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Minutes of the Ordinary Meeting of the Council of the Town of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 25 March 2003, commencing at 6.02pm.

1. DECLARATION OF OPENING

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

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Cr Marilyn Piper, JP North Perth Ward

(b) Present:

Mayor Nick Catania, JP	Presiding Member
Cr David Drewett, JP	Deputy Mayor - Mt Hawthorn Ward
Cr Simon Chester	Mt Hawthorn Ward
Cr Helen Doran-Wu	Mt Hawthorn Ward
Cr Basil Franchina	Mt Hawthorn Ward
Cr Kate Hall	North Perth Ward
Cr Ian Ker	North Perth Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental & Development Services
Rick Lotznicher	Executive Manager, Technical Services
Mike Rootsey	Executive Manager Corporate Services
Debbie Winfield	Minutes Secretary
Jenny D'Anger	Journalist – Voice News
Ryan Sturman	Journalist – Guardian Express

Approximately 28 Members of the Public

(c) Members on Leave of Absence:

Nil

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

1. Mr Tony Bruechert of 64 Cumberland Way, Waikiki, on behalf of his brother Mr Andrew Bruechert of 15 Raglan Road, Mount Lawley – Item 10.1.18. Thanked the Mayor for accepting the late item. Stated that his brother has owned and resided in Raglan Road for 17 years, owned and operated a business in Parry Street for 12 years and owned a rental property at 28 Melrose Street for over 8 years. He believes that No. 28 Melrose Street is well beyond economical repair. He stated that his brother had commenced working on the application in September 2002 and after extensive consultation with the Town Officers, plans were submitted on 12 December 2002, and the application was recommended for approval by the Town Officers at the Ordinary Meeting of Council held on 11 March 2003, at which the application was refused on the grounds of non-compliance and objections.

He also stated that the proposed development was innovative, aesthetically pleasing, would enhance the streetscape and complied with acceptable development standards and the performance criteria of the Residential Design Codes and the Town of Vincent Policy Manual. He also stated that the privacy concerns of the neighbour had been addressed. He requested that the Council give favourable consideration to the amended application.

2. Mr Derek Weston of 67 Fortescue Street, East Fremantle, on behalf of the owner – Item 10.1.12. He stated that he was in support of the application and that the applicant had put forward a method for release of titles to allow construction to commence, in the form of a legal agreement that binds development approval to the land by caveat and is incorporated into the management statement as part of the strata. He also stated that the legal agreement had been used effectively in other local authorities and that the Department of Planning and Infrastructure have accepted the proposal and have copies of the legal agreement. He tabled a copy of the building contract with Chestington Homes to build the proposed development. Thanked the Council and Town Officers for their assistance, and requested Councillors to support the application.
3. Kathryn Smith–Sergi, President of the North Perth Playgroup of 15 Haines Street, North Perth on behalf of the Committee and general membership of the playgroup – Item 11.2. She stated the following.
 - The playgroup supported the motion.
 - The playgroup was a not for profit organization run by volunteers and serviced a great need in the community.
 - The play equipment was in need of replacement.
 - The structure is dilapidated and does not conform to Australian standards, and has a high usage.
 - She wrote to all Councillors one month ago and received two written replies.She requested all Councillors to support the motion.
4. Jennifer Harrison of 73 Wasley Street, North Perth – Item 10.1.8. Tabled a report documenting her objections and recommendations in regard to the development. Stated that she strongly objected to the proposed development. Also stated the following.
 - The development is contrary to the Town’s policy for Norfolk Precinct in terms of the expansion of development into residential areas.
 - The proposed parking of 40 car bays is insufficient for the number of patients (105), staff (26), ancillary staff and doctors, and service (2) and disabled (2) bays.She recommended that if the proposal is to proceed that,
 - the developer explain why there is provision for 105 beds when 94 beds only have been approved by the Commonwealth Government; and
 - the developer explain why the staff increase is 25% in comparison to the patient increase of 40%.She also referred to three other recommendations in relation to recommendations put by Council, that are in the tabled document.

5. John Chimileski of 339 Charles Street, North Perth – Item 10.1.9. Stated that he is a co-owner of one of the buildings immediately south of the proposed development and that he wrote to the Council objecting to the proposal on 20 February 2003. He also stated that his building houses a Consulting Engineering office in which the staff needed a high level of concentration, and he had concerns on whether the building could be soundproofed adequately to comply with clause (xi). He asked how this clause would be implemented by the Town prior to occupation. He noted that the applicant had advised that the tuition hours would be between 6pm and 9pm, however, there was no clause in the Town Officer's recommendation, stating this as a condition. He also queried the classification of the building as an education centre.
6. Alex Cuccovia of 28 Windsor Street, Perth – Item 10.1.7. Stated that in consultation with Town Officers the plans had been amended to address neighbours' issues including the western boundary neighbour in terms of light and privacy. He thanked the Town Officers for their assistance.

There being no further questions from the public, Public Question Time was closed at 6.20pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS

Nil

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 Ordinary Meeting of Council held on 11 March 2003.

Moved Cr Ker, Seconded Cr Chester

That the Minutes of the Ordinary Meeting of Council held on 11 March 2003 be confirmed as a true and correct record.

Moved Cr Drewett, Seconded Cr Hall

To correct the Minutes of the Ordinary Meeting of Council held on 11 March 2003, as shown on the tabled document.

Cr Drewett tabled and distributed a paper to the Mayor and Councillors which listed three amendments to the Minutes of the Ordinary Meeting of Council held on 11 March 2003.

At 6.30pm, Moved Cr Drewett, Seconded Cr Franchina

That Standing Orders be suspended.

LOST (3-5)

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

(Cr Piper was an apology for the meeting.)

(Cr Hall dissented loudly and departed the Chamber at 6.31pm.)

(Cr Hall returned to the Chamber at 6.32pm.)

Mayor Catania ruled that he would consider each amendment separately.

AMENDMENT No. 1 PUT:

That, on page 5, of the minutes of the Ordinary Meeting of Council held on 11 March 2003, following "Mayor Catania stated that no discussion would be entered into and Councillors could only move for any correction to the minutes.", add the following: "Cr Drewett raised a point of order that "a member who discloses on an item will not participate, Section 5.67 (b) page 176 of the Local Government Act.""

AMENDMENT CARRIED (7-1)

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

(Cr Piper was an apology for the meeting.)

Cr Cohen stated that she was not present at the meeting, and therefore could not vote upon the second amendment. She departed the Chamber at 6.34pm.

AMENDMENT No. 2 PUT:

That, on page 6 of the minutes of the Ordinary Meeting of Council held on 11 March 2003, following "Discussion ensued.", delete the following:

"MOTION PUT (5-)

<u>For</u>	<u>Against</u>
Mayor Catania	
Cr Chester	
Cr Doran-Wu	
Cr Ker	
Cr Piper	

Crs Drewett, Franchina and Hall abstained from voting and did not vote."

And insert the following:

"MOTION PUT (5-2)

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

Cr Franchina abstained from voting and did not vote."

AMENDMENT CARRIED (6-1)

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

(Cr Cohen was absent from the Chamber and did not vote. Cr Piper was an apology for the meeting.)

AMENDMENT No. 3 PUT:

That, on page 6 of the minutes of the Ordinary Meeting of Council held on 11 March 2003, following "Chief Executive Officer, John Giorgi drew the Council's attention to Standing Orders and the Local Government Act, whereby the Presiding Member has called for a vote, Councillors in the Chamber must vote, and those Councillors that do not vote are contravening the Local Government Act.", insert the following:

"Cr Drewett interjected stating that was wrong and that the Act was silent on the method of voting and wanted his objection put on the public record."

AMENDMENT CARRIED (7-0)

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

(Cr Cohen was absent from the chamber and did not vote. Cr Piper was an apology for the meeting.)

Cr Cohen returned to the Chamber at 6.42pm.

Moved Cr Ker, Seconded Cr Drewett

That, on page 80 of the minutes of the Ordinary Meeting of Council held on 11 March 2003, the words "AMENDMENT LOST (0-9)" and "AMENDMENT LOST (1-8)", replace each other.

AMENDMENT CARRIED (8-0)

(Cr Piper was an apology for the meeting.)

Moved Cr Hall, Seconded Cr Ker

That, on page 1 of the minutes of the Ordinary Meeting of Council held on 11 March 2003, the words "The Westralian" be deleted and replaced with the words "The West Australian".

AMENDMENT CARRIED (8-0)

(Cr Piper was an apology for the meeting.)

Moved Cr Chester, Seconded Cr Cohen

That, on page 132 of the minutes of the Ordinary Meeting of Council held on 11 March 2003, clause (ii) is deleted and replaced with the following:

"(ii) APPROVES the pruning of the trees not located under power lines in Haynes Street by reducing them in height by 30% to 50%, at the requested locations only."

AMENDMENT CARRIED (8-0)

(Cr Piper was an apology for the meeting.)

MOTION AS AMENDED (TO CORRECT THE MINUTES) CARRIED (5-3)

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

(Cr Piper was an apology for the meeting.)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

Nil.

8. DECLARATION OF INTERESTS

- 8.1 Cr Doran-Wu declared an impartiality interest in Item 11.2 – Notice of Motion - Cr Chester – Town of Vincent – Assessment of Playgroup Standards. Her interest being that she is an employee of the Loftus Community Centre and helps to facilitate play groups as part of her role, and the Loftus Community Centre rents Council premises for this purpose.

- 8.2 Cr Chester declared an impartiality interest in Item 11.2 – Notice of Motion - Cr Chester – Town of Vincent – Assessment of Playgroup Standards. His interest being that his child attends a Town of Vincent playgroup facility.
- 8.3 Later in the meeting, at 7.32pm, under Item 10.4.1 – Information Bulletin, Mayor Catania declared a proximity interest in Item 10.4.1. His interest being that he has an office in close proximity to the item referred to in IB04.

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

Nil.

10. REPORTS

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

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

Items 10.1.18, 10.1.12, 11.2, 10.1.8, 10.1.9 and 10.1.7.

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

Nil.

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

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

Mayor Catania	Nil
Cr Drewett	Nil
Cr Cohen	10.1.1, 10.1.10 and 10.1.17
Cr Franchina	Nil
Cr Chester	10.1.10
Cr Hall	Nil
Cr Doran-Wu	10.1.6
Cr Ker	10.4.1

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

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

Nil.

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

Items 10.1.2, 10.1.3, 10.1.4, 10.1.5, 10.1.11, 10.1.13, 10.1.14, 10.1.15, 10.1.16, 10.2.1, 10.2.2, 10.2.3 and 10.3.1.

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

Nil.

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

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

Items 10.1.2, 10.1.3, 10.1.4, 10.1.5, 10.1.11, 10.1.13, 10.1.14, 10.1.15, 10.1.16, 10.2.1, 10.2.2, 10.2.3 and 10.3.1.

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

Items 10.1.18, 10.1.12, 11.2, 10.1.8, 10.1.9 and 10.1.7.

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

Nil.

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

Items 10.1.1, 10.1.10, 10.1.17, 10.1.6 and 10.4.1.

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

Nil.

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

Nil.

Moved Cr Ker, Seconded Cr Doran-Wu

That the following unopposed items be moved en bloc;

Items 10.1.2, 10.1.3, 10.1.4, 10.1.5, 10.1.11, 10.1.13, 10.1.14, 10.1.15, 10.1.16, 10.2.1, 10.2.2, 10.2.3 and 10.3.1.

CARRIED (8-0)

(Cr Piper was an apology for the meeting.)

