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**(23 September 2003)**

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Minutes of the Ordinary Meeting of Council of the Town of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 23 September 2003, commencing at 6.02pm.

**1. DECLARATION OF OPENING**

The Presiding Member, Mayor Nick Catania JP, declared the meeting open at 6.02pm.

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

**(a) Apologies:**

The Chief Executive Officer advised that Cr Simon Chester had telephoned to advise that he would be a few minutes late for the meeting.

**(b) Present:**

Mayor Nick Catania, JP	Presiding Member
Cr Simon Chester	North Ward (from 6.07pm)
Cr Caroline Cohen	South Ward
Cr Helen Doran-Wu	North Ward
Cr Steed Farrell	North Ward
Cr Basil Franchina	North Ward (until 7.31pm)
Cr Sally Lake	South Ward
Cr Maddalena Torre	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental & Development Services
Mike Rootsey	Executive Manager, Corporate Services
Rick Lotznicher	Executive Manager, Technical Services
Debbie Winfield	Minutes Secretary
Alison Bennett-Taylor	Journalist – The West Australian
Andrea Tsovleas	Journalist – Guardian Express

Approximately 24 Members of the Public and one (1) child

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

Cr Ian Ker (South Ward)

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

1. Ms Carli McLeod of 19 Hurley Way, Hillarys – Item 10.1.4 – Thanked Councillors for their assistance. Stated that the heritage report had been completed and that the house on the property was very dilapidated and that in her view the application was the only viable proposal for retention and additions. Requested Council to support the alternative recommendation put forward.

2. Ms Nicole Wyburn of 14 Knutsford Street, North Perth – Item 10.1.1 – Stated that the matter of subdivision and development of this property had been ongoing for a number of years and had caused concern to herself and her neighbours. She referred to her concerns with loss of amenity, inappropriate infill and the health of the existing Eucalyptus tree. She asked if the setback of 2.4 metres complied.

**Cr Chester entered the Chamber at 6.07pm.**

3. Mr Kevin Maccormac of 20 Haynes Street, North Perth – Item 10.1.6 – Stated that as his neighbour supported the proposal, and this neighbour was also interested in adding a carport to his own property, the amenity of this neighbour would not be affected. Requested Council support the application.
4. Ms Jenny Hawkins of 10 Ruby Street, North Perth – Item 10.1.1 – Stated that she owned the property adjoining this application on the northern boundary and her concerns were the overshadowing and overlooking of her backyard and leisure area, and the undermining of the existing large Eucalyptus tree. Also stated that the original development approval had been for a single storey residence, that one of the three windows in a first floor bedroom overlooked her property and that the driveway ran adjacent to her two bedrooms and the noise from the use of this would impact on the amenity of her property.
5. Mr George Angelev of 8 Whittington Avenue, Carine – Item 10.1.8 – Stated that this property had been in this family since 1935 and the reason for the project was to allow the family to live in proximity to their older relatives. Also stated that there was not legal reason not to support the application. Requested Council to support the application.
6. Ms Stacey Jane Willis of 49 Bourke Street, Leederville – item 10.1.3 - Stated that she had spent time and money on this application. Thanked the staff at the Town's Customer Service Centre for excellent service and the Planning staff for their assistance, although she had received differing interpretations of the "R" Codes. Also stated that the garage would be on a secondary street, therefore, the streetscape would not be affected and the garage would provide additional safety for her child, pets and car. Requested Council to support the application.
7. Mr Dudley Maier of 51 Chatsworth Street, Highgate – Items 10.4.3 and 10.1.4 – Stated that on 12 August 2003, Cr Chester asked a number of questions relating to 8 Brookman Street, Perth. In answer to a couple of questions the response said "this matter was currently under investigation and a response will be forwarded to the Elected Members, shortly after correspondence has been received from the property owners". Believes the property owners were given to 13 August 2003 to respond.

Mr Maier asked the following questions:

Q1. Has a response been forwarded to Elected Members?

With reference to Information Bulletin 10.4.3 – The Independent Organisational Review Recommendation 9 stated the CEO's report to each meeting should include outstanding action lists, which records matters previously considered by the Council.

Q2. Could the information be included in future Agendas?

Q3. Also, could Item 10.1.4 from the Christmas Delegation period relating to the Barlee Street carpark be included in the list of outstanding items (this related to a trial which made the carpark free during the day, until 30 April 2003)?

In the Agenda of the last meeting Item 10.4.7 - relating to CEO's Performance Appraisal 2002-03 and Contract of Employment – related to two parts. First clause going “behind closed doors” and second clause which authorises the CEO to make public the report or any part of it.

Q4. Could the CEO release the complete report or release the section of the report which justifies the 20% increase in pay?

*As the information was not available the questions will be taken on notice.*

8. Ms Lucy McKay or 99A Alma Road, North Perth – Item 10.1.1 – Stated that the species of tree on the property was now agreed and that she will be meeting with the Town's officers on site to ensure compliance with the two metre protection zone around the tree

There being no further questions from the public, Public Question Time was closed at 6.22pm.

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

IB06.

**4. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil.

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

Nil.

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

**6.1 Ordinary Meeting of Council held on 9 September 2003.**

**Moved Cr Chester, Seconded Cr Lake**

*That the Minutes of the Ordinary Meeting of Council held on 9 September 2003 be confirmed as a true and correct record.*

**CARRIED (8-0)**

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

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

Nil.

## 8. DECLARATION OF INTERESTS

- 8.1 Cr Helen Doran-Wu declared a financial interest in Item 11.2 - Notice of Motion - Councillor Simon Chester - Masterplan. Her interest being that she is an employee of the Loftus Community Centre which would be a subject of the Masterplan.

**Cr Doran-Wu requested that she be allowed to participate in Council debate and vote on this item as she considered this item covered many matters and the Loftus Community Centre was a very minor part.**

**Cr Doran-Wu departed the Chamber at 6.23pm.**

**Moved Cr Cohen, Seconded Cr Chester**

*That Council allow Cr Doran-Wu's request to participate in Item 11.2 of tonight's Agenda.*

**CARRIED (6-1)**

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

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

**Cr Doran-Wu returned to the Chamber at 6.25pm.**

**Mayor Catania advised Cr Doran-Wu that her request had been allowed by the Council.**

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

Nil.

## 10. REPORTS

The Agenda Items were categorised as follows:

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

Items 10.1.4, 10.1.1, 10.1.6, 10.1.8 and 10.1.3.

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

Nil.

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

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

Cr Lake	10.2.3, 10.3.2
Cr Chester	Nil
Cr Torre	Nil
Cr Doran-Wu	Nil
Cr Farrell	Nil
Cr Cohen	Nil
Cr Franchina	10.1.7
Mayor Catania	Nil

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

10.4 **Items which members/officers have declared a financial or proximity interest 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:**

Nil.

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

Items 10.1.2, 10.1.5, 10.1.9, 10.2.1, 10.2.2, 10.3.1, 10.4.1, 10.4.2 and 10.4.3.

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

Nil.

The Presiding Member, Mayor Catania, advised that he was departing the meeting for a short period of time as he had an important commitment.

**Moved Cr Farrell, Seconded Cr Torre**

*That in the absence of Deputy Mayor, Cr Ian Ker, Cr Chester be elected as Presiding Member.*

**CARRIED (8-0)**

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

**Mayor Catania departed the Chamber at 6.26pm**

**Cr Chester assumed the Chair at 6.26pm.**

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 10.1.2, 10.1.5, 10.1.9, 10.2.1, 10.2.2, 10.3.1, 10.4.1, 10.4.2 and 10.4.3.

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

Items 10.1.4, 10.1.1, 10.1.6, 10.1.8 and 10.1.3.

**Moved Cr Torre, Seconded Cr Lake**

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

*Items 10.1.2, 10.1.5, 10.1.9, 10.2.2, 10.3.1, 10.4.1, 10.4.2 and 10.4.3.*

**CARRIED (7-0)**

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



**10.1.2 Further Report- No.123 (Lot 503) (Strata Lot 3) Carr Street, West Perth - Proposed Garage with Studio Above Additions to Existing Single House**

<b>Ward:</b>	South	<b>Date:</b>	15 September 2003
<b>Precinct:</b>	Cleaver, P5	<b>File Ref:</b>	PRO2281; (00/33/1522)
<b>Reporting Officer(s):</b>	J Barton		
<b>Attachments</b>	<a href="#">001</a>		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

***FURTHER OFFICER RECOMMENDATION:***

*That;*

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

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with the open space and boundary setback requirements of the Residential Design Codes; and*
- (iii) consideration of objections received;*

*the Council REFUSES the application submitted by the owners S Gaschk and R Jones for proposed garage with studio above additions to existing single house at No.123 (Lot 503) (Strata Lot 3) Carr Street, West Perth, and as shown on amended plans stamp-dated 4 August 2003.*

**COUNCIL DECISION ITEM 10.1.2**

**Moved Cr Torre, Seconded Cr Lake**

*That the recommendation be adopted.*

**CARRIED (7-0)**

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

**FURTHER REPORT:**

The Council at its Ordinary Meeting (OMC) held on 9 September 2003 received a report relating to the proposed garage and studio additions to the existing single house on the subject property, and deferred its consideration of the application. The deferral was to enable the Town to investigate the applicant's comments raised during public question time at the OMC on 9 September 2003 (questions attached), and to allow the applicant to address the neighbour's objections and the information received from the Town's Officers.

In relation to the open space issue raised by the applicant and landowner, it is noted that the dimensions and areas of the proposed garage and existing carport are similar, however, they are not identical. Notwithstanding this, the proposed garage is a new application, and therefore it must be assessed in accordance with the current requirements. Given that a significant open space variation is proposed, and the neighbours have objected, the proposal is therefore considered to create an undue, adverse impact on the amenity of the surrounding properties, and the area generally.

With regard to the first floor setback variation, these are considered minor and can be supported on their own. Also, the privacy variation can be addressed via a standard screening condition. However, in light of the above mentioned open space variation, and the undue impact of the ground floor parapet/ boundary walls, the proposal is not considered supportable.

In relation to the neighbour's objections, one was received during the advertising period, and one was received three days after the advertising period had closed. However, regardless of when the objections were received, all neighbours comments can be taken into consideration in the determination of the proposed development. Furthermore, the strata manager/ body corporate's consent was not submitted with the application, and one of the other strata owners objected to the proposal during the advertising period.

Further to the access issues, Technical Services have advised that there is adequate manoeuvring space for one vehicle. However, there is not insufficient space for two vehicles. Again, this variation could potentially be supported on its own, however, in light of the significant open space and boundary wall variations, the garage is not considered supportable.

In light of the above, the previous Officer's Recommendation stands, apart from a minor change to one of the reasons for refusal, to reflect that the main reason for refusal is due to the significant open space variation and the two boundary walls.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 9 September 2003:

*"OFFICER RECOMMENDATION:*

*That;*

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

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with the privacy, boundary setbacks, open space, access and carparking requirements of the Residential Design Codes; and*
- (iii) consideration of objections received;*

*the Council REFUSES the application submitted by the owners S Gaschk and R Jones for proposed garage with studio above additions to existing single house at No.123 (Lot 503) (Strata Lot 3) Carr Street, West Perth, and as shown on amended plans stamp-dated 4 August 2003.*

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*Moved Cr Ker, Seconded Cr Lake*

*That the recommendation be adopted.*

*Debate ensued.*

COUNCIL DECISION ITEM 10.1.15

Moved Cr Doran-Wu, Seconded Cr Farrell

*That this item be DEFERRED to allow the applicant to address the neighbour's objections and the information received from the Town's Officers.*

CARRIED (4-3)

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

*(Crs Franchina and Torre were an apology for the meeting.)*

LANDOWNER:	M Gaschk & R Jones
APPLICANT:	M Gaschk & R Jones
ZONING:	Metropolitan Region Scheme – Urban Town Planning Scheme No. 1 – Residential R80
EXISTING LANDUSE:	Single House

COMPLIANCE:

<i>Requirements</i>	<i>Required</i>	<i>Proposed</i>
<i>Setbacks:</i>		
<i>Western and Eastern Elevations, Upper Floor (Studio)</i>	<i>1.1 metres</i>	<i>1 metre</i>
<i>Cone of Vision Encroachments:</i>		
<i>Northern Elevation, Upper Floor (Balcony)</i>	<i>7.5 metres</i>	<i>1.6 metres</i>
<i>Requirements</i>	<i>Required</i>	<i>Proposed</i>
<i>Buildings on Boundaries</i>		
<i>Eastern and Western Elevations, Ground Floor (Garage).</i>	<i>In areas coded R30 and higher, walls not higher than 3.5 metres maximum, with an average height of 3 metres, for two thirds the length of the balance of the boundary behind the front setback, to one side boundary.</i>	<i>Parapet walls proposed to two side boundaries, to a height of 3 metres.</i>
<i>Open Space</i>	<i>45 per cent</i>	<i>35 per cent</i>
<i>Car Parking Provisions</i>	<i>2 bays</i>	<i>1 bay (existing provisions)</i>

<i>Use Class</i>	<i>Single House</i>
<i>Use Classification</i>	<i>"P"</i>
<i>Lot Area ( Strata Lot 3)</i>	<i>213 square metres</i>

**SITE HISTORY:**

*The subject site retains an existing single storey dwelling, which is a semi-detached residential dwelling constructed circa 1900's and the architectural style can be described as Federation.*

*The original application was lodged on 10 March 2003, and it was advertised from 21 March 2003 to 4 April 2003. Three objections were received during the advertising period, and the objections predominantly related to the two-storey parapet walls on both side boundaries.*

*The Town's Officer dealing with the proposal at the time, advised the applicant that the proposal could not be supported in its current form, mainly due the objections received. Therefore, the applicant amended the plans to address some of the non-compliance issues.*

*Amended plans were received on 4 August 2003, reducing the two-storey parapet walls to single storey parapets. However, the proposal still does not comply with the Residential Design Codes (R-Codes) requirements in relation to open space, setbacks, privacy, car parking and buildings on boundaries, and two objections were received when the proposal was re-advertised.*

**DETAILS:**

*The proposal includes a garage with a studio (habitable room) addition above, to an existing single house at the rear of the property.*

*The subject land abuts a right of carriageway, which has a designated depth of 6.28 metres. The right of carriageway consists of Part Lots 107, 108 and 109 Cleaver Street.*

*However, development has occurred over Part Lots 107, 108 and 109 Cleaver Street, which encroaches into the abovementioned right of carriageway. Therefore, this encroachment has resulted in a right of carriageway of approximately 3 metres in effective width, as advised by the Town's Technical Services.*

**CONSULTATION/ADVERTISING:**

*Three objections were received during the previous advertising period from 21 March 2003 to 4 April 2003, inclusive. The primary concerns raised by the objectors related to the height of the boundary walls, impact on amenity on the neighbouring/adjacent properties, as well as concerns regarding overlooking and overshadowing.*

*The following statements were received by the objectors:*

- "I wish to object to the proposed development, in particular due to the planned breach of the Residential Design Code . . . as the plans show that the parapet wall to my side boundary and that to the property at 121 Carr Street, adjoining 123, will be a height of 4.629 metres.*

*The height above 3.5 metres will cut out further light to my back garden and block view to trees and to the sky. This will detrimentally affect the enjoyment of my property.*

*I am also concerned about the impact the second storey dwelling will have upon my privacy.*

*It is my understanding that the additions to No 123 also require approval or notification to the Body Corporate, as 123 is part of a strata title, which includes 6 residential dwelling, including no 125 and 121. To my knowledge, this did not occur prior to the plans being submitted to the Council".*

- *"I wish to object to the development proposal, because it does not meet the acceptable development requirements of the Residential Design Codes.*

*I am concerned that my privacy and the enjoyment of my premises will be affected by the planned breach of the Residential Design Codes 3.3.2 A2 iii:*

*". . . walls not higher than 3.5 metres, with an average of 3 metres for 2/3 the length of the balance of the boundary behind the front setback, to one side boundary"*

*as the plans show that the brick walls of the development will be 4.629 metres and the roofed area will have a height of 6 metres. At the rear of my premises I have a garden and entertaining area which will lose a considerable amount of light as a result of the new studio second storey. My enjoyment of my property will be affected as a result.*

*The Body Corporate was not notified of the planned changes, prior to the plans being submitted to Council."*

- *"I formally advise that I object to the proposed development application which does not meet the acceptable development requirements of the Residential Design Codes.*

*". . . walls not higher than 3.5 metres, with an average of 3 metres for 2/3 the length of the balance of the boundary behind the front setback, to one side boundary"*

*The second storey dwelling will affect my privacy and restrict the enjoyment of my property, as the walls to both side boundaries will be to a height of 4.629 metres. The rear garden of my property will loose access to daylight, and views of nearby trees will be restricted. The high brick wall will also be visually unattractive.*

*I request that the development be modified so that it complies with the Design Codes".*

*The amended plans, which reduced the height of the parapet walls, were re-advertised from 5 August 2003 to 19 August 2003, inclusive.*

*Two submissions were received during the re-advertising period, being two letters of objection.*

*The following statements were received by the objectors:*

- *"I am writing in order to object to the proposed development in its current form. I have been informed that all or most aspects of the proposed development now comply (albeit narrowly) with Council regulations. It is however, not just one of those requirements that I object to- it is the total amount of design codes that are being pushed to the limit..."*
- *"123 Carr Street is a 1904-1906 Federation semi-detached house in a row of 8 such properties, 6 of which (117-127) form part of a single Strata Plan.*

*The owners of 117-127 Carr Street have not been consulted in relation to the amended plans (or in connection with the proposed development as a whole) and should not be assumed to be in agreement with the proposed development. I am not.*

*123 Carr Street is paired with 121 Carr Street. The proposed 0 metre Western setback at the boundary level with 125 Carr Street is therefore out of keeping with the existing alignment of the properties as well as contravening the R-Codes.*

*All of the properties 113-127 Carr Street are single storey and, where any development or renovation has been undertaken, all development or renovation of these properties has been carried out in a manner, design and style that is sympathetic to the age, design and layout of the original properties.*

*The 123 Carr Street proposal, being two storey and exceeding the maximum development plot ratio in the R-Codes is not in keeping with the existing properties.*

*In light of these issues, I believe the application should be refused".*

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

*Nil.*

**FINANCIAL/BUDGET IMPLICATIONS:**

*Nil.*

**COMMENTS:**

*Privacy*

*The balcony to the studio on the upper floor overlooks the adjoining eastern and western neighbour's properties. However, such issues can be addressed via a standard screening condition.*

*Parking and Access*

*The proposal is utilising an existing parking situation located adjacent to the right of carriageway at the rear.*

*Whilst the proposal aims to retain this existing situation, the proposal does not comply with the minimum requirements of the R-Codes, as only 1 bay has been provided.*

*The depth of the right of carriageway indicated on the previous plans is 4.5 metres. However, as mentioned above, the right of carriageway has a designated depth of 6.28 metres on the Certificate Of Title.*

*The right of carriageway consists of Part Lots 107, 108 and 109 Cleaver Street. However, development has occurred over Part Lots 107, 108 and 109 Cleaver Street, which encroaches into the abovementioned right of carriageway. This encroachment has resulted in a right of carriageway of approximately 3 metres in effective width, which has reduced the ability for safe and convenient manoeuvrability to the proposed garage.*

*Parapet Walls*

*The proposal includes two parapet walls, located on both the eastern and western boundaries, with a maximum height of 3 metres.*

*Although both the walls comply with the R-Codes' height, length and overshadowing requirements, the R-Codes only permit one parapet wall up to one boundary.*

*In this instance, the proposal is considered to unduly impact on the adjoining properties, in terms of the affect of bulk and scale on the eastern and western neighbouring properties. Also, the visual impact of the walls, combined with the existing parapet walls to the main dwelling, is considered to exacerbate the undue, adverse impact on the neighbours.*

*In light of the above, and given the neighbours' objections, the proposed parapets walls are not supported.*

#### *Setbacks*

*A minor setback variation of 100 millimetres is proposed to the eastern and western sides of the upper storey addition. This variation is minor, and is considered supportable on its own. However, in light of the amount of variations sought, and the neighbours' objections, the proposal is not considered supportable.*

#### *Open Space*

*The proposal does not comply with the R-Codes' open space requirements. Given the nature of the structure, and the objections received, the variation is considered to unduly impact on the amenity of adjoining neighbours, and the area generally. Therefore, this variation is not supportable.*

*It should be noted that there is an existing parking arrangement at the rear of the dwelling, however, the proposed garage is slightly larger than the existing carport. Additionally, the Town of Vincent has no record of a Building Licence or Planning Approval being issued for this carport.*

*It should also be noted that a plot ratio variation was advertised, however, this was a misprint as the plot ratio provisions comply with the requirements of the R-Codes (0.65), as garages are not included in the plot ratio area calculation.*

#### *Summary*

*In light of the above, and given the extent of the variations sought, and the objections received, the proposal is considered to unduly impact on the amenity of the adjoining neighbours, in terms of bulk and scale and visual impact.*

*Furthermore, the strata body has not consented to the proposal, and the proposed development is not considered to be in keeping with the character of the immediate area. Therefore, refusal is recommended"*

**10.1.5 No. 103 (Lot 131) Zebina Street, East Perth- Proposed Carport and Patio Additions to Existing Single House**

<b>Ward:</b>	South	<b>Date:</b>	15 September 2003
<b>Precinct:</b>	Banks Precinct; P15	<b>File Ref:</b>	PRO2435; 00/33/1727
<b>Reporting Officer(s):</b>	J Barton		
<b>Attachments</b>	<a href="#">001</a>		
<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 owners S M Zelinka for the proposed carport and patio additions to existing single house at No. 103 (Lot 131) Zebina Street, East Peth, and as shown on the plans stamp-dated 18 July 2003, 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 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;*
- (iv) the construction of crossovers shall be in accordance with the Town's specifications;*
- (v) prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (vi) street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (vii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
  - (a) the carport being increased to 4.8 metres in width;*
  - (b) no retaining above 500 millimetres from the natural ground level;*
  - (c) no fill above 500 millimetres from the natural ground level; and*
  - (d) the decorative wall in the rear being no greater than 1.8 metres in height, as indicated on the approved plan;*

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



- (viii) *the carport shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted), except where it abuts the existing main dwelling; and*
- (ix) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Zebina Street being a maximum being height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*

*to the satisfaction of the Chief Executive Officer.*

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**COUNCIL DECISION ITEM 10.1.5**

**Moved Cr Torre, Seconded Cr Lake**

*That the recommendation be adopted.*

**CARRIED (7-0)**

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

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**LANDOWNER:** S M Zelinka  
**APPLICANT:** As above  
**ZONING:** Metropolitan Region Scheme: Urban  
 Town Planning Scheme No.1: Residential R20  
**EXISTING LAND USE:** Single house

**COMPLIANCE:**

<b>Requirements</b>	<b>Required</b>	<b>Proposed</b>
<b>Setbacks:</b>		
Patio -North-Eastern Side	1.5 metres	1.2 metres
Carport- North-Eastern Side	1 metre	300 millimetres
<b>Carport :</b>		
Location	Where a property abuts a right of way, carports should be located at the rear	Carport located in the front setback area, with a nil setback to the front boundary line
Dimensions for a Double Carport	4.8 metres (not 5.4 metres as per normal double garage width requirements, as both sides of the carport are not confined by walls, columns or piers)	3.9 metres

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

**SITE HISTORY:**

The subject land is currently occupied by a single-storey, single dwelling, and a studio at the rear. The site abuts an unsealed, privately owned right of way, which is 4.02 metres in width.

