an area of the Town Centre, which is presently characterised by run-down development. The proposed three storey portion of the development is setback from Oxford Street and is not considered to unreasonably affect the streetscape or the future development of this portion of Oxford Street.

### **Car Parking and Vehicular Access**

The 'Mixed Use Development' provisions of the Residential Design Codes provide for a reduction of on-site parking for the residential component of the development from 18.83 to 10 carbays where on-site parking required for other users is available outside normal business hours. The non-residential component of the development requires 37 carparking bays, which after applying the Town's carparking adjustment factor of 0.549, results in a carparking requirement of 20 bays. Therefore, the total adjusted parking requirement for the entire development is 30 car bays. The proposal provides 25 bays for the entire development that results in a shortfall of 5 bays, which has been conditioned in accordance with the Town's 'Parking and Access' Policy pertaining to the 'Cash-in-lieu' provision.

It is not unreasonable that the rear right of way be utilised to provide access to the subject property, and it is not considered that the increase in traffic along the right of way will unreasonably negatively impact on the amenity of the adjoining properties. The proposal and associated traffic and activity will increase security and surveillance in this area.

### **Privacy**

The proposed development application includes screening to windows and active habitable outdoor areas to reduce unreasonable overlooking to adjoining properties. The distance to adjoining properties exceeds the minimum screening distances required by the Residential Design Codes 'Privacy' provision.

**Landscaping**

The Town's Technical Services has advised that it is not appropriate to plant the proposed mature '*Phoenix canariensis*' palm trees within the right of way. Accordingly, the Officer Recommendation includes a condition which generally requires the screening of the carparking area from the rear right of way and the planting of a mature palm tree in the rear garden of an adjacent property, as agreed to by the applicant on behalf of the owner in a letter to the Town dated 4 November 2002. This vegetation will further serve to act as a noise buffer resulting from the proposed development.

**External Finishes**

The Officer Recommendation includes the standard requirement for a schedule of external finishes to generally address the comments received during the advertising period. The applicant has been verbally advised of the comments received during consultation.

**Summary**

It is recommended that the Council approve the proposal, subject to standard and appropriate conditions to address the above matters.

**10.4.2 Information Bulletin**

<b>Ward:</b>	-	<b>Date:</b>	12 November 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>	-		

**RECOMMENDATION:**

*That the Information Bulletin dated 19 November 2002 and distributed with the Agenda be received.*

---

**COUNCIL DECISION ITEM 10.4.2**

**Moved by Cr Piper, Seconded by Cr Drewett**

*That the recommendation be adopted.*

*Debate ensued.*

**Cr Hall departed the Chamber at 8.36pm.**

*Debate ensued.*

**Cr Hall returned to the Chamber at 8.38pm.**

**CARRIED (9-0)**

---

**DETAILS:**

The items included in the Information Bulletin dated 19 November 2002 are as follows:

<b>ITEM</b>	<b>DESCRIPTION</b>
IB01	Section 18(2) Inquiry: Use of Lot 8 Carr Place, Leederville, Town of Vincent (010.18(2))
IB02	East Perth Redevelopment Authority: Residential Development and Housing Diversity Policy
IB03	Response to Questions from Dudley Maier - Council Meeting 5 November 2002
IB04	Letter from Minister for Housing and Works; Local Government and Regional Development re Grant - Community Security Program 2001-02
IB05	Rangers' Report for July, August and September 2002



**10.2.5 Residential Parking Restrictions on Days When National Soccer League Games are Played at Perth Oval**

<b>Ward:</b>	North Perth	<b>Date:</b>	13 November 2002
<b>Precinct:</b>	Hyde Park; P12	<b>File Ref:</b>	PKG0002
<b>Reporting Officer(s):</b>	J MacLean		
<b>Checked/Endorsed by:</b>	R Boardman		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That;*

- (i) *the Temporary Residential Parking Restrictions not be extended to the area which includes Lord Street, Walcott Street, Beaufort Street, between Harold Street and Walcott Street, Clarence Street, Barlee Street, Roy Street, Gerald Street, Curtis Avenue and the north side of Harold Street, between Curtis Avenue and Lord Street;*
- (ii) *the Temporary Residential Parking Restrictions not be extended to include Money Street, Lindsay Street, Fore Street, Tiverton Street and Monger Street;*
- (iii) *the Council APPROVES the removal of the Temporary Residential Parking Restrictions, applying on days when Perth Glory plays a home game at Perth Oval, on the north side of Mary Street, Highgate;*
- (iv) *the residents of Mary Street and St Mary's Church be informed of the Council decision, in (iii) above;*
- (v) *a further review be undertaken, of the need for the retention of the Temporary Residential Parking Restrictions, outside the area bounded by Beaufort Street, Harold Street, Lord Street, Parry Street, Stirling Street and Bulwer Street; and*
- (vi) *the Chief Executive Officer be authorised to vary the current area of Temporary Residential Parking Restrictions as appropriate, following the review mentioned at (v) above.*

---

**COUNCIL DECISION ITEM 10.2.5**

**Moved by Cr Cohen, Seconded by Cr Ker**

*That the recommendation be adopted.*

*Debate ensued.*

**Moved by Cr Drewett, Seconded by Cr Hall**

*That this item LIE ON THE TABLE.*

**CARRIED (7-2)**

**For**

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

**Against**

**Mayor Catania  
Cr Cohen**

**BACKGROUND:**

At the Ordinary Meeting of Council held on 27 August 2002, the Council resolved as follows:

“COUNCIL DECISION ITEM 10.2.5

*That the Council;*

- (i) receives the report on the Town’s parking survey of residents in the area around Perth Oval;*
- (ii) not approve of the use of Birdwood Square Reserve for the temporary parking of vehicles during sporting events at Perth Oval;*
- (iii) authorises the Chief Executive Officer to advertise the Residential Parking Zone restrictions, and promotes the use of public transport;*
- (iv) approves of the current residential parking restrictions to remain in affect in shown in Plan No. 2083-CP-1;*
- (v) requests the CEO to explore the need and report back to Council for feasibility for extending the area of the residential parking restriction zone; and*
- (vi) signage shall continue to reflect match day dates and any costs for changes to this signage be met by Perth Glory Soccer Club.”*

Perth Glory Soccer Club (PGSC) has used Perth Oval as their home ground since 1996 and parking complaints have been reported by local residents each time a game is played. These have been previously reported to Council. However, the number of complaints received is minimal at between one and three per game night. It should also be noted that Rangers often also receive complaints about the area surrounding Perth Oval, when PGSC do not have a game being played.

The crowd numbers averaged 9,645 in 1996, peaked in the 1998/99 season at an average of 14,725 and had stabilised to an average of 12,000 to 13,000, over the 2000/2001 and 2001/2002 seasons. The average number of spectators, attending Perth Glory games , for the first three (3) games in the 2002/2003 season, is approximately 10,000 spectators.

In an attempt to reduce the impact of the increasing crowds of soccer patrons attending games, the Town introduced Residential Parking Restrictions in the area bounded by West Parade, Harold Street, William Street and Parry Street, although not including the kerbside parking spaces in William Street, as shown in the attached plan.

**DETAILS:**

While it is acknowledged that vehicles park in streets such as Clarence Street and Barlee Street, because of the distance to Perth Oval, it would be difficult to attribute the parking congestion to PGSC patrons. It is thought more likely that the vehicles parking in this area would be attributable to local restaurants, cafes and liquor outlets. Some residents have complained to the Council that the restrictions are inconvenient and that they should be removed.

As a result of a survey of residents and businesses in the area bounded by West Parade, Walcott Street, William Street and Parry Street, the Council decided to maintain the same "Residential Zone" restrictions that were in place for the 2001/2002 soccer season. A request was received for the area bounded by Lord Street, Walcott Street, Beaufort Street and Harold Street, to be included in the Temporary Residential Parking Zone, but it was considered unlikely that Perth Glory supporters would walk in excess of one kilometre from this area to Perth Oval. However, it was not suggested that this area did not experience congestion, only that the congestion was unlikely to be caused by Perth Glory supporters and that the parking problems in this area should be dealt with separately. A request was also received from a resident in Lindsay Street that the Council put restrictions in Money, Monger, Lindsay, Fore and Tiverton Streets. It was considered that these streets are almost permanently congested and this would not only be due to Perth Glory patrons, so it was not appropriate to do so. These streets are patrolled on a daily basis.

