

**INDEX
(24 AUGUST 2004)**

| ITEM | REPORT DESCRIPTION | PAGE |
|--|--|-------------|
| 10.1 ENVIRONMENTAL AND DEVELOPMENT SERVICES | | |
| 10.1.1 | Further Report - No (s). 85A (Lot (s) 397) Hobart Street, Corner Shakespeare Street, Mount Hawthorn - Proposed Garage and Alterations and Additions to Street Walls and Fences to Existing Single House (Mt Hawthorn Precinct) PRO2072 (00/33/2239) | 79 |
| 10.1.2 | Further Report - No(s). 21 (Lot(s) 4) Chamberlain Street, North Perth - Proposed Partial Demolition of and Alterations, Two-Storey Additions and Garage to Existing Single House (Smith's Lake Precinct) PRO1081 (00/33/2181) | 8 |
| 10.1.3 | No(s). 18 (Lot(s) 889) Leake Street, North Perth - Proposed Two-Storey Single House (Smith's Lake Precinct) PRO2594 (00/33/2388) | 109 |
| 10.1.4 | No(s). 181 (Lot(s) 13) Grosvenor Road, North Perth - Proposed Carport and Street Fence Additions to Existing Single House (Smith's Lake Precinct) PRO2856 (00/33/2315) | 16 |
| 10.1.5 | No(s). 45 (Lot(s) 721) Leake Street (Cnr View Street), North Perth - Proposed Alterations and Loft Additions to Existing Institutional Building (Aged Care Facility) (Smith's Lake Precinct) PRO1078 (00/33/2307) | 94 & 98 |
| 10.1.6 | No(s). 35 (Lot(s) 47) Flinders Street, Mount Hawthorn - Proposed Partial Demolition of and Alterations and Additions with Loft to Existing Single House and Demolition of Existing Outbuilding (Shed) (Mt Hawthorn Precinct) PRO2873 (00/33/2332) | 20 |
| 10.1.7 | No(s). 15 (Lot(s) 1) Scarborough Beach Road (Dual Frontage with Howlett Street), Mount Hawthorn - Proposed Partial Demolition of and Alterations and Two-Storey Additions to Existing Funeral Parlour (Charles Centre Precinct) PRO0153 (00/33/2212) | 25 |
| 10.1.8 | No(s). 6 (Lot(s) 63) Forrest Street, Mount Lawley - Proposed Two-Storey Single House (Norfolk Precinct) PRO2803 (00/33/2245) | 28 |
| 10.1.9 | No(s). 57 (Lot(s) 178, 179 & 416) Monmouth Street & Burt Street, Mount Lawley - Proposed Construction of Twelve (12) Two-Storey Single Houses (Revised Plans for the Reconsideration of Finished Floor Levels) (Norfolk Precinct) PRO2387 (00/33/1682) | 94 & 102 |
| 10.1.10 | No(s). 19 (Lot(s) 3) Kingston Avenue, West Perth - Proposed Patio/Disability Covered Area Additions to Existing Single House (Clever Precinct) PRO2853 (00/33/2309) | 86 |
| 10.1.11 | No(s). 1A (Lot(s) 116) Primrose Street, Perth - Alterations and Additions to Street Fencing to Approved Single House (Application for Retrospective Planning Approval) (Hyde Park Precinct) PRO2004 (00/33/2282) | 33 |

| | | |
|---------|--|----|
| 10.1.12 | No(s). 100-102 (Lot(s) 46) Edward Street, Perth - Change of Use from Grouped Dwelling and Office Building to Consulting Rooms (Massage) - Application For Retrospective Planning Approval (Beaufort Precinct) PRO1908 (00/33/2277) | 71 |
| 10.1.13 | Report on Environmental Pollution Control and the Environmental Protection (Unauthorised Discharges) Regulations 2004 (All Precincts) ENS0012 | 36 |
| 10.1.14 | LATE ITEM - Further Report No(s). 35 (Lot(s) 36) Fairfield Street, Mount Hawthorn - Proposed Additional Two-Storey Grouped Dwelling to Existing Single House (Mt Hawthorn Precinct) PRO2835 (00/33/2288) | 39 |

10.2 TECHNICAL SERVICES

| | | |
|--------|--|-----|
| 10.2.1 | Proposed Traffic Management and Streetscape Enhancement for Woodstock Street, Mount Hawthorn (TES0173 & TES0334) Mt Hawthorn Precinct | 90 |
| 10.2.2 | 2004 Pride Parade - Temporary Closure of Brisbane Street Between Beaufort and William Streets and William Street Between Bulwer and Newcastle Streets, Perth (TES0027 & CMS0040) Forrest, Beaufort & Hyde Park Precincts | 52 |
| 10.2.3 | Introduction of an ACROD 2.5 Parking Bay on Haynes Street Outside the Shalom Dental Clinic Located at 31 Sydney St, North Perth (PRO2006) North Perth Precinct | 95 |
| 10.2.4 | The Future of the 40kph Local Traffic Area Zones in Residential Precincts (TES0334 & TES0530) All Precincts | 116 |
| 10.2.5 | Waste Management and Recycling Fund - Resource Recovery Rebate (ENS0008 & FINS0078) All Precincts | 55 |

10.3 CORPORATE SERVICES

| | | |
|--------|---|----|
| 10.3.1 | Margaret Pre-School Surrounds Upgrade (CMS0020) | 67 |
| 10.3.2 | Lease - Leederville Tennis Club (PRO0594) | 58 |
| 10.3.3 | Licence Agreement Mount Hawthorn Community Church (PRO0003) | 60 |

10.4 CHIEF EXECUTIVE OFFICER

| | | |
|--------|--|-----|
| 10.4.1 | Progress Report No. 8 - Department of Sport and Recreation (DSR) Office Building – Leederville Oval, No. 246 Vincent Street, Leederville and Approval of Internal Fitout (RES0062) | 62 |
| 10.4.2 | Chief Executive Officer's Performance Review 2004 - Appointment of Consultant | 120 |

- | | | |
|--------|---|-----|
| 10.4.3 | Amendment to Town of Vincent Parking Facilities Local Law – Second Schedule (LEG0047) | 126 |
| 10.4.4 | Information Bulletin | 124 |

11. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

- | | | |
|------|---|-----|
| 11.1 | Notice of Motion – Councillor Ian Ker - Streetscapes in the Town | 66 |
| 11.2 | Notice of Motion – Councillors Ian Ker and Sally Lake - 60 km per hour Speed Limits in the Town | 130 |

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

- | | | |
|------|--|-----|
| 12.1 | LATE REPORT: WALGA Nominations - Active Ageing Consultative Committee; Council of National Trust of Australia (WA); State Starling Management Advisory Committee; Visitor Servicing Study Implementation Group; WA Bicycle Committee (ORG0045) | 131 |
|------|--|-----|

13. URGENT BUSINESS

14. CLOSURE

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 24 August 2004, commencing at 6.00pm.

1. DECLARATION OF OPENING

The Presiding Member, Deputy Mayor Ian Ker, declared the meeting open at 6.05pm.

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Nil.

(b) Present:

| | |
|---------------------------|---|
| Cr Ian Ker (Deputy Mayor) | Presiding Member |
| Cr Simon Chester | North Ward |
| Cr Caroline Cohen | South Ward |
| Cr Helen Doran-Wu | North Ward |
| Cr Steed Farrell | North Ward |
| Cr Basil Franchina | North Ward |
| Cr Sally Lake | South Ward |
| Cr Maddalena Torre | South Ward |
| John Giorgi, JP | Chief Executive Officer |
| Rob Boardman | Executive Manager, Environmental and Development Services |
| Rick Lotznicher | Executive Manager, Technical Services |
| Mike Rootsey | Executive Manager, Corporate Services |
| Nadine Wellington | Executive Secretary (Minutes Secretary) |
| Matt Zis | Journalist – Guardian Express |
| Mark Fletcher | Journalist – Voice News |

Approximately 20 Members of the Public

(c) Members on Leave of Absence:

Mayor Nick Catania, JP on approved leave of absence – 12 August to 7 September 2004 for personal reasons.

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

1. M/s Marie Slyth of 89 Carr Street, West Perth – Item 11.1. As a member of the Town of Vincent Vision Committee she commended the motion on streetscapes in the Town. One of the major focal points that has already been agreed upon at the vision meetings is that heritage homes and heritage streetscapes take a lot of precedence. Urged Council to take the necessary steps required to implement this motion swiftly before too many more demolitions and two-storey plus replacement dwellings win the battle. Tabled two photograph albums showing single storey streetscapes in Cleaver Precinct together with two photo sheets showing Strathcona Street between 1928 and 1970 so people could see how little it has changed.

2. M/s Anne Champion of 17 Mandara Court, Duncraig – Item 10.3.1. Thanked the Town of Vincent for their wonderful ongoing support to date. Gave details of the Margaret Pre-Schools innovative program they are currently implementing called "Fundamental Movement Skills" to assist in addressing the nationwide childhood obesity problem. Advised the facilities at present are substandard and require upgrade. Urged the Council to consider funding assistance.
3. Mr Peter Clarke of 31 Brewer Street, Perth – Item 10.1.12. Endorsed the Officer Recommendation and stated he thought it was totally inappropriate that the application be endorsed in any way. The application is totally out of context with the Council's vision for the Beaufort Precinct. Gave details of abuse from customers and staff of the business, effects on his property and surrounding residences from noise, dust and mud in the rear laneway.

Presiding Member, Deputy Mayor Cr Ian Ker advised that the application for change of use has been withdrawn by the applicant. The Council will still be considering a response to the unauthorised use.

4. Mr Michael Jenkin of 102 Coogee Street, Mt Hawthorn – Item 10.3.1. Supported the comments of previous speaker, Anne Champion and also thanked the Council for their support. As a parent of a child at the pre-school felt that the program is outstanding and first class. Urged Council to make a decision for the future of the young people in the Town and vote in favour of the recommendation.

Cr Lake departed the Chamber at 6.17pm.

Cr Lake returned to the Chamber at 6.18pm.

5. M/s Rochelle Rose of 85A Hobart Street, Mt Hawthorn – Item 10.1.1. Requested Council to approve the plans with a zero setback for the following reasons; level of pedestrian traffic on Shakespeare Street is very low; the proposed alternative was to move the car parking structure to the front of the block and the level of pedestrian traffic on Hobart Street is very high; there is a high level of pedestrian visibility from the garage due to the fact that it is located at the rear of the property; the block is relatively narrow and any further setback will place the garage almost halfway in the middle of the backyard; the sewer line is located 6.5 metres from the edge of the property and if a setback is imposed they will be building over the top of the sewer line and impede access; the garage and boundary wall will be built in character with the 1920 style house and will improve the streetscape; the large existing street tree will lessen the impact of the garage on the streetscape; owners of the rear adjoining property have no objection.
6. M/s Bridget Silvestri of 6 Duchess Court, Bayswater – Item 10.1.12. Supported the comments of previous speaker, Mr Clarke. Advised that she is the owner of an investment property in Edward Street. Wants to know where they stand with that building for re-sale. Advised they can't sell it to brothel owners because brothel owners don't know if they can go in there permanently. They can't sell it to other businesses because of the brothels in the area. Advised brothels has been legalised in some states and is keen for a decision to be made as to where brothels are to be located.

Presiding Member, Deputy Mayor Cr Ian Ker advised that last year Prostitution Legislation was introduced by the State Government but was unworkable mainly due to a lack of consultation with all stakeholders.

7. Mr George Panayotou on behalf of his parents Peter and Vicky Panayotou of 19 Kingston Avenue, West Perth – Item 10.1.10. Advised that his parents have been ratepayers for over 35 years at that address. Over the last couple of years his mother has developed a degenerative disease which means she cannot walk without the assistance of a frame. They currently park on the street and propose a covered walkway from the entry of the front gate to assist in keeping his mother protected from the rain and hot sun while getting from the vehicle to the house which can take 15 minutes. Asked Council to overturn the Officer Recommendation and support their proposal.
8. Mr Christopher Landon of 92 Shakespeare Street, Mt Hawthorn – Item 10.2.1. Advised that most of his property fronts Woodstock Street and has a lot of interest in this issue. Thanked the Council Officers for their efforts to date, advised that he commends and supports approval of the proposed plan. Advised that he does not support speed humps proposed in Stage 2 and they are not required and generate more noise. Suggested white lines to re-enforce the embayment areas, mark the bus stop and increase signage to show 50 kph would also help greatly.

Presiding Member, Deputy Mayor Cr Ian Ker advised that the issue of 50 kph signs is the responsibility of Main Roads.

There being no further questions from the public, the Presiding Member closed Public Question Time at 6.25pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS

- 5.1 The Chief Executive Officer advised that he had received a petition containing 21 signatures from Ms K Susnjar objecting to the proposed change of use from residential to office buildings (alleged Escort Agency) at No. 158A (Lot 529) Vincent Street, North Perth.

The Chief Executive Officer advised that the petition will be forwarded to Executive Manager Environmental and Development Services for investigation and report.

Moved Cr Lake, Seconded Cr Torre

That the petitions be received.

CARRIED (8-0)

(Mayor Catania on approved leave of absence).

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 Ordinary Meeting of Council held on 10 August 2004

Moved Cr Lake, Seconded Cr Farrell

That the Minutes of the Ordinary Meeting of Council held on 10 August 2004 be confirmed as a true and correct record.

CARRIED (8-0)

(Mayor Catania on approved leave of absence).

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7.1 Late Item – Further Report No. 35 (Lot 36) Fairfield Street, Mount Hawthorn – Proposed Additional Two-Storey Grouped Dwelling to Existing Dwelling

This matter has been deferred from two previous Ordinary Meetings of Council for clarification of the plans.

7.2 Late Item – Item 12.1

Representation on Statutory Authorities and Public Bodies was included in the agenda as these were received after the close of the agenda.

7.3 Withdrawal of Notice of Motion

Cr Chester has withdrawn Notice of Motion 11.3 from tonight's Agenda.

7.4 Item 10.1.12 Relating to 102 Edward Street, Perth

This application has been withdrawn by the applicant, however the Town's administration have prepared an alternative Officer Recommendation for the Council to consider the alleged unauthorised use at these premises.

7.5 Council's Recording Equipment

I wish to draw the Councillor's attention to the recording of tonight's meeting and the need to use your microphone when speaking. A different recording system is being trialled and this is being considered as a component for the Council meeting process with the intention of having a progressive audio visual display of the Council items during the meeting, to the Public Gallery.

7.6 Announcement under Section 3.12(2) of the Local Government Act 1995 to Amend a Local Law - Item 10.4.3 - on Tonight's Agenda

"It is advised that the Town of Vincent hereby gives public notice that it intends to amend the Town of Vincent Local Law Relating to Parking Facilities, as published in the Government Gazette on 23 May 2000, to replace the existing Second Schedule with a new Second Schedule."

The intent of this amendment is to standardise the times during which paid parking is in operation in the Council's car parks.

7.7 Town of Vincent Bike Path - Banks Reserve

I am pleased to announce that agreement has been reached by the Town and the Swan River Trust on the route of the Swan River Regional Recreational Bike Path from Banks Reserve to Mitchell Street on the Mount Lawley foreshore.

This stretch of bike path will link existing shared paths at both Banks Reserve and Bardon Park.

The challenge had been to find a route that satisfactorily addressed both environmental issues and safety and security concerns. On one hand you have the residents, behind whose homes the proposed bike path will run, worried about the possible impact on their security and privacy. On the other, locating the path well away from their properties and closer to the river would have a negative impact upon environmentally sensitive areas and was unacceptable.

Vincent Council and the Trust had considered numerous design options over a number of years in an effort to reach a solution acceptable to all parties.

The Swan River Trust and Town representatives met on Monday 16 August to consider the revised proposal, which had already received the seal of approval from the Council at its Ordinary Meeting held on 9 March 2004.

The Trust's recommended approval of the bike path is subject to final determination by Environment Minister, Dr Judy Edwards.

Cr Chester departed the Chamber at 6.30pm.

Cr Chester returned to the Chamber at 6.32pm.

8. DECLARATION OF INTERESTS

8.1 Chief Executive Officer John Giorgi declared an interest affecting impartiality in Item 10.4.2 which relates to the appointment of a consultant for the CEOs Performance Appraisal 2004. The extent of his interest being that it relates to his annual performance review and as a consequence there may be a perception that his impartiality may be affected. He declared that he had prepared the report based on the merits of the matter.

8.2 Cr Chester declared an interest affecting impartiality in Item 10.2.3 – relating to Acrod Parking in Haynes Street. The extent of his interest being that he has a child that attends the playgroup.

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 11.1, 10.3.1, 10.1.12, 10.1.1, 10.1.10 and 10.2.1.

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

Items 10.1.3, 10.3.1 and 10.4.3.

Presiding Member, Cr Ian Ker (Deputy Mayor), requested Elected Members to indicate:

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

| | |
|--------------|--------------------------------------|
| Cr Ker | Nil |
| Cr Lake | Item 10.4.2 |
| Cr Chester | Items 10.1.5, 10.1.9, 10.2.3, 10.4.4 |
| Cr Torre | Nil |
| Cr Doran-Wu | Item 12.1 |
| Cr Farrell | Nil |
| Cr Cohen | Item 10.2.4 |
| Cr Franchina | Nil. |

Presiding Member, Cr Ian Ker (Deputy Mayor), requested the Chief Executive Officer to advise the Meeting of:

10.4 **Items which members/officers have declared a financial or proximity interest and the following was advised:**

Nil.

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

Items 10.1.2, 10.1.4, 10.1.6, 10.1.7, 10.1.8, 10.1.11, 10.1.13, 10.1.14, 10.2.2, 10.2.5, 10.3.2, 10.3.3 and 10.4.1.

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

Nil.

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

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

Items 10.1.2, 10.1.4, 10.1.6, 10.1.7, 10.1.8, 10.1.11, 10.1.13, 10.1.14, 10.2.2, 10.2.5, 10.3.2, 10.3.3 and 10.4.1.

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

Items 11.1, 10.3.1, 10.1.12, 10.1.1, 10.1.10 and 10.2.1.

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

Moved Cr Torre, Seconded Cr Farrell

That the following unopposed items be moved en bloc;

Items 10.1.2, 10.1.4, 10.1.6, 10.1.7, 10.1.8, 10.1.11, 10.1.13, 10.1.14, 10.2.2, 10.2.5, 10.3.2, 10.3.3 and 10.4.1.

CARRIED (8-0)

(Mayor Catania on approved leave of absence).

10.1.2 Further Report - No(s). 21 (Lot(s) 4) Chamberlain Street, North Perth - Proposed Partial Demolition of and Alterations, Two-Storey Additions and Garage to Existing Single House

| | | | |
|------------------------------|---------------------|--------------------|---------------------|
| Ward: | North | Date: | 13 August 2004 |
| Precinct: | Smith's Lake; P6 | File Ref: | PRO1081; 00/33/2181 |
| Attachments: | 001 | | |
| Reporting Officer(s): | L Mach | | |
| 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 J Mascurine on behalf of the owners S and M Mascurine for proposed partial demolition of and alterations, two-storey additions and garage to the existing single house at No(s). 21 (Lot(s) 4) Chamberlain Street, North Perth, and as shown amended plans stamp-dated 9 August 2004, subject to:

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

- (vi) *prior to the issue of a Building Licence the applicant shall pay a \$275 crossover bond to ensure the crossover is constructed to comply with the Town's standard crossover specification/s. Application for the refund of the bond must be submitted in writing;*
- (vii) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (viii) *standard visual truncations, in accordance with the Town's Policies and to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*
- (ix) *subject to first obtaining the consent of the owners of the adjoining property owners at No. 19 Chamberlain Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 19 Chamberlain Street in a good and clean condition;*
- (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; and*
- (xi) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Chamberlain 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;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.2

Moved Cr Torre, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED (8-0)

(Mayor Catania on approved leave of absence).

FURTHER REPORT:

At the request of the applicant, the Council at its Ordinary Meeting held on 8 June 2004 resolved to defer the application for partial demolition of and alterations, garage and two-storey additions to the existing single house at No.21 Chamberlain Street.

The Town has since received amended plans and a letter from the applicant, addressing neighbours concerns regarding building height and condition/clause (xi) of the previous Officer's Recommendation; as follows:

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

- (a) the overall height of the building being reduced to 6 metres to the top of the external walls, and 9 metres to the top of the roof pitch from natural ground level; and*
- (b) the vehicular opening to the garage being a minimum of 4.8 metres wide.*

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

The amended plans demonstrate the applicant has taken into consideration the Residential Design Codes (R-Codes) requirements, and has reduced the overall wall and building height to a level which does not compromise the functionality of the proposal. The amended plans differ from the previous plans presented to the Council on 8 June 2004, in that the height of the proposal to the roof pitch is reduced from 9.80 metres to 8.87 metres, and the height to the top of wall is reduced from 7.0 metres to 6.15 metres. The letter, which requests a variation of 0.15 metre in wall height, is provided as an attachment. In summary, the applicant requests the Council to consider the concession sought for the following reasons:

- The proposed variation in wall height is required in order to allow for the finished floor level of the proposed addition to be level with the finished floor level of the existing house; which will therefore enable access for elderly relatives and their carers, allow for solar heat gain and maintain the consistency and continuity of the existing house. Furthermore, any further reductions in height for the upper floor will result in the ceilings for the ensuite and walk-in-robe being almost equal to internal door head heights.
- The impact of a 0.15 metre height concession on neighbouring properties is no greater than a building with a height of 6 metres given the pitch and depth of the roof, the boundary fence screening the wall and the reduction in wall height along the east boundary. In addition, the proposed height does not have any significantly greater impact on the amenity on adjacent properties through overshadowing or overlooking when compared to a wall with a height of 6 metres.
- The potential impact on streetscape is negligible due to the location of the proposed two story addition on the subject site and its roof design.

Whilst the proposed wall height of the amended plans is still a deviation from the requirements of the R Codes, the variation in this instance is considered to be minor, regarded to be keeping in character with the existing house and surrounding areas, and not considered to unduly affect the privacy or the amenity of the adjoining neighbours Accordingly, the variation is supported.

In relation to sub-clause (b), the amended plans show the vehicular opening to the garage being 4.8 metres wide.

In light of the above, condition/clause (xi) of the previous Officer Recommendation should be deleted.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 8 June 2004:

"OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by J Mascurine on behalf of the owners S and M Mascurine for proposed partial demolition of and alterations, two-storey additions and garage to the existing single house at No. 21 (Lot 4) Chamberlain Street , North Perth, and as shown plans stamp-dated 6 April 2004, subject to:

- (i) compliance with all Building, Environmental Health and Engineering requirements;*
- (ii) a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
- (iii) a road and verge security bond or bank guarantee of \$550 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing.*
- (iv) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (v) the construction of crossovers shall be in accordance with the Town's specifications;*
- (vi) no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (vii) 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;*
- (viii) subject to first obtaining the consent of the owners of the adjoining property owners at No. 19 Chamberlain Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 19 Chamberlain Street in a good and clean condition;*
- (ix) prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*

- (x) *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 Chamberlain 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*
- (xi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating that:*
- (a) *the overall height of the building being reduced to 6 metres to the top of the external walls, and 9 metres to the top of the roof pitch from natural ground level; and*
- (b) *the vehicular opening to the garage being a minimum of 4.8 metres wide.*

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.

COUNCIL DECISION ITEM 10.1.4

Moved Cr Franchina, Seconded Cr Lake

That Item be DEFERRED at the request of the applicant.

CARRIED (8-0)

(Cr Torre was an apology for the meeting.)

LANDOWNER: *S and M Mascurine*
APPLICANT: *J Mascurine*
ZONING: *Metropolitan Region Scheme - Urban*
Town Planning Scheme No. 1 - Residential R30
EXISTING LAND USE: *Single House*

COMPLIANCE:

| <i>Requirements</i> | <i>Required</i> | <i>Proposed</i> |
|----------------------|-------------------|-------------------|
| <i>Setbacks:</i> | | |
| <i>Ground Floor-</i> | | |
| <i>East Side</i> | <i>4.5 metres</i> | <i>1.4 metres</i> |
| <i>West Side</i> | <i>4.5 metres</i> | <i>1.3 metres</i> |
| <i>Upper Floor-</i> | | |
| <i>West Side</i> | <i>1.5 metres</i> | <i>1.4 metres</i> |

| | | |
|--|---|---|
| <i>Privacy:</i> | | |
| <i>West Side- Lounge (overlooks right of way only)</i> | <i>6 metres</i> | <i>1.4 metres (7.5 metres to other western side property as a 5 metres wide right of way divides each property)</i> |
| <i>Rear- Balcony (overlooks right of way only)</i> | <i>7.5 metres</i> | <i>2.5 metres (7.5 metres to adjacent western property).</i> |
| <i>Rear- Deck- (overlooks right of way only)</i> | <i>7.5 metres</i> | <i>3 metres (8 metres to adjacent western property).</i> |
| <i>Height</i> | <i>6 metres to top of walls and 9 metres to top of roof pitch</i> | <i>7 metres to top of wall and 9.8 metres to top of roof pitch</i> |
| <i>Plot Ratio</i> | <i>N/A</i> | <i>N/A</i> |

| | |
|---------------------------|--------------------------|
| <i>Use Class</i> | <i>Single House</i> |
| <i>Use Classification</i> | <i>"P"</i> |
| <i>Lot Area</i> | <i>529 square metres</i> |

SITE HISTORY:

The subject site abuts a 5.02 metres wide right of way on the eastern and western sides, which has been resumed and vested in the Town.

- 18 January 1999 Council resolved to refuse a proposal for one (1) two-storey single bedroom dwelling addition to the existing house.*
- 28 June 1999 Council resolved to refuse a similar proposal for one (1) two-storey single bedroom dwelling addition to the existing house.*
- 13 September 1999 Applicant submitted grounds for appeal.*
- 11 October 1999 Town lodged respondent statement to the Minister for Planning.*
- 9 December 1999 Applicant requested the Minister to defer the appeal pending the outcome of the proposed subdivision (no further correspondence on file in relation to this matter).*

DETAILS:

The proposal comprises of the partial demolition of and alterations, garage and two-storey additions to the existing single house.

The applicant submitted the attached letter of justification in support of the proposed development.

CONSULTATION/ADVERTISING:

The proposal was advertised to neighbouring property owners for comment. One objection was received during the consultation process.

