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## 10.1 ENVIRONMENTAL AND DEVELOPMENT SERVICES

### 10.1.1 Further Report - No. 273 (Lot 5) Walcott Street, North Perth - Proposed Demolition of Existing Single House and Construction of Four (4) Two-Storey Grouped Dwellings

<b>Ward:</b>	North	<b>Date:</b>	16 February 2004
<b>Precinct:</b>	North Perth, P8	<b>File Ref:</b>	PRO2610; 00/33/1967
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	P Mastrodomenico, N Edgecombe		
<b>Checked/Endorsed by:</b>	D Abel	<b>Amended by:</b>	-

#### **OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the landowners D Condidorio and Esteem Pty. Ltd., for the proposed demolition of the existing single house and construction of four (4) two-storey grouped dwellings at No. 273 (Lot 5) Walcott Street, North Perth, as shown on the plans stamp dated 29 January 2004, subject to:*

- (i) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (ii) an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (iii) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (iv) subject to first obtaining the consent of the owners of No.275 Walcott 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.275 Walcott Street in a good and clean condition;*
- (v) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Walcott 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. The portion of the fences around the private courtyard of unit 1 facing Walcott Street may be solid to a maximum height of 1.8 metres but shall incorporate at least two significant design features. The proposed fencing shall be setback from the property front boundary to accommodate for the future road widening along Walcott Street;*
- (vi) a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Walcott Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

- (vii) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
  - (viii) *prior to the first occupation of the development, the full length and width of the right of way from Paddington Street to the southern most boundary abutting the subject land shall be sealed, drained and paved to the specifications of and supervision under the Town, at the applicant's/owner(s)' full expense;*
  - (ix) *bond and/or bank guarantee for \$7,200 for the full upgrade of the right of way shall be lodged prior to the issue of a Building Licence;*
  - (x) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
  - (xi) *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;*
  - (xii) *the construction of crossovers shall be in accordance with the Town's specifications;*
  - (xiii) *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;*
  - (xiv) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
  - (xv) *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;*
  - (xvi) *prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating the incorporation of a landscaping strip along the southern boundary to allow overhang of vehicle to assist manoeuvring. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
  - (xvii) *the support/approval of the Department for Planning and Infrastructure and/or the Western Australian Planning Commission and compliance with its comments and conditions in relation to the Other Regional Roads (ORR) reservation;*
  - (xviii) *the visitors car parking space shall be clearly marked and signposted as such, and outside any security barrier;*
-

(xix) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development;*

(a) *the window to bedroom 3 to Unit 2 on first floor level within 4.5 metres of the northern side boundary within a 45 degree 'cone of vision';*

(b) *the window to bedroom 1 to Unit 3 on first floor level within 4.5 metres of the southern side boundary within a 45 degree 'cone of vision' ;*

(c) *the windows to bedrooms 2 and 3 to Unit 3 on first floor level within 4.5 metres of the northern side boundary within a 45 degree 'cone of vision' ;  
and*

(d) *the window to bedroom 1 to Unit 4 on first floor level within 4.5 metres of the northern side boundary within a 45 degree 'cone of vision' ;*

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

*to the satisfaction of the Chief Executive Officer.*

#### **FURTHER REPORT:**

The Council at its Ordinary Meeting held on 10 February 2004 considered the application and resolved that "*the Item be DEFERRED to seek clarification from the Western Australian Planning Commission*".

The site area requirements as per page 41 of the Residential Design Codes states as follows:

*" Grouped Dwellings - the area of a defined site for each dwelling; that is, the area occupied by the dwelling itself, together with other areas set aside for the exclusive use of that dwelling, but excluding, any areas of common property (although these are included in the calculation of the average site area). This corresponds to the area defined in a strata title, although there is no necessity for a Grouped Dwelling to be strata-titled."*

Therefore, in relation to the minimum site area requirements, the average site area includes common property, while the minimum site area does not include common property.

Clause 3.1.3 A3 iv of the Residential Design Codes states as follows:

*" in the case of Grouped Dwellings in areas coded R12.5-R17.5 and R60, the minimum site area shall be as permitted under Table 1 of the Residential Planning Codes, December 1991, where applications are made prior to 31 December 2004."*

Table 1 of the Residential Planning Codes, December 1991, prescribes that the minimum area of lot per dwelling for R60 is 166.67 square metres. The Residential Planning Codes did not specify an average site area requirement for grouped dwellings.

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Page 15 of the Residential Planning Codes, December 1991, states the following;

*"A simple division of the site area by the area of the lot per dwelling set out in Column 3 of Table 1 will yield the permissible number of dwellings of a particular kind for that site."*

In light of the above, the subject lot has a permitted density of five dwellings and four dwellings are proposed. Given the above, it is considered that the proposal complies with the density and minimum site area requirements of the Residential Design Codes.

The above consistent interpretation of the R Codes and Residential Planning Codes, December 1991, by the Town's Officers has been confirmed by an Officer of the Department for Planning and Infrastructure / Western Australian Planning Commission.

The previous Officer Recommendation therefore remains unchanged.

The following is a verbatim copy of the minutes of the Item placed before the Council at its Ordinary Meeting held 10 February 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 the landowners D Condidorio and Esteem Pty. Ltd., for the proposed demolition of the existing single house and construction of four (4) two-storey grouped dwellings at No. 273 (Lot 5) Walcott Street, North Perth, as shown on the plans stamp dated 29 January 2004, subject to:*

- (i) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
  - (ii) an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
  - (iii) compliance with all relevant Environmental Health, Engineering and Building requirements;*
  - (iv) subject to first obtaining the consent of the owners of No.275 Walcott 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.275 Walcott Street in a good and clean condition;*
  - (v) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Walcott 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. The portion of the fences around the private courtyard of unit 1 facing Walcott Street may be solid to a maximum height of 1.8 metres but shall incorporate at least two significant design features. The proposed fencing shall be setback from the property front boundary to accommodate for the future road widening along Walcott Street;*
-

- (vi) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Walcott Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
  - (vii) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
  - (viii) *prior to the first occupation of the development, the full length and width of the right of way from Paddington Street to the southern most boundary abutting the subject land shall be sealed, drained and paved to the specifications of and supervision under the Town, at the applicant's/owner(s)' full expense;*
  - (ix) *bond and/or bank guarantee for \$7,200 for the full upgrade of the right of way shall be lodged prior to the issue of a Building Licence;*
  - (x) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
  - (xi) *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;*
  - (xii) *the construction of crossovers shall be in accordance with the Town's specifications;*
  - (xiii) *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;*
  - (xiv) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
  - (xv) *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;*
  - (xvi) *prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating the incorporation of a landscaping strip along the southern boundary to allow overhang of vehicle to assist manoeuvring. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
  - (xvii) *the support/approval of the Department for Planning and Infrastructure and/or the Western Australian Planning Commission and compliance with its comments and conditions in relation to the Other Regional Roads (ORR) reservation;*
-

- (xviii) *the visitors car parking space shall be clearly marked and signposted as such, and outside any security barrier;*
- (xix) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development;*
- (a) *the window to bedroom 3 to Unit 2 on first floor level within 4.5 metres of the northern side boundary within a 45 degree 'cone of vision';*
- (b) *the window to bedroom 1 to Unit 3 on first floor level within 4.5 metres of the southern side boundary within a 45 degree 'cone of vision' ;*
- (c) *the windows to bedrooms 2 and 3 to Unit 3 on first floor level within 4.5 metres of the northern side boundary within a 45 degree 'cone of vision'; and*
- (d) *the window to bedroom 1 to Unit 4 on first floor level within 4.5 metres of the northern side boundary within a 45 degree 'cone of vision' ;*

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

*to the satisfaction of the Chief Executive Officer.*

*COUNCIL DECISION ITEM 10.1.11*

*Moved Cr Torre, Seconded Cr Ker*

*That the recommendation be adopted.*

*Moved Cr Ker, Seconded Cr Lake*

*That the Item be DEFERRED to seek clarification from the Western Australian Planning Commission.*

*CARRIED (9-0)*

*FURTHER REPORT:*

*The subject property is currently zoned Residential R60 and the proposal has been assessed in terms of this zoning/coding. The report states that the site is zoned Residential R30, which was a typographical error.*

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<i>LANDOWNER:</i>	<i>D J Condidorio and Esteem Pty. Ltd.</i>
<i>APPLICANT:</i>	<i>D Condidorio</i>
<i>ZONING:</i>	<i>Metropolitan Region Scheme: Urban</i>
	<i>Town Planning Scheme No. 1 -Residential R30</i>
<i>EXISTING LAND USE:</i>	<i>Single House</i>

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*COMPLIANCE:*

<i>Use Class</i>	<i>Single House</i>
<i>Use Classification</i>	<i>"P"</i>
<i>Lot Area</i>	<i>855 square metres</i>

<i>Requirements</i>	<i>Required</i>	<i>Proposed</i>
<i>Setbacks</i>		
<i>Unit 2 - North (ground floor)</i>	<i>1.5 metres</i>	<i>1.225 metres</i>
<i>Unit 2 - North (first floor)</i>	<i>1.9 metres</i>	<i>1.225 metres</i>
<i>Unit 3 - North (ground floor)</i>	<i>1.5 metres</i>	<i>1.0 - 1.225 metres</i>
<i>Unit 4 - North (ground floor)</i>	<i>1.0 metre</i>	<i>Nil</i>
<i>Unit 4 - South (ground floor)</i>	<i>1.5 metres</i>	<i>1.206 metres</i>
<i>Unit 4 - West (first floor)</i>	<i>2.5 metres</i>	<i>2.467-2.697 metres</i>
<i>Visitor car bay</i>	<i>Close to or visible from point of entry</i>	<i>approximately 35 metres from point of entry</i>
<i>Privacy Setback</i> <i>Unit 2 - North</i> <i>Unit 3 - North and South</i> <i>Unit 4 - North</i>	<i>Major openings (bedroom windows) within 4.5 metres "cone of vision" of a property boundary on the first floor to be screened</i>	<i>No screening shown</i>

*SITE HISTORY:*

*The site is occupied by a single storey brick and tile dwelling constructed in 1928. A privately owned unsealed 3 metre wide right of way abuts the western boundary of the subject property.*

*DETAILS:*

*Approval is sought for the demolition of the existing dwelling and construction of four two-storey grouped dwellings.*

*CONSULTATION/ADVERTISING:*

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

*Referral to the Department for Planning and Infrastructure (DPI) is necessary as the site is affected by an Other Regional Roads (ORR) reservation. As comment has not been received by the DPI a condition should be applied accordingly.*

*COMMENTS:*

*Demolition*

*A detailed heritage assessment is contained the Appendix.*

*The subject dwelling at No. 273 Walcott Street, North Perth is a single storey brick and tile residence constructed in 1928, and forms part of the building stock from the Inter-war period of 1919-1939, of which there are many in the Town.*

*The original floor plan of the two bedroom dwelling has undergone minor alteration, such as the kitchen has been moved into the former laundry area, creating a small dining space in the former kitchen. The rear verandah has also been enclosed and is now utilised as a laundry. The majority of original building fabric remains in place despite some additions and alterations. Decorative features and fittings such as picture rails and original lights hung from plaster ceiling vents are limited to the front rooms of the dwelling and remain intact. While these features are of interest, it is not considered that these features alone justify the retention of the house or qualify the place for consideration for entrance into the Town's Municipal Heritage Inventory. The place is not rare and is considered to be of little aesthetic, historic, scientific and social value. The subject dwelling contributes to the streetscape in terms of traditional setbacks, building form and style.*

*The place has little cultural heritage significance, and does not meet the minimum criteria for entry into the Town's Municipal Heritage Inventory.*

#### *Setbacks*

*The variations to setbacks are considered minor as the variations to setbacks range from 0.2 metre to 1.0 metre, and no objections were received from adjoining landowners. As such, they are not considered to unduly impact the amenity of the affected neighbours.*

#### *Visitor Parking*

*The variation to the location of the visitor car parking bay is acceptable in this instance due to the irregular shape of the lot and the proposed Other Regional Roads (ORR) Reservation which restricts the location of the visitors bay adjacent to Walcott Street. In light of these restricting factors the location of the visitors' car parking bay adjacent to Unit 3 is supportable.*

#### *Privacy*

*With regard to the potential for unreasonable overlooking from the non-compliant bedroom windows it is considered necessary that relevant screening conditions are applied to these openings to comply with the privacy requirements of the Residential Design Codes.*

#### *Summary*

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

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**10.1.2 No. 151 (Lot 310) London Street, Mount Hawthorn – Proposed Two-Storey Single House**

<b>Ward:</b>	North	<b>Date:</b>	16 February 2004
<b>Precinct:</b>	Mount Hawthorn, P1	<b>File Ref:</b>	PRO1503 ; 00/33/2032
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	S Turner		
<b>Checked/Endorsed by:</b>	D Abel	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Perceptions on behalf of the owner C Lam and C Luu, for a proposed two-storey single house at No.151 (Lot 310) London Street, Mount Hawthorn, as shown on the plans stamped 19 January 2004, subject to:*

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) no car parking structures shall be erected within the front setback area adjacent to London Street;*
- (iii) subject to first obtaining the consent of the owners of No. 149 London Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 149 London Street in a good and clean condition;*
- (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 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) a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
- (vii) the construction of crossovers shall be in accordance with the Town's specifications;*

- (viii) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (ix) *standard visual truncations, in accordance with the Town's Policies and/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 accessways to ensure that the safety of pedestrians and other road users is not compromised;*
- (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 London Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the new front fences and gates being visually permeable, with a minimum 50 per cent transparency; and*
- (xi) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*

*to the satisfaction of the Chief Executive Officer.*

**LANDOWNER:** C Lam and C Luu  
**APPLICANT:** Perceptions  
**ZONING:** Metropolitan Region Scheme - Urban  
 Town Planning Scheme No. 1 - Residential R30  
**EXISTING LAND USE:** Vacant

**COMPLIANCE:**

<b>Requirements</b>	<b>Required</b>	<b>Proposed</b>
Setback - North Upper level	1.6 metres	1.2 metres for a length of 8.0 metres
Front Balcony	6.0 metres	4.8 metres
Setbacks for Privacy - North		
Balcony	7.5 metres	3.9 metres (neighbours written consent provided)
Family Room	6.0 metres	1.7 metres
South Bedroom 3	4.5 metres	4.0 metres
Elevated Outdoor Living	7.5 metres	1.5 metres (south) 1.7 metres (north)
Wall Height	6.0 metres	6.4 metres

Car Parking	The Town's Vehicular Access and Street Setbacks Policies require vehicular access from a right of way. It also states that the front setback areas are to be landscaped and preferably devoid of parking spaces. Where available, on-site parking is to be accessed from a right-of-way.	2 open car parking bays within the front setback area.
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Use Class	Single House
Use Classification	"P"
Lot Area	448 square metres

**SITE HISTORY:**

The property is vacant with the previous dwelling having obtained approval for demolition under delegated authority on 24 July 2000. There is a dedicated sealed 4.0 metres wide right of way (ROW) located at the rear of the property. On 8 December 2003, Council resolved to refuse an application for the construction of a two-storey single house on the property for the following reasons:

- "(i) the development is not consistent with the orderly and proper planning and preservation of the amenities of the locality and streetscape, as it would add to the building bulk on site and create a streetscape where carports and/or garages are the dominant structure; and*
- "(ii) non-compliance with the Town's Policies relating to Vehicular Access and Street Setbacks in terms of the proposed garage being located with access off London Street."*

The new application has addressed the main non-compliance issue that being the location of the garage, which is now located in the rear with vehicular access off of the right of way.

**DETAILS:**

The applicant seeks approval for a two-storey single house with the garage having access off of the right of way and two open car bays within the front setback area off of London Street. The garage is proposed to be setback 2.0 metres from the right of way, which complies with the Town's Vehicular Access and Street Setbacks Policies. The proposal generally complies with the acceptable development standards of the Residential Design Codes (R-Codes), except for those variations detailed in the Compliance Table.

**CONSULTATION/ADVERTISING:**

The proposal has been advertised to neighbouring property owners within the previous twelve months. The only modification to the design is the location of the garage and the front setback of the dwelling, (which generally complies with the R-Codes and Town's Policy requirements) No objections were received during the previous consultation period. The applicant submitted two letters of no objection from the southern and northern neighbouring property owners supporting the 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:**

**Nature of Development**

The proposal is for a two-storey single house. The proposal includes a garage with access off of the right of way and two open car parking bays located within the front setback area with access off of London Street, a reduced front setback to the upper level balcony and minor setback variations to the north upper level and to the building wall height.

**Car Bays Within Front Setback Area**

The Town's Policies relating to Vehicular Access and Street Setbacks require vehicle access from an existing ROW, thus the location of the proposed garage is at the rear of the property. In this instance, however the proposal also includes the provision of 2 open car bays within the front setback area with access from London Street. These car bays have been provided to remove visitor car parking on the street. An existing crossover is being utilised for access to the proposed car bays, demonstrating that the property has previously enjoyed vehicular access off of London Street.

London Street is an Other Regional Road, which is considered to have a considerable amount of vehicular traffic. Accordingly, it is considered appropriate for the garage, which will be the main parking area to be located off of the right of way, however the two car bays located within the front setback area are considered supportable as the hard stand area does not take up an unacceptable proportion of the front setback area, and they will generally only be utilised by visitor parking.

**Setbacks**

**North upper level**

The proposal seeks a minor variation to the upper level setback from the north boundary from a required 1.6 metres to 1.2 metres. The design of this upper level wall includes high light windows, thus negating any potential overlooking impact that this reduced setback may create.

The minor nature of the variation is considered supportable in this instance, as the affected neighbouring property owners have provided letters of no objection and there is no perceived undue negative impact from the reduced upper level setback.

**Garage**

The proposed garage has a nil setback to the southern side boundary. The R Codes allow buildings on boundary where the wall is no higher than 3.5 metres with an average of 3 metres for 2/3 the length of the balance of the boundary behind the front setback, to one side boundary. The proposed garage complies with the acceptable development criteria of the R Codes and in this instance a zero side setback is supportable.

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#### Balcony

The balcony is proposed to be setback 4.8 metres from the front boundary. The Town's Ellesmere Locality Plan 5 Policy requires the upper level to be setback 6.0 metres from the front boundary. The R-Codes however permit the upper storey to have a setback of 4.0 metres. The Town has previously supported reduced setbacks to balconies of 5.0 metres. The proposed variation is considered supportable in this instance as the balcony is a minor incursion with the main building line of both the ground floor and the upper level being at least 6.5 metres from the front boundary.

#### **Building Height**

The R-Codes do not limit the amount of fill allowed on a site where the building complies with the height requirements. The proposal includes a wall height of 6.4 metres. The acceptable development standards of the R-Codes allow a maximum wall height of 6.0 metres and a pitched roof height of 9.0 metres. The proposal complies with the pitched roof height. The subject property slopes from the London Street frontage to the rear of the property (right of way). As the proposal maintains a visual impression of the natural ground level of the site from London Street and given the written consent of the adjoining property owners, the variation of the wall height is supported in this instance.

#### **Setbacks for Privacy**

##### Balcony

With regard to the potential overlooking from the upper level balcony, the affected neighbouring property owner provided a letter of consent to the potential overlooking. The variation to the privacy setback for the balcony is considered supportable given the neighbouring property owner has consented. The proposal is now deemed to comply with the performance criteria of the R- Codes.

##### Elevated Outdoor Living

Due to the amount of fill proposed the rear section of the house is elevated between 600 millimetres and 900 millimetres above natural ground level. Two small sections of retaining wall are proposed at the rear of the house creating a flat area of approximately 32 square metres that may be utilised as an outdoor living area. This outdoor living area has the potential to overlook the neighbouring properties. The R-Codes require any area elevated above 500millimetres to have similar setbacks for privacy as a balcony, which is required to be setback 7.5 metres. The proposed setbacks of this area are 1.5 metres from the south boundary and 1.7 metres from the north boundary. Neighbour consent has been provided for potential overlooking from the proposed residence thus no screening is required and the elevated outdoor living area is considered supportable.

##### Family Room

The family room's finished floor level is elevated 900 millimetres above the natural ground level and the window facing north is deemed to have the potential to overlook the neighbouring property. As the neighbouring property owner has provided written consent in relation to this variation, it is deemed to comply with the R-Codes and therefore a screening condition would not be considered necessary.

##### Bedroom 3

The south facing window of bedroom 3 overlooks the neighbouring property. It is proposed to be located 4.0 metres in lieu of the R-Codes required setback for privacy, which is 4.5 metres. The neighbouring property owner has provided written consent in relation to this variation, therefore it is deemed to comply with the R-Codes performance criteria. A screening condition is not considered necessary and the minor variation is considered supportable.

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**Conclusion**

The proposed two-storey single house is considered supportable, as the proposal complies with the Town's Vehicular Access and Street Setbacks Policies in that the proposed garage is accessed from the ROW. It is considered that the two open car bays located within the front setback area will not dominate the streetscape and that the reduced setback of the balcony will not negatively impact upon the adjoining properties. The variations in relation to fill and potential overlooking can be addressed as conditions of approval. The proposal is recommended for approval subject to standard and appropriate conditions to address the above matters.

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**10.1.3 No. 6 (Lot 504) Alma Road, Mount Lawley – Proposed Two (2)-Storey Single House**

<b>Ward:</b>	South	<b>Date:</b>	17 February 2004
<b>Precinct:</b>	Norfolk, P10	<b>File Ref:</b>	PRO 0251; 00/33/1914
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	M Bonini		
<b>Checked/Endorsed by:</b>	D Abel	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by In Residence on behalf of the owners C Suttle and L Park, for proposed two (2)-storey single house at No. 6 (Lot 504) Alma Road , Mount Lawley, and as shown on plans stamp-dated 12 February 2004, subject to:*

- (i) compliance with all Building, Environmental Health and Engineering requirements;*
- (ii) 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.*
- (iii) the construction of crossovers shall be in accordance with the Town's specifications;*
- (iv) prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (v) 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;*
- (vi) street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (vii) 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 Alma 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;*

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

(a) *the crossover being 90 degrees to the road; and*

(b) *the maximum total width of the carport being reduced to 5.15 metres;*

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

(ix) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development the windows to bedroom 3 and bedroom 2 on the northern and eastern elevations, respectively, on the first floor, 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;*

(x) *the carport shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted), except where it abuts the walls of the house and the east parapet wall; and*

(xi) *subject to first obtaining the consent of the owners of No. 6a Alma Road and No. 105 Walcott 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. 6a Alma Road and No. 105 Walcott Street in a good and clean condition;*

*to the satisfaction of the Chief Executive Officer.*

**LANDOWNER:** C Suttle and L Park  
**APPLICANT:** In Residence  
**ZONING:** Metropolitan Region Scheme - Urban  
Town Planning Scheme No. 1 - Residential R40  
**EXISTING LAND USE:** Vacant

**COMPLIANCE**

<b>Setback</b>	<b>Required</b>	<b>Proposed</b>
Setbacks -		
East Ground Floor (Garage)	1 metre	0 metre
West Ground Floor (Family, Theatre, Foyer, Study)	1.5 metres	0 metre to 2 metres
West First Floor (Ensuite, Master Bedroom, Retreat, Screened Balcony)	1.7 metres	1 metre to 1.5 metres
East First Floor (Bed 3, Bath, Bed 2, Sitting Room)	1.8 metres	1.6 metres to 1.75 metres
Front First Floor (Balcony)	6 metres	5.3 metres

Privacy Assessment - Bedroom 3 North Facing Window	4.5 metres or screening as per R Codes requirements	3.3 metres to south boundary
Buildings on Boundary -  Carport  Theatre	3 metres average with maximum of 3.5 metres on one side boundary and not to occupy more than 2/3 of boundary length  3 metres average with maximum of 3.5 metres on one side boundary and not to occupy more than 2/3 of boundary length	Height is maximum and average of 3.2 metres  Height is maximum and average 3.2 metres high
Carport Width	No more than 50 per cent of the frontage width	60 per cent

Use Class	Single House
Use Classification	"P"
Lot Area	260 square metres

**SITE HISTORY:**

The subject site is currently vacant. The lot width is 10 metres and a maximum of 25.77 metres in depth.

**DETAILS:**

The applicant seeks approval for a two storey-single house.

**CONSULTATION/ADVERTISING:**

The proposal has been advertised and one written submission has been received by the Town from the east neighbour regarding a two storey boundary wall previously proposed. However, following amendments of the proposed development, the east neighbour provided a consent signature to a single storey boundary wall proposed.

**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:**

**Overshadowing**

Due to the orientation of the lot, the proposed single house shadows over Alma Road. No undue overshadowing takes place over the adjoining lots and it is therefore deemed to comply with the overshadowing requirements of the R Codes.

**Front setback**

The proposed carport is setback 1 metre from the front boundary and occupies 60 per cent of the total frontage width. The Town's Policy requires that carports be located behind the street setback line in accordance with the Residential Design Codes and not to exceed 50 per cent of the total frontage width. The subject carport does represent a variation however, there is provision in Town's Policy to support carports in the front setback area provided that it maintains unobstructed views between the street and house at ground level. The carport would be supported in this instance due to the narrow nature of the lot and the garage structures that exist on the adjoining properties. However, the applicants would be required to reduce the width of the carport to the absolute minimum requirement being 5.1 metres.

The proposed balcony is setback 5.3 metres from the front boundary. The required setback as per the Town's Policy is 6 metres, however, there is a provision in the R Codes that allows a lesser setback for a minor incursion.

The R Codes states the following;

*"A porch, balcony, verandah, chimney or the equivalent may...project not more than one metre into the building setback area, provided that the total of such projections does not exceed 20% of the frontage at any level."*

The subject balcony complies with the requirement of the R Codes. Council has supported balconies in the past based on the above provision. The balcony is therefore considered to be acceptable and supported in this instance.

**West Setback**

The applicant proposes a variation to the ground floor setback requirement on the west elevation. The required setback is 1.5 metres accounting for the entire length of wall. The setback proposed varies between 0 metre and 2 metres with a maximum variation of 0.5 metres. The boundary wall applicable to the theatre abuts an adjoining boundary wall on the west boundary. The variation relates to the family room, study and theatre. Due to the single storey nature of the variations and no objections received, the proposed setbacks are considered to be acceptable and therefore supported.

**East Setback**

The applicant proposes a boundary wall on the east boundary. The boundary wall relates to the carport. The setback requirement is 1 metre. The boundary wall deviates from the Residential Design Codes in relation to setbacks and also boundary wall development due to two boundary walls being proposed. However, the variation relating to the setback is considered to be minor due to its single storey nature and has received consent from the adjoining affected neighbours. The variation to this setback is considered to be acceptable and therefore supported.

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### **Privacy Setbacks**

The privacy setback variation pertains to the north facing window of bedroom three. However the applicant demonstrated a willingness to modify the window to achieve compliance. The window of Bedroom 2 is indicated on the plans as being obscure. A condition has been included in the Officer Recommendation to ensure that the privacy screening of the windows is undertaken to the requirements of the Residential Design Codes.

### **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 nature. The adjoining affected neighbours have also given their consent to the boundary walls. The west wall also abuts a two storey boundary wall on the west adjoining property, considered to cause very little impact on the west side. The boundary walls are therefore supported in this instance.

### **First Floor Setbacks**

The remaining two setback variations relate to the west and east sides of the proposed development. The required setback for the east side is 1.8 metres. The applicant proposes 1.6 metres to 1.75 metres. Due to the minor nature of the variation and no objection received against the setback variation, this variation is supported in this instance. The required setback for the west first floor wall is 1.7 metres. The proposed setback ranges from 1 metre to 1.5 metres. Whilst the setbacks proposed for the west side do not comply with the requirement, it is considered that the applicant has provided adequate clearance from the boundary given that there is an adjoining two storey parapet wall facing this side of the proposed development. The proposed clearance from the boundary is considered to be sufficient enough in preventing a 'terrace' like visual outcome.

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

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**10.1.4 No. 11 (Lot 4040) Selden Street, North Perth - Proposed Construction of Three - Two-Storey Single Houses**

<b>Ward:</b>	North	<b>Date:</b>	3 February 2004
<b>Precinct:</b>	Mount Hawthorn; P1	<b>File Ref:</b>	PRO2580; 00/33/2075
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	S Turner		
<b>Checked/Endorsed by:</b>	D Abel	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Rechichi Architects on behalf of the owner Rockcity Holdings P/L, for the proposed construction of three - two-storey single houses at No.11 (Lot 4040) Selden Street, North Perth, and as shown on the plans stamp-dated 16 February 2004, subject to:*

- (i) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) *the areas shown on the approved plans as entry courts shall not be used for car parking or associated vehicular access;*
- (iii) *the carport shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted), except where it abuts the main dwelling, and the northern boundary (parapet) wall in relation to Units 1 and 2;*
- (iv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
  - (a) *a decrease in the building heights to comply with the Residential Design Codes requirement of 6.0 metre wall height and 7.0 metre concealed roof height; and*
  - (b) *design features being provided to the rear/western carport walls (abutting the lounge rooms) to provide visual interest to the front elevation.*

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

- (v) *subject to first obtaining the consent of the owners of No. 6 and No. 13 Selden 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. 6 and No. 13 Selden Street in a good and clean condition;*
- (vi) *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;*

- (vii) *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;*
- (viii) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (ix) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (x) *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 accessways to ensure that the safety of pedestrians and other road users is not compromised;*
- (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 London Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the new front fences and gates being visually permeable, with a minimum 50 per cent transparency; and*
- (xii) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*

*to the satisfaction of the Chief Executive Officer.*

**LANDOWNER:** Rechichi Architects  
**APPLICANT:** Rockcity Pty Ltd  
**ZONING:** Metropolitan Region Scheme: Urban  
Town Planning Scheme No.1: Residential R30/40  
**EXISTING LAND USE:** Single House

**COMPLIANCE:**

<b>Requirement</b>	<b>Required</b>	<b>Provided</b>
Building Height		
Unit 1	The Residential Design Codes permit a two-storey building to have a maximum wall height of 6.0 metres, and an overall height of 7.0 metres to top of concealed roof.	7.3 metres concealed roof height.
Unit 2		7.3 metres concealed roof height.
Unit 3		6.2 metres wall height.

Boundary Setbacks:		
Unit 1 South – upper level	2.2 metres	1.7 metres
Unit 2 South – upper level	2.2 metres	1.45 metres
Unit 3 South – upper level	2.2 metres	1.0 metre
Boundary Walls	The Residential Design Codes allow walls built up to a boundary behind the front setback line where both the subject site and the affected adjoining site area created in a plan of subdivision.	<p>Unit 1 Two northern boundary walls on proposed lot. Northern parapet wall is 6.0 metres in height (internal proposed new lot boundary)</p> <p>Unit 2 Two northern boundary walls on proposed lot. Northern parapet wall is 6.0 metres in height (internal proposed new lot boundary).</p> <p>Unit 3 Two northern boundary walls on proposed lot. No upper level boundary walls proposed.</p>

Use Class	Single House
Use Classification	"P"
Lot Area	976 square metres

**SITE HISTORY:**

The site has an existing 1930's dwelling. A subdivision application has been lodged to subdivide the property into three 8 metre wide narrow green titled blocks. The subdivision was conditionally approved by the Western Australian Planning Commission on 22 December 2003.

On the 10 February 2004, an application for the demolition of the existing house and the construction of three, two-storey houses was considered by Council, where it conditionally approved the demolition of the existing house, and refused the construction of the three proposed dwellings 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-compliances with the requirements of the Town's Policies and Residential Design Codes, relating to building height, boundary setbacks, boundary walls and local character."*

On 16 February 2004, a new development application for three two-storey single houses was submitted to the Town.

**DETAILS:**

The proposal is for the construction of three two-storey single houses. The design of the dwellings includes central courtyard areas, family, dining and lounge rooms, three bedrooms and balconies. It also has a single carport with an entrance court situated beneath the balcony. Given that the proposed lots are narrow in width, two of the proposed units have been designed with abutting two storey boundary walls to the proposed new internal boundaries.

The applicant has stated that the revised plans address the concerns raised by Council in that the new development application and associated amended plans, feature a significant reduction in the amount of hard-stand within the front setback area.

**CONSULTATION/ADVERTISING:**

The previous proposal was advertised within the past 12 months to adjoining property owners and no objections were received during the consultation period. The applicants have worked closely with adjoining property owners resulting in a design that does not unduly negatively impact upon adjoining properties. The current proposal is not required to be advertised as it does not propose any further variation to the relevant development requirements.

**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:**

**Building Height**

The overall building heights are marginally higher than the R-Code requirements. The R-Codes allow a wall height of up to 6.0 metres and a ridge height for concealed roofs of 7.0 metres. The proposed wall height of unit 3 is 6.2 metres and the concealed roof height of unit 1 and 2 is 7.3 metres. The applicant has previously agreed to lower these heights in accordance with the R-Code requirements. In this instance the recommendation would be to place a condition of approval requiring amended plans to reflect this reduction in building height.

**Boundary Setbacks**

The Highlands Locality Statement states that maintaining existing street, side and rear setbacks is strongly encouraged.

The proposal however proposes minor variations to the side boundary setbacks that are considered supportable, as the development will not impact negatively on the adjoining properties.

The proposed setback variations to the internal boundaries of the development are much greater as two-storey parapet walls are proposed for units 1 and 2. The R-Codes allow walls built up to a boundary behind the front setback line where both the subject site and the affected adjoining site area created in a plan of subdivision. This is the situation in this case, therefore the proposed boundary walls comply with the R-Codes.

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Given the conditionally approved subdivision and therefore impending subdivision of the property into three allotments with 8 metres wide frontages, the use of parapet walls is more appropriate to enable sufficient utilisation of the property. The parapet walls are considered supportable in this instance, mainly due to the detachment and varying styles, roof form, and finishes between the dwellings at the first floor level, and the "light weight" scale of the attachment element between the dwellings at the ground floor level, the parapet walls will not negatively impact upon adjoining properties and the streetscape.

**Modifications to the Previous Design**

The applicant stated that the reduction of hard-stand within the front setback area has been achieved by aligning the car parking in a tandem format with the front internal living area's of each dwelling now opening directly onto an entry court featuring soft landscaping in lieu of hard-stand. The entrance has been modified to include double doors opening onto the entry court.

The design modifications also include a conversion of the previous garage to a carport, thus providing a more open structure. The previous plans showed a carport area where the entrance courts are now located.

All other aspects of the proposal are the same as previously considered by Council on 10 February 2004.

**Conclusion**

Following an assessment of the proposal, the proposal is considered acceptable and is therefore recommended for approval subject to standard and appropriate conditions to address the above matters.