There have also been a substantial number of complaints from drivers, who have parked in Mary Street and St Albans Avenue, to attend local hospitality businesses or church services and have been issued with infringement notices. However, it is considered unlikely that Perth Glory patrons would park as far away from Perth Oval as Mary Street and Chatsworth Road near William Street or St Alban's Avenue and walk to the ground. This suggests that, while the intent of the Temporary Residential Parking Restrictions was to provide respite for residents from the inconvenience of being unable to park close to their homes, because of the influx of Perth Glory supporters, this criterion is not being met. The requests from St Mary's Church in Mary Street and St Alban's Church in Beaufort Street, for the removal of the Residential Parking Restrictions, has merit, although it is not considered appropriate to completely remove the Temporary Residential Parking Restrictions from these streets. It is suggested that, since the south side of Mary Street is permanently a Residential Parking Zone, it would be appropriate to remove the Temporary Residential Restriction from the north side. This would provide some additional bays for church patrons. It is further suggested that there is a need to re-assess the need for the Temporary Residential Parking Restrictions to be retained in the area west of Beaufort Street.

When the Temporary Residential Parking Restrictions were assessed, prior to the commencement of the 2002/2003 soccer season, concerns were expressed by some residents that the restrictions created more problems than they solved. The complaints related to the fact that residents must remember to give the "Visitors' Permits" to people visiting their homes, on days when Perth Glory are playing and must remember to recover the permits for use on the next game-day. These complaints appear justified and following each game there are numerous requests from residents who have been issued with infringement notices or their visitors, who have forgotten to display their permits.

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

It would be appropriate to seek public comment on the proposed review of the Temporary Residential Parking Restrictions, perhaps by way of an advertisement in the local newspapers, rather than a further letter-drop to all residents.

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

Under clause 18(4) of the Town of Vincent Parking Facilities Local Law, the Town may set aside any part of a road for the parking of vehicles of a particular class. The class would then be specified as "*vehicles which display a valid Residential or Visitors Parking Permit*" and the penalty for contravention of this Clause is \$80.00.

The Town need only formally resolve to create a “*Residential Parking Zone*” and establish a mechanism whereby residents may obtain Resident and Visitors Parking Permits. Provided warning signs are placed at regular intervals in each street, any parked vehicle which does not have a permit clearly displayed, commits an offence and may be dealt with by an Authorised Officer.

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2000-2002, at Key Result Area 1.4, “*Develop and implement a Transport and Car Parking Strategy*” and, at Key Result Area 1.8, “*Develop and Implement a Comprehensive Strategy for Law, Order and Public Safety*” would support the above proposal.

**FINANCIAL/BUDGET IMPLICATIONS:**

The cost associated with the proposal would be minimal and would be restricted to the removal of a number of signs. It is estimated that this would cost less than \$100.00. If the residential parking restrictions are increased to additional streets detailed in this report, additional signs would need to be purchased and erected. This would cost approximately \$100 for each sign and pole and installation, and \$500 advertising the possible changes. A total of 50 new signs and poles would be required. Therefore the total cost would be \$5,500.

**COMMENTS:**

In view of the above information, the recommendations are in line with the wishes and needs of the community-at-large and are recommended for approval.

**10.1.7 No.67 (Lot 12) Paddington Street, North Perth – Proposed Two Storey Single House**

<b>Ward:</b>	Mount Hawthorn	<b>Date:</b>	13 November 2002
<b>Precinct:</b>	North Perth, P8	<b>File Ref:</b>	PRO1189 00/33/1375
<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 dated 12 November 2002, submitted by the owners R and S Zielinski for the proposed two storey single house at No. 67 (Lot 12) Paddington Street, North Perth and as shown on the plans stamp dated 5 September 2002, subject to:*

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the eastern side of the balcony accessible from Bedroom 1 and Living room on the first floor level shall be screened with a permanent obscure material and be non-openable to a minimum height of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*
- (iii) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the windows to Bedroom 1 on the eastern elevation on the first floor level shall be screened with a permanent obscure material and be non-opening to a minimum height of 1.6 metres above the finished first floor level, OR shall not constitute a major opening as defined in the Residential Design Codes. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*
- (iv) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (v) a road and verge security deposit bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (vi) 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;*

- (vii) *the construction of crossovers shall be in accordance with the Town's specifications. The proposed crossovers shall be positioned in consultation with and as directed by the Town's Technical Services Division;*
- (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) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (x) *a visual truncation of 2.0 metres by 2.0 metres at the intersection of the driveway and Paddington Street footpath shall be provided at the owner's cost; and*
- (xi) *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 Paddington Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*

*to the satisfaction of the Chief Executive Officer.*

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**Moved by Cr Drewett, Seconded by Cr Ker**

*That the recommendation be adopted.*

**Moved by Cr Ker, Seconded by Cr Doran-Wu**

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

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

- (a) *that the floor level of the rear part of the house (the two storey part) be lowered to the mean existing ground level under the footprint.*

*The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Town Planning Scheme No. 1 and associated adopted Policies;”*

**AMENDMENT LOST (2-7)**

**For**  
Cr Doran-Wu  
Cr Ker

**Against**  
Mayor Catania  
Cr Chester  
Cr Cohen  
Cr Drewett  
Cr Franchina  
Cr Hall  
Cr Piper

**COUNCIL DECISION ITEM 10.1.7**

**ORIGINAL MOTION CARRIED (9-0)**

**LANDOWNER:** R and S Zielinski  
**APPLICANT:** R and S Zielinski  
**ZONING:** Metropolitan Region Scheme:  
 Urban Town Planning Scheme No.1: Residential R30/40  
**EXISTING LAND USE:** Vacant

**COMPLIANCE:**

Use Class	Single House
Use Classification	“P”
Lot Area	556 square metres

Requirements	Required	Proposed
Building Height	6.0 metres maximum wall height; 9.0 metres maximum height to roof pitch	6.6 metres wall height at south western elevation; 9.3 metres to roof pitch at south western elevation
Site Fill	Maximum 0.5 metre	Maximum height 1.08 metres
Boundary Fence	Maximum height 2.4 metres	Maximum height 3.08 metres (including retaining wall)
Screening to balcony and alfresco area greater than 500 millimetres above the natural ground level	Screening within 7.5 metres of a boundary to a minimum height of 1.6 metres	1.0 metre screening height
Garage Setback	Minimum 6.0 metres (or at or behind the main dwelling setback)	5.5 metres

**SITE HISTORY:**

18 May 2000 Two storey single dwelling was conditionally approved by the Town under delegated authority from the Council.

5 November 2002 The Council at its Ordinary Meeting conditionally approved the proposed two storey single house, and the following condition was added by Council;

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

*(a) that the floor level of the rear part of the house (the two storey part) be lowered to the mean existing ground level under the footprint.*

*The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Town Planning Scheme No. 1 and associated adopted Policies;"*

**DETAILS:**

A new application has been submitted for the same proposal that was approved on 5 November 2002 mainly for the reconsideration of condition (ii). The following conditions (ii) (a) and (ii) (b) of the previous Officer Recommendation was deleted by Council on 5 November 2002;

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

(a) *the proposed double garage being setback a minimum of 6.0 metres from the Paddington Street boundary; and*

(b) *Bed 3 being provided with a major opening as defined in the Residential Design Codes on the northern/front elevation;*

*The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Town Planning Scheme No. 1 and associated adopted Policies;*

In an e-mail sent 11 November 2002, the applicant submitted the following information in relation to condition (ii) of the previous approval;

*".....When we bought the block we were given approved plans by the previous owners who had demolished a house and were going to build there themselves. Their plan, which was approved two years ago, showed a higher elevation than our plan shows. As well as this, the approved plans were of a two storey house for the whole length of the building, with setbacks of one and a half metres from the fence lines on the east and west sides. Our plan is of a one storey house which goes up to two storeys, 24 metres from the front footpath and has set backs of two metres on either side. So once again we are at a loss to understand why the elevation is suddenly an issue when it was not previously.... We already have steps going down from the entry to conform with the slope of the block.... If you look at the sloping of the block you will see that due to the fact that a huge amount of sand was removed when the demolition occurred, the block dips down towards the south west corner."*

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

The current application was not advertised as an application for the same proposal was advertised and determined by the Council within the past 12 months. No objections were received during the previous advertising period. The owner has submitted written confirmation from neighbours to the south and west stating that they have no objection to the alfresco/verandah on the ground floor and the balcony on the first floor being screened to a maximum height of 1.0 metre. Written confirmation has been received from the neighbours to the east stating that they have no objection to the alfresco/verandah on the ground floor being screened to a maximum of 1.0 metre only.