The letter of objection raised the following summarised concerns:

- *Bulk and scale.*
- *Two-storey addition being out of character with the existing street.*
- *Proposed dwelling would be the largest in the street.*
- *Visual impact will affect the enjoyment of the adjoining neighbour's backyard area.*
- *Objector requested height reduction and for setbacks to be as per the R-Codes.*

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Height

The applicant is proposing to vary the R-Codes acceptable height requirements, as 7 metres to the top of the wall and 9.8 metres to the top of the roof pitch is proposed at the highest point, in lieu of 6 metres and 9 metres respectively.

The proposed height is not considered to be in-keeping with the amenity of the street, which is predominantly characterised by single storey dwellings. Given this, the proposal will dominate the streetscape, creating an undue impact on the amenity of the neighbouring properties, and the area generally.

It is noted that the applicants are proposing to extend the ground floor in-line with the finished floor level of the existing dwelling, and that the lay of the land slopes down towards rear, both of which exacerbate the height issues.

Notwithstanding the above, development should not be at the expense of the amenity of adjoining properties, and the height issue can be addressed by dropping the ceiling heights, finished floor levels and altering the pitch of the roof.

In light of the above, and given the direct neighbours concerns regarding the height of the proposed development, the proposed height is not considered supportable in this instance. A condition has therefore been recommended to reduce the height to 6 metres to the top of the wall and 9 metres to top of the roof pitch, which is in compliance with the R-Codes.

Setbacks

The proposed side setbacks on the ground floor on the eastern and western sides do not comply with the R-Codes acceptable development requirements. However, this is due to the fact that the wall heights on the ground level are 3.7 metres from natural ground level, and there is significant jump from a 1.5 metres setback requirement for wall heights under 3.5 metres, to a 4.5 metres requirement for wall heights in-between 3.5 metres and 4 metres.

Given the above, and that there is no undue impact on the neighbours in terms of overshadowing or overlooking, and the visual impact, in terms of bulk and scale, will be reduced as a result of the height reduction, the variations are therefore supported.

Additionally, the minor setback variation of 100 millimetres on the upper floor, western side, is also considered acceptable in this instance due to above-mentioned reasons.

Privacy

The subject land abuts a five (5) metres wide right of way on the eastern and western sides. Given this, there are no cone of vision encroachments into the adjacent western side property, and screening is therefore not considered necessary in this instance.

Conclusion

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

10.1.4 No(s). 181 (Lot(s) 13) Grosvenor Road, North Perth - Proposed Carport and Street Fence Additions to Existing Single House

| | | | |
|------------------------------|---------------------|--------------------|---------------------|
| Ward: | South | Date: | 17 August 2004 |
| Precinct: | Smiths Lake; P6 | File Ref: | PRO2856; 00/33/2315 |
| Attachments: | 001 | | |
| Reporting Officer(s): | G Snelling | | |
| Checked/Endorsed by: | D Abel, R Boardman | Amended by: | - |

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner AD & AJ Gifford for proposed Carport and Street Fence Additions to Existing Single House, at No(s). 181 (Lot(s) 13) Grosvenor Road, North Perth, and as shown on plans stamp-dated 23 June 2004, subject to;

- (i) *compliance with all Building, Environmental Health and Engineering requirements;*
- (ii) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fence and gate adjacent to Grosvenor Road shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fence and gate being visually permeable, with a minimum 50 per cent transparency;*
- (iii) *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, at the applicant's/owner(s)' full expense;*
- (iv) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (v) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (vi) *a footpath, road and verge security bond or bank guarantee of \$220 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*
- (vii) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*

- (viii) *all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath levels;*
- (ix) *all new crossover/s to the allotment shall be constructed in accordance with the Town's standard Crossover Specification/s which, in particular, specify that the portion of the existing footpath traversing the proposed crossover, subject to the existing footpath being in a good condition as determined by the Town's Technical Services Division, must be retained such that it forms a part of the proposed crossover and the proposed crossover levels shall match the level/s of the existing footpath;*
- (x) *prior to the issue of a Building Licence, the applicant shall pay a \$275 crossover bond to ensure the crossover is constructed to comply with the Town's standard crossover specification/s. Application for the refund of the bond must be submitted in writing;*
- (xi) *detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building Licence application;*
- (xii) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted, all cost associated with the removal and replacement shall be borne by the applicant/owner(s); and*
- (xiii) *the carport shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted);*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.4

Moved Cr Torre, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED (8-0)

(Mayor Catania on approved leave of absence).

| | |
|----------------------------|---|
| Landowner: | AD & AJ Gifford |
| Applicant: | AD & AJ Gifford |
| Zoning: | Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R40 |
| Existing Land Use: | Single House |
| Use Class: | Single House |
| Use Classification: | "P" |
| Lot Area: | 759 square metres |

COMPLIANCE:

| Requirements | Required | Proposed * |
|---------------------|---|--|
| Plot Ratio | N/A | N/A |
| Carport Location | Car parking is to be accessible from existing rights of way where (legally) available and sealed. | Car Parking is proposed from the primary street. |

* The plot ratio calculation is provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

SITE HISTORY:

The subject lot is currently occupied by a single storey single house. The side and rear of the subject lot abuts a right of way, which is 5 metres in total width and privately owned. However, construction works have commenced to seal the right of way, and completion of this work is programmed for 20 August 2004, weather permitting.

The site location of the proposed carport is currently being used as a hardstand area, which provides parking facilities for two (2) vehicles, and utilises the existing crossover.

DETAILS:

The applicant proposes a carport to be located on the eastern side of the lot with a 2.6 metres setback to the northern front boundary, which incorporates a 1.8 metres high solid single leaf brick wall and gate, located at the rear on the southern elevation.

The width of the carport does not exceed 50 per cent of the lot frontage.

The applicant has provided the following comments in support of the application:

"We have requested permission to construct a double carport on the eastern side of our property. It is our understanding that this is against Town of Vincent Policy on Right of Ways as there is a Right of Way to the side of our property. Our reasons for not locating the proposed carport at the rear of the property with access to the right of way is that there is an existing pergola, family entertainment area and an established garden. This is our only area for private family activities and utilised regularly. To create a double carport at the rear of the property would involve the removal of the established garden, private family entertainment area, and some of the existing pergola structure, which would be of greater expense than the proposed construction at the front of the property.

The proposed double carport incorporates open fencing to the front and sides of our property and will not dominate or detract from the front elevation of the property. We envisage a 1.8 metre high red brick piers, with wrought iron infill panels to match the existing front fence. A 1.8 metre high solid brick wall will be constructed across the back of the carport to provide privacy for the family entertainment area, and to assist with security of the property. This will not overlap the front elevation of the house."

CONSULTATION/ADVERTISING:

The proposal has been advertised and no written submissions have been received by the Town.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Carport

The Carport has been assessed against the recent resolution of Council at its Ordinary Meeting held on 27 April 2004 relating to the Town's Policies - Street Setbacks, Vehicular Access, and Vehicle Access to Dwellings Via a Right of Way. The Council Minutes in relation to this matter states the following:

"...the Council APPROVES the following variations to the Town's Policies relating to Street Setbacks, Vehicular Access, and Vehicle Access to Dwellings Via a Right-Of-Way as an interim practice, until finalisation of the review of these Policies:

Vehicular access to car parking, carports and garages to a dwelling that directly fronts onto a street can be from that street, regardless whether a right of way is available to the property, where all of the following criteria are met to the satisfaction of the Town:

- (a) the right of way is unsealed or not programmed to be sealed within the current, or subsequent, financial year, whichever is the more appropriate, in accordance with the Town's right of way upgrade program;*
- (b) any carport with the front setback area shall be one hundred (100) per cent open on all sides at all times (open type gates/panels are permitted), except where it may abut the front main building wall of the dwelling (not open verandah, porch, portico, balcony and the like);*
- (c) the total width of any carport within the front setback area does not exceed 50 per cent of the lot frontage at the building line; and*
- (d) garages setback a minimum of 6.0 metres from the frontage street, or at least 500 millimetres behind the line of the front main building wall of the dwelling (not open verandah, porch, portico, balcony and the like..."*

The proposed carport does not satisfy point (a) of Council's resolution, as the unsealed right of way at the side and rear of the subject property is currently being upgraded, construction works have commenced to seal the right of way, and completion of this work is programmed for 20 August 2004, weather permitting.

A precedent exists in the immediate locality of Grosvenor Road, with one (1) carport and one (1) pergola constructed in the front setback area. Also, adjacent to the proposed location of the subject carport, on the opposite side of the right of way, is an existing brick garage setback approximately 880 millimetres from Grosvenor Road (that is, secondary street setback).

There is limited opportunity to construct the proposed carport at the rear of the property, as there is an existing pergola, family entertainment area and an established garden. Such a proposal would involve the removal of the established garden, private family entertainment area, and some of the existing pergola structure.

Conclusion

In light of the above, it is recommended that approval be granted for the proposal, subject to standard and appropriate conditions.

10.1.6 No(s). 35 (Lot(s) 47) Flinders Street, Mount Hawthorn - Proposed Partial Demolition of and Alterations and Additions with Loft to Existing Single House and Demolition of Existing Outbuilding (Shed)

| | | | |
|------------------------------|---------------------|--------------------|---------------------|
| Ward: | North | Date: | 17 August 2004 |
| Precinct: | Mt Hawthorn, P1 | File Ref: | PRO2873; 00/33/2332 |
| Attachments: | 001 | | |
| Reporting Officer(s): | L Mach | | |
| Checked/Endorsed by: | D Abel, R Boardman | Amended by: | - |

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by L Golic on behalf of the owner JD Doyle for proposed Partial Demolition of and Alterations and Additions with Loft to Existing Single House and Demolition of Existing Outbuilding (Shed) at No(s). 35 Lot(s) 47 Flinders Street, Mount Hawthorn, and as shown on plans stamp-dated 24 June 2004, subject to:

- (i) compliance with all Building, Environmental Health and Engineering requirements;*
- (ii) a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
- (iii) a road and verge security bond or bank guarantee of \$550 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing.*
- (iv) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;*
- (v) prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*

- (vi) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (vii) *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;*
- (viii) *subject to first obtaining the consent of the owners of the adjoining property owners at No. 33 Flinders Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 33 Flinders Street in a good and clean condition;*
- (ix) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (x) *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 Flinders 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;*
- (xi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the garage being setback a minimum of 1.0 metre from the rear/western boundary. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and*
- (xii) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the north side of the deck shall be screened with a permanent obscure material and be non-openable to a minimum height of 1.6 metres above the finished floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.6

Moved Cr Torre, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED (8-0)

(Mayor Catania on approved leave of absence).

ADDITIONAL INFORMATION:

A letter of objection (copy attached) has been received by the Town on 11 August 2004 with regard to the subject proposal. The concerns raised in the submission related to the northern setback of the proposed addition and the setback of the proposed deck and its effect on the adjoining neighbour in terms of privacy and amenity. The submission also objected to the proposed brick boundary fence.

The submission's comments in relation to the northern setback are noted. However, the Town's Policy relating to the Anzac Locality encourages the maintenance of existing side setbacks. Thus, while the proposed northern setback is a deviation from the Residential Design Codes (R-Codes), the variation in this instance is supportable as it is considered to be minor, regarded to be keeping in character with the existing house and not considered to unduly affect the amenity of the adjoining neighbours. It is further noted that variation to the northern setback is exacerbated by the slope of the land.

With regards to concerns relating to privacy due to the proposed setbacks, this has been addressed via clause/condition (xii) of the Officer Recommendation, which requires screening in accordance with the requirements of the R- Codes.

In relation to the objection regarding the proposed fence, any alterations to a dividing fence is a matter to be resolved between the affected property owners in accordance with the Dividing Fences Act (, which is not administered by Local Governments).

In light of the above, the Officer Recommendation remains unchanged.

| | |
|----------------------------|---|
| Landowner: | JD Doyle |
| Applicant: | L Golic |
| Zoning: | Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R30 |
| Existing Land Use: | Single House |
| Use Class: | Single House |
| Use Classification: | "P" |
| Lot Area: | 468 square metres |

COMPLIANCE:

| Requirements | Required | Proposed * |
|-------------------------|---|---|
| Plot Ratio | N/A | N/A |
| Buildings on Boundaries | One boundary wall is permitted with an average height of 3 metres and a maximum height of 3.5 metres, for 66.6% length of boundary. | Three boundary walls proposed: - garage boundary wall (western) has a height of 3.5 metres, for 55.5 % of boundary; - garage boundary wall (southern) has a height of 3.5 metres, for 16.3% of boundary; and - laundry boundary wall (southern) has a height of 4.0 metres for 11.1 % of boundary. |

| | | |
|-------------------------------------|---|---|
| Setbacks: | | |
| Ground floor | | |
| - South (garage) | 1 metre | Nil |
| - South (main building) | 1.8 metres | 1.5 metres |
| - South (laundry) | 1.1 metres | Nil |
| - West (garage) | 1.5 metres | Nil |
| - North | 4.5 metres | 1.3-2.0 metres |
| Privacy-Cone of Vision Encroachment | Unenclosed raised outdoor active habitable spaces are to be 7.5 metres from the boundary or suitably screened, as per the R Codes requirements. | Deck is 2.0 metres to the north boundary. |

* The plot ratio calculation is provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

SITE HISTORY:

The subject site is occupied by a single storey single house fronting Flinders Street. A privately owned right of way exists to the rear of the lot. The right of way is sealed and has a width of 6 metres.

DETAILS:

The applicant seeks approval for the partial demolition of and alterations and additions with loft to existing single house and demolition of existing outbuilding (Shed). The applicant submitted the attached letter of justification in support of the proposed development.

CONSULTATION/ADVERTISING:

The proposal has been advertised and no written submissions have been received by the Town.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Buildings on Boundaries and Setbacks (Southern and Western)

In the interest of the safe movement of vehicles and pedestrians, the Town's Technical Services have advised that a rear setback of 1.0 metre is required in order to achieve a sight line truncation. Accordingly, this has been conditioned in the Officer Recommendation.

In relation to the southern setbacks and boundary walls, the variations are considered to be minor and supportable in this instance as the affected neighbour has signed plans, indicating their approval.

The height of the proposed walls is also considered acceptable in this instance, as it maintains the consistency and continuity of the existing house and no objections have been received by the Town.

Privacy

To enable easy access for the elderly owners of the subject property, the applicant is proposing the finished floor level of the proposed deck to be level with the finished floor level of the existing house. Due to the slope of the land, this results in the deck in having a level of more than 0.5 metre. As this has the potential to cause significant overlooking into the adjoining property, it is recommended that permanent screening be provided to protect the privacy of the northern neighbour, as per clause/condition (xii) of the Officer Recommendation.

Northern Setback

In light of the privacy issue being addressed in the previous paragraph, the proposed northern setback in this instance is considered to be minor and to be maintaining the setback of the existing house. The variation is therefore considered acceptable due to these reasons and no objections being received by the Town.

Conclusion

Accordingly, it is recommended that approval be granted for the proposal, subject to standard and appropriate condition to address the above matters.

10.1.7 No(s). 15 (Lot(s) 1) Scarborough Beach Road (Dual Frontage with Howlett Street), Mount Hawthorn - Proposed Partial Demolition of and Alterations and Two-Storey Additions to Existing Funeral Parlour

| | | | |
|------------------------------|---------------------|--------------------|---------------------|
| Ward: | North | Date: | 11 August 2004 |
| Precinct: | Charles Centre, P7 | File Ref: | PRO0153; 00/33/2212 |
| Attachments: | 001 | | |
| Reporting Officer(s): | M Bonini | | |
| Checked/Endorsed by: | D Abel, R Boardman | Amended by: | - |

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Smith & Hooke Architects on behalf of the owner Service Corporation International Australia Pty Ltd for proposed Partial Demolition of and Alterations and Two-Storey Additions to Existing Funeral Parlour, at No(s). 15 (Lot(s) 1) Scarborough Beach Road (dual frontage with Howlett Street), Mount Hawthorn, and as shown on plans stamp-dated 27 July 2004, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (iii) a road and verge security bond or bank guarantee of \$1100 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing; and*
- (iv) a detailed landscaping plan, including a list of plants, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.7

Moved Cr Torre, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED (8-0)

(Mayor Catania on approved leave of absence).

| | |
|----------------------------|--|
| Landowner: | Service Corporation International Australia Pty Ltd |
| Applicant: | Smith & Hooke Architects |
| Zoning: | Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Commercial |
| Existing Land Use: | Funeral Parlour |
| Use Class: | Funeral Parlour |
| Use Classification: | "AA" |
| Lot Area: | 2738 square metres |

COMPLIANCE:

| Requirements | Required | Proposed * |
|---------------------|--|-----------------------|
| Plot Ratio | N/A | N/A |
| Landscaping | 25 per cent of the site to be landscaped and to include front setback area | 4.8 per cent provided |

* The plot ratio calculation is provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

SITE HISTORY:

The Council at its Ordinary Meeting held on 11 December 1995 resolved to approve an application for additions and alterations to existing funeral home. The proposal involved extensions to the rear of the building and the construction of a new chapel.

DETAILS:

The subject application includes a second storey addition, enclosure over existing parking area used for the parking of trucks and minor internal changes involving a new reception area and a new office.

CONSULTATION/ADVERTISING:

The proposal has been advertised and no written submissions have been received by the Town.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Landscaping

Town's Policy relating to Non-Residential Uses in/or Adjacent to Residential Areas, stipulates that 25 per cent of a site area is to be landscaped and is to include the front setback area. This requirement can be successfully applied to vacant sites upon which a new development is proposed. In this instance, there is an existing building on the site, which occupies a large percentage of the lot. In recognising this requirement, the applicants have introduced new landscaped areas. New landscaping has been proposed at the front of the building including the front setback area as well as within the car parking area at the rear.

Landscaped half-diamonds are proposed every fourth car bay. The proposal does not meet the required 25 per cent of Town's Policy, however a conscious effort appears to have been made to beautify and enhance the site through additional landscaping provided within limited open space available on the site. The applicant has provided the following comments in relation to this matter;

"We note that the objective of providing 25 per cent of the site area as landscape for commercial properties adjoining residential areas cannot be met, as the existing building and required parking occupy the majority of the site. However, we have modified the proposal as originally submitted in order to recognise the intent of Council's requirement and enhance the landscaping of the Scarborough Beach Road elevation. Further, we have incorporated the new design standards for landscaping to the existing carpark to Howlett Street."

The variation to the landscaping is therefore supported in this instance.

Car Parking

Town's Policy relating to the Charles Centre Precinct, prohibits car parking to be located within the front setback area. The application proposes no long term parking within the front setback as initially proposed. Instead, the applicants have included two set down bays behind the setback line. At their closest point to the street boundary, the car bays are setback 6.7 metres. The applicant has provided the following comments;

"Landscaping design for the Scarborough Beach Road frontage is modified to remove all long term parking, that is, 7 bays from our earlier submission and provide two set down bays for clients visiting Purslowes to organise funerals and develop increased landscaping to the west boundary as a 'quiet reflection garden and seating area.'"

The two set down bays are considered acceptable in this instance and therefore supported.

Car Parking Calculation

| | |
|--|----------------------------|
| Car parking requirement (nearest whole number) -Funeral Parlour (Existing) - requires 6 bays -Place of Worship - 98 square metres - requires 22 bays | 28 car bays |
| Apply the adjustment factors. ▪ 0.95 (within 400 metres of one or more existing public car parking places with in excess of a total of 25 car parking spaces) ▪ 0.85 (within 400 metres of a bus stop) | (0.808) 22.624 car bays |
| Minus the car parking provided on site | 24 car bays |
| Plus the most recently approved on site car parking surplus. | 0 car bays |
| Resultant surplus | 1.376 car bays |

The car parking surplus as represented in the above Table is 1.376 car bays when applying the adjustment factors and accounting for the provided car parking bays on-site. The proposal adequately meets the required car parking requirements. The above car parking calculation does not take into account the two set down bays that are proposed at the front of the subject lot. Given that there is a surplus in the car parking calculation, the car parking provision is considered acceptable and therefore supported.

On the above basis, the proposal is considered acceptable, subject to standard and appropriate conditions to address the above matters.

10.1.8 No(s). 6 (Lot(s) 63) Forrest Street, Mount Lawley - Proposed Two-Storey Single House

| | | | |
|------------------------------|---------------------|--------------------|---------------------|
| Ward: | North | Date: | 18 August 2004 |
| Precinct: | Norfolk, P10 | File Ref: | PRO2803; 00/33/2245 |
| Attachments: | 001 | | |
| Reporting Officer(s): | M Bonini | | |
| Checked/Endorsed by: | D Abel, R Boardman | Amended by: | - |

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by P Musuruca on behalf of the owner E Saeedi & E Manouchehri Ardestani for proposed Two-Storey Single House, at No(s). 6 (Lot(s) 63) Forrest Street, Mount Lawley, and as shown on plans stamp-dated 13 May 2004, subject to:

- (i) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Forrest 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;*
- (ii) compliance with all Building, Environmental Health and Engineering requirements;*
- (iii) a road and verge security bond or bank guarantee of \$550 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*
- (iv) all new crossover/s to the allotment shall be constructed in accordance with the Town's standard Crossover Specification/s which, in particular, specify that the portion of the existing footpath traversing the proposed crossover, subject to the existing footpath being in a good condition as determined by the Town's Technical Services Division, must be retained such that it forms a part of the proposed crossover and the proposed crossover levels shall match the level/s of the existing footpath;*
- (v) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the alfresco to have at least two-thirds of the required area without permanent cover. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and Town's Policies;*
- (vi) subject to first obtaining the consent of the owners of No. 121 Walcott Street and No.8 Forrest Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing in a good and clean condition;*

- (vii) *all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath levels;*
- (viii) *standard visual truncations, in accordance with the Town's Policies and/or to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular access ways to ensure that the safety of pedestrians and other road users is not compromised;*
- (ix) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted with all cost associated the removal and replacement shall be borne by the applicant/owner(s);*
- (x) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division; and*
- (xi) *prior to the issue of a Building Licence the applicant shall pay a \$250 crossover bond to ensure the crossover is constructed to comply with the Town's standard crossover specification/s. Application for the refund of the bond must be submitted in writing;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.8

Moved Cr Torre, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED (8-0)

(Mayor Catania on approved leave of absence).

| | |
|----------------------------|---|
| Landowner: | E Saedi & E Manouchehri Ardestani |
| Applicant: | P Musuruca |
| Zoning: | Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R40 |
| Existing Land Use: | Vacant Lot |
| Use Class: | Single House |
| Use Classification: | "P" |
| Lot Area: | 307 square metres |

COMPLIANCE:

| Requirements | Required | Proposed * |
|---|--|---|
| Density | 1 dwelling R 40 | 1 dwelling R 32 |
| Plot Ratio | N/A | N/A |
| Setbacks: South Ground Floor - Front (Garage) | 6 metres or behind the front main building wall. | 3 metres to 4.1 metres and behind the front main building wall. |
| South Ground Floor - Front (Lounge/Theatre) | 4 metres | 3 metres to 3.7 metres |
| South First Floor - Front (Balcony, Bedroom 1, Retreat) | 6 metres | 3 metres (Balcony) 4 metres to 4.8 metres (Bed 1) 4.3 metres (Retreat) |
| West Ground Floor - (Garage, Dining, Family, Alfresco) | 1.5 metres | 0 metre (Garage) 1 metre (Family) |
| East Ground Floor (Alfresco) | 1 metre | 0 metre |
| West First Floor (Bed 3, Stairs, Bath, Retreat, Balcony) | 3.3 metres | 1.5 metres to 3 metres |
| Privacy Assessment: West Facing Side of Balcony | 7.5 metres or privacy screening to R Codes requirements | 3 metres to west boundary (overlooks street setback area therefore supportable) |
| Boundary Wall: Garage and Alfresco | 3 metres average with maximum of 3.5 metres on one side boundary and not to occupy more than 2/3 of boundary length behind the setback line | Garage and Alfresco - 3.8 metres high 2 boundary walls proposed |
| Outdoor Living Area | 20 square metres with a minimum dimension of 4 metres and to have at least two thirds of the required area without permanent cover. | 20 square metres with more than two thirds with permanent cover. |

* The representative R Coding and density bonus calculations are provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

* The plot ratio calculation is provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

SITE HISTORY:

The subject lot was created from the parent lot being No. 119 Walcott Street. Subdivision approval was granted on 25 January 2002 by the Western Australian Planning Commission.

DETAILS:

The subject lot is triangular in shape. The applicant proposes to erect a two storey single house.

CONSULTATION/ADVERTISING:

The proposal has been advertised and one written submission has been received by the Town. The letter states the following comments;

"Firstly, Council requirements state that the garage must be a minimum of 6 metres from the front boundary. The plan indicates that the proposed garage will only be 3 metres from the boundary on my fence line, thus blocking both view and light from my own frontage. This also would cause damp areas to my brick paving, plus the growth of moss in this damp area.

Secondly, the proposed garage is positioned adjacent to my main bedroom and I understand the owners may be coming to and from their residence late in the evening and no matter what type of door is installed, I am certain the noise of the garage door opening and shutting will make noise sufficient to awaken us. Both my roller door and my neighbour's garage door (No.10) make noise, no matter how much time and effort we have put into trying to silent them.

Both my residence, and No 10 Forrest Street, have our main bedrooms above our respective garages and on the right hand side of both properties, i.e., the east side. It would be more convenient and practical, therefore, if the owners were to position their proposed garage under their main bedroom on the right hand side of their block, ie, the east side of the block..."

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Front Setback

The front setbacks for both the ground floor and the first floor do not comply with the requirements. The front boundary exists on an angle and, therefore, results in front setbacks that range from a minimum of 3 metres to a maximum of 4.8 metres.

The setback variations are significance, however, when taken into context the awkward shape of the lot and the immediate and surrounding streetscape, it is considered to be supportable. The subject lot is nestled in a streetscape comprising corner lots and lots with secondary street frontage to Forrest Street. Given that there is significant irregularity within the existing streetscape from surrounding lots and the irregular nature of the subject lot, it is considered acceptable, in this instance, to support the variations proposed.