10.1.2 No. 74 (Lot 671) Egina Street, Mount Hawthorn - Proposed Alterations, Additions and Carport to Existing Single House

Ward:	Mount Hawthorn	Date:	18 March 2003
Precinct:	Mount Hawthorn, P1	File Ref:	PRO 2237; 00/33/1467
Reporting Officer(s):	M Bonini		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owners P Zaccagnini and C Johnson for the proposed alterations, additions and carport to existing single house at No. 74 (Lot 671) Egina Street, Mount Hawthorn, as shown on the plans stamp-dated 21 January 2003, subject to:

- (i) compliance with all Building, Environmental Health and Engineering requirements;*
- (ii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (iii) a road and verge security deposit bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (iv) details of all street trees adjacent to the subject property shall be submitted with the Building Licence application;*
- (v) street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (vi) subject to first obtaining the consent of the owners of No. 76 Egina 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. 76 Egina Street in a good and clean condition;*
- (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) *prior to the issue of a Building Licence, revised plans shall be submitted to and approved by the Town demonstrating the maximum total width of the carport being reduced to 5.4 metres; and*
- (x) *the carport shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted);*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.2

Moved Cr Ker, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED (8-0)

(Cr Piper was an apology for the meeting.)

LANDOWNER: P Zaccagnini and C Johnson
APPLICANT: As above
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	491 square metres

Carport

Requirements	Required	Proposed
Front Setback - Carport	4.5 metres (R Codes)	1 metre
Parapet Walls	Walls not higher than 3.5 metres, average 3 metres for 2/3 (66 per cent) the length of the balance of the boundary behind the front setback to one side boundary (R Codes)	Walls on two side boundaries - southern and northern boundaries.
Carport Width	Maximum 50 percent of lot frontage width can be occupied by carport width. (R Codes)	53 per cent
Sightlines at Vehicle Access Points and Street Corners	Walls and fences truncated or reduced to no higher than 0.75 metre within 1.5 metres of where walls and fences adjoin vehicle access points. (R Codes)	Wall height 3.4 metres. No truncation.

SITE HISTORY:

The site is occupied by a single storey single house with an existing shed at the rear of the lot.

DETAILS:

The proposed development involves single storey additions to the rear of the house involving a parapet wall to the north boundary, and a double carport within the front setback area involving a parapet wall to the south boundary.

CONSULTATION/ADVERTISING:

The proposal was advertised and two objections were received from the southern and northern neighbours. In short, the letters raise the following points;

South Neighbour

"I am concerned that the carport will lead to a significant loss of amenity to my property...This wall will detract from the visual amenity of my property, block the line of sight to the roadway and reduce the available light by placing part of my lot in shadow especially during the winter months."

North Neighbour

"My concern is about the parapet wall on the north side which is directly onto our property...My concern is about the parapet wall on the north side and the 2.18 metre wide by 3.2 metre high on either side "brick canyon" effect that this will create."

COMMENTS:

Front Carport Setback

The Town's Policy relating to Street Setbacks permits carports within the front setback area at Council's discretion. For consideration to be given for a reduced setback, there is to be no alternative location for the carport, and in accordance with the Residential Design Codes (R Codes) its width is to be no more than 50 per cent of the lot frontage width. Whilst the proposed carport cannot be accommodated elsewhere on the lot, it occupies 53 per cent of the lot frontage width. It is considered reasonable to reduce the width of the carport to 5.4 metres as this will result in compliance with parking and width requirements of the R Codes. This is represented in the approval conditions above.

Parapet Walls

The parapet walls relating to the proposed development vary from the setback requirements as stipulated in the Residential Design Codes. Boundary walls are proposed on the north and south side boundaries. The R Codes allows a parapet wall on only one side boundary. The parapet wall for the carport is not considered necessary and could be easily reinstated with only piers resulting in compliance. The proposed carport parapet wall is not considered acceptable in this instance as it unnecessarily causes the proposal to deviate from the requirements of the R Codes. The parapet wall for the north side addition is supported as it is only 5.99 metres in length and averages a height of 2.7 metres. The impact of the proposed addition to the north boundary has been considered and it is deemed not to cause an undue adverse affect due to the single storey nature of the parapet wall and the minor length it occupies along the boundary. The northern parapet wall is therefore supported.

Carport Width

To prevent the dominance of a carport within the front setback area to the general streetscape, the R Codes limits the width of a carport in relation to the lot frontage width. As the table above suggests, the requirement is to be no more than 50 percent of the total lot width. In this instance, the carport occupies 53 percent. Reducing the width of the carport to 5.4 metres results in compliance, and an acceptable streetscape amenity.

Sightlines at Vehicle Access Points

The proposed carport does not accommodate an appropriate level of vision to the street due to the proximity of the carport to the boundary. The proposal involves a wall with a maximum height of 3.4 metres within 1.5metres of the front boundary. From a safety aspect, a wall at this height is considered unacceptable, as it would restrict visibility to the street.

In view of the above, it is recommended that the proposal be approved, subject to the carport width being modified and the parapet wall being reinstated with piers, and standard and appropriate conditions to address the above matters.

10.1.3 No. 534 (Pt Lot 215) Charles Street, Dual Frontage with Lawler Street, North Perth - Proposed Additional Two (2) Storey Single House to Existing Single House

Ward:	Mount Hawthorn	Date:	17 March 2003
Precinct:	North Perth, P8	File Ref:	PRO 2258; 00/33/1493
Reporting Officer(s):	S Crawford		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council recommends APPROVAL to the Western Australian Planning Commission of the application submitted by the owner N Naumovski for proposed additional two (2) storey single house to existing single house, at No.534 (Pt Lot 215) Charles Street, dual frontage with Lawler Street, North Perth, and as shown on plans stamp-dated 12 February 2003, subject to:

- (i) *prior to the issue of a Building Licence, the applicant shall provide written evidence from Water Corporation confirming the acceptability of the development occurring over the proposed sewerage easement;*
- (ii) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (iii) *detailed plans of site works, including identification of drainage shall be submitted with the Building Licence application;*
- (iv) *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";*
- (v) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title or Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town.*
- (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) *a visual truncation of 2 metres by 2 metres at the intersection of the driveway and footpath/Right of Way shall be provided at the owner's cost;*
- (viii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (ix) *a road and verge security deposit bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (x) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (xi) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (xii) *details of all street trees adjacent to the subject property shall be submitted with the Building Licence application;*
- (xiii) *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);*
- (xiv) *all front fences and gates shall comply with the Town's Policy relating to 'Street Walls and Fences', and full details shall be submitted and approved prior to the erection of such fences and gates;*
- (xv) *subject to first obtaining the consent of the owners of No. 532 and No. 536 Charles 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. 532 and No. 536 Charles Street in a good and clean condition;*
- (xvi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) *the master bedroom's south-east and north-west highlight windows shall have a minimum sill height of 1.6 metres above the upper level finished floor level; and*
 - (b) *each dwelling being provided with a minimum Outdoor Living Area of 16 square metres with a minimum length and width dimension of 4 metres, accessible off a habitable room.*

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

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.3

Moved Cr Ker, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED (8-0)

(Cr Piper was an apology for the meeting.)

LANDOWNER: N Naumovski
APPLICANT: Alexander Planning Consultants
ZONING: Metropolitan Region Scheme: Urban Town Planning Scheme
No.1: Residential R60
EXISTING LAND USE: Single House

COMPLIANCE:

Use Class	Single House
Use Classification	"P"
Lot Area	415 square metres

Requirements	Required	Proposed
Additional Dwelling		
Front setback - upper level fronting Lawler Street	6.0 metres	4.0 metres
Northern side setback - ground level	1.0 metre or in areas Coded R30 or higher, walls not higher than 3.5 metres with an average of 3.0 metres can have a parapet wall for 2/3's of the length of the balance of the boundary behind the front setback, to one side	Nil to garage
Outdoor Living Space	16 square metres with a minimum length and width dimension of 4 metres accessible off a habitable room	Existing Dwelling: Not illustrated

SITE HISTORY:

The site is occupied by a single storey single residence and there has been a subdivision conditional approval under Western Australian Planning Commission reference 118847. The subdivision has not been completed to date. The proposed lot arrangement differs to that approved at subdivision, with the dividing boundary being changed by 1.0 metre. This alteration is not considered to have a detrimental impact on the subdivision or amenity of the existing dwelling.

The Lawler Street frontage of the property also has access to a rear right of way (ROW). The ROW is Town owned, sealed and is 4.6 metres wide. The site has direct access to Lawler Street for the proposed crossover and therefore does not intend to utilise the ROW for access purposes.

DETAILS:

The proposal seeks to construct an additional two (2) storey single house to the rear of the lot with street frontage to Lawler Street.

CONSULTATION/ADVERTISING:

The proposal was advertised and two submissions were received.

The joint owner of No. 532 Charles Street raised concerns as to the structural impact of construction on the neighbouring dwelling, which dates to 1929 and as a result objects to the proposal. This concern constitutes a legal matter between the two property owners and is not a matter that can be considered within planning or building as long as the proposal and its development is undertaken in accordance with the relevant statutes.

The owner of No. 536 Charles Street raised concerns regarding the north-western master bedroom having the potential for overlooking and stated if this window was screened he would be satisfied with the proposal. This upper level finished floor level (FFL) is proposed to be 35 courses and the sill height of the proposed master bedroom window is 53 courses. As such the sill height for the proposal is 1.586 metres above FFL. In order to be a highlight (non-major) window a minimum sill height of 1.6 metres is required in accordance with the Residential Design Codes (R Codes). Subject to conditioning this window to have a minimum sill height of 1.6 metres, the proposal will comply with the privacy requirements of the R Codes.

Charles Street Planning Control Area

Western Australian Planning Commission approval is required for the development due to its location being within a Planning Control Area. The Officer Recommendation has been worded accordingly.

COMMENTS:

Additional Dwelling

Front Setback - Upper Level

Generally, the front setback requirement for an upper level is 6.0 metres in accordance with the Town's Kyilla Locality Plan Policy, which is also reflected in the Town's Policy relating to 'Street Setbacks'. For the purpose of the application, Lawler Street will be the principle frontage for the additional dwelling, thus the above setback requirements will prevail. The applicant seeks to reduce the upper level setback to 4.0 metres in line with the ground floor level setback.

Only the subject lot has two street frontages within this immediate area along Charles Street, with No. 536 Charles Street to the north being the corner lot with three street frontages. The remainder of the lots with frontage to Charles Street back onto a ROW. Furthermore only No. 530 and No. 532 Charles Street would have the potential for redevelopment at the rear of the existing dwelling. As such, the context for the setbacks in this area is isolated to these surrounding properties only. On that basis, and taking into account that the entry to the ROW occurs at the lot's secondary street frontage, it is considered that there is scope to permit variations to the upper level street setback.

The dwelling will be visible when travelling along Lawler Street, and will be viewed in the context of these dwellings and the approaching intersection of Lawler, Charles and Hilda Streets. Development at No. 79 Lawler Street (two single houses) have established a pattern of reduced front setbacks for the area. Because a portion of the subject lot is screened from view due to its location behind No. 79 Lawler Street (corner dwelling), the potential impact of the reduced setback on the amenity of the streetscape in the area is considered minimal. On this basis, the reduced setback is considered acceptable.

Northern Side Setback - Ground Level

The R Codes generally requires a 1.0 metre setback for the garage from the side boundary. In this instance, the applicant is proposing a nil setback to accommodate a double garage. The R Codes does provide for 2/3 of one side boundary to be a parapet. This provision has been utilised for the southern wall at ground level for the additional dwelling, thus the proposed nil setback for the garage on the northern boundary constitutes a variation.

The proposed garage parapet wall will affect the rear yard of the neighbouring dwelling at No. 536 Charles Street. The wall will be single storey to a height of 3.0 metres and for a length of 7.19 metres. No undue overshadowing will be caused by the wall due to the location of south, and as such the impact of this wall on the substantial rear yard space available to the neighbour is not considered to have any undue impact. As such, the proposal is considered acceptable.

It is considered that the proposal will have no unreasonable detrimental impact on the amenity and streetscape of the area. Accordingly, the proposal is recommended for approval, subject to standard conditions and conditions to address the above matters.