The north-western corner of the subject land at the rear is affected by a 2.5 metres deep, and 4.5 metres wide road-widening requirement for East Parade, which is reserved for a Primary Regional Road (PRR) under the Metropolitan Region Scheme (MRS).

**DETAILS:**

The applicant seeks approval for a patio addition at the rear, and a carport located within the front setback area.

The applicant submitted the attached letter and photographs in support of the proposed variations.

**CONSULTATION/ADVERTISING:**

The proposal was advertised to the adjoining neighbours from 6 August 2003 to 20 August 2003.

No submissions were received during the advertising period.

Given that the subject land abuts a PRR reservation, the development application was referred to the Department for Planning and Infrastructure (DPI) for comment. However, given that the proposed development does not affect the PRR, the DPI raised no objections to the proposed development.

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

Mentioned above.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

**Vehicular Access**

The Town's Policy relating to Vehicular Access, states that, *"front setbacks areas are to be landscaped and preferably devoid of parking spaces. Where available, on-site parking to be accessed from a right-of-way"*. This requirement is also reflected in the Town's Policy relating to Street Setbacks.

Although there is a right of way at the rear of the subject land, a portion of the subject land at the rear is affected by a Primary Regional Road reservation (PRR) under the MRS. Therefore, a portion of the lot at the rear may be required to be given up in the future to facilitate the widening of East Parade.

Given the above, and the existing studio at the rear, there is insufficient space for a carport at the rear of the subject site. Also, even if the studio is converted into a carport or garage, this could create potential safety issues, as it is not considered appropriate for vehicles to be accessing a busy road like East Parade, especially in the event that the road is widened in the future.

Furthermore, it is noted that several surrounding properties, namely, Nos. 111, 94, 101 Zebina Street, and Nos. 34 and 32 Gardiner Street, all accommodate carports within the front setback area (see photographs attached, supplied by the applicant). Additionally, the materials and design of the proposed carport addition will complement the existing dwelling.

In light of the above, it is considered that the proposed carport will not unduly compromise the visual amenity of the streetscape, or the adjoining neighbours, and the variation is therefore considered acceptable.

#### **Setback Variation**

A minor setback variation to 300 millimetres, in lieu of 1 metre, is proposed from the carport, to the north-eastern side boundary. This variation is minor, and is considered supportable, especially as the neighbours have not objected on the eastern side. Also, there are several examples along the street of carports with reduced side setbacks.

Another minor setback variation is proposed from the patio to the north-eastern side, to 1.2 metres in lieu of 1.5 metres. The adjoining neighbours raised no objections to the proposed development. The proposal is not considered to create any undue adverse impact on the adjoining property. Therefore, the side setback variation is supported.

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

Clause 3.5.1 of the R-Codes require two bays to be provided for single dwellings, with a width of 2.4 metres per space, plus 0.3 metre for any side confined by a wall, column or pier. Given that the carport is not confined on either side, the required width for two vehicles is 4.8 metres. However, the applicant is only proposing a carport with a width of 3.9 metres.

In light of the above R-Code requirements, a condition has been recommended to increase the carport to 4.8 metres in width. It should also be noted that the widening of the carport will not result in the structure exceeding more than 50 per cent of the frontage of the lot.

#### **Conclusion**

Given the proposed widening of East Parade at the rear of the subject land, and the existence of several carports in the front setback area along Zebina Street, it is considered appropriate in this instance to vary the Town's requirements relating to vehicular access and street setbacks, and to allow a carport in the front setback area.

In light of the above, approval is recommended, subject to standard terms and conditions to address the above issues.

**10.1.9 No. 220 (Swan Location 884, Reserve 884) Vincent Street, North Perth (Beatty Park Leisure (Aquatic) Centre and Beatty Park) - Proposed Entry on the State Register of Heritage Places**

<b>Ward:</b>	South	<b>Date:</b>	16 September 2003
<b>Precinct:</b>	Smith's Lake, P6	<b>File Ref:</b>	PRO1149
<b>Reporting Officer(s):</b>	N Edgecombe		
<b>Attachments:</b>	<a href="#">001</a>		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council advises the Heritage Council of Western Australia that it:*

- (i) *SUPPORTS the proposed entry of Beatty Park Leisure (Aquatic) Centre, at No.220 (Swan Location 884, Reserve 884) Vincent Street, North Perth on the State Register of Heritage Places; and*
- (ii) *NOMINATES the Executive Manager Environmental and Development Services to attend the meeting of the Heritage Council when the proposed registration of the above place will be considered.*

**COUNCIL DECISION ITEM 10.1.9**

**Moved Cr Torre, Seconded Cr Lake**

*That the recommendation be adopted.*

**CARRIED (7-0)**

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

**SITE HISTORY:**

The subject site at Swan Location 884 are occupied by *Beatty Park Aquatic Centre and Beatty Park*, which comprises the first Olympic size swimming pool, diving pool, and spectator gallery built in Western Australia for international competition, which was upgraded in 1993-94, to become a State and Australian awarded leisure centre re-named *Beatty Park Leisure Centre*.

**DETAILS:**

On 11 September 2003, the Town received correspondence from the Heritage Council of Western Australia advising that Beatty Park Leisure (Aquatic) Centre and Beatty Park, Vincent Street, North Perth, are being considered for entry in the State Register of Heritage Places. The documentation concerning the place is scheduled for presentation to a meeting of the Register Committee of the Heritage Council in the near future, with a recommendation that the places are of sufficient cultural heritage significance to warrant consideration for entry in the Register.

A copy of the accompanying documentation is included as Appendix 10.1.9 to this report. The documentation states as follows:

*"Beatty Park Aquatic Centre and Beatty Park, a swimming pool complex constructed in brick and concrete with a fibrous roof structure in the Late Twentieth Century International style and aquatic leisure centre complex constructed in steel and blockwork, with metal roofs in the Late Twentieth Century Structuralist style, in a park like recreation ground setting, has cultural heritage significance as stated in the assessment prepared by the Heritage Council of Western Australia, for the following reasons:*

- *the City of Perth Aquatic Centre portion of the place was built as the aquatic centre for the VIIth British Empire and Commonwealth Games, and was the first purpose built aquatic centre in Western Australia designed and built for international competition and one of three major projects undertaken by the City of Perth for the games, the first such international competition held in Perth;*
- *the City of Perth Aquatic Centre part of the Beatty Park Leisure Centre is a good example of the Late Twentieth Century International style applied to a major sporting facility;*
- *the place was designed by W.A. McI. Green, the redoubtable Town Clerk, City of Perth, and Milton Boyce, City of Perth Architect, Lionel H. Steenbohm, Director of Parks and Gardens, who were responsible for the design of a number of the British Empire and Commonwealth Games facilities that played an important role in the success of the games;*
- *Beatty Park was important as part one of a number of reserves, parks and gardens developed by the City of Perth between 1896 and 1936; and*
- *the place is highly valued by the community as one of the older recreational reserves in the metropolitan area, as a significant reminder of the VIIth British Empire and Commonwealth Games, as a swimming centre for the public and schools, and as a well recognised landmark in the Town of Vincent.*

*The 1994 adaptation of the original City of Perth Aquatic Centre, the later additions to the north of the original complex completed in 1994, together with the associated car park, and the Alfred Spencer pavilion are of little cultural heritage significance."*

**CONSULTATION/ADVERTISING:**

The Town has until 30 September 2003 to provide comments to the Heritage Council of Western Australia on the proposed entry of the place in the State Register of Heritage Places.

**LEGAL/POLICY:**

Town Planning Scheme No.1 and associated Policies, and Heritage of Western Australia Act.

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The Town has had the opportunity to consider the assessment of cultural heritage significance for Beatty Park Leisure (Aquatic) Centre and Beatty Park and concurs with the statement of significance for the place. If the place is included on the Register, the Town would be required to refer any development proposals to the Heritage Council of Western Australia for consideration. It is possible to make arrangements with the Heritage Council of Western Australia whereby smaller items affecting the fabric (maintenance and the like) do not require a referral, but larger works do. This will be assessed in terms of the impact on the elements considered to be significant about the place. Listing on the State Register also qualifies the Town for eligibility for financial grants to undertake certain works and projects, which protect or enhance the significance of the place.

It is recommended that the Council advises the Heritage Council of Western Australia that it supports the proposed entry of Beatty Park Leisure (Aquatic) Centre and Beatty Park in the State Register of Heritage Places. It is also considered necessary that the Town's Executive Manager Environmental and Development Services attends the meeting of the Heritage Council when the proposed registration of the place will be considered.

**10.2.1 Loading Zone Adjacent to 240 Beaufort Street, Perth**

<b>Ward:</b>	South	<b>Date:</b>	15 September 2003
<b>Precinct:</b>	Beaufort P13	<b>File Ref:</b>	TES0500
<b>Attachments:</b>	<a href="#">001;</a>		
<b>Reporting Officer(s):</b>	A Munyard		
<b>Checked/Endorsed by:</b>	R Lotznicher	<b>Amended by:</b>	-

**RECOMMENDATION:***That the Council;*

- (i) *APPROVES the introduction of a "loading zone" from 7.00am until 6.00pm Monday to Friday, adjacent to 240 Beaufort Street, Perth, as illustrated in attached Plan 2209.PP.01;*
- (ii) *APPROVES the modification of the existing "one (1) hour" restricted parking bay also adjacent to 240 Beaufort Street to become a "thirty (30) minute" restriction, from 8.00am until 5.30pm Monday to Friday and 8.00am until 12 noon Saturday, as illustrated in the same plan;*
- (iii) *places a moratorium on issuing infringement notices for a period of two (2) weeks from the installation of the new parking restriction signs; and*
- (iv) *advises the adjacent residents and business proprietors of its resolution.*

**COUNCIL DECISION ITEM 10.2.1****Moved Cr Torre, Seconded Cr Lake***That the recommendation be adopted.***CARRIED (7-0)****(Mayor Catania was absent from the Chamber and did not vote. Cr Ker on approved leave of absence.)****BACKGROUND:**

The recent redevelopment of an adjacent lot has resulted in a reduction in access to the rear of a long term Beaufort Street business. The proprietors have now requested the introduction of a "Loading Zone" adjacent to their premises to facilitate the delivery and dispatch of stock. They have also requested the reduction of the time limit of one(1) of the adjacent parking spaces to thirty (30) minutes to assist clients with parking requirements.

**DETAILS:**

The proprietors of "Disarect Group", located at 240 Beaufort Street, have until recently shared an access way to their rear car park with the adjoining property. The redevelopment of that side has necessitated fencing along the boundary of the neighbouring lot, effectively reducing the width of the access to the rear of the Disarect showroom.

The delivery and dispatch of stock was previously facilitated via the side access and through the rear of the showroom, however the reduced width of this access is no longer sufficient to meet the requirements of the delivery vehicles. Therefore, the proprietors have requested that a "Loading Zone" be introduced adjacent to their premises in Beaufort Street. The proposed location of the "Loading Zone" is now a one(1) hour time restricted parking bay, with a similarly time restricted motor cycle bay to the immediate east.

It has also been requested that the time restriction on the parking bay immediately behind the proposed "Loading Zone" be reduced from the current one (1) hour to thirty (30) minutes. This would improve the likelihood of parking being available to clients of this and other nearby commercial premises.

The Manager for Law and Order Services has been consulted and sees no impediment to the proposed changes.

**CONSULTATION/ADVERTISING:**

The changes are proposed following an application from the proprietors of the adjacent property. No further consultation is required.

**STRATEGIC IMPLICATIONS:**

In accordance with Key Result Area One of the Strategic Plan 2003-2008 – 1.4 Maintain and enhance the town's infrastructure to provide a safe, healthy, sustainable and functional environment. *"Develop and implement a Transport and Car Parking Strategy"*.

**FINANCIAL/BUDGET IMPLICATIONS:**

The cost of line marking and signage to implement the changes is estimated to be about \$200.00.

**COMMENTS:**

It is therefore recommended that the Council approves the introduction of a "loading zone" from 7.00am until 6.00pm Monday to Friday, adjacent to 240 Beaufort Street, Perth, as illustrated in attached Plan 2209.PP.01, together with the modification of the existing "one (1) hour" restricted parking bay also adjacent to 240 Beaufort Street to become a "thirty (30) minute" restriction, from 8.00am until 5.30pm Monday to Friday and 8.00am until 12 noon Saturday, as illustrated in the same plan. Also, that a moratorium is placed on issuing infringement notices for a period of two (2) weeks from the installation of the new parking restriction signs and that the adjacent residents and business proprietors be advised of the Council's resolution.



**10.2.2 2003/04 Perth Criterium Cycling Series - Leederville Race**

<b>Ward:</b>	South	<b>Date:</b>	17 September 2003
<b>Precinct:</b>	Oxford Centre - P4	<b>File Ref:</b>	TES0172 & CMS0033
<b>Attachments:</b>	<a href="#">001;</a>		
<b>Reporting Officer(s):</b>	C Wilson		
<b>Checked/Endorsed by:</b>	R Lotznicher	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

- (i) the Council approves the 2003/04 Perth Criterium Cycling Series to be held in Leederville on Monday, 5 January 2005;*
- (ii) the Council APPROVES the direct funding of \$9,000 as a sponsor of the 2003/04 Perth Criterium Cycling Series event and for the Town of Vincent to be acknowledged in all publicity;*
- (iii) the Town arranges the erection of all signs and barricades for the various road closures required for the event, as shown on the attached plans, either A4-99039 or 2210-CP-1, to be funded from the 2003/04 Parades and Festivals budget;*
- (iv) the promoters liaise with the local businesses and Leederville Community Action Group to obtain their support for the event;*
- (v) the 2003/04 Perth Criterium Series management comply with all necessary requirements for obtaining the necessary approvals for the proposed road closures;*
- (vi) the event organisers distribute adequate information regarding the event to the public through the media and place appropriate notices in public places and display the Town of Vincent logo, as approved by the Chief Executive Officer;*
- (vii) the event organisers provide and enforce a pre-race marshalling area for all competitors' bicycles to ensure a clear path of travel for pedestrians in Oxford Street;*
- (viii) the cafés and restaurants within the race circuit area be requested to remove all "al fresco" dining tables from the footpath during the event to ensure a clear path of travel for pedestrians and spectators;*
- (ix) authorises the Chief Executive Officer to approve a change of race circuit as indicated in the main body of the report;*
- (x) the event organisers notify, by letter drop, all residents and businesses within a 500m radius of Oxford Street; and*
- (xi) the Mayor be invited to officiate proceedings on the night of the event.*

**COUNCIL DECISION ITEM 10.2.2**

**Moved Cr Torre, Seconded Cr Lake**

*That the recommendation be adopted.*

**CARRIED (7-0)**

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

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**BACKGROUND:**

With the continuing success of the Perth Criterium Cycling Series Leederville race, a proposal has been submitted to the Town by Perth Criterium Series Pty Ltd seeking its continuing support and sponsorship for the 2003/04 Leederville race planned for Monday 5 January 2004. As with past events (1996 - 2003\*) the proposed venue is Oxford and Newcastle Streets, Leederville, and the event will be promoted as the "2004 Australian Open Men's Criterium Championship & 'Be Active - Cycle Instead' International Cycling Series".

**DETAILS:**

The Town of Vincent has on six previous occasions, January 1996 & 1997 and December 1999 to 2001 and January 2003, hosted a leg of the Perth Criterium Cycling Series. All the events were judged a success in terms of public interest and spectator numbers.

Note: The event lapsed for a year in 1998 as the result of financial difficulties encountered by the original organisers of the series.

As with the past four (4) events, 1999 - 2003, the series organisers Perth Criterium Series Pty Ltd, a private company specifically formed in 1999 to run the cycling series, is seeking Council's approval and support to stage the annual Leederville race on Monday, 5 January 2004. The Board of Management of Perth Criterium Pty Ltd comprises several local cycling identities and is affiliated with the Western Australian Cycling Federation.

In support of its application, Perth Criterium Series Pty Ltd has presented a comprehensive financial plan to the Town outlining costings, sponsorship income and projected spectator numbers.

In past years, the course for the Leederville event was centred on Oxford and Newcastle Streets. Starting from outside the BankWest building on the corner of Vincent Street, competitors raced down Oxford Street, turning left into Newcastle Street and straight into a tight 180° left hand turn near Carr Place. From Carr Place back up Oxford Street, crossing over Vincent Street, before another sharp 180° turn near the Leederville TAFE and proceeding back down Oxford Street to complete the circuit (refer attached 2003 circuit drawing No.A4-99039).

However, as the Town has recently installed the new roundabout at the intersection of Oxford Street and Leederville Parade, the organisers are currently considering an alternate course. If adopted it would commence in Oxford Street, mid way between Newcastle Street and Leederville Parade (possibly outside Siena's Restaurant). From the standing start heading south (past Kailis Brothers), around the roundabout, back up Oxford Street, right into Newcastle Street, around the Carr Place roundabout, right into Newcastle Street and left into Oxford Street to complete the circuit (refer attached plan 2210-CP-1).

While the course would be marginally shorter, it has advantages for all concerned.

From a traffic management perspective, it simplifies the road closure process considerably. The intersection of Vincent and Oxford Streets would remain open as would the Mitchell Freeway south off-ramp. Leederville Parade would be closed at Vincent Street, while maintaining access to the Avenue carpark. Similarly, Leederville Parade would be closed at Loftus Street with access to the Frame Court carpark maintained. Through traffic, for either direction, would face minimal disruption as it would be diverted via Vincent Street.

Oxford Street would be closed at Vincent Street allowing the section of Oxford Street between Vincent and Newcastle Streets to operate as a temporary pedestrian mall. With an anticipated four thousand (4,000) spectators, it provides an opportunity for the businesses to expand their alfresco area, and thereby their custom, for the evening. While it has not been raised by the organisers, it may also provide an opportunity for some appropriate street performance and/or music. In the past the traders south of Newcastle Street have received little benefit from the event, however, the proposed route change would see them in the "thick of things" lifting their profile and potentially their custom. Further, as it is a Monday night, after the festive season, normally there would be minimal activity in Oxford Street and therefore the event has the potential to generate considerable additional income for the Oxford Centre Precinct traders.

While Perth Criterium Series Pty Ltd are yet to formally request the change of course for the reasons outlined above, it is recommended that the Chief Executive Officer be authorised to approve the proposed changes.

As a further departure from previous years, the Leederville Race in 2004 will be the last, and therefore, deciding race in the series. If the series goes down to "the wire", the profile of the Leederville Race will be further enhanced and therefore potentially draw a larger crowd. The three (3) race series will again feature several high profile Australian and International cyclists currently based in Europe, riders from the Australian Institute of Sport, as well as a strong field of local riders.