Side Setbacks

The side setback variations relate to both the eastern and western boundaries. Whilst the applicant has maintained clearances from the boundaries for most of the building, it does not meet the required setbacks as stipulated in the R Codes. The nature of the subject lot significantly limits standard setback requirements to apply as it affectively has only three boundaries with the two side boundaries converging together to form a triangular shape. It is considered that the setbacks proposed provide adequate clearance from the boundaries and does not cause undue adverse impact to the adjoining properties. The eastern side of the lot abuts the rear boundaries of three lots that front Walcott Street. The overall impact upon these lots is therefore considered to be minimal. The setback variations are supported in this instance.

Privacy Setbacks

One privacy setback variation is proposed and it relates to the west facing side of the balcony. This side of the balcony overlooks into the street setback area, which is considered acceptable under the requirements of the R Codes relating to visual privacy. The variation is considered acceptable and therefore supported.

Boundary Wall Development

The R Codes permit boundary wall development on one side boundary with restrictions placed on the height and length of the boundary wall. In this instance, the proposed development involves a single storey boundary wall on the west side boundary and east side boundary. The proposed boundary walls are a deviation from the requirements in relation to the proposed height and the total number of walls proposed. The proposed boundary walls are considered to be acceptable in this instance, as they serve in maximising usable area on a lot restricted by its small and irregular nature. The boundary walls are therefore supported in this instance.

Outdoor Living Area

The proposal currently does not provide outdoor living space as per the requirements of the R Codes. It is considered appropriate to provide an outdoor living area for the residence. This is reflected as a condition within the Officer Recommendation.

Response to Objections Received

The main point raised in the objection letter was in relation to the location of the garage and the potential noise that may occur from the roller door. It was suggested to the applicant that the garage could potentially be located on the eastern boundary as opposed to the west. However, there is limited scope within planning to enforce this through disallowing the current location of the proposed garage.

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

10.1.11 No(s). 1A (Lot(s) 116) Primrose Street, Perth - Alterations and Additions to Street Fencing to Approved Single House (Application for Retrospective Planning Approval)

| | | | |
|------------------------------|---------------------|--------------------|---------------------|
| Ward: | South | Date: | 17 August 2004 |
| Precinct: | Hyde Park, P12 | File Ref: | PRO2004; 00/33/2282 |
| Attachments: | 001 | | |
| Reporting Officer(s): | M Bonini | | |
| Checked/Endorsed by: | D Abel, R Boardman | Amended by: | - |

OFFICER RECOMMENDATION:

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by Perrine Architecture on behalf of the owner PM & GA Wood & Underwood for proposed Alterations and Additions to Street Fencing to Approved Single House (Application for Retrospective Planning Approval), at No(s). 1A (Lot(s) 116) Primrose Street, Perth, and as shown on plans stamp-dated 4 June 2004, for the following reasons:*
 - (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
 - (b) *the non-compliance with the Town's Policy relating to Street Walls and Fences; and*
- (ii) *the Council ADVISES the owner of No(s). 1A (Lot(s) 116) Primrose Street, Perth, that the unauthorised solid street fence/wall is to be removed within 14 days of the date of notification by the Town, and the Council AUTHORIZES the Chief Executive Officer to initiate legal proceedings against the owner of No(s). 1A (Lot(s) 116) Primrose Street, Perth, if this unauthorised street/wall still remains after the 14 days period.*

COUNCIL DECISION ITEM 10.1.11

Moved Cr Torre, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED (8-0)

(Mayor Catania on approved leave of absence).

| | |
|----------------------------|---|
| Landowner: | PM & GA Wood & Underwood |
| Applicant: | Perrine Architecture |
| Zoning: | Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R80 |
| Existing Land Use: | Single House (under construction) |
| Use Class: | Single House |
| Use Classification: | "P" |
| Lot Area: | 178 square metres |

COMPLIANCE:

| Requirements | Required | Proposed * |
|---------------------|---|---|
| Plot Ratio | N/A | N/A |
| Front/Street Fence | No fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to the 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; | Solid 2.0 metres high front/street fence. |

* The plot ratio calculation is provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

SITE HISTORY:

Council at its Ordinary Meeting held on 11 June 2002 resolved to conditionally approve a planning application for a proposed two storey single house.

DETAILS:

The front boundary wall is proposed to be 2 metres in height and occupies a total width of 5.2 metres. The applicant has submitted the following comments in support of the proposal. The letter and the associated photographs have been included in the Agenda item attachments.

"The final fence design for this residence has emanated in response to the prevalent fencing designs that have pre-existed this house and fencing structures that have recently been built for adjoining residences. A visual catalogue of existing solid structures extending well above 1.2 metres is appended.

The extremely small size of the blocks in Primrose Street, place a significant amount of pressure of creating privacy for open space. Since the majority of the open space enjoyed by this residence is to the front, privacy levels need to be maintained in order for the open space to be viable. The fence height is a direct response to this.

It would be inconsistent for Council to request that this structure be amended unless Council is prepared to ask all other non-conforming structures, in respect to fencing, to be amended.

The design criteria upon which Council bases its decision on conforming structures should be reviewed in respect to Primrose Street, in that the nature of 1.2 metre high fences with visual permeability above that height offer little privacy or security to residents and is a demonstrable source of enticement for break-ins and other security related personal infringements."

CONSULTATION/ADVERTISING:

The proposal has been advertised and one written submission has been received by the Town. The letter submitted was in support of the proposal. The main points raised are as follows;

"In my opinion the wall is consistent with the architecture of the house. And, given that the room to the front of their house is full height glass overlooking the courtyard, their privacy and security would be compromised if the front fence was anything other than the existing structure.

I approve of the existing wall and I fully support their proposal."

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Front Fence

The proposed front fence does not comply with Town's Policy relating to Street Walls and Fences. The Policy clearly states that solid front/street walls may be permitted in the case where it is proposed along a secondary street or along roads classified as primary distributor or district distributor roads. Primrose Street does not have a road classification of this nature and is not a secondary street to the subject lot.

Response to Applicant's and Neighbour's Comments

The visual examples provided by the applicant mostly relate to solid structures that abut rights of way or secondary streets. The applicant also made comment about the lack of security offered by open style fences. In contrast, the Town promotes open style fences to increase security via passive surveillance and adequate street interaction.

In view of the above, it is recommended that the proposal be refused due to the nature of the variations involved.

10.1.13 Report on Environmental Pollution Control and the Environmental Protection (Unauthorised Discharges) Regulations 2004

| | | | |
|------------------------------|---|--------------------|----------------|
| Ward: | Both | Date: | 16 August 2004 |
| Precinct: | All | File Ref: | ENS0012 |
| Attachments: | 001 ; 002 | | |
| Reporting Officer(s): | D Brits, S Teymant | | |
| Checked/Endorsed by: | R Boardman | Amended by: | - |

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the report on the Environmental Protection (Unauthorised Discharges) Regulations 2004 ('Regulations');
- (ii) **AUTHORISES** the Chief Executive Officer to apply to the Department of Environment to have the powers in relation to smaller pollution control matters and in particular the Regulations delegated to the Town's Environmental Health Officers; and
- (iii) **AUTHORISES** the Chief Executive Officer to have the Town's Environmental Health Officers trained, authorised and equipped to action breaches of the Regulations in the interest of local environmental protection and public health.

COUNCIL DECISION ITEM 10.1.13

Moved Cr Torre, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED (8-0)

(Mayor Catania on approved leave of absence).

BACKGROUND:

The Swan Canning Industry Survey identified that approximately 50% of the 550 premises surveyed were disposing of their liquid waste to the environment (soak wells, storm drains, septic tanks). Prior to the gazettal of the Regulations on Friday 12 March 2004 the only enforcement option under the Environmental Protection Act 1986 (as amended) (*The Act*) was prosecution for Tier One or Two offences, with a maximum penalty of \$62,500. Subsequently, a suitable tool with reasonable penalties for smaller offences became necessary. A copy of the regulations is "Laid on the Table".

The Environmental Protection (Unauthorised Discharges) Regulations 2004 were promulgated as a response to the need for low end (Tier Three) pollution offences. The Department of Environment (*DoE*) decided to deal with these minor contraventions under Regulations rather than under The Act for a number of mainly practical and logical reasons. The Regulations were designed to address also the recommendations of the Swan Canning Industry Survey Group Report, which sought additional powers for local governments to manage smaller pollution issues and small to medium businesses who discharge wastes into the environment.

The intention was to provide Regulations that would be easily understood and be more user-friendly, offering an infringement notice option. Furthermore, it had to be usable by Local Government Environmental Health Officers without the need for complex equipment and techniques. Additionally, it had to be easily understood by Industry.

Subsequently, The Act and Regulations provide for a maximum penalty of \$5,000 in Court, and **Infringement Notices** with a modified penalty of \$250 for first offences and \$500 for second and subsequent offences. In addition, it is envisaged that the Regulations will enable a more level playing field for those industries that have appropriate waste management practices in place.

Major environmental pollution offences will remain far fewer than minor offences and would still be actioned under The Act by DoE Officers with potential maximum penalties of \$1M and five years (5) jail sentences.

DETAILS:

'Regulation 3 Discharges of certain materials prohibited

(1) *A person who, in the course of or in connection with a business or a commercial activity, causes or allows a material listed in Schedule 1 to be discharged into the environment commits an offence.*

Penalty: \$5,000'

'Regulation 4 Discharges of visible smoke from burning certain materials and dark smoke prohibited

Penalty: \$5,000'

In order to simplify matters for both Industry and Environmental Health Officers, the Regulations list materials that must not be discharged into the environment or burnt in Schedules 1 & 2.

"Schedule 1: Materials that must not be discharged into the environment:

- *Acid with pH less than 4;*
- *Alkali with pH more than 10;*
- *Animal Waste;*
- *Animal oil, fat or grease;*
- *Compounds or solutions of cyanide, chromium, cadmium, lead, arsenic, mercury, nickel, zinc or copper;*
- *Degreaser;*
- *Detergent;*
- *Dust produced by mechanical process including cutting, grinding, sawing, sanding or polishing a material;*
- *Dye;*
- *Engine coolant or engine corrosion inhibitor;*
- *Food waste;*
- *Laundry Waste;*
- *Mineral Oil;*
- *Organic solvent;*
- *Paint;*
- *Petrol, diesel or hydrocarbon;*
- *Pesticide;*
- *Sediment;*
- *Sewage;*
- *Vegetable oil, fat or grease."*

"Schedule 2: Materials that must not be burnt so as to discharge visible smoke into the environment:

- *Carpet;*
- *Electrical cables;*
- *Fabrics or textiles;*
- *Organic Solvent;*
- *Paint;*
- *Plastic including polystyrene and the like;*
- *Printed circuit boards;*
- *Printing waste;*
- *Rubber;*
- *Timber that has been treated with preservatives;*
- *Tyres;*
- *Vehicles or vessels and their parts;*
- *Waste oil, fats or grease."*

CONSULTATION/ADVERTISING:

The Department of Environment conducted wide consultation during the period 2001 - 2002. General consensus was reached and the Regulations amended and gazetted on 12 March 2004.

LEGAL/POLICY:

- Environmental Protection Act 1986 (as amended); and
- Environmental Protection (Unauthorised Discharges) Regulations 2004.

FINANCIAL / BUDGET IMPLICATIONS:

The direct financial impact is unknown at this stage. The Town's Health Services will endeavour to absorb the workload attributable to this focus area until 30 June 2005 as far as practicable, however bench marking in relation to workload and premises per Environmental Health Officer will need to be carried out. In addition, DoE authorisation to serve Infringement Notices in this regard, would create additional revenue for the Town's Health Services.

STRATEGIC IMPLICATIONS:

Town of Vincent Strategic Plan 2003-2008:

Key Result Area One: Environment and Infrastructure

1.1 Protect and enhance the environment and biodiversity.

COMMENT:

The Town's Health Services recommend implementation as detailed in order to effectively and reasonably address minor environmental contraventions and in so doing contribute towards local environmental protection and health for the betterment and sustainability of our inner-city environment. The Town's Environmental Health Officers currently investigate many of these types of complaints and these are dealt with using the existing cumbersome and inadequate legislation. The authorisation of the Town's Environmental Health Officers will provide a better service to the Town's ratepayers and residents.

10.1.14 LATE ITEM - Further Report No(s). 35 (Lot(s) 36) Fairfield Street, Mount Hawthorn - Proposed Additional Two-Storey Grouped Dwelling to Existing Single House

| | | | |
|------------------------------|----------------------|--------------------|---------------------|
| Ward: | North | Date: | 20 August 2004 |
| Precinct: | Mt Hawthorn; P1 | File Ref: | PRO2835; 00/33/2288 |
| Attachments: | 001 | | |
| Reporting Officer(s): | B McKean, K Batina | | |
| Checked/Endorsed by: | R Rasiah, 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 Manica Developments Pty Ltd for a proposed Additional Two-Storey Grouped Dwelling to and Partial Demolition of Existing Single House, at No(s). 35 (Lot 36) Fairfield Street, Mount Hawthorn, and as shown on plans stamp-dated 8 June 2004, overshadowing plan and floor plan dated 2 August 2004 and revised floor, elevations and overshadowing plans dated 19 August 2004, subject to:

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

- (vi) *all new crossover/s to the allotment shall be constructed in accordance with the Town's standard Crossover Specification/s which, in particular, specify that the portion of the existing footpath traversing the proposed crossover, subject to the existing footpath being in a good condition as determined by the Town's Technical Services Division, must be retained such that it forms a part of the proposed crossover and the proposed crossover levels shall match the level/s of the existing footpath;*
- (vii) *prior to the issue of a Building Licence the applicant shall pay a \$250 crossover bond to ensure the crossover is constructed to comply with the Town's standard crossover specification/s. Application for the refund of the bond must be submitted in writing;*
- (viii) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (ix) *all car parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications and dimensions specified in the Residential Design Codes;*
- (x) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Fairfield 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;*
- (xi) *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;*
- (xii) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted with all cost associated the removal and replacement shall be borne by the applicant/owner(s);*
- (xiii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Fairfield Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); and*
- (xiv) *the 1.2 metres wide pedestrian access leg to be clear of any pipe-work, hot water systems or other such projections associated with the existing dwelling; and*
- (xv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved and demonstrating the following:*
 - (a) *the existing front dwelling being provided with a store, not visible from the adjacent street(s), accessible from the outside, and of a minimum area of 4 square metres and a minimum dimension of 1.5 metres;*

- (b) *the proposed sites/lots having "common property" in order to satisfy the requirements for grouped dwelling under the Residential Design Codes; and*
- (c) *a truncation of 1.5 metres by 1.5 metres at the intersection of the two rights of way abutting the site to the north and west shall be indicated on plans and provided at the owners cost; and*
- (d) *appropriate design features being incorporated to the south facing wall adjacent to the stairwell.*

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.

COUNCIL DECISION ITEM 10.1.14

Moved Cr Torre, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED (8-0)

(Mayor Catania on approved leave of absence).

FURTHER REPORT:

The Council at its Ordinary Meeting held on 10 August 2004 resolved *"that the item be DEFERRED to allow the applicants to provide plans that are compliant with information required in the Town's Planning and Building Services policies."*

The applicant has now submitted further information in relation to the development proposal. The additional information requested by the Council and submitted by the application are in relation to the existing levels to an established datum, location of service connections, areas to be landscaped, proposed finished levels over the site, elevations and proposed materials, colours and finishes to the exterior of the buildings.

The applicant has submitted amended plans and following is the updated Compliance Table:

| Requirements | Required | Proposed * |
|---|---------------------------------------|--|
| Density | 1 dwelling R 30 | 2 dwellings R 33.67 1.01per cent density bonus |
| Setbacks: North (lower) North (upper) East (store) | 1.5 metres 1.8 metres 1.0 metre | 1.0 metre 1.0 metre Nil |
| Store | 4 square metres store per dwelling | No store shown for existing dwelling. |
| Plot Ratio | N/A | N/A |
| Pedestrian Accessway | 1.5 metres (minimum width) | 1.2 metres |
| Fill | 0.5 metre (maximum) | 0.7 metres |

* The representative R Coding and density bonus calculations are provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

* The plot ratio calculation is provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

Existing Levels to an Established Datum and Proposed Finished Levels over the Site

The amended plans demonstrate a change of level of one metre from the northern to southern boundaries and the proposed finished floor levels of 31.70 and 32.10 for the proposed and existing dwelling respectively. This additional information does not impact on the overall assessment of the proposal.

Location of Service Connections

The main service connections such as the main sewer are not located within the boundaries of the subject lot. The proposed development will require to connect to these existing services as required.

Areas to Be Landscaped

The revised plans include landscaping along the northern boundary of the proposed dwelling.

Elevations and Fill

The variations in relation to fill requirements is considered minor and there is unlikely to be any overlooking impact on the adjoining lot to the south. A site visit on 20 August 2004 by the Town's Officers indicates that the rear of the lot to the south is vacant backyard space.

Proposed Materials, Colours and Finishes of the Exterior of the Buildings

The Town has limited ability to control the above unless the site is within an area which is controlled by special design guidelines. However, to reduce the expanse of blank face wall along the south elevation for the stairway, it is recommended that appropriate design features be incorporated. A condition to this effect has been included in the Officer Recommendation.

In light of the above, the Officer Recommendation remains unchanged, except for the addition of condition/clause (xv)(d).

The following is a verbatim copy of the Minutes of the item placed before the Council at its Ordinary Meeting held on 10 August 2004:

" 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 Manica Developments Pty Ltd for a proposed Additional Two-Storey Grouped Dwelling to and Partial Demolition of Existing Single House, at No. 35 (Lot 36) Fairfield Street, Mount Hawthorn, and as shown on plans stamp-dated 8 June 2004 and overshadowing plan and floor plan dated 2 August 2004, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) prior to the issue of a Building Licence, where vehicular access to the property is via a right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate of Title or Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town.*

- (iii) *a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
- (iv) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (v) *a road and verge security bond or bank guarantee of \$550 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing.*
- (vi) *all new crossover/s to the allotment shall be constructed in accordance with the Town's standard Crossover Specification/s which, in particular, specify that the portion of the existing footpath traversing the proposed crossover, subject to the existing footpath being in a good condition as determined by the Town's Technical Services Division, must be retained such that it forms a part of the proposed crossover and the proposed crossover levels shall match the level/s of the existing footpath;*
- (vii) *prior to the issue of a Building Licence the applicant shall pay a \$250 crossover bond to ensure the crossover is constructed to comply with the Town's standard crossover specification/s. Application for the refund of the bond must be submitted in writing;*
- (viii) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (ix) *all car parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications and dimensions specified in the Residential Design Codes;*
- (x) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Fairfield 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;*
- (xi) *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;*

- (xii) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted with all cost associated the removal and replacement shall be borne by the applicant/owner(s);*
- (xiii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Fairfield Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); and*
- (xiv) *the 1.2 metres wide pedestrian access leg to be clear of any pipe-work, hot water systems or other such projections associated with the existing dwelling;*
- (xv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved and demonstrating the following:*
- (a) *the existing front dwelling being provided with a store, not visible from the adjacent street(s), accessible from the outside, and of a minimum area of 4 square metres and a minimum dimension of 1.5 metres;*
 - (b) *the proposed sites/lots having "common property" in order to satisfy the requirements for grouped dwelling under the Residential Design Codes; and*
 - (c) *a truncation of 1.5 metres by 1.5 metres at the intersection of the two rights of way abutting the site to the north and west shall be indicated on plans and provided at the owners cost.*

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.

COUNCIL DECISION ITEM 10.1.2

Moved Cr Chester, Seconded Cr Farrell

That the recommendation be adopted.

Cr Franchina returned to the Chamber at 9.05pm.

Debate ensued.

Moved Cr Chester, Seconded Cr Torre

That the Item be DEFERRED to allow the applicants to provide plans that are compliant with information required in the Town's Planning and Building Services policies.

CARRIED (6-3)

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

ADDITIONAL INFORMATION

The Council at its Ordinary Meeting held on 27 July 2004 resolved that the item be deferred to allow for further information to be obtained.

The applicant has now submitted further information in relation to the proposed additional two storey grouped dwelling to and partial demolition of existing single house. The additional information requested by the Council was in relation to the overshadowing diagram provided and confirmation of the width of the pedestrian access leg being 1.2 metres.

The Town Officers have had discussions with the applicant on 30 July 2004 relating to the width of the pedestrian access leg and the overshadowing diagram. An on-site meeting was held on 2 August 2004 with the applicant and Town Officers.

The applicant has submitted revised plans dated 2 August 2004 showing a revised overshadowing diagram and a finished floor level for the proposed two storey grouped dwelling.

Overshadowing

The applicant was advised that the overshadowing diagram provided as part of the original plans was incorrect. The applicant has subsequently submitted revised plans that depict an accurate overshadowing diagram.

The Residential Design Codes (R Codes) allow a maximum area equivalent to 35% of the adjoining property's total site area to be overshadowed by any new development located in an area coded R30. The proposed two storey grouped dwelling will overshadow the equivalent of 18% (106 square metres) of the total site area of the adjoining lot. This area is within the acceptable development standards prescribed by the Codes and can be supported.

Width of Pedestrian Access Leg

The width of the pedestrian access leg was measured and confirmed to have a minimum width of 1.2 metres, as measured from the boundary fence to the face wall of the existing dwelling. This width is consistent with the access leg width depicted on the plans. However, an additional condition has been included as part of the revised Officer's Recommendation requiring that the access leg be clear of any projections into the 1.2 metres wide access leg including clearing of any pipe-work, hot water systems or other such projections associated with the existing dwelling; refer condition/clause (xiv).

On the above basis, the previous Officer Recommendation remains mostly unchanged, except for changes to conditions relating to the requirement that the pedestrian access leg be clear of any intrusions, and that a visual truncation be included on the corner of the lot where the two abutting rights of way intersect. The previous condition requesting that the finished floor level be indicated on the Building Licence plans, has been removed following the submission of revised plans which indicate a FFL of 32.1 for the proposed two storey grouped dwelling.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 27 July 2004:

"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 Manica Developments Pty Ltd for a proposed Additional Two-Storey Grouped Dwelling to and Partial Demolition of Existing Single House, at No. 35 (Lot 36) Fairfield Street, Mount Hawthorn, and as shown on plans stamp-dated 8 June 2004, subject to:

- (i) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate of Title or Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town.*
- (iii) *a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
- (iv) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (v) *a road and verge security bond or bank guarantee of \$550 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing.*
- (vi) *all new crossover/s to the allotment shall be constructed in accordance with the Town's standard Crossover Specification/s which, in particular, specify that the portion of the existing footpath traversing the proposed crossover, subject to the existing footpath being in a good condition as determined by the Town's Technical Services Division, must be retained such that it forms a part of the proposed crossover and the proposed crossover levels shall match the level/s of the existing footpath;*
- (vii) *prior to the issue of a Building Licence the applicant shall pay a \$250 crossover bond to ensure the crossover is constructed to comply with the Town's standard crossover specification/s. Application for the refund of the bond must be submitted in writing;*
- (viii) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (ix) *all car parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications and dimensions specified in the Residential Design Codes;*
- (x) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Fairfield 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;*

- (xi) *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;*
- (xii) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted with all cost associated the removal and replacement shall be borne by the applicant/owner(s);*
- (xiii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Fairfield Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); and*
- (xiv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved and demonstrating the following:*
- (a) *the existing front dwelling being provided with a store, not visible from the adjacent street(s), accessible from the outside, and of a minimum area of 4 square metres and a minimum dimension of 1.5 metres;*
 - (b) *the pedestrian access way/ side pathway being a minimum width of 1.5 metres, except where it abuts an existing house to be retained;*
 - (c) *the proposed sites/lots having "common property" in order to satisfy the requirements for grouped dwelling under the Residential Design Codes; and*
 - (d) *as advised by the applicant, Manica Developments Pty Ltd, on 20 July 2004, the finished ground floor level of the proposed grouped dwelling not being more than 100 millimetres above the natural ground level.*

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.

COUNCIL DECISION ITEM 10.1.7

Moved Cr Chester, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

Moved Cr Chester, Seconded Cr Doran-Wu

That the Item be DEFERRED to allow for further information to be obtained.

CARRIED (7-0)

(Cr Torre on approved leave of absence. Cr Farrell was an apology.)

| | |
|----------------------------|---|
| <i>Landowner:</i> | <i>Manica Developments Pty Ltd</i> |
| <i>Applicant:</i> | <i>Manica Developments Pty Ltd</i> |
| <i>Zoning:</i> | <i>Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R30</i> |
| <i>Existing Land Use:</i> | <i>Single House</i> |
| <i>Use Class:</i> | <i>Grouped Dwelling</i> |
| <i>Use Classification:</i> | <i>"P"</i> |
| <i>Lot Area:</i> | <i>594 square metres</i> |

COMPLIANCE:

| <i>Requirements</i> | <i>Required</i> | <i>Proposed *</i> |
|---|--|---|
| <i>Density</i> | <i>1 dwelling R 30</i> | <i>2 dwellings R 33.67 1.01per cent density bonus</i> |
| <i>Setbacks:</i> <i>North (lower)</i> <i>North (upper)</i> <i>East (store)</i> | <i>1.5 metres 1.8 metres 1.0 metre</i> | <i>1.0 metre 1.0 metre Nil</i> |
| <i>Store</i> | <i>4 square metre store per dwelling</i> | <i>No store shown for existing dwelling.</i> |
| <i>Plot Ratio</i> | <i>N/A</i> | <i>N/A</i> |
| <i>Pedestrian Accessway</i> | <i>1.5 metres (minimum width)</i> | <i>1.2 metres</i> |

* The representative R Coding and density bonus calculations are provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

* The plot ratio calculation is provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

SITE HISTORY:

The site is occupied by a single storey single house. Rights of way, each being 5.03 metres wide, sealed and Town owned, abut the property on both the northern and eastern boundaries.

Council at its Ordinary Meeting on 18 November 2003 refused an application for a two lot green title subdivision for the following reasons:

- (a) The proposed subdivision did not comply with the average site area per dwelling/lot size requirement of 300 square metres as per the Residential R30 density code;
 - (b) The proposed green title subdivision cannot benefit from consideration of the performance criteria provision and would therefore result in the development being inconsistent with the orderly and proper planning and preservation of the amenities of the locality;
 - (c) Proposed Lot 2 is not provided with a gazetted road frontage; and
 - (d) Approval of the proposed subdivision would create an undesirable precedent for subdivision of lots with similar sizes within the area; and
- (ii) the Council requests the Western Australian Planning Commission that if the Commission is inclined to approve the proposed subdivision the Town is further consulted to obtain the appropriate conditions of the Town that should apply to the proposed subdivision."