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**10.1.5 Nos. 89 to 95 (Lots 63 and 64) Smith Street, Highgate – Proposed Twelve (12) Multiple Dwellings with Associated Undercroft Car Parking- Reconsideration of Condition of Approval**

<b>Ward:</b>	South	<b>Date:</b>	18 February 2004
<b>Precinct:</b>	Forrest, P14	<b>File Ref:</b>	PRO 1096; 00/33/2072
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	M Bonini		
<b>Checked/Endorsed by:</b>	D Abel	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Labyrinth Design and Development on behalf of the owners R Kuscevic and E Aloj for proposed twelve (12) multiple dwellings with associated undercroft car parking at Nos. 89 to 95 (Lots 63 and 64) Smith Street, Highgate, and as shown plans stamp-dated 3 February 2004 (elevations) and 18 February 2004, subject to:*

- (i) 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;*
- (ii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (iii) compliance with all Building, Environmental Health and Engineering requirements;*
- (iv) 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;*
- (v) no front 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 Smith Street, shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the new front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (vi) the construction of crossovers shall be in accordance with the Town's specifications;*
- (vii) prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*

- (viii) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (ix) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Smith 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);*
- (x) *prior to issue of a Building Licence, revised plans shall be submitted and approved demonstrating that adequate traffic control and safety measures are incorporated in the ramp design, including but not limited to:*
- (a) *warning signage;*
  - (b) *5kph speed limit;*
  - (c) *priority access for down traffic i.e. to traffic entering the ramp from Smith Street;*
  - (d) *speed humps;*
  - (e) *a double crossover off Smith Street to act as a "lay-by area" so that vehicles are not held up on Smith Street by vehicles exiting the development; and*
  - (f) *a mirror being mounted on the south wall above the base of the ramp.*

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

- (xi) *prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s); and*
- (xii) *the owner/applicant shall undertake measures to minimise and identify any settlement or subsidence on the adjoining buildings that are a result of the site works and building of the proposed development. Details of the measures shall be submitted to and approved by the Town prior to the issue of a Building Licence. All approved measures shall be undertaken prior to and during site and construction works;*

*to the satisfaction of the Chief Executive Officer.*

**LANDOWNER:** R Kuscevic and E Aloj  
**APPLICANT:** Labirynt Design  
**ZONING:** Metropolitan Region Scheme - Urban  
Town Planning Scheme No. 1 - Residential R80  
**EXISTING LAND USE:** Vacant

**COMPLIANCE:**

Requirements	Required	Proposed
Setback to Smith Street		
First Floor Balcony of Units 7 and 8	6 metres	5.8 metres

Use Class	Multiple Dwellings
Use Classification	"P"
Lot Area	1674 metres square

**SITE HISTORY:**

The subject lots previously accommodated two pairs of semi-detached dwellings which have recently been demolished. The surrounding locality is characterised by a recent subdivision to the east (the former Plunkett site) and a mix of single, grouped and multiple dwellings to the north and south.

The Council at its Ordinary Meeting held on 16 December 2003, conditionally approved an application for twelve (12) multiple dwellings and associated undercroft car parking on the subject site.

The detailed development history of the subject site is contained in Item 10.1.7 to the 16 December 2003 Ordinary Meeting of Council.

**DETAILS:**

The Council at its Ordinary Meeting held on 16 December 2003 approved twelve (12) multiple dwellings with associated undercroft car parking, subject to conditions, including the following condition:

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

*(a) the proposed ramp being a minimum width of 5.5 metres; and*

*(b) a traffic mirror being mounted on the south wall above the base of the ramp.*

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

The subject application is for an almost identical proposal, mainly to request Council to reconsider condition (x) (a) of the previous approval.

The applicant has provided the following comments in relation to condition (x) (a):

*"We are seeking either an annulment of condition (x) (a) of the Development Approval, or a rewording to allow for the new traffic conditions we are presenting.*

*The condition as it stands is impossible to adhere to without major modification to the designs, as we would need to find more than one metre extra width for the driveway ramp."*

**CONSULTATION/ADVERTISING:**

The proposal is not required to be advertised as it does not involve any further variations to the relevant development requirements compared to the previous proposal, which was advertised in the past 12 months.

Three (3) submissions (objections) were received in relation to the previous proposal. The main concerns raised in all three submissions relate to parking, storage, setbacks, open space and privacy.

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

**Ramp**

The applicants are unable to comply with condition (x) (a) without major changes to the entire development. A traffic report has been submitted to the Town in support of the ramp width as proposed. A copy of the report is included as an attachment to this report.

The following comments have been provided by the Town's Technical Services in relation to this matter:

*"The applicant approached the Town's Technical Services seeking dispensation to reduce the width of the vehicle access ramp to the undercroft parking area. The applicant argued that as Council had already approved the development with a 4.35m wide ramp (as shown on the submitted drawings), and a 5.5m wide ramp, imposed as a condition of the development approval and as specified in Australian Standards 2890.1, could not then be achieved without significant changes to the design.*

*It was Technical Services contention that Australian Standards 2890.1 Parking Facilities - Off Street Car Parking, whilst a guideline, and of which the applicant has a responsibility to be aware, specifies a 5.5m wide ramp for two way traffic. The applicant, rather than redesign the development, and therefore requiring a new approval, chose to employ the services of a professional Traffic Engineer to demonstrate that a (slightly wider) 4.5m wide ramp could operate both safely and effectively.*

*The consultant's report, while brief, indicates that in his opinion, a 4.5m wide ramp with adequate control measures such as signage, priority access, and speed humps could operate safely and effectively and that the anticipated volume of traffic doesn't justify a 5.5m wide ramp."*

**Related Matters**

The other matters relating to the proposal have been addressed in the Item 10.1.7 to the Ordinary Meeting of Council held on 16 December 2003.

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

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**10.1.6 No. 22 (Lot 23, Strata Lot 3) Harwood Place, West Perth - Proposed Partial Demolition of and Alterations and Additions to Existing Grouped Dwelling**

<b>Ward:</b>	South	<b>Date:</b>	17 February 2004
<b>Precinct:</b>	Beaufort, P13	<b>File Ref:</b>	PRO2643; 00/33/1995
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	S Bowman		
<b>Checked/Endorsed by:</b>	D Abel	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme the Council APPROVES the application submitted by the owner C Thwin for partial demolition of and alterations and additions to existing grouped dwelling at No.22 (Lot 23, Strata Lot 3) Harwood Place, West Perth, and as shown on plans stamp dated 16 December 2003, subject to;*

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;*
- (iii) a road and verge security deposit bond and/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) prior to issuing the Building Licence, revised plans shall be submitted and approved demonstrating the following:*
  - (a) the finished floor level of the deck being reduced so that it is not higher than 500 millimetres above natural ground level; and*
  - (b) the addition not resulting in a decrease in the current open space provision of 36 percent.*

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

- (v) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Harwood Place 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.*

**LANDOWNER:** C Thwin  
**APPLICANT:** C Thwin  
**ZONING:** Metropolitan Region Scheme - Urban  
 Town Planning Scheme No.1 - Residential/Commercial  
 R80  
**EXISTING LAND USE:** Grouped Dwelling

**COMPLIANCE:**

Use Class	Grouped Dwelling
Use Classification	'P'
Lot Area	Lot 23 - 411 square metres

Requirements	Required	Proposed
Setbacks - Side (South)	1.5 metres	1.160 metres
Total Open Space	45 per cent	35.8 per cent
Stores	Minimum area of 4 square metres with a minimum dimension of 1.5 metres	0.84 square metres with a minimum dimension of 1.050 metres

**SITE HISTORY:**

The site is occupied by a single storey semi-detached brick terraced house that was constructed in c.1900. An additional lean-to structure was constructed at the rear of No.22 at a later date. The dwelling is not listed on the Town's Municipal Heritage Inventory or the Interim Heritage Database.

**DETAILS:**

The applicant seeks to undertake alterations and additions to the existing residence. All alterations to the dwelling are to the rear of the residence and the proposal involves partial demolition.

**CONSULTATION/ADVERTISING:**

The proposal was advertised and no submissions were received.

The applicant has submitted a letter to the Town providing justification for the proposed variations to the requirements. The salient points are as follows:

- The height of the proposed deck will be reduced by 100 millimetres so that it is not more than 499 millimetres above natural ground level; and
- The proposed additions will increase the site cover by an additional 1 square metre and decrease the open space by the same amount.

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

**Partial Demolition**

The Town's Heritage Officer has advised that the dwelling is not listed on the Town's Municipal Heritage Inventory. Based on the minor nature of the proposed demolition works the proposal can be supported, subject to general provisions of the Town Planning Scheme and Policies.

**Open Space**

The proposal does not comply with the requirements of the Residential Design Codes, seeking a 9.2 percent variation. The current space provision for the site is 36 percent (262 square metres). The proposed new additions will result in a decrease of open space to 35.8 percent (263.2 square metres).

Generally, it is considered unsuitable to vary this provision due to the direct impact this has on the dwelling's amenity. Given the significant shortfall in the existing open space for the site it is not considered appropriate to approve any further variations. The status quo of open space should be maintained and can be achieved by reducing the floor area of the proposed additions by 1.2 square metres. This should be conditioned accordingly.

**Side Setback (southern boundary)**

The proposed variation to the side setback is considered appropriate in this instance as it will maintain the existing side setback to the dwelling. The variation to the setback will not unduly impact on the affected adjoining property and the neighbour has given consent to the plans.

**Store**

Currently, the dwelling does not have a store area. As per the Residential Design Codes, grouped dwellings are required to be provided with a store at least 4 square metres in size. The proposed store is significantly less than the requirement, however given that stores are included in site cover calculations, the reduced store area is considered appropriate in this instance.

**Deck**

The applicant has submitted a written undertaking to the Town confirming the finished floor level of the deck will be reduced to less than 500 millimetres above natural ground level on the plans submitted for a Building Licence. This should be conditioned accordingly.

**Summary**

The proposed additions have been designed to enhance the character of the existing dwelling. The additions are to the rear of the dwelling and not visible from the street. The height of the proposed additions comply with all the Town's Policies and does not unduly impact upon the adjoining neighbours.

Accordingly, the proposal is recommended for approval, subject to standard and appropriate conditions to address the above matters.

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**10.1.7 Nos. 65 - 67 (Lots 111, 112 and 113) Raglan Road, corner William Street Mount Lawley – Proposed Alterations and Additions to Existing Single House, Alterations and Additions to Existing Place of Worship Buildings to Create Four (4) Single Bedroom Grouped Dwellings and Five (5) Grouped Dwellings, and Construction of Three (3) Grouped Dwellings, Resulting in the Development of One (1) Single-Storey Grouped Dwelling, Eight (8) Two - Storey Grouped Dwellings and Four (4) Single Bedroom Two - Storey Grouped Dwellings**

<b>Ward:</b>	South	<b>Date:</b>	16 February 2004
<b>Precinct:</b>	Norfolk P10	<b>File Ref:</b>	PRO2320; 00/33/2052
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	P Mastrodomenico		
<b>Checked/Endorsed by:</b>	D Abel	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Palassis Architects on behalf of the owners Wasley Institute Pty Ltd for proposed alterations and additions to existing single house, alterations and additions to existing place of worship buildings to create four (4) single bedroom grouped dwellings and five (5) grouped dwellings and construction of three (3) grouped dwellings, resulting in the development of one (1) single storey grouped dwelling, eight (8) two - storey grouped dwellings and four (4) single bedroom two - storey grouped dwellings at Nos. 65 - 67 (Lots 111, 112 and 113) Raglan Road, corner William Street, Mount Lawley, and as shown on the amended plans stamp dated 11 February 2004, subject to:*

- (i) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (ii) a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the William Street and Raglan 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);*
- (iii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating ) the provision of lighting to the vehicular accessway and carparking area to the satisfaction of the Town's Technical Services. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (iv) subject to first obtaining the consent of the owners of No. 555 (Lot 200) William Street, for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 555 (Lot 200) William Street in a good and clean condition;*

- (v) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any front fences and gates adjacent to William Street and Raglan Road shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency. 50 percent of the length of the portion of the fences around the private courtyards of units 3, 4, 5 and 9 facing William Street may be solid to a maximum height of 1.8 metres and shall incorporate at least two design features;*
  - (vi) *an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
  - (vii) *detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building Licence application;*
  - (viii) *prior to the first occupation of the development, a minimum of twenty four (24) car parking spaces (including six (6) visitor bay) shall be provided for the development, and the visitor bay shall be clearly marked and signposted for the exclusive use of the visitors of the development;*
  - (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 Town's Policy relating to Parking and Access and Australian Standards AS2890.1 – "Off Street Parking";*
  - (x) *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;*
  - (xi) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
  - (xii) *a road and verge security bond or bank guarantee of \$2200 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;*
  - (xiii) *the construction of crossovers shall be in accordance with the Town's specifications;*
  - (xiv) *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;*
  - (xv) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
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- (xvi) *details of all street trees adjacent to the subject property shall be submitted with the Building Licence application;*
- (xvii) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (xviii) *prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (xix) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site; and*
- (xx) *a report by an arboriculturist on the measures to ensure retention and longevity of those trees identified to be retained on site should be submitted and approved prior to the issue of a Building Licence. All recommendations contained in that report shall be undertaken prior to the first occupation of the development and thereafter maintained, at the applicant's/owner(s)' full expense. This may also result in the need for revised plans being submitted and approved prior to the issue of a Building Licence. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (xxi) *prior to the first occupation of the development, the applicant/owner(s) shall, in at least 12-point size writing, advise (prospective) purchasers of the single bedroom residential units/dwellings that:*

*"the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the single bedroom residential units/dwellings. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development";*

*to the satisfaction of the Chief Executive Officer.*

**LANDOWNER:** The Wasley Institute Pty Ltd  
**APPLICANT:** Palassis Architects  
**ZONING:** Metropolitan Region Scheme: Urban  
Town Planning Scheme No.1: Residential R60  
**EXISTING LAND USE:** Place of Public Worship and Single House

**COMPLIANCE:**

Requirements	Required	Proposed ( <b>previously approved</b> )
Setbacks -		
Southern side (Ground Floor)	1.5 metres	1.25 - 1.725 metres
Southern side (First Floor)	1.5 metres	1.25 - 1.725 metres
Street Setback -		
William Street Ground Floor	4.0 metres	3.4 metres
First Floor	6.0 metres	2.3 metres
Density	1944 square metres (1889 square metres previously required)	178 square metres

Use Class	Grouped Dwelling
Use Classification	"P"
Lot Area	1781 square metres

**SITE HISTORY:**

The Council, at its Ordinary Meeting held on 8 July 2003 conditionally approved an application for alterations and additions to existing single house, alterations and additions to existing place of worship buildings to create five (5) single bedroom grouped dwellings and three (3) grouped dwellings and construction of four (4) grouped dwellings, resulting in the development of one (1) single storey grouped dwelling, seven (7) two - storey grouped dwellings and five (5) single bedroom two - storey grouped dwellings.

The subject site is occupied by a collection of church buildings facing William Street and a single dwelling facing Raglan Road. The surrounding area is characterised by a mixture of single storey and two storey character dwellings and two storey grouped dwellings.

A 3.96 metres wide, resumed vested and sealed right of way abuts the western boundary of the property, and will provide vehicular access to the proposed dwellings.

**DETAILS:**

Approval is sought for proposed alterations and additions to existing single house, alterations and additions to existing place of worship buildings to create four (4) single bedroom grouped dwellings and five (5) grouped dwellings and construction of three (3) grouped dwellings, resulting in the development of one (1) single storey grouped dwelling, eight (8) two - storey grouped dwellings and four (4) single bedroom two - storey grouped dwellings.

An analysis of the difference between the previous approved proposal and the subject revised proposal is as follows:

Elements	Approved Proposal - 8 July 2003 Ordinary Meeting of Council	Revised Proposal
Additional Two - Storey Grouped Dwellings (New Building)	4	3
Two - Storey Grouped Dwellings (Existing Building)	3	5
Single Storey Grouped Dwelling (Existing Building)	1	1
Two - Storey Single Bedroom Grouped Dwelling (Existing Building)	5	4
Total Number of Dwellings	13	13
Total Plot Ratio	1,129 square metres (0.63)	1,138 square metres (0.63)
Total Car parking	22 car bays	24 car bays

The change enhances the development and addresses Council's previous concerns and the approved Development Application conditions.

The applicant has provided the following information in relation to the previously approved development:

**"Item iii (e):** *The plot ratio floor area of Units 11 & 12 each being limited to a maximum of 60 square metres.*

*Comment: This requirement was determined on carparking numbers as required by the Residential Design Codes and the Towns Carparking Review. The revised drawings detailed an additional two carbays.*

**Councillor**

**Comments:** *Councillors concern over doorway to Units 11 & 12 being retained as original.*

*Comment: the revised design creates a lobby for the two units thereby not affecting the original doorway. Also by locating the main living area to the upstairs the use of the volume of the hall and timber ceiling is retained.*

*Comment: This has been revised and reconfigured to provide the main access off the quieter Raglan Road".*

**Councillor**

**Comments:** *The main entry not be off William Street better off Raglan Road.*

**CONSULTATION/ADVERTISING:**

The application was not advertised as it is similar to an application advertised in the past twelve 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 amended development proposes 13 dwellings (the same as the previous Planning Approval), with the main change being one less single bedroom dwelling and one extra grouped dwelling resulting in the need for two additional car parking spaces, which have been provided on site. The proposal also involves a slight increase in the density bonus and plot ratio.

The setbacks remain unchanged as per the previous approval.

**Density**

The density bonus has slightly increased from 6.06 percent (previous approval) to 9.15 percent (revised proposal). The increase in density is not considered significant and is not considered to unreasonably adversely affect the amenity of the adjacent properties or the streetscape of the area and as such is supported.

**Resolution of Previous Issues**

Condition (iii) of the previous approval has been resolved in the current revised proposal, in terms of the vehicular accessway, car parking area, the encroachment on the Other Regional Road Reservation, and the location of the bin storage area.

The proposal is generally supportable as it is similar to the previously approved application and aims to retain and enhance both internally and externally existing buildings listed on the Town's Municipal Heritage Inventory, and is not considered to unreasonably adversely affect the amenity of the adjacent properties or the streetscape of the area. Accordingly, it is recommended that the proposal be approved, subject to standard and appropriate conditions to address the above matters.

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**10.1.8 No. 67 (Lot 239) Auckland Road, North Perth – Proposed Demolition of Existing Single House and Construction of a Two (2)-Storey Single House**

<b>Ward:</b>	North	<b>Date:</b>	17 February 2004
<b>Precinct:</b>	North Perth, P8	<b>File Ref:</b>	PRO 0251; 00/33/1904
<b>Attachments:</b>	<a href="#">001 002</a>		
<b>Reporting Officer(s):</b>	M Bonini, N Edgecombe		
<b>Checked/Endorsed by:</b>	D Abel	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Dale Alcock Homes on behalf of the owners R and J Edinger for proposed demolition of existing single house at No. 67 (Lot 239) Auckland Street, North Perth, and as shown on the plans stamp-dated 31 October 2003 (site plan and floor plan of existing dwelling and overshadowing diagram), 15 January 2004 (floor plans and elevations) and 12 February 2004 (site plan), subject to:*
- (a) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
  - (b) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
  - (c) *a development proposal for the redevelopment of the subject property shall be submitted to and approved by the Town prior to the issue of a Demolition Licence;*
  - (d) *support of the demolition application is not to be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property;*
  - (e) *demolition of the existing dwelling may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies for the retention of existing dwellings valued by the community;*
  - (f) *any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies; and*
  - (g) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
- to the satisfaction of the Chief Executive Office; and*

(ii) *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 Dale Alcock Homes on behalf of the owners R and J Edinger for proposed construction of a two (2)-storey single house at No. 67 (Lot 239) Auckland Street, North Perth, and as shown on the plans stamp-dated 15 January 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) *the non-compliance with the Town's Policies relating to Street Setbacks and Eton Locality;*
- (c) *the non-compliance with the setback and privacy requirements of the Residential Design Codes; and*
- (d) *consideration of the objection received.*

**LANDOWNER:** R and J Edinger  
**APPLICANT:** Dale Alcock Homes  
**ZONING:** Metropolitan Region Scheme - Urban  
 Town Planning Scheme No. 1 - Residential R20  
**EXISTING LAND USE:** Single House

**COMPLIANCE:**

<b>Setback</b>	<b>Required</b>	<b>Proposed</b>
Setbacks - Front Ground Floor (Garage, Entry)	6 metres	5.4 metres to Entry 4.8 metres to 6.6 metres to Garage 3 metres to 3.8 metres to Porch
South Ground Floor (Family, Laundry, Bed 3, Bath, Bed 2, Living, Store)	1.5 metres	0 metre to 3.285 metres
Front First Floor (Void Sitting)	6 metres	5.6 metres to 7.8 metres
Front First Floor (Balcony)	6 metres	4.8 metres to 6.2 metres
North First Floor (Bed 1, Stairs, Balcony)	3.5 metres	2.712 metres to 3.912 metres
South First Floor (Bed 1, Sitting Room, Balcony)	3.5 metres	3.285 metres
Privacy Assessment - Bed 1 North and South Facing Windows Balcony South and North Facing	1.6 metres sill height from finished floor level. 7.5 metres or screening as per R Codes requirements	1.55 metres sill height from finished floor level. 3.3 metres to south boundary 5.5 metres to north boundary

Use Class	Single House
Use Classification	"P"
Lot Area	546 square metres

**SITE HISTORY:**

The subject lot currently supports a single storey brick and tile on limestone single house.

**DETAILS:**

The applicant seeks approval for demolition of existing single house and construction of a two (2)-storey single house. The proposal is non-compliant in various areas relating mainly to the Residential Design Codes (R Codes) and also the Town of Vincent Town Planning Scheme No. 1 and Policies.

**CONSULTATION/ADVERTISING:**

The proposal has been advertised and two written submissions have been received by the Town from the south neighbour.

The main points raised in the objection letters are as follows:

*"The privacy issue is a major issue if such a development goes ahead. I am requesting that all setbacks are adhered to and furthermore all windows are blocked (i.e. blocked out in terms of viewing into my backyard..."*

*Overall it is very important to me that all the rules and regulations in terms of such a proposed development..."*

*There are a number of setbacks which simply do not meet your acceptable development requirements of the Residential Design Codes (R-Codes). I wish to reinforce my strong objection to these setbacks which will result in overlooking and overshadowing to my property.*

*In regards to the privacy setbacks I do wish to reiterate that the Town of Vincent enforce a screen for the front balcony. I also suggest any windows on the proposed development be blocked for privacy reasons.*

*A major issue which has caused great stress has also come to my attention. The proposed wall for the garage on the left hand boundary will replace the current asbestos fence which separates the properties. An examination of the building plans indicates the wall for the garage is far too close to one of my windows and will not ensure adequate sun and ventilation to my house."*

The applicant has submitted to the Town a letter of justification. The main points raised are as follows:

*"The proposal seeks a variation to the primary street setback, in lieu of 6 metres as is required under the Town of Vincent's Policies. The subject area has an established streetscape that includes variations to the front setback of the dwellings in the immediate locality of the street property.*

*The proposed dwelling has been designed to be both consistent with the existing front setback and the existing pattern of staggered front setbacks encouraged within the Eton Locality. The main difference between the existing and proposed dwelling's front setback is simply the location of the garage on the opposite side of the lot and not the distance to the front boundary.*

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*The front setback of the proposed dwelling ranges from 4.8 metres at the closest point to 6.6 metres from the front boundary. Although the proposed dwelling is not setback entirely behind the 6 metre setback it must be acknowledged the portion of the dwelling which encroaches into the 6 metre front setback is a minor projection. This projection will have no impact on the amenity of others, overlooking or overshadowing. The positioning of the proposed dwelling on the subject site contributes to the desired streetscape, provides adequate privacy and open space for the dwelling and does not obstruct views of dwellings from the street and vice versa."*

The owners of No. 69 Auckland Street and No. 62 London Street provided signed non-objection to the reduced setback of the balcony.

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

**Demolition**

A detailed heritage assessment is contained in an Appendix of this report.

The single storey brick and tile dwelling at No. 67 Auckland Street, North Perth appears to have been constructed during a period of increased residential development in North Perth in the late 1920s. The floor plan features a single master bedroom with lounge, formal dining, kitchen, bathroom and laundry. Most of the original features remain intact despite additions to the rear enclosed skillion. The dwelling features an original pitched roof with two chimneys remaining in situ, painted cement brick rendering and leadlight casement windows. Wooden skirtings, picture rails, and floorboards are consistent throughout the dwelling, with plaster air vents in each room.

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

**Overshadowing**

An overshadowing assessment was conducted to establish the extent of overshadowing the development would impose onto the adjoining affected property being No. 65 Auckland Street. The outcome of this assessment established that a total of 14.19 square metres of the adjoining property will be overshadowed. This equates to 2.6 percent. This is considered to be within the requirements as per the Residential Design Codes (R Codes). The R Codes stipulate that the shadow cast onto the adjoining property must not exceed 25 percent. The overshadowing is therefore in full compliance with the requirements of the R Codes and considered acceptable.

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### **Front Setback**

The application varies from the Town's requirements in relation to the ground floor and first floor setbacks from the front boundary. Town's Policy relating to Street Setbacks requires that the proposed garage be located 6 metres away from the front boundary or alternatively (0.5 metre) behind the front main building wall (not open verandah, porch, portico, balcony and the like). The purpose of the Policy is to prevent garage structures from dominating the streetscape. The proposal does not comply with this provision.

Reference is made to the Eton Locality statement in the applicant's submission. The Policy encourages the *existing* pattern of staggered front setbacks and the existing setback distance to be maintained. This refers to the streetscape offered by the existing houses along the street inclusive of the existing single house proposed for demolition. If the Policy is to be strictly applied, the proposed single house would need to be setback to the extent of the existing house proposed for demolition. This ensures that the intent of the Policy is achieved through maintaining the existing streetscape. The application proposes a front setback distance, which varies from 4.8 metres to 6.6 metres. This is closer to the front boundary than the existing house and also varies from the required setback distance as per the Residential Design Codes and Town's Policy.

The first floor of the subject proposal also does not meet the setback requirement of the Town's Eton Locality Policy. Within the Eton Locality Policy, the required setback distance for the first floor is stipulated to be 6 metres. The proposed setbacks vary from 5.6 metres to 7.8 metres for the void and sitting room and 4.8 metres to 6.2 metres to the balcony. The variations are minor in nature, however it is considered that compliance is achievable in this instance. Therefore, the proposal should be modified accordingly.

### **Side Setbacks**

There is one side setback variation relating to the ground floor. The variation is applicable to the garage, family room and kitchen. The variation for the family room and kitchen is proposed at 1.025 metres. This is a minor variation and due to its single storey nature of this component can be supported. A boundary wall is proposed for the garage which received an objection from the affected adjoining neighbour. The proposed boundary wall complies with the provisions of the Residential Design Codes relating to Buildings on Boundary.

The remaining setback variations relate to the north and south elevations of the first floor. Both elevations are considered to be walls with major openings due to the balcony, which is proposed to be open on the north and south facing sides. The south neighbour has objected to the variations of the proposed development in relation to setbacks.

### **Privacy Assessment**

The main variation relating to privacy is in relation to the proposed balcony. The Residential Design Codes require that balconies be setback 7.5 metres from boundaries and where that is not possible, that screening be applied to prevent any potential overlooking. The balcony is proposed with no screening and is a maximum distance of 3.285 metres from the south boundary and 5.5 metres from the north boundary. The north affected neighbour has consented to the variation, however, the south neighbour has objected. Due to the objection in relation to this variation, it is considered appropriate that screening be applied. Screening of the balcony on the south elevation would also effectively provide screening to the sitting room window.

The north and south facing windows of bedroom 1 nominated as "*hi-lite*", do not meet the required sill height requirement from finished floor level on the first floor as stipulated in the R Codes. The proposed sill height is 1.55 metres. The R Codes require 1.6 metres. The proposed windows for bedroom 1 would require modification to meet the required standard.

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

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**10.1.9 No. 66 (Lot 202) Burt Street, North Perth – Proposed Demolition of Existing Single House and Construction of Two (2) Two-Storey Grouped Dwellings**

<b>Ward:</b>	South	<b>Date:</b>	18 February 2004
<b>Precinct:</b>	Norfolk, P10	<b>File Ref:</b>	PRO 2570; 00/33/1909
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	M Bonini, H Eames		
<b>Checked/Endorsed by:</b>	D Abel	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owners G and J Webster, for proposed demolition of existing single house and construction of two (2) two-storey grouped dwellings at No. 66 (Lot 202) Burt Street ,North Perth, and as shown on plans stamp-dated 5 November 2003, subject to:*

- (i) compliance with all Building, Environmental Health and Engineering requirements;*
- (ii) 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;*
- (iii) the construction of crossovers shall be in accordance with the Town's specifications;*
- (iv) prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (v) 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;*
- (vi) street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (vii) 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 Burt 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;*

- (viii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (ix) *prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (x) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the east side of the balcony of unit 4 shall be screened with a permanent obscure material and non-openable to a minimum height of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*
- (xi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *garage entry width for unit 4 being a minimum width of 5.4 metres for adequate manoeuvring area to/from the garage; and*
- (b) *the Canary Island Date Palm tree within the front setback shall not be removed.*
- The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and Town's Policies;*
- (xii) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Burt 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);*
- (xiii) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site; and*
- (xiv) *an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*

*to the satisfaction of the Chief Executive Officer.*

**LANDOWNER:** G and J Webster  
**APPLICANT:** As above  
**ZONING:** Metropolitan Region Scheme - Urban  
Town Planning Scheme No. 1 - Residential R40  
**EXISTING LAND USE:** Single Houses

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**COMPLIANCE:**

<b>Requirements</b>	<b>Required</b>	<b>Proposed</b>
Setbacks - Unit 3 West Ground Floor (Family, Stairs, Entrance, Porch, Garage)	1.5 metres	0.6 metre to 3.6 metres (to internal boundary of development) garage and store - 1 metre
East Ground Floor (Meals, Kitchen, Laundry, Store, Garage)	1.5 metres	
West First Floor (Bed 3, Void, Bed 1)	2.9 metres	0 metre to 3 metres (to internal boundary of development)
South Ground Floor (Garage)	1 metre	0 metre (to internal boundary of development)
Setbacks - Unit 4 East Ground Floor (Garage, Laundry, WC, Kitchen, Meals, Family)	1.5 metres	Garage and kitchen - 1 metre
West Ground Floor (Store, Stair, Entrance)	1 metre	0.5 metre (to internal boundary of development)
East First Floor (Bed 2, Bath, WC, Ensuite, Bed 1, Balcony)	4.4 metres	1.7 metres
West First Floor (Stairs, Void)	1.2 metres	0.5 metre (to internal boundary of development)
Privacy Assessment - Unit 3 Balcony Facing East	7.5 metres	1.6 metres to east boundary

Use Class	Grouped Dwelling
Use Classification	"P"
Lot Area	506 square metres

**SITE HISTORY:**

The subject lot being Lot 202 currently supports a single storey timber and metal single house with one outbuilding located in the rear yard area of the lot.

The subject property is listed on the Town's Interim Heritage list.

**DETAILS:**

The applicant seeks approval for demolition of the existing single house and outbuilding and construction of two two-storey grouped dwellings. An application has been lodged concurrently with this one for the adjoining east lot being No. 68 (Lot No. 202) for demolition of the existing single house and construction of two two-storey grouped dwellings.

The proposal generally complies with the Residential Design Codes (R Codes) and the Town of Vincent Town Planning Scheme No. 1 and Policies, with the exception of the above non-compliances.

**CONSULTATION/ADVERTISING:**

The proposal has been advertised and no submissions were received from the adjoining residents.

**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:**

**Demolition**

Independent heritage assessments for each of the subject properties as required by the Town's Policy 3.1.6 relating to heritage assessment are included as an Appendix to the report.

The assessment format and commentary deviates from the standard commonly used by the Town, however it is considered that the essential elements are contained in the documentation as required by the Town's Policy.

In summary, Nos.66 and 68 (Lots 202 and 201) Burt Street were constructed circa 1900 of timber and iron. They retain a high level of authenticity because of the extent of original materials. They are small in scale, being 2 and 3 rooms respectively, with various rear skillion additions.

According to the assessment provided, No.66 (Lot 202) Burt Street has a high degree of authenticity, some aesthetic value (although this is not qualified), is included on the Interim Heritage Database and is speculated to have been built by Henry Rance, a tinsmith based in Subiaco in circa 1900. It is described as being in poor to bad condition.

According to the assessment provided, No.68 (Lot 201) Burt Street also has a high degree of authenticity, some aesthetic value (although not qualified), is included on the Interim Heritage Database and is speculated to have been built by Henry Rance, a tinsmith based in Subiaco in circa 1900. It is described as being in poor condition.

The assessments identify a level of aesthetic value for each of the subject properties, however *"the condition of the property is poor to bad and this detracts from the advantage of aesthetic consideration as the materials within the cottage are not worth preserving"*.

In light of the above, it is recommended that approval be granted for the demolition of the existing dwelling, subject to the provision of detailed archival documentation being submitted to and approved by the Town prior to the issue of the Building or Demolition Licence, whichever comes first.

**Unit 3 Setbacks**

The proposal involves variations to the setbacks of unit 3. Three variations relating to the ground floor and first floor affect the internal west boundary and south boundary of the development. Due to the variations affecting the internal boundary, they are not considered to pose an undue negative impact to any external adjoining neighbour. The reason the west boundary is considered an internal boundary is due to the owner's intention to amalgamate the subject lot with the adjoining west lot. The applicant has provided the following statement in relation to variations affecting internal boundaries of the development.

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*"Internal setbacks to the proposal will not affect adjoining properties and has no adverse affect of overshadowing to internal proposal. Whoever is buying is accepting the level of amenity in terms of setbacks."*

The remaining setback variation for unit 3 relates to the eastern garage and store on the ground floor. The required setback is 1.5 metres. The setback proposed is 1 metre from the east boundary. Given the minor nature of the variation and no objection received, the ground floor setback is considered supportable.

#### **Unit 4 Setbacks**

The setback variations for unit 4 on the ground floor relate to the north, east and west elevations. The north and west variations affect the internal boundaries of the development. The variations relating to internal boundaries are supported as they are deemed to cause no negative undue impact upon the external adjoining properties.