#### **COMMENTS:**

By virtue of a fall in elevation of up to 2.06 metres to the south west corner of the subject property, and in order to achieve a generally uniform finished floor level, the proposal includes site fill and associated retaining of up to 1.08 metres. The proposed dwelling, when viewed from the street, complies with the Town's Policy relating to *"Bulk and Scale"*. The minor variation to the height of the dwelling at the rear elevation is not considered to unreasonably impact on the amenity of the adjoining properties and is supported.

Other matters relating to this development were addressed in the report on the previous application that was considered and determined at the Ordinary Meeting of Council held on 5 November 2002.

Given the above, the comments submitted by the applicant and the matters relating to height and fill, which were previously addressed, it is recommended that the application be approved subject to similar conditions applied to the previous application, but with the deletion of the previous condition (ii) relating to the lowering of the floor level of the rear part of the house.



**10.4.1 Delegations for the Period 1 July 2002 to 30 September 2002**

<b>Ward:</b>	Both	<b>Date:</b>	12 November 2002
<b>Precinct:</b>	All	<b>File Ref:</b>	ADM0018
<b>Reporting Officer(s):</b>	Various		
<b>Checked/Endorsed by:</b>	John Giorgi		
<b>Amended by:</b>	-		

**RECOMMENDATION:**

*That the Council;*

- (i) **ENDORSES** the delegations for the period 1 July 2002 to 30 September 2002 as shown in Appendix 10.4.1; and
- (ii) **APPROVES BY AN ABSOLUTE MAJORITY** to write-off infringement notices to the value of \$15,070 for the reasons detailed in this report.

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

*That the recommendation be adopted.*

*Debate ensued.*

Cr Chester departed the Chamber at 8.55pm.

*Debate ensued.*

Cr Chester returned to the Chamber at 8.57pm.

*Debate ensued.*

Cr Franchina departed the Chamber at 8.59pm.

*Debate ensued.*

Cr Franchina returned to the Chamber at 9.05pm.

*Debate ensued.*

Cr Doran-Wu departed the Chamber at 9.08pm.

*Debate ensued.*

Cr Doran-Wu returned to the Chamber at 9.10pm.

**Moved** by Cr Chester, **Seconded** by Cr Hall

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

*“(iii) that a report be submitted to the next Ordinary Council Meeting of 3 December 2002, concerning delegation number 24 which relates to trees.”*

**MOTION CARRIED (8-1)**

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

**MOTION AS AMENDED CARRIED  
BY AN ABSOLUTE MAJORITY (9-0)**

**COUNCIL DECISION ITEM 10.4.1**

*That the Council;*

- (i) ENDORSES the delegations for the period 1 July 2002 to 30 September 2002 as shown in Appendix 10.4.1;*
- (ii) APPROVES BY AN ABSOLUTE MAJORITY to write-off infringement notices to the value of \$15,070 for the reasons detailed in this report; and*
- (iii) that a report be submitted to the next Ordinary Council Meeting of 3 December 2002, concerning delegation number 24 which relates to trees.*

---

**BACKGROUND:**

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

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

**ADVERTISING/CONSULTATION:**

Not applicable.

**LEGAL/POLICY:**

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

It is considered appropriate to report to Council on a quarterly basis on the delegations utilised by the Town's Administration. A copy of these for the quarter is shown in the attached Appendix 10.4.1. Quarterly reports are reported to the Council.

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

The Council's newly appointed auditors recommend that infringement notices be reported to Council for a decision to write-off the value of the infringement notice. In these cases it is the opinion of the Manager Law and Order Services that infringement notices cannot be legally pursued to recover the money or it is uneconomical to take action as this will exceed the value of the infringement notice. The details of the infringement notices are as follows:

Residential parking restrictions – Perth Oval – valid reason provided #	\$ 8,390
Ranger/Clerical Error/Training *	2,270
Vehicle registered to interstate or overseas owner	1,590
Proof of vehicle breakdown or theft	1,180
Proof that ticket was purchased and produced	690
Vehicle ownership cannot be located	440
Insufficient or incorrect signage	270
Faulty ticket machines	<u>240</u>
	\$15,070

# The majority of reasons are that the resident or a resident's visitor failed to display the required residential parking permit – proof was provided.

\* 29 tickets relate to a new Ranger incorrectly using the wrong clause.

**COMMENTS:**

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

Mayor Catania announced that he had declared a financial interest in this Item. Mayor Catania departed the Chamber at 9.22pm and did not speak or vote on the matter, and Deputy Mayor, Cr Drewett assumed the Chair.

### 10.3.1 Investment Report

Ward:		Date:	01 November 2002
Precinct:		File Ref:	FIN0033
Reporting Officer(s):	C Liddelow		
Checked/Endorsed by:	N Forsyth		
Amended by:			

#### OFFICERS RECOMMENDATION:

*That the Investment Report for the month ended 31 October 2002 be received.*

#### COUNCIL DECISION ITEM 10.3.1

Moved by Cr Ker, Seconded by Cr Chester

*That the recommendation be adopted.*

**CARRIED (8-0)**

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

#### BACKGROUND:

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

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

#### DETAILS:

Total Investments for the period ended 31 October 2002 were \$14,244,078 compared with \$11,819,875 at 30 September 2002. At 31 October 2001, \$12,914,385 was invested.

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

	Budget	Actual	%
	\$	\$	
Municipal	300,000	91,443	30.48
Reserve	355,100	103,542	29.16

#### 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 9.23pm and resumed the Chair. He was advised that Item 10.3.1 was carried (8-0).

Mayor Catania advised that Cr Chester had declared a proximity interest in Item 10.1.11. Cr Chester departed the Chamber at 9.23pm and did not speak or vote on the matter.

**10.1.11 No. 101 (Lot 79) Chelmsford Road, Mount Lawley - Proposed Alterations and Additions to Existing Single House**

<b>Ward:</b>	North Perth	<b>Date:</b>	11 November 2002
<b>Precinct:</b>	Norfolk, P10	<b>File Ref:</b>	PRO2071 00/33/1328
<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 development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
- (b) *the non-compliance with the total open space requirement of the Residential Design Codes (R-Codes);*

*the Council REFUSES the application submitted by the owner J Ainsworth, for proposed alterations and additions to existing single house at No. 101 (Lot 79) Chelmsford Road, Mount Lawley, as shown on the plans stamp dated 8 October 2002; and*

- (ii) (a) *the Council advises the owner(s) of No. 101 (Lot 79) Chelmsford Road, Mount Lawley that the unauthorised spa and lean-to structure at the rear of the existing dwelling are to be removed within fourteen (14) days of notification, and that the Council will commence legal proceedings should this requirement not be complied with;*
- (b) *should the requirements stated in (ii) (a) above not be complied with, the Council authorises the Chief Executive Officer to issue notices in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1960, and/or the Town of Vincent Town Planning Scheme No.1, and/or the Town Planning and Development Act 1928, requiring the removal of the unauthorised structures; and*
- (c) *the Council authorises the Chief Executive Officer to undertake legal proceedings, should the above requirements not be complied with.*

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**COUNCIL DECISION ITEM 10.1.11**

**Moved by Cr Ker, Seconded by Cr Doran-Wu**

*That the recommendation be adopted.*

**CARRIED (8-0)**

(Councillor Chester was absent from the Chamber and did not vote)

Cr Chester returned to the Chamber at 9.24pm.

Cr Chester was advised that Item 10.1.11 was carried (8-0).

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**LANDOWNER:** J Ainsworth  
**APPLICANT:** J Ainsworth  
**ZONING:** Metropolitan Region Scheme - Urban Town Planning  
Scheme No. 1 - Residential R 40  
**EXISTING LAND USE:** Single House and detached garage with loft

**COMPLIANCE:**

<b>Requirements</b>	<b>Required</b>	<b>Proposed</b>
Setbacks - Side - west	1.5 metres	0 metre
Open Space	45 per cent	37 per cent
Use Class	Single House	
Use Classification	'P'	
Lot Area	463 square metres	

**SITE HISTORY:**

June 1992 City of Perth approved construction of a garage and storage loft at the rear of the subject property.

April 1993 City of Perth approved carport structure and wall at the front of the house.