10.1.4 No. 3 (Lot 80) Paddington Street, North Perth – Proposed Grouped Dwelling and Alterations and Additions to Existing Dwelling

Ward:	Mount Hawthorn	Date:	18 March 2003
Precinct:	North Perth, P8	File Ref:	PRO2179 00/33/1351
Reporting Officer(s):	P Mastrodomenico		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Georgiadis Design and Developments on behalf of the owner G Italiano for proposed grouped dwelling and alterations and additions to existing dwelling at No.3 (Lot 80) Paddington Street, North Perth and as shown on the plans stamp dated 11 February 2003 (A02 - A05) and amended plans dated 6 March 2003 (A01), 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) subject to first obtaining the consent of the owners of No. 5 (Lot 43) Paddington 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. 5 (Lot 43) Paddington Street, and the existing dwelling in a good and clean condition;*
- (iii) 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 Paddington Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (iv) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development;*
 - (a) the balcony to the Master Bedroom on the first floor level on the northern and eastern elevations; and*
 - (b) the windows to Bedroom 2 and Bedroom 3 on the first floor level on the southern elevation;*

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

- (v) *prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *the proposed site/lot for each dwelling having "common property" in order to satisfy the grouped dwelling requirements of the Residential Design Codes;*
 - (b) *a separator island with a minimum width of 0.5 metre being installed between the crossover of the rear dwelling and the crossover of the existing dwelling; and*
 - (c) *each dwelling being provided with a store in accordance with the Residential Design Codes;*

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

- (vi) *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".*
- (vii) *a visual truncation of 2 metres by 2 metres at the intersection of the driveway and the footpath shall be provided at the owner's cost;*
- (viii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (ix) *a road and verge security deposit bond and/or bank guarantee of \$550.00 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (x) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (xi) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (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); and*
- (xiii) *compliance with all relevant Environmental Health, Engineering and Building requirements;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.4

Moved Cr Ker, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED (8-0)

(Cr Piper was an apology for the meeting.)

LANDOWNER: G Italiano
APPLICANT: Georgiadis Design and Developments
ZONING: Metropolitan Region Scheme: Urban Town Planning Scheme
 No.1: Residential R30/40
EXISTING LAND USE: Single House

COMPLIANCE:

Use Class	Single House
Use Classification	"P"
Lot Area	556 square metres

Setbacks -		
Northern side (Ground Floor)	1.0 metre	Nil
Western side (Ground Floor)	1.5 metres	Nil - 1.2 metres
Northern side (First Floor)	2.8 metres	1.1 metres
Eastern side (First Floor)	2.8 metres	1.2 metres
Privacy-		
South (bedroom 2 and bedroom 3) first floor	Bedroom window within 4.5 metres of a property boundary more than 0.5 metre above natural ground level to be screened	Screening shown, however inadequate details
North and East (balcony to master bedroom) first floor	Balconies within 7.5 metres of a property boundary on the first floor to be screened	Screening shown, however inadequate details
Accessway width	3.0 metres minimum	2.82 metres minimum
Stores	2 metres by 2 metres	nil shown on plans

SITE HISTORY:

The subject site is occupied by a single storey dwelling. The surrounding area is characterised by single storey dwellings.

CONSULTATION/ADVERTISING:

There was one objection received during the advertising period. Issues raised included the potential for overlooking onto the adjacent property and the perceived loss in property values.

DETAILS:

Approval is sought for a two storey grouped dwelling and alternations and additions to the existing dwelling.

COMMENTS:

Setbacks

It is considered that the side setback variations do not present an unreasonable loss of amenity to the adjacent properties and given the measures which will be taken to screen the overlooking habitable room openings at first floor level, are accordingly supported.

The ground floor northern and western side setback variations (parapet wall) are considered supportable there are no unreasonable adverse effect on the adjacent properties.

Privacy

With regard to the potential for unreasonable overlooking from the first floor bedrooms 2 and 3 and the balcony to northern and eastern elevations, it is considered necessary that relevant screening conditions are applied to these openings to comply with the privacy requirements of the Residential Design Codes.

In the recent Ordinary Meetings of Council, the Council has been prepared to vary the Privacy requirements of the Residential Design Codes by allowing the overlooking window to be top hinged and the obscured portion of the window to be openable to a maximum of 20 degrees.

Vehicle Accessway

The Town may consider an accessway of less than 3.0 metres where an existing house is to be retained. The proposed accessway width of 2.82 metres along the existing dwelling is considered acceptable in this instance.

Property Values

With regards to the objection relating to decreased property values, this is not regarded as a significant planning concern.

Stores

The Residential Design Codes requires all grouped dwellings to have a store with a minimum area of 4 square metres. The proposed does not indicate the provision of stores, therefore, a condition has been applied accordingly.

Summary

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

10.1.5 No. 3 (Lot 109) Chatsworth Road, Highgate – Alterations and Two Storey Additions to and Partial Demolition of Existing Single House

Ward:	North Perth	Date:	17 March 2003
Precinct:	North Perth, P8	File Ref:	PRO 2242; 00/33/1473
Reporting Officer(s):	M Bonini		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by A Taylor on behalf of the owners A Taylor and A Barton for proposed alterations and two storey additions to and partial demolition of existing single house at No.3 (Lot 109) Chatsworth Road, Highgate, and as shown on amended plans stamp-dated 25 February 2003, subject to:

- (i) a visual truncation of 2 metres by 2 metres at the intersection of driveway and right of way shall be provided at the owner's cost;*
- (ii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (iii) a road and verge security deposit bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (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) 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) street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (viii) compliance with all relevant Environmental Health, Engineering and Building requirements; and*

- (ix) *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;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.5

Moved Cr Ker, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED (8-0)

(Cr Piper was an apology for the meeting.)

LANDOWNER: A Taylor and A Barton
APPLICANT: A Taylor
ZONING: Metropolitan Region Scheme: Urban Town Planning Scheme
 No.1: Residential R60
EXISTING LAND USE: Single House

COMPLIANCE:

Use Class	Single House
Use Classification	"P"
Lot Area	304 square metres

Requirements	Required	Proposed
Setbacks		
East Ground Floor	4.7 metres	Terrace - 2 metres * Living/Dining - 2.29 metres*
West Ground Floor	4.7 metres	Terrace - 3 metres Living/Dining 0.7 metre
West First Floor	1.2 metres	0.7 metre
East Boundary Wall	1.5 metres	Nil
Building Height		
Wall of Addition	7 metres	Up to 7.6 metres
Privacy Setback		
Terrace (East)	7.5 metres	2 metres*
Terrace(West)	7.5 metres	3 metres
Terrace (South)	7.5 metres	2.15 metres to Boundary with 1.57 metres from ROW = 3.75metres
Studio Windows (South)	6 metres	3.5metres from West Boundary. Non -compliance is from 2nd window from West side of Building

* These setbacks take into account half the width of the abutting right of way up to a maximum of 2 metres as permitted in the R Codes.

SITE HISTORY:

The site is occupied by a single storey single house. Two right of ways abut the lot on the southern and eastern sides. Both rights of way are privately owned and unsealed. The widths are 4.75 metres and 3.14 metres, respectively.

DETAILS:

The proposed development involves a two storey addition to the rear of the existing dwelling. The proposal generally complies with the Residential Design Codes (R Codes) and the Town's Town Planning Scheme No. 1 and Policies with the exception of the above non-compliances.

CONSULTATION/ADVERTISING:

The proposal was advertised and one objection was received by the Town. The letter raises the following points.

"My objection is based on the negative impact that the proposal will have on the Chatsworth Rd streetscape. The view from Chatsworth Rd will be of the original cottage backed by a featureless box....The only architectural interest is provided by the small windows. The sloping roof will detract even more from the design if it is visible from the street.

I have no trouble with a two storey extension or a contemporary design as long as the design adds to the streetscape. I do not consider that this proposal does."

COMMENTS:

Streetscape

The above objection is mainly premised upon the visual impact of the proposal to the Chatsworth Road streetscape. Whilst the design is not in keeping with the original character of the existing dwelling, it is considered that the contemporary minimalist aspect of the addition effectively frames and emphasises the traditional features of the existing portion through its simple design. Furthermore, the proposed addition is contained at the rear portion of the lot and is not considered to be over imposing to the streetscape.

East Setback for Ground Floor

The setback variation pertains to the terrace and living/dining areas. When determining the setback, the stated setback distance was reduced by half of the width of the adjoining right of way as permitted in the Residential Design Codes. The variation is thereby lessened but not removed. In this particular instance, the variation does not impose any undue detrimental impact to surrounding property owners particularly to the property on the east. There is already a right of way between the subject property and the neighbouring property. Furthermore, the view from the terrace to the neighbouring property will be of blank overheight walls on the boundary and a garage door. The setback variation is therefore considered acceptable.

West Setback for Ground Floor

A setback variation exists from the west side of the proposal. The applicant has endeavored to accommodate the adjoining affected neighbour by proposing a greater setback on the west of the lot for the terrace. The proposed living/dining is an existing portion of the residence with minor modifications. Furthermore, no objection was received from the west neighbour against the proposal. This variation is therefore considered acceptable.

West Setback for First Floor

The setback for first floor west side setback has been determined for a wall with no major openings and occupying a total length of 7.6 metres. There are no direct overlooking issues from the proposed upper floor wall. It also occupies a minor length, which is not deemed to pose a threat to the amenity of the adjoining neighbour. The applicant has followed the existing setback of the ground floor to achieve the intended design of the proposal.

Causing the upper floor to be setback 1.2 metres compromises this design and achieves minimal relief from the two storey nature of the wall. Given the above, the variation is considered acceptable.

East Boundary Wall

The boundary wall relates to the garage on the basement level and the terrace level. The boundary wall complies with setback requirements as it incorporates a portion of the right of way as permitted in the R Codes. The boundary wall however does not comply with the R Codes relating to boundary development. The R Codes require that the wall not exceed 3.5 metres with an average of 3 metres. Whilst the boundary wall does not exceed 3.5 metres at any point, it is slightly over the average requirement by 0.3 metre. As the boundary wall abuts a right of way and is also proposed opposite overhead boundary walls, the wall is not deemed to compromise the general amenity of the immediate and surrounding area. The proposed boundary wall is therefore considered acceptable.

Wall Height

The proposed wall height varies from 7 metres to 7.6 metres. The requirement is 7 metres in this instance because the proposal involves a concealed roof. There is a maximum variation of 0.6 metre. This is attributed to the natural land level sloping away where the addition is proposed. It is not considered viable to stagger or slope the wall in order maintain a 7 metres height throughout. Due to the natural slope in the land, the visual impression from the street will not represent the maximum height variation. The height variation has been considered in terms of the natural topography of the lot and is supported, as it is not considered to compromise the amenity of any surrounding properties. Furthermore, no objection was received from the affected adjoining neighbour.

Privacy Assessment - Terrace

The privacy assessment of the terrace results in variations from the east, west and south boundaries. The requirement is 7.5 metres from each of the boundaries, which is virtually impossible to achieve practically. The setbacks vary from a minimum of 2 metres to a maximum of 3.75 metres. These are clearly variations to the required distance. However, the impact to the neighbouring properties is considered minimal, as the terrace would overlook boundary walls to the east, backyard sheds to the south and backyard area to the west not considered active outdoor living area. Furthermore, the west neighbour has not objected to any aspect of the proposal. The variations are considered acceptable in this instance.

Privacy Assessment - Studio

The second window on the southern elevation from the west side of the proposed studio on the upper floor does not comply with the privacy assessment to the west boundary. The non-compliant window is proposed to be 0.75 metre from the finished floor level of the studio with a height of 0.65 metre. The applicant provided the following statement in relation to the window;

"...the intention of this window is to afford a view from the bedroom while lying down in the bed or at best sitting down, so the cone of vision is altered in such a way as to project the view forward"

The window is not considered to pose an overlooking concern to the west neighbours. Viewing from a close range is not intended, rather long range viewing that does not impact the immediate neighbouring properties specifically the west neighbour. The window is not considered as a concern and therefore acceptable.