While details are yet to be finalised, it is proposed that the race will commence at 7.30 pm and conclude at 8.30 pm with the road closures in place an hour prior to and after the event.

To facilitate the race, the following road closures will be required for a period of approximately three hours, on the night of the event:

- Oxford Street - between Vincent Street and Leederville Parade
- Newcastle Street - from Carr Place to Oxford Street
- Leederville Parade - Vincent Street to Loftus Street

As for past events, it is proposed to use a Main Roads WA accredited Traffic Management Contractor to install and man the required road closures. In addition, the organisers will again seek the assistance of WA Police Service to oversee traffic control.

If the circuit changes as anticipated are adopted, it is proposed that the organisers provide a pre-race secured marshalling area for competitors' bikes at the Oxford Street entrance to the Frame Court carpark. Further, it is recommended that organisers liaise with the cafes and restaurants in Newcastle and Oxford Streets, south of Newcastle Street, to have them remove external tables prior to and during the event and that compliance will be monitored on the night by Health Services.

As a further pedestrian/spectator enhancement, the temporary barrier fencing is to be located within the on-road parking lane (in the aforementioned sections) approximately 1.5m out from the kerb, to relieve footpath congestion. This arrangement has minimal impact upon the riders, as they are generally positioned in the middle lanes to sweep into the bends.

At its Ordinary Meeting on 22 October 2002, Council considered a request from Perth Criterium Series Pty Ltd for a three (3) year sponsorship commitment from the Town to ensure that an event in the series be staged in Leederville. In respect of sponsorship, the Council resolved the following:

*“(vii) the Council gives, in principal, approval to support the event in Leederville for a further three (3) years, from 2002/03, 2003 and 2004, including the event to be held on 2 January 2003;”*

Further, Perth Criterium Series Pty Ltd have advised that they, in conjunction with the Western Australian Cycling Federation, Cycling Australia and Events Corp, are still negotiating to hold the inaugural World Criterium Championship in Perth in 2005, and if the series eventuates, hope to stage a race within the Town.

It is Perth Criterium Series Pty Ltd intention to keep the Town fully informed of the progress of these negotiations and to formally seek Council's support if and when their discussions come to fruition.

#### **Proposed 2003/04 Sponsorship Agreement**

- \$9,000 direct funding from Council and a maximum of \$3,000 in logistical support (road closures etc.) – total value \$12,000.
- Signage – five (5) site signs to be supplied by the Town and to be displayed at prominent locations (purchased 2003)
- Digitised (Town of Vincent) Logo for TV Commercial Production, medium size logo (provided previously).
- Digitised (Town of Vincent) Logo/Bromides for printing purposes – brochures, posters, newspaper advertisements and web site, etc., medium size logo (provided previously).
- Town of Vincent logo displayed on the finish dais at all four (4) events; and
- Rights to conduct in-house newsletter promotions and public promotions of the series and the same opportunity via other sponsors, e.g. ANZ, Coca Cola and Local Government Libraries.

#### **Proposed Benefit to the Town**

The benefits for the Town, as perceived by Perth Criterium Series Pty. Ltd., are as follows:

- Acknowledge the Town of Vincent as a Bronze Sponsor at all the Perth Criterium Cycling Series events and projects.
- Ensure a field of elite riders for the “Leederville Race” being the final event in the Perth Criterium Cycling Series.

- Position the Town's logo with the other sponsors' logos in the proposed Television Commercial campaign.
- Include the Town's logo in all promotional literature, posters and programs.
- Supply the Town with signage placement at all four (4) events (maximum of 5 signs).
- Invite Council representatives to attend sponsors' functions at all four (4) events in the series.
- Supply the rights to the Town to emphasise its sponsorship in its own publications and outlets.

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

If approved, as per the *Officer Recommendation*, then Perth Cycling Criterium Series Pty Ltd will be required to adhere to the following:

- *the promoters liaise with the local businesses and Leederville Community Action Group to obtain their support for the event;*
- *the event organisers distribute adequate information regarding the event to the public through the media and place appropriate notices in public places and display the Town of Vincent logo, as approved by the Chief Executive Officer; and*
- *the event organisers notify, by letter drop, all residents and businesses within a 500m radius of Oxford Street.*

#### **LEGAL/POLICY**

The Town is responsible to ensure that road closures undertaken within its boundaries are in accordance with the relevant Australian Standards and Main Roads WA Code of Practice and, therefore, only suitably qualified and Main Roads WA accredited Traffic Management Contractors will be invited to tender for the road closure contract.

#### **STRATEGIC IMPLICATIONS:**

In accordance with Key Result Area Two of the 2003-2008 Strategic Plan, Celebrate and acknowledge the Town's cultural diversity. *2.1 b) Develop and organise community events that engage the community and celebrate the cultural diversity of the Town.*

and;

Key Result Area Three of the 2003-2008 Strategic Plan, Economic Development. Promote business opportunities in the Town. *3.4 b) Promote tourist activity within the Town.*

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

Costs for arranging supply, erection and manning of barricades and signage for road closures would be funded from the Parades and Festivals budget and is estimated to be in the order of \$3,000. Direct funding of \$9,000 has been allocated in the 2003/2004 budget.

**COMMENT:**

The Leederville race will be the final race of the 2004 Perth Criterium Cycling Series and is scheduled for Monday evening, 5 January 2004. Prior to the 2003 event, the series was held in the first week of December. In 2003 the series was moved to the week after New Years Eve to reduce competition with Christmas and New Years Eve celebrations and activities. This period (after New Years Eve) is traditionally a quiet period for Restaurants and Cafés with many people either away or reducing their social activities after a hectic period.

This rescheduling should be of benefit to the Oxford Street traders, as the custom immediately after New Years Eve could normally expect to be light and therefore 4000+ people in the precinct would be a welcome fillip.

In respect of traffic management, as it is the holiday period, the impact of the road closures is significantly reduced.

There will be three (3) races in the 2004 Perth Criterium Cycling Series with Leederville, Victoria Park and Subiaco being confirmed as venues.

The Town's commitment to continuing its sponsorship will ensure that the race remains in Leederville for the foreseeable future and provides exciting opportunities to promote the Town, particularly if the World Criterium Championship eventuates.

**10.3.1 Authorisation of Expenditure for the Period 01 August - 31 August 2003**

<b>Ward:</b>	-	<b>Date:</b>	15 September 2003
<b>Precinct:</b>	-	<b>File Ref:</b>	FIN0005
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	P Forte		
<b>Checked/Endorsed by:</b>	N Russell	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That;*

- (i) *the Schedule of Accounts for the period 1 August – 31 August 2003 be confirmed and the list of payments as laid on the table be included in the Minutes;*
- (ii) *direct lodgement of payroll payments to the personal bank account of employees be confirmed and be included in the Minutes;*
- (iii) *direct lodgement of PAYG taxes to the Australian Taxation Office be confirmed and be included in the Minutes;*
- (iv) *direct lodgement of Child Support to the Australian Taxation Office be confirmed and included in the Minutes;*
- (v) *direct lodgement of creditors payments to the individual bank accounts of creditors be confirmed and included in the Minutes; and*
- (vi) *direct lodgement of Superannuation to Local Government and City of Perth superannuation plans be confirmed and included in the Minutes.*

**COUNCIL DECISION ITEM 10.3.1**

**Moved Cr Torre, Seconded Cr Lake**

*That the recommendation be adopted.*

**CARRIED (7-0)**

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

**DECLARATION OF INTEREST**

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

**BACKGROUND:**

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

**DETAILS:**

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

<b>FUND</b>	<b>CHEQUE NUMBERS/ PAY PERIOD</b>	<b>AMOUNT</b>
<b>Municipal Account</b>		
Town of Vincent Advance Account	EFT	\$1,000,000.00
	EFT	\$126,309.93
	EFT	\$896,517.63
<b>Total Municipal Account</b>		<b>\$2,022,827.56</b>
<b>Advance Account</b>		
Automatic Cheques	44212 - 44455	\$388,667.04
Manual Cheques		\$0.00
Transfer of Creditors by EFT Batch 128-130, 133-136		\$1,017,330.41
Australia Post Lease Equipment	August 2003	\$311.77
Rental Management Lease Two way Radios	August 2003	\$6,155.34
Transfer of Payroll by EFT	August 2003	\$434,244.26
Transfer of PAYG Tax by EFT	August 2003	\$129,558.55
Transfer of Child Support by EFT	August 2003	\$212.54
Transfer of Superannuation by EFT City of Perth	August 2003	\$84,594.49
Local Government	August 2003	\$35,866.71
<b>Total Advance Account</b>		<b>\$2,096,941.11</b>
<b>Bank Charges &amp; Other Minor Debits</b>		
Bank Charges – CBA		\$2,467.84
Lease Fees		\$1,169.32
Corporate MasterCards		\$9,448.35
<b>Total Bank Charges &amp; Other Minor Debits</b>		<b>\$13,085.51</b>
<b>Less GST effect on Advance Account</b>		<b>-\$76,108.00</b>
<b>Total Payments</b>		<b>\$4,056,746.18</b>



**ADVERTISING/CONSULTATION:**

Nil.

**STRATEGIC IMPLICATIONS:**

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

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

**COMMENT:**

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

**10.4.1 Use of Common Seal**

<b>Ward:</b>	-	<b>Date:</b>	16 September 2003
<b>Precinct:</b>	-	<b>File Ref:</b>	ADM0042
<b>Attachments:</b>			
<b>Reporting Officer(s):</b>	M McKahey		
<b>Checked/Endorsed by:</b>	John Giorgi	<b>Amended by:</b>	-

**RECOMMENDATION:**

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

**COUNCIL DECISION ITEM 10.4.1**

**Moved** Cr Torre, **Seconded** Cr Lake

*That the recommendation be adopted.*

**CARRIED (7-0)**

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

**DETAILS:**

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

<b>Date</b>	<b>Document</b>	<b>No of copies</b>	<b>Details</b>
05/08/03	Contract	2	Town of Vincent and John Holland Pty Ltd of Level 11, 263 Adelaide Terrace, Perth re: Perth Oval Redevelopment
04/09/03	Debenture	2	Town of Vincent and Western Australian Treasury Corporation, Perth - Debenture for Loan 1 for \$4.469 million at 5.54% pa repayable 31 August 2007
04/09/03	Lease	2	Town of Vincent and Great Mates Ltd, PO Box 744, Innaloo WA 6018 re: 176 Fitzgerald Street, North Perth from 1/09/03 to 31/08/06
09/09/03	Scheme Amendment Documents	4	Town of Vincent - Town Planning Scheme No. 1 - District Zoning Scheme - To rezone the land contained in the "Eton - Locality Plan 7", from "Residential R30" and "Residential R30/40" to "Residential R20" and replace existing Clause 20(4)(c) in the Scheme Text for the North Perth Precinct P8 and inserting new Clause 20(4)(h)(i) in the Scheme Text for the Mount Hawthorn Precinct P1
16/9/03	Agreement to Lease	4	Leederville Oval - DSR Building - Between Town of Vincent and Minister for Works

**10.4.2 Tender No 274/03 - Leederville Oval Floodlighting**

<b>Ward:</b>	South	<b>Date:</b>	16 September 2003
<b>Precinct:</b>	-	<b>File Ref:</b>	TEN0283, RES0052
<b>Attachments:</b>			
<b>Reporting Officer(s):</b>	Craig Wilson, John Giorgi		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *ACCEPTS the tender as submitted by Musco Lighting Australia Pty Ltd as being the most acceptable to the Town for the provision of design, manufacture, supply and installation of floodlighting at Leederville Oval, for a price of \$305,600 (excluding Goods and Services Tax);*
- (ii) *AUTHORISES the signing and affixing of the Council Common Seal to the contract between the Town and Musco Lighting Australia Pty Ltd; and*
- (iii) *REFERS, in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, to the Western Australian Planning Commission (WAPC), the application and plans dated October 2002 and August 2003, with appropriate conditions, for the proposed floodlights at Leederville Oval, for its consideration and determination;*

**COUNCIL DECISION ITEM 10.4.2**

**Moved Cr Torre, Seconded Cr Lake**

*That the recommendation be adopted.*

**CARRIED (7-0)**

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

**BACKGROUND:**

At the Special Council Meeting held on 30 October 2001, the Council approved of entering into a partnership with the State Government of Western Australia to redevelop and construct a number of sporting facilities, including a Multi-Purpose Rectangular Sports Stadium on Perth Oval, State Indoor Multi-Use Sports Centre on the Loftus Centre land and the redevelopment of Leederville Oval into a "Football Centre of Excellence" for joint use by EPFC and SFC. The Town has also approved of the construction of an office building on Leederville Oval to house the Department of Sport and Recreation.

At the Ordinary Meeting of Council held on 24 September 2002, the Council resolved to approve of the redevelopment of Leederville Oval into a West Australian "Football Centre of Excellence", at an estimated cost of \$4,020,000 and for this to be the home ground and headquarters for East Perth Football Club and Subiaco Football Club.

On 23 July 2003, a tender was advertised calling for the design, manufacture, supply, installation, testing and commissioning of floodlighting for Leederville Oval. At 2pm on 26 August 2003, Four (4) tenders were received. One tender arrived after the closing time and therefore this tender was rejected. Present at the opening were David Paull (Purchasing/Contracts Officer and Craig Wilson (Manager Engineering Design Services).

## TENDER EVALUATION

### Selection Criteria

The following weighted criteria were used for the selection of the contractor for this project;

Criteria	%
Price: Include in the lump sum price all fees, any other costs and disbursements to provide the required service and the appropriate level of the Goods and Services Tax (GST)	<b>60</b>
Demonstrated ability to manage projects	<b>20</b>
Evidence of company stability and experience	<b>10</b>
Demonstrated past and current experience of work of a similar nature	<b>10</b>
<b>TOTAL</b>	<b>100%</b>

### Tender Evaluation Panel

The Tender Evaluation Panel consisted of John Giorgi - Chief Executive Officer, Mr Arnold Hoehn - Managing Director of WMA Consultants Pty Ltd, Consulting Engineers (Electrical and Lighting) and Craig Wilson - Manager Engineering Design Services. The tender was also discussed at the Leederville Oval Working Group on 16 September 2003 and they have concurred with the consultant's recommendation.

Each tender was assessed in accordance with an Evaluation Assessment Matrix as used by the State Government Department of Housing and Works. This provided for the following scoring;

0-1	Inadequate or non-appropriate offer, critical or disqualifying deficiencies, does not meet criterion, unacceptably high risk to Principal.
2-3	Marginal offer, some deficiencies, partly meets criterion, high risk to Principal.
4-5	Fair offer, few deficiencies, almost meets criterion, medium risk to Principal.
6-7	Good offer, no deficiencies, meets criterion, medium to low risk to Principal.
8-9	Very good offer, exceeds criterion, low risk to Principal.
10	Outstanding offer, greatly exceeds criterion, very low risk to Principal.

(Scoring was calculated using the criterion weighting)

### Tender Assessment

Tenderer	Price 60%	Management Ability 20%	Experience 10%	Previous Experience 10%	Total	Ranking
Musco Option 1	60	20	10	10	100	<b>1</b>
Musco Option 2	55.39	20	10	10	95.39	2
ECM Option 1	50.72	20	10	10	90.72	3
ECM Option 2	46.11	20	10	10	86.11	4
ECM Option 3	41.50	20	10	10	81.50	5
ECM Option 4	36.89	20	10	10	76.89	6
ECM Option 5	32.28	20	10	10	72.28	7
ECM Option 6	27.67	20	10	10	67.67	8
ECM Option 7	23.06	20	10	10	63.06	9
ECM Option 8	18.45	20	10	10	58.45	10
Downer RLM Option 1	13.84	20	10	10	53.84	11
Downer RLM Option 2	9.23	20	10	10	49.23	12
Everett Smith	4.61	20	10	10	44.61	13

**TENDER SUMMARY**

WMA Consultants Pty Ltd provided the following tender summary and assessment for each project. Detailed comments for each criterion are shown at the end of the report.

"We have completed our review of the tenders for the floodlighting, which closed at the Town of Vincent offices at 2:00pm Tuesday 26<sup>th</sup> August 2003.

The Tenders as received were;

TENDERER	TENDER PRICE	POLE OPTIONS	FLOODLIGHTING MANUFACTURER
MUSCO OPTION 1	\$301,100	RE USE PERTH POLES	MUSCO
MUSCO OPTION 2	\$310,500	ALL NEW POLES	MUSCO
ECM OPTION 1	\$378,175	RE USE PERTH POLES	PHILIPS/PIERLITE
ECM OPTION 2	\$393,885	ALL NEW POLES	PHILIPS/PIERLITE
ECM OPTION 3	\$385,430	RE USE PERTH POLES	PHILIPS/PIERLITE
ECM OPTION 4	\$400,885	ALL NEW POLES	PHILIPS/PIERLITE
ECM OPTION 5	\$384,100	RE USE PERTH POLES	THORN
ECM OPTION 6	\$394,000	ALL NEW POLES	THORN
ECM OPTION 7	\$387,600	RE USE PERTH POLES	SYLVANIA
ECM OPTION 8	\$397,500	ALL NEW POLES	SYLVANIA
DOWNER RLM OPTION 1	\$428,129	NOT SPECIFIED	THORN
DOWNER RLM OPTION 2	\$442,172	NOT SPECIFIED	PHILIPS/PIERLITE
EVERETT SMITH	\$506,447	NOT SPECIFIED	PHILIPS/PIERLITE

These figures exclude GST. The tenderers have acknowledged receipt of addendum 1 and 2.

The submissions were compared on a "value for money" basis and on the tender technical parameters specified.

We note that all submissions were presented in a professional manner detailing cost, technical details and company information.

The option of reusing the 2 redundant poles from Perth Oval has been included in the tenders by both Musco and ECM. This option provides significant cost savings over using all new poles.

CEO's Comment

*These poles were previously purchased and erected by Perth Glory Soccer Club and became the property of the Town of Vincent in July 2003. The poles are surplus to the stadium's needs and are therefore available for re-use elsewhere.*

Musco Lighting has based their price on their own floodlighting design. Three of the 4 other tenderers have based their prices on a Philips/Pierlite floodlighting design with 2 tenderers also offering an alternative design from Sylvania Lighting and Thorn Lighting.

All submissions comply with the tender specification. Illuminance levels equal or exceed the professional level of play recommended in AS2560 and our brief of 500 lux average horizontal illuminance as summarised:

TENDERER	FLOODLIGHT	COMPETITION						POLE HEIGHT METRES
		EAVE	U1	U2	NO LUMINAIRES	KW	MAX GLARE	
SPECIFIED		500	0.7	0.5		240	50	Min 30m
MUSCO OPTION 1	MUSCO	502	0.7	0.56	102	224	13.7	34&30
MUSCO OPTION 2	MUSCO	503	0.7	0.56	104	228	13.5	34
ECM OPTION 1	PHILIPS/PIERLITE	519	0.72	0.56	112	236	52.6	30
ECM OPTION 2	PHILIPS/PIERLITE	519	0.72	0.56	112	236	52.6	30
ECM OPTION 3	PHILIPS/PIERLITE	500	0.7	0.5	114	240	51.2	30+GRAND
ECM OPTION 4	PHILIPS/PIERLITE	500	0.7	0.5	114	240	51.2	30+GRAND
ECM OPTION 5	THORN	502	0.7	0.56	126	262	45	35&30
ECM OPTION 6	THORN	502	0.7	0.56	126	262	45	35&30
ECM OPTION 7	SYLVANIA	503	0.81	0.5	154	308	50.9	30
ECM OPTION 8	SYLVANIA	503	0.81	0.5	154	308	50.9	30
DOWNER RLM OPTION 1	THORN	502	0.7	0.56	126	262	45	35&30
DOWNER RLM OPTION 2	PHILIPS/PIERLITE	500	0.7	0.5	114	240	51.2	30
EVERETT SMITH	PHILIPS/PIERLITE	500	0.7	0.5	114	240	51.2	30

Our review concentrates on analysing the Musco and Philips design that does not use floodlights on the roof of the grandstand. We consider that there are no real benefits in placing the floodlights on the roof as the uniformity increases only marginally with no increase in the average illuminance. Floodlights on the roof present some issues relating to access and occupational health which are best avoided.

When comparing floodlight numbers, Musco have used 10 less floodlights in their design than that used by Philips, and 24 less than Thorn. We would expect this difference to result in a lower illuminance level and according to the computer models, Musco's average is 17 lux lower over the oval than Philips.