2 November 1993 First complaint received by the Town regarding the front carport not being completed and associated damage to the footpath, people living in storage loft area above garage at rear, vehicles being parked in the right of way (ROW), parties and anti-social behaviour.

1995-1998 Several other complaints received in writing about similar issues.

15 January 1997 The Town's Officers wrote to owner advising that the use of the rear storage loft for habitation was considered an unauthorised ancillary/additional accommodation.

24 February 1997 Council at its Ordinary Meeting conditionally approved a planning application for a covered patio area and additional accommodation at the subject property, subject to conditions including:

- "(i) *the proposed covered patio being a covered walkway only and to be a maximum of 1 metre in width;*
- (ii) *one hundred (100) percent of the total perimeter of the covered walkway shall be open at all times, except where it abuts the existing residence and outbuildings;*
- (iii) *the existing outbuilding is to be occupied by a member or members of the landowners' family and is not to be used for any other purposes or by other persons."*
- 21 December 1998 The Town's Officers wrote to the owner advising that they were not in compliance with conditions of Planning Approval as a fence had been erected between the garage and main house, covered walk way had not been constructed between the two buildings, and lean-to structure erected without approval.
- 10 June 2002 Elected Member's Request received regarding further complaints at the subject property relating to vehicles being parked in the right of way, one of the garages being boarded up so it can not be used for vehicular parking, and storage of light industrial equipment.
- 18 June 2002 The Town's Officers met with the owner of the subject property on site. The inspection revealed:
- (i) The dividing fence between the main residence and the garage/additional accommodation remained.
- (ii) A covered patio/lean-to structure erected attached to the garage without a Building Licence.
- (iii) An outdoor spa has been installed without a Building Licence.
- (iv) The ancillary accommodation above the garage was being used by the owner's son, the main house was rented out.
- (v) One of the rear garages was boarded up and made into a living area, hence there was only room for 2 cars to park on site instead of the required 3 car spaces.
- 27 June 2002 The Town's Officers wrote to the owner of the subject property and requested the following actions be undertaken within 14 days:
- (i) removal of the limestone like fence and colourbond fence between the rear building and the main dwelling as this is considered to separate the additional/ancillary accommodation from the main dwelling;
- (ii) alteration of the rear building, including the removal of the materials blocking the second roller door, so that the ground floor is used for car parking / garage purposes, and is no longer used for human habitation;
- (iii) construction of the covered walkway/patio in accordance with the Building Licence issued 5 March 1997, to comply with the requirements of the Town's Ancillary Accommodation Policy; and

- (iv) removal of the spa/pool, and the lean-to structure where the son's exercise equipment is currently stored as to the Town's knowledge, no Building Licence has been issued for these structures.
- 4 July 2002                    The owner verbally advised that his son had moved out of the ancillary/additional accommodation, and the area above the garage would no longer being used for habitable purposes and he intended to lodge an application for approval of the spa and lean-to structure.
- 18 July 2002                Letter received from the owner confirming that his son had moved out of the property, and that he would reinstate the rear building back to the original status of garage and storage loft area. He advised that he would like to retain the spa and lean-to structure.
- 8 October 2002             Application received for the spa and lean to structure, seeking retrospective Planning Approval.

**DETAILS:**

Retrospective Planning Approval is sought for the spa and lean-to structure.

**CONSULTATION/ADVERTISING:**

No submissions were received during the advertising period.

**COMMENTS:**

The lean-to structure is existing. Without the structure, the subject site has 43 percent open space, and the structure is considered to unreasonably significantly increase the standard variation to total open space. This variation to the total open space is not considered to be justified as the site is not considered to be constrained to warrant such a variation. With potentially three covered car parking spaces and the loft storage area above the garage, there is considered to be adequate storage area on site. The proposed variation may be considered to unduly affect the amenity of the area by over development, and accordingly, it is not considered appropriate for retrospective Planning Approval to be granted for this structure.

Retrospective Building Licence can not be granted for the existing spa. Accordingly, the structures should be removed.

Accordingly, provided the garage is not used for ancillary accommodation nor habitable purposes, the dividing fence does not have to be removed and the covered walkway/patio to the main dwelling is not required to be built.

Should the loft be used for ancillary accommodation or similar habitable purposes in the future, a further Planning application will need to be submitted to and approved by the Town prior to its first occupation.

Accordingly, it is recommended that the application be refused.



**10.3.2 Financial Statements as at 31st October 2002**

<b>Ward:</b>		<b>Date:</b>	11th November 2002
<b>Precinct:</b>		<b>File Ref:</b>	FIN0033
<b>Reporting Officer(s):</b>	Natasha Forsyth		
<b>Checked/Endorsed by:</b>	Mike Rootsey		
<b>Amended by:</b>			

**OFFICER RECOMMENDATION:**

*That the Financial Reports for the month ended 31 October 2002 be received.*

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**COUNCIL DECISION ITEM 10.3.2**

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

*That the recommendation be adopted.*

*Debate ensued.*

**CARRIED (9-0)**

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**BACKGROUND:**

The Local Government Act and Local Government (Financial Management) Regulations 1996 require monthly reports and quarterly financial reports to be submitted to Council. The Financial Statements attached are for the month ended 31 October 2002.

**DETAILS:**

The Financial Statements comprise:

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

**Operating Statement and Detailed Summary of Programmes/Activities**

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

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

**Operating Revenue**

Operating revenue is currently showing 73% of the Budget received to date.

**General Purpose Funding (Page 2)**

General Purpose Funding is showing 91% of the budget received to date, this is due to rates being levied.

**Health (Page 4)**

Health is showing 87% of the budget received to date. This is due to Health Licences being issued.

**Community Amenities (Page 6)**

Community Amenities is showing 38% of the budget received to date. This is due to bin charges being invoiced.

**Transport (Page 11)**

Transport is showing 41% of the budget received to date.

**Economic Services (Page 12)**

Economic Services is showing 30% of the budget received to date.

**Other Property and Services (Page 13)**

Other Property and Services in this report is 22% of budget.

**Operating Expenditure**

Operating expenditure for the month is favourable to Budget (26%).

**Law, Order & Public Safety (Page 3)**

The second quarterly instalment of the Fire Services contribution has been paid.

**Education & Welfare (Page 5)**

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

**Recreation & Culture (Page 7)**

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

**Capital Expenditure Summary (Pages 15 to 25)**

The Capital Expenditure summary details projects included in the 2002/03 budget and reports the original budget and compares actual expenditure to date against these. Capital works show total expenditure for the year to date of \$1,657,233, which is 12% of the budget.

**Statement of Financial Position and Changes in Equity (Pages 26 and 27)**

This statement is in essence the Balance Sheet of the Town as at 31 October 2002 and shows current assets of \$20,053,205 less current liabilities of \$1,578,910, for a current position of \$18,474,295. Total non-current assets amount to \$96,953,114 for total net assets of \$115,148,620.

**Restricted Cash Reserves (Page 28)**

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

Transfers of interest occurs as it is earned and investments mature. The amounts funded for the Municipal Fund are transferred on a monthly basis. Contributions received, which are transferred to Reserves occur at the end of month during which the cash contribution is received. To the 31st October 2002, interest of \$103,542 was transferred. Transfers to Reserves totalled \$253,667 and transfers from Reserves amounted to \$224,000. Restricted cash reserves total \$6,663,701 at the end of October 2002.

### **Debtors and Rates Financial Summary**

#### **General Debtors (Page 29)**

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

Sundry Debtors of \$218,325 are outstanding at the end of October. Of this \$46,614 (21%) relates to debts outstanding for over 60 days. The Debtor Report identifies significant balances that are well overdue.

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

#### **Rate Debtors**

The notices for rates and charges levied for 2002/03 were issued on the 12 August 2002.