On 3 December 2003, the above subdivision application was refused by the Western Australian Planning Commission for the following reasons:

- "1. The proposed subdivision does not comply with the Commission's Policy DC 1.1 - Subdivision of Land, a provision of Planning Policy No.1 - State Planning Framework, by reason of the proposed lots being below the average area of lot per dwelling indicated for single houses under the R30 Residential Planning Code.*
- 2. The proposed subdivision does not comply with the Town of Vincent Town Planning Scheme No.1 by reason of the proposed strata lots being below the average area of lot per dwelling required by the R30 Coding in the Town of Vincent Town Planning Scheme No.1.*
- 3. Approval to the subdivision would result in the creation of a lot not having frontage to a gazetted road.*
- 4. The proposed subdivision does not comply with the Commission's Policy DC2.2, a provision of Statement of Planning Policy No.1, by reason of the proposed rear lot being provided with inadequate vehicular, pedestrian and bicycle access in accordance with the standards in the Western Australian Planning Commission's Planning Bulletin No.33.*
- 5. Approval of subdivision would set an undesirable precedent for the further subdivision of surrounding lots in a similar manner."*

DETAILS:

The applicant seeks to construct a two storey grouped dwelling at the rear of the existing single storey house. The two storey dwelling will comprise a combined living, dining and kitchen area, a laundry and a courtyard on the ground floor and three bedrooms and two bathrooms on the upper floor.

A 1.2 metres wide access leg is proposed along the southern boundary, providing pedestrian access to the site, from Fairfield Street.

CONSULTATION/ADVERTISING:

No written submissions were received during the advertising period.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS

Nil.

COMMENTS:

Heritage

The proposal to add a two storey grouped dwelling to the rear of the existing house at No.35 Fairfield Street, requires the removal of the rear laundry and a small amount of building fabric from the existing dwelling, which is not considered to compromise the authenticity of the place. Although the subject place is not listed on the Town of Vincent Municipal Heritage Inventory or the Interim Heritage Database, the Locality Statement for the Anzac Locality encourages the retention and/or restoration of existing houses which contribute to the overall character of the Locality. The retention of the existing dwelling and proposed application for a density bonus are therefore generally supported subject to general provisions of the Town Planning Scheme No.1 and associated Policies.

Density

The subject site has a density of R30. The minimum site area permitted is 270 square metres and the minimum average site area requirement is 300 square metres. The proposed site areas are 324 square metres (Lot 1) and 270 square metres (Lot 2), achieving an average of 297 square metres. The proposal involves a variation to the maximum permissible R30 density and a 1.01 percent variation to the average lot area requirements outlined in the Residential Design Codes. These variations can be applied and accepted under the provisions of Clause 20 of the Town's Town Planning Scheme No.1, which allows for variations to the Residential Design Codes under certain circumstances, including a proposal that involves an existing dwelling worthy of retention being conserved or enhanced.

Setbacks (north side)

The setback variations to the upper and lower level to the northern boundary are considered acceptable for the following reasons:

- *The subject site abuts a 5.03 metres wide right of way, which adjoins a public car park for use by the patrons of the Paddington Alehouse. The reduced setbacks will not impinge on the amenity of any nearby residential properties;*
- *The reduced setback will still enable adequate manoeuvring distance for vehicular access and egress;*
- *The openings on the north elevation, predominantly have raised sill heights; and*
- *No objections were received relating to the reduced setback.*

Setback (east side)

A nil setback on the eastern boundary is proposed for the store, which forms part of the double carport proposed as part of this development. The nil setback will have no undue impact on the residential amenity of the existing residential property at the front of the subject site, and is considered acceptable.

Store

The Residential Design Codes require that for grouped dwelling developments, each grouped dwelling be provided with an enclosed, lockable storage area, with a minimum dimension of 1.5 metres with an internal area of 4 square metres. The submitted plans do not show any store for the existing dwelling. This store should be provided accordingly.

Pedestrian Access Way

A pedestrian access way measuring 1.2 metres in width is proposed alongside the existing house, on the southern boundary, providing access to the rear portion of the lot. Grouped dwelling developments such as that proposed require that the rear lot be provided with access to a gazetted road. The Town requires that pedestrian access ways afford a minimum width of 1.5 metres, unless it abuts an existing residence, whereby the width can be reduced to a minimum of 1 metre. The proposed 1.2 metres wide pedestrian access way can be supported.

Finished Floor Level

The plans submitted do not indicate a finished floor level for the proposed dwelling. Notwithstanding this, the applicant has provided the Town with verbal and electronic mail confirmation that the finished floor level for the ground floor of the proposed dwelling will not exceed 100 millimetres above the natural ground level. A condition stipulating that this requirement be met is included in the Officer Recommendation.

Conclusion

In light of the above, the proposal is considered to be acceptable, subject to standard and appropriate conditions to address the above matters."

10.2.2 2004 Pride Parade - Temporary Closure of Brisbane Street Between Beaufort and William Streets and William Street Between Bulwer and Newcastle Streets, Perth

| | | | |
|------------------------------|---|--------------------|-------------------|
| Ward: | South | Date: | 18 August 2004 |
| Precinct: | Forrest P14; Beaufort P13 & Hyde Park P12 | File Ref: | TES0027 & CMS0040 |
| Attachments: | 001: | | |
| Reporting Officer(s): | C Wilson | | |
| Checked/Endorsed by: | R Lotznicher | Amended by: | - |

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES the closure of Brisbane Street, between Beaufort and William Streets, and William Street, between Bulwer and Newcastle Streets, between 4.00pm and 10.00pm on Saturday, 23 October 2004, to facilitate the 2004 Pride Parade;*
- (ii) *APPROVES a Main Roads WA accredited Traffic Management contractor to carry out the required road closures within the Town at the locations shown on attached Plan No. A4-00-063B;*
- (iii) *APPROVES the estimated cost of the road closures of \$4,200 to be funded from the 2004/2005 Parades and Festivals budget allocation, and this is conditional that the applicant acknowledges the Town of Vincent as a sponsor in all publicity for the parade;*
- (iv) *APPLIES and ENFORCES a temporary "No Parking" restriction in the same area from 2.00 pm on Saturday, 23 October 2004; and*
- (v) *REQUESTS that the applicant:*
 - (a) *contacts the Public Events section of the WA Police Service and completes an application for an Order for a Road Closure in accordance with the Road Traffic Act 1974; and*
 - (b) *liaises with the City of Perth regarding the placement of a notice of road closure in "The West Australian" and reimburses the City of Perth for the cost of the advertisement.*

COUNCIL DECISION ITEM 10.2.2

Moved Cr Torre, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED (8-0)

(Mayor Catania on approved leave of absence).

BACKGROUND:

Lesbian and Gay Pride (WA) have successfully held their annual Pride Parade through the streets of Northbridge for the past 14 years. Last year the parade drew a crowd in excess of 60,000 people, making it one of the largest public events in metropolitan Perth.

Prior to 2000, the marshalling of the floats and participants had been restricted to Brisbane Street between William and Beaufort Streets. However, due to the continuing success of the parade and the ever-burgeoning number of floats, as of 2000 the event's marshalling area was expanded to include William Street between Bulwer and Brisbane Streets.

To safely accommodate the enlarged marshalling area while minimising the impact upon residents and traffic as well as ensuring compliance with the Australian Standards and Main Roads WA *Code of Practice*, the road closure requirements have become increasingly more complicated.

Prior to 2000 the City of Perth used to co-ordinate all the road closures for the event, however, since 2000 the City has confined its Parade related activities to within its own boundaries, with the Town assuming responsibility for all road closures north of Newcastle Street.

DETAILS:

As in 2003, the area to be temporarily closed to facilitate the 2004 parade is bounded by Lake, Bulwer, Beaufort and Newcastle Streets and includes some 17 intersections and 27 full and part road closures as shown on attached Plan No. A4-00-063B.

If the road closures were to be undertaken by the Town's staff, it would be necessary to acquire or hire a significant number of new traffic signs and barricades to implement the closures in accordance with the Australian Standards, and Main Roads WA *Code of Practice*. Closures would also need to be manned to assure compliance and the Town's outside work force would have to be deployed to set up, man and remove the barricades and signs. Given that the Parade preparations commence in the afternoon, staff would be on duty for approximately 8 hours from 2.00pm through to midnight.

While the City of Perth has again chosen to use its own resources for traffic management (south of and including Newcastle Street) for this year's event, it is proposed for the reasons outlined above for the Town to continue to use an accredited traffic management contractor. As Pride bear part of the cost for the road closures within the Town, the same contractor is engaged on behalf of both parties (the Town and Pride) to better coordinate the road closures. To this ends (in collaboration with the above parties) accredited Traffic Management Contractors will be invited to tender for the work, with the Town and Pride billed separately.

This methodology ensures that the road closures are implemented to the relevant standards. It is more cost effective, reduces the impact upon the Town's resources, minimises the Town's liability exposure, and is endorsed by the Police Service's Special Events section.

The Town's Rangers would still be involved in setting up temporary No Parking restrictions.

CONSULTATION/ADVERTISING:

As per clause (vi) of the Officer Recommendation, Pride will be requested to liaise with the City of Perth to ensure that the proposed road closures are advertised in accordance with the requirements of Road Traffic Act 1974.

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.

FINANCIAL/BUDGET IMPLICATIONS:

Prior to 2000, the City of Perth supplied and installed all road closure signs and barricades for the Pride Parades. As of the 2000 event, the City withdrew this support requiring that the Town assume responsibility for all road closures north of Newcastle Street.

The estimated cost for the Town to carry out the road closures, including labour costs and purchasing/hiring new signs, etc., would be in excess of \$5,000.

While an accredited Traffic Management contractor is yet to be engaged, it is expected that the supply and installation of all signage and traffic control devices for the 27 road closures, provision of sufficient staff (accredited traffic controllers) for a period of eight hours (including mobilisation and demobilisation, set up and pack up), will cost an estimated \$4,200.

STRATEGIC IMPLICATIONS:

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

COMMENTS:

Traffic Management for large public events has over the past five (5) years become a specialised field. An accredited Traffic Management contractor is more cost effective and better able to provide the level of service required to comply with relevant Australian and Main Roads WA standards than tying up Council resources. Hence most government agencies (including Main Roads WA) and Local Government Authorities, no longer undertake large-scale road closures and traffic management. Any tender price submitted by the preferred contractor will encompass an approved traffic management plan, all signage and barricades and traffic control personnel.

It is therefore recommended that the Council approve the temporary closure of streets as outlined in the report to accommodate the 2004 Pride Parade.

10.2.5 Waste Management and Recycling Fund - Resource Recovery Rebate

| | | | |
|------------------------------|--------------|--------------------|------------------|
| Ward: | Both | Date: | 16 August 2004 |
| Precinct: | All | File Ref: | ENS0008&FINS0078 |
| Attachments: | - | | |
| Reporting Officer(s): | R Morphet | | |
| Checked/Endorsed by: | R Lotznicher | Amended by: | - |

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the Town's successful application for grant funding from the Waste Management and Recycling Fund Resource Recovery Rebate for Period 11; and*
- (ii) *NOTES that the grant funding received totals \$10,928.62 for Period 11 and these funds have been included as revenue in the 2004/2005 Recycling Operating budget;*

COUNCIL DECISION ITEM 10.2.5

Moved Cr Torre, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED (8-0)

(Mayor Catania on approved leave of absence).

BACKGROUND:

In July 1998, the State Government created the Waste Management and Recycling Trust Fund to assist Local Government, industry and the community to reduce waste and recycle, and to reduce the impact of waste on the environment. A levy on waste disposed to landfill in the Perth metropolitan area provides the revenue for the fund.

The State Government determined that the levy funds raised will:

- Be placed in a trust fund for waste reduction and related waste management programs.
- Not be disbursed unless approved by the Minister for the Environment on advice from the Advisory Council on Waste Management.
- Only be used for programs designed to assist the community, industry, government, educational and other institutions and local authorities in achieving the State's waste management, waste minimisation and recycling objectives.

DETAILS:

The objectives of the Waste Management and Recycling Fund - Resource Recovery Rebate Scheme are to:

- Encourage the conservation of resources and energy through waste reduction and recycling.
- Promote, support and encourage viable alternatives to landfill disposal of waste.
- Encourage the development of appropriate waste management, waste reduction and recycling infrastructure and markets.
- Support and encourage applied research and development into waste management, waste reduction and recycling that assists in meeting the State's objectives.
- Ensure that Western Australians have access to appropriate waste management, waste reduction and recycling services.
- To provide for an educated and aware community to assist in achieving these ends.
- Promote State and regional co-ordination of recycling and waste reduction.

Revenue for the fund is sourced from a levy on waste dumped in metropolitan landfill disposal sites.

The levy is currently \$3 per tonne for general waste and \$1 per tonne for inert waste.

Town of Vincent Submission

On 30 January 2004, the Technical Services officers submitted an application for a rebate from the Waste Management and Recycling Fund for the period July 2003 to December 2003, claiming 1080.05 tonnes of recyclable material. The material also included the recycling of abandoned vehicles for scrap metal.

On 28 July 2004, the Minister for the Environment advised that the Town had received a grant of \$10,928.62 for Period 11.

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of the Draft Plan 2002-2008 – 1.1 Protect and enhance environmental sustainability and biodiversity. “j) *Develop a waste management strategy that is aligned with the Mindarie Regional Council's Secondary Waste Treatment initiatives and has positive environmental outcomes.*”

FINANCIAL/BUDGET IMPLICATIONS:

The grant funds have been recorded as revenue in the 2004/2005 Recycling Operating Budget. The budgeted amount on the budget is \$20,000 and the Town has received \$10,928.62.

COMMENTS:

In the Town's application for a rebate from the Resource Recovery Rebate Scheme, the Municipal Waste Advisory Council was advised that the grant monies received would be used to subsidise the Town's recycling operating budget.

10.3.2 Lease - Leederville Tennis Club

| | | | |
|------------------------------|----------------------|--------------------|---------------|
| Ward: | South Ward | Date: | 4 August 2004 |
| Precinct: | Leederville Precinct | File Ref: | PRO0594 |
| Attachments: | - | | |
| Reporting Officer(s): | P Betts | | |
| Checked/Endorsed by: | M Rootsey, J Giorgi | Amended by: | |

OFFICER RECOMMENDATION:

That the Council:

- (i) *APPROVES of a five (5) year lease, with a five (5) year option to renew, with the Leederville Tennis Club, of the premises at No. 150 (Lot 7 and part Lot 8) Richmond Street, dual frontage with Bourke Street, Leederville; and*
- (ii) *AUTHORISES the Chief Executive Officer to negotiate the lease terms and conditions and to affix the Council's Common Seal.*

COUNCIL DECISION ITEM 10.3.2

Moved Cr Torre, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED (8-0)

(Mayor Catania on approved leave of absence).

BACKGROUND:

The tennis facility at 150 (Lot 7 and part Lot 8) Richmond Street has been leased by the Leederville Tennis Club since 1 July 1997 and expired on 30 June 2003. The lease has been renewed monthly since the expiry date.

DETAILS:

It is recommended the Leederville Tennis Club be offered a five (5) year lease period, commencing on 1 September 2004 with a five (5) year option to renew.

The Leederville Tennis Club has occupied the premises since 1920 and currently has 130 members and a high level of casual users.

In 2003 the club completed a C.S.R.F.F project involving the addition of 4 new synthetic courts, as well as the installation of fencing and lighting for the courts. Leederville Tennis Club contributed \$60 000 (inc GST) of its own funds to this project.

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

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

- *Key Result Area 3.2 (a) Review leases and commercial contracts to ensure the best return for the Town.*

FINANCIAL/BUDGET IMPLICATIONS:

The Leederville Tennis Club currently contributes \$704.32 into an annual sinking fund.

COMMENTS:

It is recommended that negotiations commence with Leederville Tennis Club with the view of offering a five (5) year lease with a five (5) year option to renew.

The Club has occupied the site for more than eighty (80) years and have made significant contributions to improve the facility.

10.3.3 Licence Agreement Mount Hawthorn Community Church

| | | | |
|------------------------------|---------------------|--------------------|---------------|
| Ward: | North Ward | Date: | 4 August 2004 |
| Precinct: | Mount Hawthorn | File Ref: | PRO0003 |
| Attachments: | | | |
| Reporting Officer(s): | P Betts | | |
| Checked/Endorsed by: | M Rootsey, J Giorgi | Amended by: | |

OFFICER RECOMMENDATION:

That the Council:

- (i) *APPROVES a licence agreement with the Mount Hawthorn Community Church for the rent of the office space at the Mount Hawthorn Lesser Hall (cnr Scarborough Beach Road and The Boulevarde) for a period of five (5) years, with a five (5) year option to renew; and*
- (ii) *AUTHORISES the Chief Executive Officer to negotiate the terms and conditions of the Licence Agreement.*

COUNCIL DECISION ITEM 10.3.3

Moved Cr Torre, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED (8-0)

(Mayor Catania on approved leave of absence).

BACKGROUND:

The office at the Mount Hawthorn Lesser Hall has been rented to the Mount Hawthorn Community Church since 1 August 1999 and has been renewed annually by letter. The office is used for counselling sessions, usually on Mondays, Wednesdays and Fridays. The church does not charge for the counselling sessions.

The Mount Hawthorn Community Church pays for carpet cleaning in the lesser hall out of their own funds and have also taken on an informal caretaker role by assisting with general cleaning and maintaining the tidiness of the premises.

DETAILS:

It is recommended that the existing annual rental agreement be formalised and offered to the Church as a licence agreement for a five (5) year period, with five (5) year option to renew.

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

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

- *Key Result Area 3.2 (a) Review leases and commercial contracts to ensure the best return for the Town.*

FINANCIAL/BUDGET IMPLICATIONS:

The Mount Hawthorn Community Church is charged \$1140 per annum (GST incl.) for the hire of the office at Mount Hawthorn Lesser Hall.

COMMENTS:

It is recommended that Council formalises the existing rent agreement with the Mount Hawthorn Community Church and offers a five (5) year licence agreement with five (5) year option to renew. The Church takes great pride in the premises they use for their counselling service and make a significant contribution towards its cleanliness and appearance.

As with the preparation of legal documentation, it is recommended the Chief Executive Officer be authorised to negotiate the terms and conditions of the proposed licence agreement.

10.4.1 Progress Report No. 8 - Department of Sport and Recreation (DSR) Office Building – Leederville Oval, No. 246 Vincent Street, Leederville and Approval of Internal Fitout

| | | | |
|------------------------------|-------------------|--------------------|----------------|
| Ward: | South | Date: | 18 August 2004 |
| Precinct: | Oxford Centre, P4 | File Ref: | RES0062 |
| Attachments: | - | | |
| Reporting Officer(s): | John Giorgi | | |
| Checked/Endorsed by: | - | Amended by: | - |

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Progress Report No. 8 as at 18 August 2004, relating to the Department of Sport and Recreation (DSR) Office Building at 246 Vincent Street, Leederville;*
- (ii) *APPROVES of the DSR Office Building Internal Fitout, Plans and Colour Scheme, as detailed in this report;*
- (iii) *AUTHORISES the Chief Executive Officer to approve a variation of the Internal Colour Scheme in cases of urgency, unavailability of materials or other valid reason; and*
- (iv) *ADVISES the Department of Sport and Recreation of the progress of the project.*

COUNCIL DECISION ITEM 10.4.1

Moved Cr Torre, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED (8-0)

(Mayor Catania on approved leave of absence).

BACKGROUND:

At the Ordinary Meeting of Council held on 4 November 2003, the Council approved of the tender to construct an Office Building at 246 Vincent Street, Leederville. Progress reports have been submitted on a regular basis to keep the Council informed of the project status.

Monthly meetings have been held with the Project Architect and Builder since the works commenced on 17 November 2003. Fortnightly site meetings commenced in February 2004 and will continue until the building is completed.

The builder has submitted fortnightly reports and an amended timeline outlining the proposed timetable for works. At the time of writing this report the following works have been completed;

1. **Electrical Services**

Electrical cabling and the majority of fittings have been installed in the basement and on both floors.

2. **Mechanical Services and Lift**

Ducting on both floors has now been completed. The air conditioning units and chiller have been lifted into the plant room. Work has commenced on the installation of the lift.

3. **Hydraulic Services**

Pipework and plumbing ducting have been completed. Tiling of wet areas has commenced and approximately 50% completed on the ground floor.

4. **Civil Works**

These have been completed, except for the compaction of the carpark area. Final levels are yet to be established. Limestone for retaining walls has been delivered and a retaining wall on the eastern end of the building has been constructed.

5. **Structural Works**

The majority of structural works have been completed, including the roof plant room and front stairs and ramps. Internal staircases have been bricked and fire isolated.

The roof sheeting has been completed and flashing is now being finalised. The large gutters at the rear have been installed. The front canopy has been 75% installed. All window frames have now been installed and glazing has commenced with approximately 50% on the northern, southern and western elevations completed.

The steel framework to enable the stone and apolic cladding to be fixed has been installed and is approximately 85% completed. Cladding is expected to commence in the last week of August.

Ceiling framework on the ground floor has been installed and cladding of the ground floor internal rooms has been completed.

6. **Landscape Works**

The Town's Technical Services staff and architects have been meeting and concept plans amended. It is proposed to submit a report in September to approve of the final landscaping and streetscape plan.

7. **Architectural Interior**

The Project Architect has finalised the colour boards for the exterior and these were approved at the Ordinary Meeting of Council held on 8 June 2004. The DSR have also approved of the colour schemes.

8. **Public Art**

The Town and DSR have met on several occasions to discuss public art. The DSR have formed a Working Group to progress this matter. The Town's Arts Officer has been requested to liaise with the Working Group.

9. **Program Progress**

The builder advises that substantial works have been completed over the previous month and that the timetable is approximately one week behind schedule. The builder is confident that substantial gains will occur in the next 4-6 weeks.

10. **Claims for Extension of Time**

The builder has claimed 22 days and the adjusted practical completion date is now 22 November 2004. The approved claims are as follows;

| | |
|-------------------|----------------|
| Inclement Weather | 10 Days |
| Power Shortages | 4 Days |
| Industrial Action | 8 Days |
| Total | 22 Days |

11. **Variations**

There have been minor variations to the value of approximately \$26,000 requested since commencement of construction. To date, approximately \$17,000 has been agreed by the CEO and Project Architect and the remainder are being checked. It should be noted that the variations which were offered by the builder at tender time have in the main been agreed and costs finalised. A substantial variation of approximately \$8,500 has been requested by the builder to meet Telstra requirements for telephone cabling.

12. **Progress Certificates**

Payment Certificates No. 1-9 have been issued to date and the amount certified and paid to the builder is \$3,438,470.

13. **Internal Fitout**

The internal fitout architects, Oldfield Knott, have provided the Town with a full set of plans and specifications and colour boards. The internal fitout designers have liaised with Peter Hunt Architect with regard to the building colours. The fitout colours have been selected to complement the building colours. Peter Hunt Architect advise that the internal colours are acceptable, however DSR have verbally indicated that some colours may slightly vary, due to alternative products being sought.

The colour boards are "Laid on the Table".

LEGAL/POLICY IMPLICATIONS:

The Agreement to Lease states in clause 3.5(d) that:

"The Tenant must submit to the Landlord for the approval of the Landlord detailed final plans and specifications of the Tenant's fitout works which approval will not be unreasonably withheld..."

Clause 3.5(e) gives the Landlord 14 days to approve the plans or specify the items that the Landlord does not approve.

Clause 3.5(f) provides for a further 5 business days for the parties to resolve any dispute.

ADVERTISING/COMMUNITY CONSULTATION:

Nil.

STRATEGIC IMPLICATIONS:

This project is in keeping with the Town's Strategic Plan 2003-2008, Key Result Area 3 - Economic Development, in particular 3.1 *"Promote business opportunities in the Town."*

COMMENT:

This is Progress Report No. 8 to update the Council on the status of works to date. It is pleasing to report that the project is progressing without any major problems, delays or cost variations being experienced.

11.1 Notice of Motion – Councillor Ian Ker - Streetscapes in the Town

That the Council;

- (i) *RECOGNISES the community value of certain single storey streetscapes in the Town; and*
- (ii) *REQUESTS a report from the Chief Executive Officer on how their retention (either with existing buildings or new buildings where demolition of the existing dwelling is approved) might best be achieved, including (but not restricted to) inclusion of suitable provisions in the Town Planning Scheme (currently under review) and the Town's Locality policies.*

COUNCIL DECISION ITEM 11.1

Moved Cr Farrell, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

CARRIED (8-0)

(Mayor Catania on approved leave of absence).

10.3.1 Margaret Pre-School Surrounds Upgrade

| | | | |
|------------------------------|---------------------------|--------------------|----------------|
| Ward: | South Ward | Date: | 16 August 2004 |
| Precinct: | Oxford Centre Precinct-P4 | File Ref: | CMS0020 |
| Attachments: | - | | |
| Reporting Officer(s): | M Rootsey | | |
| Checked/Endorsed by: | | Amended by: | |

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES the upgrade of Margaret Pre-School surrounds to include the revamping of the existing playground area to install soft all to meet Australian standards including the installation of new swings/playground equipment at an estimated cost of \$20,000;*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY to re-allocate the funds for this work from a source to be determined by the Chief Executive Officer; and*
- (iii) *AUTHORISES the Chief Executive Officer to liaise with the Margaret Pre-School concerning the timing of the proposed works.*

Moved Cr Doran-Wu, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

Moved Cr Lake, Seconded Cr Doran-Wu

That clause (ii) be amended as follows:

- "(ii) APPROVES BY AN ABSOLUTE MAJORITY to reallocate funds for this work and a source be identified by the Chief Executive Officer and reported back to Council at or prior to the mid-year budget review; and"*

Debate ensued.

AMENDMENT CARRIED (8-0)

(Mayor Catania on approved leave of absence).