The east setback variations pertain to the ground floor and the first floor. The variation for the ground floor relates to a portion of the elevation being the kitchen and garage. The setback proposed is 1 metre as opposed to the required setback of 1.5 metres. The variation is considered to be acceptable as it maintains a suitable clearance from the boundary and is single storey in nature. The east variation on the first floor relates to bed 2, bath, WC, ensuite, bed 1 and balcony. The windows facing east on the first floor are proposed to be high level windows with a clearance of 1.6 metres from finished floor level, and the proposed balcony has been conditioned in the above recommendation to be screened to the Town's requirements. Whilst the setback does not comply with the requirement, it is considered that the variation is not deemed to cause any undue negative impact to the amenity of the adjoining neighbour. Furthermore, no undue overshadowing results from the setback variation due to the orientation of the lot and no objection has been received in relation to the variations. The setback variations are therefore considered to be acceptable and supported.

#### **Privacy Setback**

The proposed balcony of unit 4 does not comply with the setback requirement of 7.5 metres to the east boundary as stipulated in the Residential Design Codes. Overlooking is gained into the east adjoining lot from the east facing side of the balcony. The applicant has provided the following statement in relation to this variation.

*"Balconies to units 1 and 4 will have screening to the east of unit 4 balcony (1.8 meters high) and to the west of unit 1 balcony (1.8 metres high)"*

A condition should be applied in the Officer Recommendation to address the screening of the balcony consistent with the applicant's willingness to address potential overlooking.

#### **Tree**

The tree within the front setback area of No.66 is listed in the Town's Interim Significant Tree Data Base. Accordingly the application was referred to the Town's Parks Services who identified the tree as a Canary Island Date Palm (*Phoenix canariensis*) estimated to be approximately seventy to eighty years old. The following comments were offered by Parks Services:

*"The palm tree is listed on the Town of Vincent's "Trees of Significance" list number two. This particular species of palm tree was utilised early this century for landscaping purposes and appears within many historical gardens around the state. Given that this palm tree offers a significant landscape and amenity feature on the Burt Street frontage it is recommended that the developer retain the palm tree and incorporate it in any future development of the site".*

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The retention of this significant tree appears possible, and should be included as part of the conditional approval for the proposal. The plans submitted for the Building Licence should indicate the tree as being retained on site.

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

**10.1.10 No. 68 (Lot 201) Burt Street, North Perth – Proposed Demolition of Existing Single House and Construction of Two (2) Two-Storey Grouped Dwellings**

<b>Ward:</b>	South	<b>Date:</b>	17 February 2004
<b>Precinct:</b>	Norfolk, P10	<b>File Ref:</b>	PRO 2570; 00/33/1910
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	M Bonini, H Eames		
<b>Checked/Endorsed by:</b>	D Abel	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by G and J Webster on behalf of the owners A and LS Florancig, for proposed demolition of existing single house and construction of two (2) two-storey grouped dwellings at No. 68 (Lot 201) Burt Street ,North Perth, and as shown on plans stamp-dated 5 November 2003, subject to:*

- (i) compliance with all Building, Environmental Health and Engineering requirements;*
- (ii) 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;*
- (iii) the construction of crossovers shall be in accordance with the Town's specifications;*
- (iv) prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (v) 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;*
- (vi) street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (vii) 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 Burt 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;*

- (viii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (ix) *prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (x) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the west side of the balcony of unit 1 shall be screened with a permanent obscure material and non-openable to a minimum height of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*
- (xi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the garage entry width for unit 1 being a minimum width of 5.4 metres for adequate maneuvering area to/from the garage,*  
*The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and Town's Policies;*
- (xii) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Burt 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);*
- (xiii) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site; and*
- (xiv) *an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*

*to the satisfaction of the Chief Executive Officer.*

**LANDOWNER:** A and LS Florancig  
**APPLICANT:** G and J Webster  
**ZONING:** Metropolitan Region Scheme - Urban  
Town Planning Scheme No. 1 - Residential R40  
**EXISTING LAND USE:** Single House

**COMPLIANCE:**

<b>Requirements</b>	<b>Required</b>	<b>Proposed</b>
Setbacks - Unit 1 West Ground Floor (Family, Meals, Kitchen, Laundry, Garage)	1.5 metres	1 metre to 1.6 metres
East First Floor (Bed 3, Bed 2, Bath, Balcony)	4.4 metres	3 metres (to internal boundary of development)
West First Floor (Bed 3, Bed 2, Bath, Ensuite, Bed 1)	4.4 metres	1.7 metres
Setbacks - Unit 2 East Ground Floor (Family, Stairs, Entry, Porch, Garage)	1.5 metres	0.5 metres to 3.6 metres (to internal boundary of development)
West Ground Floor (Garage, Store, Laundry, Kitchen, Meals)	1.5 metres	1 metre (garage and store)
East First Floor (Bed 3, Void, Bed 1)	2.9 metres	0 metre to 3 metres (to internal boundary of development)
South Ground Floor (Garage)	1 metre	0 metre
Privacy Assessment - Unit 1 Balcony - Facing West	7.5 metres or Privacy Screening to R Codes requirements	1.7 metres to west boundary

Use Class	Grouped Dwelling
Use Classification	"P"
Lot Area	506 square metres

**SITE HISTORY:**

The subject lot being Lot 201 currently supports a single storey timber and metal single house with three outbuildings located in the rear yard area of the lot.

The subject property is listed on the Town's Interim Heritage list.

**DETAILS:**

The applicant seeks approval for demolition of the existing single house and outbuildings and construction of two two-storey grouped dwellings. An application has been lodged concurrently with this one for the adjoining east lot being No. 66 (Lot 202) for demolition of the existing single house and construction of two two-storey grouped dwellings.

The proposal generally complies with the Residential Design Codes (R Codes) and the Town of Vincent Town Planning Scheme No. 1 and Policies, with the exception of the above non-compliances.

**CONSULTATION/ADVERTISING:**

The proposal has been advertised and no submissions were received from the adjoining residents.

**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:**

**Demolition**

Independent heritage assessments for each of the subject properties as required by the Town's Policy relating to Heritage Assessment are included as an appendix to this report.

The assessment format and commentary deviates from the standard commonly used by the Town, however it is considered that the essential elements are contained in the documentation as required by the Town's Policy.

In summary, Nos.66 and 68 (Lots 202 and 201) Burt Street were constructed circa 1900 of timber and iron. They retain a high level of authenticity because of the extent of original materials. They are small in scale, being 2 and 3 rooms respectively, with various rear skillion additions.

According to the assessment provided, No.66 (Lot 202) Burt Street has a high degree of authenticity, some aesthetic value (although this is not qualified), is included on the Interim Heritage Database and is speculated to have been built by Henry Rance, a tinsmith based in Subiaco in circa 1900. It is described as being in poor to bad condition.

According to the assessment provided, No.68 (Lot 201) Burt Street also has a high degree of authenticity, some aesthetic value (although not qualified), is included on the Interim Heritage Database and is speculated to have been built by Henry Rance, a tinsmith based in Subiaco in circa 1900. It is described as being in poor condition.

The assessments identify a level of aesthetic value for each of the subject properties, however *"the condition of the property is poor to bad and this detracts from the advantage of aesthetic consideration as the materials within the cottage are not worth preserving"*.

In light of the above, it is recommended that approval be granted for the demolition of the existing dwelling, subject to the provision of detailed archival documentation being submitted to and approved by the Town prior to the issue of the Building or Demolition Licence, whichever comes first.

**Unit 1 Setbacks**

The proposal involves variations to the setbacks of unit 1. One variation effects the internal east boundary of the development and is therefore not considered to pose an undue negative impact to an external adjoining neighbour. The reason the east boundary is considered an internal boundary is due to the owner's intention to amalgamate the subject lot and the adjoining east lot. The applicant has provided the following statement in relation to variations affecting internal boundaries of the development.

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*"Internal setbacks to the proposal will not affect adjoining properties and has no adverse affect of overshadowing to internal proposal. Whoever is buying is accepting the level of amenity in terms of setbacks."*

The remaining two setback variations are related to the west side of the development relating to the ground floor and the first floor. The ground floor setback varies from the requirement by a maximum of 0.5 metre. Given the minor nature of the variation and no objection received, the ground floor setback is considered supportable.

The first floor setback relates to bed 3, bed 2, bath, ensuite and bed 1. No major windows have been proposed on the west side to prevent the possibility of overlooking to the west neighbour. Whilst the setback does not comply with the requirement, it is considered that a suitable clearance has been achieved and is not deemed to cause any undue negative impact to the amenity of the adjoining neighbour. Furthermore, no undue overshadowing results from the setback variation due to the orientation of the lot and no objection has been received in relation to the variation. The setback variation is therefore considered to be acceptable and therefore supported.

### **Unit 2 Setbacks**

Proposed unit 2 consists of three setback variations relating to the internal boundary of the development on the eastern side and southern side. This is not considered to cause undue detriment to the amenity of external adjoining neighbours. Therefore, on this basis, the setback variations relating to the east side of unit 2 are considered acceptable and supported.

The proposal seeks a variation to the ground floor on the west of the development. A slight portion of the west elevation does not comply with the 1.5 metre requirement. The garage and store are setback 1 metre from the boundary. Whilst this represents a variation it is considered that the clearance maintained from the boundary is at an acceptable distance and is not deemed to pose a negative undue impact to the west adjoining neighbour. The variation is single storey in nature and no objection has been received. Therefore, the variation is considered to be acceptable and supported.

### **Privacy Setback**

The proposed balcony of unit 1 does not comply with the setback requirement of 7.5 metres to the boundary as stipulated in the Residential Design Codes. Overlooking is gained into the west adjoining lot from the west facing side of the balcony. The applicant has provided the following statement in relation to this variation.

*"Balconies to units 1 and 4 will have screening to the east of unit 4 balcony (1.8 meters high) and to the west of unit 1 balcony (1.8 metres high)"*

A condition should be applied in the Officer Recommendation to address the screening of the balcony consistent with the applicant's willingness to address potential overlooking.

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

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**10.1.11 Nos. 411-415 (Lot 100, Strata Lots 4, 5 and 6) William Street, Perth – Application for Retrospective Planning Approval for Roller Doors to Existing Non- Residential Building**

<b>Ward:</b>	South	<b>Date:</b>	16 February 2004
<b>Precinct:</b>	Beaufort, P13	<b>File Ref:</b>	PRO1228; 00/33/1989
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	L Mach		
<b>Checked/Endorsed by:</b>	D Abel	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by L Lun on behalf of the owner E Tank for retrospective Planning Approval for roller door to existing non-residential building at No. 411 (Lot 100, Strata Lot 4 ) William Street, Perth, and as shown on plans stamp-dated 16 December 2003, for the following reasons:*
  - (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
  - (b) *the non-compliance with the requirements of the Town's Policies relating to Security Roller Shutters, Doors and Grilles on Non Residential Buildings; and*
  - (c) *consideration of the objection received;*
- (ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by L Lun on behalf of the owner E Tank for retrospective Planning Approval for roller doors to existing non- residential buildings at Nos. 413 and 415 (Lot 100, Strata Lots 5 and 6) William Street, Perth, and as shown on plans stamp-dated 16 December 2003, subject to:*
  - (a) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
  - (b) *the existing roller door at No. 413 (Lot 100, Strata Lot 5) shall remain visually permeable with a minimum 50 per cent visual permeability when viewed from the street; and*
  - (c) *a planning application shall be submitted to and approved by the Town prior to any modifications being undertaken to the roller doors;*

*to the satisfaction of the Chief Executive Officer; and*
- (iii) *the Council ADVISES the owner and occupier of No. 411 (Lot 100, Strata Lot 4) William Street, Perth, that the unauthorised roller door at No. 411 (Lot 100, Strata Lot 4) William Street, Perth, shall be removed within fourteen (14) days of notification, and the Council AUTHORISES the Chief Executive Officer to continue legal proceedings to remove the unauthorised roller door should the roller door remain.*

**LANDOWNER:** E Tank  
**APPLICANT:** L Lun  
**ZONING:** Metropolitan Region Scheme - Urban  
 Town Planning Scheme No.1 - Commercial  
**EXISTING LAND USE:** No. 411(Lot 100, Strata Lot 4) William Street- Office  
 No. 413(Lot 100, Strata Lot 5) William Street- Restaurant  
 No. 415 (Lot 100, Strata Lot 6) William Street- Shop

**COMPLIANCE:**

Use Class	Office Building, Eating House, Shop
Use Classification	'P'
Lot Area	464 square metres

Requirements	Required	Proposed
Security Roller Doors	Visually permeable with a minimum of 50 per cent visual permeability.	Existing non permeable roller doors at Nos. 411 and 415 William Street

**SITE HISTORY:**

The subject site is occupied by a series of retail/commercial properties.

- 22 October 2003      A site inspection was carried out by an Officer from the Town's Planning and Building Services Section, in response to complaints about the construction of three (3) roller door structures, which have been attached to the front facade of the subject building facing William Street.
- A search of the Town's records has revealed that no Planning Approval or Building Licence has been granted for the roller doors on the property.
- 17 November 2003      The Town served Planning and Building Notices to the owner, requiring removal of the roller doors.
- 15 December 2003      The Town received a copy of notice of appeal to the Department of Housing and Works.
- 22 December 2003      The Town responded to the appeal to the Department of Housing and Works.
- 2 January 2004          The Town received subject planning application.

**DETAILS:**

The applicant seeks retrospective Planning Approval for three existing roller doors, which fronts William Street. The applicant has provided the following information in support of the application.

*"..it is our strong belief that these roller-doors prevent vandalism and burglary at my properties.....The burglaries and destruction of property have not only interfered with business operation but have also substantially increased the cost of insurance for the premises..."*

[in relation to security grills installed at Nos. 451 and 414 William Street]... *I would question whether the use of such measures would "promote openness" and give visitors/tourists a sense of safety. This method of security is very visible at all hours, including the normal operating hours and does not promote any openness. On the other hand, roller- doors are only visible at night and this is when William Street is very quiet with little pedestrian traffic. During regular operating hours the roller doors are not visible and have no impact on the streetscape.*

*411 William Street - BTL Architects - I advise that the current tenant, BTL Architects occupied the premises starting from August this year (2003), the previous tenant operated as a Laundromat. Based on my insurance record this Laundromat was vandalized and [has] had the glass doors shattered outside operating hours, twice during the period 01 January 2003 until April 2003(within a 4 month period). The current tenant operates as an architectural office and as such contains expensive computer and office equipment. The roller- shutter door was installed prior to the commencement of business and as such this tenant has yet to be the victim of any burglary... The roller- shutter that has been installed is very streamline and hidden from view of the public (hidden under the awning in a colour coded box) during the normal operating hours. The shutter would only be used after 8pm on most days and so would not be obvious from the street during the night especially given the shutters are a dark colour. Please also note that the street frontage of this property is only 2.3 metres and would thus have very little impact on the streetscape...*

*413 William Street - The Red Teapot- This tenant was also burgled within the first month of trading prior to the installation of their roller door... The Red Teapot has also have and continues to have problems with theft of alfresco dining chairs during operating hours, problems of troublemakers asking for food and money from the premises and alfresco diners being troubled by troublemakers asking for cigarettes, money, food and alcohol. In addition to these documented cases of crime, there is also petty crime such as spray paint graffiti, graffiti by way of scratching of glass windows and doors. The roller door that has been installed is made of clear polycarbonate and as such meets both requirements (1) and (2) as set out the policy no.3.5.15...*

*415 William Street - Centurion Seafood- I would also like to advise that 415 has been broken into twice during this year (2003) alone. This happened despite the fact the store is secured with a 24 hour monitored alarm, has surveillance cameras, has security grills on all three side windows, has a security door and dead bolt at the back access door and a roller door at the front of the store. The roller door has no doubt impeded more attempts at burglary, but in the event the roller door is removed there will be an extremely high chance that the store would be burgled with access to the front... As a matter of fact, all the grocery/food retail stores on William Street between Brisbane Street and Newcastle St. hide their produce behind either security bars, or use the back of shelving grids to protect their goods, or cover the windows to obscure viewing the interior. I do not believe that such practice enhance the streetscape or promote a sense of openness, however in the event that this application of installation of a rollerdoor is rejected the owners of this seafood store would have any other choice than to join the other stores and add unsightly steel bars and stop displaying their goods in a open matter. It is worth noting that Centurion Seafood is the ONLY store in this section of William Street that actually has an open window display.*

*Please also not that this business installed the roller doors at the commencement of their business in 1997 prior to Planning and Building Policies as of December 2002.*

*Given the high level of crime, the store owners on this street have little choice but to protect themselves by installing roller shutters, roller doors and other preventative security, measures. It is very difficult to operate a business safely on this quiet end of William Street, due to low level of street lighting and police patrols.... We also believe that roller doors provide a better aesthetics look to the properties than other options such steel grilles or security bars..."*

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### **CONSULTATION/ADVERTISING:**

The proposal has been advertised and one (1) written submission was received by the Town. The submission was from the shop owner next to the subject property who raised strong objections over the number roller doors in William Street, stating they were "*ugly, factory feel, very awful at night time (and) unfriendly..*"

A petition with 14 signatures was tabled at the Ordinary Meeting of Council held on 10 February 2004. The petition was signed by various businesses along William Street, Perth. The petition requested the Council to review the Policy 3.5.15 relating to Security Roller Shutters, Doors and Grilles on Non Residential Buildings to allow for opaque roller doors. The main reasons were that the roller doors provided security to properties due the general increase in levels of crime, vandalism and graffiti and significant increases in insurance premiums.

The Town's Officers have also discussed the issue of roller doors insurance with the Insurance Council of Australia Ltd who have verbally advised as follows:

- That roller doors and the like are an area of concern, when it came to issues associated with insurance for particular properties.
- There is significant pressure on available insurance for commercial properties.
- Similar problems are faced by other local governments, with particular reference to streetscape and commercial premises.
- Stores classed as 'high risk' are sports, jewellery, photographic, which had particular road access and susceptible to 'ram raid' and other anti-social behaviour, and in some precincts are un-insurable, without particular security measures being taken.
- The biggest concern is at night where there is a need for stores to have secure and solid protection.
- Generally there is no differentiation with insurers in terms of the type of roller door, whether it be 20, 50 or 100 per cent solid.

### **COMMENTS:**

William Street is dominated by non residential development, of which the facades of these buildings provide active interaction and visual amenity with the streetscape.

The Town's Policy relating to Security Roller Shutters, Doors and Grilles on Non Residential Buildings, which applied as from 11 June 2002 and adopted on 10 September 2002, states the following:

*" The Town of Vincent may allow the installation of security roller shutters, doors grilles and the like on facades of non-residential buildings facing streets provided that:*

- 1) *the selected security screen is to be visually permeable with a minimum 50 per cent visual permeability when viewed from the street; and*
  - 2) *the selected security screen is to be designed as an integral part of the design and/or existing form of the building."*
-

The existing roller door at No.411 William Street is considered to be non-compliant with the Policy and is not considered to commensurate with the realistic needs of the business. The roller door is considered to have an unreasonable adverse impact on the amenity and streetscape of the area as it substantially prevents visual permeability and hence active interaction between the premises and the adjacent streetscape. Consequently, this variation to the Town's Policy is not supported, and it is recommended that the roller door be refused and the Town undertake further action to ensure the unauthorised roller door is removed.

As the existing roller door at No.413 William Street is made of clear polycarbonate, it is considered to be compliant with the Town's Policy and is not considered to have undue impact on the streetscape and amenity of the surrounding area. Accordingly, it is recommended that the roller door at No. 413 William Street be conditionally approved.

With regards to the existing roller door at No.415 William Street, it is noted that in accordance with the Local Government Act 1995, section 9.25 (2), "Time Limit for Prosecutions", in order to take legal action to have any roller shutter removed, it is necessary for the Town to adequately prove that the structure is less than two year old. The applicant has provided documentation indicating that the roller door had been installed in late 1997. These documentations include an invoice from "Katiola P/L" dated 16 July 1997 for the installation of the roller door and an invoice from "DNQ Graphic Signs Ballajura" dated 22 October 1997 for signage (vinyl graphics) to the roller door.

In light of the above and in consideration that the roller door was installed before the Policy in relation to roller doors was adopted, it is recommended that the roller door at No.415 William Street be given conditional approval.

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**10.1.12 No. 15 (Lot 29) Raglan Road, Mount Lawley – Proposed Partial Demolition of, and Alterations, Additions, Carport and Workshop to Existing Single House**

<b>Ward:</b>	South	<b>Date:</b>	16 February 2004
<b>Precinct:</b>	Norfolk, P10	<b>File Ref:</b>	PRO2615; 00/33/1977
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	P Mastrodomenico		
<b>Checked/Endorsed by:</b>	D Abel	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner A M Bruechert for proposed partial demolition of, and alterations, additions and workshop to existing single house at No. 15 (Lot 29) Raglan Road, Mount Lawley, and as shown on plans stamp-dated 8 December 2003, subject to:*
- (a) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
  - (b) *subject to first obtaining the consent of the owners of No. 11 Raglan 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. 11 Raglan Road in a good and clean condition;*
  - (c) *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 Raglan 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;*
  - (d) *detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building Licence application;*
  - (e) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
  - (f) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*

- (g) *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;*
  - (h) *the construction of crossovers shall be in accordance with the Town's specifications;*
  - (i) *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;*
  - (j) *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;*
  - (k) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
  - (l) *prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating the workshop being setback a minimum of 1.0 metre from the right of way. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
  - (m) *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;*
  - (n) *the workshop structure shall not be used for habitable, commercial or industrial purposes; and*
  - (o) *no plumbing or sanitary facilities or fixtures shall be provided to, or within, the workshop structure without the prior approval of such by the Town;*
- to the satisfaction of the Chief Executive Officer; and*
-

(ii) *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 the owner A M Bruechert for proposed carport to existing single house at No. 15 (Lot 29) Raglan Road, Mount Lawley, and as shown on plans stamp-dated 8 December 2003, 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 Policies relating to Street Setbacks and Vehicular Access.*

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

**COMPLIANCE:**

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

Requirements	Required	Proposed
Location of and Vehicular Access to Car Parking	Vehicular Access and car parking to be accessible from existing right of way where (legally) available.	Vehicular access/carport is proposed from primary street within the front setback area.
Setbacks		
East (workshop)	1.0 metre	Nil
South (workshop)	1.0 metre	Nil
West (extension and carport)	1.0 metre	0.69 metre

**SITE HISTORY:**

The site is occupied by a single storey single house. A privately owned right of way exists to the rear of the lot. The right of way is sealed and has a width of 4.0 metres.

**DETAILS:**

The applicant seeks approval for extensions to the existing property including a workshop to the rear and a carport to the front of the existing single house.

**CONSULTATION/ADVERTISING:**

The application was not subject to advertising as the adjacent affected landowners have signed off the plans.

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

**Setbacks**

The variations to setbacks to the east (workshop) and the west (extension) are considered minor as there are no major openings overlooking the neighbouring properties. No objections were received, as such the variations are not considered to unduly impact the amenity of the affected neighbours. The setback to the right of way has been conditioned to be setback 1.0 metre in accordance with the Town's requirements.

**Carport**

The Town's Policies relating to Street Setbacks and Vehicular Access does not permit vehicular access and car parking from the front of a property where there is opportunity to utilise the right of way. In this case, there is opportunity for vehicular access and car parking directly from the right of way. The intent of the Town's Policies is to maintain the front aspect of the existing house and to preserve the general streetscape, while promoting safety and security via casual surveillance of both the street and the right of way. The proposed carport fronting and accessed from Raglan Road is considered to depart from the relevant requirements of the Town's Policies. This variation is therefore not supported.

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**10.1.13 No.159A (Lot 3) Scarborough Beach Road, Corner Flinders Street, Mount Hawthorn- Application for Retrospective Planning Approval for Roller Doors to Existing Shop**

<b>Ward:</b>	North	<b>Date:</b>	17 February 2004
<b>Precinct:</b>	Mouth Hawthorn Centre, P 2	<b>File Ref:</b>	PRO 2601; 00/33/2071
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	R Rasiah		
<b>Checked/Endorsed by:</b>	D Abel	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by Binocular Telescope and Optical World on behalf of owners J and AS Ariti for retrospective Planning Approval for roller doors to existing shop at No. 159A (Lot 3 ) Scarborough Beach Road, corner Flinders Street, Mount Hawthorn, and as shown on plans stamp-dated 13 February 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 requirements of the Town's Policy relating to Security Roller Shutters, Doors and Grilles on Non Residential Building; and*
- (ii) *the Council advises the owner and occupier of No. 159A (Lot 3) Scarborough Beach Road corner Flinders Street, Mount Hawthorn, that the unauthorised roller doors at No. 159A (Lot 3) Scarborough Beach Road corner Flinders Street, Mount Hawthorn, Mount Hawthorn, shall be removed within fourteen (14) days of notification, and the Council AUTHORIZES the Chief Executive Officer to continue legal proceedings to remove the unauthorised roller doors should the roller doors remain.*

**LANDOWNER:** J and AS Ariti  
**APPLICANT:** Binocular Telescope and Optical World  
**ZONING:** Metropolitan Region Scheme-Urban  
 Town Planning Scheme No.1-District Centre  
**EXISTING LAND USE:** Shop

**COMPLIANCE:**

Use Class	Shop
Use Classification	'P'
Lot Area	496 square metres

<b>Requirements</b>	<b>Required</b>	<b>Proposed</b>
Policy relating to Security Roller Shutters, Doors and Grilles on Non Residential Buildings	Visually permeable with a minimum of 50 per cent visual permeability	Existing roller doors with less than 50 percent visual permeability.

**SITE HISTORY:**

- 17 November 2003      The owners of the subject property were issued Notices under section 10 of the Town Planning and Development Act and clauses 51 and 53 of the Town's Town Planning Scheme No. 1, and section 401 (1) (c) of the Local Government (Miscellaneous Provisions) Act 1960, requiring removal of the unauthorised roller doors at the above site.
- 08 December 2003      An appeal was filed with the Town Planning Appeal Tribunal (TPAT) against the Planning Notice issued by the Town.
- 16 January 2004      A directions hearing was held giving orders adjourning the appeal to a further directions hearing on 20 February 2004.
- 5 February 2004:      Notice (Written Direction) under section 10 of the Town Planning and Development Act was reissued due to changes to Planning Legislation that mainly required the appeal period to be increased from 28 days to 60 days.

**DETAILS:**

The applicant seeks retrospective Planning Approval for existing unauthorised roller doors, which fronts Scarborough Beach Road and Flinders Street. The applicant has submitted the following information (attached) in support of the application, which is summarised as follows:

- Due to numerous break to the premises, insurance companies are no longer prepared to insure the business.
- Security cameras have been installed inside some of the windows to further secure the business.
- Elders Insurance Company has offered to insure the business provided that security shutters were installed.
- Prior to the installation, Town of Vincent Officers were contacted as to whether planning permission was needed. The advice received was that no approval was required if the roller shutters complied with the 50 per cent visual permeability requirements.
- The roller shutter are mechanically operated and are open for an average of 12 hours each Tuesday, Wednesday and Thursday, and 9 hours each on Monday and Friday, and 6 hours on Saturday.
- The see through diamond shaped openings would be well in excess of the 50 per cent opening requirements.
- Other types of roller shutters were looked at, but were considered as unsightly and dangerous.
- If unable to insure the business, it will be forced to close doors.
- Business has been in operation for a number of years and attracts many clients in the evenings, plus charity nights for raising funds for the Starlight Children's Foundation of Australia.
- Prepared to remove the roller shutters if the Town of Vincent was prepared to offer insurance at the rate offered by Elders Insurance.

The applicants on 17 February 2004 have advised the Town's Officers that they are prepared to change the roller doors to have openings for the whole surface of the roller doors similar to the current openings, which generally cover one third of the roller doors.

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### **CONSULTATION/ADVERTISING:**

The application and the Notices issued to the owners of the above site has attracted considerable media attention. As the matter is to be determined by the Council, advertising has not been undertaken.

The media attention and coverage given for the above unauthorised roller doors has also resulted in numerous written submission being received by the Town for and against the above issue.

Twenty Nine (29) submissions were received in support of the installed roller doors, the main reasons and comments provided are summarised below:

- Council should be concerned with helping affected shop owners.
- Council should grant approval retrospectively.
- Concerns with the reflection of such an issue upon local government.
- The area would not be utilised at night for window shopping.
- Concern for the shop owners' financial security and safety, with regard to compliance fines as well as numerous break in and insurance costs.
- Concern with the type of crime associated with 'shop break ins'.
- Shop owners should have the ability to protect their stores by any measure they see fit.
- Belief that the Council is 'hounding' the shop owner, and being 'heavy handed'.
- Council should not be worried about the visual aesthetics of the roller doors.
- Council should be concerned with encouraging business to operate and stay within the Town.
- Visually permeable roller doors will encourage crime.
- The Town should look at alternative solutions to the above mentioned situation.
- Concern that the Town had forgotten it rate payers.
- Council should positively help victims of crime.
- Protection of business interests should be paramount.
- The roller shutters are of a clean and neat nature.

Three (3) submissions were received in opposition of the solid roller doors, with the main reasons and comments summarised below:

- The use of solid roller doors creates an atmosphere of oppression and discourages window shopping.
- Encouragement of the community to use local streets via visually permeable roller doors reduces crime.
- Compliance to the Town's Policies should be adhered to.

Other general comments made are as follows:

- Suggestion that roller shutters could automatically close after 9pm.
  - Encouragement of attractive advertising.
  - Staff and public protection in regard to advice given.
  - Encouragement of strategies for a safer community.
  - Concern with the crime rate within the Town, whilst aiming to retain 'pleasant' streetscapes.
  - Extent of Council's power, in determining such issues.
  - Belief that bureaucracy had a large factor in the issue.
  - Council is not providing a safe environment and high-quality management to its ratepayers.
-

The Town's Officers have also discussed the issue of roller doors insurance with the Insurance Council of Australia Ltd who have verbally advised as follows:

- That roller doors and the like are an area of concern, when it came to issues associated with insurance for particular properties.
- There is significant pressure on available insurance for commercial properties.
- Similar problems are faced by other local governments, with particular reference to streetscape and commercial premises.
- Stores classed as 'high risk' are sports, jewellery, photographic, which had particular road access and susceptible to 'ram raid' and other anti-social behaviour, and in some precincts are un-insurable, without particular security measures being taken.
- The biggest concern is at night where there is a need for stores to have secure and solid protection.
- Generally there is no differentiation with insurers in terms of the type of roller door, whether it be 20, 50 or 100 per cent solid.

**LEGAL/POLICY:**

Town Planning Scheme No.1 and associated Policies.

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

Scarborough Beach Road is dominated by non residential development, of which the facades of these buildings provide active interaction and visual amenity with the streetscape.

The Town's Policy relating to Security Roller Shutters, Doors and Grilles on Non Residential Buildings, which applied as from 11 June 2002 and adopted on 10 September 2002, states the following:

*" The Town of Vincent may allow the installation of security roller shutters, doors grilles and the like on facades of non-residential buildings facing streets provided that:*

- 1) *the selected security screen is to be visually permeable with a minimum 50 per cent visual permeability when viewed from the street; and*
- 2) *the selected security screen is to be designed as an integral part of the design and/or existing form of the building."*

In relation to comments raised regarding social issues, it is viewed that these are of a wider nature and scope and cannot be fulfilled within the parameters of this Report.

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The proposed compromise by the applicants to replace the existing roller doors with openings similar to the existing openings would result in approximately 22 per cent visual permeability, which still does not comply with the 50 per cent visual permeability requirements of the Town Policy as above, and as such is not supported.

The existing roller doors at No.159A Scarborough Beach Road is considered to be non-compliant with the Town's Policy and is not considered to commensurate with the realistic needs of the business. There are other methods available to secure a business property while complying with the Town's Policy. Examples of these appropriate security measures can be found in Perth and other inner Metropolitan areas, where grill bars have been internally installed to jewellery, liquor shops, electrical stores and even gun shops. Even 'high risk' service stations have not installed roller doors to protect their businesses.

The unauthorised roller doors are considered to have an unreasonable adverse impact on the amenity and streetscape of the area as it substantially prevents visual permeability hence active interaction between the shop and the adjacent streetscape. Consequently, this variation to the Town's Policy is not supported and it is recommended that the roller doors be refused and that the Town undertake further action to ensure that the unauthorised roller doors are removed.

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**10.1.14 No. 128 (Lot 101) Alma Road, North Perth – Proposed Two-Storey Single House**

<b>Ward:</b>	South	<b>Date:</b>	16 February 2004
<b>Precinct:</b>	Norfolk P10	<b>File Ref:</b>	PRO2590 ; 00/33/1943
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	S Turner		
<b>Checked/Endorsed by:</b>	D Abel	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by Brent Shulman Architects on behalf of the owner V & J Shulman, for a proposed two-storey single house at No.128 (Lot 101) Alma Road, North Perth, as shown on the plans stamp-dated 19 November 2003, 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 front setback requirements of the Residential Design Codes and the Town's Policy relating to the "Alma" Locality Plan.*

**LANDOWNER:** V and J Shulman  
**APPLICANT:** Brent Shulman Architects  
**ZONING:** Metropolitan Region Scheme - Urban  
 Town Planning Scheme No. 1 - Residential R40  
**EXISTING LAND USE:** Vacant

**COMPLIANCE:**

<b>Requirements</b>	<b>Required</b>	<b>Proposed</b>
Front Setback - Ground floor	4.0 metres	3.0 metres to main building 3.5 metres to garage 2.0 metres to porch
Upper floor	6.0 metres	3.0 metres to main building 2.0 metres to cantilever balcony
East Side Setback - Upper Floor	1.5 metres	1.2 metres
Setbacks for Privacy - Balcony to west	7.5 metres	1.6 metres (neighbours written consent provided)

Use Class	Single House
Use Classification	"P"
Lot Area	250 square metres

**SITE HISTORY:**

The zoning of this area (R40) allows for traditional lots, which have frontage to Forrest Street and Alma Road to be subdivided, creating smaller lots. A number of properties have already undergone subdivision, such as the subject property. The property is a vacant site with a frontage of 13.44 metres to Alma Road and a depth of 18.6 metres.

**DETAILS:**

The applicant seeks approval for a two-storey single house with variations to the front setback of the dwelling. The garage is proposed to be setback 3.5 metres, the main dwelling setback is at 3.5 metres, with a section setback at 3.0 metres and the porch setback at 2.0 metres. The upper level is proposed to be setback at 3.0 metres to 3.5 metres to the main dwelling and 2.0 metres to the balcony. The proposal does not comply with the acceptable development standards of the Residential Design Codes (R-Codes) and the Town's Policies in terms of the front setback.

**CONSULTATION/ADVERTISING:**

The proposal has not been advertised to neighbouring property owners as the applicant submitted written consent from the affected adjoining property owners at the time of application.

**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:**

**Nature of Development**

The proposal is for a two-storey single house. The proposal includes variations to the front setback requirements of the R-Codes and the Town's Alma Locality Plan Policy. The proposal also includes a minor setback variation to the east upper level.