Compliance has been met in most areas and the variations that do exist are considered to be minor in nature and justified. In view of the above, it is recommended that the proposal be approved subject to standard conditions and appropriate conditions, to address the above matters

10.1.11 No.7 (Lots 17 & 131) Moir Street, Perth - Proposed Alterations and Two-Storey Habitable Room Additions to Garage of Existing Single House

Ward:	North Perth	Date:	17 March 2003
Precinct:	Hyde Park, P12	File Ref:	PRO0229; (00/33/1449)
Reporting Officer(s):	C Mooney		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

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

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
- (ii) the non-compliance with the privacy, setbacks, access and carparking requirements of the Residential Design Codes and the requirements of the Brookman and Moir Streets Design Guidelines;*

the Council REFUSES the application submitted by the owner J-M & K Chedid for the proposed alterations and two storey habitable room additions to garage of existing single house at No.7 (Lots 17& 131) Moir Street, Perth, as shown on plans stamp-dated 7 January 2003.

COUNCIL DECISION ITEM 10.1.11

Moved Cr Ker, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED (8-0)

(Cr Piper was an apology for the meeting.)

LANDOWNER: J-M & K Chedid
APPLICANT: J-M & K Chedid
ZONING: Metropolitan Region Scheme – Urban
Town Planning Scheme No. 1 – Residential R25
EXISTING LANDUSE: Single House

COMPLIANCE:

Use Class	Single House
Use Classification	“P”
Lot Area (Lot 59)	281 square metres

Residential Design Code Requirements	Required	Proposed
Parking Spaces	Minimum Depth - 5.4 metres	4.3 metres
Manoeuvring Depth	6 metres from opening to nearest impediment	3 metres
Privacy, Cone of Vision Setback - <ul style="list-style-type: none"> ▪ Habitable Room (northern boundary) ▪ Balcony (northern boundary) ▪ Balcony (southern boundary) 	6 metres 7.5 metres 7.5 metres	3.2 metres 4.8 metres 3.2 metres
Boundary Setback - Southern Boundary	Parapet Wall (southern elevation) - not higher than 3 metres with an average height of 2.7 metres	5.2 metres
	First Floor - 1.2 metres	Nil
Eastern Boundary	Ground Floor - 1 metre	Nil
	First Floor- 1.2 metres	Nil

SITE HISTORY:

The place is listed on the Town's Municipal Heritage Inventory, as part of the Brookman and Moir Streets Precinct. The streetscape of the Brookman and Moir Streets Precinct is characterised by single storey residences. The pattern and the architectural visual characteristics of the streetscape are of significant cultural heritage value. Proposed additions to the rear should not be obtrusive, provide external finishes similar to that of the existing dwelling and meet the requirements of the Residential Design Codes.

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

A 3-metres wide privately owned unsealed right of way runs along the rear boundary.

DETAILS:

The proposal includes a two storey habitable room addition, and alterations to an existing carport/garage and store at the rear of the property.

CONSULTATION/ADVERTISING:

There was one objection received during the advertising period. The primary concern of the objector related to the potential for overlooking onto the neighbouring/adjacent property on the southern elevation.

COMMENTS:

Heritage

The Town's Heritage Officers have provided the following comments in relation to the development proposal.

"This place is listed on the Town's Municipal Heritage Inventory, as part of the Brookman and Moir Streets Precinct. The Design Guidelines for the Brookman and Moir Streets Precinct contain no provisions relating to two-storey developments to rear garages. Nevertheless, as the proposed development will not be visible from Moir Street, and involves no alteration to the fabric of the original house, the development is considered acceptable from a heritage point of view. "

Privacy

The proposal does not comply with the privacy requirements of the Residential Design Codes.

Parking and Access

The proposal is utilising the existing parking situation located adjacent to the right of way. Whilst the proposal aims to retain this situation, the depth of the garage/carport and the ability for safe vehicular manoeuvrability does not comply with the minimum requirements of the Residential Design Codes.

Setbacks

The existing height of the parapet wall is 2.6 metres. The proposed two storey portion of the parapet wall will increase the height of the parapet wall, located on the southern boundary, to 5.2 metres. Although the two storey portion of the parapet wall is proposed to be situated above an existing single storey parapet wall, in this instance, the addition is considered unacceptable, as it is 2.6 metres above the requirements of the Residential Design Codes. Therefore, it will unfavourably adversely affect the amenity of the adjoining southern property. Although the proposal will not pose streetscape concerns, the addition will inappropriately add bulk and scale in terms of the adjoining property.

Compliance with the Residential Design Codes setback requirements will significantly alter the scale of the structure, however compliance will significantly reduce the visual impact on the amenity of the adjoining southern property. The visual impact of the parapet wall is considered to be emphasised due to the narrowness of the adjoining property.

Structure

The applicant has provided the Town with detail on the variety of proposed uses within the structure which can be summarised by the following: primary use as an office/studio and secondary use as storage on the ground floor, and occasional use as accommodation for family and friends on the first floor.

The proposed structure is not consistent with the material finishes of the existing single house.

Summary

With regard to the potential for unreasonable overlooking, relevant screening conditions could be applied however, in this instance, it is considered that the proposal will unfavourably affect the amenity of the area especially as it inappropriately adds bulk and scale to the existing dwelling. In addition, the Brookman and Moir Streets Design Guidelines states the following:

"Unobtrusive extensions to the rear of the dwellings are acceptable and the Council is prepared to be flexible in its approach to dealing with all proposals"

Given the above and obtrusive scale and nature of the structure, it is recommended that the proposal be refused.

10.1.13 Nos. 452-460 (Lot 1) William Street, Perth - Proposed Registration on the State Register of Heritage Places

Ward:	North Perth	Date:	19 March 2003
Precinct:	Beaufort, P13	File Ref:	PRO0159
Reporting Officer(s):	N Edgecombe		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That the Council:

- (i) *advises the Heritage Council of Western Australia that it supports the proposed interim listing of the Shops at Nos. 452-460 (Lot 1) William Street, Perth on the State Register of Heritage Places; and*
- (ii) *further advises the Heritage Council of Western Australia that it does not wish to send a representative to attend the meeting of the Heritage Council when the interim registration of the above place will be considered.*

COUNCIL DECISION ITEM 10.1.13

Moved Cr Ker, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED (8-0)

(Cr Piper was an apology for the meeting.)

SITE HISTORY:

The subject site is occupied by a two-storey terrace of five shops and dwellings constructed in load bearing brick, with stucco decorative treatments and a corrugated iron mono pitch roof in Federation Free Classical style.

An assessment of cultural heritage significance has been prepared for the place and it has been found to have significance for the following reasons:

- it is a significant landmark at the intersection of William and Brisbane Streets and is a recognised landmark at the northern entry to the commercial area of Northbridge;
- it is a good and complete example of a two-storey terrace of five shops and dwellings designed in an idiosyncratic rendering of the Federation Free Classical style;
- it was designed by well known Architect Jack Ochiltree and built for Dr. Daniel Kenny, a very prominent doctor in Western Australia in the late nineteenth and early twentieth century and a renowned investor and speculator in real estate; and

- it is representative of a form of building where retailers lived over their premises, a once common practice in Western Australia during the late nineteenth and early twentieth centuries.

DETAILS:

On 11 March 2003, the Town received correspondence from the Heritage Council of Western Australia advising that the shops at Nos. 452-460 William Street, Perth are to be considered for listing on the State Register of Heritage Places.

The documentation concerning the place is scheduled for presentation to a meeting of the Register Committee of the Heritage Council in the near future, with a recommendation that the place is of sufficient cultural heritage significance to warrant consideration for entry in the Register.

A copy of the accompanying documentation is included as Appendix 10.1.13 to this report.

CONSULTATION/ADVERTISING:

The Town has until 4 April 2003 to provide comments to the Heritage Council of Western Australia on the proposed registration of the subject place on the State Register of Heritage Places.

COMMENTS:

The Town has had the opportunity to consider the assessment of cultural heritage significance for the shops at Nos. 452-460 William Street, Perth and agrees with its findings. It is therefore recommended that the Council advises the Heritage Council of Western Australia that it supports the proposed listing of the shops at Nos. 452-460 William Street, Perth on the State Register of Heritage Places. It is not considered essential that a representative from the Town attend the meeting of the Heritage Council when the interim registration of the above place will be considered.

10.1.14 Heritage Working Party Discussion Document on Local Heritage Reform

Ward:	Both Wards	Date:	18 March 2003
Precinct:	All Precincts	File Ref:	PLA0098
Reporting Officer(s):	A Nancarrow		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That the Council advises the Western Australian Local Government Association of the following:

- (i) *that it supports Option A2 as contained in the document titled, 'Reform of the Local Heritage Management System in Western Australia: A Discussion Document', produced by the Western Australian Local Government Association and dated February 2002; and*
- (ii) *the comments contained in this report.*

COUNCIL DECISION ITEM 10.1.14

Moved Cr Ker, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED (8-0)

(Cr Piper was an apology for the meeting.)

DETAILS:

In August last year, the Minister for Heritage, the Hon Dr Judy Edwards, convened a Heritage Working Party to discuss and review a range of issues including Municipal Heritage Inventories, heritage as it pertains to development and potential amendments to the *Heritage of Western Australia Act 1990* (herein referred to as the Heritage Act). The Working Party was essentially formed in response to the scrutiny and criticism that Municipal Heritage Inventories attracted in the media last year, and the subsequent pressure that was placed on the Minister for Heritage to take a stronger leadership role in local heritage management.

The Working Party was chaired by a representative from the Minister's office and comprised officers of the Heritage Council of Western Australia (HCWA), the Department for Planning and Infrastructure (DPI), the Western Australian Local Government Association (WALGA), the Real Estate Institute of Western Australia (REIWA) and representatives from nine local governments, including the Town of Vincent. The Working Party met on two occasions and a sub-group of the Working Party met more frequently to prepare documentation for consideration by the Working Party.

The Working Party last met on 29 January 2003. Members of the Working Party were provided with an explanatory paper, which outlined the reasons why reform in local heritage management is needed, and they were also presented with three options for reform.

The ten voting members of the working party were asked to vote on their preferred option for reform. The content of the explanatory paper and the three options are contained in a Discussion Document, which has been released by WALGA for consideration by all local governments. This Discussion Document is contained in Appendix 10.1.14 to this report.

The pros and contras of the three reform options are as follows:

OPTION A: Make minor amendments to the Heritage Bill 2000 provisions, and give increased heritage-related guidance to local governments within the planning system

Pros

- Strengthens adherence to common standards and methodology in the identification of heritage places;
- Further clarifies the purpose of local inventories/surveys (identification only with no statutory controls attached to them);
- Promotes more consistency in heritage-related planning decisions and appeal decisions by education and policy means, rather than by regulation and prescription; and
- Preserves local autonomy in planning scheme preparation and avoids the potential for a 'backlash' against new regulation.

Contras

- Does not oblige local governments to treat their Heritage Lists seriously or actively protect heritage places under their town planning schemes. As a result of this, a variety of approaches will persist across local government and some local governments may continue to leave their lists 'neutered' or non-existent.

OPTION A1 - Proceed with the provisions in the Heritage Bill 2000 (unchanged), supplemented by Cabinet-approved provisions dated August 2002

Pros

- Strengthens adherence to common standards and methodology in the identification of heritage places;
- Obliges local governments to treat their Heritage Lists seriously;
- Strengthens the heritage provisions in the Model Scheme Text; and
- Promotes more consistency in heritage-related planning decisions and appeal decisions, through regulation and prescription.

Contras

- May be difficult to implement as it is unusual for the DPI or the Minister for Planning and Infrastructure to be bound to accept the views of another government agency (in this case HCWA) regarding scheme amendments. However, this contra could be eliminated if DPI engaged specialist in-house expertise in heritage planning, just as they have specialist in-house expertise in the areas of coastal planning, environmental planning and urban design. This way, the DPI would not be dependent on input from HCWA;
- Creates the potential for 'backlash' against new regulation; and
- Potentially reduces local autonomy.