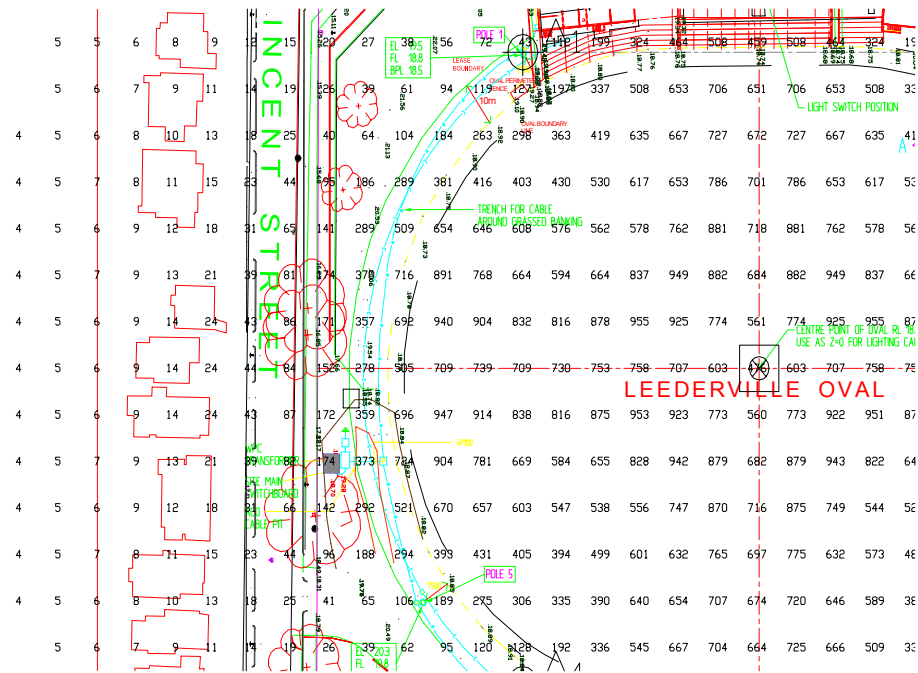
Philips also achieves individual point values over 530 lux at the centre of the oval compared with 460 lux using the Musco 5 pole design and 510 lux using the Musco 4 pole design.

However, fewer floodlights will obviously reduce the running costs and it will be approx. \$3.40 per hour cheaper using the Musco design rather than the Philips design based on the standard tariff.

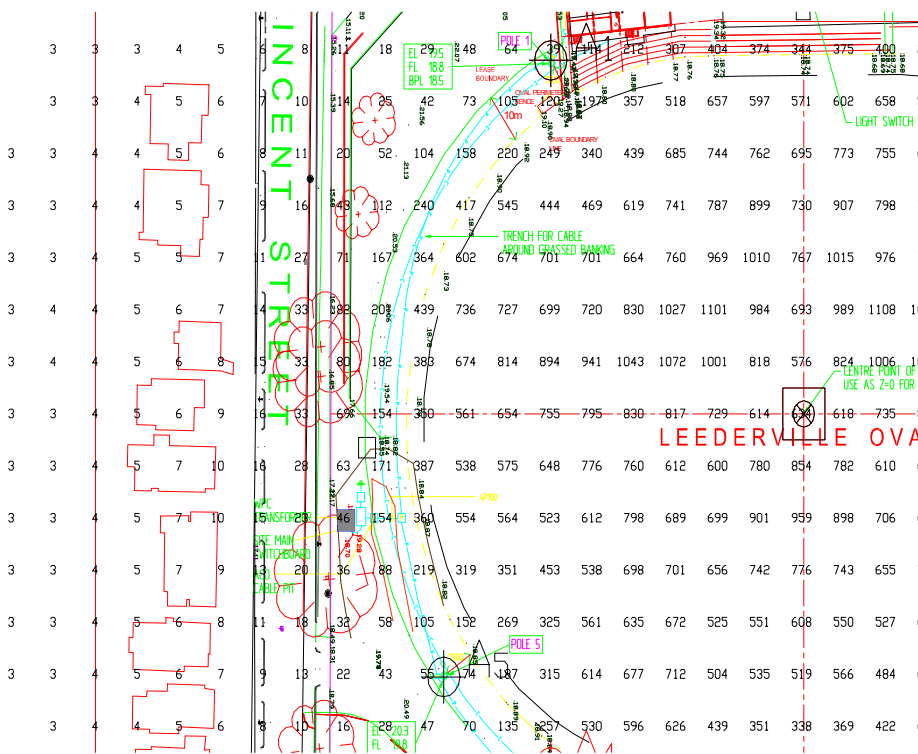
Both of the Musco and Philips submissions indicate that the spill lighting will be below the 20 lux level at the property boundary along Vincent St.

The 20 lux level is the maximum spill lighting recommended in AS4282 as measured at the property boundary for mixed commercial and residential areas.

The following drawings show the calculated spill lighting from the Musco submission.



SPILL LIGHTING MUSCO 4 POLE DESIGN



SPILL LIGHTING MUSCO 5 POLE DESIGN

The Musco 5 pole design and the Philips design have similar spill lighting results. The Thorn design has the highest spill lighting and is between 50 lux and 100 lux at the Vincent St boundary which is excessive.

CEO's Comment

*The light spill to Vincent Street from the Musco 5 pole design is the most acceptable of the tenders. On the northern or oval side of Vincent Street the light spillage varies from 8 - 33 lux dropping to between 6 - 16 lux on the southern side. This doesn't take into account the significant shading effect of the existing Morton Bay Fig Trees and proposed DSR Building. Further, Vincent Street is already illuminated by a series of 250watt High Pressure Sodium streetlights which generate a lux reading in excess of 20lux at the base of the pole dropping to approximately 5 lux within 12 metres. Therefore to the residents of Vincent Street the light spill from the stadium lights would be barely discernible from that of the existing streetlights.*

For an outdoor sport which will be played from daytime through dusk and into the night it is recommended that the lamp temperature be between 4000°k and 6500°k with a colour rendering index of more than 65 to provide natural skin tones and truly reproduce the colours of the player's jumpers. The higher the CRI, the better the colour rendering is.

The Musco lamp has different specifications to the Philips lamp. It has a colour temperature of 4000°k as opposed to the 5600°k Philips lamp.

While the Philips lamp is well within these recommendations, the Musco lamp is on the limits but is acceptable.

The output of all discharge lamps decreases over time and this is termed lumen depreciation. The Musco lamp has a better lumen depreciation characteristic than the Philips lamp.

The lamp data shows that the Musco lamp still has 95% of its initial output at 2000 hours compared to 85% for Philips.

The Philips submission uses 2 different floodlight luminaires and lamps which may increase maintenance costs in the long term.

<b>Floodlight</b>	<b>Initial Lumen Output</b>	<b>Lumen Output @ 2000hrs</b>	<b>Life To 50% Failure</b>	<b>Colour Temp</b>	<b>CRI</b>	<b>Replacement Cost</b>
Musco	200 000	95%	3000hrs	4000°	65	\$380
Philips MHN-SA	200 000	85%	3000hrs	5600°	90	\$350
Philips MHN-LA	190 000	85%	12000hrs	5600°	90	\$285

Musco's submission includes 3 separate guarantees; 1 related to lighting levels, 1 relating to lamp life and 1 relating to the general system installation.

The Musco lighting guarantee states on their submission: "Light level averages and uniformities are guaranteed by Musco. However individual location measurements may vary from computer calculations". No other manufacturer will offer a guarantee equal to this but they are bound by the specification conditions.

The Musco lamp guarantee states in clause VIII of their submission: "Lamps which fail during the two years of the warranty period will be replaced and installed at no cost to the owner". This guarantee provides an extension of the standard 12 months defects liability period required by the specification. It is conditional on a maximum of 500 hours lamp usage per year.



The general equipment guarantee is a conditional guarantee for 2 year labour and materials plus an extra 5 years for materials only.

This is also in additional to the standard 12 months defects liability required by the specification.

The technical submissions can be summarised;

**Musco 5 pole design**

- Meets specified illuminance
- Low spill lighting
- Lowest running costs
- Lowest cost design

**Musco 4 pole design**

- Higher than specified illuminance
- High but acceptable spill lighting
- Low running cost

**Philips Design**

- Highest illuminance level
- Low spill lighting
- Low running cost

**Thorn Design**

- Meets specified illuminance
- Excessive spill lighting
- High running Cost

**Sylvania Design**

- Meets specified illuminance
- Excessive spill lighting
- Highest running costs.

In summary we recommend Musco Lighting Australia's 5 pole option tender for acceptance based on lowest cost, compliance with technical requirements and the extended warrantee period providing the users with the best value for money of all the submissions.

We also recommend consideration of the following options proposed by Musco:

1. Multi-watt switching system – this provides a lower training level illuminance using all luminaires by reducing the lamp voltage. This method of reduced lighting level switching is superior to switching off a number of lights as the uniformity is maintained, with the lamp hours and therefore lumen depreciation remaining equal between floodlights.  
Cost Extra - \$4,500.00 + GST

CEO's Comment

*This option is recommended as it has operating cost savings and will increase the life of the light lamps. It also save energy as full lighting is not required at all times. The additional cost is therefore justified.*

2. Hydraulic lift poles – this will make relamping easier as no large crane is required to drive onto ground to provide access.  
Cost Extra - \$70,000.00 + GST

CEO's Comment

*This Option is not recommended as re-lamping will only occur every 3-4 years, depending on the usage. The hire of a "cherry picker" crane will cost approximately \$1,500 per day and therefore the extra cost for the hydraulic poles therefore cannot be justified.*

3. Alternative cabling system to pole A2 - we have no objection to the proposal to feed this pole from the opposite direction.  
Cost deletion - \$9,000.00 including GST"

CEO's Comment

*This Option is supported as it does not alter the design specification capabilities, however, provides a cost saving of \$9,000.*

**FINANCIAL/BUDGET IMPLICATIONS:**

At the Special Council Meeting held on 10 December 2002, the following costings were approved.

**LEEDERVILLE OVAL REDEVELOPMENT**

**Stage 1 (GST Exclusive Costs)**

	<u>TENDER</u>	<u>BUDGET</u>	<u>COMMENTS</u>
<b>STAGE 1</b>			
Building works	2,419,400	2,235,000	Includes \$35,000 of stage 2 budget for oval lights
Construction contingency	50,000	50,000	Was \$60,000; \$10,000 now transferred to stage 2
<b>SUB-TOTAL</b>	<b>2,469,400</b>	<b>2,285,000</b>	
<b>ADD</b>			
Tender Option 1	70,909	155,000	Recommended; includes \$135,000 of Stage 2 budget
<b>CONTRACT SUM</b>	<b>2,540,309</b>	<b>2,440,000</b>	
POS and carparks*	nil	200,000	By Town – not in building contract
Professional fees	260,000	260,000	
<b>TOTAL FOR STAGE 1</b>	<b>\$2,830,900</b>	<b>\$2,900,000</b>	
<b>STAGE 2</b>			
Oval lighting	n/a	380,000	\$35,000 now included in Stage 1 works
Siteworks	n/a	50,000	Retaining walls, ramps and steps next to SFC
Code compliance works	n/a	60,000	Was Stage 1 - (eg: concrete cancer, ventilation)
Construction contingency	n/a	10,000	\$10,000 transferred from Stage 1
<b>TOTAL FOR STAGE 2</b>		<b>\$500,000</b>	
<b>STAGE 3</b>			
Siteworks	n/a	20,000	Was Stage 1 - scoreboard & ticketing area
POS and carparks	n/a	600,000	By Town
<b>TOTAL FOR STAGE 3</b>		<b>\$620,000</b>	
<b>TOTAL FOR STAGES 1-3</b>		<b>\$4,020,000</b>	

\*

Note:

*In October 2002 the Town spent \$78,292 on a new bore and in-ground reticulation of the Oval and \$118,615 on the Richmond Street carparking and associated street works. Whilst included in the budget, these costs did not form part of the building contract.*

**PROJECT COSTS**

Item	Cost
Lighting Tender	\$301,100
Optional Multi-watt switching	\$4,500
Electrical substation - Leederville Oval 50%	\$39,200
Main switch (provisional sum)	\$8,000
Sub mains to Leederville Oval (provisional sum)	\$10,000
Payment for Perth Oval light poles	\$9,400
SUBTOTAL	\$372,200
Savings on cabling alternative	\$8,000
<b>TOTAL</b>	<b>\$364,200</b>

The recommended tender is most competitive and is within the allocated budget. The cost savings will enable other essential works to be carried out (ie upgrade of grandstand balustrades and safety rails \$20,000, replacement of verandah in front of the grandstand \$10,000, upgrade of grandstand and installation of seats [relocated from Perth Oval] \$10,000, improvements to overall grandstand \$10,000).

**FUNDING SOURCES**

The total budget for the redevelopment of Leederville Oval is \$4,020,000 and the funding arrangement is as follows;

Source	Buildings	Public Open Space	Lights (500 lux)	\$ Cost
Town	1,805,000	800,000	115,000	2,720,000
Government	300,000	0	300,000	600,000
Subiaco Football Club	700,000	0	0	700,000
East Perth Football Club	0	0	0	0
Others (WAFC)	0	0	0	0
<b>Total</b>	<b>2,805,000</b>	<b>800,000</b>	<b>415,000</b>	<b>4,020,000</b>

**LEGAL/POLICY IMPLICATIONS:**

The tenders were called in accordance with the Local Government (Functions and General) Regulations 1996, Part 4.

The Western Australian Planning Commission (WAPC) is the approving authority for Leederville Oval. The Council will be required to refer the development application to the WAPC, for determination.

**PRINCIPAL ACTIVITIES PLAN:**

The upgrade of Leederville Oval is listed in the Town's Principal Activities Plan.

**STRATEGIC IMPLICATIONS:**

The upgrade and redevelopment of Leederville Oval is in accordance with the Town's previous Strategic Plan 2000-2002 Key Result Area 3.6 *"Develop and Implement Strategies to improve the Town's Parks and Reserves"*, in particular, Key Result Area 3.6(a) - *"Investigate and Develop the future of Leederville Oval"*.

**COMMENT:**

The Town's partnership with the State Government of Western Australia to provide upgraded and new sporting facilities within the Town of Vincent, as part of the State Sporting Facilities Plan will be a major benefit to the Town, its residents and taxpayers. The Council's approval of this recommendation is therefore requested.

**10.4.3 Information Bulletin**

<b>Ward:</b>	-	<b>Date:</b>	16 September 2003
<b>Precinct:</b>	-	<b>File Ref:</b>	-
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	A Smith		
<b>Checked/Endorsed by:</b>	J Giorgi	<b>Amended by:</b>	-

**RECOMMENDATION:**

*That the Information Bulletin dated 23 September 2003, as distributed with the Agenda, be received.*

**COUNCIL DECISION ITEM 10.4.3**

**Moved Cr Torre, Seconded Cr Lake**

*That the recommendation be adopted.*

**CARRIED (7-0)**

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

**DETAILS:**

The items included in the Information Bulletin dated 23 September 2003 are as follows:

ITEM	DESCRIPTION
IB01	Letter from Heritage Council of Western Australia - Register of Heritage Places - North Perth Fire Station (FMR), No. 21 View Street, North Perth
IB02	Statement by Respondent - Town Planning Appeal No. 233 of 2003 - No. 68 (Lot W30) Emmerson Street, North Perth
IB03	Review of Town Planning Scheme No. 1 - Key Performance Indicators
IB04	Energy Efficiency - Building Code of Australia (BCA) Amendment No. 13
IB05	Elected Members Briefing Session - 11 September 2003
IB06	Letter to Ms L Dedear, 98 Buxton Street Mt Hawthorn – Response to Questions Taken on Notice asked at the Ordinary Meeting of Council – 9 September 2003
IB07	Letter from Wilson Tuckey MP - to congratulate Town of Vincent on their selection as the Rural Winner in the Information Services Category of the 2003 National Awards for Local Government
IB08	Town of Vincent Town Planning Scheme No. 1 – Amendment No. 11: Rezoning the Land Contained in the “Eton – Locality Plan 7” - Status of Subdivision Applications

**10.1.4 Further Report - No. 55 (Lot 458) Hobart Street Corner London Street, North Perth – Proposed Partial Demolition of and Alterations, Additions, and Carport to Existing Single House and Construction of Two (2) Two-Storey Single Houses**

<b>Ward:</b>	North	<b>Date:</b>	16 September 2003
<b>Precinct:</b>	North Perth P8	<b>File Ref:</b>	PRO2350; 00/33/1628
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	P Mastrodomenico, N Edgecombe		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	J Giorgi

**CHIEF EXECUTIVE OFFICER'S 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 as Amendment No.11 to the Town of Vincent Town Planning Scheme No.1 proposes to rezone the Eton Locality from R30 and R30/40 to R20, and the Minister for Planning and Infrastructure in letter dated 7 August 2003, and the Western Australian Planning Commission in letter dated 20 August 2003, has conditionally approved Amendment No.11; and*
- (ii) the proposed development does not comply with the housing density requirements of the R20 code;*

*the Council REFUSES the application submitted by Birch Architecture and Design on behalf of the owners The Girls Brigade Western Australia Inc for proposed partial demolition of and alterations, additions, and carport to existing single house and construction of two (2) two-storey single houses at No.55 (Lot 458) Hobart Street, (corner London Street,) North Perth and as shown on the plan stamp-dated 20 August 2003.*

**COUNCIL DECISION ITEM 10.1.4**

**Moved Cr Lake, Seconded Cr Torre**

*That the recommendation be adopted.*

*Debate ensued.*

**CARRIED (4-3)**

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

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

### **FURTHER REPORT:**

The Council at its Ordinary Meeting held on 26 August 2003 resolved to defer an application for proposed partial demolition of and alterations, additions, and carport to existing single house and construction of two (2) two-storey single houses. The Council resolved to defer its consideration of the application so that a further report be provided to the Council to clarify the heritage value of the existing building on the property.

### **Heritage Comments**

A detailed heritage assessment is contained in Appendix 10.1.4.

The subject dwelling at No. 55 (Lot 458) Hobart Street, North Perth is a c.1920 brick and metal roof, dual use shop-house (former). Built during a period of residential development north of the city, the subject building has been altered to accommodate additional living space and adaptations to modernise the appearance and functionality of the place. The usage has been adapted from residential and retail, to a facility for the community based organisation, The Girls Brigade Inc.

The original floor plan of the main building has been altered with the removal of the central dividing wall in the rear room and the addition of rooms under the side and rear skillions. Some of the original fittings and features have been removed, such as the internal vents, chimney, original windows and roof materials. However, the original wooden floorboards and skirtings remain in the main body of the building as well as the ceiling rose, picture rail and some of the high walled wooden doors. It is considered that the place has only a moderate degree of authenticity.

The subject buildings, having some social and representative value in accordance with the Town's Policy relating to Heritage Management - Municipal Heritage Inventory, is considered to meet the threshold for protection. It is therefore recommended that the place be adapted and conserved accordingly.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 26 August 2003:

### "CHIEF EXECUTIVE OFFICER'S 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 as Amendment No.11 to the Town of Vincent Town Planning Scheme No.1 proposes to rezone the Eton Locality from R30 and R30/40 to R20, and the Minister for Planning and Infrastructure in letter dated 7 August 2003, and the Western Australian Planning Commission in letter dated 20 August 2003, has conditionally approved Amendment No.11; and
- (ii) the proposed development does not comply with the housing density requirements of the R20 code;

the Council REFUSES the application submitted by Birch Architecture and Design on behalf of the owners The Girls Brigade Western Australia Inc for proposed partial demolition of and alterations, additions, and carport to existing single house and construction of two (2) two-storey single houses at No.55 (Lot 458) Hobart Street, (corner London Street,) North Perth and as shown on the plan stamp-dated 20 August 2003.

*OFFICER RECOMMENDATION:*

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Birch Architecture and Design on behalf of the owners The Girls Brigade Western Australia Inc for proposed partial demolition of and alterations, additions, and carport to existing single house and construction of two (2) two-storey single houses at No.55 (Lot 458) Hobart Street, (corner London Street,) North Perth, and as shown on the plans stamp dated 20 August 2003, subject to:*

- (i) — a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
  - (ii) — no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Hobart Street and London Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the new front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
  - (iii) — subject to first obtaining the consent of the owners of No. 53 Hobart Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 53 Hobart Street in a good and clean condition;*
  - (iv) — to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development;
    - (a) — the windows to bedroom 2 and bedroom 3/study/sitting room on first floor level on the northern elevation of the northern new dwelling; and*
    - (b) — the windows to bedroom 2 on the first floor level on the southern elevation of the southern new dwelling;**
- shall be screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the respective finished floor levels. A permanent obscure material does not include a self adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002;*
- (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) — standard visual truncations, in accordance with the Town's Policies and to the satisfaction of the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;~~
- ~~(vii) — 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 \$1100 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;~~
- ~~(ix) — the construction of crossovers shall be perpendicular to the road and be in accordance with the Town's specifications;~~
- ~~(x) — prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;~~
- ~~(xi) — compliance with all relevant Environmental Health, Engineering and Building requirements;~~
- ~~(xii) — a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Hobart Street and London 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);~~
- ~~(xiii) — prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating the western, northern and southern elevations of the carports to the new dwellings each being visually permeable with a minimum of 50 percent transparency. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;~~

~~to the satisfaction of the Chief Executive Officer.~~

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Moved Cr Cohen, Seconded Cr Torre

*That the recommendation be adopted.*

*Debate ensued.*

COUNCIL DECISION ITEM 10.1.14

Moved Cr Cohen, Seconded Cr Franchina

*That this item be DEFERRED so that a further report be provided to Council to clarify the heritage value of the existing building on the property.*

CARRIED (5-3)



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

(Mayor Catania on approved leave of absence.)