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### **Setbacks**

#### Front - Ground Floor

The proposal includes the main building being setback at 3.5 metres with a section of the wall at a 3.0 metre setback. A porch is also proposed to be setback at 2.0 metres. The R-Codes require a front setback of 4.0 metres and allow for a porch and balcony to project not more than one metre into the building setback area, provided that the total of such projections does not exceed 20 per cent of the frontage at any level. 20 per cent of the frontage of the property equates to 2.6 metres. Both the porch and the balcony comply with the 20 per cent requirement as they are 2.2 metres in width and 2.4 metres in width respectively. The proposed front setback variations do not comply with the acceptable development standards of the R-Codes in that they project further forward than that permitted and are therefore not supported as it is considered that they would result in undue negative impact upon adjoining properties and the streetscape.

#### Front - Upper Floor

The Town's Alma Locality Plan Policy requires the upper floor of dwellings to be setback 6.0 metres from the front boundary. The R-Codes however permit the upper storey to have a setback of 4.0 metres. The applicant seeks a variation to the upper floor setback from 6.0 metres to between 3.0 to 3.5 metres for the main building and 2.0 metres to the balcony. The variation is not considered supportable as the application of the Policy has been applied consistently with new development proposals. In this particular instance the design does not provide visual relief, which is considered to be directly resultant from the proposed reduced upper floor setbacks, thus creating a two-storey building that negatively impacts on the streetscape in terms of building bulk. A relaxation of the Policy would set an undesirable precedent that may result in building forms that negatively impact on the streetscape.

#### East Setback

The upper floor eastern side setback variation is of a minor nature, from 1.5 metres to 1.2 metres, which is not considered to unreasonably affect the amenity of neighbouring property. The neighbouring property owner has provided a written consent for the variation. This minor variation is considered acceptable.

### **Submission by Applicant**

In support of the proposal the applicant has submitted further information including a number of photographs of existing residences along Alma Road that have been constructed with reduced front setbacks. This detailed information is included as an attachment to this report, however the main point can be summarised as follows:

- The proposed setbacks for the residence, garage and balcony are consistent with the established pattern for newer developments undertaken in the street where similar green title lot subdivisions have already taken place i.e. approved building works with similar or lesser setback requirements to the proposal.
  - The existing development already sets a precedent and ideology for the required and perceived streetscape in the street and immediate area (refer to the attached photographic documentation).
  - There is an established pattern of residences / carports / garages / balconies on similar newly subdivided lots within the front setback area. This proposal reflects these completed residences, hence, reflects the pattern of streetscape and setbacks established for this section of Alma Road.
-

In response to the submission by the Applicant it is noted that there are other properties located along Alma Road that have previously been approved with reduced front setbacks. The residences provided as evidence of Council's previous support of reduced front setbacks within this locality were approved prior to the Town's Policies coming into effect on 21 March 2001. The existence of reduced front setbacks does not necessarily set a desirable precedent for a streetscape where there is still a considerable number of properties that have not redeveloped. Reduced setbacks have generally not been supported at an Officer level and therefore consistently recommended for refusal to the Council.

**Conclusion**

In light of the above, it is considered that the proposed front setback variations to the R-Codes and Town's Policies are not supportable as they will negatively impact upon the streetscape and locality. Therefore the proposed two-storey dwelling is recommended for refusal.

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**10.1.15 No. 153 (Lots 18 & 19) Harold Street, Highgate- Proposed Store and Garage Additions to Basement Car Parking of Existing Mixed-Use Development**

<b>Ward:</b>	South	<b>Date:</b>	16 February 2004
<b>Precinct:</b>	Mount Lawley Centre P11	<b>File Ref:</b>	PRO1016
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	J Barton		
<b>Checked/Endorsed by:</b>	D Abel	<b>Amended by:</b>	-

*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 Vespoli Construction on behalf of the owner Barassi Holding Pty Ltd, for the proposed store and garage additions to basement car parking of existing mixed-use development at No. 153 (Lots 18 and 19) Harold Street, Highgate on the plans date-stamped 14 November 2003, for the following reasons:*

- (i) *the proposal 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 requirements of the Town's Policy relating to Parking and Access.*

**LANDOWNER:** Barassi Holding Pty Ltd  
**APPLICANT:** Vespoli Construction

**ZONING:** Metropolitan Region Scheme - Urban  
Town Planning Scheme No. 1 - Commercial

**EXISTING LAND USE:** Grouped Dwellings, Multiple Dwellings, Eating House, Shops and Offices.

**COMPLIANCE:**

<b>Requirements</b>	<b>Required</b>	<b>Proposed</b>
Car Parking	94 bays for the whole mixed-use development	59 on-site bays (previous application provided 60 bays)

Use Class	Grouped Dwelling, Multiple Dwelling, Eating House, Shop, Office Building
Use Classification	"AA", "AA", "P", "P", "P"
Lot Area	2478 square metres

**SITE HISTORY:**

The address of the subject land was formerly No. 524-542 (Lots 18 and 19) Beaufort Street, Highgate.

At an Ordinary Meeting of Council held on 12 October 1998, Council resolved to conditionally approve a mixed-use development on the subject land, which consisted of fourteen (14) multiple dwellings, three (3) grouped dwellings, an eating house, a shop and two (2) offices. However, the approval was subject to certain conditions to address the significant shortfall of on-site car parking bays.

Following is a verbatim copy of the minutes from the above-mentioned meeting, which explains how the car parking variation was supported:

*"Item 11.1.15*

*NOS. 524-542 (LOTS 18 & 19) BEAUFORT STREET CORNER HAROLD STREET, HIGHGATE – PROPOSED MIXED USE DEVELOPMENT CONSISTING OF 14 MULTIPLE DWELLINGS, 3 GROUPED DWELLINGS, AN EATING HOUSE, A SHOP AND 2 OFFICES*

WARD: North Perth  
PRECINCT: Mount Lawley Centre, P11  
FILE REFERENCE: PRO1016 (98/33/0147)  
DATE: 6 October 1998  
REPORTING OFFICER(S): H Coulter  
CHECKED/ENDORSED BY: D Abel, R Boardman  
AMENDED BY: -

RECOMMENDATION:

That;

- (i) further to the Council's resolution of 14 September 1998 in regard to condition (ix) for the application submitted by NEX Architects Pty Ltd on behalf of the landowners Coachwood Nominees Pty Ltd for a mixed use development consisting of 14 multiple dwellings, 3 grouped dwellings, an eating house, a shop and 2 offices on Nos. 524-542 (Lots 18 and 19) Beaufort Street, Highgate, the shortfall of 23.8 bays on the subject land shall be provided by way of a total cash-in-lieu contribution of \$44,744 to be held in a specific cash reserve for the purpose of establishing on-street parking facilities on Harold Street; and
- (ii) the Council give consideration to a Budget Item in the 1999/2000 Budget for the outstanding cost of \$2,256 to provide the 26 perpendicular parking bays on the south-western side of Harold Street as depicted on Drawing No. AI – 98110.

SITE HISTORY:

The application was determined by the Council at its Ordinary Meeting held on 14 September 1998 where it was resolved to approve the application subject to:

- (i) prior to first occupation of the building, the 33 car bays required for residential purposes shall be located as near to the southern access stairs of the basement and clearly marked and signposted for resident's use only;
- (ii) compliance with the relevant Building, Engineering and Environmental Health requirements;
- (iii) prior to the first occupation of the building, [three] (3) bicycle parking rails shall each be provided within the setback area adjacent to the Beaufort Street frontage and within the basement area at locations convenient to the entrance of the commercial sections of the building and to the residential sections of the building, giving a total of [six] (6) rails. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to installation;
- (iv) a detailed landscaping plan in consultation with the Town's Parks Services Section (including a schedule of plant species, the removal and replacement of the existing street trees located on Harold Street adjacent to the subject property and the landscaping and reticulation of the Harold 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 at the applicant's/landowner's expense prior to first occupation of the building and thereafter maintained by the landowner/occupier, at their full expense;

- (v) *Lots 18 &19 shall be amalgamated as generally shown on the approved plans, on new Certificate(s) of Title prior to the issue of a Building Licence;*
- (vi) *any required filling or excavation of the site shall be retained by embankments or walls, details of which are to be submitted and approved prior to the issue of a Building Licence for the respective development;*
- (vii) *no street trees shall be removed without the prior approval of the Manager, Parks Services;*
- (viii) *all car parking bays shall be dimensioned on the working drawings and shall comply with the minimum dimensions specified in accordance with Clause 1.6 of the Residential Planning Codes;*
- (ix) *in accordance with the Town of Vincent Cash-in –Lieu Contribution for Car-Parking policy, the shortfall of 23.80 car bays shall be provided by way of a total cash-in-lieu contribution to be determined at a subsequent meeting;*
- (x) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (xi) *the proposed on-street parking on Harold Street does not form part of this approval and is subject to a separate application to and approval by the Town’s Technical Services Division; and*
- (xii) *the approval and conditions of the Ministry for Planning;*

*to the satisfaction of the Chief Executive Officer.*

**DETAILS:**

*In view of condition (ix) as outlined above, the Town’s Technical Services Division has produced a concept plan depicting the provision of 26 perpendicular on-street parking bays on the south-western side of Harold Street between Beaufort Street and Stirling Street. The cost of providing these bays has been estimated at \$1,807 per bay, a total cost of \$47,000. It is noted that one of the proposed 26 bays will be lost for the provision of a service bay on Harold Street for this development however, this will not reduce the overall cost.*

*The south-western side of Harold Street currently provides 10 parallel parking bays from the corner of Beaufort Street to Stirling Street. As a result of the proposed roadworks, a net increase of 15 bays will be realised.*

*The Council at its Ordinary Meeting held on 29 September 1998 resolved to revoke the Town of Vincent Policy No. 3.1.8 “Cash-In-Lieu Contribution for Car Parking”.*

*Clause (1)(xi) of the previous Town of Vincent Policy No.3.1.8 “Cash-in-Lieu Contribution for Car Parking’ states:*

*“the contribution received from the applicant in lieu of providing the full amount of car parking as required under the Town of Vincent Town Planning Scheme shall be held in a specific cash reserve account for the purposes of acquisition of land for the provision of car parking, or for the upgrading/maintenance of existing Council car parks, or establishing nearby on-street parking facilities...”*

*Clause 143 of the Town Planning Scheme, which is usually used in conjunction with Policy No.3.1.8 only discusses the application of cash-in-lieu in relation to off-street parking facilities. However, it is considered that Clause 40(1) of the Town Planning Scheme, which permits the Council to “grant its approval unconditionally or subject to such conditions as it may deem fit” permits the Council to apply a condition requiring a contribution towards the cost of providing on-street parking facilities in lieu of the applicant providing sufficient off-street parking facilities.*

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*It should be noted that Clause (x) of Policy 3.1.8 previously permitted the applicant to enter into an agreement with the Council to pay the contribution by monthly or quarterly instalments over a period not exceeding five years (subject to interest being payable).*

*It is noted that the Council deferred an application for No. 550 Beaufort Street (within 50 metres of this proposal) which realises a shortfall of 9.2 bays. The application was deferred to allow investigation of parking opportunities in the area.*

*A meeting was held with the respective applicants of the proposals for Nos. 524-542 and No. 550 Beaufort Street where the matter of a cash-in-lieu contribution for the on-street parking was discussed. The applicant for the proposal at Nos. 524-542 Beaufort Street has submitted a facsimile dated 5 October 1998 in this regard:*

*“Following the meeting Friday the 2<sup>nd</sup> October 1998 regarding the proposed parking to Harold Street, Highgate with our Architect Mr Wayne Sankey.*

*We wish to confirm our support in principal regarding the additional street parking as proposed on your sketch plan A1 98990 and presented in the above meeting.*

*We understand our share of the cost associated with the additional parking and street upgrade to be \$34-36,000 (thirty-four to thirty six thousand dollars). We also understand that this would still, in the Council’s view, not resolve all carparking.*

*We would support the above proposal given that no further costs were incurred for parking.*

*If there were to be further costs, we reserve the right to reconsider.”*

*For information, the owner/applicant of the proposal for No. 550 Beaufort Street (refer to Item 11.1.18) has advised the Council that he is willing to contribute a maximum of \$2,000 towards the cost of providing the proposed on-street parking. A cash-in-lieu contribution of \$11,000 for the proposal at No. 550 Beaufort Street was suggested by Council staff at the meeting held with the applicants on 2 October 1998.*

**COMMENTS:**

*In view of the above, the shortfall of 23.8 bays for the development on 524-542 Beaufort Street could be partly resolved by a proportioned calculation for the provision of the proposed 25 bays on Harold Street. As such, the cost of providing 23.8 of the bays on Harold Street would equate to a figure of \$44,744. There would however, be a resultant shortfall of \$2,256 and in terms of parking, a shortfall of 8.8 bays (due to the net increase of 15 bays as discussed above).*

*It is considered that the parking proposal for Harold Street will significantly improve the availability of parking in the area and that the resultant shortfall of 8.8 bays can be supported. The outstanding cost of \$2,256 to provide the parking on Harold Street could be considered by the Council in its Budget estimations for the 1999/2000 Budget.*

**NOS. 524-542 (LOTS 18 & 19) BEAUFORT STREET CORNER HAROLD STREET, HIGHGATE – PROPOSED MIXED USE DEVELOPMENT CONSISTING OF 14 MULTIPLE DWELLINGS, 3 GROUPED DWELLINGS, AN EATING HOUSE, A SHOP AND 2 OFFICES**

*Moved by Cr Ker, Seconded by Cr Bruce*

*That the recommendation be adopted.*

**CARRIED (UNANIMOUS)”**

**DETAILS:**

The applicant proposes to enclose three (3) on-site car parking bays and construct a storage room in the basement.

**CONSULTATION/ADVERTISING:**

Advertising was not considered necessary, due to the minor nature of the proposal, and given that the proposal is not being recommended for approval.

**LEGAL/POLICY:**

Town Planning Scheme No. 1 and associated Policies, and the R-Codes.

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

**Engineering**

The Town's Senior Technical Officer advised that the proposal would result in the reduction of (1) one of the car parking bays in the basement, due to the position of the garage walls. Also, the access door would be obstructed by the parked car as it opens inwards.

**Car Parking Variation**

In light of the significant car parking variation already approved on-site, and given the scale and nature of the existing development, a further reduction in the on-site car parking provisions can not be justified, and is therefore not supported.

**Conclusion**

Given the above, the proposal is considered to create an undue impact on the amenity of the neighbours and the locality. Refusal is therefore recommended.

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**10.1.16 No. 327 (Lot Y34) Stirling Street, Highgate - Proposed Demolition of Existing Single House**

<b>Ward:</b>	South	<b>Date:</b>	12 February 2004
<b>Precinct:</b>	Forrest, P14	<b>File Ref:</b>	PRO0935; 00/33/1997
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	N Edgecombe		
<b>Checked/Endorsed by:</b>	D Abel	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council REFUSES the application stamp-dated 19 November 2003 submitted by the landowners V. Miraldo for the proposed demolition of the existing dwelling on No.327 (Lot 34) Stirling Street, Highgate; for the following reasons:*
  - (a) *the proposal is not consistent with the orderly and proper planning and the preservation of the amenities of the locality by virtue of the demolition of the existing dwelling; and*
  - (b) *the existing place has cultural heritage significance in terms of its historic and representative values;*
- (ii) *the Council ADVISES the landowner that it is prepared to give consideration to a development proposal, which includes the retention and upgrading of the existing dwelling on the site; and*
- (iii) *the Council REFERS the place at No.327 (Lot 34) Stirling Street, Highgate, to the Hocking Planning and Architecture Collaboration for consideration for listing on the Town of Vincent Municipal Heritage Inventory as part of the current review of the Inventory.*

**LANDOWNER:** Miraldo Nominees Pty Ltd.  
**APPLICANT:** V. Miraldo  
**ZONING:** Metropolitan Region Scheme: Urban  
Town Planning Scheme No. 1 -Residential R80  
**EXISTING LAND USE:** Single House  
**LOT AREA:** 592 square metres

**SITE HISTORY:**

The site is occupied by a single storey brick and iron dwelling that was constructed in 1897.

**DETAILS:**

Approval is sought for the demolition of the existing dwelling.

**CONSULTATION/ADVERTISING:**

Demolition applications are not required to be advertised.

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

A detailed Heritage Assessment is contained in the Appendix to this report.

The subject dwelling at No.327 Stirling Street, North Perth is a single storey brick and iron dwelling constructed in c.1897. The place is considered to have *little to some historic significance* as part of the building stock, which arose during the Western Australian Gold Rush period of 1890-1910. The floor plan consists of four bedrooms and a lounge room with a central hallway, under a hipped iron roof. Three chimneys, including the original central chimney remain in situ over the main living area and both fireplaces and wooden mantles remain intact. Some additions and alterations have occurred at the rear of the dwelling as a kitchen was constructed in 1959. Most of the original internal features and fittings remain intact in the main body of the dwelling, including plaster ceiling roses, detailed architraves with architrave blocks and decorative wooden skirting boards approximately 30 centimetres high.

The place has some cultural heritage significance, and meets the threshold for entry into the Town's Municipal Heritage Inventory. It is therefore recommended that the application to demolish the subject place be refused. The landowner should be advised that the Council is prepared to give consideration to a development proposal, which incorporates the retention of the existing dwelling on the site.

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**10.1.17 No. 28 (Lot 401) Carr Street, West Perth – Proposed Demolition of Existing Single House and Construction of Eight (8) Two-Storey Grouped Dwellings**

<b>Ward:</b>	South	<b>Date:</b>	18 February 2004
<b>Precinct:</b>	Hyde Park, P12	<b>File Ref:</b>	PRO0865; 00/33/2035
<b>Attachments:</b>	<a href="#">001</a> <a href="#">002</a>		
<b>Reporting Officer(s):</b>	P Mastrodomenico, N Edgecombe		
<b>Checked/Endorsed by:</b>	D Abel	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by Weststyle Design and Development on behalf of the owner V Izzicupo for proposed demolition of existing single house and construction of eight (8) two storey grouped dwellings at No. 28 (Lot 401) Carr Street, West Perth and as shown on the plans stamp dated 20 January 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;*
- (ii) the non-compliance with the plot ratio requirements of the Residential Design Codes;*
- (iii) the non-compliance with the first floor front setback requirements of the Town's Policy relating to the "Robertson" Locality Plan;*
- (iv) the existing residence has cultural heritage significance in terms of its historic value;*
- (v) the existing former bakery outbuilding has cultural heritage significance in terms of its historic, scientific, rarity and representativeness value; and*
- (vi) consideration of the previous objections received.*

**LANDOWNER:** V Izzicupo  
**APPLICANT:** Weststyle Design and Development  
**ZONING:** Metropolitan Region Scheme: Urban  
Town Planning Scheme No.1: Residential R80  
**EXISTING LAND USE:** Single house

**COMPLIANCE:**

Use Class	Grouped Dwelling
Use Classification	"P"
Lot Area	1333 square metres

<b>Requirements</b>	<b>Required</b>	<b>Proposed</b>
Plot ratio	0.65 (866 square metres)	0.83 (1127 square metres)
Setbacks - Stores - Units 5 and 6 (east) Carport and Store - Unit 3 (east)	1.0 metre  1.0 metre	Nil  Nil
Front first floor- Units 1, 2 and 3	6.0 metres	4.5 metres to terrace and portion of dwelling
Setbacks Unit 6 (north east) (ground floor and first floor)	1.5 metres	1.2 metres
Unit 8 (north west) (ground floor and first floor)	1.5 metres	Nil

**SITE HISTORY:**

The subject site is occupied by a single house, which is proposed to be demolished. The surrounding area is characterised by a mixture of single and two-storey houses. A shop is located directly across the road.

The Council at its Ordinary Meeting held on 2 December 2003 resolved to refuse an application for the demolition of an existing single house and the construction of nine (9) two-storey grouped dwellings. The Council also resolved to refuse an application for the demolition of the existing single house and the construction of seven (7) grouped dwellings is proposed on the adjacent site at No.32 Carr Street.

**DETAILS:**

Approval is sought for the demolition of an existing single house and the construction of eight (8) two-storey grouped dwellings. An application for the demolition of the existing single house on site and the construction of six (6) grouped dwellings is proposed on the adjacent site at No.32 Carr Street. The applicant has stated that they wish to retain No.28 Carr Street and No.32 Carr Street as separate lots and address shared vehicular access and visitor's car parking via a grant of easement.

The applicant has lodged two submissions justifying the proposal, and these are included as attachments to the report.

**CONSULTATION/ADVERTISING:**

The proposal was not required to be readvertised as there are no greater variations to the relevant development requirements, compared to the previous proposal, which was advertised in the past 12 months. There were 3 objections received during the previous advertising period. These included objections from the Hyde Park Precinct Group and the Cleaver Precinct Action Group. The main issues raised included the amount of non compliances with the Residential Design Codes and the Town's Policies, including density, plot ratio, setbacks and car parking.

The applicant has provided a letter of justification outlining reasons to support the variations of the proposed development including, plot ratio and a reduction in the first floor setback, which has been included as an attachment to this report.

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

**Demolition**

A detailed heritage assessment is contained in the Appendix this report.

The subject place at No. 28 Carr Street consists of a dwelling, which has been divided into two separate living quarters; Nos 28 and 28B, and a former bakery outbuilding. The subject dwelling at No. 28 Carr Street, West Perth is a circa 1897 brick and iron building, which has undergone considerable additions and alterations to the original building fabric. Although many of the original internal fixtures and fittings have been removed, the subject dwelling contributes to the streetscape in terms of general form, scale and presentation to the street. The place is considered to have little to some historic significance as part of the late nineteenth and early twentieth century building stock of the Town of Vincent, and is therefore considered to meet the threshold for consideration for entry into the Town's Municipal Heritage Inventory.

In light of the above, it is recommended that the application for the demolition of the existing dwelling be refused.

The former bakery outbuilding is located at the rear of the subject dwelling and is associated with No. 28B Carr Street. The former bakery was operational between 1932 and 1936/37. The brick and corrugated iron outbuilding consists of a central room under a hipped roof containing two commercial sized ovens, separated by a 'firebox'. A large triangular shaped iron exhaust hood is suspended above one of the ovens.

The former bakery outbuilding is not listed on the Town of Vincent Municipal Heritage Inventory or the Interim Heritage database, however it is considered to have some cultural heritage significance. The former bakery is representative of small bakeries operating in residential areas in the inter-war period. It is considered rare that such a facility remains in situ in the Town of Vincent. The former bakery has historic value as a 1930s food manufacturing facility and scientific value for its ability to yield information concerning the development of the baking industry, bread oven design, bread-making methods and delivery in the Town of Vincent area in the inter-war period. It is therefore considered to meet the minimum criteria for consideration of entry into the Town's Municipal Heritage Inventory.

In light of the above, it is recommended that the application be refused for the demolition of the existing former bakery outbuilding.

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**Plot Ratio**

The Residential Design Codes requires a plot ratio of 0.65 (866 square metres). The development proposes a plot ratio of 0.83 (1127 square metres) and, as such, the increase in plot ratio is considered to increase the overall bulk and scale of the development. The existing dwelling on the subject site is proposed to be demolished. The Town does not generally support an increase in plot ratio on vacant land, as is considered to add unnecessary bulk and scale to the development, and as such the increase to plot ratio is not supported.

**Primary Street Setback**

The Town's Policy relating to the "Robertson" Locality Plan requires a front first floor setback of 6.0 metres. The development proposes a minimum first floor setback of 4.5 metres. As the site will be vacant the proposal should be setback in accordance with the Town's requirements. The proposal does not comply with the Town's requirements and would unduly adversely affect the amenity and streetscape of the area, and, as such, is not supported.

**Setbacks (Stores)**

The setback variations to the north eastern/western boundaries (stores to Units 5 and 6) and the carport and store to Unit 3 are considered minor as they are single storey in height. As such, they are not considered to unduly impact the amenity of the affected neighbours.

**Setbacks (north east)**

The applicant has stated that they are prepared to amend the setbacks to ground and first floor to comply with the Town's requirements.

**Setbacks (north west)**

The proposed nil setback to Unit 8 is considered minor and is not considered to affect the amenity of the surrounding area as it is an internal boundary.

**Summary**

The proposal is considered to depart from the relevant requirements of the Residential Design Codes and the Town's Policies. The variations on the basis above are not supported and given the heritage significance of the existing buildings, it is therefore recommended that the application be refused.

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**10.1.18 No. 32 (Lot 402) Carr Street, West Perth – Proposed Demolition of Existing Single House and Construction of Six (6) Two-Storey Grouped Dwellings**

<b>Ward:</b>	South	<b>Date:</b>	18 February 2004
<b>Precinct:</b>	Hyde Park,P12	<b>File Ref:</b>	PRO 2491; 00/33/2034
<b>Attachments:</b>	<a href="#">001</a> <a href="#">002</a>		
<b>Reporting Officer(s):</b>	P Mastrodomenico, N Edgecombe		
<b>Checked/Endorsed by:</b>	D Abel	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by Weststyle Design and Development on behalf of the owners B and M Ricciardello for proposed demolition of existing single house and construction of six (6) two-storey grouped dwellings at No. 32 (Lot 402) Carr Street, West Perth and as shown on the plans stamp dated 20 January 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;*
- (ii) non-compliance with the plot ratio requirements of the Residential Design Codes;*
- (iii) non-compliance with the first floor front setback requirements of the Town's Policy relating to the "Robertson" Locality Plan; and*
- (iv) consideration of the objections received.*

**LANDOWNER:** B and M Ricciardello  
**APPLICANT:** Weststyle Design and Development  
**ZONING:** Metropolitan Region Scheme: Urban  
 Town Planning Scheme No.1: Residential R80  
**EXISTING LAND USE:** Single house

**COMPLIANCE:**

Use Class	Grouped Dwellings
Use Classification	"P"
Lot Area	1012 square metres

<b>Requirements</b>	<b>Required</b>	<b>Proposed</b>
Plot ratio	0.65 (657.8 square metres)	0.80 (816 square metres)
Setback - Stores - Units 1, 2, 3 and 4 (west)	1.0 metre	Nil
Carport - Unit 1 (west)	1.0 metre	Nil
Front first floor - Units 1 and 2	6.0 metres	4.5 metres to terrace and ensuite of dwelling
Unit 5 (north-west) (ground and first floor)	1.5 metres	1.2 metres
Unit 6 (north-east) (ground floor and first floor)	1.5 metres	Nil

**SITE HISTORY:**

The subject site is occupied by a single house, which is proposed to be demolished. The surrounding area is characterised by a mixture of single and two-story houses. A shop is located directly across the road.

The Council at its Ordinary Meeting of Council dated 2 December 2003 resolved to refuse an application for the demolition of an existing single house and the construction of seven (7) two-storey grouped dwellings. The Council also resolved to refuse an application for the demolition of the existing single house and the construction of nine (9) two-storey grouped dwellings on the adjacent site at No.28 Carr Street.

**DETAILS:**

Approval is sought for the demolition of an existing single house and the construction of six (6) two-storey grouped dwellings. An application for the demolition of the existing single house and the construction of eight (8) two-storey grouped dwellings on the adjacent site at No.28 Carr Street. The applicant has stated that they wish to retain No.28 Carr Street and No.32 Carr Street as separate lots and address shared vehicular access and visitor's car parking via a grant of easement.

The applicant has lodged two submissions justifying the proposal, and these are included as attachments to the report.

**CONSULTATION/ADVERTISING:**

The proposal was not required to be readvertised as there are no greater variations to the relevant development requirements, compared to the previous proposal, which was advertised in the past 12 months.

There were 5 objections received during the previous advertising period. These included objections from the Hyde Park Precinct Group and the Cleaver Precinct Action Group. The main issues raised included the amount of non-compliances with the Residential Design Codes and the Town's Policies, including density, plot ratio, setbacks and car parking.

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

**Demolition**

A detailed heritage assessment is contained in an Appendix to this report.

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The subject place at No. 32 (Lot 402) Carr Street, West Perth is a circa 1910 brick and iron dwelling located on former Perth Town Lot Y203. The precise year of construction is not certain, although, according to the Perth Metropolitan Sewerage Plans, no dwelling had been built on the lot by 1901. A listing for No. 32 Carr Street first appears in the Post Office Directories in 1905, indicating that a dwelling had been built, however as the street numbers along Carr Street have changed, it is likely this record refers to the former dwelling west of the subject dwelling.

The original floor plan remains intact, including a central hallway and four rooms under a hipped roof. The original form of the roof and three chimneys remain in situ. Many of the original double sash windows remain, as do the majority of the original decorative features such as plaster air vents, wooden skirting boards and floorboards, although some have been damaged by fire. No original features remain in the kitchen or bathroom. The wooden fabric of the original rear skillion has been removed and rebuilt in brick, and the verandahs have been enclosed. The subject dwelling contributes to the streetscape in terms of traditional setbacks and building style.

The subject dwelling is not listed on the Town of Vincent Municipal Heritage Inventory or the Interim Heritage Database. The place is considered to have *little cultural heritage significance*, and does not meet the minimum criteria for entry into the Town's Municipal Heritage Inventory. Although the place is representative of an early twentieth century modest brick and iron house, the place is not rare and is considered to be of little aesthetic, social and scientific value.

In light of the above, demolition of the existing dwelling is supported, subject to standard conditions.

#### **Plot Ratio**

The Residential Design Codes requires a plot ratio of 0.65 (657.8 square metres). The development proposes a plot ratio of 0.83 (816 square metres) and, as such, the increase in plot ratio is considered to increase the overall bulk and scale of the development. The existing dwelling on the subject site is proposed to be demolished. The Town does not generally support an increase in plot ratio on vacant land, as is considered to add unnecessary bulk and scale to the development, and as such the increase to plot ratio is not supported.

#### **Primary Street Setback**

The Town's Policy relating to the "Robertson" Locality Plan requires a front first floor setback of 6.0 metres. The development proposes a minimum first floor setback of 4.5 metres. As the site will be vacant the proposal should be setback in accordance with the Town's requirements. The proposal does not comply with the Town's requirements and would unduly adversely affect the amenity and streetscape of the area, and, as such, is not supported.

#### **Setbacks (Stores and Carport)**

The setback variations to the western boundaries (stores to Units 1, 2, 3 and 4) and the carport to Unit 1) are considered minor as they are single storey in height. As such, they are not considered to unduly impact the amenity of the affected neighbours.

#### **Setbacks (north-west)**

The applicant has stated that they are prepared to amend the setbacks to ground and first floor to comply with the Town's requirements.

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**Setbacks (north-east)**

The proposed nil setback to Unit 6 is considered minor and is not considered to affect the amenity of the surrounding area as it will be an internal boundary.

**Summary**

The proposal is considered to depart from the relevant requirements of the Residential Design Codes and the Town's Policies. The variations on the basis above are not supported, it is therefore recommended that the application be refused.

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**10.1.19 No. 28 (Lot 56) Monger Street, Perth- Proposed Demolition of Existing Single House and Construction of a Three-Storey Mixed-Use Development Comprising Three (3) Offices, Two (2) Multiple Dwellings, One (1) Two-Storey Grouped Dwelling and Associated Basement Car Parking**

<b>Ward:</b>	South	<b>Date:</b>	16 February 2004
<b>Precinct:</b>	Beaufort, P13	<b>File Ref:</b>	PRO2547, 00/33/1879
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	J Barton, N Edgecombe		
<b>Checked/Endorsed by:</b>	D Abel	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by Tangelo Designs on behalf of the owner Knutsford on Blake Pty Ltd, for the proposed demolition of existing single house and construction of a three-storey mixed-use development comprising three (3) offices, two (2) multiple dwellings, one (1) two-storey grouped dwelling and associated basement car parking at No. 28 (Lot 56) Monger Street, Mount Lawley, as shown on the amended plans date-stamped 8 December 2003, for the following reasons:*
  - (a) *the proposal is not consistent with the orderly and proper planning and the preservation of the amenities of the locality by virtue of the demolition of the existing dwelling;*
  - (b) *the existing place has cultural heritage significance in terms of its historic value;*
  - (c) *the non-compliance with the height, front setbacks, plot ratio requirements of the Residential Design Codes and the Town's Lindsay Locality Statement Policy; and*
  - (d) *consideration of the objections received;*
- (ii) *the Council ADVISES the landowner that the Town is prepared to give consideration to a development proposal which includes the retention and upgrading of the existing dwelling on the site; and*
- (iii) *the Council REFERS the place at No.28 (Lot 56) Monger Street, Perth to the Hocking Planning and Architecture Collaboration for consideration for listing on the Town of Vincent Municipal Heritage Inventory as part of the current review of the Inventory.*

**LANDOWNER:** Knutsford on Blake Pty Ltd  
**APPLICANT:** Tangelo Designs  
**ZONING:** Metropolitan Region Scheme: Urban  
Town Planning Scheme No.1: Residential-  
Commercial R80  
**EXISTING LAND USE:** Single House

**COMPLIANCE:**

<b>Requirements</b>	<b>Required</b>	<b>Proposed</b>
<b>Building Height</b>	6 metres to eaves	Unit 2 and Unit 3- 6.3 metres to eaves
	7 metres to top of concealed roof	Unit 2 and Unit 3- 8.1 metres to top of concealed roof (pergolas)
<b>Plot Ratio</b>	1.0	1.25 (plot ratio area includes roof terraces, as they are not open on two sides)
<b>Setbacks</b>		
Front- Ground Floor Commercial	Following existing setbacks in the street.	Forward of existing setbacks along the street.
Front- First Floor Residential	6 metres	900 millimetres to terrace, and 4.2 metres to 5.3 metres to main façade.
Northern Side (Rear)- First Floor	1 metre	Nil to 1 metre
Eastern Side- First Floor- Unit 1	1.6 metres	800 millimetres to screen.

Use Class	Office Building, Multiple Dwelling and Grouped Dwelling
Use Classification	"AA", "P", "P"
Lot Area	438 square metres

**SITE HISTORY:**

The subject land is occupied by an existing 1897 brick and tile dwelling. Monger Street is predominantly characterised by older style residential dwellings, with some contemporary commercial and residential buildings. The Acacia Hotel abuts the subject land immediately to the north, and single dwellings abut the subject site on the eastern and western sides.

On 8 December 2003, the applicant submitted amended plans, addressing some of the Town's concerns with the extent of non-compliance on the previous design.

**DETAILS:**

The subject proposal involves the demolition of the existing house and the construction of a three-storey mixed-use development comprising three (3) offices, two (2) multiple dwellings, one (1) two-storey grouped dwelling and associated basement car parking.

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

### **CONSULTATION/ADVERTISING:**

The proposal was advertised to adjoining property owners. Three (3) objections were received during the consultation period.