OPTION A2 - Switch the emphasis of the provisions in the Heritage Bill from 'identification only' local inventories to local scheme-based Heritage Lists

Pros

- Places the emphasis on the component of local heritage protection that 'really counts' - establishment of Heritage Lists and Heritage Areas pursuant to town planning schemes;
- Removes the 2-stage listing process (i.e. the completion of Municipal Inventories under the Heritage Act followed by the completion Heritage Lists under town planning schemes) which creates additional work and controversy;
- Strengthens the heritage provisions in the Model Scheme Text; and
- Promotes more consistency in heritage-related planning decisions and appeal decisions, through regulation and prescription.

Contras

- May be difficult to implement as it is unusual for the DPI or Minister for Planning and Infrastructure to be bound to accept the views of another government agency (in this case HCWA) regarding scheme amendments. However, this contra could be eliminated if DPI engaged specialist in-house expertise in heritage planning, just as they have specialist in-house expertise in the areas of coastal planning, environmental planning and urban design. This way, the DPI would not be dependent on input from HCWA;
- Creates the potential for 'backlash' against new regulation; and
- Potentially reduces local autonomy.

The Working Party resolved that Option A be endorsed as their recommended option for local heritage reform. Whilst there are some positive aspects to this option, it is considered that it still does not address the anomalies that are at the core of all the public confusion and controversy over local heritage matters. Essentially, this option will provide greater policy direction for local governments, however, ultimately it will mean that local governments will not be obliged to treat their heritage lists seriously, and some may continue to leave their lists 'neutered' or non-existent, as outlined above. Moreover, this option does not attempt to redress the widespread confusion in the community regarding the divergent roles of 'Municipal Inventories' under the Heritage Act and 'Heritage Lists' under local town planning schemes. Inevitably, this option will still result in an inconsistent approach by local governments to heritage planning and management, which in turn will do little to reduce the confusion that surrounds this matter in the wider community.

It is considered that Option A2 presents the best option for reform, in that it will remove the two-stage heritage listing process that is currently in place - that is, the completion of a Municipal Heritage Inventory under the Heritage Act, followed by the completion of a Heritage List under a town planning scheme. It will also strengthen the heritage provisions in the Model Scheme Text, thereby giving more weight to heritage considerations in planning matters. It is considered that these two actions are essential for meaningful reform in Western Australia. Significant changes to legislation and statutory provisions, such as these, are required if local heritage conservation is to become a serious consideration on the planning agenda and to bring Western Australia in line with the eastern states of Australia, where local heritage conservation is widely accepted as a legitimate planning consideration.

It should be noted that in endorsing Option A as their preferred option, the Heritage Working Party did make a small amendment to the option by including a statement that may allow for the Model Scheme Text provisions to be amended. However, the statement was worded such that this action does not necessarily have to be implemented and it certainly is not the focus of the proposed reform.

STRATEGIC IMPLICATIONS:

- Strategic Plan 2000-2002: Key Result Area 1.2 *Develop, promote and implement cultural heritage management practices, policies and guidelines;* and
- Draft Strategic Plan 2002-2007: Key Result Area 1.2 *Manage heritage to provide a sense of place, identity and character for the area.*

CONSULTATION/ADVERTISING:

The Town has until 28 March 2003 to provide its comments to WALGA on the Discussion Document that is the subject of this report.

COMMENTS:

In summary, it is considered that the recommended option (Option A) may put a "band-aid" on the contentious issue of local heritage management in the short term, but essentially it does not offer serious long term reform. Whilst it will provide policy direction, there will be little legislative change and so those local governments that wish to ignore their heritage lists will still have the opportunity to do so. This will do little to foster wider community acceptance of local heritage conservation, which is what is needed in order to prevent the heritage debate from repeatedly flaring up in future years.

Option A2 represents a significant step forward in local heritage planning legislation. It is acknowledged that some local governments and parts of the wider community will be reluctant to embrace this change, as it will require adherence to more rigorous planning regulation and prescription.

It would seem that it is the possibility of this initial 'backlash' that is preventing some State Government agencies from taking a stronger leadership role in progressing meaningful local heritage legislative reform. But inevitably there will always be some short term 'backlash' associated with any significant legislative reform and as such, this should not be used as a reason to prevent meaningful reform from proceeding. Moreover, the long term benefits of meaningful reform will usually outweigh the initial short term backlash. In this instance, improved legislation and adherence to legislation should lead to greater certainty and understanding of the issues and therefore less debate.

In summary, it is recommended that the Town advise WALGA that it supports Option A2 in preference to Option A, in view of the comments outlined above.

10.1.15 Western Australian Sustainable Industry Group - Western Australian Cleaner Production Statement Action Plan

Ward:	Both Wards	Date:	17 March 2003
Precinct:	All Precincts	File Ref:	PLA0109
Reporting Officer(s):	Y Scheidegger		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	--		

OFFICER RECOMMENDATION:

That the Council adopts the Town of Vincent Western Australian Cleaner Production Action Plan dated March 2003, as shown in Appendix 10.1.15 to this Report.

COUNCIL DECISION ITEM 10.1.15

Moved Cr Ker, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED (8-0)

(Cr Piper was an apology for the meeting.)

BACKGROUND:

"The Western Australian Sustainable Industry Group (WASIG) is a multi-stakeholder network of business, public sector, engineering and environment professionals committed to creating a cleaner and more competitive WA through the promotion of Cleaner Production and Eco-Efficiency. The WASIG is a partner Organization of the World Business Council for Sustainable Development.

The Group aims to promote the better utilisation of cleaner production and eco-efficiency for a cleaner Western Australia. It does this through information dissemination, exchange of experience and policy dialogue. The 110 participants are drawn from industry, government, non-governmental organisations, consultancies and academia."

The Council at its Ordinary Meeting held on 14 May 2002 resolved the following:

- "(i) receives the Western Australian Cleaner Production Statement dated May 2001 from the Western Australian Sustainable Industry Group (WA SIG), as 'Laid on the Table';*
- (ii) advises the WA SIG that the Town of Vincent agrees to become a signatory to the Memorandum of Understanding for the Western Australian Cleaner Production Statement; and*
- (iii) allocates \$10,000 to the draft 2002/2003 Budget for the purpose of implementing the principles and responsibilities of the Western Australian Cleaner Production Statement."*

DETAILS:

When the Town became a signatory to the Memorandum of Understanding for the Western Australian Cleaner Production Statement, the Town committed itself to the preparation and implementation of an Action Plan. The Action Plan outlines initiatives that the Town is committed to encourage cleaner production within the Town. The Town has now prepared a Draft Action Plan that was sent to the WASIG for comments, and is shown at Appendix 10.1.15 to this Report.

The Town received emails dated 6 January 2003 and 10 March 2003 from WASIG advising that they support the Draft Action Plan. The Draft Action Plan has now been reviewed and updated to reflect the recent sustainable projects that have been completed as part of the Cities for Climate Protection Strategy and the above WASIG comments.

It includes the development and implementation of a Sustainability Management System to cover all of the Town's operations, a Sustainability Strategy; and the continuation of the development and implementation of on-the-ground projects to deliver financial and environmental returns to the Town.

FINANCIAL/BUDGET IMPLICATIONS

The 2002/2003 Budget includes provision of \$10,000 for the purpose of implementing the principles and responsibilities of the Western Australian Cleaner Production Statement.

STRATEGIC IMPLICATIONS:

Strategic Plan 2000-2002:

Key Result Area 1.3 Develop and implement strategies to enhance the environment;
Key Result Area 2.5 Consolidate Beatty Park Leisure Centre as a premier leisure centre; and
Key Result Area: 3.4 Increase participation in recycling and waste minimisation by residents and businesses.

Draft Strategic Plan 2002-2007:

Key Result Area 1.1 Protect and enhance environmental sustainability and biodiversity; and
Key Result Area 1.3 Develop, implement and promote sustainable urban design.

COMMENTS:

It is recommended that the Town adopts the Action Plan as shown in Appendix 10.1.15 to this Report.

10.1.16 Water Corporation Waterwise Business Program - Memorandum of Understanding

Ward:	Both Wards	Date:	19 March 2003
Precinct:	All Precincts	File Ref:	PLA0096
Reporting Officer(s):	Y Scheidegger		
Checked/Endorsed by:	D Abel		
Amended by:	R Boardman		

OFFICER RECOMMENDATION:

That the Council:

- (i) *receives the Water Corporation Waterwise Business Program - Memorandum of Understanding dated 10 February 2003, as shown in Attachment 10.1.16 to this Report;*
- (ii) *advises the Water Corporation that the Town of Vincent supports in principle the Waterwise Business Program - Memorandum of Understanding; and*
- (iii) *considers as part of the Draft 2003/2004 Budget process the allocation of \$50,000 for a Sustainability Management System, which will include a Sustainability Strategy, on-the-ground projects and the Waterwise Business Program - Memorandum of Understanding; and*
- (iv) *authorises the Chief Executive Officer to sign the Waterwise Business Program - Memorandum of Understanding if the budget allocation in (iii) above is approved.*

COUNCIL DECISION ITEM 10.1.16

Moved Cr Ker, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED (8-0)

(Cr Piper was an apology for the meeting.)

DETAILS:

The Town has received an e-mail dated 4 March 2003 from the Water Corporation relating to the Waterwise Business Program - Memorandum of Understanding (WBP-MOU) and is shown as Attachment 10.1.16 to this Report. This WBP-MOU is summarised as follows:

"Water Corporation is offering its most valued business customers the opportunity to be involved with a new innovative Water Management program. The program is called Waterwise Business Program. It has been designed as a partnership with business consumers in order to work cooperatively towards improving water management.

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Water Corporation's Drivers for offering this:

- Better understanding customer needs*
 - Partnering with business to achieve improved water management*
 - Strengthen relationships with business customers*
 - Achieve sustained demand reduction....*
- ...3. *Water Corporation Agrees to:*
- Provide a facilitated WaterAcheiver™ session at the Partners premises every 12 months.*
 - Provide WaterAcheiver™ output report to the Partner including:*
 - Water Management Summary Results*
 - Water Management Results*
 - Critical Actions*
 - Provide the Partner with guidance and support tools in the implementation of critical actions from the diagnostic.*
4. Partner agrees to:
- Appoint a Senior Management sponsor for the program. The role of the sponsor is to:*
 - Provide management support for the program*
 - Act as the Partners representative*
 - Report to the Water Corporation on an annual basis on progress (example proforma attached in Appendix 1)*
 - Make the Management team available for a WaterAcheiver™ session (approx 1 hour duration) every 12 months at a mutually agreeable time.*
 - Every 12 months, implement 3 of the 5 actions from the WaterAcheiver™ report.*

In signing the WBP-MOU, the Town will become the first local government in Western Australia to commit to the Water Corporation's WBP-MOU.

The Town has been involved with many programs relating to sustainability such as the Cities for Climate Protection (CCP). It is proposed in the draft 2003/2004 Budget for the Town of Vincent to develop a Sustainability Management System (SMS) that will enable the Town to become compliant with the ISO 14001, ISO 9001 and AS4801 compliance or certification.

The Town would initially be seeking certification to the ISO 14001 standard for Environmental Management Systems (EMS). The Town stands to become the first local government authority in Western Australia to achieve this certification for its entire operations. Furthermore, as the Town will be seeking to develop an SMS (in the 2003/2004 draft Budget) which extends beyond a purely environmental system to encompass the triple bottom line concepts of environmental, social and economic management, certification of the SMS to ISO 14001 will see the Town become the first in the world to achieve this standard.

The SMS includes the:

- Task 1 - development of a Sustainability Management System to cover all Council operations;*
- Task 2- development of a Sustainability Strategy (5 to 10 year plan); and*
- Task 3 - continuation of on-the-ground projects to deliver financial and environmental return to the Town.*

Beyond energy-related projects, the Town will also be looking to commence implementation of projects for other environmental areas such as water management and waste management. These will all fall under the SMS and be developed and discharged as part of the overall SMS operation. All projects to be implemented will focus primarily on delivering maximum financial returns to the Town.