**FURTHER REPORT:**

*Heritage Comments*

The Agenda Report states the following in relation to the heritage aspect of the existing place:

*"The applicant has provided the following information in support of the application;*

*"Currently the site is owned by the Girls Brigade of Western Australia Inc. and operates as one of their agencies. It has been operating as a Girl's Brigade since the 1980's. Prior to this the building was the local corner store, with combined residence, and this was the original use of the site. We have no information on exactly when the building was constructed however Mr Peake moved into 57 Hobart Street (directly across London Street) in 1928 and the corner store was already built and operating....."*

*From inspecting the building it appears that additions and alterations have been made at approximately three different stages. These additions are proposed to be removed as they have no significance to the original building. It also shows that the corner store was one of the first buildings constructed on Hobart Street.*

*The site has always played a role in the local community, originally operating as a local corner store for over 50 years and more recently changing to a Girl's Brigade... the original building still stands with the same basic exterior profile and has been an important part of the local community for at least 75years, and possibly considerably longer. The proposed conversion of the building to a dwelling fits the Town of Vincent's residential coding and by working with the original historic fabric it ensures the streetscape that has evolved around the corner store is maintained.*

*This building is of significant local heritage value and should be maintained. The proposal is sympathetic to the original style of the building and includes replacing two aluminium framed sliding windows in the Hobart St façade with four timber framed double hung windows to match the original windows found in the side and rear elevations. The water pipe currently supporting the original verandah will be replaced with timber posts as they originally were, and the chocolate brick balustrade to the verandah will be replaced with a picket fence as seen in the old photograph of the site. Essentially the renovation of the existing building will ensure the style, form, bulk and scale of the original building is maintained and the streetscape remains as it began pre-1928." ...*

*Partial Demolition*

*The existing dwelling (former shop) at No.55 (Lot 458) forms part of the original streetscape and although substantially altered, it represents the general scale and style of dual shop-houses, which once operated amongst the growing suburban streets. The applicant has provided historical documentation and oral accounts of the former uses of the existing dwelling to support the development application. Based on this information, and the retention and upgrade of the existing dwelling, the proposed additional development is considered acceptable."*

*Additional Heritage Comments*

*Located in the area of Workers Homes Board housing in Mount Hawthorn, this building serviced the working and increasing middle class community as a dual shop house for over 50 years. The City of Perth Building License records indicate that alterations to the building occurred in 1927, 1929 and 1935. An oral history account with Mr Harold Peake, neighbour, indicates that the shop was fully operational in 1928 when he moved into No. 57 Hobart Street on the corner opposite the shop.*

*In 1976, a Building License was approved for rendering the original red brick at the subject building. The Certificate Of Title shows the property as registered to the Girls Brigade Australia Ltd on 19 October 1979, although it is uncertain as to exactly when the building ceased to be used as a shop. Mr Peake recalls an interim period of time where the property was used solely as a residence, upon the death of the elderly lady who lived there.*

*When the Girls Brigade became the owners of the property, some of the original internal walls were removed to open the building for practical use as a hall. The ceiling in the main body of the building is original, and the wide jarrah floorboards also remain, although they are covered by carpet. The front verandah appears to have been extended to meet the built extension on the east side of the building. The original chimney appears to have been removed when the rear brick extension, occupying toilets and office space, was added to the building.*

*As a place formerly associated with the new-wave Workers Homes Board development following World War One, the former dual shop-house is likely to have some social and historical significance.*

*Amendment No. 11*

*If Amendment No. 11, as modified by the Minister for Planning and Infrastructure and the Western Australian Planning Commission, is promulgated, the subject property will be zoned Residential R20. Consequently, Town Planning Scheme No. 1 will have no specific requirement to retain the existing building, however, any application for demolition of the existing building will still require Planning Approval to applied to and granted by the Town, and a detailed heritage assessment will be prepared at the demolition application stage for consideration by the Council.*

*LANDOWNER: The Girls' Brigade Western Australia Inc*  
*APPLICANT: Birch Architecture and Design*  
*ZONING: Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R30/40*  
*EXISTING LAND USE: Single House*

*COMPLIANCE:*

<i>Use Class</i>	<i>Single House</i>
<i>Use Classification</i>	<i>"P"</i>
<i>Lot Area</i>	<i>668 square metres</i>

<i>Requirements</i>	<i>Required</i>	<i>Proposed</i>
<i>Side Setback (East)</i>		
<i>-Ground Floor</i>	<i>1.5 metres</i>	<i>Nil - 1.275 metres</i>
<i>-First Floor</i>	<i>1.9metres</i>	<i>Nil - 1.3 metres</i>

*SITE HISTORY:*

*The subject site is occupied by a single storey character dwelling, which is owned and used by the Girls Brigade. The surrounding area is characterised by single residential and grouped dwellings of one and two storeys.*

*An application to create three survey strata lots has been made to the Western Australian Planning Commission.*

*The Council at its Ordinary Meeting held on 27 May 2003 resolved to recommend refusal of the survey strata application on the site. On 21 July 2003, the Western Australian Planning Commission resolved to defer the subdivision application pending the determination of a development application by the Town of Vincent.*

*CONSULTATION/ADVERTISING:*

*There were no objections received during the advertising period.*

*DETAILS:*

*Approval is sought for proposed partial demolition of and alterations, additions, and carport to existing single house and construction of two (2) two-storey single houses. The applicant has provided the following information in support of the application;*

*"Currently the site is owned by the Girls Brigade of Western Australia Inc. and operates as one of their agencies. It has been operating as a Girl's Brigade since the 1980's. Prior to this the building was the local corner store, with combined residence, and this was the original use of the site. We have no information on exactly when the building was constructed however Mr Peake moved into 57 Hobart Street (directly across London Street) in 1928 and the corner store was already built and operating..... From inspecting the building it appears that additions and alterations have been made at approximately three different stages. These additions are proposed to be removed as they have no significance to the original building. It also shows that the corner store was one of the first buildings constructed on Hobart Street.*

*The site has always played a role in the local community, originally operating as a local corner store for over 50 years and more recently changing to a Girl's Brigade... the original building still stands with the same basic exterior profile and has been an important part of the local community for at least 75years, and possibly considerably longer. The proposed conversion of the building to a dwelling fits the Town of Vincent's residential coding and by working with the original historic fabric it ensures the streetscape that has evolved around the corner store is maintained.*

*This building is of significant local heritage value and should be maintained. The proposal is sympathetic to the original style of the building and includes replacing two aluminium framed sliding windows in the Hobart St façade with four timber framed double hung windows to match the original windows found in the side and rear elevations.*

*The water pipe currently supporting the original verandah will be replaced with timber posts as they originally were, and the chocolate brick balustrade to the verandah will be replaced with a picket fence as seen in the old photograph of the site. Essentially the renovation of the existing building will ensure the style, form, bulk and scale of the original building is maintained and the streetscape remains as it began pre-1928."*

*LEGAL/POLICY:*

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

*STRATEGIC IMPLICATIONS:*

*Nil.*

*FINANCIAL/BUDGET IMPLICATIONS:*

*Nil.*

*COMMENTS:*

*Partial Demolition*

*The existing dwelling (former shop) at No.55 (Lot 458) forms part of the original streetscape and although substantially altered, it represents the general scale and style of dual shop-houses, which once operated amongst the growing suburban streets.*

*The applicant has provided historical documentation and oral accounts of the former uses of the existing dwelling to support the development application. Based on this information, and the retention and upgrade of the existing dwelling, the proposed additional development is considered acceptable.*

*Side Setbacks*

*The eastern side setback variations (parapet wall) is considered supportable, as it abuts an existing 3.5 metres high parapet wall on the neighbouring property, and no objections were received from the affected neighbours. As such, the parapet wall is not considered to have an unreasonable adverse effect on the adjacent properties.*

*London Street - Other Regional Road Reserve*

*The Town has referred this application to the Department for Planning and Infrastructure (DPI) for their comments and recommendation in relation to the Metropolitan Region Scheme "Other Regional Roads" (ORR) reservation of London Street.*

*The DPI has provided the following recommendation, "it is recommended that, vehicular access to proposed lot 2 and lot 3 be provided via one driveway." The proposed development complies with the DPI's recommendation and as such is supported.*

*Scheme Amendment No. 11*

*The subject property is located within the Town's Eton Locality, which is subject to Amendment No.11 to the Town of Vincent Town Planning Scheme No. 1. Amendment No.11 proposes to rezone the Eton Locality from R30 and R30/40 to R20. In letter dated 12 August 2003, the Western Australian Planning Commission (WAPC) advised that it "has decided not to approve the above Amendment until such time as the following modifications are effected:*

- 1. modifying the amending plan to delete those areas denoted in cross-hatching on the attached plan from the amendment area, as little or no evidence of support for the change proposed is in evidence in those areas; and*
- 2. amending clause 20(4) of the Scheme to insert new provisions to specify the time period within which the proposed R20 density coding is to be applicable."*

*Amendment No. 11 is not effective until all the following matters have been completed:*

- 1. Agenda report to the Ordinary Meeting of Council in relation to the above matter.*
- 2. Scheme amending documents to be modified.*
- 3. The modified Scheme amending documents to be signed, sealed and endorsed by the Chief Executive Officer and the Mayor.*
- 4. The modified endorsed Scheme amending documents forwarded to the WAPC and the Minister for Planning and Infrastructure for final approval.*
- 5. Final approval by WAPC and the Minister.*
- 6. Gazettal of final approval of Amendment No. 11.*

*In light of the above, Amendment No. 11 is not expected to be promulgated for another 2 to 3 months.*

*The Town's Solicitors have confirmed that ~~it is the Town's understanding that the Town's Planning Officers are~~ is required to determine any planning and subdivision application in accordance with the provisions of the Town Planning Scheme in force at the time the application comes to be determined. Therefore, the application should be determined in accordance with current density code, and not the proposed modifications the subject of Amendment No. 11. The proposed development is in accordance with the R40 density code.*

*Summary*

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

*CHIEF EXECUTIVE OFFICER'S COMMENT:*

*The Chief Executive Officer has amended this report and the changes are shown by ~~strike through~~ where words are deleted and underlining where words have been added.*

*The Chief Executive Officer is to "ensure that advice and information is available to the Council so that informed decisions can be made", (in accordance with the Local Government Act, Section 5.41(b)). The Chief Executive Officer has the authority to amend an Officer's report to ensure that the Council is fully informed.*

*The Town's solicitors have verbally advised the Chief Executive Officer that the proposed amendment is a "significant and relevant factor" which the Council can give due consideration to when considering this matter and making recommendations to the Western Australian Planning Commission. Accordingly, the Council can recommend refusal of such applications "during the interim period" whilst the amendment is being promulgated.*

*At previous meetings, the Council has indicated that it is of the opinion that subdivision/development applications in the Eton Locality should be REFUSED, whilst Amendment No. 11 to the Town Planning Scheme No. 1 is being promulgated. The Council has previously stated that it is basing its decision on the fact that the proposed subdivisions/developments "conflict with the intent of the Council and the Minister for Planning and Infrastructure's decision concerning the amendment."*

**10.1.1 Further Report - No. 12A (Lot 88) (Survey Strata Lot 2) Knutsford Street, North Perth - Proposed Two-Storey Single House**

Ward:	North	Date:	15 September 2003
Precinct:	Norfolk; P8	File Ref:	PRO1979; 00/33/1713
Attachments:	<a href="#">001</a>		
Reporting Officer(s):	P Mastrodomenico		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

**FURTHER OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme the Council APPROVES the application submitted by the owner L C McKay for proposed two-storey single house at No. 12A (Lot 88) (Survey Strata Lot 2) Knutsford Street, North Perth, and as shown on plans stamp dated 9 September 2003, subject to:*

- (i) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (ii) a road and verge security deposit bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (iii) the construction of crossovers shall be in accordance with the Town's specifications;*
- (iv) prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (v) 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) standard visual truncations, in accordance with the Town's Policies and to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*
- (vii) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (viii) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development the windows to bedroom 2 and bedroom 3 on the first floor level on the eastern elevation shall be screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be a major opening as defined in the Residential Design Codes 2002;*

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

(a) *the deletion of the proposed store to the dwelling; and*

(b) *no development being within a 2.0 metres radius of the existing Eucalyptus tree (listed on the Town's Significant Tree Database - Reference) on No.14 Knutsford Street, as recommended by the Arboriculturist;*

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

(x) *no compaction is to occur within a 2.0 metres radius of the existing Eucalyptus tree (listed on the Town's Significant Tree Database - Reference) on No.14 Knutsford Street, as recommended by the Arboriculturist;*

*to the satisfaction of the Chief Executive Officer.*

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**Moved Cr Lake, Seconded Cr Cohen**

*That the recommendation be adopted with the following amendment to subclause (ix)(b) and with the addition of the following new subclause (ix)(c):*

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

(b) *no development being within a 2.0 metre radius from the base of the tree of the existing Eucalyptus tree (listed on the Town's Significant Tree Database – Reference) on No 14. Knutsford Street, as recommended by the Arboriculturist; and*

(c) *an accurate site plan depicting the correct ground floor layout and setbacks;*

*Debate ensued.*

**CARRIED (7-0)**

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

**COUNCIL DECISION ITEM 10.1.1**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme the Council APPROVES the application submitted by the owner L C McKay for proposed two-storey single house at No. 12A (Lot 88) (Survey Strata Lot 2) Knutsford Street, North Perth, and as shown on plans stamp dated 9 September 2003, subject to:*

(i) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*

- (ii) *a road and verge security deposit bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (iii) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (iv) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (v) *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) *standard visual truncations, in accordance with the Town's Policies and to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*
- (vii) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (viii) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development the windows to bedroom 2 and bedroom 3 on the first floor level on the eastern elevation shall be screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be a major opening as defined in the Residential Design Codes 2002;*
- (ix) *prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating the following;*
  - (a) *the deletion of the proposed store to the dwelling; and*
  - (b) *no development being within a 2.0 metre radius from the base of the tree of the existing Eucalyptus tree (listed on the Town's Significant Tree Database – Reference) on No 14. Knutsford Street, as recommended by the Aboriculturalist; and*
  - (c) *an accurate site plan depicting the correct ground floor layout and setbacks;*

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

- (x) *no compaction is to occur within a 2.0 metres radius of the existing Eucalyptus tree (listed on the Town's Significant Tree Database - Reference) on No.14 Knutsford Street, as recommended by the Aboriculturalist;*

*to the satisfaction of the Chief Executive Officer.*



**FURTHER REPORT:**

The Council at its Ordinary Meeting held on 26 August 2003 resolved to defer an application for a proposed two storey single house. Council resolved to defer its consideration of the application to enable a further report to be provided to the Council to clarify the species of tree and the impact of retention of that species of tree in regard to the application. The applicant has provided an updated Aboricultural report stating that the species of the subject tree on No. 14 Knutsford Street is *Eucalyptus radis* (Flooded Gum). The tree has a clinometer height reading of 26.7 metres, with a canopy spread of 14.2 metres north/south and 21 metres east/west. The report provides the following recommendations to maintain the tree:

- Remove the damaged major southern stem back to source;
- Maintain a 2.0 metres protection zone away from the base of the tree free from any development;
- Keep compaction of the site to a minimum; and
- Cleanly prune any exposed roots with a diameter which exceeds 50 millimetres;

A copy of the Aboriculturist report is included as an attachment to this report.

The applicant has submitted plans on 9 September 2003, which demonstrates the northern ground floor setback being increased from nil to 1.0 metre (with non-major openings) to comply with the side setback requirements of the Residential Design Codes. The revised plans also show a non-major window to bedroom 2 on the first floor on the western elevation.

The revised plans include a portion of the ground floor and store within the "protection zone" of 2.0 metres radius from the base of the tree; as such condition/clause (ix) has been applied. In light of the above, the previous Officer Recommendation remains unchanged, except for the preamble reflecting the revised plans, and the deletion of previous clause/condition (xiii), which is no longer applicable.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 26 August 2003:

*"OFFICER RECOMMENDATION:*

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme the Council APPROVES the application submitted by the owner L C McKay for proposed two-storey single house at No. 12A (Lot 88) (Survey Strata Lot 2) Knutsford Street, North Perth, and as shown on plans stamp dated 11 August 2003, subject to:*

- (i) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (ii) a road and verge security deposit bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (iii) the construction of crossovers shall be in accordance with the Town's specifications;*

- (iv) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (v) *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) *standard visual truncations, in accordance with the Town's Policies and to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*
- (vii) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (viii) *subject to first obtaining the consent of the owners of No. 12 Knutsford Street and No.14 Knutsford Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls and/or pillars facing No. 12 Knutsford Street and No.14 Knutsford Street in a good and clean condition;*
- (ix) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development the windows to bedroom 2 and bedroom 3 on the first floor level on the eastern elevation shall be screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be a major opening as defined in the Residential Design Codes 2002;*
- (x) *prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating the deletion of the proposed store to the dwelling. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and*
- (xi) *no compaction is to occur within a 2.0 metres radius of the existing Eucalyptus tree (listed on the Town's Significant Tree Database - Reference) on No.14 Knutsford Street as recommended by the Aboriculturist;*

*to the satisfaction of the Chief Executive Officer.*

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*Moved Cr Cohen, Seconded Cr Torre*

*That the recommendation be adopted.*

*Debate ensued.*

*COUNCIL DECISION ITEM 10.1.12*

*Moved Cr Cohen, Seconded Cr Lake*

*That this item be DEFERRED so that a further report be provided to Council to clarify the species of tree and the impact of retention of that species of tree in regard to this application.*

*Debate ensued.*

CARRIED (7-1)

For  
Deputy Mayor Ker  
Cr Chester  
Cr Cohen  
Cr Doran-Wu  
Cr Farrell  
Cr Franchina  
Cr Lake

Against  
Cr Torre

*(Mayor Catania on approved leave of absence.)*

**FURTHER REPORT:**

*A copy of a site plan showing the location of the subject Eucalyptus gomphocephala (Tuart) tree on No. 14 Knutsford Street was submitted by the applicant on 26 August 2003. This plan is attached to this Further Report for consideration by the Council.*

LANDOWNER: L C McKay  
 APPLICANT: L C McKay  
 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	320 square metres

Requirements	Required	Proposed
Setbacks-		
West (ground floor)	1.5 metres	Nil (carport)
North (ground floor)	1.0 metre	Nil

**SITE HISTORY:**

- 3 November 2000 Approval was granted for the amalgamation of Lots Pt49 and Pt50 to create Lot 88 Knutsford Street, North Perth.
- 27 November 2000 The Western Australian Planning Commission approved a diagram of survey for the survey strata subdivision of the land, creating a rear lot of 320 square metres, with an effective lot area (excluding the accessway) of approximately 216 square metres. The subject rear survey strata Lot 2 has been created on a certificate of title.
- 11 December 2000 Planning Approval was granted for an additional single-storey grouped dwelling to the existing dwelling at No. 12 (Lots Pt49 and Pt50) Knutsford Street, North Perth subject to conditions. This dwelling has not been built.