The neighbours' objections (letters attached) raised the following summarised concerns:

- Plot ratio.
- Building height.
- Bulk and scale.
- Overlooking and over-shadowing.
- Excavation.
- Impact on streetscape.
- Front setbacks do not comply with Lindsay Locality Statement.
- Monger Street is an intact streetscape.
- Lack of parking and crossover width will reduce street parking.
- Noise.

### **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:**

#### **Demolition**

A detailed Heritage Assessment is contained in the Appendix to this report.

The subject dwelling at No. 28 Monger Street, Perth is a brick and tile dwelling constructed in c.1897. The place is considered to have *little to some* historic significance as part of the building stock which arose during the early gold rush period in Perth, 1890-1910. The floor plan consists of four rooms with a central hallway, under a hipped tiled roof. The rear brick skillion contains three original bedrooms with fireplaces and the kitchen. Although the dwelling appears to have been re-roofed at some stage, all original chimneys and the majority of windows remain in situ. Some additional rear bedrooms were added in 1969, and alterations such as the removal of all kitchen fixtures, some of the floorboards and architraves have since occurred.

The subject dwelling contributes to the streetscape in terms of general form, scale and presentation to the street and is considered to meet the threshold for consideration for entry into the Town of Vincent Municipal Heritage Inventory.

In light of the above, it is recommended that the application for the demolition of the existing dwelling be refused.

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### **Building Height**

The applicants are proposing minor variations to the height of building to the eaves, and a 1.1 metre variation to the top of the concealed roof of the pergola, as outlined in the above Compliance Table. Also, the overall height of the building is considered to be three-storeys, as the loft spaces are not considered to fall within the intent of a loft. Given this, the proposal is contrary to the Town's Lindsay Locality Statement, which states that developments in this area should be two-storey with lofts. Also, the overall height of the development is not considered to be in keeping with the existing buildings in the immediate streetscape, which are mainly single-storey, especially along this side of the street from Lindsay Street to William Street (see attached photographs depicting view of Monger Street from Lindsay Street looking north-west).

The applicant provided photographic examples (attached) of developments in the area that do not comply with the current requirements, such as the three-storey Acacia Hotel at the rear of the subject land, and two dwellings in the area with two storeys and lofts. Although it is noted that such developments do not comply with the current R-Codes, the buildings were not assessed under the current requirements, and such examples are not considered to set a precedent in the area for buildings, which exceed the acceptable height requirements.

Furthermore, the bulk and scale of the building with the loft on the corner of Monger Street and Lindsay Street does not compare with that of this development. Also, the height of the Acacia Hotel will not dominate Monger Street like the proposed development, as it is setback over 30 metres from Monger Street.

In light of the objections received, and given that the development is considered to be out of character with the immediate streetscape, the proposal is considered to create an undue impact on the amenity of the neighbours, and the locality generally.

### **Privacy and Solar Access**

In response to the neighbour's concerns regarding privacy and solar access, it is noted that the proposal complies with the 50 per cent overshadowing requirement, and clause 3.8.1 (Privacy) of the R-Codes, as the applicant has depicted highlight windows to 1.6 metres in height. Also, in the event that the proposal was to be approved, a standard screening condition would be applied.

Additionally, the cones of vision have not been depicted on the plans, as there are no cone of vision encroachments. Furthermore, staircases are not habitable spaces, and as such there are no privacy requirements for such areas.

### **Excavation**

Under clause 3.6.1 (Excavation and Fill) of the R-Codes and the Town's Site Levels Policy, there are no limits on the level of excavation behind the street setback line.

It is noted however, that the levels would be assessed further at the Building Licence application stage, if the proposal was to be approved.

### **Impact on Streetscape and Local Character**

The Town's Lindsay Locality Statement Policy states the following:

*"The desired future character is to introduce a mixture of residential and commercial uses into the locality".*

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*"New contemporary developments are encouraged provided that the design responds to the established character. The selected use of elements such as roof pitch, building materials and wall and eaves height can be used to augment the elements of particular importance, building location and orientation"*

*....."Intact streetscapes are strongly encouraged to be maintained. As such applications for demolitions are generally not supported in areas that have intact streetscapes".*

Although there is a mixture of different uses along Monger Street, the predominant use is single houses, and the immediate streetscape surrounding the subject land is considered to be generally intact, comprising mainly single-storey, single dwellings. Although the Town does encourage a mixture of old and contemporary developments, the proposed developments height, roof pitches, bulk and scale, plot ratio and design are not considered to be in keeping with the immediate streetscape, or the local character, which is contrary to the Town's Lindsay Locality Statement.

Although it is noted that the area will slowly change over-time from a predominantly residential area to a mixed-use commercial / residential area, a mixed-use development of a smaller scale, that complements the existing streetscape and the local character, would be considered more acceptable in this area.

#### **Parking and Access**

Under clause 4.2.1 (Dwellings in Mixed-Use Development) of the R-Codes, the proposal complies with the car parking requirements for mixed-use developments, as this clause states that on-site car parking can be reduced to one bay per dwelling, where on-site parking is available after hours from the commercial uses on-site.

It is noted that the proposal may result in the loss of one off-street car parking bay, due to the width of the crossover. However, given that sufficient car parking has been provided on-site, and that the existing dwelling currently has no parking bays on-site, the loss of one on-street bay is considered acceptable, as the customers and residents will use the on-site parking facilities. Also, the subject land is situated close to public transport along William Street.

In regards to the neighbour's concerns regarding street trees, it should also be noted that all street trees are to be replaced with a similar species as a condition of approval.

#### **Noise**

The R-Codes override the Town's Privacy Policy, which also makes mention about acoustic privacy measures. However, although the R-Codes aim to reduce the impacts of noise on adjoining properties through careful design, there are no specific acceptable development requirements to noise control.

#### **Setbacks**

The Lindsay Locality Statement states that maintaining existing street, side and rear setbacks is strongly encouraged. However, it is noted, that the front setbacks within the area are generally not consistent.

The applicant is proposing minor variations to the side boundary setbacks that are considered supportable on its own, as the development will not impact negatively on the adjoining properties, in terms of overlooking or overshadowing.

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Also, it should be noted that Clause 4.2.1 (Dwellings in Mixed-Use Development) of the R-Codes permits parapet walls *"on boundary for 2/3 of boundary behind street setback up to 6m in height"*. Given this, and that the parapets are not greater than 6 metres from natural ground level, the parapet walls comply with the R-Code requirements.

The front setback variation to the upper floor does not comply with the 6 metre requirement specified within the Lindsay Locality Statement. However, given that the terrace on the first floor is generally open, and that the main façade is setback 4.2 metres to 5.3 metres, the overall impact on the street is considered minor and the proposed variation is considered supportable, subject to the roof terrace wall being removed.

### **Plot Ratio**

The applicants are proposing a plot ratio variation of 1.25 in lieu of 1.0. Given the significant plot ratio variation, together with the setback and building height variations, the overall bulk and scale of the development is not considered to be in keeping with the existing streetscape, which is predominantly single storey in nature. The development is considered to dominate Monger Street and create an undue impact on the amenity of the neighbours.

It is noted that there are a few commercial buildings in the immediate area, however, the three-storey commercial building on the corner of Monger Street and Money Street (No. 39 Monger Street) is not located with the Town's Lindsay Locality Statement, and this area falls solely within the Beaufort Precinct Policy, and buildings to three or four storeys maybe permitted.

It is also noted that the bulk and scale of the three-storey Acacia Hotel, situated directly behind the subject land, is not in-keeping with the existing buildings in the street, and is also contrary to the Town's Lindsay Locality Statement. However, the Acacia Hotel was constructed before the implementation of the Residential Design Codes 2002, and the Town's Lindsay Locality Statement, and such a development should not set a precedent in the area. Also, as stated previously, the hotel is setback a long way from Monger Street, reducing its dominance on the Monger streetscape.

### **Conclusion**

In light of the objections received, and given the bulk and scale of the proposed development, and the above-mentioned variations sought, the proposal is considered to adversely impact on the neighbouring properties and the area generally. Additionally, the demolition is not supported on heritage grounds.

Given this, the application for demolition and redevelopment is not recommended for approval.

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**10.1.20 No. 10 (Lot 11) Marian Street, Leederville – Proposed Demolition of Existing Single House and Construction of a Two-Storey Single House- Determination of Town Planning Appeal Tribunal**

<b>Ward:</b>	North	<b>Date:</b>	17 February 2004
<b>Precinct:</b>	Leederville, P3	<b>File Ref:</b>	PRO 2394; 00/33/1685
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	J Barton		
<b>Checked/Endorsed by:</b>	D Abel	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*as a result of the Town Planing Appeal Tribunal decision to uphold an appeal and approve the application submitted by Anthony Rechichi Architect on behalf of the owners R and D Schairer-Vertannes for proposed demolition of the existing single house and construction of a two-storey single house at No. 10 (Lot 11) Marian Street, Leederville, and as shown on the plans stamp-dated 19 June 2003 (site plan and floor plan of existing house), and amended plans stamp-dated 28 August 2003, the Council APPLIES THE FOLLOWING CONDITIONS to this proposed development:*

- (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 \$550.00 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;*
- (iv) the construction of crossovers shall be in accordance with the Town's specifications;*
- (v) prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (vi) street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (vii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*

- (a) *no fence exceeding 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 Marian Street, including within the front setback area, being a maximum being height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (b) *the parapet wall on the eastern side being a maximum height of 3.2 metres, as indicated on the amended floor plans dated 28 August 2003; and*
- (c) *the balcony being deleted, as indicated on the amended floor plans dated 28 August 2003.*

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

- (viii) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development:*

- (a) *the western and eastern sides of the balcony on the upper floor; and*
- (b) *the eastern facing window to the study on the upper floor;*

*shall be screened with a permanent obscure material and be non-openable to a minimum 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. The whole window can be top hinged and the obscure portion of the window 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 window not exceeding one square metre in aggregate in the respective subject wall, so it is are not considered to be a major opening as defined in the Residential Design Codes 2002;*

- (ix) *subject to first obtaining the consent of the owners of No. 12 and No. 8 Marian 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. 12 and No. 8 Marian Street, in a good and clean condition;*
  - (x) *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;*
  - (xi) *a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
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- (xii) *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;*
- (xiii) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site; and*
- (ix) *an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*

*to the satisfaction of the Chief Executive Officer.*

**LANDOWNER:** R and D Schairer-Vertannes  
**APPLICANT:** Anthony Rechichi Architect  
**ZONING:** Metropolitan Region Scheme: Urban  
Town Planning Scheme No.1: Residential R30  
**EXISTING LAND USE:** Single House

**COMPLIANCE:**

Use Class	Single House
Use Classification	"P"
Lot Area	587 square metres

**SITE HISTORY:**

- 7 October 2003 At its Ordinary Meeting, Council refused an application for proposed demolition of existing single house and construction of a two-storey single house.
- 21 October 2003 Notice of appeal was lodged by the landowners to the Town Planning Appeal Tribunal (TPAT).
- 10 November 2003 The TPAT case management conference on the appeal.
- 13 November 2003 The Town lodged the respondent statement with the TPAT.
- 9 December 2003 Witness statements to the TPAT filed and served
- 16 December 2003 The TPAT hearing on the appeal. The Town was represented by Simon J Bain, SJB Town Planners Pty Ltd.
- 6 February 2004 Handing down of the TPAT determination on the appeal.

**CONSULTATION/ADVERTISING:**

No formal consultation is required for such matters.

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**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

The total legal expenses, including planning consultant fees, incurred by the Town in relation to the subject appeal are \$2, 128.55, as of 17 February 2004.

**DETAILS/COMMENTS:**

In a letter dated 6 February 2004, the Town Planning Appeal Tribunal (TPAT) referred to an attached copy of the Reasons for Decision. The TPAT letter, dated 6 February 2004, and accompanying Reasons for Decision are included as an attachment to this report. Extracts from the Reasons for Decision are as follows:

*" Conclusion.....*

38. *I am of the view that, whilst the proposed house is different from other houses in Marian Street, it is not out of step with the policies that it compromises the character of the locality or the amenity of the existing houses. Consideration of the matter has led to the conclusion that the proposed house can be allowed.*
39. *I have therefore decided to uphold the appeal. The development approved includes the vehicular access to the subject land from Marian Street. The parties will have fourteen days within which to liaise as to conditions in relation to this development approval. In the event that agreement is not reached within fourteen days, the Appellants are at liberty to apply the Tribunal in relation to such unresolved conditions".*

The proposed development approved by the TPAT, is identical to the plans dated 19 June 2003 (site plan and floor plan of existing dwelling), and amended plans dated 28 August 2003, which were refused by the Council for the proposed demolition of the existing single house and construction of a two-storey single house.

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

In light of the above, it is recommended that the Council apply the conditions to the subject development, as detailed in the Officer Recommendation. These conditions are similar to those applied in the Officer Recommendation contained in the report to the Ordinary Meeting of Council held on 7 October 2003, except for the conditions requiring vehicular access from the right of way, and the parapet wall on the western side being an average height of 3 metres and a maximum height of 3.5 metres, as the TPAT allowed such variations.

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**10.1.21 Planning and Building Policy - Amendment No. 9 Relating to Appendix No. 6 Brookman and Moir Street Development Guidelines**

<b>Ward:</b>	South	<b>Date:</b>	18 February 2004
<b>Precinct:</b>	Hyde Park, P12	<b>File Ref:</b>	PLA0022
<b>Attachments:</b>	<a href="#">001</a> , <a href="#">002</a>		
<b>Reporting Officer(s):</b>	C Mooney, H Eames		
<b>Checked/Endorsed by:</b>	D Abel	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) **RECEIVES** the final amended version of the Policy relating to Brookman and Moir Streets Development Guidelines as shown in Appendix 10.1.21(a) resulting from the advertised version having been reviewed and regard to the written submissions received during the formal advertising period as outlined in Appendix 10.1.21(b), in accordance with Clauses 47 (4), and (5) (a) of the Town's Town Planning Scheme No. 1;
- (ii) **ADOPTS** the final amended version of the Policy relating to Brookman and Moir Street Development Guidelines as shown in Appendix 10.1.21(a) of the Town's Town Planning Scheme No. 1; and
- (iii) **AUTHORISES** the Chief Executive Officer to advertise the final amended version of the Policy relating to Brookman and Moir Street Development Guidelines as shown in Appendix 10.1.21(a), in accordance with Clause 47 (6) of Town's Town Planning Scheme No. 1.

**BACKGROUND:**

The Council at its Ordinary Meeting held on 27 March 2001 resolved to adopt the Policy relating to Appendix No. 6 Brookman and Moir Streets Design Guidelines.

**Amendment No. 9**

The Council at its Ordinary Meeting held on 8 April 2003 resolved the following:

*"That the Council;*

- (i) **RECEIVES** the amended version of the Policies relating to Appendix No. 6 Brookman and Moir Streets Development Guidelines as shown in Appendix 10.4.6(b);
- (ii) **ADOPTS** the amended version of the Policies relating to Appendix No. 6 Brookman and Moir Streets Development Guidelines to be applied immediately;
- (iii) **ADVERTISES** the amended version of the Policies relating to Appendix No. 6 Brookman and Moir Streets Development Guidelines for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:
  - (a) advertising a summary of the subject Policies once a week for four consecutive weeks in a newspaper circulating in the locality;
  - (b) where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policies; and

- (c) *forwarding a copy of the subject Policies to the Western Australian Planning Commission;*
- (iv) *after the expiry of the period for submissions:*
  - (a) *REVIEWS the amended version of the Policies relating to Appendix No. 6 Brookman and Moir Streets Development Guidelines, having regard to any written submissions; and*
  - (b) *DETERMINES the amended version of the Policies relating to Appendix No. 6 Brookman and Moir Streets Development Guidelines, with or without amendment, to or not to proceed with them; and*
- (v) *DEFERS the Elven on the Park Design Guidelines."*

**CONSULTATION/ADVERTISING:**

Any new or amended Planning Policy is required to be advertised for public comment in accordance with Clause 47 of the Town's Town Planning Scheme No. 1.

Advertising of the amended Policy concluded on 29 July 2003. An extension of one week was granted to the Hyde Park Precinct Group by the Town's Executive Manager Environmental and Development Services. A total of 10 submissions were received, which equates to a 5.9 per cent response rate, of all owners/occupiers of the Brookman and Moir Streets precinct.

Prior to further amending the draft guidelines, presented to the Ordinary Meeting of Council held on 8 April 2003, additional community consultation was conducted. In September 2003 the Town's Officers conducted individual interviews with each person who wrote a submission to further identify and clarify points of concern with the development guidelines. Following this informal consultation process the Town's Officers were able to gain an improved understanding of the issues facing the Brookman and Moir Streets precinct, and identify those issues pertaining only to the development guidelines. This exercise has proved to be beneficial to advocate the strong desire by the Town's officers to provide both the Town and the owners and occupants of the precinct a document that is conducive to the retention of the heritage conservation ideals and significance of the precinct.

**DETAILS:**

The following is an extract of the report that went to the Ordinary Meeting of Council held on 8 April 2003, and summarises the history of the process of the development guidelines.

***"Policy relating to Appendix No. 6 Brookman and Moir Streets Development Guidelines***

*The Brookman and Moir Streets Precinct in Perth has been recognised as a culturally significant area for some fifteen years. In 1988, it was included in the City of Perth Town Planning Scheme as a place of historical architectural significance and in 1995 it was included in the Town of Vincent Municipal Heritage Inventory.*

*Last year, the Town commissioned Considine and Griffiths Architects to undertake a detailed heritage assessment of the Brookman and Moir Streets Precinct. The heritage assessment was undertaken with a view to providing it to the Heritage Council of Western Australia so that at some point it can be considered for entry in the State Register of Heritage Places. In September 2002, all property owners in the Brookman and Moir Streets Precinct were advised in writing that the heritage assessment was being undertaken.*

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*As part of the project, Considine and Griffiths Architects reviewed the existing Brookman and Moir Street Design Guidelines in consultation with Town Officers. The revised guidelines seek to provide more holistic advice and encouragement to owners regarding the development of their properties. The revised guidelines provide more than just design advice - they address all aspects of the development of properties in the Precinct. As such, it is considered more appropriate to refer to the revised guidelines as development guidelines, rather than design guidelines.*

*The draft amended Policy relating to Appendix No. 6 Brookman and Moir Street Development Guidelines is shown as Appendix No.10.4.6 (b) to this Report."*

After the conclusion of the submission period and conduction of interviews the Town further consulted with Considine and Griffiths Architects, who reviewed the further amended Brookman and Moir Street Development Guidelines in consultation with the Town Officers with reference to both officers' and submitters' concerns.

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

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

#### **STRATEGIC IMPLICATIONS:**

Strategic Plan 2003-2008 - Key Results Area One: Environment and Infrastructure:

- 1.2 *"Recognise the value of heritage in providing a sense of place and identity", and*
- 1.3 *"Develop, implement and promote sustainable urban design."*

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

The current 2003/2004 Budget lists \$130,000 for Town Planning Scheme Amendments and Policies.

#### **COMMENTS:**

##### **Comments Relating to Submissions**

A number of key issues can be drawn from the consultation with the community, and for the purposes of this report the concerns of the submissions have been highlighted into the major points of objection and are outlined below.

Further comment has been provided for, in the attached schedule of submissions. The predominant objection being, the focus the internal and private rear spaces of the dwelling are not in the public domain and therefore restrictions should not be placed as long as the streetscape features are retained. These concerns have been taken into consideration and the advertised guidelines have been amended accordingly to reflect both concerns and impacts of heritage conservation requirements.

##### Alterations and Additions and Internal Planning

The retention of the five-room layout is of great concern in the majority of submissions. The overall response is that the interior of a home should not be determined by the guidelines, as they are not an essential component of the public domain. As the internal layout of the dwellings forms an integral part of the heritage significance, it is acknowledged that some flexibility layout is required and is reflected in the amended guidelines, with internal alterations to be limited to the rear of the dwelling and whilst retaining the 3 original front rooms will allow flexibility to accommodate modern living requirements, through discretionary changes to the rear two rooms. This allows for both retention of heritage significance of the original dwelling design and that of individual owners' living requirements. Nevertheless retention of the five room layout is to be encouraged.

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In respect to concerns regarding Council enforcing owners to reinstate original features it should be clarified that the guidelines do not enforce owners to return their home to their original state; however the guidelines encourage owners only to do so if they wish. Additionally the guidelines do not enforce owners to recreate the streetscape, however they allow for the streetscape to be maintained as it currently exists.

#### Roofs

The amended advertised guidelines have been reviewed to reflect objectors' concerns with material use through the allowance of the 'essential' criteria to become a 'discretionary' criterion, and are to be determined via the assessment of development applications. Concerns regarding prevention of television aerials and the like being viewed from the public domain is unrealistic. The essential component is to remain, as it is the aim of this provision to have such roof additions to be out of sight from the streetscape. Additionally television aerials and air conditioning units should not be visible from the public domain allows for the retention of the roof forms as it has existed since the dwellings were constructed.

#### Windows

Whilst the concerns regarding the retention of existing original windows have been noted, they are considered to be an essential part of the façade of the dwellings and retention of the window style and size is paramount to the heritage value and integrity of the place. However, as mentioned in the guideline requirements a window that has already had previous changes, it can be considered to leave this change. In respect to security requirements, security grilles are acceptable and are addressed by an advice note on the guidelines.

#### Fences

In relation to concerns on identification between front fencing and side fencing, front fences are located at the front of properties and are distinguished by extending to the front setback area. Side and rear fencing between neighbouring properties is a civil matter between neighbours. In terms of security concerns, open front fencing allows for passive surveillance, and the provisions for fencing additionally allow front fencing to be high enough to enclose the front setback area whilst allowing for a sense of security and privacy. Additionally the guidelines have been amended to reflect concerns between identification and concerns relating to secondary street frontage and fencing requirements.

#### Carparking

It is acknowledged that parking in the Brookman and Moir Streets Precinct may be an issue. However Locating carparking within the front setback does not consider the heritage significance of the dwellings and it is further considered that allowing vehicle to be located in the front setback to adversely and unduly affect the streetscape. This matter requires further consideration in due course.

#### Rear Water Closets

The retention of the rear water closet is seen as an important feature to the rear streetscape and that of the overarching heritage significance of the precinct. The water closet can retain its original function with modern day adaptation and additionally be utilised as a storage space. As they are located in the rear corners of each lot it is not considered to impact on design of outdoor spaces.

#### Land Value and Development

The aim of the guidelines is to allow for development, within a set criterion with reflection of the precincts heritage significance, and one which is additionally controlled by the low residential density code of R25. The impact of the heritage guidelines is considered not to unduly affect property values. Generally the high profile nature of such a rare early 1900's estate could be considered to favour land values due to its uniqueness.

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### Previous Guidelines

The current amended guidelines are seen to be a reasonable solution to heritage conservation aspects that were not covered by the previous guidelines and they additionally aim to allow for development within a set criterion to retain cultural heritage value and significance.

### Urban Infrastructure

The amended guidelines highlight the need to address urban infrastructure in the event of future streetscape enhancement and have consideration of the unique heritage of the precinct. Engineering concerns with gas and water are aspects that the Town can only advise on. It is advised that occupants contact the relevant State Government Authorities with their concerns. Additionally it is advised that concerns with size of trucks driven in the area, be directed at the relevant State Government agency. However the Town acknowledges and is sympathetic to these concerns although it is only the State Government that can appease these concerns. Streetscape improvement concerns have been acknowledged and comments have been passed onto the Town's Technical Services.

Overhead power lines have existed in the precinct since the introduction of power to the area. It is not considered that they currently impact on the heritage integrity of the precinct.

### Demolition and No. 8 Brookman Street

In respect to concerns relating to demolition of existing dwellings, the amended guidelines reflect concerns with demolition of dwellings and accordingly no entire demolition will be permitted. The Town acknowledges the concerns conducive to the demolition of No. 8 Brookman; however it is the aim of the guidelines to restrict such occurrences. The integrity of the precinct however, is retained through its unique cultural heritage. Whilst the demolition has occurred the dwelling has been replaced with particular attention and reference to the previous dwelling.

### Colour Palettes and External Walls

In regard to particular use of colour, advice can be sought from both the Town's Officers and Heritage Council of Western Australia in respect to appropriate colours of the 'Federation' architectural period, as well as for advice on protective coating to walls and whether they are an appropriate measure.

### Subsidies

The Western Australian Local Government Association provides access to owners of heritage properties to a low interest loan scheme, through which both local and state government contribute to a combined fund. There are currently no relevant subsidies or incentives in place by both State and Federal governments.

### **Summary**

The Brookman and Moir Streets precinct form an integral part of Western Australia's rich and varied history of European settlement, over the last 177 years, and the precinct represents cultural diversity and architectural richness.

The guidelines are essential to integrate heritage considerations within planning context and it is of equal importance that heritage is seen as a living, evolving, co-existing aspect of the urban landscape. The aim of this Policy is to provide a degree of certainty for the community and property owners, as well as protect the heritage value of the precinct whilst promoting local urban character, aesthetic appeal of streetscape and facilitating sympathetic new additions to the existing structures.

Through the application of these amended guidelines the Town endeavours to guide development whilst allowing for design interpretation, as well as aid community ownership and pride of its premier heritage precinct. Many of the objectors noted that one of the main reasons for living in the precinct was due to the unique cultural heritage of the place, and its locality.

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In order to retain community values and heritage assets, heritage conservation guidelines are required, which aim to retain local heritage significance without unduly hindering development rights of the owners of properties. There is a need for heritage conservation areas be efficiently protected by development guidelines and protected by the local community. In this instance the guidelines have been revised to allow for both a sense of ownership, and aim to retain and enhance the architectural character of the Brookman and Moir Streets precinct through appropriate development control. Additionally, the context of heritage conservation is underestimated in terms of economic gain, due to the uniqueness of heritage properties; there is not only cultural and social value gain but that of resale value of heritage respected homes.

Although submissions noted various objections to the guidelines the overarching consensus from comments were that residents preferred the unique cultural heritage values of the area be retained. As such it is recommended that Council receives and adopts the revised guidelines in line with the Officer Recommendation.

**10.1.22 Amendment No. 16 to Planning and Building Policies - Appendix No. 13  
- Design Guidelines for No. 57 (Lots 178, 179 and 416) Monmouth  
Street, Mount Lawley**

<b>Ward:</b>	Both Wards	<b>Date:</b>	18 February 2004
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	PLA0149, PRO2387, 122233
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	Y Scheidegger, C Mooney		
<b>Checked/Endorsed by:</b>	D Abel	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the Policy relating to Appendix No. 13 - Design Guidelines for No. 57 (Lots 178, 179 and 416) Monmouth Street, Mount Lawley, as shown in Attachment 10.1.22;*
- (ii) *ADOPTS the Policy relating to Appendix No. 13 - Design Guidelines for No. 57 (Lots 178, 179 and 416) Monmouth Street, Mount Lawley to be applied immediately;*
- (iii) *ADVERTISES the Policy relating to Appendix No. 13 - Design Guidelines for No. 57 (Lots 178, 179 and 416) Monmouth Street, Mount Lawley for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
  - (a) *advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
  - (b) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and*
  - (c) *forwarding a copy of the subject Policy to the Western Australian Planning Commission; and*
- (iv) *after the expiry of the period for submissions:*
  - (a) *reviews the Policy relating to Appendix No. 13 - Design Guidelines for No. 57 (Lots 178, 179 and 416) Monmouth Street, Mount Lawley, having regard to any written submissions; and*
  - (b) *determines the Policy relating to Appendix No. 13 - Design Guidelines for No. 57 (Lots 178, 179 and 416) Monmouth Street, Mount Lawley, with or without amendment, to or not to proceed with them.*

**BACKGROUND:**

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 considered 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. The Council resolved as follows:
- " That;*
- (i)    *in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Residential Design Codes, the Council RECOMMENDS REFUSAL to the Western Australian Planning Commission for the proposed subdivision of No. 57 (Lots 178, 179 &416) Monmouth Street, dual frontage with Burt Street, Mount Lawley, and as shown on the plan stamp-dated 27 June 2003 (subdivision 122233), 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)    *lack of public open space being provided within the subdivision;*
- (c)    *an unreasonable number of crossovers will be created onto the street(s), which will unduly adversely affect the streetscape; and*
- (d)    *the size and configuration of the proposed lots would most likely result in any reasonable dwelling on the lots not complying with the requirements of the Residential Design Codes and the Town's Town Planning Scheme No. 1 and associated Policies; 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."*
- 4 November 2003            Conditional Planning Approval was granted under delegated authority for the demolition of the existing institutional building (nursing home). The buildings were not 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 "Reserve for Recreation" free of cost. Condition 11 of this conditional subdivision approval states the following:
-

*"Detailed Residential Design Guidelines for the subdivisional area being prepared by the applicant and submitted to the Western Australian Planning Commission for approval prior to adoption by the Town of Vincent pursuant to Clause 47 of the Town of Vincent Town Planning Scheme No. 1 to address such issues as building orientation, car parking, building setbacks, building height, building scale, roof form, the location and width of vehicle crossovers, boundary wall location, landscaping and service provision. (WAPC)"*

- 25 November 2003      The Town received revised plans in relation to the development application received 16 June 2003. The revised plans remove one of the proposed dwellings and allocated that lot for public open space.
- 19 December 2003      Conditional Planning Approval was granted for three single houses on the subject site. It is likely that this application was submitted in order to satisfy a condition of Planning Approval for the Demolition Licence, therefore allowing the applicant to commence demolition works.
- 18 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, and the Residential Design Guidelines, which are being considered as part of this report.

**DETAILS:**

The Town received two letters with attached draft Design Guidelines for Monmouth Street, Mount Lawley dated 28 November 2003 and 18 December 2003 respectively. The draft Design Guidelines have been reformatted to complement with the Town's Planning and Building Policies and is shown as Attachment 10.1.22.

The Town received a letter dated 11 February 2004 from the WAPC advising the following:

*"As you are aware, on 12 November 2003 the Western Australian Planning Commission issued approval for the subdivision of Lots 178, 179 and 416 Monmouth Street, Mount Lawley, subject to 11 conditions. Following appeal to the Town Planning Appeal Tribunal condition 11 is as follows:*

*Detailed Residential Design Guidelines for the subdivisional area addressing such issues as building orientation, car parking ,building setbacks, building height, building scale, roof form, the location of and width of vehicle crossovers, boundary wall location, landscaping and service provision being prepared by the applicant to the satisfaction of the Western Australian Planning Commission.(WAPC)*

*I understand that the applicant has prepared residential design guidelines(RDG) as required under condition 11, and has requested that the Town formally consider adopting the guidelines under provision of the Town Planning Scheme.*

*It is considered the RDG prepared by the applicant and submitted to the Town should include reference to the items listed in condition 11, as above. It is my understanding that the minimum level of detail regarding these matters should be generally consistent with the standard set by the existing residential design guidelines adopted by the Town under the Scheme . . . "*

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With this advice from the WAPC, the draft design guidelines are considered acceptable in its current form.

**CONSULTATION/ADVERTISING:**

Any new, rescinded or amended Planning Policy is required to be advertised for public comment in accordance with clause 47 of the Town's Town Planning Scheme No. 1.

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2003-2008 – Key Result Area One: Environment and Infrastructure:  
*"1.3 Develop, implement and promote sustainable urban design."*

**FINANCIAL/BUDGET IMPLICATIONS:**

The current 2003/2004 budget allocates \$130,000 for Town Planning Scheme Amendments and Policies.

**COMMENTS:**

In light of the above, it is recommended that the Council adopts the Policy relating to Appendix No. 13 - Design Guidelines for No. 57 (Lots 178, 179 and 416) Monmouth Street, Mount Lawley to be applied immediately and advertises the Policy in accordance with clause 47 of the Town of Vincent Town Planning Scheme No. 1.

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**10.1.23 Community Safety and Crime Prevention Partnership Programme**

<b>Ward:</b>	All Wards	<b>Date:</b>	18 January 2004
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	ORG0064
<b>Attachments:</b>	<a href="#">001</a> , <a href="#">002</a>		
<b>Reporting Officer(s):</b>	KC Bennett		
<b>Checked/Endorsed by:</b>	J McLean, D Abel	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council:*

- (i) **RECEIVES** the report on Western Australian State Government Community Safety and Crime Prevention Partnership Programme;
- (ii) **APPROVES IN PRINCIPLE** the State Government's new Community Safety and Crime Prevention Partnership Programme;
- (iii) **DIRECTS** the Safer Vincent Co-ordinator to arrange for the Office of Crime Prevention to present a community information session, as soon as possible, to make the Elected Members, ratepayers and residents of the Town of Vincent aware of the changes in the crime prevention and community safety and security programmes; and
- (iv) **DIRECTS** the Safer Vincent Advisory Group to meet to develop a structure that will improve its alignment with the required partnership agreements between the State Government and the Town and to report back to the Council as soon as practicable, but no later than the Ordinary Meeting of Council to be held on 27 April 2004.

**BACKGROUND:**

Following a State Government review and in consultation with Safer WA, Government agencies, the non government sector and Local Governments, changes have been made to the structure of crime prevention in the State. The new structure seeks to streamline the current process and to adopt a more strategic approach to community safety and crime prevention. The new approach seeks to promote local community safety partnerships based on local plans facilitated by Local Governments.

The Town of Vincent has been actively involved with Safer WA since 1998, via the Town's representative on the Western Suburbs Safer WA Committee, previously titled Community Policing and Crime Prevention Committee. This role initially fell to the Manager Law and Order Services and, more recently, to the Safer Vincent Co-ordinator. The Town's of Vincent, Cottesloe, Mosman Park, Cambridge and Claremont, the Shire of Peppermint Grove, the City of Subiaco and the City of Nedlands, are represented on the Western Suburbs Committee as well as a number of State Government agencies, community and business representatives and Police. Safer WA was funded by the State Government and grants were made available to various district committees to undertake crime prevention strategies. The Town has received a number of grants from Safer WA and the Department of Local Government Community Security Fund, which has enabled the Town to develop several programmes including an initial grant to undertake a security audit.

To develop a local focus, the Town established the Safer Vincent Advisory Group, chaired by the Mayor, with two Councillors, Council administration staff, community representatives, business representatives and the Police. This Advisory Group provides an opportunity for the identification of problem issues, information sharing and specific strategic direction in the crime prevention and community policing areas.

In 2003 the State Government decided that the current Safer WA structure was not functioning properly and has introduced a Community Safety and Crime Prevention Partnership Programme, administered through the newly created Office of Crime Prevention. This agency was introduced, to provide a structured and accountable body to develop, assess, and monitor crime prevention strategies and to provide a cohesive approach to crime prevention on a broad State-wide basis. The State Government has set aside a substantial amount of money, for use in community safety and security projects, but this money can only be accessed via formally recognised Community Safety and Crime Prevention Partnership Committees.