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

First Instalment	16 September 2002
Second Instalment	18 November 2002
Third Instalment	15 January 2003
Fourth Instalment	19 March 2003

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

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

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

**10.2.3 Proposed Streetscape Improvements - Church Street, Perth**

<b>Ward:</b>	North Perth	<b>Date:</b>	13 November 2002
<b>Precinct:</b>	Beaufort P13	<b>File Ref:</b>	TES0489
<b>Reporting Officer(s):</b>	R Lotznicher		
<b>Checked/Endorsed by:</b>			
<b>Amended by:</b>	-		

**RECOMMENDATION:**

*That the Council;*

- (i) receives the report on the proposed Streetscape Improvements for Church Street, Perth;*
- (ii) adopts in principle the proposed Streetscape Improvements for Church Street as shown on Plan No 2118-CP-1;*
- (iii) advertises the proposal in accordance with Council Policy No. 4.1.21 "Community Consultation" to all owners and occupiers in Church Street for a period of not less than twenty one (21) days and invite written submissions on the proposal;*
- (iv) notes that funds totalling \$68,500 have been allocated in the 2002/2003 budget for the Improvement works; and*
- (v) receives a further report on this matter at the conclusion of the community consultation period.*

---

**COUNCIL DECISION ITEM 10.2.3**

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

*That the recommendation be adopted.*

**CARRIED (9-0)**

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**BACKGROUND:**

At the Ordinary Meeting of Council held on 8 August 2000, the Council resolved to upgrade the streetscape in Palmerston Street between Stuart and Newcastle Streets. The upgrade was part funded by the Town and the developers of the Maltings and the Allied Industries Development.

At the time it was intended that the western portion of Church Street also be upgraded as part of the works, however, the high cost for the Palmerston Street works, which also included the undergrounding of power, precluded the Church Street works from proceeding.

**DETAILS:**

**Description**

Church Street comprises a 10.5m wide road reserve for half of its length (western end) and a 5.5 to 6.0m wide road reserve for the remainder of its length (eastern end) and runs between Palmerston and Lake Streets. It is approximately 180m long.

The current road infrastructure is degraded and is in need of an asphalt overlay and kerb and footpath replacement.

**Streetscape Improvement Proposal**

The existing narrow road reserve widths in Church Street have to some extent dictated the improvement proposal option. Residents currently park on the existing slab footpath on the north side of the street due to the narrow road width and this has to some extent formed the basis of the improvement proposal as outlined on attached Plan No 2118-CP-1.

The proposal includes the creation of embayed parking on the north side of the street for the first 90 or so metres with the creation 11 parking bays. No standing will be implemented on the south side of the street. The existing slab paths will be brick paved and low profile speed humps and entry statements will be installed. Street trees will be planted in the created nibs, possibly jacarandas as were previously planted in Palmerston Street.

**Parking Restrictions**

It is proposed that the current half hour (½P) parking restriction on the south side be changed to a 1P restriction on the new parking bays on the north side of the street. The south side will become *No Standing*.

**CONSULTATION/ADVERTISING:**

The community is to be consulted regarding this proposal and, in accordance with Council Policy No. 4.1.21 "Community Consultation", a notice will be mailed or delivered to all owners and occupiers in Church street.

Any submissions received will be presented in a further report to Council.

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2000-2002 - Key Result Area 1.6 – *“Continue to enhance the townscape and streetscape, building a distinctive style for the Town”*

**FINANCIAL/BUDGET IMPLICATIONS:**

Funds totalling \$68,500 have been allocated in the 2002/2003 budget for streetscape improvements, road resurfacing and footpath upgrading in Church Street.

**COMMENTS:**

As previously mentioned, at the time Palmerston Street was upgraded, it was also intended that the western portion of Church Street be upgraded as part of the works. However, the high cost for the Palmerston Street works, which included the undergrounding of power, precluded the Church Street works from proceeding.

Since that time, residents and businesses in Church Street have been anticipating the works to be implemented.

It is therefore recommended that the Council adopts in principle the proposed Streetscape Improvements for Church Street as shown on Plan No 2118-CP-1, advertises the proposal in accordance with Council Policy No. 4.1.21 "Community Consultation" to all owners and occupiers in Church Street for a period of not less than twenty one (21) days and invite written submissions and receives a further report on this matter at the conclusion of the community consultation period.

**10.1.5 No.36 (Lot 69) Clarence Street, Mount Lawley - Proposed Two-Storey Single House**

<b>Ward:</b>	North Perth	<b>Date:</b>	11 November 2002
<b>Precinct:</b>	Forrest, P14	<b>File Ref:</b>	PRO1678 (00/33/1348)
<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 Metropolitan Region Scheme, the Council APPROVES the application submitted by APG Homes on behalf of the owners M Stiles and R Irrera for the proposed two-storey single house on No.36 (Lot 69) Clarence Street, Mount Lawley, and as shown on plans stamp-dated 17 October 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 Clarence Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (ii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (iii) a road and verge security bond and /or bank guarantee of \$550 shall be lodge prior to the issue of a Building License and be held until all works have been completed and/or any damage to existing Towns assets have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (iv) a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
- (v) a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Clarence 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) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the proposed garage/carport to Unit 1 being one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted), except where it abuts the main dwelling, and being a maximum total width of 5.98 metres, which is 50 per cent of the total frontage of the lot, including the pedestrian accessway width;*
- (vii) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (viii) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (ix) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (x) *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) *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 10.1.5**

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

*That the recommendation be adopted.*

**Cr Piper departed the Chamber at 9.37pm.**

**CARRIED (8-0)**

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

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<b>LANDOWNER:</b>	M Stiles and R Irrera
<b>APPLICANT:</b>	APG Homes
<b>ZONING:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R50
<b>EXISTING LAND USE:</b>	Single House



**COMPLIANCE:**

Use Class	Single House
Use Classification	"P"
Lot Area	463 square metres

Requirements	Required	Proposed
Garages within Front Setback: Street Setbacks Policy	Garages to be at 6.0 metres from the frontage street or behind the line of the front main building wall.	3.015 metres
Residential Design Codes	Garage is not to occupy more than <b>50 per cent</b> of the lot width minus PAW width: 10.46 metres	Garage width: 6.0 metres - 57.36 per cent Garage Door: 4.93 metres - 47.13 per cent
Clarence Street Setback - Ground Floor - First Floor	4.0 metres 6.0 metres	3.015 metres 4.9 metres to main dwelling; 2.85 metres to balcony

**SITE HISTORY:**

- 27 March 2001                      The Council at its Ordinary Meeting resolved to grant conditional approval for the demolition of the existing dwelling and outbuilding.
- 27 August 2002                    The Council at its Ordinary Meeting granted conditional approval for proposed two (2) two-storey grouped dwellings.

**CONSULTATION/ADVERTISING:**

The application was not required to be advertised as the same proposal was previously advertised and determined by Council within the last 12 months. One letter was received during the previous advertising period, which related to the protection of privacy and requesting the rear right of way remain unobstructed during construction.

**DETAILS:**

Approval is sought for the construction of a single house. The applicant has submitted a new application for reconsideration of the following condition (vi) (b) of conditional approval issued by the Town on 4 September 2002:

- "(vi) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (b) the proposed garage to Unit 1 being a maximum of 50 percent of the width of the dwelling; OR the garage/carport shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted), except where it abuts the main dwelling;"*

The applicant has submitted the following information in support of the application, through correspondence to the Town dated 10 October 2002:

*" . . .we kindly ask that council reconsider condition (vi) (b) re the proposed garage to unit 1."  
. . . The client has been mindful to try and minimize the impact of the garage on the streetscape and incorporated a balcony directly over the garage. . .*

*In reviewing our application we ask that you note the overall width of the block is 11.96m with the garage being 6.0m wide. The raised two storey section of the porch has also been setback at 6.0m. We also note that the revised Design Codes refer to garage door openings in relation to the width of the block in which case our application would comply."*

**COMMENTS:**

It is considered that the garage will have a dominating affect on the streetscape limiting interaction between the development and the street. The applicant's comments have been acknowledged, however the proposed garage does not comply with the Town's Policy relating to Street Setbacks, which requires garages setback six metres from the street frontage. The Town's Policy however will consider carports located in the front setback to be a maximum of fifty (50) percent of the front elevation width of the main dwelling. The Residential Design Codes define carport as:

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

The Residential Design Codes ensure that garages located in the front setback shall not detract from the streetscape, and are to occupy a maximum of 50 per cent of the lot frontage. The Town's Street Setback Policy can override the Residential Design Codes on such streetscape matters. A reasonable interpretation of both set of planning requirements that should be conditioned accordingly is that the proposed garage/carport should be 100 per cent open, except where it abuts the main dwelling, and be a maximum total width of 5.98 metres, which is 50 per cent of the total frontage of the lot, including the pedestrian accessway width.