Moved Cr Cohen, Seconded Cr Torre

That a new clause (iv) be added as follows:

- "(iv) AUTHORIZES the Chief Executive Officer to write to the Department of Education advising them of their responsibilities and requesting their support in this matter;"*

AMENDMENT CARRIED (6-2)

(Mayor Catania on approved leave of absence).

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

Moved Cr Chester, Seconded Cr Farrell

That a new clause (v) be added as follows:

"(v) *AUTHORISES the Chief Executive Officer to meet with the Department of Education to consider a partnership in funding the upgrades to Margaret Pre-School considering the Towns commitment to providing \$20,000 in funding; "*

AMENDMENT CARRIED (8-0)

(Mayor Catania on approved leave of absence).

Debate ensued.

MOTION AS AMENDED CARRIED (8-0)

(Mayor Catania on approved leave of absence).

COUNCIL DECISION ITEM 10.3.1

That the Council;

- (i) *APPROVES the upgrade of Margaret Pre-School surrounds to include the revamping of the existing playground area to install soft all to meet Australian standards including the installation of new swings/playground equipment at an estimated cost of \$20,000;*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY to reallocate funds for this work and a source be identified by the Chief Executive Officer and reported back to Council at or prior to the mid-year budget review;*
- (iii) *AUTHORISES the Chief Executive Officer to liaise with the Margaret Pre-School concerning the timing of the proposed works;*
- (iv) *AUTHORISES the Chief Executive Officer to write to the Department of Education advising them of their responsibilities and requesting their support in this matter; and*
- (v) *AUTHORISES the Chief Executive Officer to meet with the Department of Education to consider a partnership in funding the upgrades to Margaret Pre-School considering the Towns commitment to providing \$20,000 in funding.*

BACKGROUND:

At the Ordinary Council meeting of 25 May 2004 the following Notice of Motion was adopted.

“That the Council:

- (i) AUTHORISES the Chief Executive Officer to investigate with the Margaret Pre-School the various options available to fund their requested improvements to the landscaping in the Margaret Pre-School surrounds; and*
- (ii) RECEIVES a further report on the matter at the conclusion of the investigations.”*

The Margaret Pre-School is located at 45 Richmond Street. It operates the kindergarten from these premises under a sub-lease from the Education Department. The Education Department leases the premises from the Town of Vincent. The lease is a five year lease with a five year option which was renewed at the Ordinary Meeting of Council 12 September 2000.

Under the lease agreement the Education Department is responsible for the maintenance and upkeep of the property under the following clauses.

Repairs and Maintenance:

The Lessee must repair and maintain the premises including all lighting and electrical installations, all fences, gates, reticulation, drainage systems and other fixtures and fittings in the premises in good order and condition and must keep the premises clean and in a sanitary state at all times.

The Lessee shall not be required to replace electrical switchboards or wiring if replacement is required due to the age of the switchboards or wiring.

The Lessee shall not be required to replace any plumbing or piping if replacement is required due to the age of the plumbing or piping.

In particular, the Lessee shall perform the following maintenance and cleaning obligations.

Surrounds - to be kept clean, tidy and free of litter, rubbish and broken glass.”

The Margaret Pre-School recently approached the Town for funding assistance for the upgrade of the grounds. The teachers at the school have embarked on an innovative program called "Fundamental Movement Skills", which is designed not only to teach the children basic skills but also to encourage them to enjoy active exercise from an early age.

The kindergarten grounds require upgrading to ensure the benefits of the program are fully utilised. The P& C Association of the school has recently contributed \$2,000 for equipment for the kindergarten to augment the program. The Education Department advised that there were no funds available.

The Town of Vincent was contacted by the kindergarten who met with Technical Services staff to discuss their requirements. A quote of \$20,145 was provided to dig out and resurface the outdoor area, to pave an area of the grounds and to lay some soft fall matting in several key areas.

DETAILS:

Following the Notice of Motion a meeting was convened between teachers at the kindergarten, the President of the P & C of the school and representatives from the Education Department and Town officers including the Executive Manager Corporate Services, the Manager Community Development and the Manager Parks Services.

The meeting discussed the financial options available to the school. The Town of Vincent officers advised that the annual budget 2004/05 had been finalised but suggested that the items in the work be prioritised and may be considered at a budget review. Subsequently the Town received a letter dated 2 July 2004 which advised that the priority items were as follows:

- The revamping of the existing playground area to install soft fall to meet Australian standards, including the removal and installation of new swings and playground equipment.
- Removal and laying of new turf.

Grant funds from other sources such as Lotteries or Healthway would be difficult to obtain as it may be seen as an Education Department prerogative.

The Education Department indicated that the department's District Office could assist with top dressing and fertilizing the grass at the kindergarten and had a small fund available to repair uneven paths. This is the financial requirement to meet the lease conditions.

The cost of this work is estimated to be \$20,000 however, as the request was received at the late stage of the Budget finalisation, there are no funds currently included in the 2004/05 budget for this work.

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

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

The re-allocation of funds will require an Absolute Majority decision of the Council.

STRATEGIC IMPLICATIONS:

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

- *Key Result Area 3.2 (a) Review leases and commercial contracts to ensure the best return for the Town.*

FINANCIAL/BUDGET IMPLICATIONS:

There are no funds allocated in the 2004/05 budget to complete this work. The estimate of \$20,000 will have to be provided at a source to be determined by the Chief Executive Officer. This will be determined at a budget review.

COMMENTS:

Whilst the Town is not necessarily responsible for this under the lease agreement, no other immediate source of funding is available. It is recommended that the Town supports this program and ensures the equipment is compliant with Australian Standards, subject to a source of funds being identified.

10.1.12 No(s). 100-102 (Lot(s) 46) Edward Street, Perth - Change of Use from Grouped Dwelling and Office Building to Consulting Rooms (Massage) - Application For Retrospective Planning Approval

| | | | |
|------------------------------|------------------------------|--------------------|---------------------|
| Ward: | South | Date: | 16 August 2004 |
| Precinct: | Beaufort, P13 | File Ref: | PRO1908; 00/33/2277 |
| Attachments: | 001 | | |
| Reporting Officer(s): | R Rasiah | | |
| Checked/Endorsed by: | D Abel, R Boardman, J Giorgi | Amended by: | - |

OFFICER RECOMMENDATION:

That the Council;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by D Flatman on behalf of the owner Civitella Holdings Pty Ltd & VD Civitella for proposed Change of Use from Grouped Dwelling and Office Building to Consulting Rooms (Massage) (Application for Retrospective Planning Approval), at No(s). 100-102 (Lot(s) 46) Edward Street, Perth, and as shown on plans stamp-dated 31 May 2004, for the following reasons:*
 - (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
 - (b) *non-compliance with the car parking requirements of the Town's Policy relating to Parking and Access;*
 - (c) *non-compliance with the Town's Policy relating to Beaufort Precinct;*
 - (d) *approval of the subject use would create an undesirable precedent for other similar use developments encroaching into the Beaufort Precinct; and*
 - (e) *in consideration of the objections received;*
- (ii) *ADVISES the owner and occupier of No(s). 100-102 (Lot(s) 46) Edward Street, Perth, that the unauthorised consulting room (massage) use of this property is to cease operation within 14 days of the date of notification by the Town;*
- (iii) *AUTHORISES the Chief Executive Officer to investigate the alleged unauthorised use of this property, including liaising with the Western Australian Police Service, and DEFERS the instigation of any legal action until the Council further considers the matter;*
- (iv) *WRITES to the Western Australian Government Premier and Minister for Police, Emergency Services; Justice; Community Safety seeking urgent introduction of relevant legislation to adequately address and control prostitution, brothels and massage parlours; and*
- (v) *NOTES that a further report will be submitted to the Council after the investigations have been carried out.*

Presiding Member Cr Ker advised that the applicants had withdrawn their application.

Moved Cr Torre, Seconded Cr Lake

That the following Further Officer recommendation be adopted:

"That the Council;

- (i) ADVISES the owner and occupier of No(s). 100-102 (Lot(s) 46) Edward Street, Perth, that the unauthorised consulting room (massage) use of this property is to cease operation within 14 days of the date of notification by the Town;*
- (ii) AUTHORISES the Chief Executive Officer to investigate the alleged unauthorised use of this property, including liaising with the Western Australian Police Service, and DEFERS the instigation of any legal action until the Council further considers the matter;*
- (iii) WRITES to the Western Australian Government Premier and Minister for Police, Emergency Services; Justice; Community Safety seeking urgent introduction of relevant legislation to adequately address and control prostitution, brothels and massage parlours; and*
- (iv) NOTES that a further report will be submitted to the Council after the investigations have been carried out."*

Debate ensued.

CARRIED (8-0)

(Mayor Catania on approved leave of absence).

COUNCIL DECISION ITEM 10.1.12

That the Council;

- (i) ADVISES the owner and occupier of No(s). 100-102 (Lot(s) 46) Edward Street, Perth, that the unauthorised consulting room (massage) use of this property is to cease operation within 14 days of the date of notification by the Town;*
- (ii) AUTHORISES the Chief Executive Officer to investigate the alleged unauthorised use of this property, including liaising with the Western Australian Police Service, and DEFERS the instigation of any legal action until the Council further considers the matter;*
- (iii) WRITES to the Western Australian Government Premier and Minister for Police, Emergency Services; Justice; Community Safety seeking urgent introduction of relevant legislation to adequately address and control prostitution, brothels and massage parlours; and*
- (iv) NOTES that a further report will be submitted to the Council after the investigations have been carried out.*

FURTHER REPORT:

In a facsimile dated 20 August 2004, the owners, Civitella Holdings Pty Ltd and VD Civitella advised that they no longer wish to proceed with the development and therefore withdraw the application.

Although the application has been withdrawn, if the subject consulting room (massage) use of this property continues, it will continue to be unauthorised and the Town can instigate planning legal action in relation to the use. This aspect still requires to be considered by the Council, and has been addressed in the 'Further Officer Recommendation'.

| | |
|----------------------------|--|
| Landowner: | Civitella Holdings Pty Ltd & VD Civitella |
| Applicant: | D Flatman |
| Zoning: | Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential/Commercial R80 |
| Existing Land Use: | Consulting Rooms |
| Use Class: | Consulting Rooms |
| Use Classification: | "SA" |
| Lot Area: | 407 square metres |

COMPLIANCE:

| Requirements | Required | Proposed* |
|-----------------------|----------------------------|------------------|
| Residential component | 66 per cent of floor space | Nil |
| Plot Ratio | N/A | N/A |

* The plot ratio calculation is provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

BACKGROUND:

- 17 May 1993 The Perth City Council approved for a 12 month period a change in use from office to remedial and stress massage clinic at No. 102 Edward Street, Perth.
- 26 May 1994 The Perth City Council approved a further 12 month period for the remedial and stress massage clinic to operate at No. 102 Edward Street, Perth.
- 27 February 2001 Council resolved at its Ordinary Meeting:
- " That the Council;*
- (i) *receives the report relating to the alleged unauthorised use at No.102 (Lot 46) Edward Street, Perth;*
- (ii) *writes to the owner of and/or operator of the premises at No.102 (Lot 46) Edward Street, Perth advising that:*
- (a) *use of the premises for a 'remedial and stress massage clinic' does not have a valid planning approval and that a planning application is required to be lodged seeking approval for any use of the site; and*

- (b) *the unauthorised use of the premises for a 'remedial and stress massage clinic' shall cease within seven (7) days of notification and that legal proceedings shall be commenced should this requirement not be complied with;*
- (iii) *authorises the Chief Executive Officer to investigate policies and amendments to the Town of Vincent Town Planning Scheme No.1, and other strategies to control brothels within the Town of Vincent; and*
- (iv) *writes to the Western Australian Government Premier and Minister for Police, Emergency Services and Local Government seeking urgent investigation and introduction of relevant legislation to adequately address and control prostitution, brothels and massage parlours."*
- 8 March 2001 Meeting with the Chief Executive Officer, Executive Manager Environmental and Development Services, and the occupiers of No. 102 (Lot 46) Edward Street, Perth.
- 12 March 2001 Letter received from the occupiers of No. 102 (Lot 46) Edward Street, Perth seeking deferment of the Council's resolution pending legislation being presented to Parliament.
- 3 May 2001 The Town in a letter to the occupiers at No. 102 (Lot 46) Edward Street, Perth advised that it would not be taking any action in relation to condition (ii)(b) of the above Council's resolution pending a response from the Western Australian State Government on appropriate legislation to control brothels.
- 16 August 2001 Planning and Building Notices were served on the owner(s) of the property in relation to the unauthorised patio additions which had been erected to the rear of the property without the necessary approvals.
- 4 December 2001 An application seeking retrospective Planning Approval for the unauthorised patio additions was received by the Town.
- 12 February 2002 The Council at its Ordinary Meeting refused an application for an unauthorised patio structure at the above site.
- 14 May 2002 Minister for Planning and Infrastructure advised the Town that the applicants had appealed the decision of the Town to refuse the unauthorised patio for the subject site (Ref: AP 03303.03).
- 27 August 2002 The Minister stated that, as there is no evidence available of the predominant use of the site having a valid Planning Approval, support of the proposal could be interpreted as undermining the controls applicable under the operative Town Planning Scheme, *"Approval could also be interpreted as exacerbating an existing contravention of the Town Planning Scheme."* The Minister for Planning and Infrastructure dismissed the above appeal AP 03303.03 for the unauthorised patio. This unauthorised patio was subsequently removed.

DETAILS:

The subject premises consist of two grouped (attached) dwellings with rear vehicular access from an unsealed, 3 metres wide, privately owned right of way. The application submitted is for retrospective Planning Approval for consulting rooms (massage) in both former grouped dwellings.

Zilkens and Co Barristers and Solicitors on behalf of the applicant has submitted details (attached), which is summarised as follows, in support of the proposal:

- The premises have been operating for some years as consulting rooms.
- Planning approval granted for No. 102 Edward Street on 17 May 1993 for 12 months and further extended by another 12 months on 26 May 1994. Although renewal was applied for, the use had continued with the full knowledge of the City of Perth and Town of Vincent.
- The premises consist of 4 consulting rooms, with one staff member in each room.
- The premises are small and the business has historically had little or no impact on the amenity of the area. Applicant is not aware of any complaints regarding noise, traffic or other disturbances emanating from the premises caused by visitors.
- The current operator has a policy of not providing services to clients who are visibly intoxicated or affected by any other drugs, for staff safety and to maintain the peaceful and quiet neighbourhood.
- Business hours are for 7 days a week from 10 am to 4am.
- Staff are discouraged from driving to work. A maximum of 4 clients may visit the premises at any one time.

CONSULTATION/ADVERTISING:

This proposal was advertised for public comment for a period of twenty one (21) days in accordance with the "SA" advertising procedures. A total of twelve (12) submissions were received, with eleven (11) of them being objections and one (1) submission in support to the change of use proposed. The main issues raised in the objections are summarised as follows:

- The proposed change of use is not consistent with the current Town of Vincent Town Planning Scheme No. 1.
- Applications for similar use, under various guises (but all being different names for brothel) at Nos. 108, 128 and 164 Edward Street have been refused by the Council in recent times and therefore this precedent should be followed. This has resulted in the increase of legitimate and reputable businesses and people moving into the area.
- The proposed change of use is incompatible with the vision for the Beaufort Precinct Policy, which supports a residential community with compatible commercial uses. The Beaufort precinct is undergoing significant and rapid transformation in line with the vision for the area.
- The business fails to demonstrate that it is legitimate. The applicant has reported as stating in the local press that these premises were used to operate as an "illegal brothel, Dee's Sweethearts". The intentions of the business remain illegal, and approval will allow the illegal use to continue. There are no details submitted of the qualification of the applicant or the workers with the submission submitted.
- The Bill relating to prostitution has not been passed by Parliament, and as such is still an illegal activity.
- The change of use would negatively affect residents and families as noise is generated late at night due to the inappropriate hours the business is open. Would attract other illegal activities such as illicit drug use, organised crime, street-walking and kerb crawling.

- Many complaints have gone unregistered due to 'stand over' tactics used by the management of the business. These tactics include physical, written and verbal threats by customers who use adjoining properties as a car park and thoroughfare.
- Incompatible with the significant recreational facility with the redevelopment of the Perth Oval, which is not conducive with the image of a safe and healthy community environment.
- There is inadequate parking, which is also not paved or drained .The right-of-way to access the rear of the site is also not paved.
- Inappropriate hours of operation of 7 days a week from 10am to 4am. Not appropriate for the purported purpose of a massage activity. If it were a genuine massage service, then it should be operating during normal business hours and not on a Sunday, so as to be consistent with the Town's previous resolutions for consulting rooms operating from 8am to 6pm, Monday to Saturday inclusive.
- There are existing residential homes within 5 metres from the subject site, and more planned for the area. Residents living in the area have indicated distress and frustration at the above continuing situation.
- The Town should not be approving developments that do not have a residential component.

The reasons for support of the proposal indicated in one of the late submission is as follows:

- Been a neighbour of the above subject site since 1995, we have found the applicants to be good neighbours. Any activity occurring at the subject site has not affected staff or users of their services.
- No objection as the use is representative of the "rich diversity" existing in the Town of Vincent.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Car Parking

| Requirements as per Parking and Access Policy | Required No. of Carbays |
|---|---------------------------|
| Consulting Rooms: 3 car bays per consulting room (existing 4 consulting rooms) | 12 car bays |
| Total car parking required before adjustment factor (nearest whole number) | 12 car bays |
| Apply the parking adjustment factors. <ul style="list-style-type: none"> ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.85 (within 400 metres of one or more public car parks in excess of 75 spaces) | (0.722) 8.664 car bays |
| Car parking provided on site | 3 car bays |

| | |
|--|---------------|
| Minus the car parking shortfall currently applying to site <u>(after taking into account relevant adjustment factors) i.e. 4 car bays x 0.722 =2.888 carbays</u> | 0.888car bays |
| <u>Previously, 2 car bays provided for commercial component, resulting in an existing surplus of 0.888car bay</u> | |
| Resultant shortfall | 4.776car bays |

The car parking provided on-site is considered inadequate as there is a shortfall of 4.776 car bays. Moreover, the existing car bays on-site are not sealed or drained.

Use

The Minutes of the City of Perth Council Meeting held on 17 May 1993 indicates that Planning Approval was granted *'for a period of 12 months ... to establish a remedial and stress massage clinic at Strata Lot 2 on Strata Plan 8463 Sub Lot 14 (No. 102) Edward Street, Perth, as shown on plans dated 7 April 1993'*.

The Minutes of the City of Perth Council Meeting held on 26 May 1994 indicates that Planning Approval was granted *'for a period of 12 months ... for a remedial and stress massage clinic at Strata Lot 2 on Strata Plan 8463 Sub Lot 14 (No. 102) Edward Street, Perth, as shown on plans dated 7 April 1993.'*

The Town's records indicate that no further Planning Approval were issued after the expiry date of 26 May 1995, and no Planning Approval was granted for consulting rooms at No. 100 Edward Street.

The 'Beaufort Precinct' Policy states that the Town should protect and enhance the amenity and general environmental standards of existing and future residential development and ensure the compatibility. Commercial uses are not permitted to operate independently of residential uses. Activities such as computer consultancy, corporate business services, data processing and similar uses are to be supported.

Under the Town's Town Planning Scheme No. 1 (TPS No.1), the above properties are zoned "Residential/Commercial R80". Under the Residential/Commercial zone, a consulting room is a 'SA' use, which is not a permitted use unless the Council has exercised its discretion by granting Planning Approval after giving special notice in accordance with Clause 37 of TPS1.

The subject consulting room use (massage) is considered not to fall into the category of compatible uses as identified in the Beaufort Precinct Policy. Moreover, the Town has had numerous complaints about the existing unauthorised use and an "alleged brothel" being conducted on-site, and have been unable to take action, partly due to lack of substantiated evidence. The proposed operation times are considered excessive for the type of use proposed, and would suggest and imply that it may be used for other than massage services.

The proposal also does not contain any residential component, and this is in conflict with the Residential/Commercial provisions under the Beaufort Precinct policy.

Health, Building and Technical Services

The Town's Health Services have advised that if the proposal is supported, it should be limited to 12 months, limitation on customer numbers, and submission of a Premises Management Plan, with no adult advertising or external music. The Town's Building Surveyors had raised no issues relating to the Building Code of Australia requirements.

The Town's Technical Services have advised that the parking layout complies with the Town's standards, however the right of way and the car parking area requires to be sealed, drained and line marked in accordance with the Australian Standards AS 2890.1 and to the satisfaction of the Town's Technical Services.

Summary

The proposal represents an inappropriate use for the above site, and as such would set an undesirable precedent in the locality for further commercial style development of a similar scale and nature in the future. Accordingly, it is recommended that the proposal be refused.

It is further recommended that the owners and occupiers be given 14 days to cease operating the unauthorised consulting room (massage) use from the date of notification by the Town.

It is recommended that the Council authorises the Chief Executive Officer to further investigate the unauthorised consulting rooms use and the allegation that it is operating as a brothel. The Town's investigation would include liaison with the Western Australian Police Service. It would also be appropriate to write to the Minister for Police requesting an update on the proposed legislation to adequately address and control prostitution, brothels and massage parlours.

10.1.1 Further Report - No (s). 85A (Lot (s) 397) Hobart Street, Corner Shakespeare Street, Mount Hawthorn - Proposed Garage and Alterations and Additions to Street Walls and Fences to Existing Single House

| | | | |
|------------------------------|---------------------|--------------------|---------------------|
| Ward: | North | Date: | 16 August 2004 |
| Precinct: | Mt Hawthorn; P1 | File Ref: | PRO2072; 00/33/2239 |
| Attachments: | 001 | | |
| Reporting Officer(s): | V Lee, T Durward | | |
| 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 J Rose on behalf of the owners J & R Rose for Proposed Garage and Alterations and Additions to Street Walls and Fences to Existing Single House, at No (s). 85A (Lot (s) 397) Hobart Street, corner Shakespeare Street, Mount Hawthorn, and as shown on amended plans stamp-dated 9 August 2004, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:

 - (a) the proposed garage structure being setback a minimum of 1.5 metres from Shakespeare Street; and*
 - (b) a minimum of two significant and appropriate design features being incorporated into the street wall/fence facing Shakespeare Street to reduce the visual bulk of the wall/fence.**

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

- (iii) subject to first obtaining the consent of the owners of No. 98 Scarborough Beach Road for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 98 Scarborough Beach Road in a good and clean condition;*
- (iv) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Hobart 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;*
- (v) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;*

- (vi) *a road and verge security deposit bond and/or bank guarantee of \$1100 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*
- (vii) *standard visual truncations, in accordance with the Town's Policies and/or to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular access ways to ensure that the safety of pedestrians and other road users is not compromised; and*
- (viii) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (ix) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (x) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (xi) *no plumbing or sanitary facilities or fixtures shall be provided to or within the garage structure without the prior approval of such by the Town;*
- (xii) *the garage structure shall not be used for industrial, commercial or habitable purposes and is for the sole personal use of the inhabitants of the dwelling only;*
- (xiii) *all new crossover/s to the allotment shall be constructed in accordance with the Town's standard Crossover Specification/s which, in particular, specify that the portion of the existing footpath traversing the proposed crossover, subject to the existing footpath being in a good condition as determined by the Town's Technical Services Division, must be retained such that it forms a part of the proposed crossover and the proposed crossover levels shall match the level/s of the existing footpath; and*
- (xiv) *prior to the issue of a Building Licence the applicant shall pay a \$250 crossover bond to ensure the crossover is constructed to comply with the Town's standard crossover specification/s. Application for the refund of the bond must be submitted in writing;*

to the satisfaction of the Chief Executive Officer.

Moved Cr Torre , Seconded Cr Doran-Wu

That the recommendation be adopted.

Moved Cr Cohen , Seconded Cr Lake

That clause (ii) (a) be deleted.

Debate ensued.

Cr Torre departed the Chamber at 7.12pm.

Cr Torre returned to the Chamber at 7.15pm.

AMENDMENT LOST (0-8)

(Mayor Catania on approved leave of absence).

Debate ensued.

Moved Cr Lake, Seconded Cr Cohen

That clause (ii) (a) be amended by deleting "1.5 metres" and replacing with "1.0 metre".

AMENDMENT LOST (3-5)

(Mayor Catania on approved leave of absence).

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

COUNCIL DECISION ITEM 10.1.1

ORIGINAL MOTION CARRIED (8-0)

(Mayor Catania on approved leave of absence).

FURTHER REPORT:

The Council at its Ordinary Meeting held on 13 July 2004 resolved to defer the subject application for proposed garage and alterations and additions to street walls and fences to existing single house at the request of the applicant.

The requested deferral by the applicant was mainly a response to additional information acquired by the applicant from the Water Corporation with regard to access to a sewer line at the rear of the property.

The applicant has since resubmitted amended plans which included a setback from the rear fence, being approximately 1.6 metres, and a 3.4 metres deep steel shoring for Water Corporation access. The side setback of the proposed garage remains unchanged.

The Town has received a letter and photographs from the applicant in relation to condition/clause (ii) (b) of the Officer Recommendation. The letter and related photographs are "Laid on the Table". In summary, the applicant requests the Council to consider the imposition of the subject condition for the following reasons:

- The applicant requires a zero setback to work the garage in with the planned restoration and extension to the existing house. They plan to retain the original Californian Bungalow style residence and add an extension that is in character with the area.

- The block is relatively narrow and any additional setback will have the garage encroaching on the small amount of back yard available for outdoor living. The applicant believes this will make the proposed character extension to the existing building unworkable and leave them with no option other than to demolish the house and build a new dwelling.
- As stated in previous correspondence, the applicant cannot build over the sewer line in case it requires maintenance, and therefore the garage location is limited.
- The applicant has considered building a carport at the front of the residence, however due to the higher level of pedestrian traffic along Hobart Street, and the Council's preference for rear lot parking where side access is available; they have chosen to position the garage at the rear of the lot.
- The level of pedestrian traffic on the applicable section of Shakespeare Street is not high and the applicant notes that there are several other properties in the area, including in the Eton Locality, where the garages are situated with zero setbacks.

The Town's Technical Services require that the garage is setback 1.5 metres from the street boundary in order to provide adequate visual sightlines from the garage. Notably, this is for the benefit of pedestrian safety who may not be able to see a vehicle reversing from the garage.