14 May 2002            *The Council at its Ordinary Meeting, refused an application for the proposed two-storey grouped dwelling to existing dwelling at No. 12A (Lot 88) Knutsford Street, North Perth for the following reasons:*

1.        *Consideration of the petition received relating to objections.*
2.        *Lack of privacy caused by this application.*
3.        *The infringement on the amenity of the area caused by this development.*

16 July 2002            *The Town was advised that an appeal had been lodged with the Minister for Planning and Infrastructure against the decision of the Town to refuse the application for a two-storey grouped dwelling to existing dwelling at No. 12A Knutsford Street, North Perth.*

9 August 2002            *The Town's Planning Officers met with a representative of the Minister's Appeals Office.*

27 August 2002            *The Council at its Ordinary Meeting, refused an application for the proposed two-storey grouped dwelling to existing dwelling at No. 12A (Lot 88) Knutsford Street, North Perth for the following reasons:*

*Reasons:*

1.        *Consideration of objections received.*
2.        *Lack of privacy caused by the application.*
3.        *The infringement on the amenity of the area caused by this development.*
4.        *The non-compliance with Residential Planning Codes.*

11 February 2003            *The Minister for Planning and Infrastructure dismissed the appeal.*

*DETAILS:*

*The two-storey dwelling is proposed at the rear of an existing house with access via a battleaxe access leg. A Eucalyptus tree is located within the property boundaries of adjoining No. 14 Knutsford Street, which is listed on the Town's Significant Tree Data Base - Reference.*

*CONSULTATION/ADVERTISING:*

*One submission was received during the consultation period. Concerns were raised of the loss of privacy, the proposed parapet wall and the impact on the existing tree listed on the Town's Significant Tree Database - Reference, which borders the subject property's northern boundary.*

*COMMENTS:*

*Site Constraints*

*The subject lot has a number of constraints which limit the design and effective use of the lot. The design of the survey strata subdivision provides access from a battleaxe driveway. A 2.42 metres to 3.16 metres wide sewerage easement is located along the rear of the lot, which effectively can not be built upon. In addition, the survey strata lot is reasonably narrow and therefore, car parking areas and vehicular movements are relatively restricted. The applicant has submitted revised plans to address the Town's concerns relating to manoeuvring of vehicles so that vehicles can exit the property in forward gear.*

### *Setbacks*

*The northern side setback variation (parapet wall) is considered supportable as it single storey in height and relatively short in length, 6.2 metres. As such, the parapet wall is not considered to have an unreasonable adverse effect on the adjacent properties and is considered supportable, as it complies with Clause 3.3.2 (A2) (iii) of the Residential Design Codes.*

*The western side setback variation (carport) is considered supportable, as the carport is visually permeable and is constructed of three posts located on the boundary, and as such is not considered to have an unreasonable adverse effect on the adjacent western property.*

### *Significant Tree*

*The applicant has employed an Arboriculturist to assess the Eucalyptus tree on No. 14 Knutsford Street. The entire report is included as an attachment to this report, and the report's conclusions are outlined as follows;*

*"...This consultant's inspection of the tree in question revealed that to accommodate future incremental growth of the multi-stemmed trunk, the boundary wall has been curved around the stem, and although there was some evidence of slight structural movement of the wall adjacent to the tree, this is mostly likely attributed to the structure of the wall and not direct physical action from the tree in question.*

*As previously confirmed although the multi-stemmed main trunk was found to be predominantly in a mechanically structurally sound condition, the major northern stem has recently fractured and failed from its mechanically weak point of compression forking, which has subsequently resulted in the retention of a deep inverted jagged wound.*

*This consultant confirms that compression forks can be defined as two or more stems, which are increasingly pressed together by the formation of reactive wood. As the stems increase in incremental growth the bark tissue becomes enclosed, of which in conjunction with the inability for compression forks to carry tensile loads and particularly during times of excessive asynchronous lateral movement the fork subsequently fractures and fail as was evident upon the fork in question.*

*However, although it was clearly evident that the fork had gradually fractured over a period of time, due to the extent of discolouration upon its upper section, the depth of resultant inverted jagged wound in conjunction with the extent of loading and internal tensile stresses being placed upon the wound have substantially reduced the mechanical structural strength and the stability of the remaining southern stem, rendering the stem liable to future fracture and failure, therefore a high level of risk to the property known as No: 12a Knutsford Street.*

*Although it is feasible to reduce some of the loading being placed upon the lower inverted wound by selective limb reduction, such an operation is short term only, with the wound gradually decaying over a period of time and the limbs increasing in extension growth.*

*Therefore this consultant would recommend that the southern stem be reduced back to source based upon safety grounds.*

*An inspection of the remaining canopy revealed that it was found to be in a mechanically structurally sound condition with no evidence of weak forking or excessive limb loading and therefore does not represent a high level of risk to property or persons.*

*This consultant confirms that although epicormic growth was developing upon the periphery of a few sporadic branch stubs, resultant from previous limb failure the regrowth was insignificant in size at this time to represent a risk factor to the property known as No: 12a Knutsford Street. However, taking into consideration the propensity for epicormic limbs to fail as they increase in physical loading, it would be advisable to remove the lower southern branch stubs back to source, based upon safety grounds.*

*It was clearly evident that the tree is located within close proximity to the southern boundary wall of No: 14 Knutsford Street, with the topography of the site sloping in a southerly direction, subsequently resulting in root encroachment into the property known as No: 12a Knutsford Street.*

*However, taking into consideration the root plate zonal area of this specimen (overall root radius), and the root plate morphology of the species, it would be advisable that the construction of a dwelling at 12a Knutsford Street be located at a minimum distance of 2m away from the base of the tree.*

*This consultant recommends that any roots, which are exposed with a diameter exceeding 50mm diameter be cleanly severed, and where feasible compaction is kept to a minimum, particularly in respect to the construction of paving.*

*This consultant is of the opinion that on condition that a 2m-protection zone is maintained from the base of the tree, the proposed construction of a dwelling at No: 12a Knutsford Street will not be detrimental to the future health or to the mechanical structure of the tree...."*

*The applicant has submitted amended plans, which depict the northern wall at a reduced length of 6.0 metres (as opposed to the 7.8 metres previously proposed), which results in the proposed building being greater than 2.0 metres from the base of the subject existing tree, as recommended by the Arboriculturist.*

#### *Overlooking*

*With regard to the potential for unreasonable overlooking from bedrooms 2 and 3 windows on the first floor eastern elevation, it is considered necessary that a relevant screening condition is applied to ensure that these openings comply with the privacy requirements of the Residential Design Codes.*

#### *Summary*

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

**10.1.6 No. 20 (Lot 603) Haynes Street, North Perth- Proposed Carport Addition to Existing Single House**

<b>Ward:</b>	North	<b>Date:</b>	11 September 2003
<b>Precinct:</b>	North Perth, P8	<b>File Ref:</b>	PRO1357; (00/33/1769)
<b>Reporting Officer(s):</b>	J Barton		
<b>Attachments</b>	<a href="#">001</a>		
<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 open space requirements of the Residential Design Codes;*

*the Council REFUSES the application submitted by the applicant Maccormac Architects on behalf of the owner A P Maccormac for a proposed carport addition to existing single house at No. 20 (Lot 603) Haynes Street, North Perth, and as shown on plans stamp-dated 5 August 2003.*

**COUNCIL DECISION ITEM 10.1.6**

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

*That the recommendation be adopted.*

*Debate ensued.*

**LOST (2-5)**

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

**Reasons:**

- 1. Practicality and there is an existing hardstand.**
- 2. Provides protection for the cars of residents.**
- 3. Complies with carport requirements.**

***ALTERNATIVE RECOMMENDATION:***

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

*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 Maccormac Architects on behalf of the landowners A P Maccormac, for the proposed carport addition to existing single house at No. 20 (Lot 603) Haynes Street, North Perth, as shown on the plans stamp-dated 5 August 2003, 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 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;*
- (iv) the construction of crossovers shall be in accordance with the Town's specifications;*
- (v) prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense.*
- (vi) street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (vii) the carport shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted) except where it abuts the existing main dwelling;*
- (viii) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Haynes Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency; and*
- (ix) standard visual truncations, in accordance with the Town's Policies and to the satisfaction of the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*

*to the satisfaction of the Chief Executive Officer.*

**CARRIED (5-2)**



**For**  
Cr Cohen  
Cr Doran-Wu  
Cr Farrell  
Cr Franchina  
Cr Torre

**Against**  
Cr Chester  
Cr Lake

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

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**LANDOWNER:** A P Maccormac  
**APPLICANT:** Maccormac Architects  
**ZONING:** Metropolitan Region Scheme – Urban  
Town Planning Scheme No. 1 – Residential R30/40  
**EXISTING LANDUSE:** Single House

**COMPLIANCE:**

<b>Requirements</b>	<b>Required</b>	<b>Proposed</b>
<b>Setbacks:</b>		
Eastern Side	1 metre	750 millimetres
Open Space	45 per cent	39 per cent

Use Class	Single House
Use Classification	“P”
Lot Area	257 square metres

**SITE HISTORY:**

The subject land was originally No. 20 (Lot 103) Haynes Street, with an area of approximately 459 square metres.

In 1999, a subdivision application was lodged with the Western Australian Planning Commission, proposing to create two green title lots of approximately 202 square metres (Lot 604), and 257 square metres (Lot 603). However, the application was deferred pending the Town's approval of a development application for the rear lot (Lot 604).

On 28 March 2000, the Council resolved to approve a development application for the addition of a two-storey single dwelling on proposed Lot 604, including open space and setback variations.

At an Ordinary Meeting of Council on 14 August 2001, the Council considered an application for the addition of a carport, and new bedroom, to the existing single house (Lot 603). However, the Council resolved to delete the proposed carport from the plans, as it was not considered to be consistent with the orderly and proper planning, conservation of the amenities and streetscape, and the carport did not comply with the setback requirements of the 1991 Residential Planning Codes, and the Town's Street Setback Policy.

**DETAILS:**

The proposal is for a carport addition only in the front setback area, to the existing single house.

**CONSULTATION/ADVERTISING:**

The proposal was advertised from 18 August 2003 to 1 September 2003.

No submissions were received during the advertising period.

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

**Open Space**

The applicant seeks a significant variation to the R-Codes open space requirements, of 39 per cent, in lieu of the required 45 per cent. Although the new R-Codes allow for carports in the front setback area, if they are open on three sides, the proposed open space variation is not considered to complement the existing building, or allow for attractive streetscapes. Also, the Town generally does not encourage the subdivision of land, at the expense of development requirements.

Given that the Council previously required that the carport be deleted from the plans, and that the applicants increased the dwellings site cover through the bedroom addition in 2001, it is not considered in the best interests of orderly and proper planning to allow further additions to the dwelling, at the expense of the R-Codes open space requirements.

In light of the above, the proposal is considered to be an over development of the site, and is not considered to meet the relevant Performance Criteria, under Clause 3.4.1 of the R-Codes. On these grounds, the proposal is not considered supportable.

**Setbacks**

A minor setback variation to 750 millimetres, in lieu of 1 metre, is proposed to the eastern side boundary. This variation is minor, and is considered supportable on its own as the neighbours have not objected on the eastern side. However, in light of the above open space variation, the proposed carport addition is not considered supportable.

**Summary**

In light of the above, and given the extent of the open space variation sought, the proposal is considered to unduly impact on the amenity of the area. Refusal is therefore recommended.

**10.1.8 No. 38 (Lot 1) Sydney Street, North Perth – Proposed Demolition of Existing House and Construction of Three, Two-Storey Grouped Dwellings**

<b>Ward:</b>	North	<b>Date:</b>	15 September 2003
<b>Precinct:</b>	North Perth, P8	<b>File Ref:</b>	PRO2437; 00/33/1729
<b>Attachments:</b>	<a href="#">001 002</a>		
<b>Reporting Officer(s):</b>	S Crawford, P Mastrodomenico, N Edgecombe		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	J Giorgi

**CHIEF EXECUTIVE OFFICER'S 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, as Amendment No.11 to the Town of Vincent Town Planning Scheme No.1 proposes to rezone the Eton Locality from R30 and R30/40 to R20, and the Minister for Planning and Infrastructure in letter dated 7 August 2003, and the Western Australian Planning Commission in letter dated 20 August 2003, has conditionally approved Amendment No.11; and*
- (ii) *the proposed development does not comply with the housing density requirements of the R20 code;*

*the Council REFUSES the application submitted by the applicant Georgetan Homes Pty Ltd on behalf of the owner D Novatscou for proposed demolition of the existing single house and construction of three two-storey grouped dwellings, at No. 38 (Lot 1) Sydney Street, North Perth, and as shown on plans stamp-dated 15 July 2003.*

**COUNCIL DECISION ITEM 10.1.8**

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

*That the recommendation be adopted.*

*Debate ensued.*

**CARRIED (6-1)**

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

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

**FURTHER REPORT:**

**Site History**

On 12 September 2003, the Western Australian Planning Commission approved a survey strata subdivision (654-03) for the subject site to be subdivided into three lots to accommodate the proposed development which is part of this application. One of the conditions imposed by the WAPC was that *“the applicant obtaining development approval for the development of a dwelling(s) on the lots less than 350 square metres in accordance with Clause 2.3.3 of the Residential Design Codes”*.

The applicant has submitted further information dated 15 September 2003 to justify the development, which has been attached.

**Compliance**

Under the compliance table, the report stated a balcony to unit (2) two is proposed to be setback at 4.9 metres. This is to be deleted as there is no balcony on the southern elevation and, as such, is to be deleted from the compliance table.

**Details**

In the details section, the report stated that the proposed development is in accordance with the R40 density code. The report should state that the proposed development is in accordance with the R30 density code, as the existing dwelling is proposed to be demolished.

**Cone of Vision**

**Unit 2 Retreat and Balcony – South facing**

This paragraph is to be deleted as there is no balcony on the southern elevation and, as such, the requirements are not applicable.

**Unit 2 Bedroom 3 – West facing Window**

No screening is required in this instance as the window is 5.8 metres from the boundary.

**Summary (Officers Recommendation)**

Under clause (iii), (a) is not applicable and should be deleted as there is no balcony for unit 2 as stated above.

**LANDOWNER:** D Novatscou  
**APPLICANT:** Georgestan Homes Pty Ltd  
**ZONING:** Metropolitan Region Scheme - Urban  
 Town Planning Scheme No. 1 - Residential R30/40  
**EXISTING LAND USE:** Single House  
**COMPLIANCE:**

<b>Requirements</b>	<b>Required</b>	<b>Proposed</b>
Front Setback - Upper Level	6.0 metres	4.3 metres to 4.7 metres
Cone of Vision		
Unit 2 – retreat	6.0 metres	5.84 metres
Unit 2 – balcony	7.5 metres	4.9 metres
Unit 2 – bedroom 3	4.5 metres	3.0 metres
Unit 3 – bedroom 2	4.5 metres	3.3 metres
Vehicle maneuvering – Unit 3	6.0 metres reversing area	Insufficient area

Use Class	Grouped Dwelling
Use Classification	"P"
Lot Area	1022 square metres

**SITE HISTORY:**

The site is occupied by a substantial single storey dwelling.

The Council at its Ordinary Meeting held on 12 August 2003 considered the proposed survey strata subdivision of the subject property into three lots, and resolved to recommend refusal of the proposal to the Western Australian Planning Commission.

At the Ordinary Meeting of Council held on 26 August 2003, the Council considered three (3) subdivision applications, and one (1) development application, in the Eton Locality, and subject to Amendment No. 11 (as amended), to Town Planning Scheme No. 1. The Council resolved to recommend refusal of the subdivision applications, for similar reasons stated above in the Chief Executive Officer's Recommendation, and defer consideration and determination of the development application.

**DETAILS:**

The applicant seeks approval for the demolition of the existing single house and construction of three, two-storey grouped dwellings.

**Scheme Amendment No. 11**

The subject property is located within the Town's Eton Locality, which is subject to Amendment No.11 to the Town of Vincent Town Planning Scheme No. 1. Amendment No.11 proposes to rezone the Eton Locality from R30 and R30/40 to R20. In letter dated 12 August 2003, the Western Australian Planning Commission (WAPC) advised that it "*has decided not to approve the above Amendment until such time as the following modifications are effected:*

- 1. modifying the amending plan to delete those areas denoted in cross-hatching on the attached plan from the amendment area, as little or no evidence of support for the change proposed is in evidence in those areas; and*
- 2. amending clause 20(4) of the Scheme to insert new provisions to specify the time period within which the proposed R20 density coding is to be applicable."*

Amendment No. 11 is not effective until all the following matters have been completed:

1. Agenda report to the Ordinary Meeting of Council in relation to the above matter.
2. Scheme amending documents to be modified.
3. The modified Scheme amending documents to be signed, sealed and endorsed by the Chief Executive Officer and the Mayor.
4. The modified endorsed Scheme amending documents forwarded to the WAPC and the Minister for Planning and Infrastructure for final approval.
5. Final approval by WAPC and the Minister.
6. Gazettal of final approval of Amendment No. 11.

In light of the above, Amendment No. 11 is not expected to be promulgated for another 2 to 3 months.

The Town's Solicitors have confirmed that the Town's Planning Officers are required to determine any planning and subdivision application in accordance with the provisions of the Town Planning Scheme in force at the time the application comes to be determined. Therefore, the application should be determined in accordance with current density code, and not the proposed modifications the subject of Amendment No. 11. The proposed development is in accordance with the R40 density code.

**CONSULTATION/ADVERTISING:**

The proposal was advertised and one submission was received within this time, from the neighbour at No. 40 Sydney Street. This neighbour raised the following comments;

- expects all requirements of the Residential Design Codes to be met;
- raises objection to the proposed first floor balcony setback to Unit 1 due to it being overstated and imposing, however is prepared to allow the minor balcony as a concession;
- objects to the nil setback for the garage to Unit 1; and
- objects to the combined crossover width and associated renewal costs.

The above objections (where relevant to Planning considerations) will be addressed in the body of the report.

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

**Demolition**

A detailed heritage assessment is contained in Appendix 10.1.8.

The single storey brick and tile dwelling at No. 38 Sydney Street, North Perth was built in 1929, a period of increased residential development in North Perth. The original floor plan and detailing of the dwelling remain intact despite additions to the rear enclosed skillion. The subject dwelling features an original low pitched roof with chimney, painted cement and brick rendering and two sets of wooded three-paned casement windows addressing Sydney Street. An 'L' shaped verandah wraps around the front and southern elevation, and provides access to the main entrance facing the city. Wooden skirtings, picture rails, and floorboards are consistent throughout the dwelling, with air vents of varying styles in each room.

Although the subject dwelling contributes to the streetscape in terms of traditional setbacks, building style and proportion, the dwelling is not rare, has little historic, scientific, aesthetic or social value. It is not considered that the place warrants consideration for listing on the Municipal Heritage Inventory and as such, it is recommended that approval be granted for the demolition of the existing dwelling, subject to standard conditions.

## **Setbacks**

### **Upper Level Front Setback**

The Residential Design Codes (R Codes) permits a front setback of 4.0 metres to the primary street, with this Policy not making a differentiation between ground level setback requirements and upper storeys. In comparison the Town's Policy relating to the Eton Locality, within which the subject site is located, requires upper levels to be setback a minimum of 6.0 metres. The applicant seeks a predominant 6.0 metres setback for the bulk of the front dwelling (Unit 1), however two balcony elements seek a lesser setback of a minimum of 4.3 metres and 4.7 metres respectively.

The dwellings on either side of the proposal are substantial single storey dwellings, which are setback a minimum of 4.0 metres from Sydney Street. These dwellings are original to the area. Looking at the proposal, there is sufficient scope within the design of the affected dwelling to achieve the setback requirements of the Locality Policy without major alteration to the intended floor plan and/or appearance of the dwelling. As such, it is considered appropriate that the proposal should be conditioned accordingly to achieve this.

### **Ground Level North Elevation**

With regard to the Objection received in relation to the nil ground floor northern setback (garage), the boundary wall complies with Clause 3.3.2 (A2) (iii) of the Residential Design Codes, and such is supported.

## **Cone of Vision**

### **Unit 2 Retreat and Balcony – South Facing**

The R Codes would require that the retreat be setback 6.0 metres from the boundary and a balcony to be setback 7.5 metres. The applicant achieves setbacks of 5.84 metres and 4.9 metres respectively. The balcony also has the potential to look into windows of Unit 3 and open spaces to Unit 1. As such, all elevations of the balcony would need to be addressed. Both these major openings to Unit 2 have the potential to unduly overlook the southern neighbour and to infringe on their privacy. As such, a suitable screening requirement should be imposed to address this. Screening to the balcony would in turn address the retreat windows and any such condition should reflect this.

### **Unit 2 Bedroom 3 – West Facing Window**

The R Codes require that bedroom windows be setback 4.5 metres from any boundary. The applicant seeks a nil setback to the boundary division to Unit 1. This window will have the potential to overlook the drying court area of Unit 1. However, as this view is internal to the development and any future purchaser will be aware of the overlooking issues, a screening condition is not considered necessary in this instance.

### **Unit 3 Bedroom 2 – East Facing Window**

Again, the R Codes require that bedroom windows be setback 4.5 metres from any boundary. The applicant seeks a minimum setback of approximately 3.0 metres to the rear boundary. As this window has the potential to unduly overlook the rear neighbour, a standard screening condition should be imposed.

### **Unit 3 Bedroom 3 – West Facing Window**

The R Codes require that bedroom windows be setback 4.5 metres from any boundary. The applicant seeks a 3.3 metres setback to the boundary to Unit 2. As this window looks towards the blank wall to both levels of Unit 2 and then over the access driveway, it is considered that there is no need for screening as there will be no undue privacy implications.

**Vehicle Manoeuvring – Unit 3**

The Town's Engineering Services advise that insufficient manoeuvring room is provided for the two single car spaces associated with Unit 3. In order to achieve the appropriate manoeuvrability, it is suggested that a portion of the landscaping located on the southern side of the drive should be removed, and the applicant adequately demonstrate manoeuvrability in accordance with the Town's standards. This aspect can be addressed via a condition on the approval.

**Summary (Officer Recommendation)**

It is considered that the proposal will generally have no undue detrimental impact on the streetscape or amenity of the area, and complies with existing density code of the property. Accordingly, the proposal is recommended for approval, subject to the following conditions:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;
- (ii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following :
  - (a) the upper level/first floor front setback to Unit 1 being a minimum of 6.0 metres as measured parallel to the street; and
  - (b) a portion of the southern driveway landscaping being deleted in order that maneuverability associated with both car bays for Unit 3 complies with the Town's standards.

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

- (iii) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development:
  - (a) the eastern, western and southern elevations of the upper level/first floor balcony element to Unit 2 (middle unit); and
  - (b) the upper level/first floor east facing window of bedroom 2 to Unit 3 (eastern unit);

shall be screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the respective finished floor levels. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole window can be top hinged and the obscure portion of the window be openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002;

- (iv) detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building Licence application;
- (v) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;



- (vi) a road and verge security bond 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;
- (vii) the construction of crossovers shall be in accordance with the Town's specifications;
- (viii) prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;
- (ix) standard visual truncations, in accordance with the Town's Policies and to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;
- (x) street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);
- (xi) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the new front fences and gates adjacent to Sydney Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency; and
- (xii) a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Sydney Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);

to the satisfaction of the Chief Executive Officer.