The WBP-MOU will be incorporated into the SMS and involve the continuation of on-the-ground projects to deliver financial and environmental return to the Town. The WBP-MOU will only require staff resources and all costs associated with the WBP-MOU will be covered under the draft 2003/2004 Budget for SMS.

As part of the Sustainability Strategy the Town will be contacting companies such as Alinta Gas and Western Power with the aim of increasing energy efficiency within the Town that will deliver financial and environmental returns to the Town.

FINANCIAL/BUDGET IMPLICATIONS

The draft 2003/2004 Budget includes provision of \$50,000 for the Town of Vincent SMS, which includes provision for WBP-MOU.

STRATEGIC IMPLICATIONS:

Strategic Plan 2000-2002:

*Key Result Area 1.3 Develop and implement strategies to enhance the environment; and
Key Result Area 2.5 Consolidate Beatty Park Leisure Centre as a premier leisure centre.*

Draft Strategic Plan 2002-2007:

*Key Result Area 1.1 Protect and enhance environmental sustainability and biodiversity; and
Key Result Area 1.3 Develop, implement and promote sustainable urban design.*

COMMENTS:

It is recommended that the Council supports in principle the Water Corporation's Waterwise Business Program - Memorandum of Understanding and considers as part of the Draft 2003/2004 Budget process the allocation of \$50,000 for a Sustainability Management System, which will include a Sustainability Strategy, on-the-ground projects and the Waterwise Business Program - Memorandum of Understanding, and if this budget allocation is approved then the Council authorises the Chief Executive Officer to sign the Waterwise Business Program - Memorandum of Understanding.

10.2.1 Proposed Streetscape Improvements - Scarborough Beach Road, Mount Hawthorn

Ward:	North Perth	Date:	16 March 2003
Precinct:	Mt Hawthorn Centre P.2	File Ref:	TES0077
Reporting Officer(s):	R Lotznicher		
Checked/Endorsed by:			
Amended by:	-		

OFFICER RECOMMENDATION:

That the Council;

- (i) *receives the report on the Proposed Streetscape Improvements for Scarborough Beach Road, Mount Hawthorn;*
- (ii) *adopts, in principle, the streetscape enhancement proposal as shown on concept plans Nos. 2152-CP-1 and 2152-CP-2, estimated to cost \$348,500;*
- (iii) *advertises the proposal for public comment for a period of twenty one (21) days, in accordance with Council Policy No. 4.1.21 "Community Consultation", inviting written submissions, and holds a public meeting, with the relevant stakeholders, businesses and community groups including playgroup, school, church and seniors groups; and*
- (iv) *receives a further report on the proposal following the conclusion of the consultation period.*

COUNCIL DECISION ITEM 10.2.1

Moved Cr Ker, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED (8-0)

(Cr Piper was an apology for the meeting.)

BACKGROUND:

At the Ordinary meeting of Council held on 22 October 2001, the Council considered a Notice of Motion regarding safety improvements along the Scarborough Beach Road commercial shopping strip and subsequently adopted the following resolution:

"That;

- (i) *the Council authorises the Chief Executive Officer to fully investigate an efficient means of improving the ability for pedestrians to safely cross Scarborough Beach Road, Mount Hawthorn, between the intersections of Oxford Street and The Boulevarde; and*
- (ii) *a report is submitted for consideration by the Council no later than the Ordinary Meeting of Council to be held on 4 December 2001, covering the following;*
 - (a) *the proposals considered;*
 - (b) *an analysis and cost of each of the proposals; and*
 - (c) *the procedure for implementation identified."*

In accordance with clause (ii) of the Council's resolution, a further report on the matter was presented to the Ordinary Meeting of Council held on 28 May 2002, where the following resolution was adopted.

“That the Council;

- (i) receives the report on the proposed pedestrian safety improvements for Scarborough Beach Road, Mt Hawthorn;*
- (ii) implements the proposed works, estimated to cost \$40,000, as outlined on attached Plan No. 1059-CP, if the appropriate funding is provided in the 2002/2003 budget;*
- (iii) further investigates, in consultation with Main Roads WA, the feasibility of reducing the speed limit in Scarborough Beach Road through the Mt Hawthorn Centre;*
- (iv) receives a further report at the conclusion of the investigations outlined in clause (iii);*
- (v) requests Main Roads WA to install a 40 kph school speed zone adjacent to the Mt Hawthorn Primary School on Scarborough Beach Road, between Killarney Street and The Boulevard, and on nearby Kalgoorlie Street, between Berryman Street and Scarborough Beach Road, to improve safety for children; and*
- (vi) advises the respondents of its resolution.”*

In accordance with clause (ii) of the above resolution the works as outlined on Plan No 1059-CP were implemented in late 2002 with great success.

At the Ordinary meeting of Council held on 5 November 2002, the Council considered a further Notice of Motion regarding Streetscape Improvements along this section of Scarborough Beach Road and adopted the following resolution:

That the Council;

- (i) authorises the Chief Executive Officer to utilise any surplus funds from the 2002/2003 budgeted traffic management improvements to Scarborough Beach Rd for the provision of;*
 - (a) pedestrian safety fencing to the intersection of Scarborough Beach Rd, and Flinders Street;**concurrent with the works being undertaken;*
- (ii) authorises the Chief Executive Officer to prepare plans for Stage 2 Upgrade of Scarborough Beach Road for the Financial Year 2003/2004, including;*
 - (a) planter beds, street tree enhancement and artworks to existing paved area between Oxford Street and The Boulevard;*
 - (b) authorises the Chief Executive Officer to approach Western Power for a lighting fitting upgrade of Scarborough Beach Road Town Centre; and*
 - (c) community art banner poles for the central median between Fairfield and Matlock Streets;*

subject to consultation, including a public meeting, with the relevant stakeholders, businesses and community groups including playgroup, school, church and seniors groups.

DETAILS:

Reducing the speed limit in Scarborough Beach Road through the Mt Hawthorn Centre

This matter was referred to Main Roads WA and a response was subsequently received on 27 November 2002. An extract from MRWA's response is as follows:

"Main Roads WA is currently arranging for an assessment of your request for the implementation of a 50 kph speed zone on Scarborough Beach Road between Fairfield Street and The Boulevard. I have requested our Road Services Officer, Mr Colin De Costa, to carry out this assessment on the existing road."

To date, no further advice has been received.

40 kph school speed zone on Scarborough Beach Road (adjacent to the Mt Hawthorn Primary School between Killarney Street and The Boulevard) and on Kalgoorlie Street, (between Berryman Street and Scarborough Beach Road)

In accordance with the Council's resolution this matter was referred to Main Roads WA and a response was subsequently received on 6 March 2003. An extract from MRWA's response is as follows:

"I refer to Main Roads previous correspondence dated 27 November 2002, regarding Council's request for the implementation of a 40 kph school zone on Scarborough Beach Road, for Mt Hawthorn Primary School.

I advise that the assessment for the provision of a School Zone on Scarborough Beach Road adjacent to the Mt Hawthorn Primary School has been completed.

As you are aware, recent trials on arterial roads at selected schools have shown that compliance with School Zone speed limits is significantly improved if pavement markings consisting of a black "40" on a yellow background are used in conjunction with the standard 40 kpm School Zone signs.

This has resulted in the introduction of new selection criteria to qualify for 40 kph School Zones. An influential factor within this criterion is the level of school related activity adjacent to the school frontage on arterial roads to ensure that motorists make a connection between the school site and the lower speed limit, and exercise additional caution.

To ascertain the level of school related activity, two recent pedestrian surveys were carried out on the 11 and 12 February 2003 by Main Roads. Results from these surveys indicate a very low level of school related activity within this area. The survey also noted the existence of a pedestrian overpass adjacent to Mt Hawthorn Primary School, specifically to assist children crossing Scarborough Beach Road, and figures confirm a very high usage rate."

In addition, MRWA advised that they will not install 40kph school zone signage on roads that do not adjoin a school i.e. Kalgoorlie Street.

Pedestrian Safety Fencing

In accordance with clause (i)a of the Council's resolution pedestrian safety fencing was installed at the intersection of Flinders Street and Scarborough Beach Road. Also, prior to installing the fencing, officers met with some of the business proprietors to outline the proposal.

Shopping Centre & Commercial Precincts Streetscape Upgrade Program

In December 1999, the Council adopted a long term Shopping Centre & Commercial Precincts Streetscape Upgrade Program. Although not specifically listed in the program the Council allocated \$350,000 in the 1999/2000 budget for Business Precinct Upgrades to be funded by the proceeds from the sale of the old bottleyard. It was verbally discussed and noted during the budget process that these funds were to be used, in part, for improvements to the Mount Hawthorn shopping precinct (Scarborough Beach Road).

Scarborough Beach Road Stage 2 upgrade Proposal (refer concept Plan No 2152-CP-1)

In accordance with clause (ii) of the Council's resolution, the following proposals have been further investigated.

Street Tree Enhancement

The existing street trees in this section of Scarborough Beach Road were planted by the former City of Perth in the early 1990's. The two (2) predominant species planted were the Spotted gum (*Eucalyptus maculata*) a tall tree with an upright habit and the White Ironbark (*Eucalyptus leucoxydon*) a smaller bird attracting species with more of a spreading habit.

Both of the above species, which thrive in Western Australia's climate, are from the eastern states and are considered most appropriate planted in this location. A few of the original street trees planted along Scarborough Beach Road (Norfolk Island hibiscus) remain within the main shopping precinct area.

The Spotted gums were mainly planted in areas where awnings and building facades restrict spreading tree canopies and the white ironbark were planted in areas further west along Scarborough Beach Road where space allows this smaller spreading mallee to mature.

It is proposed to retain the majority of existing trees and only remove the specimens that are either in poor condition or are not native to Australia. It is also proposed that additional spotted gums be planted in the area between Fairfield Street and Coogee Street and additional white iron barks planted where existing exotic species are removed between Coogee Street and The Boulevard.

Planter Beds

Where areas of the verge are wide enough, it is proposed to create planter beds similar to what has been implemented in Angove Street North Perth.

It is proposed to use predominantly native plants in these areas due to the streetscape having an existing established "Australian native" theme. Plant species that would be considered suitable for such a location would include:

- Kangaroo Paws
- Grevillea (Prostrate species)
- Hardenbergia
- Thryptomene

Note: It is proposed that the mainline reticulation be extended along Scarborough beach Road from the Axford Park reserve to reticulate all the proposed landscaping from the existing bore to ensure that all the vegetation is maintained to a high standard.

Artworks

The Council previously approved the installation of artwork in the pavements at Angove Street. A similar proposal was also previously implemented in Oxford Street outside Kailis Brothers. This type of artwork can be designed to provide a unique theme for an area and can be incorporated in the verge without causing obstructions for pedestrians and other users. It is proposed that this will be developed for Scarborough Beach Road.

These artworks are a series of site-specific tiles, embedded into the footpath using cement and resin. Materials relevant to the site, such as photographs, objects and texts are used to create an image which captures the features of the area, blending the history with the present and future developments.

The Artist, Paul Caporn-Bennett, will liaise directly with the Town's Arts Officer throughout the entirety of the production process, specifically with regard to researching the history of the area. The Artist will then design the individual tiles to be approved by the necessary parties ie, residents, business owners and the Town's Technical Services Division. These parties will also be involved with the selection of placement of the tiles.

The resins used are UV resistant and very durable, maintenance will be undertaken annually by the artist.

Lighting fitting upgrade

The current lighting in Scarborough Beach Road comprises standard 12.0 metre high galvanised Western Power light poles. The power is underground.

It is proposed to replace the existing fittings with light poles from the Western Power decorative range (refer attached diagrams).