A setback of 1.5 metres will also result in the garage being setback behind the dwelling front main building wall, therefore the garage does not become a visually dominant structure in the Shakespeare Street streetscape.

In light of the above, the applicant's situation is noted, however, it is recommended that the garage be setback a minimum of 1.5 metres from the Shakespeare Street boundary.

The following is a verbatim copy of the minutes of the Item placed before the Council at its Ordinary Meeting held on 13 July 2004:

"OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by J Rose on behalf of the owners J & R Rose for Proposed Garage and Alterations and Additions to Street Walls and Fences to Existing Single House, at No. 85A (Lot 397) Hobart Street, corner Shakespeare Street, Mount Hawthorn, and as shown on amended plans stamp- dated 7 July 2004, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
 - (a) the proposed garage structure being setback a minimum of 1.5 metres from Shakespeare Street; and*
 - (b) a minimum of two significant and appropriate design features being incorporated into the street wall/fence facing Shakespeare Street to reduce the visual bulk of the wall/fence;*

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

- (iii) *subject to first obtaining the consent of the owners of No. 98 Scarborough Beach Road for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 98 Scarborough Beach Road in a good and clean condition;*
- (iv) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Hobart 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;*
- (v) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;*
- (vi) *a road and verge security deposit bond and/or bank guarantee of \$1100 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*
- (vii) *standard visual truncations, in accordance with the Town's Policies and/or to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular access ways to ensure that the safety of pedestrians and other road users is not compromised; and*
- (viii) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (ix) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (x) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (xi) *no plumbing or sanitary facilities or fixtures shall be provided to or within the garage structure without the prior approval of such by the Town;*
- (xii) *the garage structure shall not be used for industrial, commercial or habitable purposes and is for the sole personal use of the inhabitants of the dwelling only; and*
- (xiii) *all new crossover/s to the allotment shall be constructed in accordance with the Town's standard Crossover Specification/s which, in particular, specify that the portion of the existing footpath traversing the proposed crossover, subject to the existing footpath being in a good condition as determined by the Town's Technical Services Division, must be retained such that it forms a part of the proposed crossover and the proposed crossover levels shall match the level/s of the existing footpath;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.12

Moved Cr Ker, Seconded Cr Lake

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

CARRIED (8-0)

(Cr Cohen on approved leave of absence.)

| | |
|----------------------------|---|
| <i>Landowner:</i> | <i>J & R Rose</i> |
| <i>Applicant:</i> | <i>J Rose</i> |
| <i>Zoning:</i> | <i>Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R20</i> |
| <i>Existing Land Use:</i> | <i>Single House</i> |
| <i>Use Class:</i> | <i>Single House</i> |
| <i>Use Classification:</i> | <i>"P"</i> |
| <i>Lot Area:</i> | <i>488 square metres</i> |

COMPLIANCE:

| <i>Requirements</i> | <i>Required</i> | <i>Proposed *</i> |
|--|---|--|
| <i>Plot Ratio</i> | <i>N/A</i> | <i>N/A</i> |
| <i>Setback - Proposed garage from Shakespeare Street</i> | <i>Setback at or behind the dwelling front main building wall</i> | <i>0 metre to Shakespeare Street</i> |
| <i>Street Walls and Fences</i> | <i>Walls to secondary street (Shakespeare Street) may be solid to 1.8 metres high provided that the wall has at least two (2) appropriate design features</i> | <i>Appropriate design features not identified on plans</i> |

** The plot ratio calculation is provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.*

SITE HISTORY:

There is an existing circa 1930's single storey dwelling to be retained on-site.

DETAILS:

The proposal involves the addition of a garage with vehicular access off Shakespeare Street, which is considered to be a secondary street. The proposal also includes the addition of new boundary fencing along Hobart Street and Shakespeare Street.

CONSULTATION/ADVERTISING:

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

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Proposed Garage

The applicant has requested that the proposed garage be approved in the location shown on the plans and has provided the following statement;

"The present location of our sewer point is 6500mm inside the Shakespeare St boundary along with the main sewer line that runs to the house (please see attached plan). If we were to move the garage back 1500mm this would place the structure over the inspection point and the existing line to the house. As the existing line to the house is the original 1930's terracotta pipe work I envisage that this will need to be replaced in the not to distant future as it has blocked up several times in the last year. As a result of this I will need to keep access to the area 6500mm of the boundary open to under take the replacement work when required and will also need to keep the inspection point in an area of easy access for future inspection and possible maintenance.

This is the main reason for the location of the garage being so close to the boundary line. As several other new developments in the area have been granted a 0 set back, (ie 92 Shakespeare St) it would be appreciated due the reasons stated above that our proposal be granted approval as designed."

The Town's Technical Services require that the garage is setback 1.5 metres from the property boundary in order to provide adequate visual sightlines from the garage. Notably, this is for the benefit of pedestrian safety who may not be able to see a vehicle reversing from the garage.

A setback of 1.5 metres will also result in the garage being setback behind the dwelling front main building wall.

The applicant's situation is noted; however, alternative options are available so that the visual sightline and streetscape requirements are achieved, for example, a narrower width structure setback from the northern side boundary. However, the applicant has expressed preference for a garage in this location.

Therefore, it is recommended that the garage be setback a minimum of 1.5 metres from the Shakespeare Street boundary.

Design Features in Fence to Shakespeare Street

The applicant has advised that the wall will incorporate a garden bed in front of the wall and a creeper will be grown over the wall, to assist in breaking up the visual bulk of the wall. The garden bed, in addition to the rendered brick piers, is considered to be two appropriate design features to 'break up' the visual bulk of the wall.

Summary

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

**10.1.10 No(s). 19 (Lot(s) 3) Kingston Avenue, West Perth - Proposed
Patio/Disability Covered Area Additions to Existing Single House**

| | | | |
|------------------------------|---------------------|--------------------|---------------------|
| Ward: | South | Date: | 16 August 2004 |
| Precinct: | Cleaver, P5 | File Ref: | PRO2853; 00/33/2309 |
| Attachments: | 001 | | |
| Reporting Officer(s): | B Tran | | |
| Checked/Endorsed by: | D Abel, R Boardman | Amended by: | - |

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by P & V Panayotou for proposed Patio/Disability Covered Area Additions to Existing Single House, at No(s). 19 (Lot(s) 3) Kingston Avenue, West Perth, and as shown on plans stamped 16 June 2004, for the following reasons:

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

Moved Cr Lake, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

COUNCIL DECISION ITEM 10.1.10

Moved Cr Chester, Seconded Cr Franchina

That the matter be DEFERRED to enable the Town's Officers to liaise with the applicants to achieve a suitable application recommended for approval.

CARRIED (7-1)

(Mayor Catania on approved leave of absence).

For

Deputy Mayor Cr Ker
Cr Chester
Cr Cohen
Cr Doran-Wu
Cr Farrell
Cr Franchina
Cr Torre

Against

Cr Lake

| | |
|----------------------------|---|
| Landowner: | P & V Panayotou |
| Applicant: | P & V Panayotou |
| Zoning: | Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R80 |
| Existing Land Use: | Single House |
| Use Class: | Single House |
| Use Classification: | "P" |
| Lot Area: | 271 square metres |

COMPLIANCE:

| Requirements | Required | Proposed * |
|---|--|--|
| Setbacks: Side Setback (Eastern) Front Setback (Northern) | 1.0 metre 4.0 metres | 0.3 metre 0.36 metre |
| Patio Location | Other than "open" carports no substantial structures allowed within street setback area | Patio within street setback area |
| Plot Ratio | 0.65 or 176.15 square metres | N/A (not relevant to this application) |

* The plot ratio calculation is provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

BACKGROUND:

An application for Approval to Commence Development dated 14 April 2004 was submitted to and received by the Town on 5 July 2004 for a patio/carport additions to existing single house.

The application was presented to the Town's Development Assessment Team (DAT) for an initial assessment of the application. Subsequently, the Town's Technical Services advised that the proposal does not meet the minimum vehicular manoeuvring space as required under the Australian Standard (AS 2890.1).

A letter was then posted to advise the above matter to both the owners/applicants and builder (Heritage Outdoor) accordingly. The matter has also been discussed with the applicants' son during several telephone conversations.

A further letter dated 10 August 2004 submitted by the applicants highlights various reasons to support their application. The applicants also altered the description of the proposed development to "Patio/Disability Covered Area" instead of "Patio/Carport".

SITE HISTORY:

The subject site is occupied by a single house, an attached existing garage on the eastern side boundary with access via Kingston Street and a steel patio at the rear of the property.

The property abuts an existing sealed private 2.66 metres wide lane way, it is labelled as "Entrance" on the Certificate of Title. This "Entrance" is one of the existing vehicular access points to a block of flats, known as No. 572 (Lot 8) Newcastle Street, West Perth.

DETAILS:

The applicants seek approval for a flat metal roof patio style structure, described on the application as "Patio/Disability Covered Area" to an existing single house. There will be no alteration to the existing ground levels. The proposal measures approximately 21.74 square metres.

The proposed structure is located within the front setback area of the subject dwelling's existing front courtyard and driveway. It is setback 0.3 metre from the eastern side boundary, and 0.36 metre from the street/front boundary (northern side) and 4.16 metres (scaled) to the western side. The roof height as depicted on the submitted plans is 2.8 metres.

The applicants' son, on behalf of the applicants, submitted the following justification in support of the proposed variations, and it can be summarised as follows:

"... My mother has recently become disabled with a degenerative disease that has left her unable to walk without assistance of either a walking stick or a walking frame. My father is now her registered carer. To walk from her front door to either the letter box or to the car normally takes my mother anywhere between fifteen to twenty minutes depending on how she is feeling and the weather conditions. On many occasions through winter my mother got very wet and with summer coming up soon, she feels that she will not cope with this daily struggle in the searing heat.

...proposing is not a carport at the front of their house but rather a covered walkway... I understand the Town of Vincent has become very aggressive in its policy to help people with disabilities so we urge you and the council to consider the plans as a disability walkway. The neighbours on either side of the property have also signed and approved the plans..."

CONSULTATION/ADVERTISING:

The applicants for this proposal have provided comments from the affected adjoining neighbours. The owners have indicated that they do not object to the proposed structure.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The subject land is zoned R80. In accordance with Table 1 of the Residential Design Codes 2002 (the R Codes), all the requirements of minimum setbacks, open space, outdoor living area, etc. are as per R60 for single houses zoned R80 to R160.

Setbacks

The proposed 0.36 metre front street setback of the structure represents a significant variation from the required minimum primary street setback of 4.0 metres of the Table 1 of the R Codes.

In terms of planning performance, and there being no objection from the adjacent land owners, the proposed reduced side setback of 0.3 metre to the eastern side boundary is supportive. However it must be stressed that a 0.3 metre clearance from the side boundary conflicts with the Deemed-To-Satisfy provision of the Building Code of Australia (BCA). Part 3.7.1.6 of the BCA requires a minimum fire separation of not less than 0.9 metre from an allotment boundary.

Outdoor Living Area

The R Codes requires that residential dwellings provide a private outdoor living area that provides the following:

- *"In accordance with Table 1;*
- *Behind the street setback area;*
- *Directly accessible from a habitable room of a dwelling;*
- *With a minimum length and width dimension of 4 metres; and*
- *To have at least 2/3 of the required area without permanent roof cover."*

The proposed structure does not affect the required minimum outdoor living area. The existing space at the rear of the property provides adequate outdoor area.

Streetscape

Clause 7 Other Structures of the Town's Policy relating to Street Setbacks provides the following:

"Other than carports no substantial structures are allowed within street setback areas. Structures which may be allowed are:

- *fences or walls;*
- *landscape or sculptural structures, such as fountains, to enhance relationship between street and house; and*
- *appropriately scaled archways or gateways, in character with the streetscape."*

The proposal conflicts with the above Town's Policy.

In light of the above, the applicant's circumstances are acknowledged; however, it is recommended that the proposal be refused. The proposed structure as located is not appropriate and undesirable in terms of visual impact on the streetscape.

The approval of such a proposed structure within the front primary setback area, would compromise the objectives of the Town's Policy and the Residential Design Codes.

10.2.1 Proposed Traffic Management and Streetscape Enhancement for Woodstock Street, Mount Hawthorn

| | | | |
|------------------------------|----------------------|------------------|-----------------|
| Ward: | Both | Date: | 18 August 2004 |
| Precinct: | Mt Hawthorn, P1 | File Ref: | TES0173&TES0334 |
| Attachments: | 001: | | |
| Reporting Officer(s): | R Lotznicher | | |
| Checked/Endorsed by: | - | | |

RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Proposed Traffic Management and Streetscape Enhancement for Woodstock Street, Mount Hawthorn;*
- (ii) *APPROVES in principle the proposal estimated to cost \$50,000 and planting of additional street trees estimated to cost \$2,500 as outlined on attached Plan No. 2287-CP-1;*
- (iii) *CONSULTS with the residents of Woodstock and adjoining Streets with regard to the proposal, for a period of 21 days in which comments will be received; and*
- (iv) *RECEIVES a further report on the proposal, at the conclusion of the community consultation period.*

COUNCIL DECISION ITEM 10.2.1

Moved Cr Lake, Seconded Cr Farrell

That the recommendation be adopted.

Cr Torre departed the Chamber at 7.34pm.

CARRIED (7-0)

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

BACKGROUND:

At the Ordinary Meeting of Council held on 10 February 2004, the Council received a report outlining a list of locations where requests for traffic management had been received from the Public.

It was agreed at the meeting that requests that warranted further investigation/determination be reported to the Council, with a recommendation that the matters be referred to the Town's LATM Advisory Group.

DETAILS:

It was decided that the following locations should be referred to the LATM Advisory Group:

| | |
|--------------------|--|
| <i>Location 1*</i> | <i>Forrest Street</i> |
| <i>Location 2*</i> | <i>Lincoln / Beaufort Streets</i> |
| <i>Location 3*</i> | <i>Eton Street</i> |
| Location 4** | Monger Street |
| <i>Location 5*</i> | <i>Hobart Street</i> |
| Location 6*** | Brookman Street, Moir Street and Forbes Road |
| Location 7**** | Woodstock |

- Note * Previously considered by the LATM Advisory Group and by the Council.
 ** Previously considered by the LATM Advisory Group only.
 *** Not yet considered by LATM Advisory Group nor the Council.
 **** Subject of this report.

A brief outline of Location 7 is shown below:

Location 7

Street: Woodstock
Section: Fairfield St to London St
Request: Safety improvements

Traffic Data

| <i>Street</i> | <i>Section</i> | <i>Volume (vpd)</i> | <i>85% Speed (kph)</i> |
|----------------|------------------------------|---------------------|------------------------|
| • Woodstock St | Edinboro St – Fairfield St | 967 | 53 |
| • Woodstock St | Edinboro St – Shakespeare St | 795 | 58 |
| • Edinboro St | Hobart St – Woodstock St | 885 | 58.5 |
| • Edinboro St | Ellesmere St – Woodstock St | 650 | 59 |

Classifications: Access Road

Budget: \$50,000 (2004/2005)

Details: Residents in the vicinity of the intersection of Woodstock St and Edinboro St have requested safety improvements due to vehicles speeding down Woodstock Street and vehicles travelling along Edinboro Street not stopping at the compulsory stop sign.

Local Area Traffic Management Group (LATM) Group Meeting 16 August 2004

Traffic management along Woodstock Street was discussed by the Group at its 16 August 2004 meeting. A member of the public, who raised concerns regarding safety at the intersection of Woodstock and Edinboro Streets, also attended the meeting.

The officers presented a concept proposal to improve safety along Woodstock and intersecting roads.

The proposal as outlined on Plan No. 2287-CP-1 includes the following:

- Implement a wider street treatment to reduce the traffic lanes on Woodstock Street from 10.0 metres wide to 5.5 metres wide.
- Install nibs at all intersections between Fairfield and London Streets to facilitate the creation of embayed parking.
- Channelise the intersection of London and Woodstock Streets and provide a low profile red asphalt entry statement.
- Provide native vegetation to proposed nibs where appropriate.
- Plant street verge trees where appropriate.

The concept plan also indicates possible low profile speed humps strategically located along Woodstock Street.

The LATM Advisory Group considered that the community should be canvassed regarding the inclusion of speed humps. The Group considered these could possibly be implemented as a Stage 2 proposal should 85% speeds in Woodstock Street remain significantly above the posted speed of 50 kph after the proposal has been in place for three (3) months.

The community representative at the meeting also requested possible speed humps in Edinboro Street at the approaches to Woodstock Street.

The LATM Group suggested that advance warning signs should be installed to indicate "stop" controls and that stop signs be centrally located in median islands where appropriate.

Officers' Comments:

The Town has previously successfully implemented the proposed type of treatment in several of its roads, including York Street and Joel Terrace and will soon be implementing similar treatments in Forrest and Hobart Streets.

The purpose of the proposed road narrowing is to:

- Improve amenity to give the road a more "residential street" appearance.
- Slow traffic (reduced width of trafficable lanes).
- Improve visibility at intersections with the creation of nibs.

Officers will request Main Roads WA to install advance warning signage on all appropriate intersecting roads.

Proposed Street Trees

The original street tree species planted along Woodstock Street verges was a Bottlebrush (*Callistemon salignus*). This tree has not been readily available over recent years so where requested, the Town has substituted plantings along the street with *Callistemon* "Kings Park special", a tree with similar characteristics.

Along the above section of Woodstock Street there is an opportunity to plant an additional twelve (12) street trees. However, the majority of verges without trees are very well maintained and it is unlikely, given the existing style/form of adjacent private gardens, that the owners will consent to having trees planted on the verge.

CONSULTATION/ADVERTISING:

The matter has been considered by the LATM Advisory Group and referred to the Council. Consultation with the wider community is now recommended.

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2002-2008 – 1.4 Maintain and enhance the Town’s infrastructure to provide a safe, healthy, sustainable and functional environment. “o) *Investigate and implement traffic management improvements in liaison with the Local Area Traffic Management (LATM) Advisory Group.*”

FINANCIAL/BUDGET IMPLICATIONS:

Funds totalling \$50,000 have been included in the 2004/2005 budget. The estimated cost to implement stage 1 of the proposal i.e. the Traffic management is \$50,000. The estimated cost to plant additional trees (stage 2) is \$2,500.

Total estimated cost for Stage 1 and Stage 2 is \$52,500.

COMMENTS:

It is considered that the proposal as outlined on Plan No. 2287-CP-1 will result in safety improvements in Woodstock and intersecting streets.

The inclusion of speed humps and landscaping will be determined in liaison with residents and a further report on the overall proposal will be presented to the Council at the conclusion of the community consultation.

10.1.5 No(s). 45 (Lot(s) 721) Leake Street (Cnr View Street), North Perth - Proposed Alterations and Loft Additions to Existing Institutional Building (Aged Care Facility)

Moved Cr Chester, Seconded Cr Cohen

That the recommendation be adopted.

The Presiding Member, Cr Ker advised that this item would be held over until the return of the Executive Manager Environmental & Development Services to the Chamber.

Please refer to page 99 for the Council Decision.

10.1.9 No(s). 57 (Lot(s) 178, 179 & 416) Monmouth Street & Burt Street, Mount Lawley - Proposed Construction of Twelve (12) Two-Storey Single Houses (Revised Plans for the Reconsideration of Finished Floor Levels)

Moved Cr Chester, Seconded Cr Doran-Wu

That the recommendation be adopted.

The Presiding Member, Cr Ker advised that this item would be held over until the return of the Executive Manager Environmental & Development Services to the Chamber.

Please refer to page 104 for the Council Decision.

10.2.3 Introduction of an ACROD 2.5 Parking Bay on Haynes Street Outside the Shalom Dental Clinic Located at 31 Sydney St, North Perth

| | | | |
|------------------------------|----------------------|--------------------|----------------|
| Ward: | North | Date: | 18 August 2004 |
| Precinct: | North Perth P8 | File Ref: | PRO2006 |
| Attachments: | 001; | | |
| Reporting Officer(s): | R Lotznicher | | |
| Checked/Endorsed by: | - | Amended by: | - |

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES the introduction of one (1) ACROD 2.5 parking bay on Haynes Street outside The Shalom Dental Clinic located at 31 Sydney Street, North Perth, as shown on attached Plan No. 2288-PP-1 and sketch Plan A;*
- (ii) *PLACES a moratorium on issuing infringement notices for a period of two (2) weeks from the installation of the new parking restriction signs; and*
- (iii) *ADVISES the Shalom Dental Clinic of the Council's decision.*

Moved Cr Franchina, Seconded Cr Chester

That the recommendation be adopted.

Moved Cr Chester, Seconded Cr Lake

That the following amended recommendation be adopted:

"Replace Clause (i) as follows:

- (i) *APPROVES the introduction of a temporary ACROD parking bay to be located on the existing "blind" crossover perpendicular to Haynes Street as shown on attached Plan No. 2288-PP-1B;*

Replace Clause (iii) as follows:

- (iii) *NOTES that the temporary arrangement will remain until such time as the internal parking arrangements off Haynes Street have been formalised;*

Previous Clause (iii) becomes Clause (iv) as follows:

- (iv) *ADVISES the Shalom Dental Clinic of the Council's decision."*

Cr Torre returned to the Chamber at 7.39pm.

AMENDMENT CARRIED (8-0)

(Mayor Catania on approved leave of absence).

CARRIED AS AMENDED (8-0)

(Mayor Catania on approved leave of absence).

COUNCIL DECISION ITEM 10.2.3

That the Council;

- (i) *APPROVES the introduction of a temporary ACROD parking bay to be located on the existing "blind" crossover perpendicular to Haynes Street as shown on attached Plan No. 2288-PP-1B;*
- (ii) *PLACES a moratorium on issuing infringement notices for a period of two (2) weeks from the installation of the new parking restriction signs;*
- (iii) *NOTES that the temporary arrangement will remain until such time as the internal parking arrangements off Haynes Street have been formalised; and*
- (iv) *ADVISES the Shalom Dental Clinic of the Council's decision.*

BACKGROUND:

A request has been received from representatives of the Shalom Dental clinic for an ACROD 2.5 parking bay on Haynes Street outside the Shalom Dental Clinic, located at 31 Sydney Street, North Perth.

DETAILS:

Officers met recently on site with representatives from the Shalom Dental Clinic to discuss improved access to the site and provision of parking. The Town recently installed a wide concrete crossover to No 31 Sydney Street off Haynes Street, however, due to the uncertainty surrounding the future development plans for the site, no pavement works inside the property were implemented.

Funds were carried forward from the 2003/2004 financial year for parking, access and in ground reticulation at 31 Sydney Street, however, these works are currently on hold.

Notwithstanding the above, the elderly and persons with a disability currently find it extremely difficult to access the existing facility and it was agreed that a concrete path should be constructed as a matter of urgency from the Haynes Street footpath to the front door of the building and that an ACROD 2.5 parking bay should be formalised on Haynes Street.

This will ensure that a suitable parking bay will be available for drop off and set down at all times on Haynes Street and that easy access will be available to the facility. The existing parking in this section of Haynes Street is currently unrestricted.

The Manager for Law and Order Services has been consulted and is supportive of the proposal for the ACROD 2.5 parking bay.

LEGAL/POLICY:

Approval for this request may be granted under clause 12 of the Council's current policy relating to kerbside ACROD 2.5 parking bays in residential areas. Rangers would enforce the provisions of the restriction under the current Local Law relating to Parking Facilities, clause 18(2) or 18(4).

CONSULTATION/ADVERTISING:

N/A

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. *"p) Develop a strategy for parking management in business, residential and mixed use precincts, that includes parking facilities that are appropriate to public needs".*

FINANCIAL/BUDGET IMPLICATIONS:

Funds totalling \$27,000 have been included in the 2004/2005 for parking and access improvements and in ground reticulation at the facility.

Introduction of the ACROD 2.5 bay including signage and line marking, would cost approximately \$300.00.

COMMENTS:

The Town intends to install a section of footpath to service the Shalom Dental Clinic. The proposed ACROD 2.5 parking bay will complement this proposal and it is requested that the Council supports this initiative and advises the applicant of its decision.

10.1.5 No(s). 45 (Lot(s) 721) Leake Street (Cnr View Street), North Perth - Proposed Alterations and Loft Additions to Existing Institutional Building (Aged Care Facility)

| | | | |
|------------------------------|---------------------|--------------------|---------------------|
| Ward: | South | Date: | 17 August 2004 |
| Precinct: | Smith's Lake, P6 | File Ref: | PRO1078; 00/33/2307 |
| Attachments: | 001 | | |
| Reporting Officer(s): | T Durward | | |
| Checked/Endorsed by: | D Abel, R Boardman | Amended by: | - |

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Gary Batt & Associates Architects on behalf of the owner Casson Homes Inc for proposed Alterations and Loft Additions to Existing Institutional Building (Aged Care Facility), at No(s). 45 (Lot(s) 721) Leake Street (corner View Street), North Perth, and as shown on plans stamp-dated 22 June 2004, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development the windows to the loft on the southern 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 major openings as defined in the Residential Design Codes 2002;*
- (iii) a road and verge security bond or bank guarantee of \$220.00 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing; and*
- (iv) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.5

Moved Cr Chester, Seconded Cr Cohen

That the recommendation be adopted.

Debate ensued.

Cr Farrell departed the Chamber at 7.47pm.

Cr Farrell returned to the Chamber at 7.49pm.

LOST (2-6)

(Mayor Catania on approved leave of absence).

For

Cr Lake
Cr Torre

Against

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

Reasons:

- (i) It is not consistent with the proper and order planning of the area; and
- (ii) Consideration of the objections received.

| | |
|----------------------------|---|
| Landowner: | Casson Homes Inc |
| Applicant: | Gary Batt & Associates Architects |
| Zoning: | Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R40 |
| Existing Land Use: | Aged Care Facility |
| Use Class: | Institutional Building |
| Use Classification: | "SA" |
| Lot Area: | 3225 square metres |

COMPLIANCE:

| Requirements | Required | Proposed * |
|---------------------|-----------------|-------------------|
| Plot Ratio | N/A | N/A |

* The plot ratio calculation is provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

BACKGROUND:

6 December 2000 The Town issued conditional planning approval under delegated authority for an aged care facility (institutional building).