This new approach depends on the establishment of formal partnership relationships, particularly with Local Government. Given that there are already established structures and networks in place, which facilitate an existing consultative process, for many Local Governments, including the Town of Vincent, this new structure will enhance their effectiveness.

The State Government "Office of Crime Prevention" has indicated that it would be willing to give a short presentation, outlining the advantages of the changes and explaining how Local Government would be advantaged by the new structure. The Safer Vincent Co-ordinator will make arrangements for a representative of the Office of Crime Prevention to attend a public forum and to present an overview of the new Community Safety and Crime Prevention Partnership Programme.

**DETAILS:**

The Town of Vincent was one of the first Councils to establish a programme, to specifically address local crime prevention issues and to employ a co-ordinating officer. Since 1998 the Town has steadily increased its commitment to crime prevention and community safety, in response to the community's ever increasing concerns and preoccupation with crime and safety issues.

The Council's conviction to specifically address issues of crime prevention resulted in the employment of an officer to develop and coordinate the Neighbourhood Watch Programme and more recently to promote community safety programmes, established to respond to the community's concerns. This has been accomplished by developing effective and dynamic networks, strategies and awareness campaigns.

The Town is or has been actively involved with a number of community safety related committees, including Safer WA, at the executive, district and local levels, Constable Care, Noongar Patrol Advisory Committee, Citysafe, Sex Workers Advisory Group, Needle and Syringe Advisory Group and the Perth Police Integration Committee. Using the Safer WA umbrella, the Town has developed several programmes relating specifically to seniors, youth, backpackers, Italian and Vietnamese communities, Indigenous communities, syringe disposal and the business safety awareness programmes. In addition, a process has been established to streamline communications between agencies to offer a more efficient service to the community. Participation in these forums has provided valuable contacts and afforded opportunities for information sharing; however there has not been a broad, cohesive strategy or direction at the State level, on which to base local strategies.

To address public safety issues, it is necessary to obtain the input of appropriate State and Federal Government agencies, which in many cases require the strategic direction of a formal, comprehensive and State based structure. In the past this has not always been evident, but the introduction of the Community Safety and Crime Prevention Partnership Programme will offer the opportunity to require the various agencies to participate in the process and to provide an impetus and support network to promote committed participation. The establishment of an effective Community Safety and Crime Prevention Partnership Committee will enable the Town to access State Government funding for safety and security initiatives.

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On 31 March 2004, all funding to Safer WA will cease and the compulsory attendance at meetings by State Government agencies, including the Western Australian Police Service, will not be required. The Office of Crime Prevention has requested that Local Governments facilitate the establishment of Community Safety and Crime Prevention Partnerships, because Local Government is seen as being in the best place to coordinate discussion of community safety and crime prevention issues. Because of their role in local planning, environmental management, economic development, urban design and the provision of community service, many Local Governments have already established many lines of communication with the various lobby groups.

The existing Safer Vincent Advisory Group structure roughly aligns with the proposed new Community Safety and Crime Prevention Partnerships. It would be necessary however, to expand the scope of the existing Safer Vincent Programme to reflect the needs and expectations of the broader community and it would require that the current Terms of Reference be amended slightly to embrace the requirements of the Community Safety and Crime Prevention Partnership Programme. For the partnership programme to be formally recognised, it will be necessary to enter into an agreement between the Office of Crime Prevention and the Town of Vincent and formally register the agreement with the Office of Crime Prevention, documenting the partnership between the two tiers of government. This agreement will provide access to crime data and Community Crime Profiles, sourced from the Office of Crime Prevention, the WA Police Service, State Government agencies and other Local Government data sources. Following this, a consultation process would be undertaken with key stakeholders, including the commercial, corporate and government agencies, along with the community in general, to determine local needs and priorities. From this process, co-operative strategies will be developed and service agreements compiled, taking cognisance of the following components:

- Desired outcome
- Resources required
- Timelines
- Responsibilities and appropriate partnerships
- Measurement of outcomes

To facilitate the process, the Town of Vincent, under the banner of the “new” Safer Vincent Advisory Group, would be provided with a grant of up to \$30,000 to drive the development of a Local Community Safety and Crime Prevention Business Plan, on behalf of the community. It would be anticipated that the day-to-day coordination of the programme would be the responsibility of the Safer Vincent Coordinator, who already identifies, assesses and coordinates crime prevention strategies and manages project development and implementation. The Office of Crime Prevention has agreed to further fund the Local Government Committees with up to \$1,200 annually, to offset operating costs.

An itemised budget must be submitted to the Office of Crime Prevention with the Local Community Safety and Crime Prevention Business Plan which, when assessed and approved, will result in funds being forwarded to the Town to be used in the implementation and administration of the plan. As part of the Community Safety and Crime Prevention Partnerships Programme, various funding opportunities, to implement the various initiatives; will be made available to the Town. At this time \$3.2 million is available, to eligible Local Governments, through the Community Safety and Crime Prevention Fund.

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Funds available to the Community Safety and Crime Prevention Partnership will be accessed from the Office of Crime Prevention and the co-ordinator of the Partnerships will be responsible for the application and acquittal of those funds. It is anticipated that, as a result of the new State structure, the Town will receive an increasing number of requests from the community to access these funds. This has already become evident with the Town receiving three such requests in the past few weeks. As soon as it becomes known throughout the community, that these funds are available, there is likely to be a continued increase in suggestions, so a process by which these applications are assessed and acquitted will need to be developed. It will therefore be necessary for the "new" Safer Vincent Advisory Group to meet monthly to effectively assess and prioritise these suggestions, with reference to the Business Plan and the Town's other community safety issues. Part of the criteria for the community to access the funds however will be that the request fits into the Town's specific Crime Prevention plan.

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

The State Government undertook extensive public consultation, before releasing its report and the Town will be required to advertise the new structure of the Safer Vincent Advisory Group, when it is approved.

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

There are no adverse legal ramifications, related to this report. However, a formal agreement, signed by the Mayor and by the Minister for Police and Emergency Services will be entered into, when establishing the partnership. An amended Terms of Reference would adequately provide for the establishment of this partnership.

#### **STRATEGIC IMPLICATIONS:**

Area 2.5 of the Town of Vincent Strategic Plan 2003 – 2008 "*Develop and implement community programs for law order and safety*" requires the Town to:

- (a) *Initiate Research to identify community needs and expectations*
- (b) *Implement a holistic and proactive community safety program*
- (c) *Develop and promote safety and security education programmes*
- (d) *Identify and utilise appropriate funding sources*
- (e) *Develop partnerships with Government Agencies, businesses and the community*

Participation in the Community Safety and Crime Prevention Partnerships Programme will assist in all of the above strategies.

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

If the Council entered into the partnership \$30,000 would be made available to develop a business plan with \$1,200 being made available annually for any minor administration costs. In addition, when the Business Plan is approved by the Office of Crime Prevention, the Town could apply for funding from the \$3.2 million budget to implement the strategies it contains.

From a Council Budget perspective, while the Safer Vincent Co-ordinator will undertake much of the work, the effect on the annual budget will be minimal.

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**COMMENTS:**

The above recommendations present an opportunity to formalise the Town's existing partnership with not only the State Government but with the other responsible agencies who are integral to addressing the issues, which face the Town in regard to crime prevention and community safety. Over a number of years the Town has established a programme, which has been able to respond to numerous safety and security issues, but there is an advantage in the formalisation of the process and the accountability of all the stakeholders. By entering into this partnership, it will afford the Town a strong effective role, which is supported by the State Government at Premier and Cabinet level.

Local Government is integral to any community safety and security strategy; because it provides direct, local support and direction and can respond at a local level to issues, which affect the community it serves. Its infrastructure already provides in-built resources and networks, which can be tapped into. It is considered essential however that local government works in a broader sense with the State Government, business and community groups toward a fully holistic approach to crime prevention strategies.

The Office of Crime Prevention has indicated that it would welcome the opportunity to give a short presentation to Local Governments, outlining the benefits of the new programme. The Safer Vincent Co-ordinator will make the necessary arrangements for a community forum to be held, to make the community aware of the advantages of the new structure.

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**10.1.24 Elected Members Briefing Session - 27 October 2003**

<b>Ward:</b>	South	<b>Date:</b>	16 February 2004
<b>Precinct:</b>	Smith's Lake, P6	<b>File Ref:</b>	PLA0142
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	Y Scheidegger		
<b>Checked/Endorsed by:</b>	D Abel	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council RECEIVES the report relating to Elected Members Briefing session held on 27 October 2003.*

**BRIEFING SESSION 27 OCTOBER 2003 - INFORMATION:**

**1. Design Guidelines for Elven on the Park**

Attendees: Mayor Nick Catania, Councillors Ian Ker, Sally Lake, Simon Chester, Helen Doran Wu and Caroline Cohen, Executive Manager Corporate Services Mike Rootsey, Executive Manager Environmental and Development Services Rob Boardman, Executive Manager Technical Services Rick Lotznicher, Manager Planning and Building Services Des Abel and Senior Planning Officer (Strategic) Yolanda Scheidegger.

Commenced at: 6.00pm  
Closed at: Approximately 7.45pm

Comments:

Revised design guidelines were presented to Elected Members regarding the changes discussed at the previous Elected Members' Briefing sessions and the meeting held on 13 October 2003 between Councillor Ian Ker, Executive Manager Environmental and Development Services and Senior Planning Officer (Strategic) Yolanda Scheidegger. It was decided that further changes were required to the revised design guidelines and that another Elected Members' Briefing session was warranted.

**2. Len Fletcher Pavilion**

Attendees: Mayor Nick Catania, Councillors Ian Ker, Sally Lake, Simon Chester, Helen Doran Wu and Caroline Cohen, Executive Manager Corporate Services Mike Rootsey, Executive Manager Environmental and Development Services Rob Boardman and Executive Manager Technical Services Rick Lotznicher.

Commenced at: 7.50pm  
Closed at: Approximately 8.30pm

Comments:

The future of Len Fletcher Pavilion was discussed, mainly whether the building should be demolished or not. This matter was the subject of an agenda report (Item 10.1.34) to the Ordinary Meeting of Council held on 16 December 2003.

**10.1.25 No. 270 (Lot 62) Charles Street, Corner View Street, North Perth – Proposed Additional Two-Storey Single House to Existing Single House**

<b>Ward:</b>	North	<b>Date:</b>	16 February 2004
<b>Precinct:</b>	Smith's Lake, P6	<b>File Ref:</b>	PRO 2454; 00/33/1812
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	M Bonini, V Lee		
<b>Checked/Endorsed by:</b>	D Abel	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by P and J Conti on behalf of the owner C Conti for proposed additional two-storey single house to existing single house at No. 270 (Lot 62) Charles Street, corner View Street, North Perth, as shown on plans stamp-dated 11 February 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 \$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) the construction of crossovers shall be in accordance with the Town's specifications;*
- (vii) prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (viii) 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 No. 274 (Lot 6) Charles Street 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 No. 274 (Lot 6) in a good and clean condition;*
- (x) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (xi) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to View 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;*
- (xii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the maximum wall height not exceeding six (6) metres. The revised plans shall not result in any greater variations to the Residential Design Codes and the Town's Policies;*
- (xiii) *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; and*
- (xiv) *no floor shall be constructed over the garage;*

*to the satisfaction of the Chief Executive Officer.*

**LANDOWNER:** C Conti  
**APPLICANT:** P and J Conti  
**ZONING:** Metropolitan Region Scheme - Urban  
 Town Planning Scheme No. 1 - Residential R60  
**EXISTING LAND USE:** Single House

**COMPLIANCE:**

<b>Requirement</b>	<b>Required</b>	<b>Proposed</b>
South Ground Floor (View Street) Setback	4 metres	2.7 to 4 metres
South First Floor (View Street) Setback Town's Policy relating to the Monastery Locality	6 metres	4 metres to building 3 metres to balcony
Building on Boundary - Garage (Northern Boundary)	Walls not higher than 3.5 metres with an average of 3 metres for 2/3 the length of the balance of the boundary behind the front setback, to one side boundary.	Wall setback 0.136 metres and 3.5 metres high
Privacy Western Elevation Window to Void/Sitting Area	6 metres or screening as per R Codes requirements	2.2 metres to void, 3.914 metres to sitting area, applicant demonstrates horizontal screening.

Building Wall Height	6 metres from natural ground level	6.3 metres to natural ground level on western elevation.
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Use Class	Single House
Use Classification	"P"
Lot Area - Proposed Lot 201	290 square metres

**SITE HISTORY:**

The Western Australian Planning Commission granted approval for the subdivision of the subject property into two lots with the existing house being contained on a lot of approximately 421 square metres and a new lot of approximately 290 square metres being created at the rear with frontage to View Street and a right of way. The lots have not yet been created and therefore certificates of title have not been issued.

The applicant's plans show that the effective lot area is 290 square metres, and assessment has been based on this lot area.

The adjoining right of way is 3.01 metres wide, unsealed and privately owned. As a part of the subdivision application, 0.99 metre of the subject property is to be ceded off proposed Lot 201 to allow for future widening of this right of way (ROW).

- 2 September 2003      Application received.
- 10 October 2003      The Town's Officers requested additional plans.
- 18 November 2003    Proposal advertised in accordance with the requirements of the Residential Design Codes (R Codes) and the Town's Policy relating to Community Consultation.
- 20 November 2003    Applicant advised of non-compliance with the Town's Policies and the R Codes.
- 13 January 2004      The applicant submitted revised plans to the Town's Officers to address several areas of non-compliance with the Town's Policies and the Residential Design Codes (R Codes).
- 11 February 2004     The applicant submitted revised plans to address further areas of non-compliance with the Town's Policies and the R Codes.

**DETAILS:**

The existing whole lot abuts Charles Street which is subject to Planning Control Area Number 54. The associated road widening will be resumed from the subject lot as a part of the associated subdivision.

The applicant has provided justification in support of the application, which has been attached to this report.

The applicant's response to the remaining outstanding non-compliance issues are summarised below:

- The applicants advise that the existing house on the lot is owned by their mother and they wish to reside with their three children in the new dwelling, providing independence and security for their mother.
- 0.99 metres of the land fronting the right of way was resumed at the subdivision stage, reducing the lot size by approximately 20 square metres. A corner truncation of 2.8 metres was also imposed reducing the lot area to 290 square metres.
- Request Council's discretion to reduce the corner truncation to 1.5 metres, given that the laneway will be some 5 metres wide.
- Request Council's discretion regarding setbacks given that View Street is 4 lanes wide, reducing the visual (bulk) aspect of the building, no privacy issues and given the precedent in the street.
- Request Council's discretion regarding western facing windows as will not intrude on the existing houses privacy.
- Request Council's discretion regarding wall height given the significant slope over the site.

**CONSULTATION/ADVERTISING:**

Two submissions were received during the consultation period.

The first submission objects to the proposal for the following reasons:

- Garage set back from rear lane-way of 0.99 metres would affect future development of adjacent lots as it would reduce visibility and vehicle manoeuvrability in the lane-way.
- The excessive plot ratio means that the proposed home is far too big for the lot and would affect the ambience of the area.
- Concern were raised regarding the number of non-compliances with the Residential Design Codes.

The second submission objects to the proposal due to the number of non-compliances with the Residential Design Codes, which will have an adverse impact on their property and the area as a whole.

The concerns relating to the garage setback, plot ratio and several of the other non-compliance issues have been addressed in the revised plans.

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

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## **COMMENTS:**

### **Setbacks**

Setback from View Street (Southern Elevation)

The Residential Design Codes (R Codes) require that the ground floor is setback 4 metres. It is acknowledged that the new proposed lot has been created off an original corner lot and is relatively constrained, particularly as it front the secondary street and a right of way. In this instance, the proposed setback of between 2.7 metres to 4.0 metres to the ground floor is considered acceptable. The proposed first floor setback with a balcony setback of 3 metres and the main dwelling setback of 4 metres are also considered to be supportable.

The revised plans dated 13 January 2004 address the Town's and the objectors concerns regarding vehicle manoeuvring area into the ROW from the garage.

Northern Elevation

The proposed garage wall adjacent to the northern boundary is considered to be acceptable due to its length and maximum height of 3.5 metres.

### **Plot Ratio**

The revised plans stamp dated 11 February 2004 now comply with the requirements of the R Codes.

The applicant has advised that the two storey area above the garage is for art display and storage purposes and it has no first floor and is not habitable. Therefore this area has not been included in the plot ratio calculation.

### **Privacy**

It is noted that the applicant's parents own the adjoining property to the west. The applicant has also provided plans, which show that a person looking out from the sitting room will overlook the western properties roof only, due to the angle of the window and the setback of the sitting room to the window created by the void. Therefore the neighbour's private outdoor area at the rear is not considered to be unduly overlooked. In this instance it is considered acceptable for the window to the void/sitting room not to be screened.

### **Building Height**

It is acknowledged that there is a significant slope over the site. However, it is considered appropriate that the maximum height of 6 metres to the top of each wall from the natural ground level immediately below the wall is met as required by the R Codes. Therefore this variation is not supported, and approval should be subject to revised plans showing the height of all walls not more than 6 metres high from the natural ground level at any point.

### **Summary**

The revised plans have addressed many of the concerns previously raised by neighbours and the Town's Officers. Accordingly, it is recommended that the application be approved subject to standard and appropriate conditions to address the above matters.

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**10.1.26 Tender No. 287/04 - Community Visioning**

<b>Ward:</b>	All Wards	<b>Date:</b>	19 February 2004
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	PLA0144 & TEN0296
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	H Coulter		
<b>Checked/Endorsed by:</b>	D Abel	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council ACCEPTS the Tender submitted by Community Perspectives for the design, preparation and carrying out of a Community Visioning process, in accordance with the specifications as detailed in Tender No. 287/04, for the sum of \$35,254.55.*

**DETAILS:**

The Town of Vincent advertised in the 'West Australian' newspaper on 28 January 2004 for suitable organisations to tender for the design, preparation and carrying out of a community visioning process.

Tenders for undertaking the project closed at 2pm on Wednesday, 11 February 2004 and seven (7) Tenders were received, which are "Laid on the Table". The prices (excluding GST) received from each of the Tenders are detailed below:

	<b>COMPANY</b>	<b>LUMP SUM PRICING</b>
1.	Q & A Communications Group	\$50,200.00 + Estimated Disbursements \$22,902.50
2.	Palassis Architects	\$45,000.00
3.	Community Perspectives	\$35,254.55
4.	Hames Sharley (WA) Pty Ltd	\$40,000.00
5.	Estill and Associates	Option 1 \$73,160.00 Option 2 \$40,025.00
6.	Annaliza Jackson	\$40,000.00
7.	Tailored Media	\$73,000.00

In accordance with the evaluation criteria and associated weightings outlined in Section 5.0 of the Project Brief, the following scores have been applied to each of the Tender submissions:

	COMPANY	Methodology/Project Process & Demonstrated Ability to Engage/Retain Maximum Community Involvement (25%)	Demonstrated Understanding of the Town's diverse demographic profile, groups and planning issues within the Town (20%)	Technical Expertise (15%)	Evidence of Ability to Meet Projected Milestones (15%)	Total Cost (15%)	Evidence of Experience in Similar Projects (10%)	Total Score (100%)
1	Q and A	18%	15%	7%	14%	7.24%	5%	66.24%
2	Palassis Architects	12%	10%	13%	14%	13%	8%	70%
3	Hames Sharley	15%	15%	13%	14%	14.03%	9%	80.03%
4	Estill and Associates	19%	12%	12%	14%	14.02%	8%	66.02%
5	Annaliza Jackson	15%	16%	13%	14%	14.03%	7%	79.03%
6	Community Perspectives	22%	18%	14%	14%	15%	9%	92%
7	Tailored Media	20%	16%	14%	14%	7.26%	7%	78.26%

#### CONSULTATION/ADVERTISING:

Tender No. 287/04 - Community Visioning was advertised in *The West Australian* newspaper on 28 January 2004 and submissions closed on 11 February 2004.

#### FINANCIAL IMPLICATIONS:

The current 2003/2004 Budget lists \$130,000 for Town Planning Scheme Amendments and Policies, and \$40,000 for a Community Visioning process.

#### STRATEGIC IMPLICATIONS:

Strategic Plan 2003-2008 – Key Result Area One: Environment and Infrastructure:-

*"1.3 Develop, implement and promote sustainable urban design.*

*Action Plans to implement this strategy include:*

- a) Develop and implement sustainable building design guidelines.*
- b) Review urban design policies and guidelines to enhance amenity, accessibility, neighbourhood interaction and aesthetics.*
- c) Review and release within an agreed time frame, the Town Planning Scheme, in accordance with the community vision, to:*
  - encourage hubs or centres of community within the Town;*
  - review residential densities;*
  - review zoning.*
- d) Incorporate sustainability into the Building and Design Awards to raise community awareness.*
- e) Develop a policy to encourage a proportion of affordable housing, in partnership with the State Government.*
- f) Participate in initiatives and incentives to foster sustainable building and urban design."*

**LEGAL/POLICY:**

Nil.

**COMMENTS:**

Following the assessment of the Tender submissions, it is established that Community Perspectives is the most suitable for undertaking the design, preparation and carrying out of a community visioning process for the Town of Vincent and presented the best value for money. Community Perspectives met all the required specific expertise, showed clarity in the approach to the project, understood the Town's desired outcomes for the project as well as having specific experience in working with the Town on numerous occasions, and presented them as the most appropriate for the project.

Total cost was allocated 15 per cent of the overall criteria weighting, and therefore was not a singular deciding factor when determining the successful Tender, however, Community Perspectives presented the lowest Tender price in addition to meeting all the required criteria outlined in the Project Brief, especially in terms of a demonstrated understating of the Town's diverse demographic profile, groups and planning issues within the Town, and with specific technical expertise in carrying out community visioning projects and successfully working with children, young people, indigenous people and other 'silent voices'.

Verification of the Consultant's referees revealed a strong respect for the Consultant's work ethic, performance and ability to meet the objectives of the client and community. The Consultant has undertaken similar visioning processes in Western Australia and to date, has achieved exemplary results for the respective Local Governments.

In light of the above, it is recommended that the Council accepts the Tender submitted by Community Perspectives for the design, preparation and carrying out of a community visioning process within the Town of Vincent, in accordance with the specifications as detailed in Tender No. 287/04.

## 10.2 TECHNICAL SERVICES

### 10.2.1 Naming of New Road Servicing a Development off Burt Street, Mt Lawley

<b>Ward:</b>	North	<b>Date:</b>	17 February 2004
<b>Precinct:</b>	Smith's Lake Precinct P6	<b>File Ref:</b>	TES0462
<b>Attachments:</b>	<a href="#">001:</a>		
<b>Reporting Officer(s):</b>	A Munyard		
<b>Checked/Endorsed by:</b>	C Wilson R Lotznicher	<b>Amended by:</b>	-

#### **OFFICER RECOMMENDATION:**

*That the Council;*

- (i) **RECEIVES** the report on the naming of the new road originating in Burt Street, servicing Lots created in the subdivision of Lots 178, 179 and 419 Monmouth Street;
- (ii) **APPROVES** the name "Tolcon Place", "Tolcon Close" or "Tolcon Mews", (to be placed in order of preference), for service road into the new residential subdivision; and
- (iii) **INFORMS** the Geographic Names Committee of the Department of Land Information (DLI) of its resolution.

#### **BACKGROUND:**

In April 2002, a letter was received from the daughter of Jury and Eleftheria Tolcon, requesting that her parents' contributions to the Vincent Community be recognised by the application of the Tolcon name to a suitable street or lane within the Town. It is now proposed that the Town support the application of the name "Tolcon Place", "Tolcon Close" or "Tolcon Mews" to a proposed new road servicing Lots in a sub-division between Monmouth Street and Burt Street, North Perth.

#### **DETAILS:**

In her letter to the Mayor, dated 5 April 2002, Sophia Bogoiias described her parents' early years in Western Australia and the following excerpts are provided as background to the recommendation that the "Tolcon" name be approved for a new road within the Town:

*"My parents have been residents of the Town for a very long time, my mother close on 55 years. They had very humble beginnings, being migrants from the northern part of Greece (Macedonia). My father came to Australia all alone at the age of 14. He joined his father at Salmon Gums. My mother was a "mail order" bride who came to marry my father at the age of 19. She acquired one of the two seats left on a ship to Australia before World War II broke out. She never saw her parents again. She joined my father and his family in Salmon Gums working on Government granted land. After many hard years fighting droughts my parents moved to Norseman. With very little English, but with determination and being prepared to work very hard they saved enough money to purchase two blocks of land there. They built a butchers shop and a bakery.*

*A few years later my father saved enough money to purchase a shop in Perth on the corner of Fitzgerald Street and Alma Road. Here the family lived and worked. On the land in Alma Road they built the family home (approximately 53 years ago) and it has remained so. My father built and established a bakery in Alma Road calling it "Tolcon's Roman Bakery". This business provided employment for many locals. It was also a place where locals were able to have whole lambs cooked for functions held in the community on the weekends (free of charge), a stop over for many hard working locals collecting their bread and having a chat...a place where the integration of cultures occurred. It was also a place to purchase top quality bread made the traditional way."*

The Tolcon home consisted of only two rooms and a sleep-out, however they often welcomed newly arrived migrants into their household until they were able to find their own accommodation. Their contribution to the development of the strong community spirit which is still part of the Town of Vincent today can be well remembered by the application of the name "Tolcon" to this new street in the Town.

When the request to consider using the name was received from the family, the Town consulted with the Geographic Names Committee. They have given their preliminary approval to the use of the name, and included it on their Reserve Register until a suitable application has been identified. Therefore the name has been assessed to be in compliance with all requirements for street naming within the state.

**FINANCIAL/BUDGET IMPLICATIONS:**

The cost of installing a street nameplate will be borne by the developers.

**STRATEGIC IMPLICATIONS:**

In line with Key Result Area One of the Town's Strategic Plan 2003-2008 -1.2 "*Recognise the value of heritage in providing a sense of place and identity*".

**COMMENTS:**

The Town is keen to recognise the important part played by residents in the development of its rich cultural fabric. Therefore, it is fitting that those who have made a significant contribution are recognised and remembered through the application of their names to streets and landmarks within the Town. It is recommended that the Council approves the application of the name "Tolcon Place", "Tolcon Close" or "Tolcon Mews".

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**10.2.2 Proposed Streetscape Upgrade in Vincent Street between William and Beaufort Streets, Mt Lawley**

<b>Ward:</b>	South	<b>Date:</b>	18 February 2004
<b>Precinct:</b>	Norfolk P10 & Mt Lawley Centre P11	<b>File Ref:</b>	TES0045
<b>Attachments:</b>	<a href="#">001;</a>		
<b>Reporting Officer(s):</b>	R Lotznicher		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report on the proposed Streetscape Upgrade in Vincent Street between William Street and Beaufort Street; Mt Lawley;*
- (ii) *APPROVES the implementation of the proposed works, as shown on attached Concept Plan No. 2253-CP-1, estimated to cost \$35,000; and*
- (iii) *ADVISES the residents of Vincent Street of its resolution.*

**BACKGROUND:**

The Council has allocated \$35,000 in the 2003/2004 budget to upgrade the streetscape in Vincent Street between William Street and Beaufort Street. What is proposed is similar to what was implemented in the section of Vincent Street opposite Hyde Park in 1999/2000.

**DETAILS:**

The section of Vincent Street in question is classified as a District Distributor B in accordance with the metropolitan functional road hierarchy.

In 1999/2000 a painted median with strategically placed solid islands to provide pedestrian refuge and locations for trees, was installed along the section of Vincent Street between Throssell and William Streets. The works also included line marking to delineate the kerbside parking. The work was designed to improve aesthetics, level of service for residents and park users and safety improvements.

Due to the success of the above works, it is now proposed to extend this theme eastwards along the remaining section of Vincent Street to Beaufort Street. The attached Plan No. 2253-CP-1 outlines the proposal.

The proposal also includes improvements to the intersection of Harold and Vincent Streets to improve safety for pedestrians and traffic management.

Note: Currently this intersection operates as a “left-in left-out” so there will not be restrictions to traffic movements.

**CONSULTATION/ADVERTISING:**

N/A

**LEGAL/POLICY**

N/A

**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. *"b) Continue to develop and implement annual road rehabilitation and upgrade programs."*

**FINANCIAL/BUDGET IMPLICATIONS:**

The 2003/2004 budget includes an amount of \$35,000 for the proposed works.

**COMMENTS:**

The success of the previous improvement works opposite Hyde Park prompted the Council to approve funds to extend the existing theme eastwards along Vincent Street to Beaufort Street.

It is therefore recommended that the Council receives the report on the proposed Streetscape Upgrade in Vincent Street between William Street and Beaufort Street; Mt Lawley, and implements the proposed works, as shown on attached Concept Plan No. 2253-CP-1, estimated to cost \$35,000.

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**10.2.3 Extension of Existing Two (2) Hour Parking Restriction on the North Side of Carr Place to be in Force at All Times**

<b>Ward:</b>	South	<b>Date:</b>	22 January 2004
<b>Precinct:</b>	Oxford Centre P4	<b>File Ref:</b>	TES0090
<b>Attachments:</b>	<a href="#">001</a> ;		
<b>Reporting Officer(s):</b>	A Munyard		
<b>Checked/Endorsed by:</b>	R Lotznicher	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report on extending the existing two (2) hour parking restriction on the North side of Carr Place, to be in place at all times;*
- (ii) *APPROVES the extension of the parking restriction as illustrated in attached Plan No. 2256-PP-1;*
- (iii) *places a moratorium on issuing infringement notices for a period of two (2) weeks from the installation of the new parking restriction signs; and*
- (iv) *ADVISES residents and business proprietors in Carr Place of its decision.*

**BACKGROUND:**

Many residents of Carr Place have expressed their discontent regarding parking problems during the evenings. Extending the time restriction to be in place at all times would be an effective way of discouraging patrons of the nearby hotel and restaurants from parking in Carr Place rather than the nearby Council car parks.

**DETAILS:**

Subsequent to receiving complaints from residents regarding the difficulty they experience finding parking in Carr Place during evenings, residents were canvassed on whether they would like to see an extension of the current two (2) hour time restriction on the north side of the road to be in place at all times.

One hundred and seventeen (117) letters were distributed, drawing twenty seven (27) responses. Of these, twenty one (21) supported the proposed change, five (5) were not in favour, and one (1) did not directly address the question. Together they represent a 27% response rate.

**Community Consultation**

Of the positive responses, the following comments were received:

- Wednesday and Sunday nights present the most difficulties for residents and therefore the current restrictions are inadequate
- Patrons of the hotels are noisy and disruptive when leaving the venue and collecting their vehicles
- There is plenty of parking provided by the Town to accommodate patrons of the hotel and restaurants

The following comments were made by those who opposed the proposal;

- Parking is not a problem for me – it's just the bad behaviour of those leaving the hotel
- This restriction will impact on our commercial operations
- Even though we are a business we think we should be given exemption permits
- Businesses in the vicinity should be required to provide more parking
- The Town should introduce angle parking on the south side of Carr Place

### **Officer's Comments**

The intention of the proposed extended restriction is two fold. Members of the public visiting the hotel or restaurants in the Leederville Town Centre will be encouraged to look for unrestricted pay parking in the nearby car parks, thereby reducing the congestion in Carr Place. Additionally, with less patron parking in Carr Place, there will be a reduction in the disturbance to residents as people return to their vehicles.

The restriction is proposed with the intention of reducing the impact on residents of the associated problems that come with proximity of the street to Leederville's burgeoning evening entertainment and recreation centre. Issuing exemptions to businesses would defeat the intention of the restriction. To accommodate the requirements of commercial enterprises in Carr Place, the restrictions on the South side of the street will not be altered.

The suggestion that angle parking be introduced in Carr Place is not feasible. The verge width in Carr Place is not sufficiently wide to accommodate angle parking without loss of the footpath.

The Manager for Law and order Services has been consulted and has no objection to the extension of the time restriction.

### **CONSULTATION/ADVERTISING:**

The results of the consultation with affected residents and businesses have been detailed in the report.

### **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 "*p) Develop a strategy for parking management in business, residential and mixed use precincts*".

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

The cost of installation of one (1) new parking restriction sign and road line marking would be approximately \$300.00.

### **COMMENTS:**

Residents and business proprietors in close proximity to the city experience huge demands on parking in their adjacent streets. Permits will be made available to exempt residents and their visitors from the restriction where eligible. The extension of the time restrictions will aid in preserving parking in this zone for the use of ratepayers and their invitees, and will reduce disturbance to residents late in the evenings. It is recommended that the Council approve the extension of the time restriction as shown on attached plan 2256-PP-1.

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**10.2.4 Proposed Streetscape Enhancement St Albans Avenue, Highgate**

<b>Ward:</b>	South	<b>Date:</b>	18 February 2004
<b>Precinct:</b>	Beaufort P.13 & Hyde Park P.12	<b>File Ref:</b>	TES0522
<b>Attachments:</b>	<a href="#">001;</a>		
<b>Reporting Officer(s):</b>	R Lotznicher		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**RECOMMENDATION:**

*That the Council;*

- (i) **RECEIVES** the report on the Proposed Streetscape Enhancement St Albans Avenue, Highgate;
- (ii) **APPROVES** in principle the streetscape proposal as outlined in attached Plan No 2257-CP-1;
- (iii) **CONSULTS** the affected residents in St Albans Avenue giving them 14 days to provide comments on the proposal; and
- (iv) **RECEIVES** a further report at the conclusion of the consultation period.

**BACKGROUND:**

At the Ordinary Meeting of Council (Item 11.2.4) held on 26 May 1997, Council resolved (in part) that;

*".....a report be prepared, as a matter of urgency, on opportunities for alternative or additional locations for street tree planting (for example, where the street is wide enough to allow for trees to be planted in the middle of the street (such as Cavendish and Harley Streets) or for planting in nibs to create or provide visual reinforcement of embayed parking)."*

A further report on the matter was presented to the Ordinary Meeting of Council held on 9 March 1998.

The report contained a conceptual drawing for local access roads with a pavement width exceeding 11 metres over its full length and the Council was advised that Elma Street, Cavendish Street, Harley Street and St Albans Avenue met this criteria.

The concept plan indicated formalised on-street parking while allowing for two (2) standard traffic lanes and centrally planted median trees.

The Council subsequently adopted the following resolution

*"That;*

- (i) *the Council approve in principle the streetscape concept enhancement plans for Cavendish and Stirling Streets (laid on the table);*
- (ii) *the Council list Cavendish and Stirling Streets, as detailed in the report, for consideration in the 1998/99 draft budget; and*
- (iii) *residents be consulted prior to the preparation of detailed drawings."*

Funds for the Cavendish Street works were allocated in the 1998/1999 financial year and following unanimous support from residents in the street, the works comprising centrally planted trees, embayed parking, entry statements and road rehabilitation were implemented in May 1999.