Community Art Banner Poles for the central median between Fairfield and Matlock Streets

Works previously undertaken in this section of Scarborough Beach Road included the installation of solid central median islands and painted chevron islands to improve pedestrian safety. Some additional solid islands will be required to accommodate banner poles.

Other Works

The proposal also includes replacing the existing asphalt raised road humps with pattern paved concrete (as suggested by some business proprietors) and resurfacing of the road with black/red asphalt.

CONSULTATION/ADVERTISING:

The proposal will be advertised for public comment for a period of twenty one (21) days, in accordance with Council Policy No. 4.1.21 "Community Consultation". Written submissions will be invited, and a public meeting will be held with the relevant stakeholders, businesses and community groups including playgroup, school, church and seniors groups.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of the Draft Strategic Plan 2002-2007 – 1.4 Maintain and enhance the town's infrastructure to provide a safe, healthy, sustainable and functional environment. *“(b) Develop and implement streetscape enhancements and wider street initiatives.”*

FINANCIAL/BUDGET IMPLICATIONS:

As previously mentioned, the Council allocated \$350,000 in the 1999/2000 budget for Business precinct upgrades to be funded by the proceeds from the sale of the old bottleyard. It was verbally discussed and noted during the budget process that this was to be used, in part, in the Mount Hawthorn shopping precinct (Scarborough Beach Road). This allocation has been progressively carried forward and therefore the 2002/2003 Budget includes the funds of \$350,000 for Business Precinct Upgrades.

The total cost of the proposal incorporating ALL the items as outlined on concept Plan No 2152-CP-1, is as follows:

<u>Verges</u>	<u>\$</u>
▪ Extension of Mainline reticulation fore trees/gardens	58,000
▪ Removal/addition/replacement of verge trees	8,500
▪ Garden beds protected by safety fencing	68,000
▪ Replacement of street lights with decorative lighting	32,000
▪ Decorative public Litter Bins	6,000
▪ Additional bicycle parking rails	1,500
▪ Street Art Work	8,500
▪ Retro fit header course in brick paving	24,000
<u>Central Median</u>	
▪ Additional Pattern Paved Concrete infill with cream header course	9,500
▪ Banner poles	15,000
<u>Road</u>	
▪ Replacement of asphalt raised plateaus with pattern paved concrete	17,000
▪ Line Marking	3,500
▪ Resurfacing of Embayed parking with black asphalt	28,000
▪ Resurfacing of traffic lanes with red asphalt	49,000
<u>Miscellaneous</u>	
▪ Traffic control / contingency	20,000
TOTAL ESTIMATED COST	\$348,500

COMMENTS:

The success of the streetscape upgrades carried out in the Town to date suggests that most members of the community, be they businesses, visitors or residents, are very much in favour of these types of upgrading works.

Streetscape improvements not only improve the aesthetics of roadways but also reduce the liability on the Town resulting from ageing and unsafe footpaths and pavements.

It is therefore recommended that the Council receives the report on the Proposed Streetscape Improvements for Scarborough Beach Road, Mount Hawthorn, adopts, in principal, the streetscape enhancement proposal as shown on concept plan No. 2152-CP-1 and receives a further report on the proposal following the conduct of a public meeting, with the relevant stakeholders, businesses and community groups including playgroup, school, church and seniors groups.

10.2.2 Introduction of a Two Hour Parking Restriction on the West Side of Cleaver Street at the Carr Street End

Ward:	North Perth	Date:	17 March 2003
Precinct:	Cleaver Precinct P5	File Ref:	PKG0102
Reporting Officer(s):	A Munyard		
Checked/Endorsed by:	R Lotznicher		
Amended by:	-		

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES the introduction of a two (2) hour parking restriction from 8.00am until 5.30pm Monday to Friday on the West side of Cleaver Street, West Perth, at the Carr Street end, as shown on attached plan 2148-PP.1;*
- (ii) *places a moratorium on issuing infringement notices for a period of two (2) weeks from the installation of the new parking restriction signs; and*
- (iii) *advises the adjacent residents and business proprietors of its resolution.*

COUNCIL DECISION ITEM 10.2.2

Moved Cr Ker, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED (8-0)

(Cr Piper was an apology for the meeting.)

BACKGROUND:

A request has been received from residents and business proprietors that parking restrictions be put in place on the west side of Cleaver Street, north of Carr Street. The request has been prompted by parking difficulties perceived to be the result of commuters parking all day in Cleaver Street, and taking public transport into the city.

DETAILS:

The Town has received a number of complaints regarding the availability of parking in this section of Cleaver Street, which is currently unrestricted. Some streets in the Town are targeted by commuters as they provide free parking opportunities only a short distance from public transport access. This practice disadvantages local residents and business proprietors, whose visitors and patrons are unable to find convenient nearby parking.

Past experience suggests the most effective action that the Town can take in such circumstances is to time restrict the parking, thereby ensuring a regular turnover of available parking spaces for those genuinely seeking access to adjacent properties. It is therefore proposed that a two(2) hour restriction be put in place in this section of Cleaver Street.

CONSULTATION/ADVERTISING:

All adjacent residents and business proprietors were notified of the proposal via letter drop, and six (6) responses were received. Four (4) of these were in favour of the proposed restrictions and two (2) were not. Residents will be eligible to apply for exemptions from the restrictions for themselves and their visitors.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of the Draft Strategic Plan 2002-2007 – 1.4 Maintain and enhance the town’s infrastructure to provide a safe, healthy, sustainable and functional environment. *“Develop and implement a Transport and Car Parking Strategy”*.

FINANCIAL/BUDGET IMPLICATIONS:

The cost of installation of two (2) new parking restriction signs and would be approximately \$180.00.

COMMENTS:

The Manager, Law and Order Services, has been consulted and sees no impediment to the introduction of the hour restriction. It is therefore recommended that the Council approve the introduction of this two (2) hour parking restriction on the West side of Cleaver Street, at the Carr Street end, as illustrated in the attached plan.

10.2.3 Tender for the Supply of One (1) only Loader Backhoe

Ward:	Both	Date:	18 March 2003
Precinct:	All	File Ref:	TEN0259
Reporting Officer(s):	J van den Bok		
Checked/Endorsed by:	R Lotznicher/M Rootsey		
Amended by:	-		

OFFICER RECOMMENDATION:

That the Council accepts the tender submitted by Komatsu for the supply of Loader Backhoe model 97R-2 at a cost of \$109,419, in accordance with the specifications as detailed in Tender No. 248/03.

COUNCIL DECISION ITEM 10.2.3

Moved Cr Ker, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED (8-0)

(Cr Piper was an apology for the meeting.)

BACKGROUND:

The Town recently called tenders for the replacement of one (1) Loader Backhoe in accordance with the Major Plant and Equipment Replacement Program. Tenders closed on Wednesday 28 January 2003 for the supply of one (1) Loader Backhoe and seven (7) tenders were received.

DETAILS:

Details of all submissions received for Tender 248/03 are as follows: -

	<i>Company</i>	<i>Model</i>	<i>Total Price Excl GST</i>	<i>Total Price Incl. Trade Excl GST</i>
1.	Komatsu	WB93R-2	106,605	76,601
		WB97R-2	109,419	79,419
2.	MacIntosh & Son	New Holland LB110	115,450	77,450
3	Construction Equipment Australia	JCB 3CX-C Project 21	107,361	72,361
		JCB 3CX-PS Project 21	120,020	85,020
4.	Casewest	Case 580SM Series M	122,000	87,000
5.	CJD Equipment	Volvo BL71	129,449	83,449
6.	Wel-Quip	Venieri 9.23	142,300	102,300
		Venieri 7.23B	122,100	82,100
7.	Chesterfield Australia	Fermec 860	128,150	83,150
		Fermec 960	140,600	95,600

An evaluation panel consisting of the Executive Manager Technical Services, Manager Parks Services and the Principal Supervisor Engineering Services, assessed the conforming tenders using the selection criteria in accordance with the Tender documentation.

In addition, the Principal Supervisor Engineering Services physically assessed all items of plant on offer. These are as follows:

Factor	Weighting	Evaluation Criteria
Life Cycle Costs	20%	Service/maintenance costs
Total Cost	20%	The total cost shown on the Tender Schedule will be assessed with or without the trade-in included at the town's discretion.
Mandatory Product Features	15%	Product features essential to undertake required function. Specification conformance. Response and Detail to Specification
Warranty	15%	Assessed on past performance. Warranty period offered.
Delivery	10%	Required in eight (8) weeks
Special Facilities	10%	Ease of vehicle servicing. Availability of spare parts. Number of technical support staff available.
Operator Ergonomics	10%	East of operation/controls. Operator comfort.
100%		

The results of the assessment are outlined as follows:

Factor		Komatsu		MacIntosh	Construction Equipment Australia		Casewest
		WB97R-2	WB93R-2		JCB 3CX-C Project 21	JCB 3CX-PS Project 21	
Life Cycle Costs	20%	19	18	19	18	19	18
Mandatory Product Features	15%	15	14	14	11.5	13	10.5
Warranty	15%	15	15	13	13	13	13.75
Delivery	10%	10	10	10	10	10	10
Special Facilities	10%	9	9	8	7.75	7.75	7.75
Operator Ergonomics	10%	9	8	9	9.25	9.25	6.75
Total Cost	20%	18.15	18.83	18.62	20.	16.93	16.54
Total Score		95.15	92.83	91.62	89.75	88.93	83.29

Factor		CJD	Wel-Quip	
			Venieri 7.23B	Venieri 9.23
Life Cycle Costs	20%	15	17	17
Mandatory Product Features	15%	10	6	8
Warranty	15%	13	12	12
Delivery	10%	10	5	5
Special Facilities	10%	8.75	1.75	1.75
Operator Ergonomics	10%	6.75	5.5	5.75
Total Cost	20%	17.26	17.54	13.87
Total Score		80.76	64.79	63.37

Following the detailed evaluation process, it is considered the tender submitted by Komatsu for the WB97R-2 model represents the best value for money and is best suited to the Town's requirements.

Note: The models 860 and 960 submitted by Chesterfield Fermec were deemed non-conforming as they did not meet specification and therefore were not considered any further.

CONSULTATION/ADVERTISING:

Tender No. 248/03 was advertised for a minimum of fourteen (14) days in accordance with the Local Government (Function & General) Regulation 1996.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of the Draft Plan 2002-2007 - 1.4 Maintain and Enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment "Environment and Infrastructure."

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$120,000 has been included in the 2002/2003 budget for the replacement of this item of plant.

The total cost to the Town for supply of the Komatsu Model WB97R-2 Loader Backhoe unit is \$109,419. However, the net change-over cost after trade-in is \$79,419.

COMMENTS:

It is therefore recommended that the Council accepts the tender submitted by Komatsu for the Supply of one (1) Loader Backhoe in accordance with the specifications as detailed in Tender No. 248/03.

10.3.1 Financial Statements as at 28th February 2003

Ward:		Date:	14th March 2003
Precinct:		File Ref:	
Reporting Officer(s):	Natasha Forsyth		
Checked/Endorsed by:	Mike Rootsey		
Amended by:			

OFFICER RECOMMENDATION:

That the Financial Reports for the month ended 28 February 2003 be received.

COUNCIL DECISION ITEM 10.3.1

Moved Cr Ker, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED (8-0)

(Cr Piper was an apology for the meeting.)

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 28 February 2003.

DETAILS:

The Financial Statements comprise:

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

Operating Statement and Detailed Summary of Programmes/Activities

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

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

Operating Revenue

Operating revenue is currently showing 94% of the Budget received to date.

General Purpose Funding (Page 2)

General Purpose Funding is showing 96% of the budget received to date, this is due to rates being levied. The final instalment is due on the 19th of March.

Health (Page 4)

Health is showing 95% of the budget received to date. This is due to Health Licences being issued.

Community Amenities (Page 6)

Community Amenities is showing 83% of the budget received to date. This is due to bin charges being invoiced. The distribution from the Mindarie Regional Council was received in November.