**CHIEF EXECUTIVE OFFICER'S COMMENT:**

The Chief Executive Officer is to *"ensure that advice and information is available to the Council so that informed decisions can be made"*, (in accordance with the Local Government Act, Section 5.41(b)). The Chief Executive Officer has the authority to amend an Officer's report to ensure that the Council is fully informed.

The Town's solicitors have verbally advised the Chief Executive Officer that the proposed amendment is a *"significant and relevant factor"*, which the Council can give due consideration to when considering and determining this matter. Accordingly, the Council can refuse such applications *"during the interim period"* whilst the amendment is being promulgated.

At previous meetings, the Council has indicated that it is of the opinion that subdivision/development applications in the Eton Locality should be REFUSED, whilst Amendment No. 11 to the Town Planning Scheme No. 1 is being promulgated. The Council has previously stated that it is basing its decision on the fact that the proposed subdivisions/developments *"conflict with the intent of the Council and the Minister for Planning and Infrastructure's decision concerning the amendment"*.

**10.1.3 Further Report - No. 49 (Lot 101) Bourke Street (Corner of Fleet Street),  
Leederville – Proposed Garage Addition to Existing Single House**

<b>Ward:</b>	South	<b>Date:</b>	16 September 2003
<b>Precinct:</b>	Leederville, P3	<b>File Ref:</b>	PRO2458; 00/33/1757
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	S Crawford, D Abel		
<b>Checked/Endorsed by:</b>	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 Town's Policy relating to Street Setbacks;*

*the Council REFUSES the application submitted by the owner SJ Willis for proposed garage addition to an existing single house on No. 49 (Lot 101) Bourke Street (corner of Fleet Street), Leederville, and as shown on plans stamp-dated 28 July 2003.*

**COUNCIL DECISION ITEM 10.1.3**

**Moved Cr Cohen, Seconded Cr Farrell**

*That the recommendation be adopted.*

*Debate ensued.*

**LOST (0-7)**

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

**Reason:**

Policy requiring open streetscape is not appropriate in this situation where the garage is on a secondary street.

**ALTERNATIVE RECOMMENDATION:**

**Moved Cr Cohen, Seconded Cr Lake**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme N0.1 and the Metropolitan Region Scheme the Council APPROVES the application by the owner SJ Willis for proposed garage addition to an existing single house on No 49 (Lot 101) Bourke street (corner of Fleet Street), Leederville, and as shown on plans stamp-dated 28 July 2003, 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 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;*
- (iv) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (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 garage being enclosed by picket fence style gates (wooden) to a maximum height of 1.8 metres and to be premade with 7 centimetres picket width and 2.3 centimetres gap;*
- (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 any new front fences and gates adjacent to Fleet Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency; and*
- (viii) *standard visual truncations, in accordance with the Town's Policies and to the satisfaction of the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*

*to the satisfaction of the Chief Executive Officer.*

**CARRIED (7-0)**

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

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**FURTHER REPORT:**

The application was listed on the Agenda for the Ordinary Meeting of Council held on 9 September 2003, however consideration of this item was deferred at the request of the applicant.

In correspondence dated 16 September 2003, the applicant advised as follows:

- '1) *...as discussed please put forward the 'roller door' option on original plans for consideration.*
- 2) *2nd option: To existing plans for carport is to use picket fence style gates (wooden). These are premade with 7cm width & 3.5cm gap (1 1/2 ratio). This is still allowing views & transparency through the gates. 1800 high...*

Key Considerations

- *Currently have solid metal 1800 high gate.*
- *... have privacy & protection via this gate & 1800 fibro fence & rear 2000 brick wall & we are enclosed on all sides of 'L' shape alfresco area.*
- *Small pet ...*
- *Rear sleepout - daughter's bedroom heavily glassed only 3 meters from street.*
- *We are adding to the streetscape not detracting.*
- *Neighbours are comfortable w/ plans.*
- *The structure of carport is in treated timber, with colorbond roof. This is all soft cream in colour - same as house & rear wall - all blends.*
- *Roof also has translucent sections to allow light in.*
- *Pitch of carport is very low, with a shallow pitch roof to compliment house.*
- *... I simply wish to protect my daughter, pet & car also believe that our design will improve Fleet Street view.'*

The key intent of the Town's Policy relating to Street Setbacks is to preserve and where possible enhance the streetscape, while allowing mutual surveillance between the street and dwelling, thereby enhancing security for the dwelling (and its occupants) and for passers-by. The Policy is to plan, guide and manage change in the streetscape for the betterment of the existing and future community and its amenity.

In accordance with the Street Setbacks Policy, the subject structure can only be located in front of the front main building wall of the dwelling if it is a carport. The Policy states that a carport '*means a roofed structure designed to accommodate one or more motor vehicles unenclosed except to the extent that abuts the existing dwelling and/or a property boundary on one side, and being without a door or panels unless these doors and/or panels are visually permeable such as with open grilles*'.

The considerations provided by the applicant is acknowledged, however it is considered that the two (2) door options offered by the applicant still do not satisfy the Street Setbacks Policy requirements.

In light of the above, the previous Officer Recommendation for refusal remains unchanged.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 9 September 2003:

*"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 Town's Policy relating to Street Setbacks;*

*the Council REFUSES the application submitted by the owner SJ Willis for proposed garage addition to an existing single house on No. 49 (Lot 101) Bourke Street (corner of Fleet Street), Leederville, and as shown on plans stamp-dated 28 July 200.*

COUNCIL DECISION ITEM 10.1.14

Moved Cr Ker, Seconded Cr Cohen

*That this item be DEFERRED as requested by the applicant.*

CARRIED (7-0)

*(Crs Franchina and Torre were an apology for the meeting.)*

LANDOWNER: SJ Willis  
APPLICANT: As above  
ZONING: Metropolitan Region Scheme - Urban Town Planning  
Scheme No. 1 - Residential R40  
EXISTING LAND USE: Single House

COMPLIANCE:

<i>Requirements</i>	<i>Required</i>	<i>Proposed</i>
<i>Setbacks</i>		
<i>Secondary Street (Fleet Street)</i>	<i>To be setback equal to or behind the main wall of the existing dwelling</i>	<i>Nil</i>
<i>Side (south)</i>	<i>1.0 metre</i>	<i>Nil</i>
<i>Car Parking</i>	<i>2 bays</i>	<i>1 bay (as per existing)</i>

<i>Use Class</i>	<i>Single House</i>
<i>Use Classification</i>	<i>"P"</i>
<i>Lot Size</i>	<i>220 square metres</i>

SITE HISTORY:

*The site is occupied by a single storey dwelling.*

DETAILS:

*The applicant seeks approval to construct a single garage to the rear of the dwelling with access from the property's secondary street, being Fleet Street. The garage is proposed to be fitted with a roller door.*

CONSULTATION/ADVERTISING:

*The proposal was advertised and no submissions were received within this time.*

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

*Nil.*

*FINANCIAL/BUDGET IMPLICATIONS:*

*Nil.*

*COMMENTS:*

*Setbacks*

*Garage*

*The Town's Policy relating to Street Setbacks permits garages to be located off secondary streets, however requires such structures to be setback equal to or behind the existing main building line (excluding consideration of any porch/verandah style element). The applicant proposes a nil setback to Fleet Street to accommodate the structure. The existing lot is 220 square metres in size with the predominant open space being orientated towards Bourke Street. As such, limited outdoor area is available to the rear of the dwelling, which also accommodates a 5.5 square metres shed. In order to accommodate a small court to the rear of the dwelling, the nil setback to Fleet Street has been adopted by the application. The applicant has demonstrated that No. 1 Fleet Street (primary frontage) has a garage with a nil setback, as does No. 35 Bourke Street, which has a garage with nil setback to its secondary street frontage of Loftus Street. However, as there are only two examples within the street, this is not considered to be the dominant trend.*

*The dwelling has an existing fence and double gate structure to provide access to the existing hardstand car bay in the same location. The existing fencing and gates are approximately 1.8 metres in height. The garage structure piers are proposed to be 2.2 metres in height with the roof line extending to a maximum of 2.8 metres.*

*Although the application denotes the structure as a carport, under the definitions contained within the Residential Design Codes, the structure is actually a garage.*

*In order to comply with the Town's Street Setback Policy, the proposed garage would need to achieve a setback from Fleet Street of 3.2 metres, whereas a nil setback is sought. As there is not a predominance of garages within the immediate streetscape with a nil setback to the street, it is considered that this proposal will have an undesirable effect on the streetscape, which in turn will create an undesirable precedent for future development, especially taking into account that the neighbouring lot is vacant. The Residential Design Codes (R Codes) also support such structures being setback in accordance with the general building setback.*

*The R Codes acknowledges that variation to this principle can be considered where the area, dimension or shape of the site make such placement unfeasible or there is an established, consistent pattern of alternative setbacks in the area. The subject proposal is not strongly affected by such criteria and therefore, it is suggested that the required setback should be imposed.*

*The reduced side setback could be considered however, in light of the issues associated with the Fleet Street setback, it is not necessary to address this aspect further.*

*It is further noted that if the structure was designed so that it was 100 per cent open, except where it abuts the main dwelling, the structure could be considered as a carport. This style of structure would be permitted to have open style gates to the Fleet Street frontage for security purposes, and due to it being defined as a carport, could be considered with a nil setback to Fleet Street.*

*As such, on this basis the reduced secondary street setback for the proposed garage cannot be supported.*

*Car Parking*

*The R Codes require two car parking bays to be provided per dwelling. The existing site only accommodates one car bay on-site in the same location as the proposed garage. As the status quo is remaining the same in relation to car parking, this provision is considered acceptable.*

*The proposed garage is considered to depart from the relevant requirements of the Town's Street Setback Policy. This variation is not supported and it is therefore recommended that the garage be refused."*

Mayor Catania returned to the Chamber at 7.05pm and resumed the Chair.

**10.1.7 No. 5 (Lot 22) Eden Street, West Perth – Proposed Demolition of the Existing Single House and Construction of Two, Two-Storey Single Houses**

<b>Ward:</b>	South	<b>Date:</b>	15 September 2003
<b>Precinct:</b>	Hyde Park, P12	<b>File Ref:</b>	PRO2410; 00/33/1708
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	S Crawford, H Eames		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

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

- (i) is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the existing place has cultural heritage significance in terms of its aesthetic value;*
- (iii) non-compliance with the building setbacks, privacy and plot ratio requirements of the Residential Design Codes;*
- (iv) non-compliance with the street setback requirements of the Town's Policy relating to the Robertson Locality Plan 23; and*
- (v) in consideration of the objections received;*

*the Council REFUSES the application submitted by the owner L Di Iorio for the proposed demolition of the existing single house and construction of two, two-storey single houses at No.5 (Lot 22) Eden Street, West Perth, and as shown on the plans stamp-dated 3 July 2003.*

**Moved Cr Franchina, Seconded Cr Farrell**

*That the recommendation be adopted.*

Cr Torre departed the Chamber at 7.07pm.

*Debate ensued.*

**COUNCIL DECISION ITEM 10.1.7**

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

*That this item be DEFERRED as requested by the applicant to consider alleged discrepancies.*

**CARRIED (7-0)**

**(Cr Torre was absent from the Chamber and did not vote. Cr Ker on approved leave of absence.)**



**LANDOWNER:** L Di Iorio  
**APPLICANT:** As above  
**ZONING:** Metropolitan Region Scheme - Urban  
 Town Planning Scheme No. 1 - Residential R80 (R60 applies for single houses)  
**EXISTING LAND USE:** Single House

**COMPLIANCE:**

Requirements	Required	Proposed
Setbacks		
Unit 1 – Front		
Upper level front (eastern) elevation	6.0 metres	Minimum 4.0 metres
Ground level northern elevation	1.0 metre	Nil
Ground level southern elevation	1.5 metres	Nil
Upper level southern elevation	2.9 metres	Minimum 2.4 metres
Unit 2 – Rear		
Ground level northern elevation	1.0 metre	Nil
Ground level southern elevation	1.5 metres	Minimum nil
Cone of Vision		
Unit 1 – Front Balcony (view south)	7.5 metres	4.0 metres
Unit 2 – Rear Balcony – view east	7.5 metres	3.688 metres
- view south	7.5 metres	4.0 metres
- view north	7.5 metres	5.6 metres
Plot ratio	0.65	0.84

Use Class	Single house
Use Classification	"P"
Lot Area	521 square metres

**SITE HISTORY:**

The site is occupied by a single storey dwelling.

**DETAILS:**

The applicant seeks to demolish the existing residence and construction of two, two-storey single houses; one dwelling to have direct street frontage to Eden Street and the rear dwelling accessed off the rear right of way with gazetted road frontage via a pedestrian accessway.

### **CONSULTATION/ADVERTISING:**

The proposal was advertised and three submissions were received in this time. The submissions raised the following concerns;

- The owner and occupier (two submissions) of No. 9 Eden Street object to the proposed nil setback to the northern boundary and requires compliance with the Residential Design Codes (R Codes); and
- The owner of No. 348 Bulwer Street has no objection to the redevelopment of the property, subject to no adverse impacts being caused to neighbours and relies on Town Officers to make these assessments. In addition, the submission requests that the proposal comply with the Town's Policy relating to Vehicular Access to Dwellings via a Right of Way.

The above matters will be addressed within the body of the report.

### **LEGAL/POLICY:**

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

### **STRATEGIC IMPLICATIONS:**

Nil.

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

Nil.

### **COMMENTS:**

#### **Demolition**

A Heritage Assessment of the existing dwelling is attached as Appendix 10.1.7.

The place is a simple timber, asbestos and iron dwelling build during the Gold Boom in circa 1900 and is located between Vincent, Bulwer and Fitzgerald Streets, facing south-west. It has undergone some unsympathetic alterations to the exterior, namely replacement of the north-eastern wall asbestos sheeting, while the fenestration remains intact. The place, as part of the weatherboard housing stock within the Town of Vincent, is considered to be rare as a consequence of its restricted use as a building material and a vernacular style, which is no longer practiced. Due to the moderate level of authenticity, the place has *little to some rarity value*.

In accordance with the Town's Policy relating to Heritage Management - Municipal Heritage Inventory, the place meets the threshold for consideration for inclusion on the Town's Municipal Heritage Inventory. It is therefore recommended that the proposed demolition of the existing dwelling be refused.

#### **Setbacks**

##### **Unit 1 – Front**

##### **Upper Level Front (Eastern) Setback**

The Town's Policy relating to the Robertson Locality requires that upper levels have a minimum 6.0 metres front setback. In this instance, the applicant proposes a minimum 4.0 metres setback which accommodates a balcony element. The setback then increases to 5.6 metres to the stairwell. The reduced setback as proposed is considered inappropriate and inconsistent with the setback pattern within the locality and Policy objectives. A reduced setback of this nature is considered to detract from the streetscape appearance of the area and is not supported.

### **Ground Level Northern Elevation**

The Residential Design Codes (R Codes) would require a 1.0 metre setback for the wall as proposed. However, in areas coded R30 and higher, one parapet wall to a side boundary is permitted subject to the wall having a maximum height of 3.5 metres with an average height of 3.0 metres and the length of the wall being limited to two-thirds of the length of the boundary. In this instance, the proposed wall complies with the provisions of the R Codes and is therefore permitted with a nil setback.

### **Ground Level Southern Elevation**

The applicant seeks a nil setback of the dwelling to the pedestrian accessway servicing the rear lot, whereas the R Codes would require a 1.5 metres setback to this boundary. As the nil setback is internal to the development and affects only the applicant, the relaxation can be considered.

### **Upper Level Southern Elevation**

The R Codes would require this wall to be setback 2.9 metres from the boundary, whereas the application proposes a minimum setback of 2.4 metres to the boundary of proposed Lot 1 and 4.0 metres to the overall lot boundary. Again, as the reduced setback only affects the applicant as it is internal to the development, no objection is raised.

## **Unit 2 – Rear**

### **Ground Level Northern Side Setback**

The R Codes would require a 1.0 metre setback for this wall to the boundary, whereas the applicant seeks a nil setback. The provision under Clause 3.3.2 (A2)(iii) of the R Codes that permits one parapet wall to the boundary under certain conditions has already been utilised for proposed Unit 1. As such, the second parapet wall to the northern boundary for proposed Unit 2 does not comply and represents a variation. This second parapet could be considered if the land was already subdivided, however at this stage the site is in one landholding. Furthermore, the affected neighbour has objected to the reduced setback.

Although the wall will not cause overshadowing concerns, as any shadow will be cast into the subject lot only, the reduced setback is considered inappropriate in consideration of the cumulative effect of all variations proposed as part of the application. In addition, the objecting neighbour considers that this wall will adversely affect their amenity. On this basis, the parapet wall is not supported.

### **Ground Level Southern Elevation**

Again the applicant seeks another parapet wall to the southern boundary, being the second for proposed Lot 2 and three for the overall development. As stated above the provision for a parapet wall within the development has already been utilised and thus this additional parapet represents a further variation. Although it is acknowledged that the overall overshadowing to the south is within the permissible limits of the R Codes, it is still considered that the reduced setback will adversely affect the amenity of this southern neighbour and therefore represents unacceptable development.

## **Cone of Vision**

### **Unit 1 – Balcony**

The R Codes require a 7.5 metres setback to any boundary, whereas the application achieves a 4.0 metres setback to the southern boundary. This balcony provides the opportunity to overlook the neighbour and should the proposal be acceptable, a screening requirement should be imposed.

**Unit 2 - Balcony**

Again, any balcony should be setback 7.5 metres from any boundary. In this case, the application shows that the balcony will be setback 3.688 metres to the east, 4.0 metres to the south and 5.6 metres to the northern boundary. This balcony provides the opportunity to overlook affected neighbours and should the proposal be acceptable, a screening requirement should be imposed.

**Plot Ratio**

The R Codes permits a plot ratio of 0.65, whereas plot ratio of 0.84 has been proposed. A variation of this nature should not be supported, due to the undue effect that increased floor area has on the bulk and scale of the buildings, which in turn contributes to the setback variations being proposed, overlooking issues and increased overshadowing in comparison to smaller scaled buildings on the site that comply with the plot ratio requirements.

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

**10.2.3 East Parade / Guildford Road / Whatley Crescent - Planning and Traffic Study Update Report**

<b>Ward:</b>	South	<b>Date:</b>	3 September 2003
<b>Precinct:</b>	Banks P15	<b>File Ref:</b>	TES0303
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	C Wilson		
<b>Checked/Endorsed by:</b>	R Lotznicher	<b>Amended by:</b>	-

**OFFICER RECOMENDATION:**

*That the Council;*

- (i) *receives the update report on Main Roads WA East Parade / Guildford Road / Whatley Crescent - Planning and Traffic Study;*
- (ii) *APPROVES in principal Main Roads WA recommendations to be presented to the Honourable Minister for Planning and Infrastructure, as listed in the body of the report, dependent upon the Main Roads WA endorsing the following:*
  - (a) *that the installation of a pedestrian actuated pedestrian crossing facility on East Parade in the vicinity of the Westrail Centre remains a priority for the Town;*
  - (b) *that it is acknowledged that the proposed concrete median ('back to back' kerb) in East Parade will perform the same function as a "seagull" island at the intersection of Gardiner Street and East Parade and that it should processed once Main Roads has provided confirmation of broad community support;*
  - (c) *that Main Roads WA furnishes the Town with the previously requested documentation for the heritage assessments for the buildings proposed for demolition in East Parade including an archival documented record of the place (with photographs, floor plans and elevations) for the Town's Historical Archive Collection.*
  - (d) *that Main Roads WA, or its consultant, liaise closely with the Town in regards the proposed planning and development options for, and disposal of, surplus land in Guildford Road and East Parade resulting from the study, and*
- (iii) *advises the Banks Precinct Action group of its resolution.*

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

*That the recommendation be adopted.*

*Debate ensued.*

**Cr Torre returned to the Chamber at 7.10pm.**

*Debate ensued.*

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

*That clause (ii) be deleted and new clauses (ii) and (iii) be inserted as follows and the existing clause (iii) renumbered:*

- “(ii) DEFERS its decision until Main Roads WA furnishes the Town with the previously requested documentation for the heritage assessments for the buildings proposed for demolition in East Parade including an archival documented record of the place (with photographs, floor plans and elevations) for the Town’s Historical Archive Collection; and*
- (iii) requests that Main Roads WA:*
  - (a) proceeds as a matter of urgency with the proposed concrete median (‘back to back’ kerb) in East Parade and it is acknowledged that this proposed concrete median in East Parade will perform the same function as a “seagull” island at the intersection of Gardiner Street and East Parade;*
  - (b) notes that the installation of a pedestrian actuated pedestrian crossing facility on East Parade in the vicinity of the Westrail Centre remains a priority for the Town; and*
  - (c) liaise closely with the Town in regards to the proposed planning and development options for, and disposal of, surplus land in Guildford Road and East Parade resulting from the study; and”*

**AMENDMENT CARRIED (8-0)**

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

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

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

**COUNCIL DECISION ITEM 10.2.3**

***That the Council;***

- (i) receives the update report on Main Roads WA East Parade / Guildford Road / Whatley Crescent - Planning and Traffic Study;*
- (ii) DEFERS its decision until Main Roads WA furnishes the Town with the previously requested documentation for the heritage assessments for the buildings proposed for demolition in East Parade including an archival documented record of the place (with photographs, floor plans and elevations) for the Town’s Historical Archive Collection; and*
- (iii) requests that Main Roads WA:*
  - (a) proceeds as a matter of urgency with the proposed concrete median (‘back to back’ kerb) in East Parade and it is acknowledged that this proposed concrete median in East Parade will perform the same function as a “seagull” island at the intersection of Gardiner Street and East Parade;*

- (b) notes that the installation of a pedestrian actuated pedestrian crossing facility on East Parade in the vicinity of the Westrail Centre remains a priority for the Town; and*
  - (c) liaise closely with the Town in regards to the proposed planning and development options for, and disposal of, surplus land in Guildford Road and East Parade resulting from the study; and*
  - (iv) advises the Banks Precinct Action Group of its resolution.*
- 

## **BACKGROUND**

At the special meeting of Council held on 15 October 2002, representatives from Main Roads Western Australia (MRWA) made a presentation to the Mayor and Elected Members on the proposed changes to East Parade.