Subsequently the Council allocated funds in the 2001/2002 financial year for a “wider street” treatment for Harley Street similar to that previously implemented in Cavendish Street.

However due to the overwhelming negative response to the streetscape proposal, the project did not proceed.

**DETAILS:**

Notwithstanding the Harley Street experience, several residents in St Albans Avenue had previously requested that their street be upgraded similar to Cavendish Street and funds have been allocated in the 2003/2004 budget for this purpose.

As with what was previously implemented in Cavendish Street, the proposal for St Albans Avenue will formalise the on-street parking while allowing for two (2) standard traffic lanes and centrally planted median trees. It is considered the visual impact of the median trees in conjunction with the brick paved nibs and entry statements at the intersections will reduce the driver’s perception of road width and improve traffic safety by separating the moving traffic from that of parked vehicles and will ensure parking is controlled so as to conform to the appropriate standards.

A preliminary estimate to implement the St Albans Avenue works as outlined on attached Plan No 2257-CP-1 is \$45,000.

**CONSULTATION/ADVERTISING:**

It is recommended that the residents in St Albans Avenue will be consulted with regard to the proposal and given the opportunity to provide comments.

**LEGAL AND POLICY:**

N/A

**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. *“e) Continue to develop and implement streetscape enhancements.”*

**FINANCIAL/BUDGET IMPLICATIONS:**

Funds totalling \$45,000 have been allocated in the current financial year for streetscape enhancements and road resurfacing and rehabilitation in St Albans Avenue.

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**COMMENTS:**

It is considered that the proposal will provide positive benefits for the residents in St Albans Avenue, including the much needed infrastructure improvements.

It is therefore recommended that the Council receives the report on the Proposed Streetscape Enhancement St Albans Avenue, Highgate, approves in principle the streetscape proposal as outlined in Plan no 2257-CP-1, consults the affected residents in St Albans Avenue giving them 14 days to provide comments on the proposal, and receives a further report at the conclusion of the consultation period.

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**10.3 CORPORATE SERVICES****10.3.1 Financial Statements as at 31 January 2004**

<b>Ward:</b>	Both	<b>Date:</b>	16 February 2004
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0026
<b>Attachments:</b>	<a href="#">001 002</a>		
<b>Reporting Officer(s):</b>	N Russell		
<b>Checked/Endorsed by:</b>	M Rootsey	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council RECEIVES the Financial Reports for the month ended 31 January 2004 as shown in Appendix 10.3.1.*

**BACKGROUND:**

The Local Government Act and Local Government (Financial Management) Regulations 1996 require monthly reports and quarterly financial reports to be submitted to Council. The Financial Statements attached are for the month ended 31 January 2004.

**DETAILS:**

The Financial Statements comprise:

- Operating Statement
- Summary of Programmes/Activities
- Capital Works Schedule
- Statement of Financial Position and Changes in Equity
- Reserve Schedule
- Debtor Report
- Rate Report
- Beatty Park – Financial Position Report
- Variance comments on December 2003 Financial Statements

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

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

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

**Operating Revenue**

Operating revenue is currently showing 82% of the Budget received to date.

**General Purpose Funding (Page 1)**

General Purpose Funding is showing 94% of the budget received to date, this is due to rates being levied.

**Health (Page 4)**

Health is showing 101% This is due to Health Licences being issued.

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**Community Amenities (Page 6)**

Community Amenities is showing 56% of the budget received to date. This is due to bin charges being invoiced.

**Economic Services (Page 12)**

Economic Services is showing 63% of the budget received to date. Swimming Pool Inspection fees have been levied

**Operating Expenditure**

Operating expenditure for the month is level with Budget (63%).

**General Purpose Funding (Page 1)**

The budget has been exceeded due to a payment for the Emergency Services Levy being posted to the operating statements and will be transferred to the balance sheet.

**Recreation & Culture (Page 7)**

Water rates have been paid on the properties in the Town. The budget result to date is 59%

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

The Capital Expenditure summary details projects included in the 2003/04 budget and reports the original budget and compares actual expenditure to date against these. Capital works show total expenditure for the year to date of \$13,707,836, which is 52% of the budget.

**Statement of Financial Position and Changes in Equity (Pages 28 & 29)**

This statement is in essence the Balance Sheet of the Town as at 31 January 2004 and shows current assets of \$23,579,532 less current liabilities of \$3,458,412 for a current position of \$20,121,120. Total non-current assets amount to \$108,542,084 for total net assets of \$116,073,953.

**Restricted Cash Reserves (Page 30)**

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

Transfer of interest occurs as it is earned and investments mature. The amounts funded for the Municipal Fund are transferred on a monthly basis. Contributions received, which are transferred to Reserves occur at the end of month during which the cash contribution is received. To the 31st January 2004, interest of \$245,240 was transferred. Transfers to Reserves totalled \$722,604 and transfers from Reserves amounted to \$331,133. Restricted cash reserves total \$7,870,128 at the end of January 2004.

**Debtors and Rates Financial Summary**

**General Debtors (Page 31)**

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

Sundry Debtors of \$6,328,380 are outstanding at the end of January. Of this \$310,101 (4%) relates to debts outstanding for over 60 days. The majority of the debt is \$5,778,000 for WA Treasury Corporation which is the remainder of the loan that is to be received by the Town. The Debtor Report identifies significant balances that are well overdue.

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

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

**Rate Debtors (Page 32)**

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

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

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

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

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

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

**Beatty Park – Financial Position (Page 33)**

As at 31 January 2004 the operating deficit for the Centre was \$229,043 in comparison to the annual budget of \$167,829.

The cash position showed a current cash surplus of \$9,466 in comparison to the annual budget estimate of \$311,408. The cash position is calculated by adding back depreciation to the operating position.

It is anticipated that the position will improve with increased attendances during the busy summer months.

However the Health Department requirements to change from chlorine gas to chemical chlorine has been a significantly higher increase in chemical costs than had been anticipated as there had been no previous history to base the costing on.

In addition contributing to the position is the fact that the budgeted revenues for the café and retail areas have been based on an increase from previous years, at this stage this has not materialised and revenue has been at the same level as last year.

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**10.3.2 Capital Works Program 2003/2004  
Progress Report No 2 as at 31 December 2003**

<b>Ward:</b>	Both	<b>Date:</b>	16 February 2004
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0025
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	M Rootsey, R Lotznicher, R Boardman		
<b>Checked/Endorsed by:</b>	J Giorgi	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council RECEIVES the Progress Report No 2 for the Capital Works Program 2003/2004, as detailed in Appendix 10.3.2.*

**BACKGROUND:**

The Council adopted the Capital Works Program at the Ordinary Meeting of Council held on 23 July 2003. Quarterly reports are presented to Council to advise of the schedule and progress of the Capital Works Program. This is the second Progress Report for this financial year covering the period ending 31 December 2003.

**DETAILS:**

The report focuses on the work that was due to be completed in the first quarter. Comments on the report relate only to works scheduled to be carried out in the period up to 31 December 2003.

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

Nil

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2003-2008 – Key Result Area

- 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment.

**FINANCIAL/BUDGET IMPLICATIONS:**

The progress is proceeding according to funding in the Annual Budget 2003/2004.

**COMMENTS:**

The Capital Works Program is progressing according to schedule.

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### 10.3.3 Review of the 2003/2004 Annual Budget

<b>Ward:</b>	Both	<b>Date:</b>	16 February 2004
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0025
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	N Russell, M Rootsey		
<b>Checked/Endorsed by:</b>	M Rootsey	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council APPROVES BY ABSOLUTE MAJORITY the adjustments of the 2003/04 Annual Budget as detailed in this report.*

**BACKGROUND:**

The Town as part of its management procedures, reviews its Budget on a regular basis to make adjustments for any major variations or additional requirements to the adopted Budget.

**DETAILS:**

A review has been undertaken as at 31st December 2003 to adjust for any major variances or additional items required and the inclusion of previous decisions of the Council.

**Beatty Park Boiler Replacement - \$65,338**

The boiler at Beatty Park needed to be replaced as the existing boiler required constant repairs and was no longer reliable; the tender for the replacement was approved at the Ordinary Council meeting of 8 July 2003 Item 10.3.2.

The funds for the boiler are to come from a reduction in the budget for the cost of installation of the ultra violet water treatment - \$46,338.

The installation of showers in the female/male change rooms not proceeding - \$15,000 and the funding of the inflatable for the indoor pool being done by a sponsor - \$4,000.

**Funding Implication:**

No impact on the financial position as the expenditure is funded from the Beatty Park Reserve fund.

**Beatty Park - Urgent Maintenance - \$39,923**

As a result of a structural review report on the condition of Beatty Park by GHD Engineering and an in-house report on maintenance programme for the Centre the following items were identified as requiring immediate attention.

- New indoor balustrades to comply with Building Code - \$3,000
- Outdoor pool exit doors replacement - \$4,000
- Downpipe clearance of gutters - \$2,000
- Waterproof membrane of WASA offices roof - \$3,760
- Investigation of main pool surrounds edges - \$7,900
- Grandstand exits to be amended to be compliant with building regulations - \$4,000
- Check of all concealed downpipes - \$1,000
- Fire hose reels replacement - \$6,573
- Painting maintenance urgent - \$7,690

This work is to be funded from the deferral of the items listed below which were to have been undertaken in this budget.

**Plant & Equipment**

Replace outdoor circulating pump - \$12,600.  
Foot valve for circulating pump - \$3,700  
Crèche air conditioner - \$7,700.

**Land & Building**

Antiskid change room floors - \$7,000  
Window tinting (swim school) - \$1,000

There is also money available to fund this work from the savings from the retrofit of the spa - \$4,744 and funds from Beatty Park Reserve Fund of \$3,179.

**Funding Implication:**

No impact as the available funds are as a result of the deferral or the savings on projects funded from the Beatty Park Reserve Fund

**Leederville Oval Project - \$1,776,530**

The original figure in the budget should have included the above amount to cover the cost of the work to be completed in this financial year. The amount of \$1,400,000 is to be funded from the Capital Reserve Fund.

An amount of \$350,000 is required to be added to the budget representing the contribution from Subiaco Club for their clubrooms this year. Also a sum of \$26,530 for variations requested by Subiaco Football Club to the original contract.

**Funding Implication:**

No impact as this is funded from the Capital Reserve Fund and contributions received from Subiaco Football Club.

**RCD Protection - \$18,647**

A review of RCD electrical protection for properties owned by the Town revealed that four of the larger premises lacked full RCD protection. WorkSafe request also received.

It was therefore necessary for the electrical contractors to complete work at the following premises for the costs listed to ensure full RCD compliance.

Main Administration Building and Civic Centre - \$8,735.  
Town of Vincent Library - \$407.  
Loftus Recreation Centre - \$6,936.  
Loftus Community Centre - \$2,569.

This work will be funded from the relevant reserve funds  
Administration Building Reserve Fund - \$9,142  
Loftus Recreation Centre Reserve Fund - \$6,936  
Loftus Community Centre Reserve Fund - \$2,569

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**Funding Implication:**

No impact as these costs are to be funded from the respective Reserve funds.

**Hyde Park Toilets - \$17,120**

The toilets require these funds to be allocated to repair the toilets internally and externally to be make them in good enough condition to be maintained in a clean and serviceable condition. Given the high profile of this park with the large number of visitors and events held at the park it is believed this repair work should be a priority.

This work can be part funded from savings of \$5,000 on the Beatty Park Reserve Pavilion item.

**Funding Implication:**

Increase in budgeted expenditure to fund the work.

**Organisational Review - \$49,535**

The following funds require to be reallocated from the Organisational Review Budget to fund the following appointments.

Compliance Officer until the end of the 2004 financial year, salary and associated overheads - \$25,210

Compliance Officer vehicle - \$19,325

Customer Service Centre Coordinator, upgrade of position - \$5,000

**Funding implication:**

No impact as funds reallocated from the Organisation Review Operating Budget \$105,000.

**Leederville Master Plan - \$50,000**

At the Ordinary Council Meeting of 16 December 2003 it was resolved by absolute majority to reallocate \$50,000 from the Town Planning Scheme Amendments and Policies budget (\$130,000) to a new project, the Leederville Master Plan - \$50,000.

**Funding Implication:**

No funding implications as there is a reallocation of funds within the Planning budget in the Community Amenities Program.

**Multi-Purpose Rectangular Stadium - \$96,607**

In accordance with the Heads of Agreement an amount of \$25,000 is to be paid by Allia Holdings into the Reserve Fund for capital improvements on 1 January 2004.

Similarly an equivalent amount of \$25,000 is required to be paid by the Town of Vincent into the Reserve Fund.

Tender for the temporary grandstand was approved at the Ordinary Council meeting of 4 November 2003, Item 10.4.9. An amount of \$46,607 is to be transferred to the Stadium Reserve Fund.

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**Funding Implication:**

Increase in budgeted expenditure, whilst the amount from Allia is offset by the transfer to reserve and the amount for the temporary stand is a reallocation of existing funds. The funds for the Town of Vincent contribution are unbudgeted.

**Multi-Purpose Stadium – Purchase of Lot 914 Bulwer St - \$4,000**

The Town was required to purchase a lot of land in the middle of the oval from Water Corporation (Lot 914 Bulwer Street Perth Oval). This purchase was not allowed for in the original budget estimates as it only came to light following a comprehensive title search of Perth Oval.

**Funding Implication:**

Increased budget expenditure.

**Len Fletcher Pavilion – Structural Engineers Report - \$9,660**

Approval was given for the preparation of a Structural Engineers Report on the condition of the Len Fletcher Pavilion. The report has been completed at a cost of \$9,660.

**Funding Implication:**

Increased budget expenditure.

**Loftus Recreation Centre – Benches and Computer - \$5,216**

The Centre has been required to purchase a computer for the reception, following the failure of the existing one and together with three benches for the gymnasium. These purchases have will be funded from the Loftus Recreation Centre Reserve Fund.

**Funding Implication:**

No funding implications as funded from Loftus Recreation Centre Reserve Fund.

**Recoups - \$9,103**

The following income recoups were not originally budgeted:

Beaufort Street Child Centre - \$3,890  
View St Child Health Centre, Water Account - \$1,456  
Youth Facility, Insurance Account - \$3,757

**Funding Implication:**

Increased budget income.

**Law and Order Survey Participation - \$5,000**

This survey is an Australia-wide benchmark for parking related issues and the Town's participation is considered a valuable contribution to the assessment of the performance of the Law and Order Section and long-term Strategic Planning items.

**Funding Implication:**

Increased budget expenditure

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**Law and Order Grant - \$7,920**

The Law and Order Section received a grant for safe steps at Mt Hawthorn School and seminars for ethnic communities for \$7,920. The grant and associated expenditure were not included in the original budget as the grant approval had not been advised.

**Funding Implication:**

No funding implication as grant funds the associated expenditure.

**North Perth Town Hall – Amplifier - \$1,095**

The purchase of a new amplifier for North Perth Town Hall is to replace the one which was stolen from the hall. The value of this equipment is below the required excess and therefore has to be funded by the Town.

**Funding Implication:**

Increased budget expenditure.

**Election Expenses - \$51,000**

An amount of \$80,000 was carried forward for election expenses, however the majority of this amount was paid in the previous year and therefore the budget estimate for 2003/04 can be significantly reduced.

**Funding Implication:**

Reduced budget expenditure.

**Beatty Park Operating Revenue/Expenditure - \$95,000**

Budget estimates for the Café and Retail Shop were based on the assumption that sales would significantly exceed last year's figures. The current projection for the end of this financial year suggests that the budgeted projections will not be achieved and therefore the following adjustments to revenue estimates are proposed:

Café - \$30,000  
Retail - \$25,000

The Health Department of WA banned the use of chlorine gas at Beatty Park, to be replaced by chemical chlorine. The implementation of chemical chlorine has turned out to be expensive, with the budget allocation being used in the six month period, therefore a budget allocation of \$40,000 is required to cover the next six month period.

**Funding Implication:**

Reduced budgeted income and increased budget expenditure

**Parking Machines - \$108,000**

Approval was given for the purchase of ticket machines in Richmond Street (7) and four replacement machines in Frame Court and one replacement in Brisbane Street Car Park. The City of Perth can sustain the current Cale 101 machines in Frame Court and Brisbane Street Car Parks for a further year or two because they stock a number of spare parts for machines that they have decommissioned. The ticket machines at Richmond Street are not required as they were replaced by time restrictions.

**Funding Implication:**

Reduced budgeted expenditure.

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**Vehicle Changeovers**

Budget to reflect gross amount of \$528,220 with trade-ins of \$346,500, refer to page 7.4 of the Annual Budget. Currently the budget reflects the net value of \$181,720, whereas the gross amounts are actually costed against this account with the trade-in amounts being costed to the sale of proceeds account which is a balance sheet account.

**Funding implication:**

No impact on funds reflecting reporting adjustment.

**CONSULTATION/ADVERTISING:**

N/A

**LEGAL/POLICY:**

N/A

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2003-2008

Key Result Area 4 – Governance and Management

- 4.2 a) Deliver services in ways that accord with the expectations of the community, whilst maintaining statutory compliance.
- d) Ensure that processes comply with relevant legislation.

**FINANCIAL/BUDGET IMPLICATIONS:**

At the end of the second quarter of the financial year, with the inclusion of the reported adjustments there is an estimated surplus on the 2003/04 Budget of \$16,726.

**COMMENTS:**

The Town reviews the budget at the end of each quarter, therefore the next review will be conducted at the end of March 2004.

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**10.3.4 Recovery of Outstanding Rates**

<b>Ward:</b>	Both	<b>Date:</b>	17 February 2004
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0015
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	M Rootsey		
<b>Checked/Endorsed by:</b>		<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council AUTHORISES the Chief Executive Officer to proceed with the legal recovery actions as recommended, to collect the outstanding rates on the property listed on the Confidential Schedule at Appendix 10.3.4.*

**BACKGROUND:**

The Rates Section makes every effort to ensure that all ratepayers meet their payment of rates as assessed on their properties. Following the distribution of the rate notices, ratepayers are given 35 days to pay in full or elect to take the instalment options. If payment is not received a Final Notice reminder is sent to ratepayers with the amounts outstanding. If following the distribution of the Final Notices, no payment is received the outstanding debts are referred to a debt collection agency.

The Town has retained Pioneer Credit Management Services to act on its behalf in these matters.

The initial action that the debt collection agency undertakes is to send the property owner a demand letter requesting payment.

If ratepayers are experiencing financial difficulties, the Town will offer an alternative schedule of payments that are negotiated with the individual ratepayer and in accordance with ratepayers financial ability to pay. It is however, current practice where possible to have the account settled within a financial year. In cases where arrears have arisen, arrangements are negotiated to ensure that repayments are made to ensure that the account is settled within an appropriate timeframe. In situations where arrangements are not made, the Town will use the formal debt recovery process available to them. The Town, through its debt recovery agency, will issue Local Government Summonses to errant ratepayers. Most ratepayers will settle on receipt of the summons, however in some cases, the receipt of a summons doesn't result in payment of the outstanding accounts.

In this situation the Town can follow up the summons with a Warrant of Execution.

This warrant requires a Bailiff to seize and sell goods to the value of the outstanding debt. During this process time and opportunity is allowed for the relevant ratepayer to come to an agreement with the Town which will avoid the need to sell the goods seized.

In some instances a Warrant of Execution will be returned to the court with the comment "nulla bona". This indicates that there are no goods of value belonging to the person(s) and the debt remains unsatisfied.

At this stage of the legal recovery process there are three (3) options available.

These are as follows:

- To utilise provisions within the Local Government Act which permit an authority to sell a property where rates remain unpaid for not less than three (3) years.
- To issue a Land Warrant through the Local Court and have the Bailiff sell the property and recover amounts due from the proceeds.
- To acknowledge that the ratepayer is not going to pay the outstanding rates levied or those raised in the future and accept this position. This will result in an accumulation of rates arrears which will be finalised on the sale of the property.

The recommended option is that of a Land Warrant. This option is similar to the rate sale provisions of the Local Government Act, however the Land Warrant is preferable for the reasons listed:

- Land Warrant process can be stopped whilst the owner makes an arrangement to settle the debt. (In the case of a rate sale under the Local Government Act only full payment of the account can prevent the sale).
- The legal costs incurred by the Town and subsequently passed on to the owner are less than that on a rate sale.
- The unrecoverable administrative costs are less if the Land Warrant is issued.

**DETAILS:**

A separate confidential attachment with one (1) property is listed where the rates have been outstanding for more than three (3) years will be distributed at the Council meeting and collected at the conclusion of the meeting. This is a particularly complex recovery action as explained in the confidential attachment.

The schedule includes the owners' names and the approximate number of financial years that rates have been outstanding and the amount currently outstanding.

The Town to date has not received a response to the current recovery action taken.

On this occasion authorisation is sought to utilise the provisions with the Local Government Act.

**CONSULTATION/ADVERTISING:**

The Town will contact each ratepayer again prior to any further action being taken.

**LEGAL/POLICY:**

The Chief Executive Officer has Council delegation to act under Local Government Act clauses 6.64 / 6.67. Actions to be taken when rates are in excess of three (3) years, subject to Council approval.

**FINANCIAL/BUDGET IMPLICATIONS:**

As at 30 June 2003 the Town had a total of \$543,964 of rates outstanding; this represents 4.36% of total rates raised.

The property owner listed owes a total of \$8,270.95.

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**STRATEGIC IMPLICATIONS:**

In accordance with the Key Result Area Four of the Draft Strategic Plan 2002-2009 – 4.2

4.2 Deliver services in ways that accord with the expectations of the community whilst maintaining statutory compliance.

d) Ensure that processes comply with relevant legislation.

**COMMENTS:**

The legal full debt recovery process on the outstanding rates should be followed to ensure that the Town collects all outstanding rates monies owed to them. It is recommended following the issuing of a Summons that recovery action under the Local Government Act be pursued.

**10.3.5 Britannia Reserve Usage**

<b>Ward:</b>	North	<b>Date:</b>	16 February 2004
<b>Precinct:</b>	Mt Hawthorn P1	<b>File Ref:</b>	RES0001
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	R Lotznicher, M Rootsey		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) **RECEIVES** the report from the Britannia Reserve Working Group;
- (ii) **ENDORSES** the following recommendations made by the Working Group:
  - (a) *the alternative preferred location for Subiaco Football Club training is Option C as outlined on attached Plan No. A1-2239-CP.1A;*
  - (b) *extensive consultation be conducted for a period of six (6) weeks with the community, in particular the Britannia Road and Leederville Garden residents, with regard to the proposal for Subiaco Football Club to train at the northern end of the reserve;*
  - (c) *Floreat Athena Women's Soccer team to be advised of the preferred option;*
  - (d) *the Minutes of the Britannia Reserve Working Group be public documents to be included in the following scheduled Council Meeting Agenda, Information Bulletin; and*
- (iii) **ENDORSES** the Britannia Reserve Working Group's recommendation and lists funds for consideration in the 2004/05 draft budget for the Town to examine the sustainable long term provision of open space to the Town's residents given the following:
  - (a) *Increasing residential densities;*
  - (b) *Declining amounts of private open space;*
  - (c) *Increasing demands on the Town's facilities by State and Regional sporting organisations;*
  - (d) *Identified demands to rezoning of land zoned parks and recreation to residential;*
  - (e) *Identified demands for open space to be used for purposes that precluded their use as Open Space or for recreation, eg. The provision of car parking;*
  - (f) *Information (casual) utilisation rates by the Town's residents are not fully identified; and*
- (iv) **RECEIVES** a further report on the outcome of the community consultation as recommended in Clause (ii).

**BACKGROUND:**

As previously reported to the Council as part of discussions with both the Subiaco Football Club (SFC) and the East Perth Football Club (EPFC) to establish a Football Centre of Excellence at Leederville Oval, reference was made to the requirements for both clubs to have available alternative training venues.

The requirement for alternative training venues was considered necessary as with two clubs, each with three full squads training, and playing at Leederville Oval, the ground would not be able to sustain such a level of use and would result in a significant increase in ground maintenance costs etc.

As part of ongoing discussions with Junior Rugby and SFC the Town's administration granted SFC a seasonal hire for the southern portion of Britannia Reserve for evening training Monday to Friday.

The SFC training caused some concern amongst some local residents and in particular the dog users of the reserve as they considered the available 'off leash' dog area has been reduced as a result of the marking out of the foot ball training area for SFC's use.

As a result, a public meeting (arranged by residents) was held on Saturday 6 December 2003 at the southern end of Britannia Reserve attended by approximately 80 residents including the Mayor, five (5) elected members and two (2) of the Town's Executive Managers.

At the meeting members of the public raised concerns regarding the encroachment of the football training on the 'off leash' dog training area including proposals to construct change rooms, toilets and training lights at the southern end of the reserve and lack of consultation.

The Mayor and officers advised those present that all that had been approved to date was a seasonal hire agreement with SFC allowing them to train on Britannia Reserve up to five (5) nights per week and that all other proposals were subject to Council approval and as part of the process would comprise 6 weeks community consultation.

The meeting concluded with the Mayor and officers giving an undertaking that their concerns would be reported to the Council at its Ordinary Meeting of 16 December 2003.

Subsequently, at the Council meeting of 16 December 2003, the following resolution was adopted.

*“That the Council;*

- (i) RECEIVES the report on the usage of Britannia Reserve;*
- (ii) AUTHORIZES the Chief Executive Officer:
  - (a) to allow dogs off leash on the area of Britannia Reserve to the north of the prolongation of Namatijra Place to where it meets the Mitchell Freeway, during the times when the Subiaco Football club is training on the southern portion of the reserve as an interim short term solution;**

(b) *to set up a Working Group comprising:*

- *up to two (2) Elected Members (namely Cr Doran-Wu {Chair} and Cr Chester);*
- *Executive Manager Corporate Services;*
- *Executive Manager Technical Services;*
- *Manager Law and Order Services and/or Senior Ranger;*
- *two (2) representatives of the Subiaco Football Club (one with voting rights); and*
- *two (2) community representatives (nominations to be advertised);*
- *one (1) representative from winter code sports club users; and*
- *one (1) representative from summer code sports club users;*

*to investigate the best options for the use of the reserve for all users for the Council's consideration;*

(iii) *APPOINTS Cr Doran-Wu (Chair) and Cr Chester to the Working Group;*

(iv) *NOTES a further report will be submitted to the Council in February 2004, once the Working Group has considered the matter;*

(v) *REQUESTS the Chief Executive Officer to confirm with all sporting clubs what their training times are; and*

(vi) *REQUESTS the Chief Executive Officer to arrange a meeting between nominated Councillors, the Britannia Users Group and the Town's Officers for early January 2004 to identify key issues of the current arrangement."*

## **DETAILS:**

### **Working Group Meetings**

In accordance with the Council's resolution the working group met on two occasions as follows

- Meeting 1: Held on 28 January 2004.
- Meeting 2: Held on 9 February 2004.

As per the Council resolution, the working group comprised the following:

- Cr Helen Doran-Wu, Chairperson
  - Cr Simon Chester
  - John Giorgi, Chief Executive Officer (CEO)
  - Mike Rootsey, Executive Manager Corporate Services (EMCS)
  - Rick Lotznicher, Executive Manager Technical Services (EMTS)
  - Jacinta Anthony, Manager Community Development (MCD)
  - Jim Maclean, Manager Law and Order (MLO)
  - Kim Williamson, General Manager, Subiaco Football Club (SFC)
  - Paul Jones, President, Leederville Cricket Club (LCC)
  - Mark Fox, Vice President, WA Junior Rugby Union (WAJRU)
  - Michael Borlase, Community Representative
  - Greg Bronovich, Community Representative
-

## **Meeting 1**

The meeting was held at the Town's Administration and Civic Centre on 28 January 2004.

The following is an outline of the Order of Business:

### Terms of Reference and Reporting Requirements

The CEO referred to the terms of reference as moved in the Ordinary Council meeting on 16 December 2003, advising the group was convened to discuss key issues and provide alternative options to accommodate various users.

### Background History

The CEO gave a comprehensive background and history of the issues involved and the EMCS explained the procedures involved with seasonal hire of the reserve.

The CEO further explained the process where a number of reserves were considered in order to accommodate the training needs for Subiaco Colts. There was extensive discussion on the competing needs by various groups for the reserve.

### User Requirements

The user profile was presented and discussed (refer attachment 3).

The MLO outlined and discussed the number of registered dogs in streets close to the reserve and the MCD discussed demographic statistics for the various suburbs from 1996 and 2001.

The Community Representatives presented and discussed a survey of users for the period between 1 December 2003 to 5 December 2003.

### Options Presentation

The EMTS outlined three options for SFC training to the group.

*Option 1:* This was the current arrangement where the training football oval was marked in the southern side of the reserve.

*Option 2:* This presented an alternative location for the training oval just above the demarcation line of the dog off lead area, which overlapped across two rugby fields. This option had a small portion of the oval spilling into the off lead area.

*Option 3:* This presented the training area as a trapezium shape in the same area as Option 2 which meant that there was no spill into the off lead area.

The community representatives were in favour of options 2 and 3, however, they indicated they would like to present these two options to the groups they represented. Both option 2 and 3 required temporary goals to be erected given the overlap of the rugby and football fields.

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### Recommended Actions

The following actions were recommended by the group to be presented to the next meeting.

1. WAJRU and EMTS to work out the logistics of the northern side of the reserve together with SFC to work out placement of playing and training areas.
2. Draft map to be mailed out before next meeting.
3. List the reserves that were being considered as training grounds i.e. Beatty Reserve, Charles Veryard, Britannia Reserve and Les Lilleyman stating pros and cons in consultation with SFC.
4. MLO to expand the information provided of registered dogs to a wider and more representative area around Britannia Reserve.
5. Investigate alternative grounds including school ovals.

### **Meeting 2**

This meeting was also held at the Town's Administration and Civic Centre. The meeting was held on 9 February 2004.

The following was the Order of Business:

### Recommended Actions

These actions ere recommended at the first meeting and the outcomes are listed as follows:

1. WAJRU and EMTS presented the configuration of rugby fields on Britannia Reserve following their meeting to accommodate Option A. WAJRU gave an overview of their requirements and indicated that over 2000 children play on the reserve during the season with over 5000 persons involved on the day.
2. EMCS provided a list of active reserves in the Town and gave a brief overview of the description of these reserves (refer Attachment 1).
3. EMCS outlined the advantages and disadvantages of the reserves considered for the use of Subiaco Football Club as an alternative training ground (refer Attachment 2).
4. The expanded information on dog registration was not available, to be followed up with MLOS and presented to the Community Representatives.
5. Alternative grounds had been considered, however all active reserves were very well utilised. School oval option to be followed up by the EMCS as a possible option.

### Review Issues and User Requirements

A list was presented and agreed as representing the user requirements (refer Attachment 3).

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### Discussion of Options

The EMTS presented the following options for SFC training on Britannia Reserve (refer attached Plan No A1-2239-CP-1A).

#### *Current Option (Previous Option 1):*

The EMTS indicated the current arrangement where SFC have a seasonal booking until the end of September 2004 for colts training.

#### *Option A (Previous Options 2 & 3):*

This option was discussed at the first Working Group Meeting and was deemed acceptable to the community representatives as it did not encroach into the 'off leash' exercise area.

WAJRU considered this option to be acceptable, however, following discussions with the SFC, they considered this option "not workable" for the following reasons:

- Distance from existing road/car parks (over 180m) for trainers, water carriers
- Difficult for their elderly (volunteers) members to access
- Access to facilities for support staff should a player suffer an injury at night
- Insufficient shelter, little protection from the elements (rain)
- SFC further indicated that changing facilities and toilets etc are required.
- SFC indicated that the following option (Option B) would be a more suitable option should the current arrangement (southern end of the reserve) not be available.

#### *Option B*

It was agreed there would be a major conflict with Floreat Athena Soccer Club training and therefore this option was discounted.

#### *Option C*

This was a preferred option as far as position was concerned, however issues with Britannia Road residents, Leederville Gardens Retirement Village and Floreat Athena Women's Soccer needed to be considered.

#### *Option D*

Presents issues with the cricket wicket and requires four (4) goal posts to be moved.

The group agreed that Option C and Option D were considered to be the two options for further consideration.

Therefore with the current arrangement and Options A and B being discounted the Working Group proceeded to identify the advantages and disadvantages of Options C and D.

The advantages and disadvantages as determined by the group, are listed in Attachment 4.

Community Representative, Michael Borlase, indicated that a greater number of SFC team members appear to be training on the reserve than what has been approved. SFC advised that this will be the case at the beginning of the season, however as team members are chosen this will decrease.

It was agreed the seasonal hire would be updated to reflect actual use.

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### Presentation of outcomes to Council Meeting

After consideration of the two preferred options C and D, Option C was supported as the preferred option by the group, subject to further investigation by the Town's officers, including:

- Impact of proposed lighting
- Reconfiguration of WAJRU field to obviate the need to move goal posts

It was decided that a recommendation be made for the Council's consideration on the following lines, that:

- Extensive community consultation to be conducted, especially with Britannia Road and Leederville Garden residents.
- Floreat Athena Women's Soccer team to be advised of the decision.
- EMTS to progress the preferred option with WAJRU and Subiaco Football Club.

Cr Chester moved two further motions to be included in the Council recommendation.

- That the Britannia Reserve Working Group recommends that the minutes of the Town's Sporting Oval Working Groups and Steering Committees be public documents that are included in the following scheduled Council Meeting Agenda, Information Bulletin.
- That the Britannia Reserve Working Group recommends the Town examine the sustainable long term provision of open space to the Town's residents given :
  - *Increasing residential densities*
  - *Declining amounts of private open space*
  - *Increasing demands on the Town's facilities by State and Regional sporting organisations*
  - *Identified demands to rezoning of land zoned parks and recreation to residential*
  - *Identified demands for open space to be used for purposes that precluded their use as Open Space or for recreation, eg. The provision of car parking*
  - *Information (casual) utilisation rates by the Town's residents are not fully identified.*

### **CONSULTATION/ADVERTISING:**

Consultation to be undertaken for six week period with the community.

### **LEGAL/POLICY:**

The use of the Town of Vincent Parks and Public Reserves is governed by a Local Law.

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**STRATEGIC IMPLICATIONS:**

In accordance with Key Result Area One of the Draft Plan 2002-2008 – 2.1 Celebrate and acknowledge the Town’s cultural diversity. *“a) Seek community initiatives and involvement in the development of programmes and provide facilities and other recreational resources appropriate to the Town’s needs.”*

**FINANCIAL/BUDGET IMPLICATIONS:**

Seasonal hire users are charged fees in accordance with the adopted Fee and Charges 2003/04 schedule. An amount of \$65,000 is included in the 2003/04 budget for the upgrade of lighting at Britannia Reserve.