The other matters relating to the proposal and the previous objection received have already been addressed in the report regarding the previous application, which was considered and determined by the Council at its Ordinary Meeting held on 27 August 2002. However, the window to Bedroom 3 on the first floor is no longer required to be screened as it is 5 metres from the north-western side boundary, which is greater than required setback of 4.5 metres to bedrooms as prescribed in the Residential Design Codes.

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

**10.1.8 No. 173 (Lot 4) Vincent Street, West Perth - Proposed Four (4) Two Storey Grouped Dwellings**

<b>Ward:</b>	North Perth	<b>Date:</b>	11 November 2002
<b>Precinct:</b>	Hyde Park, P 12	<b>File Ref:</b>	PRO2041 00/33/1339
<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 Labyrinth Design and Development on behalf of the owner Golden Harvest Property Pty Ltd for the proposed four (4) two storey grouped dwellings on No. 173 (Lot 4), Vincent Street, West Perth, as shown on the plans stamp dated 11 October 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 rear electrical sliding vehicle gate being along the rear property boundary, and this gate and minimum 2.0 metres portion of the adjacent boundary wall to the west, being a minimum of 50 percent visually impermeable in order to facilitate vehicular manouvering from the rear dwelling and visual sight lines to the right of way. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (iii) 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;*
- (iv) a bond and/or bank guarantee for \$17,000 for the full upgrade of the right of way shall be lodged prior to the issue of a Building Licence;*
- (v) prior to the first occupation of the development, the full length and width of the right of way from Bulwer Street to the western most boundary abutting the subject land shall be sealed, drained and paved to the specifications of and supervision under the Town, at the applicant's/owner(s)' full expense;*
- (vi) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the window(s) to Bed 2 and Sitting Room on the first floor level on the western elevation of each grouped dwelling, shall be screened with a permanent obscure material and be non-openable to a minimum height of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*

- (vii) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the southern, northern and eastern elevations of the first floor balconies of the three southern-most dwellings and the southern and eastern elevations of the first floor balcony of the northern (front) dwelling shall be screened with a permanent obscure material and be non-openable to a minimum height of 1.6 metres above the finished balcony floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*
- (viii) *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;*
- (ix) *the visitor car parking area 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;*
- (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 Vincent 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) *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 Vincent 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;*
- (xii) *subject to first obtaining the consent of the owners of No. 175 Vincent Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing west in a good and clean condition;*
- (xiii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (xiv) *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;*
- (xv) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense; and*
- (xvi) *a detailed landscaping plan, including a schedule of plant species and landscaping and reticulation of the Vincent Street verge, shall be submitted and approved prior to the issue of a Building Licence. The landscaping plan shall also comply with the provisions of the Residential Design Codes which requires the street setback area having a minimum hard surface. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

*to the satisfaction of the Chief Executive Officer.*

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**Moved by Cr Drewett, Seconded by Cr Hall.**

*That the recommendation be adopted.*

Cr Piper returned to the Chamber at 9.39pm.

**Moved by Cr Drewett, Seconded by Cr Hall.**

*That clauses (ii), (iii), (iv) and (v) be deleted and remaining clauses be renumbered accordingly.*

**AMENDMENT CARRIED (6-3)**

**For**

Mayor Catania  
Cr Cohen  
Cr Drewett  
Cr Franchina  
Cr Hall  
Cr Piper

**Against**

Cr Chester  
Cr Doran-Wu  
Cr Ker

Note: The Executive Manager Environmental and Development Services sought clarification whether vehicular access to the property via the ROW was permitted as part of the development in light of the recommendation conditions that had been deleted. The Council confirmed that no vehicular access to the property via the ROW was permitted.

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

*That a new clause be added as follows, and numbered accordingly:*

*“prior to the issue of a building licence revised plans shall be submitted and approved demonstrating the northern (front elevation) of Unit 1 incorporating design features to improve the building’s interaction relationship with and appearance to Vincent Street.”*

**AMENDMENT LOST (3-6)**

**For**

Cr Chester  
Cr Doran-Wu  
Cr Ker

**Against**

Mayor Catania  
Cr Cohen  
Cr Drewett  
Cr Franchina  
Cr Hall  
Cr Piper

**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 10.1.8**

*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 Labyrinth Design and Development on behalf of the owner Golden Harvest Property Pty Ltd for the proposed four (4) two storey grouped dwellings on No. 173 (Lot 4), Vincent Street, West Perth, as shown on the plans stamp dated 11 October 2002, subject to:*

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the window(s) to Bed 2 and Sitting Room on the first floor level on the western elevation of each grouped dwelling, shall be screened with a permanent obscure material and be non-openable to a minimum height of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*
- (iii) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the southern, northern and eastern elevations of the first floor balconies of the three southern-most dwellings and the southern and eastern elevations of the first floor balcony of the northern (front) dwelling shall be screened with a permanent obscure material and be non-openable to a minimum height of 1.6 metres above the finished balcony floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*
- (iv) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (v) the visitor car parking area on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (vi) 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 Vincent 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;*
- (vii) 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 Vincent 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;*
- (viii) subject to first obtaining the consent of the owners of No. 175 Vincent Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing west in a good and clean condition;*

- (ix) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (x) *the construction of crossovers shall be in accordance with the Town's specifications and shall be positioned in consultation with and as directed by the Town's Technical Services Division;*
- (xi) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense; and*
- (xii) *a detailed landscaping plan, including a schedule of plant species and landscaping and reticulation of the Vincent Street verge, shall be submitted and approved prior to the issue of a Building Licence. The landscaping plan shall also comply with the provisions of the Residential Design Codes which requires the street setback area having a minimum hard surface. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

*to the satisfaction of the Chief Executive Officer.*

**LANDOWNER:** Golden Harvest Property Pty Ltd  
**APPLICANT:** Labriynth Design and Development  
**ZONING:** Metropolitan Region Scheme: Urban  
 Town Planning Scheme No 1: Residential R80  
**EXISTING LAND USE:** Single House

**COMPLIANCE:**

Use Class	Grouped Dwelling
Use Classification	"P"
Lot Area	951 square metres

<b>Requirements</b>	<b>Required</b>	<b>Proposed</b>
Vincent Street Setback	6.0 metres first floor setback	4.7 – 7.0 metres first floor setback
Outdoor Living Area	16 square metres (4.0 metres minimum dimension)	25.16 square metres (3.61 metres minimum dimension) plus 8.0 square metres balcony
Minimum driveway width	4.0 metres	3.52 metres

**SITE HISTORY:**

- 28 May 2002                      The Council , at its Ordinary Meeting, resolved that the Planning Application for the proposed demolition of existing dwelling and construction of five (5) three-storey with loft grouped dwellings, 'Lie on the Table' to allow sufficient time for the applicant to submit new plans.
- 11 June 2002                     The Council, at its Ordinary Meeting, conditionally approved the demolition of the existing single house.

9 July 2002 The Council, at its Ordinary Meeting, resolved to refuse the construction of five (5) three-storey grouped dwellings for the following reasons:

- “(i) is not consistent with the orderly and proper planning and the preservation of the amenities of the locality by virtue of the height, bulk and scale of and overlooking from the proposed new development;*
- (ii) the non-compliance with the plot ratio, setback and private open space requirements of the Residential Planning Codes;*
- (iii) non-compliance with the Town's Policies relating to Street Setbacks, Building Scale, Privacy and the Monastery Locality; and*
- (iv) consideration of the objections received;”*

and advise the applicant that:

*“...the Council will consider a development application that substantially complies with the Town Planning Scheme, R Code and Town's policies.”*

#### **DETAILS:**

The current proposal represents a reduction in the height and the number of dwellings of the original proposal to 4 two storey grouped dwellings, having access from Vincent Street and a rear, unsealed and privately owned right of way.

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

One (1) letter was received during the advertising period. The comment questioned whether the proposed height of the development would unreasonably reduce light to the adjoining property and whether the poor condition of the right of way would be addressed by the development as a result of increased vehicular traffic.

#### **COMMENTS:**

##### **Scale and Height**

The scale and height of the development is considered compatible with other two storey buildings along the street and complies with the Building Height requirements of the Residential Design Codes and the Town's Policy relating to 'Bulk and Scale' for a two storey development. The Town's Policy relating to the 'Monastery 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 finished floor levels of the development generally follow the natural ground levels and this will further serve to reduce the height, bulk and scale of the development.

##### **Overshadowing**

By virtue of the north-south orientation of the property and the setback of the proposed development from the adjoining properties the proposal will comply with the 'Solar Access for Adjoining Sites' provisions of the Residential Design Codes, such that no adjoining lot will be in more than 50 percent shadow at noon on June 21 as a result of the development.