- 12 March 2002 A site inspection by the Town's Officers revealed that the roof structure located in the south western corner of the building above lobby 5 (proposed loft), had not been constructed in accordance with approved plans. The building supervisor was requested to not proceed with any further works to the proposed loft, until an application and plans for such works have been submitted to and approved by the Town.
- 23 April 2002 The Council resolved at its Ordinary Meeting of Council to refuse the application for the loft addition for the following reasons:
- (i) it is not consistent with the proper and order planning of the area;
 - (ii) consideration of the objections received; and
 - (iii) the proposal is not in keeping with the original plans circulated during the consultation period.
- The unauthorised loft works was subsequently removed.
- 16 June 2004 Development application submitted for alterations and loft additions to existing aged care facility.

SITE HISTORY:

The subject site is zoned Residential R40. There is currently an aged care facility (institutional building) on the subject site. A Town owned right of way exists to the rear of the lot. The right of way is unsealed and has a width of 4.5 metres.

DETAILS:

The applicant seeks approval for a loft addition above the south-western corner of the existing building to provide a 'guest loft', ensuite and stairs, to enable short stay accommodation for relatives of terminally ill residents.

CONSULTATION/ADVERTISING:

One objection was received during the advertising period. The objector has concerns about the potential for overlooking, that the loft is a fire hazard and that their neighbour does not have an opportunity to object/comment as they are overseas and uncontactable.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

There is potential for unreasonable overlooking from the dormer windows on the southern elevation and as such an appropriate screening condition should be applied in accordance with the Town's Privacy requirements.

In relation to concerns regarding the loft being a fire hazard, the Town's Building Surveyors have advised that this matter is addressed under Clause/Condition (i) if the Officer Recommendation and will be addressed at the Building Licence stage.

The loft addition is not considered excessive in terms of the context of the overall bulk and scale of the entire development. It is considered that the loft will not have an unreasonable detrimental impact on the amenity of the area and surrounding properties, provided the southern loft dormer window is appropriately screened. Accordingly, it is recommended that the proposal be approved, subject to standard and appropriate conditions to address the above matters.

10.1.9 No(s). 57 (Lot(s) 178, 179 & 416) Monmouth Street & Burt Street, Mount Lawley - Proposed Construction of Twelve (12) Two-Storey Single Houses (Revised Plans for the Reconsideration of Finished Floor Levels)

| | | | |
|------------------------------|---------------------|--------------------|---------------------|
| Ward: | South | Date: | 18 August 2004 |
| Precinct: | Norfolk, P10 | File Ref: | PRO2387; 00/33/1682 |
| Attachments: | 001 | | |
| Reporting Officer(s): | R Rasiah | | |
| Checked/Endorsed by: | D Abel, R Boardman | Amended by: | - |

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Viking Developments Pty Ltd on behalf of the owner P Foster for proposed construction of twelve (12) two-storey single houses (Revised Plans for the Reconsideration of Finished Floor Levels), at No(s). 57 (Lot(s) 178, 179 & 416) Monmouth Street & Burt Street, Mount Lawley, and as shown on plans stamp-dated 30 July and 18 August 2004, subject to:

- (i) compliance with all Building, Environmental Health and Engineering requirements;*
- (ii) standard visual truncations, in accordance with the Town's Policies and/or to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular access ways to ensure that the safety of pedestrians and other road users is not compromised;*
- (iii) all car-parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications and dimensions specified in the Town's Policy relating to Parking and Access and Australian Standards AS 2890.1 - "Off Street Parking" ;*
- (iv) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;*
- (v) a road and verge security deposit bond and/or bank guarantee of \$1650 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*
- (vi) proposed crossovers shall be positioned in consultation with and as directed by the Town's Technical Services Division;*
- (vii) prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*

- (viii) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (ix) *subject to first obtaining the consent of the owners of proposed Lot 33 for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing the public open space at proposed Lot 13 in a good and clean condition;*
- (x) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted with all cost associated the removal and replacement shall be borne by the applicant/owner(s);*
- (xi) *prior to the issue of a Building Licence, the subject land shall be subdivided as generally shown on the approved plans on Certificates of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to subdivide the subject land as generally shown on the approved plans within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (xii) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Monmouth Street, Burt Street and the proposed new road shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (xiii) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Monmouth Street, Burt Street and proposed new road verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (xiv) *compliance with the Design Guidelines for No. 57 (Lots 178, 179 and 416) Monmouth Street, Mount Lawley, including the use of non-reflective roof materials; and*
- (xv) *all new crossover/s to allotments are subject to a separate approval by the Town's Technical Services Division and shall be constructed in accordance with the Town's standard Crossover Specification/s which, in particular, specify that the portion of the existing footpath traversing the proposed crossover, subject to the existing footpath being in a good condition as determined by the Town's Technical Services Division, must be retained such that it forms a part of the proposed crossover and the proposed crossover levels shall match the level/s of the existing footpath. Crossovers may be constructed by a private contractor provided they are constructed in accordance with the above specifications and a security bond of \$275 is paid prior to the crossover approval. Application for the refund of bond must be submitted in writing;*

to the satisfaction of the Chief Executive Officer.

Moved Cr Chester, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

Cr Franchina departed the Chamber at 7.53pm.

Cr Franchina returned to the Chamber at 7.58pm.

Moved Cr Cohen, Seconded Cr Doran-Wu

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

"(xvi) no further fill is to be added to this site."

AMENDMENT CARRIED (8-0)

(Mayor Catania on approved leave of absence).

COUNCIL DECISION ITEM 10.1.9

Moved Cr Chester, Seconded Cr Cohen

That the matter be DEFERRED for further information and clarification from the Town's Officers regarding:

- (i) *the process that has been undertaken;*
- (ii) *the finished floor levels are consistent with the fill that has been placed on site;*
- (iii) *the proposed dwellings height in relation to adjacent properties;*
- (iv) *the finished floor levels and the differences that relate to the site plan that was provided showing the original levels of the site;*
- (v) *proposed additional fill (if any); and*
- (vi) *if the application should be considered as retrospective.*

CARRIED (5-3)

(Mayor Catania on approved leave of absence).

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

| | |
|----------------------------|---|
| Landowner: | P Foster |
| Applicant: | Viking Developments Pty Ltd |
| Zoning: | Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R40 |
| Existing Land Use: | Vacant Land |
| Use Class: | Single House |
| Use Classification: | "P" |
| Lot Area: | 3442 square metres |

COMPLIANCE:

| Requirements | Required | Proposed |
|---|---|--|
| Town's Policy relating to the Alma Locality | General height limit of two-storeys considered appropriate provided the first floor is setback a minimum of 6 metres. | Unit 12, balcony setback 5 metres from new internal road. |
| Town's Policy relating to the Alma Locality | Within areas coded R40, a maximum of two dwellings will be permitted per lot. | 12 residential lots and 1 lot of public open space proposed on existing single lot. Subdivision approval has been granted although lots have not yet been created. |
| Density | 1 single house (R 40) | 1 single house for each of the 12 lots proposed (R45.4, R45.6, R45.5, R45.5, R45.5, R46.7, R48.5, R45.5, R45.5, R48.3, R34.8 and R46.2 |
| Plot Ratio | N/A | N/A |

* The representative R Coding and density bonus calculations are provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

* The plot ratio calculation is provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

SITE HISTORY:

- 16 June 2003 The Town received a planning application for the demolition of the existing nursing home and the construction of thirteen two-storey single houses.
- 8 July 2003 The Council at its Ordinary Meeting recommended refusal to the Western Australian Planning Approval for the subdivision of the subject site into thirteen (13) lots. Six (6) of the proposed lots front Monmouth Street and the remaining seven (7) lots are serviced by a new dedicated public road off Burt Street.
- 10 September 2003 The Town received a planning application for the demolition of the existing buildings only.
- 4 November 2003 Conditional Planning Approval was granted under delegated authority for the demolition of the existing institutional building (nursing home). The buildings were considered to have little cultural heritage significance.

- 12 November 2003 The Western Australian Planning Commission conditionally approved the subdivision of the land, including proposed Lot 13 being vested in the Crown as a "Reserve for Recreation" free of cost, and the requirement for Detailed Residential Design Guidelines being prepared and approved prior to clearance of the subdivision.
- 25 November 2003 The Town received revised plans in relation to the development application received 16 June 2003. The revised plans indicated the deletion of one of the residential lots, for public open space.
- 19 December 2003 Conditional Planning Approval was granted for three single houses on the subject site, to satisfy a condition of Planning Approval issued on 4 November 2003, for the Demolition Licence, therefore allowing the applicant to commence demolition works.
- 13 February 2004 Revised plans were received by the Town, showing compliance with the requirements of the Residential Design Codes and general compliance with the Town's Policies.
- 24 February 2004 Council at its Ordinary Meeting resolved to receive, adopt and advertise a Policy relating to Appendix No. 13 - Design Guidelines for No. 57 (Lots 178, 179 and 416) Monmouth Street, Mount Lawley.
- 9 March 2004 Council at its Ordinary Meeting resolved to conditionally approve twelve (12) two storey single houses at the above site.

DETAILS:

The current revised plans propose an increase to the finished floor levels (FFL) for the 12 single houses being proposed. No other changes are proposed to the development application approved by the Council at its Ordinary Meeting held on 9 March 2004. The changes to the FFL are as follows:

| Lots | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 |
|--------------|------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| Approved FFL | 24.4 | 24.7 | 25.1 | 25.4 | 25.9 | 26.2 | 25.50 | 25.2 | 24.5 | 24.2 | 23.8 | 23.5 |
| Proposed FFL | 24.7 | 25.07 | 25.49 | 25.75 | 26.58 | 27.06 | 26.10 | 25.58 | 25.03 | 24.58 | 24.35 | 24.06 |
| Difference | +0.3 | +0.37 | +0.39 | +0.35 | +0.68 | +0.86 | +0.6 | +0.38 | +0.53 | +0.38 | +0.55 | +0.56 |

The applicant has advised that the additional fill was needed for the following reasons:

- Fill has been added onto the subject sites as part of the subdivision works.
- This fill has been undertaken to provide improved access to the site and to avoid the need for very steep ramps.
- The overall impact on the neighbours has been reduced.
- Under the Residential Design Codes (R-Codes), calculations of levels in terms of natural ground levels can be taken from the levels resulting from an approved subdivision, for purposes of height calculation.
- Building complies with the R Codes and 6 metres wall height levels.

CONSULTATION/ADVERTISING:

Clause 2.5.1 of the R Codes states that:

"In the case of a proposed development that:

- i requires the exercise of a discretion by the Council under the Codes or under an adopted Local Planning Policy; and*
- ii may, in the opinion of the Council, adversely affect the amenity of an adjoining property,*

the provisions of 2.5.2 and 2.5.3 apply to provide for affected property owners to view and comment on the proposal.

In any other case the Council, may, at its discretion inform adjoining owners and occupiers of the nature of proposals received."

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The only changes proposed are to the FFLs. The additional fill proposed has already been undertaken as part of the earthworks programme associated with the proposed subdivision and has been cleared by the Town.

Element 6-Site Works of the R Codes states:

"natural ground level, means the level of land before original development occurred or that resulting from pre-existing development".

"In cases where the original subdivision process itself involved changes from the natural levels, the relevant levels to take are those established at subdivision, prior to buildings being erected. These levels are often accompanied by retaining walls at boundaries. Where this occurs, the walls are to be regarded in the same light as natural topographical features. Changes of level at re-subdivision should be treated the same as changes of the level of development".

Element 7-Building Height in the R Codes states in part as follows:

"It has become common practice to provide level sites with boundary retaining walls at subdivision. In these cases, the levels so established at subdivision are deemed to be natural ground levels..... natural ground levels may be taken as levels resulting from development carried out as an approved part of a land subdivision or as the result of a pre-existing development;"

The revised plans stamp-dated 30 July and 18 August 2004 complies with all the other requirements of the R Codes, which includes density, streetscape, open space, car parking, site works, privacy, the Design Guidelines for No. 57 Monmouth Street and the Town's Policies, with the exception of those stated in the Compliance Table.

Town's Policy Relating to the Alma Locality

The proposal generally complies with the Town's Policy relating to the Alma Locality. The proposed 13 lots (one of the thirteen lots, which is Lot 33 is set aside for Public Open Space) have been granted conditional approval by the Western Australian Planning Commission, and are at the stage where Certificate of Titles are currently being issued.

Technical Services

The Town's Technical Services considers the revised FFLs to be acceptable.

Summary

Accordingly, it is recommended that the revised plans dated 30 July and 18 August 2004 be approved, subject to standard and appropriate conditions to address the above matters.

10.1.3 No(s). 18 (Lot(s) 889) Leake Street, North Perth - Proposed Two-Storey Single House

| | | | |
|------------------------------|---------------------|--------------------|---------------------|
| Ward: | South | Date: | 16 August 2004 |
| Precinct: | Smith's Lake, P6 | File Ref: | PRO2594; 00/33/2388 |
| Attachments: | 001 | | |
| Reporting Officer(s): | T Durward | | |
| Checked/Endorsed by: | D Abel, R Boardman | Amended by: | - |

OFFICER RECOMMENDATION:

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by S Radalj on behalf of the owners D and I Payne for Proposed Two-Storey Single House, at No(s). 18 (Lot(s) 889) Leake Street, North Perth, and as shown on plans stamp-dated 13 August 2004, subject to:*
- (a) *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 Leake 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;*
 - (b) *compliance with all Building, Environmental Health and Engineering requirements;*
 - (c) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town.*
 - (d) *a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
 - (e) *a road and verge security bond or bank guarantee of \$550 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*

- (f) *all new crossover/s to the allotment shall be constructed in accordance with the Town's standard Crossover Specification/s which, in particular, specify that the portion of the existing footpath traversing the proposed crossover, subject to the existing footpath being in a good condition as determined by the Town's Technical Services Division, must be retained such that it forms a part of the proposed crossover and the proposed crossover levels shall match the level/s of the existing footpath;*
- (g) *prior to the issue of a Building Licence the applicant shall pay a \$250 crossover bond to ensure the crossover is constructed to comply with the Town's standard crossover specification/s. Application for the refund of the bond must be submitted in writing;*
- (h) *standard visual truncations, in accordance with the Town's Policies and/or to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular access ways to ensure that the safety of pedestrians and other road users is not compromised;*
- (i) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (j) *prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (1) *the deletion of the carport within the front setback area, and the car parking bays within the front setback area being open, uncovered and having vehicular access only from the right of way; and*
 - (2) *the proposed car bays and associated crossover for the existing dwelling do not form part of this approval.*

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

- (k) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted with all cost associated the removal and replacement shall be borne by the applicant/owner(s);*
- (l) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Leake Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); and*
- (m) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*

to the satisfaction of the Chief Executive Officer; and

- (ii) *the Council ADVISES the applicant that they are required to pay a fee of \$50 for the above planning application for proposed two-storey single house, within fourteen (14) days of the notification by the Town or prior to the issue of a Building Licence for the development, whichever occurs first.*

Moved Cr Lake, Seconded Cr Cohen

That the recommendation be adopted.

Debate ensued.

Moved Cr Lake, Seconded Cr Cohen

That clause (j) be deleted and a new clause (j) included as follows:

"(j) the carport shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted);"

AMENDMENT CARRIED (5-3)

(Mayor Catania on approved leave of absence).

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

CARRIED AS AMENDED BY AN ABSOLUTE MAJORITY (6-2)

(Mayor Catania on approved leave of absence).

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

COUNCIL DECISION ITEM 10.1.3

That;

(i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by S Radalj on behalf of the owners D and I Payne for Proposed Two-Storey Single House, at No(s). 18 (Lot(s) 889) Leake Street, North Perth, and as shown on plans stamp-dated 13 August 2004, subject to:*

(a) *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 Leake 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;*

- (b) *compliance with all Building, Environmental Health and Engineering requirements;*
- (c) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town.*
- (d) *a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
- (e) *a road and verge security bond or bank guarantee of \$550 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*
- (f) *all new crossover/s to the allotment shall be constructed in accordance with the Town's standard Crossover Specification/s which, in particular, specify that the portion of the existing footpath traversing the proposed crossover, subject to the existing footpath being in a good condition as determined by the Town's Technical Services Division, must be retained such that it forms a part of the proposed crossover and the proposed crossover levels shall match the level/s of the existing footpath;*
- (g) *prior to the issue of a Building Licence the applicant shall pay a \$250 crossover bond to ensure the crossover is constructed to comply with the Town's standard crossover specification/s. Application for the refund of the bond must be submitted in writing;*
- (h) *standard visual truncations, in accordance with the Town's Policies and/or to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular access ways to ensure that the safety of pedestrians and other road users is not compromised;*
- (i) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (j) *the carport shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted);*

- (k) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted with all cost associated the removal and replacement shall be borne by the applicant/owner(s);*
- (l) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Leake Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); and*
- (m) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*

to the satisfaction of the Chief Executive Officer; and

- (ii) *the Council ADVISES the applicant that they are required to pay a fee of \$50 for the above planning application for proposed two-storey single house, within fourteen (14) days of the notification by the Town or prior to the issue of a Building Licence for the development, whichever occurs first.*

| | |
|----------------------------|---|
| Landowner: | D & I Payne |
| Applicant: | S Radalj |
| Zoning: | Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R40 |
| Existing Land Use: | Vacant |
| Use Class: | Single House |
| Use Classification: | "P" |
| Lot Area: | 233 square metres |

COMPLIANCE:

| Requirements | Required | Proposed * |
|-------------------------|---|-----------------------------|
| Plot Ratio | N/A | N/A |
| Carport Width | Within street setback area (where no alternative location exists) provided it does not take up more than 50 per cent of the width of the lot frontage | 75 per cent of lot frontage |
| Street Setbacks: | | |
| Carport | 6.0 metres | 1.0 metre |
| First floor (main wall) | 6.0 metres | 5.6 metres |
| First floor (balcony) | 6.0 metres | 3.2 metres |
| Side Setbacks: | | |
| South (ground floor) | 1.5 metres | 1.0 metre |
| South (carport) | 1.0 metre | 0.5 metre |
| South (store) | 1.0 metre | Nil |
| South (first floor) | 1.5 metres | 1.0 metre |
| North (ground) | 1.5 metres | Nil |
| North (first floor) | 1.2 metres | Nil |

* The plot ratio calculation is provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

BACKGROUND:

- 17 October 2003 The Western Australian Planning Commission (WAPC) conditionally approved a green title subdivision and a survey strata subdivision of the subject parent lot. The WAPC approved the Diagram of Survey to create subject Lot 889 on 6 July 2004.
- 30 March 2004 Planning application for single house conditionally approved under delegated authority. The previously approved planning application depicted two open parking bays within the front setback area with vehicular access from the right of way.
- 8 June 2004 The Council at its Ordinary Meeting considered the proposal for a two storey single house and resolved that the item be deferred at the request of the applicant.
- 13 July 2004 The Council at its Ordinary Meeting considered the proposed two storey single house and resolved that the item be conditionally approved. Condition/clause (xi) of the approval states as follows:
- "(xi) prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) the deletion of the carport within the front setback area, and the car parking bays within the front setback area being open, uncovered and having vehicular access only from the right of way; and*
- (b) the proposed car bays and associated crossover for the existing dwelling do not form part of this approval.*
- The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies."*

DETAILS:

The applicant has submitted a new development application for an identical proposal to the proposal that was conditionally approved by Council on 13 July 2004, and requests the removal of conditions (xi) (a) and (b) of that approval.

CONSULTATION/ADVERTISING:

The proposal does not require to be advertised as a similar proposal was advertised in the past twelve (12) months.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The carport at 1.0 metre to the front boundary represents a variation. The design of the pergola within the front setback area is still considered as a de-facto carport, and is considered to have an undue impact on the streetscape. Therefore, the previously approved clauses/conditions (xi) (a) and (b) are reiterated and should also be applied for this application.

The other matters relating to this proposal have been addressed in Item 10.1.2 to the Ordinary Meeting of Council held on 13 July 2004, which related to the previous application for an identical proposal.

The applicant also requests that the Council waive the fifty dollar (\$50) fee for the development application. It is noted that the Town's Officers believe the fee is to be fair and reasonable, especially having regard to the administrative processes and Town Officer time spent on processing the application, and have therefore added the relevant clause.

10.2.4 The Future of the 40kph Local Traffic Area Zones in Residential Precincts

| | | | |
|------------------------------|--------------|--------------------|----------------------|
| Ward: | Both | Date: | 18 August 2004 |
| Precinct: | All | File Ref: | TES0334 & TES0530 |
| Attachments: | - | | |
| Reporting Officer(s): | C Wilson | | |
| Checked/Endorsed by: | R Lotznicher | Amended by: | - |

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on Main Roads WA advice that it no longer supports 40 kph Local Area Traffic Zones and its intention to remove the Cleaver Precinct 40kph Local Area Traffic Zone,*
- (ii) *WRITES to the Commissioner of Main Roads WA objecting to the removal of the Cleaver Precinct 40kph Local Area Traffic Zone for the reasons outlined in the report;*
- (iii) *REQUESTS the Commissioner of Main Roads WA to:*
 - (a) *defer removing the Cleaver Precinct LATZ until the local community has been consulted; and*
 - (b) *undertake community consultation within the Cleaver Precinct and advises the Town of the community's response;*
- (iv) *NOTES that a further report will be presented to Council on the outcome of the Main Roads WA community consultation; and*
- (v) *ADVISES the Cleaver Precinct Action Group of its resolution.*

COUNCIL DECISION ITEM 10.2.4

Moved Cr Cohen, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (8-0)

(Mayor Catania on approved leave of absence).

BACKGROUND:

The Cleaver Precinct bounded by Vincent, Loftus, Newcastle and Charles Street has for the past four years been designated as a 40kph Local Area Traffic Zone (LATZ). The zoning was implemented before the introduction of the 50kph state wide built-up (urban) area speed limit on 1 December 2001.

Further, and prior to the adoption of the 50kph urban speed limit, the Town sought approval from Main Roads WA (MRWA) to implement an additional LATZ in North Perth in the area bounded by Angove, Fitzgerald, Walcott and Charles Streets, denoted as LATZ 6. In July 2002 the Town received a letter from MRWA confirming in principle approval for the North Perth LATZ 6.

In early June 2004 the Town wrote to MRWA requesting that the regulatory signage to be installed in LATZ 6 by 30 June 2004.

In late June 2004 MRWA wrote to Town advising that as a result of the introduction of the 50kph speed limit in built-up areas it no longer supported the concept of 40kph LATZ's and was in fact looking to remove the existing 40kph LATZ's and to this ends had removed an LATZ in the Wembley area within the Town of Cambridge.

DETAILS:

In the financial year 1999/2000 the Town installed a series of traffic calming devices within the Cleaver Precinct as a prerequisite to Main Roads signing the area as a 40kph LATZ. The traffic calming devices were installed to MRWA's design criteria for type and placement and had to be fully operational before MRWA would install the regulatory signage. The cost of these works was in the order of \$80,000.

On 1 December 2001 new state legislation came into effect reducing the speed limit in urban or built-up areas to 50kph unless sign posted other wise.

In mid 2001 the Town wrote to MRWA seeking approval to install an additional LATZ in the North Perth locality in a area bounded by Angove, Fitzgerald, Walcott and Charles Streets, designated LATZ 6.

In July 2002 MRWA advised the Town it had approved in principle the implementation of LATZ 6. This approval was based upon the extensive traffic calming devices already in place, installed by the City of Perth pre 1994, and the large volume of supporting traffic data collected by the Town over a six (6) month period.

In early June 2004 the Town sought Main Roads assurance the 40kph LATZ signage would be installed by 30 June 2004.

In late 2004 MRWA provided the following response to the Town:

"As you would be aware the 40kph local traffic area speed limit in West Perth was put into place in 2000 when the default built-up speed limit was 60kph, and before Western Australia and other States had contemplated the current moves towards a lower default 50kph speed limit being introduced in residential streets throughout Australia. You would also be aware of recent announcements about the positive outcomes from the evaluation of the default 50kph built-up area speed limit introduced in Western Australia on the 1 December 2001.

The change in the legal urban speed limit that has occurred, as well as the apparent driver acceptance of the need to reduce speeds when driving in residential streets, suggests that the 40 kph local traffic area speed limit in West Perth is obsolete in terms o the original intent.

Other factors supporting the removal of the speed limit include:

- *A general policy amendment by Main Roads to remove the use of 40 kph local traffic area speed limits and restrict the implementation of area speed zones to specific local precincts, defined by a specific community facility or activity, e.g. a shopping area, school, etc.*
- *The need for a multitude of signs to make the local traffic area speed limit legally enforceable. Given the Road Traffic Code's specific requirements in respect to the signing of a "speed limited area", and the susceptibility of signs to "to missing" from time to time, it is understandable that the Police may be reluctant to issue infringements for speeding within this particular network of local roads. Mot of the "Local Traffic Area" and "End Local Traffic Area" signs currently in place do not conform to the Road Traffic Code in terms of their colour and legend design.*
- *If a school is present, the 40 kph local traffic area speed limit does not allow the introduction of a separate 40 kph school zone on local side streets bordering the school. Such a dedicated speed zone that applies only at school start and finishing time would be more conducive to drivers complying with the reduced speed limit than the present arrangement.*

Accordingly, for these reasons, Main Roads has rescinded approval for the installation of 40 kph Local Traffic Area speed limit in North Perth (LATZ6), and initiate removal of the existing 40 kph local area speed limit for the West Perth precinct bounded by Vincent Street, Charles Street, Newcastle Street and Loftus Street, thus allowing Main Roads to apply a consistent speed limit throughout residential areas.

There are a number of existing 40 kph Local Traffic Area speed limits within residential precincts throughout the metropolitan area, and Main Roads are systematically identifying and implementing a process to remove these areas. As recently as last month, Main Roads sought for, and obtained concurrence from the Town of Cambridge for the removal of a 40 kph Local Traffic Area speed limit within the Wembley residential precinct.

Agreement is now sought from Council for the removal of the 40 kph local area speed limit for the West Perth precinct bounded by Vincent Street, Charles Street, Newcastle Street and Loftus Street."

CONSULTATION/ADVERTISING:

As per clause (vi) of the recommendation, a copy of Council's resolution and a copy of Main Roads WA correspondence of 24 June 2004 will be forwarded to the Cleaver Precinct Action Group for information.