**COMMENTS:**

The Working Group unanimously agreed that Option C was the most suitable option taking into consideration all the relevant factors.

It is therefore recommended that Council endorses this option to be distributed to the community for their comment.

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## 10.4 CHIEF EXECUTIVE OFFICER

### 10.4.1 Delegated Authority 2003-2004 Reports

<b>Ward:</b>	-	<b>Date:</b>	18 February 2004
<b>Precinct:</b>	-	<b>File Ref:</b>	ADM0018
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	M McKahey		
<b>Checked/Endorsed by:</b>	John Giorgi	<b>Amended by:</b>	-

#### **OFFICER RECOMMENDATION:**

*That the Council NOTES the items approved under Delegated Authority over the period 17 December 2003 to 9 February 2004, as shown in Appendix 10.4.1 and as "Laid on the Table".*

#### **BACKGROUND:**

**This Item was DEFERRED at the Ordinary Meeting of Council held on 10 February 2004, due to the lateness of the hour.**

At the Ordinary Council Meeting held on 16 December 2003, it was resolved as follows;

*"That pursuant to Section 5.42 of the Local Government Act 1995, the Council APPROVES BY AN ABSOLUTE MAJORITY, delegated authority to the Chief Executive Officer, in consultation with the Mayor and all available Councillors, to deal with any items of business (other than those requiring and Absolute Majority) that may arise from 17 December 2003 to 9 February 2004, subject to;*

- (i) the action taken only being in accordance with the Officer's recommendation;*
- (ii) a simple majority be accepted while Elected Members are absent;*
- (iii) a report summarising the items of business dealt with under delegated authority being submitted for information to the Council at its meeting to be held on 24 February 2004;*
- (iv) a delegation register of items be kept and made available for public inspection during the period that the delegation applies; and*
- (v) items being displayed in the Town of Vincent Administration Centre, the Library and on the Town's Website for a period of four (4) days, prior to approval."*

#### **DETAILS:**

A complete list of reports considered under delegated authority for the period 17 December 2003 to 9 February 2004 is attached at Appendix 10.4.1.

A copy of the reports is "Laid on the Table" and will be included in the Minutes.

**10.4.2 Department of Sport and Recreation (DSR) Office Building, 246 Vincent Street, Leederville - Adoption of Capital Works and Maintenance Program 2005-2025**

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

**OFFICER RECOMMENDATION:**

*That the Council ADOPTS the Capital Works and Maintenance Program 2005-2025 for the Department of Sport and Recreation (DSR) Office Building, 246 Vincent Street, Leederville, as shown in Appendix 10.4.2.*

**BACKGROUND:**

**This Item was DEFERRED at the Ordinary Meeting of Council held on 10 February 2004, due to the lateness of the hour.**

At the Ordinary Meeting of Council held on 12 August 2003, the Council approved of the Major Land Transaction for the Department of Sport and Recreation (DSR) Office Building, 246 Vincent Street, Leederville. The Council resolved inter alia as follows;

*"That the Council; ...*

- (ii) APPROVES BY AN ABSOLUTE MAJORITY to proceed with the Major Land Transaction, and notes the Chief Executive Officer will be submitting a further report detailing;*
  - (a) the financial arrangement/loan for the Council's consideration and approval;*
  - (b) the necessary Agreement to Lease and Lease documents; and*
  - (c) an asset management/maintenance report and its recommendations to Council and that information be provided on the amount of monies appropriate to contribute to a Building Sinking (Reserve) Fund over the life cycle of the building."*

A meeting has been held with the Project Architect, Peter Hunt Architect. The Project Quantity Surveyor and Cost Control Consultant has submitted details for the proposed Office Building.

A Capital Works and Maintenance Program is shown at Appendix 10.4.2.

**FINANCIAL/BUDGET IMPLICATIONS:**

**Sinking Fund Contribution**

The Town's negotiated rent payment includes an amount of \$20,000 which will be placed in the Office Building Reserve Fund (Sinking Fund). The building contract requires the Town to have "Practical Completion" on or before 18 October 2004. The Department of Sport and Recreation will commence rent payments 14 days after this date. Therefore, rent of approximately \$65,000 is expected for the period November and December 2004. The Town commences loan repayments on 1 January 2005. The rent for November-December 2004 is recommended to be paid into the Building Reserve Fund. This annual amount will increase to \$37,207 per annum at year 2024. The Reserve Fund will hold \$171,185 after five (5) years,

\$294,282 after ten (10) years, \$436,985 after fifteen (15) years and \$675,748 after twenty-two (22) years. This amount is on the basis that none of these monies will be used during the period. This is not realistic, as maintenance, repairs and replacement of carpets, etc., will be required throughout the period. However, the contributions towards the Sinking Fund are considered adequate and at the end of 22.7 years, the Reserve Fund could potentially contain \$675,748.

Apart from any unknown or unexpected expenditure, monies will not be required until the ten (10) year period.

The Sinking Fund contributions are shown as follows;

<b>Year</b>	<b>Sinking Fund Monthly Payment</b>	<b>Sinking Fund Payment Annualised</b>	<b>Total</b>
Initial Contribution		65,000	
Year 1	1,667	20,000	
Year 2	1,717	20,600	
Year 3	1,768	21,218	
Year 4	1,821	21,855	
Year 5	1,876	22,511	
			\$171,185
Year 6	1,932	23,186	
Year 7	1,990	23,882	
Year 8	2,050	24,598	
Year 9	2,111	25,336	
Year 10	2,175	26,096	
			\$294,282
Year 11	2,240	26,879	
Year 12	2,307	27,685	
Year 13	2,376	28,516	
Year 14	2,448	29,371	
Year 15	2,521	30,252	
			\$436,985
Year 16	2,597	31,160	
Year 17	2,675	32,095	
Year 18	2,755	33,058	
Year 19	2,837	34,049	
Year 20	2,923	35,071	
Year 21	3,010	36,123	
Year 22	3,101	37,207	
<b>Total</b>			<u>\$675,748</u>

**CONSULTATION/ADVERTISING:**

N/A.

**LEGAL/POLICY IMPLICATIONS:**

Not applicable.

**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:**

The Capital Works and Maintenance Program is indicative and will be reviewed and refined annually to ensure that the Town's asset is maintained at a high level. The amounts provided are estimates.

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**APPENDIX 10.4.2**

**DEPARTMENT OF SPORT AND RECREATION OFFICE BUILDING**

**SCHEDULE OF POTENTIAL CAPITAL WORKS AND MAINTENANCE  
2005-2025**

Item	No	Year	Cost \$/2005 Each	Cost \$/2005 Total	Comment
<b>1.00 Buildings</b>					
<u>Structure</u>					
1.01 Building Structures	Nil				Generally no action expected to be required over 20 years except for roofs as listed below Replacement not expected within 20 year period apart from damage by accident or misuse
1.02 Office Building Roof	Nil				
<u>Fittings And Fixtures</u>					
1.03 Windows and Doors	Nil				Replacement not expected within 20 year period apart from damage by accident or misuse Allow for 1 motor replacement over 20 year period
1.04 Automatic Sliding Entrance Doors	1	2015	20,000	20,000	
1.05 Furniture and Fittings	Nil				Replacement not expected within 20 year period apart from damage by accident or misuse Allow for 2 redecorations over 20 year period
<u>Interior Finishes</u>					
1.06 Redecorate building interiors	2	2015 and 2025	25,000	50,000	
1.07 Re-carpet building interiors	1	2015 (average)	98,000	98,000	Allow for at least one replacement of all carpets staggered over 20 years
<u>Exterior Finishes</u>					
1.08 Redecorate building exteriors	2	2015 & 2025	20,000	40,000	Allow for 2 redecorations over 20 year period
<b>2.00 External Works</b>					
2.01 Fencing and Gates	Nil				Replacement not expected within 20 year period apart from damage by accident or misuse Allow for 2 motor replacements over 20 year period
2.02 Automatic sliding gate	2	2015 and 2025	2,500	5,000	

**APPENDIX 10.4.2**

Item	No	Year	Cost \$/2004 Each	Cost \$/2004 Total	Comment
<b>3.00 Services Plant and Equipment</b>					
<u>Air Conditioning Plant</u>					
3.01 Chillers, air handling units and pumps	1	2025	195,000	195,000	Allow for significant replacement of air cooled chiller and air handling units after 20 years
<u>Hot Water Units, Etc</u>					
3.02 Hot Water Units and drinking fountains	1	2015 (average)	22,000	22,000	Allow for 1 staggered replacement of all units over the 20 year period
<u>Tapware</u>					
3.03 Tapware in toilets and kitchens, etc	1	2015 (average)	2,500	2,500	Majority of the tapware will not require replacement within 20 years but allow for staggered replacement of some tapware over the 20 year period
				<b>432,500</b>	
<b>4.00 Contingency</b>			10%	43,250	
<b>ESTIMATED TWENTY YEAR TOTAL (In \$/2005)</b>				<b>475,750</b>	
<b>5.00 Provision for Inflation</b>					
5.01 Allow for inflation @ 2.5% p.a. (compounding) over say 15 years			37.5%	178,000	The majority of replacements are likely to be required in approx. 15 years time, and money in the sinking fund will earn interest to partly off-set inflation, so inflation has been discounted to 15 years rather than 20 years
<b>ESTIMATED TWENTY YEAR TOTAL (In \$/2005-2025)</b>				<b>653,750</b>	

**EXCLUSIONS AND NOTES**

Item	Comment
• Lift maintenance	)
• Air conditioning maintenance	)
• General cleaning	)
• General maintenance and incidental repairs due to accidental damage, misuse or general wear and tear	)
Tenant's Outgoings	

**10.4.3 Delegations for the Period 1 October 2003 to 31 December 2003**

<b>Ward:</b>	Both	<b>Date:</b>	18 February 2004
<b>Precinct:</b>	All	<b>File Ref:</b>	ADM0018
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	Various		
<b>Checked/Endorsed by:</b>	John Giorgi	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) **ENDORSES** the delegations for the period 1 October 2003 to 31 December 2003 as shown in Appendix 10.4.3; and
- (ii) **APPROVES BY AN ABSOLUTE MAJORITY** to write-off penalties to the value of \$11,975.00 for the reasons detailed in this report.

**BACKGROUND:**

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

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

**ADVERTISING/CONSULTATION:**

Not applicable.

**LEGAL/POLICY:**

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

It is considered appropriate to report to Council on a quarterly basis on the delegations utilised by the Town's Administration. A copy of these for the quarter is shown in the attached Appendix 10.4.3. Quarterly reports are reported to the Council.

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

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

<b>Description</b>	<b>Amount</b> <b>\$</b>
Residential parking restrictions – Perth Oval – valid reason provided #	5,720
Ranger/Clerical Error/Training	2,730
Vehicle registered to interstate or overseas owner	1,080
Proof of vehicle breakdown or theft	410
Proof that ticket was purchased and produced	425
Vehicle ownership cannot be located	480
Insufficient or incorrect signage	275
Faulty ticket machines	60
Modified Penalties	495
Litter Act	-
Dog Act	-
Pound Fees Modified	300
<b>TOTAL</b>	<b>\$11,975</b>

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

**COMMENTS:**

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

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**10.4.4 Loton Park and Members Equity Stadium, 310 Pier Street, Perth and Surrounding Streets - Parking Management Plan 2004**

<b>Ward:</b>	South	<b>Date:</b>	18 February 2004
<b>Precinct:</b>	Beaufort, P13	<b>File Ref:</b>	RES0051
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	Jim Maclean and John Giorgi		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council ADOPTS the Parking Management Plan 2004 for Loton Park, Members Equity Stadium, 310 Pier Street, Perth and surrounding streets, as shown in Appendix 10.4.4.*

**BACKGROUND:**

At the Ordinary Council Meetings held on 16 December 2003, the Council considered this matter and resolved as follows;

*"That the Council;*

- (i) *RECEIVES report relating to parking on Loton Park and at Members Equity Stadium, 310 Pier Street, Perth;*
- (ii) *NOTES that;*
  - (a) *parking on Loton Park adjacent to Members Equity Stadium is under the control of the Town;*
  - (b) *a Parking Management Plan will be prepared for the temporary parking on Loton Park and for Members Equity Stadium and submitted to Council for approval at the earliest opportunity;*
  - (c) *in the event that the Management Committee determines the condition of Loton Park deteriorates and does not allow parking, the Town is under no obligation to provide parking bays at no charge to Allia Holdings Pty Ltd on National Soccer League game nights and negotiate to include this in the Heads of Agreement; and*
  - (d) *temporary parking on Loton Park will be restricted to the training pitch marked "A" on Plan 2238-CP-2 to minimise pedestrian/motor vehicle conflict;*
- (iii) *APPROVES of the cost of temporary parking for vehicles on Loton Park for event days (other than Perth Glory Soccer Club (PGSC) sponsors, Golden Members or Players on National Soccer League (NSL) match days), to be as follows;*

<i>Vehicle with one person</i>	<i>\$10.00</i>
<i>Vehicle with two persons</i>	<i>\$ 9.00</i>
<i>Vehicle with three persons</i>	<i>\$ 8.00</i>
<i>Vehicle with four persons</i>	<i>\$ 7.00</i>
<i>Vehicle with more than four persons</i>	<i>\$ 5.00; and</i>
- (iv) *REVIEWS the fees stated in Clause (iii) during the annual budget process; and*
- (v) *REQUESTS the Parking Management Plan to address, amongst other things (and not exclusively):*

- *pedestrian/motor vehicle conflict;*
- *preservation of the public open space;*
- *the number of bays that can practically be accommodated;*
- *before game and after game access and egress for both pedestrians and cars;*
- *process for reviewing performance during and after each NSL season;*
- *confining the car parking to a single area to minimise pedestrian/motor vehicle conflict;*
- *actions that can be taken in response to deterioration of the Public Open Space or other issues identified in respect of performance."*

### **Loton Park Parking**

Turf was laid on the area marked "A" on Plan No. 2238-CP-1A in the first week of January 2004. Work is continuing in the remainder of the park to install reticulation and garden beds. Temporary parking on Loton Park is not being carried out whilst the turf is being established. At the opening of the Stadium on 7 February 2004, limited parking was permitted for up to approximately 100 cars to test the surface. An inspection the following day revealed that almost no damage was detected. However, the Town's Manager Parks Services recommends that parking on this area not be permitted until late February/early March 2004. Allia Holdings Pty Ltd and Perth Glory Soccer Club (PGSC) have been advised of this decision.

### **Members Equity Stadium - Parking within Leased Area**

#### Event Day Parking

Parking for up to 22 vehicles (comprising PGSC staff, security, police, electricians and plumbers, media and some VIPs) has been permitted on the hardstand. Vehicle entry is via Gate 3, access off Brewer Street.

The Town's Officers have inspected this parking arrangement and report that most vehicles are in place several hours before the start time of the game. Parking has been orderly and no vehicle/pedestrian conflict has been observed.

#### Non-Event Day Parking

Parking for up to 55 vehicles (comprising PGSC players and support staff, and media) has been permitted on the hardstand. Vehicle entry is via Gate 2, access via Pier Street, through the Stadium carpark.

The Town's Officers have inspected this parking arrangement and report that parking has been orderly and no problems have been observed.

### **Management and Control**

Temporary parking of vehicles on Loton Park will be under the control of the Town. The Town proposes that it will provide a supervisor to oversee and control parking on this area. The parking on this area is for "PGSC sponsors, Golden Members and players on NSL match days only". Most arrive for the pre-game function which is held 2 hours before kick-off time. At this time of the day, there are very few general admission spectators arriving. Therefore, the potential conflict between the spectators and vehicles is considered minimal. Except for PGSC, Golden Members and players, on National Soccer League (NSL) games, the Town will receive all income, which is proposed to be used for the maintenance of this open space.

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The Town's Law and Order Services Section has previously enforced all parking restrictions in the streets surrounding Perth Oval and this arrangement will continue. On average, 10 rangers (comprising of permanent and casual employees) are employed on each match day to enforce the parking restrictions approved by the Council at its Ordinary Meeting held on 9 September 2003.

Additional staff to manage and control the proposed temporary parking on Loton Park is a natural extension of the current duties.

A draft Parking Management Plan has been prepared by the Town's Law and Order Section in liaison with Officers from the Technical Services Division. A copy of the Draft has also been provided to Allia/PGSC for comment and at the time of writing this report, comments had still not been received.

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

The draft Pan has been referred to Allia and PGSC for comment.

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

##### **Heads of Agreement (HOA)**

The HOA detail arrangements for parking as follows;

##### Clause 6.28

##### **"On-Site Parking**

- (a) The Town must supply to Allia free of cost 35 parking bays on the Land for use by Allia's visitors and staff, PGSC players, coaching and support persons.
- (b) The Town may relocate any of the parking bays provided by it to Allia under this Clause to other parts of the Land, but will consult with Allia concerning any such proposed relocation.
- (c) Allia must not require the payment of any fee from any person permitted to use any of those car parking bays."

##### Comment

This Clause 6.28 is to reflect the current use of the carpark (and informal carparking bays) on match days, which are accessed off Pier Street. It is now converted to the Stadium Carpark for 72 car bays.

This Clause reflects the CEO's letter of 11 July 2003 Clause 1 relating to the carpark.

It should be noted that on non-event days, parking by PGSC staff, players, coaching and support staff (up to 35) will park on the asphalt surrounding the grandstand - as has been the previous practice. On event days, this area will be restricted in parking, to allow for spectator access and movement. Therefore, parking will occur in the stadium carpark.

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Clause 9.12

**"Parking**

- (a) The Town agrees to provide on the Land six staff parking bays and four visitors parking bays for use by Allia's catering staff and their visitors.
- (b) The Town reserves the right to relocate the parking bays referred to in Clause 9.12(a) in its discretion."

Comment

The parking on non-event days will be around the grandstand, as detailed above. The bays are to allow for servicing of the catering facilities and preparation for events.

It should also be noted that parking for the Western Australian Rugby League staff (7 persons) will also be on the asphalt around the grandstand. This is to be the subject of the proposed lease.

"Land" is defined as meaning the whole of the area comprising of Perth Oval, excluding the Caretaker's Cottage and Loton Park Tennis Club.

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Any revenue received from temporary parking on Loton park will be used to offset maintenance costs.

**COMMENT:**

The draft Parking Management Plan includes details of the Town's parking arrangements for the surrounding streets. It is considered appropriate to include this into the Parking Management Plan for completeness of the document. The Plan will be reviewed annually and reported to Council for approval.

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### 10.4.5 Review and Adoption of Code of Conduct - 2004

<b>Ward:</b>	-	<b>Date:</b>	18 February 2004
<b>Precinct:</b>	-	<b>File Ref:</b>	ADM0050
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

#### **OFFICER RECOMMENDATION:**

*That the Council APPROVES BY AN ABSOLUTE MAJORITY the adoption of a Code of Conduct to be observed by Elected Members and Employees, as detailed in Appendix 10.4.5, in accordance with Section 5.103 of Division 9 of Part 4 of the Local Government Act 1995.*

#### **BACKGROUND:**

The Local Government Act 1995 requires every local government to prepare and adopt a Code of Conduct to be observed by Council Members and employees.

At the Ordinary Meeting of Council on 26 August 1996 the Council adopted its first Code of Conduct. The Code is very similar to that published by the Western Australian Municipal Association. A copy has previously been provided to all Elected Members and Employees.

The Council reviewed the Code on 14 July 1997 and re-adopted it. The code was amended on 23 August 1999 to include details about the acceptance of gifts. The Code was re-adopted without change on 28 August 2001.

#### **Recommended Amendments**

A number of amendments have been included. These are to cover topics which have been recommended by the Department of Local Government following recent Inquiries and also to provide guidance in other areas. A review of several other local governments' Codes has revealed that they contain similar provisions.

These include;

- The word "Councillor" has been changed to "Elected Member" throughout the document to cover both Councillors and the Mayor.
- The word "staff" has been changed to "employees" throughout the document, as this covers both administrative and field staff and complies with the Local Government Act definition.
- "Introduction" - has been expended to provide additional legislative information and to specify that the Code applies to both Elected Members and employees.
- New Clause 2.1 - "Civic Leadership" - to prescribe the high standard for the position of Mayor.
- New Clause 2.2 - "Use of Correct Titles" - this clarifies the correct protocol for addressing persons whilst in public.

- New Clause 3.1(f) - "Employees must notify the CEO in writing prior to undertaking a dealing in land in the Town (other than purchasing the principal place of residence, or site for such purpose) - this will ensure that the Town is kept informed of these matters, particularly where employees may have the opportunity to influence subject land, e.g. zoning/development/improvements.
  - New Clause 3.1(g) - Employees who exercise a regulatory, or inspectorial role when dealing with relatives or close friends should disqualify themselves from dealing with this land. Written disclosure to their Executive Manager or CEO is required - this will ensure that transparency is maintained.
  - New Clause 4.4(a) - This prescribes that Elected Members and Employees shall not accept any immediate or future rewards, donations, inducements or benefits for themselves.
  - New Clause 4.4(b) - This prescribes that the Mayor and/or CEO may accept moderate acts of hospitality for community related events or events related to the performance of their duties for the Town. - the acceptance of these acts of hospitality must be recorded.
  - New Clause 4.4(e)(iv) - This clarifies that an Elected Member or an employee's partner may accept a moderate act of hospitality or token gift at a function that is related to the Town.
  - New Clause 4.4(e)(v) - This prescribes that acceptance of gifts or hospitality on a frequent basis is not permitted.
  - New Clause 4(f) - This prescribes guidelines for the acceptance of gifts, recording of gifts, the provision of gifts from companies relating to goods or services which the Town may wish to acquire. Acceptance of gifts in these cases is prohibited.
  - New Clause 5 - this specifies the disclosure of Election campaign contributions.
  - New Clause 6.1 - "Ethical Standards" - this prescribes the ethical standards which govern the Code.
  - New Clause 6.2(a) - "Personal Behaviour" - to include the need to comply with the Equal Opportunity Act and to prevent acts of sexual harassment occurring.
  - New Clause 6.2(a)(vi) - requiring Elected Members and Employees to refrain from carrying out their duties whilst affected by alcohol, illicit drugs or mind altering substances.
  - New Clause 6.3(d) - requiring Elected Members and Employees to endeavour to resolve serious conflict through discussion.
  - New Clause 6.4(b) - requiring Employees to demonstrate loyalty and commitment to Council and Senior Officer decisions.
  - New Clause 6.6(b) - requiring Elected Members and Employees to be mindful of the need to maintain full and accurate records.
  - New Clause 6.8 - prescribing the relationship between Elected Members and Employees, in particular to ensure that there is no undue influence placed on employees when giving advice.
-

- New Clause 7.2 - relating to "Claiming of Expenses".
- New Clause 8 - relating to the implementation and enforcement of the Code - prescribing the role of the CEO, Mayor and also for Council to act in serious cases.
- New Clause 9 - Employees will be required to sign the Code of Conduct declaration.

*Note:*

*Elected Members sign a declaration to comply with the Code, when they are sworn in.*

**CONSULTATION/ADVERTISING:**

Once adopted, the amended Code will be issued to Elected Members, Employees and displayed on the Town's web page.

**LEGAL/POLICY:**

The Local Government Act 1995, Section 5.103, states the following:

- “(1) Every Local Government is to prepare or adopt a Code of Conduct to be observed by Council Members, Committee Members and Employees.*
- “(2) A Local Government is to review its Code of Conduct within 12 months after each ordinary election day and make changes to the Code, as it considers appropriate.”*

Any review is to consider and address any problems experienced within the preceding 12 months in regard to its application or interpretation and recommend any amendments that may be appropriate.

Over the previous two years, there have been a number of occasions where Councillor conduct has not been in the best interests of the Council. The previous Code of Conduct has been deficit in prescribing the necessary standards. Accordingly, a number of new Clauses have been inserted - to apply to both Elected Members and Employees.

**STRATEGIC IMPLICATIONS:**

This is in keeping with the Town's Strategic Plan 2003-2008 Key Result Area 4 - *"Governance and Management"*.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

In order to satisfy the statutory requirement of the Local Government Act 1995, the Council is recommended to re-adopt the Town's Code of Conduct together with the draft amendments, as shown in Appendix 10.4.5. Copies will be provided in the Council Chamber, together with the Standing Orders Local Law, Financial Interests Handbook and Protocols Manual.

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**10.4.6 Local Government Statutory Compliance Audit - 2003**

<b>Ward:</b>	-	<b>Date:</b>	19 February 2004
<b>Precinct:</b>	-	<b>File Ref:</b>	ADM0019
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council ADOPTS the Local Government Statutory Compliance Audit for 2003, as shown in Appendix 10.4.6, and this be forwarded to the Department of Local Government and Regional Development.*

**BACKGROUND:**

The Department of Local Government and Regional Development has issued a “Local Government Statutory Compliance Audit” to all Local Governments throughout Western Australia. This return requires the Chief Executive Officer and Mayor to certify that the statutory obligations of the Local Government have been complied with. A copy of the return is shown at Appendix 10.4.6. The Chief Executive Officer may delegate to a responsible person to complete part of the Return.

**LEGAL/POLICY:**

The completion of the Statutory Compliance Return is compulsory, in accordance with Section 7.13(1) of the Local Government Act 1995 and Local Government (Audit) Regulations (Regulation 13).

The Town has an Audit Committee. The Committee, comprising the Mayor, Deputy Mayor Cr Ian Ker, Cr Helen Doran-Wu, Chief Executive Officer, Executive Manager Corporate Services (non-voting) and S Menon and A Macri (Auditors) met on 19 February 2004 to review this Audit and confirmed that all areas specified in the Return comply with the all legislative requirements.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**STRATEGIC IMPLICATION:**

The Statutory Compliance Audit is most beneficial as it is an indication that the Local Government has internal control measures in place to ensure that all statutory obligations are complied with.

**COMMENTS:**

The Town of Vincent has complied with all statutory compliance provisions and accordingly it is recommended to the Council that the Local Government Statutory Compliance Audit 2003 be adopted.

**10.4.7 Members Equity Stadium - Legal Documentation - Progress Report**

<b>Ward:</b>	South	<b>Date:</b>	18 February 2004
<b>Precinct:</b>	Beaufort, P13	<b>File Ref:</b>	RES0051
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) ***RECEIVES the Members Equity Stadium - Legal Documentation - Progress Report as at 18 February 2004; and***
- (ii) ***NOTES that a further report will be provided at the meeting of 24 February 2004.***

**BACKGROUND:**

At the Ordinary Meeting of Council held on 10 February 2004, the Council resolved inter alia as follows;

*"That the Council ...*

- (iv) *ADVISES Allia Holdings Pty Ltd that the mortgage documentation under the Heads of Agreement must be finalised and any outstanding monies are to be paid to the Town's satisfaction by close of business on Monday 23 February 2004;*
- (v) *ADVISES Perth Glory Soccer Club Pty Ltd that further lease negotiations will be subject to payment of all outstanding monies; and*
- (vi) *REQUESTS the Chief Executive Officer to submit a report to the Ordinary Meeting of Council to be held on 24 February 2004 for the Council's consideration concerning the matters in clauses (iv) and (v)."*

On 11 February 2004, a letter was sent to Allia, advising of the Council's decision.

**Legal Agreements**

At the Ordinary Meetings of Council held on 16 December 2003 and 10 February 2004, the Mayor and CEO verbally advised the Council advised of the progress of the recent negotiations between the Town and Allia Holdings Pty Ltd. The progress of these negotiations is as follows;

- (a) Heads of Agreement (HOA)

The Heads of Agreement have been signed and executed. As part of this document, a personal guarantee has been required by Allia Holdings Pty Ltd, Nick Tana and David Rodwell. Mr Tana has provided the Town and its solicitors with the necessary information relating to the mortgage, however at the time of writing this report, the Town's solicitors have not been able to finalise the mortgage. This is currently being progressed.

(b) Deed of Covenant

A Deed of Covenant has been signed by Nick Tana and David Rodwell. This protects the Town's position in relation to ensuring that all Stadium catering equipment (valued at approximately \$450,000) will remain with the Town, in the event that Allia ceases. Legal costs of approximately \$2,500 are to be paid by Allia.

(c) Right of Entry Document

A Right of Entry document between the Town and Total Corporation's finance company has been signed. This has enabled Total Corporation to install catering equipment valued at approximately \$450,000 at the Stadium. The Deed of Covenant mentioned above protects the Town's position in this matter.

(d) Licence to Use - Interim

In view of matters not being finalised, the Town has issued interim "Licences to Use" to PGSC to play National Soccer League (NSL) games at the Stadium.

Allia Holdings have been advised that they will not be given full possession of the Stadium until all legal matters have been finalised to the Town's satisfaction. The following games remain;

Saturday 28 February 2004 Perth Glory v Marconi Stallions  
Semi-Final to be held on 20 March 2004.

(e) Licence Agreement - Standard Document

This document will be used for events other than PGSC games. A draft Standard Licence Agreement was issued to Allia on Friday 13 February 2004. At the time of writing this report, no comments have been received.

(f) PGSC Licence Agreement

Allia has been advised that the PGSC Licence Agreement will be similar to the current interim document.

(g) PGSC Lease

An amended Draft No. 4 lease was provided to PGSC on 12 February 2004. At the time of writing this report, no comments have been received.

**Allia/PGSC's Response**

On the evening of 13 February 2004, Allia faxed a letter to the CEO advising of a number of issues. They have requested the letter be provided to the Council.

This letter, together with the CEO's comments, will be provided at the meeting.

**CONSULTATION/ADVERTISING:**

N/A.

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**LEGAL/POLICY:**

The Local Government Act, Section 6.16 gives power to a local government to impose and recover a fee or charge for any cost or service it provides or proposes to provide other than a service for which a service charge is imposed.

An Absolute Majority decision of the Council is required to adopt a new fee.

The Council is required to consider any submissions it receives concerning its proposal to lease an area to a private organisation (PGSC).

**STRATEGIC IMPLICATIONS:**

This project is in keeping with the Town's Strategic Plan 2003-2008, Key Result Area 1.4 - *"Maintain and Enhance the Town's Infrastructure to provide a safe, healthy, sustainable and functional environment."*

**FINANCIAL/BUDGET IMPLICATIONS:**

Several meetings have been held with the Project Architect and Quantity Survey. At the time of writing this report, the project costs are being finalised. One final progress payment to the builder is yet to be made, totalling approximately \$1,537,332.

Accounts have been sent to Allia Holdings Pty Ltd, Perth Glory Soccer Club Pty Ltd and Total Corporation (Caterer) to recoup monies totalling \$180,745.14 (excl. GST), as follows;

Allia Holdings Pty Ltd

<u>Item</u>	<u>Amount</u> <i>(excl GST)</i>
1. 50% contribution to CCTV as per HOA Clause 6.9(d) and works requested during Stadium construction	\$29,481.00
2. Recoup of legal costs for preparation of Deed of Covenant - Catering Equipment	\$2,061.00
3. Contribution to Stadium Capital Reserve Fund - January contribution as per HOA Clause 4.9	\$25,000.00
4. Reimbursement of building insurance - as per HOA Clause 6.12 - for period 27 December 2003 - 30 June 2004	\$11,506.63
5. Reimbursement of Public Indemnity Insurance - as per HOA Clause 6.11 - for period 27 December 2003 - 30 June 2004	\$4,497.20
	72,545.83

Perth Glory Soccer Club Pty Ltd (PGSC)

1. Stadium office fitout and other works	\$18,823.00
2. Payment of Perth Oval lease costs 2002/03 Season	\$24,927.95
	\$43,750.95

Total Corporation Pty Ltd (Caterer)

1. Works requested during Stadium construction (as per Purchase Order No. 6036 - 19 December 2003)	\$57,554.00
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**COMMENT:**

The finalisation of outstanding matters is considered essential, in order to safeguard the Town's position in this facility.

**10.4.8 Information Bulletin**

<b>Ward:</b>	-	<b>Date:</b>	18 February 2004
<b>Precinct:</b>	-	<b>File Ref:</b>	
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	A Smith		
<b>Checked/Endorsed by:</b>	John Giorgi	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

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

**DETAILS:**

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

ITEM	DESCRIPTION
IB01	Letter from the Department of the Environment and Heritage Australian Greenhouse Office - Australian Government seeks industry advice on new ozone and synthetic greenhouse gas regulations
IB02	Letter from Western Australian Local Government Association - Heritage Loan Scheme - Round 2 Now Open
IB03	Register of Heritage Places - Heritage Council of Western Australia - Aranmore Catholic College Group, Franklin Street, Leederville

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

Nil.

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

**12.1 WALGA Nominations – WA Planning Commission (WAPC), WA Community Security and Crime Prevention Council, Municipal Building Surveyors Qualifications Committee, Mosquito Control Advisory Committee**

<b>Ward:</b>	-	<b>Date:</b>	16 February 2004
<b>Precinct:</b>	-	<b>File Ref:</b>	ORG0045
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	M McKahey		
<b>Checked/Endorsed by:</b>	John Giorgi	<b>Amended by:</b>	-

**RECOMMENDATION:**

*That;*

- (i) \_\_\_\_\_ *..be nominated as WALGA Metropolitan Member – WA Planning Commission (WAPC), (Panel of 4 Names), (Approval by Minister);*
- (ii) \_\_\_\_\_ *..be nominated as WALGA Deputy Metropolitan Member – WA Planning Commission (WAPC), (Panel of 4 Names), (Approval by Minister);*
- (iii) \_\_\_\_\_ *..be nominated as WALGA Metropolitan Member – Western Australian Community Safety and Crime Prevention Council, (Panel of 3 Names), (Approval by Minister);*
- (iv) \_\_\_\_\_ *..be nominated as WALGA Deputy Metropolitan Member – Western Australian Community Safety and Crime Prevention Council, (Panel of 3 Names), (Approval by Minister);*
- (v) \_\_\_\_\_ *..be nominated as WALGA Member – Municipal Building Surveyors Qualifications Committee, (Panel of 3 Names), (Approval by Minister);*
- (vi) \_\_\_\_\_ *..be nominated as WALGA Deputy Member – Municipal Building Surveyors Qualifications Committee, (Panel of 3 Names), (Approval by Minister); and*
- (vii) \_\_\_\_\_ *..be nominated as WALGA Metropolitan Member – Mosquito Control Advisory Committee.*

**BACKGROUND:**

Please see Appendix 12.1 for details.

**NOMINATIONS CLOSE COB MONDAY 15 MARCH 2004.**

**13. URGENT BUSINESS**

**14. CLOSURE**