**Vincent Street Setback**

The proposed variation to the Vincent Street setback is supported as the first floor of the development is generally setback 6.0 metres. The projection of a portion of the first floor to within 4.7 metres of the front boundary will not be out of context with two storey developments in the immediate vicinity of the development, some of which have a first floor setback of approximately 2.0 metres to Vincent Street.

**Right of Way**

In keeping with the Town's Policy requiring the upgrade of the right of way for grouped dwelling developments, the recommendation contains appropriate conditions that will ensure that any additional vehicular traffic on the right of way is adequately addressed.

**Minimum Driveway Width**

The Town's Technical Services has confirmed that the proposed variation to the minimum driveway width for a portion of the development is not unreasonable given the total width of the lot, access to both the right of way and Vincent Street is provided, and there is sufficient space within the proposed development for vehicles to pass should this be required.

**Privacy**

The above recommendation includes conditions requiring screening to windows and active habitable outdoor areas to reduce unreasonable overlooking to adjoining properties in accordance with the Residential Design Codes - 'Privacy' provisions.

**Summary**

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

**10.1.4 No. 132 (Lot 26) Joel Terrace, Mount Lawley - Proposed Home Occupation - Settlement Agency**

<b>Ward:</b>	North Perth	<b>Date:</b>	4 November 2002
<b>Precinct:</b>	Banks, P15	<b>File Ref:</b>	PRO 2171 00/33/1336
<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 Metropolitan Region Scheme, the Council APPROVES the application submitted by J Tomich on behalf of the owner Dr Chin for a Home Occupation - Settlement Agency at No 132 (Lot 26) Joel Terrace, Mount Lawley, and as shown on the plans stamp dated 10 October 2002, subject to:*

- (i) the home occupation shall occupy a maximum area of twenty (20) square metres only, inclusive of all storage areas;*
- (ii) compliance with the provisions relating to home occupation under the Town of Vincent Town Planning Scheme No. 1;*
- (iii) the business shall not entail employment of any person not a member of the occupier's household;*
- (iv) the hours of operation shall be limited to 9.00am to 5.00pm Monday to Friday, inclusive;*
- (v) a maximum of one (1) client per week is permitted to visit the premises;*
- (vi) compliance with all relevant Environmental Health, Engineering and Building requirements; and*
- (vii) this approval for a home occupation is for a period of 12 months only and should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the Town prior to continuation of the use;*

*to the satisfaction of the Chief Executive Officer.*

**Moved by Cr Drewett, Seconded by Cr Cohen.**

*That the recommendation be adopted.*

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

*That clause (v) be deleted and the remaining clauses renumbered accordingly.*

**AMENDMENT CARRIED (7-2)**

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

**Against**  
Cr Chester  
Cr Ker

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

**COUNCIL DECISION ITEM 10.1.4**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by J Tomich on behalf of the owner Dr Chin for a Home Occupation - Settlement Agency at No 132 (Lot 26) Joel Terrace, Mount Lawley, and as shown on the plans stamp dated 10 October 2002, subject to:*

- (i) the home occupation shall occupy a maximum area of twenty (20) square metres only, inclusive of all storage areas;*
- (ii) compliance with the provisions relating to home occupation under the Town of Vincent Town Planning Scheme No. 1;*
- (iii) the business shall not entail employment of any person not a member of the occupier's household;*
- (iv) the hours of operation shall be limited to 9.00am to 5.00pm Monday to Friday, inclusive;*
- (v) compliance with all relevant Environmental Health, Engineering and Building requirements; and*
- (vi) this approval for a home occupation is for a period of 12 months only and should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the Town prior to continuation of the use;*

*to the satisfaction of the Chief Executive Officer.*

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**LANDOWNER:** Dr. Chin  
**APPLICANT:** J Tomich  
**ZONING:** Metropolitan Region Scheme: Urban  
Town Planning Scheme No.1: Residential R60  
**EXISTING LAND USE:** Two (2), Two Storey Grouped Dwelling

**COMPLIANCE:**

Use Class	Home occupation
Use Classification	"P"
Lot Area	855 square metres

**SITE HISTORY:**

The subject property accommodates two grouped dwellings. The surrounding land use is predominantly residential.

**DETAILS:**

An application has been received for the use of 19.83 square metres of the subject dwelling for a home occupation (settlement agency).

**CONSULTATION/ADVERTISING:**

One objection was received during the advertising period. Two main concerns were raised that primarily focused on the possible increase in traffic and parking from non-residents, in relation to Joel Terrace.

**COMMENTS:**

The application complies with the definition and requirements for a home occupation outlined in the Town's Town Planning Scheme No.1. Given the limited scale and nature of the proposal, and the fact the applicant has indicated that clients may visit the site on a rare occasion, the proposal is not considered to unreasonably adversely affect the amenity of the area.

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

**10.1.15 United Nations Car Free Day**

<b>Ward:</b>	Both Wards	<b>Date:</b>	6 November 2002
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	
<b>Reporting Officer(s):</b>	Y Scheidegger		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman, R Lotznicher		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *receives this information report relating to the United Nations Car Free Day; and*
- (ii) *lobbies relevant organisations such as the Western Australia Local Government Association, Australian Greenhouse Office, International Council for Local Environmental Initiatives and Western Australian Sustainable Industry Group to develop well coordinated and integrated programme(s) for all its local government members, which the Town is one, to promote United Nations Car Free Day.*

**Moved by Cr Doran-Wu, Seconded by Cr Ker.**

*That the recommendation be adopted subject to a new clause (iii) being added as follows.*

*“(iii) considers a further report at an Ordinary Meeting of council to be held no later than February 2003 addressing the most appropriate Town of Vincent event in which to incorporate the United Nations Car Free Day.”*

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

*That the report referred to in clause (iii) include costings of the proposed event, and clause (iii) be amended as follows:*

*“(iii) considers a further report at an Ordinary Meeting of council to be held no later than February 2003 addressing the most appropriate Town of Vincent event in which to incorporate the United Nations Car Free Day, and this report include costings of the proposed event.”*

**AMENDMENT CARRIED (9-0)**

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

*That clause (ii) be amended by inserting “and the Western Australian Department of Planning and Infrastructure” following the words “Sustainable Energy Group”.*

**AMENDMENT CARRIED (9-0)**

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

**COUNCIL DECISION ITEM 10.1.15**

*That the Council;*

- (i) receives this information report relating to the United Nations Car Free Day;*
- (ii) lobbies relevant organisations such as the Western Australia Local Government Association, Australian Greenhouse Office, International Council for Local Environmental Initiatives, Western Australian Sustainable Industry Group and the Western Australian Department of Planning and Infrastructure to develop well coordinated and integrated programme(s) for all its local government members, which the Town is one, to promote United Nations Car Free Day; and*
- (iii) considers a further report at an Ordinary Meeting of council to be held no later than February 2003 addressing the most appropriate Town of Vincent event in which to incorporate the United Nations Car Free Day, and this report include costings of the proposed event.*

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**BACKGROUND:**

The following Notice of Motion from Councillor Helen Doran-Wu was raised and resolved at the Ordinary Meeting of Council held on 10 September 2002:

*"That;*

- (i) the Council APPROVES IN PRINCIPLE to participate in the United Nations (UN) Car Free Day program; and*
- (ii) the Council authorises the Chief Executive Officer to investigate the best method of being involved in, and developing, the UN Car Free Day; and*
- (iii) a report on this matter be presented to Council in October 2002."*

**DETAILS:**

An officer from the Town attended the City of Fremantle Car Free Day (CFD) and interacted with relevant officers from the City of Fremantle regarding the Town hosting a CFD. The same officer from the Town (during their annual leave) also attended the City of Bern CFD in Switzerland.

The United Nations (UN) is involved in promoting car free days (CFD). Bogota, Columbia was the first city and the City of Fremantle, Western Australia the second. The CFD in Bogota involved sealing the entire central area from vehicles. The Fremantle CFD involved a different approach with the City of Fremantle hosting a demonstration and regional practicum, which included the closure of one main road for the day. The Bern CFD involved the closure of the main roads in the old part of the city for one day and incorporated the CFD into a street festival.

A large amount of resources and organisation would be required to undertake a CFD under the guise of the UN program. The City of Fremantle had an Officer solely dedicated to coordinate their CFD and regional forum.