LEGAL/POLICY

The Commissioner of Main Roads WA has the ultimate responsibility for the determination and installation of appropriate speed restrictions with Western Australia and therefore any repercussions as the result of an increased speed limit within the Cleaver Precinct would be borne by MRWA.

FINANCIAL/BUDGET IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2003-2008 – 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment - Traffic and Parking “o) *Investigate and implement traffic management improvements in liaison with the Local Area Traffic Management (LATM) Advisory Group: review the Town's current Local Area Traffic Zones.*”

COMMENTS:

By Main Roads WA rescinding approval for the North Perth LATZ 6 and seeking to remove the existing Cleaver Precinct 40kph LATZ, it raises several issues in respect of community expectations and design criteria of traffic calming devices.

In regards to community expectations the implementation of the Cleaver Precinct LATZ was the result of concerted effort by both the community and the Town over a number of years.

The first moves to reduce the volume and speed of traffic through the precinct was in the mid 1990s when the Council resolved to downgrade Cleaver and Carr Streets from Local Distributor Roads to Access Roads, reducing their prominence within the Functional Road Hierarchy.

The campaign to introduce a 40kph LATZ increased in urgency when the State Government of the day announced the construction of the Graham Farmer Freeway and by association the Loftus Street duplication project. The local community came to the conclusion that traffic through their precinct would increase during construction works and possibly permanently if a link, i.e. Cleaver Street, was established to the on-ramp of the new freeway.

In order to eliminate this perceived threat, the Town modified the intersection of Cleaver and Newcastle Streets effectively blocking the 'straight through' movement and making it unattractive to all but residents and local businesses.

Since 2000 the local community has embraced the 40kph LATZ and the benefits, perceived or real, it has brought. Therefore it is considered that MRWA need to convince the community rather the officers of the Town as to the merits of removing the 40kph speed restriction.

With regard to the design criteria of the existing traffic calming devices, it raises a question that if a device was designed for a 40kph speed limit, is it automatically suitable for 50kph. While the individual devices are rated at a much lower speed i.e. 20 and 30 kph, and the onus is on the driver to proceed with caution, potentially motorists will approach these devices 10kph faster than they currently do, and what are the legal consequences if they have an accident as a result?

10.4.2 Chief Executive Officer's Performance Review 2004 - Appointment of Consultant

| | | | |
|------------------------------|-------------|--------------------|----------------|
| Ward: | - | Date: | 17 August 2004 |
| Precinct: | - | File Ref: | |
| Attachments: | - | | |
| Reporting Officer(s): | John Giorgi | | |
| Checked/Endorsed by: | - | Amended by: | - |

OFFICER RECOMMENDATION:

That the Council APPROVES of engaging Human Resource Consultant, Mr John Phillips of WALGA's Employment Solutions to assist in conducting the CEO's Performance Review 2004 as detailed in this report at an estimated cost of \$1,700 plus GST of \$170.00.

Moved Cr Lake, Seconded Cr Torre

That the recommendation be adopted.

Debate ensued.

Moved Cr Lake, Seconded Cr Cohen

That the existing recommendation becomes clause (i) and a new clause (ii) be added as follows:

"(ii) the questionnaire to Elected Members include an option for a telephone interview, the results of which will be formally recorded and agreed to by the Elected Member and included as part of the review process;"

AMENDMENT CARRIED (7-1)

(Mayor Catania on approved leave of absence).

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

Debate ensued.

Moved Cr Lake, Seconded Cr Cohen

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

"(iii) any additional cost to incorporate the questionnaire and telephone interview in clause (ii) up to a maximum of \$500."

AMENDMENT CARRIED (8-0)

(Mayor Catania on approved leave of absence).

CARRIED AS AMENDED (8-0)

(Mayor Catania on approved leave of absence).

COUNCIL DECISION ITEM 10.4.2

That;

- (i) *the Council APPROVES of engaging Human Resource Consultant, Mr John Phillips of WALGA's Employment Solutions to assist in conducting the CEO's Performance Review 2004 as detailed in this report at an estimated cost of \$1,700 plus GST of \$170.00;*
- (ii) *the questionnaire to Elected Members include an option for a telephone interview, the results of which will be formally recorded and agreed to by the Elected Member and included as part of the review process; and*
- (iii) *any additional cost to incorporate the questionnaire and telephone interview in clause (ii) up to a maximum of \$500.*

BACKGROUND:

At the Ordinary Meeting of Council held on 9 September 2003, the Council resolved inter alia as follows;

"That; ...

- (v) *the Mayor and Deputy Mayor be authorised to finalise the contract negotiations between the Town and the Chief Executive Officer; and*
- (vi) *Council NOTES potential benefits in engaging consultants to facilitate the Chief Executive Officer's appraisal on an ongoing basis."*

At the Ordinary Meeting of Council held on 16 December 2003, the Council resolved as follows:

"That the Council;

- (i) *APPROVES of the CEO's Performance Appraisal - Key Result Areas as shown in Appendix 10.4.11;*
- (ii) *NOTES that the Mayor and Deputy Mayor will be finalising the Contract negotiations between the Town and the Chief Executive Officer; and*
- (iii) *NOTES that the timeframe and Resource implications will be subject to change in line with the changes to the Strategic Plan. The changes will be finalised after the budget process."*

The CEO's Contract was redrafted during July and August 2004 in conjunction with the Mayor and Deputy Mayor and this was signed on 5 August 2004.

The new contract incorporates new clauses which give effect to the Council's decision to give the Council the flexibility to appoint an external person to assist in conducting the CEO's annual performance review. The performance review process is similar to previous years and will now consist of the following:

1. Council to determine the most appropriate method of conducting the CEO's annual review and this process will now include the use of an external consultant in conjunction with the Mayor and Councillors;
2. CEO to prepare annual performance review within twenty (20) working days of the anniversary of the CEO's commencement with the Town (i.e. 8 August 2004);
3. CEO and external consultant to meet to discuss the process and timing;
4. CEO to present report to external consultant and Mayor;
5. External consultant to review and assess CEO's review report assessing the performance measured against the position description, performance criteria, key result areas;
6. External consultant to send each Elected Member a questionnaire to individually record their assessment and impressions of the CEO's performance and will compile a summary of responses and comments;
7. A summary of the Elected Members' responses will be prepared and discussed jointly between the external consultant, Mayor and CEO;
8. CEO provided with an opportunity to comment on the report;
9. The external consultant and Mayor to jointly prepare a report within fourteen (14) working days of the interview and the report to be signed by all parties to be presented to Council within twenty (20) working days of the interview date.

An indicative timeframe was been prepared and is as follows:

| Item | Timeline | Indicative hours |
|--|------------------------------|---------------------|
| 1. Report to Council seeking approval to use External Consultant | 24 August 2004 | - |
| 2. Initial meeting with CEO to discuss timeline and format | 25-27 August 2004 | 1hr approx |
| 3. Consultant to review of CEO's Review Report | 30 August - 3 September 2004 | 2hrs approx |
| 4. Consultant to issue the CEO's questionnaire to Elected Members | 6-10 September 2004 | 1hr approx |
| 5. Collation of Elected Members' responses and follow-up, if required | 13-15 September 2004 | 2-3hrs approx |
| 6. Preparation of Elected Members' responses Summary Report for discussion with CEO | 13-17 September 2004 | 2hrs approx |
| 7. Meeting with CEO to discuss Elected Members' Summary Report | 20-24 September 2004 | 1hr approx |
| 8. Meeting with Mayor and Councillors to discuss Elected Members' Summary Report | 27 Sept - 1 October 2004 | 2hrs approx |
| 9. Preparation of CEO report to Council and liaison with Mayor | 1-8 October 2004 | 3hrs approx |
| 10. Final meeting with CEO to discuss final Report, any recommendations and areas of interest, etc | 11-15 October 2004 | 1hr approx |
| 11. Report to OMC 26 October 2004 | - | - |
| | Total | 15hrs approx |

Strategic Plan Review

The Council's Strategic Plan 2003-2008 was reported to Council at its Ordinary Meeting held on 10 August 2004 and it was resolved to review the Strategic Plan concurrent with the CEO's performance review. The Council's Budget was adopted at a Special Meeting held on 13 July 2004.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

The Local Government Act 1995, Section 5.39 requires that Senior Employees are to be governed by a written contract. (The Town's CEO and Executive Managers are designated Senior Employees.)

It is a legal requirement that each Contract of Employment contains sufficient information to enable the Officer to effectively carry out his responsibilities. Under Section 5.38, each employee is to be reviewed at least once in every of their employment.

STRATEGIC IMPLICATIONS:

This proposal is in keeping with the Town's Strategic Plan 2003-2008, Key Result Area 4 "*Governance and Management*", in particular, 4.4(d) - "*Promote employee professional development programs.*"

FINANCIAL/BUDGET IMPLICATIONS:

A written quotation was obtained from WALGA to conduct the CEO's performance review as detailed in this report. Mr Phillips of WALGA assisted Council in preparing the CEO's Key Result Areas in late 2003 and at this time it was indicated that it would be beneficial for him to be engaged to assist the Council in carrying out the CEO's performance review.

COMMENTS:

The proposed CEO Review Process is in keeping with the Council decision of 9 September and 16 December 2003.

10.4.4 Information Bulletin

| | | | |
|------------------------------|---------------------|--------------------|----------------|
| Ward: | - | Date: | 18 August 2004 |
| Precinct: | - | File Ref: | - |
| Attachments: | 001 | | |
| Reporting Officer(s): | A Smith | | |
| Checked/Endorsed by: | John Giorgi | Amended by: | - |

OFFICER RECOMMENDATION:

That the Information Bulletin dated 24 August 2004 as distributed with the Agenda, be received.

COUNCIL DECISION ITEM 10.4.4

Moved Cr Chester, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

Cr Torre departed the Chamber at 8.32pm.

Cr Torre returned to the Chamber at 8.36pm.

CARRIED (8-0)

(Mayor Catania on approved leave of absence).

DETAILS:

The items included in the Information Bulletin dated 24 August 2004 are as follows:

| ITEM | DESCRIPTION |
|------|---|
| IB01 | Letter from Office of Crime Prevention - Community Safety and Crime Prevention Partnership Agreement Offer of Grant Funding \$10,000 |
| IB02 | Letter from Department for Planning and Infrastructure - Timing and Intended Work Program for Charles Street Planning Control Area (PCA) No. 54 |
| IB03 | Letter from Town Planning Appeal Tribunal - Appeal No. 89 of 2004 - No. 412 (Lot 37 & Pt Lot Y36) William Street, Perth |
| IB04 | Letter from Town Planning Appeal Tribunal - Appeal No. 298 of 2003 - No. 412 (Lot 37 & Pt Lot Y36) William Street, Perth |
| IB05 | Statement by Respondent - Town Planning Appeal Tribunal - Appeal No. 187 of 2004 - No. 76 (Lot 2) Carr Street, West Perth |

- IB06 Letter to Team Architects Australia Pty Ltd - No. 348 (Lot 32) Lord Street, Highgate - Two (2) Two-Storey Grouped Dwellings, One (1) Two-Storey Single Bedroom Grouped Dwelling, with Basement Car Parking and Stores - Appeal 52 of 2004
- IB07 Letter from Town Planning Appeal Tribunal - Appeal No. 71 of 2004 - No. 44 (Lot 33) Bondi Street, Mount Hawthorn
- IB08 Letter from Heritage Council of Western Australia - Register of Heritage Places - North Perth Fire Station (fmr), No. 21 View Street, North Perth
- IB09 Fresh Fish Wholesale and Retail Seafood Establishment – Shop 3, Nos. 197-205 (Lot 1010) Brisbane Street, Perth - Ceased Trading

10.4.3 Amendment to Town of Vincent Parking Facilities Local Law – Second Schedule

| | | | |
|------------------------------|----------------------|--------------------|----------------|
| Ward: | Both | Date: | 17 August 2004 |
| Precinct: | All | File Ref: | LEG0047 |
| Attachments: | | | |
| Reporting Officer(s): | J MacLean | | |
| Checked/Endorsed by: | R Boardman, J Giorgi | Amended by: | - |

OFFICER RECOMMENDATION:

That the Council:

- (i) *APPROVES BY A SPECIAL MAJORITY that the existing Second Schedule of the Town of Vincent Local Law Relating to Parking Facilities be amended to alter the applicable times for paid parking from "8.00am to 8.00pm Monday to Friday and 8.00am to 12 noon Saturday" in some car parks, to "8.00am to 8.00pm Monday to Sunday", in all car parks;*
- (ii) *in accordance with the provisions of Section 3.12 of the Local Government Act 1995 as amended, gives Statewide advertisement, indicating where the proposed amendment may be viewed and seeking public comment on the following amendments to the Town of Vincent Parking Facilities Local Law.*

**LOCAL GOVERNMENT ACT 1995 (as amended)
TOWN OF VINCENT PARKING FACILITIES LOCAL LAW
AMENDMENT**

In pursuance of the powers conferred upon it by Section 3.12 of the Local Government Act 1995, the above-mentioned Local Law and all other powers enabling it, the Council of the Town of Vincent HEREBY RECORDS having resolved on to make the following amendments to the Town of Vincent Parking Facilities Local Law published in the Government Gazette on 23 May 2000.

That the existing Second Schedule, relating to Parking Stations, be deleted and replaced by the Second Schedule, relating to Parking Stations, as detailed below; and

PART 5

SECOND SCHEDULE

| DESCRIPTION | NIGHT/DAY PARKING | DAYS & HOURS OF OPERATION |
|--|--------------------------|---|
| <i>Frame Court Parking Station, situated between Frame Court and Oxford Street, Leederville</i> | DAY PARKING | <i>Monday to Sunday, 8.00am to 8.00pm inclusive</i> |
| <i>Frame Court Parking Station, situated between Frame Court and Oxford Street, Leederville</i> | NIGHT PARKING | <i>8.00pm to 8.00am Monday to Sunday inclusive.</i> |
| <i>Brisbane Street Parking Station, situated in the area bounded by Greenway Street, Beaufort Street and Brisbane Street, Highgate</i> | DAY PARKING | <i>Monday to Sunday, 8.00am to 8.00pm inclusive</i> |
| <i>Brisbane Street Parking Station, situated in the area bounded by Greenway Street, Beaufort Street and Brisbane Street, Highgate</i> | NIGHT PARKING | <i>8.00pm to 8.00am Monday to Sunday inclusive.</i> |

| <i>DESCRIPTION</i> | <i>NIGHT/DAY PARKING</i> | <i>DAYS & HOURS OF OPERATION</i> |
|---|--------------------------|--|
| <i>That portion of The Avenue Parking Station, situated in the area bounded by Leederville Parade and Vincent Street, Leederville and delineated by yellow bay markings, with appropriate signage</i> | <i>DAY PARKING</i> | <i>Monday to Sunday, 8.00am to 8.00pm inclusive</i> |
| <i>The Avenue Parking Station, situated in the area bounded by Leederville Parade and Vincent Street, Leederville</i> | <i>NIGHT PARKING</i> | <i>8.00pm to 8.00am Monday to Sunday inclusive.</i> |
| <i>That portion of Chelmsford Road Parking Station, situated in the area bounded by Grosvenor Road and Chelmsford Road, Mount Lawley and delineated by yellow bay markings, with appropriate signage</i> | <i>DAY PARKING</i> | <i>Monday to Sunday, 8.00am to 8.00pm inclusive</i> |
| <i>That portion of land, seven metres wide, on the west side of Raglan Road Parking Station adjacent to the Right of Way and delineated by yellow bay markings, with appropriate signage</i> | <i>DAY PARKING</i> | <i>Monday to Sunday, 8.00am to 8.00pm inclusive</i> |
| <i>Barlee Street Car Park situated at the corner of Barlee and Beaufort Streets, Mount Lawley</i> | <i>DAY PARKING</i> | <i>Monday to Sunday, 8.00am to 8.00pm inclusive</i> |
| <i>Barlee Street Car Park situated at the corner of Barlee and Beaufort Streets, Mount Lawley</i> | <i>NIGHT PARKING</i> | <i>8.00pm to 8.00am Monday to Sunday inclusive</i> |
| <i>The Village Square Car Park situated at 323 Charles Street, North Perth</i> | <i>DAY PARKING</i> | <i>Monday to Sunday, 8.00am to 8.00pm inclusive</i> |
| <i>Loftus Centre Car Park</i> | <i>DAY PARKING</i> | <i>Monday to Sunday, 8.00am to 8.00pm inclusive</i> |
| <i>Oxford Street Car Park situated between Oxford Street and Faraday Street, Mount Hawthorn</i> | <i>DAY PARKING</i> | <i>Monday to Sunday, 8.00am to 8.00pm inclusive</i> |
| <i>Oxford Street Car Park situated between Oxford Street and Faraday Street, Mount Hawthorn</i> | <i>NIGHT PARKING</i> | <i>8.00pm to 8.00am Monday to Sunday inclusive</i> |
| <i>Stadium Car Park situated within Perth Oval Reserve, Pier Street, Perth between the eastern side of Pier Street, eastward to the delineating fence-line of the leased area of the Multi-Purpose Rectangular Sports Stadium</i> | <i>DAY PARKING</i> | <i>Monday to Sunday, 8.00am to 10.00pm inclusive</i> |

- (iii) *RECEIVES a further report and considers any submissions received from the public, at the close of the statutory consultation period.*

COUNCIL DECISION ITEM 10.4.3

Moved Cr Farrell, Seconded Cr Lake

That the recommendation be adopted.

CARRIED BY A SPECIAL MAJORITY (8-0)

(Mayor Catania on approved leave of absence).

DETAILS:

The Town's current Local Law Relating to Parking Facilities was substantially reviewed and gazetted on 23 May 2000. Since 2000, there have been a number of amendments made to the Local Law to enable fees and time restrictions to be introduced. The purpose of this Local Law amendment is to standardise and simplify the Local Law Second Schedule, which shows the standardisation of times during which parking fees are available.

When the Town first commenced enforcement of parking legislation, the times, during which restrictions were in operation, reflected the needs of the City of Perth, prior to restructuring. The Town of Vincent has identified that there are different restrictions in a number of the existing car parks and this has the potential to confuse the public.

It is therefore recommended that the Town adopts a standard time for operation of all fee-paying car parks and that the existing Second Schedule be replaced by the following:

PART 5

SECOND SCHEDULE

| DESCRIPTION | NIGHT/DAY PARKING | DAYS & HOURS OF OPERATION |
|--|-------------------|---|
| Frame Court Parking Station, situated between Frame Court and Oxford Street, Leederville | DAY PARKING | Monday to Sunday, 8.00am to 8.00pm inclusive |
| Frame Court Parking Station, situated between Frame Court and Oxford Street, Leederville | NIGHT PARKING | 8.00pm to 8.00am Monday to Sunday inclusive. |
| Brisbane Street Parking Station, situated in the area bounded by Greenway Street, Beaufort Street and Brisbane Street, Highgate | DAY PARKING | Monday to Sunday, 8.00am to 8.00pm inclusive |
| Brisbane Street Parking Station, situated in the area bounded by Greenway Street, Beaufort Street and Brisbane Street, Highgate | NIGHT PARKING | 8.00pm to 8.00am Monday to Sunday inclusive. |
| That portion of The Avenue Parking Station, situated in the area bounded by Leederville Parade and Vincent Street, Leederville and delineated by yellow bay markings, with appropriate signage | DAY PARKING | Monday to Sunday, 8.00am to 8.00pm inclusive |
| The Avenue Parking Station, situated in the area bounded by Leederville Parade and Vincent Street, Leederville | NIGHT PARKING | 8.00pm to 8.00am Monday to Sunday inclusive. |
| That portion of Chelmsford Road Parking Station, situated in the area bounded by Grosvenor Road and Chelmsford Road, Mount Lawley and delineated by yellow bay markings, with appropriate signage | DAY PARKING | Monday to Sunday, 8.00am to 8.00pm inclusive |
| That portion of land, seven metres wide, on the west side of Raglan Road Parking Station adjacent to the Right of Way and delineated by yellow bay markings, with appropriate signage | DAY PARKING | Monday to Sunday, 8.00am to 8.00pm inclusive |
| Barlee Street Car Park situated at the corner of Barlee and Beaufort Streets, Mount Lawley | DAY PARKING | Monday to Sunday, 8.00am to 8.00pm inclusive |
| Barlee Street Car Park situated at the corner of Barlee and Beaufort Streets, Mount Lawley | NIGHT PARKING | 8.00pm to 8.00am Monday to Sunday inclusive |
| The Village Square Car Park situated at 323 Charles Street, North Perth | DAY PARKING | Monday to Sunday, 8.00am to 8.00pm inclusive |
| Loftus Centre Car Park | DAY PARKING | Monday to Sunday, 8.00am to 8.00pm inclusive |
| Oxford Street Car Park situated between Oxford Street and Faraday Street, Mount Hawthorn | DAY PARKING | Monday to Sunday, 8.00am to 8.00pm inclusive |
| Oxford Street Car Park situated between Oxford Street and Faraday Street, Mount Hawthorn | NIGHT PARKING | 8.00pm to 8.00am Monday to Sunday inclusive |
| Stadium Car Park situated within Perth Oval Reserve, Pier Street, Perth between the eastern side of Pier Street, eastward to the delineating fence-line of the leased area of the Multi-Purpose Rectangular Sports Stadium | DAY PARKING | Monday to Sunday, 8.00am to 10.00pm inclusive |

The proposed Second Schedule shows the standardisation of the times, during which parking fees are applicable.

CONSULTATION/ADVERTISING:

The proposed amendment will need to be advertised on a state-wide basis for a period of six weeks. It will also be advertised on a local basis in accordance with the Town's community consultation policy.

LEGAL/POLICY:

The Local Government Act requires the proposed amendment to be advertised for a period of six weeks and for the Council to consider any submissions received at the close of the consultation period.

STRATEGIC IMPLICATIONS:

The above recommendation would be in keeping with the Town's Strategic Plan 2003 – 2008, at Key Result Area 1.4 (p)

“Develop a strategy for parking management in business, residential and mixed use precincts”.

FINANCIAL/BUDGET IMPLICATIONS:

Other than advertising costs, there are no financial implications, relating to the proposal.

COMMENTS:

The enforcement of parking restrictions needs to be a dynamic process, which should be amended to take account of the changing needs of the community. The above proposal takes these changing needs into account and the recommendations will standardise the restriction periods, throughout the Town, making the wording for the signage simpler and making it easier for the public to understand the restrictions. The proposal is therefore recommended for approval.

11.2 Notice of Motion – Councillors Ian Ker and Sally Lake - 60 Km Per Hour Speed Limits in the Town

That the Council;

(i) *SEEKS a review of;*

(a) *60km/h speed limits in the Town, with particular reference to whether a lower speed limit would be appropriate for roads passing through or in close proximity to concentrations of activity and sensitive uses such as primary schools. In particular, but not to the exclusion of other roads, this review should include the following:*

- *Beaufort Street, between Walcott Street and Bulwer Street - including the retail strip, St Albans Church and Highgate Primary School and Sacred Heart Primary School (which no longer has a crossing guard at Mary Street);*
- *Fitzgerald Street, between Angove Street and Raglan Road - the North Perth commercial centre;*
- *Oxford Street, but particularly the sections; 1. between Richmond Street and Leederville Parade - the Oxford Centre and 2. between Anzac Road and Scarborough Beach Road;*
- *Bulwer Street, between Beaufort Street and William Street - Highgate Primary School; and*

(b) *the placement of 60km/h signs in those locations, many of which appear to be at inappropriate locations in the heart of the activity centres; and*

(ii) *REQUESTS that a report be prepared, including recommendations for variation where appropriate, by November 2004.*

COUNCIL DECISION ITEM 11.2

Moved Cr Lake, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

Cr Franchina departed the Chamber at 8.39pm.

CARRIED (7-0)

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

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

12.1 LATE REPORT: WALGA Nominations – Active Ageing Consultative Committee; Council of National Trust of Australia (WA); State Starling Management Advisory Committee; Visitor Servicing Study Implementation Group; WA Bicycle Committee

| | | | |
|------------------------------|---------------------|--------------------|----------------|
| Ward: | - | Date: | 20 August 2004 |
| Precinct: | - | File Ref: | ORG0045 |
| Attachments: | 001 | | |
| Reporting Officer(s): | M McKahey | | |
| Checked/Endorsed by: | John Giorgi | Amended by: | - |

RECOMMENDATION:

That;

- (i) _____ *be nominated as WALGA Member - Active Ageing Consultative Committee (Panel of 3 Names) (Approval by Minister);*
- (ii) _____ *be nominated as WALGA Member – Council of National Trust of Australia (WA);*
- (iii) _____ *be nominated as WALGA Member – State Starling Management Advisory Committee;*
- (iv) _____ *and* _____ *be nominated as WALGA Member – Visitor Servicing Study Implementation Group; and*
- (v) _____ *be nominated as WALGA Member (Officer Position) – WA Bicycle Committee (2 Members).*

COUNCIL DECISION ITEM 12.1

Moved Cr Doran-Wu, Seconded Cr Lake

That Cr Doran-Wu be nominated as WALGA Member - Active Ageing Consultative Committee (Panel of 3 Names) (Approval by Minister).

CARRIED (7-0)

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

BACKGROUND:

These Nominations were received after the close of the Agenda. Their closing date is 13 September 2004, which will be prior to the next Ordinary Meeting of Council.

It is therefore recommended they be considered at the Ordinary Meeting of Council to be held on 24 August 2004.

Please see Appendix 12.1 for details.

NOMINATIONS CLOSE COB MONDAY 13 SEPTEMBER 2004.

Cr Franchina returned to the Chamber at 8.41pm.

13. URGENT BUSINESS

Nil.

14. CLOSURE

The Presiding Member, Cr Ian Ker (Deputy Mayor), declared the meeting closed at 8.42pm with the following persons present:

| | |
|--------------------|---|
| Cr Simon Chester | North Ward |
| Cr Caroline Cohen | South Ward |
| Cr Helen Doran-Wu | North Ward |
| Cr Steed Farrell | North Ward |
| Cr Basil Franchina | North Ward |
| Cr 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 |
| Nadine Wellington | Executive Secretary (Minutes Secretary) |
| Matt Zis | Journalist – Guardian Express |
| Mark Fletcher | Journalist – Voice News |

1 Member 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 24 August 2004.

Signed:Presiding Member

Dated this day of 2004