MRWA advised that several studies had been carried out over a number of years, examining possible improvements in the level of service of the Guildford Road / East Parade intersection prior to and after the opening of the Graham Farmer Freeway (GFF).

Further, MRWA advised the Metropolitan Regional Scheme (MRS) boundary on Guildford Road (Stanley Street to East Parade) and East Parade (Guildford Road to Gardiner Street) also required rationalisation to allow for future orderly re-development.

In addition, concerns about traffic intrusion into residential areas had been expressed by City of Bayswater residents in Whatley Crescent (Third Avenue to Guildford Road) and the Town's residents of the Banks Precinct since the opening of the GFF.

In light of the above MRWA advised that in May 2001 they recommended an area wide or holistic traffic study be undertaken, which the Hon Minister for Planning and Infrastructure duly announced in June 2001. The result of the study was the development of three options, which were presented via a power point presentation.

At the special meeting the following resolution was adopted:

*"That the Council;*

- (i) receives the presentation by MRWA on the proposed changes to East Parade;*
- (ii) requests MRWA provides a written report on the proposal; and*
- (iii) refers the proposal to the Town's Local Area Traffic Management Advisory Group for consideration."*

As a result of the above resolution a further detailed report was presented to the Ordinary Meeting of Council held on the 3 December 2002. The report outlined the scope of the project, heritage issues, information on the road network usage (for both before and after the opening of the Graham Farmer Freeway), and the three options presented to the public by MRWA, listing the perceived advantages and disadvantages of each. The report also included comments from the Town's Local Area Traffic Management Advisory Group, Banks Precinct Action Group and interested residents.

The report to included a detailed response to MRWA's East Parade / Guildford Road / Whatley Crescent - Planning and Traffic Study, extending to some eight (8) pages (excluding attachments).

At the conclusion of the debate the Council adopted the following resolution:

*That the Council;*

- (i) receives the report on East Parade / Guildford Road / Whatley Crescent - Planning and Traffic Study outlining the discussions and proposals as developed by the Town's Local Area Traffic Management Advisory group;*
- (ii) advises Main Roads WA;*
  - (a) the Council DOES NOT express a preference for any one of the three options proposed, as shown on plan laid on the table, however, the Council is OPPOSED to several of the proposed traffic modifications including, but not limited to, changing the directional flow at Thirlmere Street as outlined in Option 2, the provision of a right turn movement from Guildford Road into East Parade and the provision of a right turn movement from Guildford Road into the Mt Lawley Subway to replace the existing straight-through movement, as outlined in Option 2;*
  - (b) the installation of a pedestrian actuated pedestrian crossing facility on East Parade in the vicinity of the Westrail Centre should be installed as a matter of urgency;*
  - (c) the installation of a "seagull" island at the intersection of Gardiner Street and East Parade should be installed as soon as possible once the matter has been further investigated, in liaison with the affected residents;*
  - (d) any further redistribution of traffic, which could result with implementation of the proposed Guildford Road / East Parade modifications as outlined in option 2, is NOT supported;*
  - (e) heritage assessments should be undertaken of the buildings proposed to be demolished and such heritage assessments should assess the buildings not only at the state level but also the local level in terms of the Town's Policies relating to Heritage Assessment and Heritage Management – Municipal Heritage Inventory; and*
  - (f) an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection should be submitted with the heritage assessments.*
- (iii) advertises the proposal to install a "seagull" island at the intersection of East Parade / Gardiner Street in accordance with Council Policy No. 4.1.21 "Community Consultation" to all affected owners and occupiers for a period of not less than twenty one (21) days and invites written submissions on the proposal;*
- (iv) receives a further report on the East Parade / Guildford Road / Whatley Crescent - Planning and Traffic Study once a formal response regarding the Town's recommendations has been received from Main Roads WA;*



- (v) *receives a further report on the proposed installation of a "seagull" island at the intersection of East Parade/Gardiner Street at the conclusion of the community consultation period on that specific proposal; and*
- (vi) *advises the Banks Precinct Action group of its resolution.*

The purpose of this report is to provide Council with an update as to MRWA's current position in respect of the above study.

**DETAILS:**

In mid July 2003 Main Roads provided the Town's Executive Manager Technical Services and Manager Engineering Design Services with a briefing prior to undertaking an information mail out to the residents of Banks Precinct. The letter, dated 16 July 2003, a copy of which is attached, best summaries MRWA's present stance.

Essentially MRWA have completed the East Parade / Guildford Road / Whatley Crescent - Planning and Traffic Study and are hoping to make final recommendations to the Honourable Minister for Planning and Infrastructure in the near future.

The results of the public consultation phase, as provided by MRWA, indicates that option 1, as laid upon the table, received the support of approximately 75% of the respondents, and is therefore the preferred option and will be recommended to the Minister.

This effectively resolves Council's concerns raised in clauses (ii) a & (ii) d of the above resolution in respect of Option 2.

Main Roads 'draft' consultation report (dated May 2003), a copy of which is tabled, runs to some 73 pages outlining the consultation process, the options put forward and the results.

**Proposed MRWA Recommendations:**

The recommendations that MRWA intend to forward to the Minister, and to which they are seeking Council's endorsement, are as follows:

1. *Option 1 be adopted as the long term planning option for the East Parade / Whatley Crescent / Guildford Road intersection and surrounding area.*
2. *The MRS be amended along Guildford Road and East Parade to accommodate Option 1.*
3. *The surplus land on East Parade and Guildford Road be developed expeditiously, and if this cannot occur then a short-term clean up and management plan be developed by the relevant agency.*
4. *Pedestrian access across East Parade be further actioned, when the likely development for the East Perth Power Station has been decided by the East Perth Redevelopment Authority and the relevant analysis undertaken.*
5. *Subject to funding and agreement with the Town of Vincent it is recommended that the proposed 0.3m metre median strip be installed (in East Parade) to minimise u-turns being undertaken at Gardiner Street and enhance safety.*
6. *Main Roads consider installing 'Keep Clear' road markings at the entry and exit points to the Banks Precinct.*

At the aforementioned presentation Main Roads also advised Council that it was proposed to install an additional right turn slip lane on approach to the GFF, west bound, to reduce queuing in East Parade. Further in response to the Towns continued approaches (to Main Roads) to improve pedestrian and residents access and safety to the Banks Precinct and when crossing East Parade, MRWA also advised that they were to install traffic signals, with a pedestrian crossing phase, at the intersection of Westralia Street and East Parade.

However in respect of above proposed improvements Main Roads have since advised that because a combination of factors, including a reduction in discretionary funding and the likely redevelopment of the East Perth Power Station and adjoining land, that neither project was expected to proceed within the foreseeable future.

The main factor, as conveyed to the Town's Officers, is the uncertainty surrounding the future use of the East Perth Power Station and adjacent property. If as muted the Power Station is converted into an art gallery and seven hundred (700) plus residential units are constructed on the vacant land bounded by the GFF, the Power Station, Summers Street and East Parade, it will have a significant impact upon the Banks Precinct. MRWA have advised that they are therefore reluctant to proceed with the installation of signals at the intersection of Westralia Street and East Parade without having first undertaking detailed traffic modelling.

As a result of this delay the funding allocated for this project has been redirected and is unlikely to be re-instated in the current financial year.

In regards the proposed continuous median in East Parade, from Guildford Road to the start of the dual carriageway, MRWA have advised that they are committed to proceeding with the works at the earliest opportunity but that funding is yet to be confirmed. However the MRWA Officer co-ordinating the project is confident that 'discretionary' funding will be sourced in the current financial year.

#### **Heritage Assessments for East Parade Properties**

In reference to the Council's previous resolution DPI's Network Integration section, formerly a function of MRWA, has advised that a heritage assessment of the properties fronting East Parade has now been completed. It is DPI's intention to submit the documentation to the Town's Heritage Officer once the Minister has had an opportunity to review MRWA's East Parade/Guildford Road/Whatley Crescent Planning and Traffic Study.

#### **STRATEGIC IMPLICATIONS:**

Strategic Plan 2000-2002 – Key Result Area 1.5 “*Develop and implement a plan to manage through traffic and local traffic, and reduce car dependence*” and Key Result Area 1.6(b) “*Develop streetscape alternatives for local wider streets.*”

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

Nil.

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

Nil.

**COMMENTS:**

In the report presented to Council at its Ordinary Meeting of 3 December 2002, Council resolved (in part) to advise MRWA *“that the Council does not express a preference for any one of the three options proposed, however, it is opposed to several of the proposed traffic modifications outlined in the options including, but not limited to, changing the directional flow at Thirlmere Street as outlined in Option 2 and the provision of a right turn movement from Guildford Road into East Parade, also as outlined in Option 2”*.

As indicated in the main body of the report, MRWA have advised that as a result of the public consultation, development of Option 2 will be discontinued and Option 1 will be presented to the Minister as the preferred option, thereby eliminating the majority of Council’s specific concerns.

Further, MRWA have endeavoured to address the residents’ concerns about the inappropriate use of Gardiner Street by proposing the installation of the continuous median (back to back kerb) in East Parade in place of the Town's proposed 'seagull island'. MRWA have indicated that they are committed to this improvement and it is only dependent upon securing funding.

Therefore, the main outstanding issue, which appears no closer to resolution, is the provision of a pedestrian crossing facility in East Parade. If the new 'traffic model' resulting from the proposed redevelopment of the East Perth Power Station site, and surrounding land, indicates that signals at the intersection of Westralia Street are no longer desirable, then it is recommended that the Minister and MRWA be requested to list the installation of a pedestrian actuated pedestrian crossing facility on East Parade in the vicinity of the Westrail Centre as a matter of urgency.

### 10.3.2 Financial Statements as at 31 August 2003

<b>Ward:</b>	-	<b>Date:</b>	11 September 2003
<b>Precinct:</b>	-	<b>File Ref:</b>	
<b>Attachments:</b>	<a href="#">001 002</a>		
<b>Reporting Officer(s):</b>	Natasha Russell		
<b>Checked/Endorsed by:</b>	Mike Rootsey	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Financial Reports for the month ended 31 August 2003 be received.*

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**COUNCIL DECISION ITEM 10.3.2**

**Moved Cr Franchina, Seconded Cr Torre**

*That the recommendation be adopted.*

**Responses were provided to several items relating to the Budget.**

**CARRIED (8-0)**

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

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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 August 2003.

**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 61% of the Budget received to date.

### **General Purpose Funding (Page 1)**

General Purpose Funding is showing 82% of the budget received to date, this is due to rates being levied.

### **Health (Page 4)**

Health is showing 84% of the budget received to date. This is due to Health Licences being issued.

### **Community Amenities (Page 6)**

Community Amenities is showing 26% of the budget received to date. This is due to bin charges being invoiced.

### **Economic Services (Page 12)**

Economic Services is showing 22% of the budget received to date. Swimming Pool Inspection fees have been levied

### **Operating Expenditure**

Operating expenditure for the month is level with Budget (11%).  
All programs are within budget.

### **Capital Expenditure Summary (Pages 17 to 27)**

The Capital Expenditure summary details projects included in the 2003/04 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 \$1,302,487, which is 5% of the budget.

### **Statement of Financial Position and Changes in Equity**

This statement is unavailable until the 2002/03 financial year is finalised.

### **Restricted Cash Reserves)**

This statement is unavailable until the 2002/03 financial year is finalised.

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

#### **General Debtors (Page 28)**

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 \$4,594,988 are outstanding at the end of August. Of this \$62,997 (1%) 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.

The balance of the significant Debtors are either current or 1- 30 Days overdue due to the new system conversion.

#### **Rate Debtors (Page 29)**

The notices for rates and charges levied for 2003/04 were issued on the 11 August 2003.

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

First Instalment	15 September 2003
Second Instalment	17 November 2003
Third Instalment	16 January 2004
Fourth Instalment	16 March 2004

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.

**11.1 Notice of Motion – Councillor Simon Chester - Mount Hawthorn Centre  
- Place Development Strategy**

*That the Council authorises the Chief Executive Officer to expand the brief for the Mount Hawthorn Centre Strategy to that of a Mount Hawthorn Centre - Place Development Strategy and the scope of the strategy to include but not be limited to:*

- (i) imagery of the strategies vision;*
- (ii) urban planning;*
- (iii) community development; and*
- (iv) place promotion.*

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**COUNCIL DECISION ITEM 11.1**

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

*That the motion be adopted.*

*Debate ensued.*

**CARRIED (8-0)**

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

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**11.2 Notice of Motion – Councillor Simon Chester - Masterplan**

*That the Council;*

- (i) *request the Chief Executive Officer (CEO) prepare a brief to engage a senior consultant architect/urban planner to deliver a Masterplan over the land bordered by Loftus St, Richmond St and the Mitchell freeway;*
- (ii) *resolves that the brief for the Masterplan should:*
  - (a) *require as a minimum overall guiding plans, imagery and documentation that seeks to enhance interaction and attain best practise and highest and best value for the area;*
  - (b) *consider but not be limited to the following elements:*
    - (1) *Leederville Oval;*
    - (2) *Leederville Oval proposed public open space;*
    - (3) *Oxford district centre;*
    - (4) *Multi-sport Indoor stadium (proposed);*
    - (5) *Department of Sport and Recreation building (proposed);*
    - (6) *Loftus community centre and other identified community service providers;*
    - (7) *Loftus Recreation Centre;*
    - (8) *Margret Pre-primary;*
    - (9) *Leederville Child Care;*
    - (10) *Libraries;*
    - (11) *TAFE;*
    - (12) *Education department (Distance Education);*
    - (13) *Land in the ownership of State Government departments;*
    - (14) *Input from key stakeholders;*
    - (15) *Land in the ownership of the Town of Vincent;*
    - (16) *Council owned carparks;*
    - (17) *Leederville Railway station;*
    - (18) *Potential for Transit orientated development;*
    - (19) *Retention of places of heritage significance;*
    - (20) *Interaction with surrounding area;*
  - (c) *refer to the following documents:*
    - (1) *Oxford Centre Study (Taylor Burrell);*
    - (2) *Town of Vincent Town Planning Scheme No. 1 and the Town's policies;*
- (iii) *request the CEO establish a working group, with terms of reference, to meet and assist in the delivery of the Masterplan to Council, and that the group consist of the Mayor, two councillors, the Town's Executive Officers, the consultant and an invitation of participation be offered to the CEO of the East Perth Redevelopment Authority and the Western Australian Planning Commission (WAPC); and*
- (iv) *approaches the Western Australian Planning Commission and the Department for Planning and Infrastructure for the above project to be a joint initiative between the WAPC and the Town of Vincent, with funding from the WAPC Demonstration Projects Programme.*



**Moved Cr Chester, Seconded Cr Torre**

*That the recommendation be adopted.*

*Debate ensued.*

Cr Franchina departed the Chamber at 7.31pm and did not return to the meeting.

*Debate ensued.*

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

*That two additional elements be added to clause (ii)(b) as follows:*

- (21) Generation of usable open space (public and private);*
- (22) Community activities to be taken into consideration;"*

**AMENDMENT CARRIED (7-0)**

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

**Moved Cr Chester, Seconded Cr Farrell**

*That new subclauses (ii)(d), (e) and new clauses (v) and (vi) be added as follows:*

- (ii) (d) require a feasibility assessment and implementation plan; and*
- (e) identify a schedule for the preparation of the Masterplan up to and including presentation of the final report and that the timeline of that schedule should ensure the Leederville Masterplan influences the significant projects pending in the area;*
- (v) request the Chief Executive Officer to provide a further report to Council, as soon as possible, to identify any potential to include a draft of the Leederville Masterplan in the Vincent Visioning process; and*
- (vi) notes the full extent and comprehensive nature of the Oxford Centre Study 2000 and confirms its fundamental role as a parent document in the preparation of a Leederville Masterplan whilst noting findings of the Oxford Centre Study may be subject to review in the formulation of the Leederville Masterplan."*

**AMENDMENT CARRIED (7-0)**

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

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

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

**COUNCIL DECISION ITEM 11.2**

*That the Council;*

- (i) request the Chief Executive Officer (CEO) prepare a brief to engage a senior consultant architect/urban planner to deliver a Masterplan over the land bordered by Loftus St, Richmond St and the Mitchell freeway;*
- (ii) resolves that the brief for the Masterplan should:*
  - (a) require as a minimum overall guiding plans, imagery and documentation that seeks to enhance interaction and attain best practise and highest and best value for the area;*
  - (b) consider but not be limited to the following elements:*
    - (1) Leederville Oval;*
    - (2) Leederville Oval proposed public open space;*
    - (3) Oxford district centre;*
    - (4) Multi-sport Indoor stadium (proposed);*
    - (5) Department of Sport and Recreation building (proposed);*
    - (6) Loftus community centre and other identified community service providers;*
    - (7) Loftus Recreation Centre;*
    - (8) Margret Pre-primary;*
    - (9) Leederville Child Care;*
    - (10) Libraries;*
    - (11) TAFE;*
    - (12) Education department (Distance Education);*
    - (13) Land in the ownership of State Government departments;*
    - (14) Input from key stakeholders;*
    - (15) Land in the ownership of the Town of Vincent;*
    - (16) Council owned carparks;*
    - (17) Leederville Railway station;*
    - (18) Potential for Transit orientated development;*
    - (19) Retention of places of heritage significance;*
    - (20) Interaction with surrounding area;*
    - (21) Generation of usable open space (public and private);*
    - (22) Community activities to be taken into consideration;*
  - (c) refer to the following documents:*
    - (1) Oxford Centre Study (Taylor Burrell);*
    - (2) Town of Vincent Town Planning Scheme No. 1 and the Town's policies;*
  - (d) require a feasibility assessment and implementation plan; and*
  - (e) identify a schedule for the preparation of the Masterplan up to and including presentation of the final report and that the timeline of that schedule should ensure the Leederville Masterplan influences the significant projects pending in the area;*

- (iii) *request the CEO establish a working group, with terms of reference, to meet and assist in the delivery of the Masterplan to Council, and that the group consist of the Mayor, two councillors, the Town's Executive Officers, the consultant and an invitation of participation be offered to the CEO of the East Perth Redevelopment Authority and the Western Australian Planning Commission (WAPC);*
  - (v) *approaches the Western Australian Planning Commission and the Department for Planning and Infrastructure for the above project to be a joint initiative between the WAPC and the Town of Vincent, with funding from the WAPC Demonstration Projects Programme;*
  - (v) *request the Chief Executive Officer to provide a further report to Council, as soon as possible, to identify any potential to include a draft of the Leederville Masterplan in the Vincent Visioning process; and*
  - (vi) *notes the full extent and comprehensive nature of the Oxford Centre Study 2000 and confirms its fundamental role as a parent document in the preparation of a Leederville Masterplan whilst noting findings of the Oxford Centre Study may be subject to review in the formulation of the Leederville Masterplan.*
-

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

Nil.

**13. URGENT BUSINESS**

Nil.

**14. CLOSURE**

**The Presiding Member, Mayor Catania JP, declared the meeting closed at 7.40pm with the following persons present:**

Cr Simon Chester	North Ward
Cr Caroline Cohen	South Ward
Cr Helen Doran-Wu	North Ward
Cr Steed Farrell	North Ward
Cr Sally Lake	South Ward
Cr Maddalena Torre`	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental & Development Services
Mike Rootsey	Executive Manager, Corporate Services
Rick Lotznicher	Executive Manager, Technical Services
Debbie Winfield	Minutes Secretary
Alison Bennette-Taylor	Journalist – The West Australian
Andrea Tsovleas	Journalist – Guardian Express

2 Members of the Public

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 23 September 2003.

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

Dated this ..... day of ..... 2003