The Town would have to determine the purpose, extent and effectiveness of undertaking a CFD, such as temporarily closing the entire Town versus a particular area or precinct. The Bogota approach was to use physical measures of sealing off the city to promote CFD, whereas the Fremantle approach was based on education and awareness via a regional forum.

Given the nature of the road hierarchy and location of major roads through the Town, temporarily closing major north-south distributor roads could cause more problems than solutions to the promotion of a CFD. The closing of main distributor roads through the Town would be determined by the Western Australian Planning Commission/Main Roads Western Australia.

A more realistic approach to the promotion of a CFD would be to temporarily close a precinct or specific area in the Town, such as the Oxford Centre Precinct, which has been successfully done before as part of the Arty Farty Street Festival.

The Town is already committed to other transport related initiatives such as Travelsmart, West Vincent Integrated Transport Strategy, Cities for Climate Protection (CCP) Strategy, CCP Plus++ and Western Australia Sustainable Industry Group (WASIG).

The extent of participation of the Town in the UN CFD Program, and the net gain from the resources incurred by the Town will need to be further investigated. It may be more cost effective to incorporate a UN CFD with other festivals held within the Town.

Notwithstanding the above, it is considered that the most appropriate and effective approach could be that the Town lobby relevant organisations such as the Western Australia Local Government Association (WALGA), Australian Greenhouse Office (AGO) and International Council for Local Environmental Initiatives (ICLEI), (which are responsible for the CCP Program), and WASIG, to develop well co-ordinated and integrated programme(s) for all its local government members, which the Town is one, to promote UN CFD.

**COMMENTS:**

It is recommended that the Council receives this information report relating to the UN CFD and lobbies relevant organisations such as WALGA, AGO, ICLEI and WASIG to develop well co-ordinated and integrated programme(s) for all its local government members, which the Town is one, to promote UN CFD.

**10.1.16 State Government Report, "New Structures for Crime Prevention in Western Australia"**

<b>Ward:</b>	Both Wards	<b>Date:</b>	13 November 2002
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	ENS0083
<b>Reporting Officer(s):</b>	K.C. Bennett		
<b>Checked/Endorsed by:</b>	J. Maclean, R. Boardman		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *receives the report, "New Structures for Crime Prevention in Western Australia dated October 2002", prepared by the Office of Crime Prevention of the Department of Premier and Cabinet, as 'Laid on the Table' and circulated separately to Elected Members on 25 October 2002;*
- (ii) *approves the submissions, outlined in red and underlined (as shown in Appendix 10.1.16), to be made in relation to the report "New Structures for Crime Prevention in Western Australia", to the Office of Crime Prevention;*
- (iii) *requests more detailed information on the proposed partnership arrangements between the State and Local Governments, put forward in the report by the State Government;*
- (iv) *reserves its assessment and decision on the report "New Structures for Crime Prevention in Western Australia" until the further information, requested at (iii) above, is provided and the implications can be thoroughly explored; and*
- (v) *advises the Office of Crime Prevention of its decision.*

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**COUNCIL DECISION ITEM 10.1.16**

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

*That the recommendation be adopted.*

**CARRIED (9-0)**

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**DETAILS:**

The Office of Crime Prevention has, over the past six months conducted a review of crime prevention strategies in Western Australia. It has produced a report titled "New Structures for Crime Prevention in Western Australia" for comment by 29 November 2002. A copy of this report was issued to all Elected Members on 25 October 2002 for comment. No comments have been received from Elected Members.



To date, the principle structure in dealing with crime prevention strategies in WA, has been Safer WA. Under this structure a "whole of government, whole of community" approach towards crime prevention was the primary focus and currently, under this system, 21 District committees and 68 Local Committees convene to address local safety and security issues.

The Review was undertaken in order to evaluate and modify the various programs and structures currently in place. The purpose of the review of the structure of Crime Prevention WA has been to:

- *"Identify the needs and priorities for the delivery of crime prevention in Western Australia;*
- *Determine the most effective model for delivering crime prevention throughout Western Australia;*
- *Assess the involvement of State Government agencies; and*
- *Assess the participation of Local Government and community."*

The Office of Crime Prevention consulted with a wide range of people, conducting 30 interviews and convening 26 interactive workshops, with key stakeholders throughout the state. One hundred and fourteen (114) questionnaire responses were received.

Fourteen review recommendations have been made and Safer Vincent's comments, regarding each of the recommendations, are included on the attached document, coloured red and underlined for ease of identification. This is shown in Appendix 10.1.16.

The Town of Vincent has been an active participant in the Safer WA program, is represented on the Western Suburbs District Committee, the Safer WA Committees' Executive and the North Perth/Inglewood Local Committee. The Safer Vincent Co-ordinator often also attends a number of adjacent Local Committees, as well as being a member of the Town's Safer Vincent Advisory Group.

The Town's commitment to Safer WA has been on-going and the Town has developed its strategies in keeping with the spirit of Safer WA. However, there is evidence to suggest that the review was timely and that there are some issues to be addressed to streamline the processes.

Through the District Committee level of Safer WA, a forum is provided for a number of key stakeholders to come together and discuss issues of concern. This forum has been most beneficial in facilitating a consultative process and having all the Local Governments and local Police from the Western Suburbs present at one time. The next level of the current structure is the Safer WA Committees' Executive where representatives from the District Committees from around the State and the Commissioner of Police meet on a monthly basis to discuss issues raised at Safer WA State Council. The Cabinet Standing Committee, on which five Ministers sit, oversees strategies to deal with key community issues.

Recommendation 4 deals with the formalisation of the role of Local Government in Crime Prevention. There is little detail pertaining to this and little information on which to base an informed and comprehensive response. As such, it is recommended that until a detailed explanation of what the formalised position is, the Town reserves its decision.

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

The Office of Crime Prevention is currently undertaking a review of the structure of crime prevention in Western Australia and is seeking feedback and responses from all Local Governments and other key stakeholders which may assist in this task. There is no need for the Town to undertake further consultation with the public, at this time.

**LEGAL/POLICY:**

There are no legal implications associated with the above recommendation.

**STRATEGIC IMPLICATIONS:**

Key Result Area 1.8 of the Town's Strategic Plan states that the Council should "*develop and implement a comprehensive strategy for law, order and public safety*" and the above is designed to foster that strategy.

**FINANCIAL/BUDGET IMPLICATIONS:**

Until a comprehensive and detailed explanation, of the proposed formalisation of Local Government's role in Crime Prevention, is submitted by the Office of Crime Prevention, it would be impractical for the Town to make any assessment. While there are no current financial implications associated with this report, there is a concern that the Town will be expected to commit substantial funding in the future. This would have an impact on the Town's budget.

**COMMENTS:**

The Office of Crime Prevention has requested that submissions in relation to this report be forwarded to them by 29 November 2002. This document has been described as a directional paper and that it should be considered as such. In general, the Town, through its Safer Vincent program, is already fulfilling most of the recommendations of this report.

Interagency consultation has already been established and is an on-going commitment by the Town. There is already a structured accountability through the established Council policy and the Town's focus is on prevention, education, and safe practise promotion. This, along with local partnerships which have been established and maintained over a number of years, gives the Town access to information, advice and statistics to enable the development of effective strategies. These efforts are on-going and are designed to engage specific groups, when any program is being formulated and implemented.

The main concern with the State Government report, lies in the method of formalisation of the crime prevention role for Local Government and to what extent this is likely to impact on budgetary and infrastructure commitment. It is recommended that the Town request a fully detailed structure and that Council reserve its assessment and decision until the implications can be thoroughly explored.

**11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES**

Nil

**13. URGENT BUSINESS**

Nil

**14. CLOSURE**

Presiding Member, Mayor Nick Catania JP, declared the Meeting closed at 10.01pm with Councillors Chester, Cohen, Doran-Wu, Drewett JP, Franchina, Hall, Ker, Piper JP, Chief Executive Officer, John Giorgi JP, Executive Manager Corporate Services, Mike Rootsey, Executive Manager Environmental & Development Services, Rob Boardman, Executive Manager Technical Services, Rick Lotznicher, Minute Secretary, Debbie Winfield, Voice News journalist, Ms Jenny D'Anger, Guardian Express journalist, Ryan Emery and three members of the public present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 19 November 2002.

Signed: .....Presiding Member  
Mayor Nick Catania, JP

Dated this ..... day of ..... 2002