Transport (Page 11)

Transport is showing 76% of the budget received to date.

Economic Services (Page 12)

Economic Services is showing 60% of the budget received to date.

Other Property and Services (Page 13)

Other Property and Services in this report is 88% of budget.

Operating Expenditure

Operating expenditure for the month is level with Budget (65%).

Law, Order & Public Safety (Page 3)

The third quarterly instalment of the Fire Services contribution has been paid

Education & Welfare (Page 5)

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

Recreation & Culture (Page 7)

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

Capital Expenditure Summary (Pages 15 to 25)

The Capital Expenditure summary details projects included in the 2002/03 budget and reports the original budget and compares actual expenditure to date against these. Capital works show total expenditure for the year to date of \$4,028,019, which is 30% of the budget.

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

This statement is in essence the Balance Sheet of the Town as at 28 February 2003 and shows current assets of \$16,079,939 less current liabilities of \$2,071,746, for a current position of \$14,008,193. Total non-current assets amount to \$96,151,658 for total net assets of \$109,861,311.

Restricted Cash Reserves (Page 28)

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

Transfers of interest occurs as it is earned and investments mature. The amounts funded for the Municipal Fund are transferred on a monthly basis. Contributions received, which are transferred to Reserves occur at the end of month during which the cash contribution is received. To the 28th February 2003, interest of \$204,522 was transferred. Transfers to Reserves totalled \$516,768 and transfers from Reserves amounted to \$881,691. Restricted cash reserves total \$6,370,090 at the end of February 2003.

Debtors and Rates Financial Summary

General Debtors (Page 29)

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

Sundry Debtors of \$155,006 are outstanding at the end of February. Of this \$42,528 (27%) relates to debts outstanding for over 60 days. The Debtor Report identifies significant balances that are well overdue.

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

Rate Debtors

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

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

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

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

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

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

10.1.18 No. 28 (Lot 103) Melrose Street, Leederville – Proposed Demolition of Existing Single Storey Dwelling and Construction of Three (3) Two Storey Grouped Dwellings

Ward:	North Perth	Date:	21 March 2003
Precinct:	Leederville, P3	File Ref:	PRO1646; 00/33/1541
Reporting Officer(s):	C Mooney, A Nancarrow		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Briklay Development Group on behalf of the owner the Bruechert Family Trust for proposed demolition of existing single storey dwelling and construction of three (3) two storey grouped dwellings at No. 28 (Lot 103) Melrose Street, Leederville, and as shown on the plans stamp dated 20 December 2002 (existing residence floor plan) and 21 March 2003, subject to:

- (i) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (ii) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any front fences and gates adjacent to Melrose Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (iii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (iv) a road and verge security deposit bond and/or bank guarantee of \$550.00 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (v) the construction of crossovers shall be in accordance with the Town's specifications;*
- (vi) 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;*
- (vii) subject to first obtaining the consent of the owners of No. 30 Melrose 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. 30 Melrose Street in a good and clean condition;*

- (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, the mature tree screening dense foliage shown on the approved plans being of appropriate screening species and a minimum of five (5) metres high when planted, and the landscaping and reticulation of the Melrose 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) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (xi) *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; and*
- (xii) *compliance with all relevant Environmental Health, Engineering and Building requirements;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.18

Moved Cr Drewett, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (7-1)

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

Against
Cr Chester

(Cr Piper was an apology for the meeting.)

LANDOWNER: The Bruechert Family Trust
APPLICANT: Briklay Development Group
ZONING: Metropolitan Region Scheme: Urban Town Planning Scheme
No.1: Residential R60
EXISTING LAND USE: Single House

COMPLIANCE:

Use Class	Grouped Dwelling
Use Classification	"P"
Lot Area	577 square metres

Requirements	Required	Proposed
Privacy Eastern Elevation Unit 3 - Side Setback, Bedroom 1- First Floor	Bedroom window within 4.5 metres of a property boundary more than 0.5 metre above natural ground level to be screened.	Privacy screening shown.
Boundary Setbacks Western Elevation Unit 1 - Bedrooms 2 and 3 - First Floor	2.5 metres	2.3 metres
Unit 2 - Ensuite and Bath - Ground Floor	1.2 metres	1.1 metres
Unit 3 - Kitchen- Ground Floor	1.5 metres	1.1 metres
Northern Elevation Unit 3 - Rear Setback- Ground and First Floors	1.5 metres	1.0 metre
Vehicular Access - Driveway for Multiple and Grouped Dwellings	4.0 metres Located no closer than 0.5 metre to a side boundary	3.05 metres Located adjacent to a side boundary

SITE HISTORY:

11 September 1995 Council at its Ordinary Meeting conditionally approved a development proposal for three two storey grouped dwellings on the abovementioned property.

11 March 2003 Council at its Ordinary Meeting refused a development proposal for the demolition of existing single dwelling and construction of three two storey grouped dwellings on the abovementioned property, for the following reasons:

- "1. Non-compliance to Residential Design Codes.*
- 2. Objections received."*

The subject site is occupied by a single storey dwelling, which is proposed to be demolished.

CONSULTATION/ADVERTISING:

The proposal was not readvertised as a similar proposal has been advertised and considered by the Council within the past 12 months. During the previous advertising, there was one objection received during the advertising period. Concerns raised included, the first floor setbacks onto the neighbouring property on the western elevation and the potential for overlooking and overshadowing onto the adjacent property.

DETAILS:

Approval is sought for demolition of existing single storey dwelling and construction of three, two storey grouped dwellings.

The applicant has provided the following information in support of the application in regard to the vehicular access, setbacks and privacy requirements:

"The narrow block (only 14 meters) severely limits the ability to strike a good balance between providing desirable, quality housing and fulfilling the acceptable development standards. Therefore, out of necessity we focused on a performance approach, basing this aspect of design on meeting the relevant performance criteria. Whilst it is considered reasonable and commonly accepted to have privacy restrictions where there is overlooking into habitable areas of adjoining properties, this is not the case in this instance. The window overlooks a dead area of the adjoining property and has excessive natural screening from two very old trees.

We submit that our design is innovative, aesthetically pleasing, will enhance the streetscape and accords with the intention of the Oxford Centre Study, the Leederville Precinct scheme and the performance criteria detailed in the Residential Design Codes of WA and the Town of Vincent Policy manual. The reduced setback is only 0.5m shy of acceptable development provisions. It complies with all aspects of the performance criteria by being designed to avoid direct overlooking to active habitable spaces and outdoor living areas within the adjoining residential property. It takes account of the positioning of windows on the adjoining property, the provision of existing screening and prevents overlooking of extensive back gardens, front gardens or areas visible from the street. Most importantly there were no objections whatsoever from the neighbouring properties to the north or east of the proposed development.

The narrow frontage of the block (only 14 meters) severely limits the ability to strike a good balance between providing desirable, quality housing and fulfilling the acceptable development standards. Therefore, out of necessity we focused on a performance approach, basing this aspect of design on meeting the relevant performance criteria.

Policy No 3.8.1 – P1 – Avoid direct overlooking between active habitable spaces and outdoor living areas of the development site and the habitable rooms and outdoor living areas within adjoining residential properties taking account of:

- a. *the positioning of windows to habitable rooms on the development site and the adjoining property;*** *The design elements in element 8 – “Privacy” accept that a reasonable level of privacy can usually be achieved through good design and that absolute privacy cannot be expected in all cases. They further state that overlooking from infrequently occupied areas such as bedrooms and studies (mainly occupied at night) is more easily tolerated than overlooking from active areas. The western side of the neighbouring property (currently owned by homes west) borders the site within one meter of the boundary. There are only two minor openings, (a bathroom and toilet) which both have opaque glazing. The rear of the property bounds only 3 meters from the rear boundary at right angle to our proposed unit and has no habitable openings within 6 meters of our boundary. Neither the rear, or side of the neighbouring property are active habitable spaces. The overlooking of the property to the north is considered insignificant as it encompasses an area in the south east corner of only two square meters which is heavily screened. (show photos)*
- b. *the provision of effective screening;*** *The design elements highlight that privacy screening can occur in various forms including: vegetation, fences, balustrades, louvres, and translucent or opaque glazing.*

There is currently heavy screening provided by neighbouring trees on both the eastern and southern boundaries of the property. There is a 100 + year old English oak tree in the adjoining property to the east that has been submitted for inclusion into the Town of Vincent list of significant trees. Whilst not considered necessary we also undertake to provide additional screening with mature native trees to 5 or 6 meters if required to retain the desirability of the master bedroom outlook.

- c. *the lesser need to prevent overlooking of extensive back gardens, front gardens or areas visible from the street;*** *There is no overlooking into useable habitable back or side gardens due to the configuration of the neighbouring property. The area of overlooking is unquestionably a dead area.*

The narrow frontage of the block (only 14 metres) severely limits the ability to strike a good balance between providing desirable, quality housing and fulfilling the acceptable development standards. Therefore, out of necessity we focused on a performance approach, basing this aspect of design on meeting the relevant performance criteria. There are several examples of 3m driveways on developed properties throughout the Town of Vincent area.

Policy No 3.2.6 – P1 – Minimise the number of vehicle access points to frontage streets. - *There are several precedents within the street where developed sites have two or more crossovers. Most have two, but there is one at 22 Melrose St with 4 crossovers. We have limited the number of crossovers in the development to 2, which gives the front dwelling a sense of separation and reduces the amount of vehicle movement down the second driveway. There is a possible inconsistency with this criteria and paragraph 6.6 of Policy No 3.2.4 “Street Setbacks” which states ‘The Town of Vincent accepts that, where no feasible alternative exists, the street setback area may be utilized for carports and unroofed parking spaces’.*

P2 – Be safe in use - *There are no signs, trees, major traffic movements or any other impediments which could be perceived as being a potential or actual hazard when entering or leaving the property vide the second access point. Whilst the driveway is only 3.01meters wide there are no major openings or pedestrian openings which could constitute a hazard. There is a reversing bay at the rear of the property for turning, thus removing the requirement for vehicles to reverse onto the street.*

P3 – Not damage the amenity of adjoining dwellings or the street– *There is a fence running the entire length of the driveway on the eastern side so there is no possibility of adjoining properties being affected by headlight glare. "*

COMMENTS:

Setbacks

The boundary setback variations as outlined in the Compliance Table are considered acceptable, as they are generally minor in nature. The setback variations are considered not to unduly affect the amenity of the adjoining properties.

Privacy

With regard to the potential for unreasonable overlooking, the objectors concerns regarding privacy are addressed through the use of appropriate screening on all major openings facing the western elevation to a height of 1.6 metres, which ensures compliance with the requirements of the Residential Design Codes. In addition, privacy screening through the use of mature trees/vegetation has been applied adjacent to the eastern boundary in front of bedroom 1 of Unit 3, which articulates compliance with the privacy requirements through the performance criteria of the Residential Design Codes.

Overshadowing

In relation to the concerns raised by the objector in regard to overshadowing, the lot is orientated north - south therefore it will cast a shadow south only towards the street, which is within the development itself, having no undue overshadowing effect on the neighbouring property to the west. The actual percentage of overshadowing within the site parameters is 30.6 per cent. The Residential Design Codes permits a maximum of 50 per cent overshadowing onto the adjoining site, for areas zoned higher than RIC to R40. Unit 1 will overshadow onto the courtyard area of Unit 1, whereas Units 2 and 3 will cast a shadow on the built form of Units 1 and 2 respectively.

Vehicular Access

With regard to the required 4 metres wide accessway, the proposed 3 metres wide accessway to Units 2 and 3 is considered reasonable, as there is adequate manoeuvring provided adjacent to the garages servicing Units 2 and 3, hence they can enter the street in forward gear. The accessway/driveway is servicing two of the proposed dwellings, Units 2 and 3, and Unit 1 has vehicular access from an individual driveway. The proposal does not impact on the neighbouring properties vehicular access, and the two crossovers are considered supportable. The Town's Engineering Services have advised that there are no major concerns with the vehicular access. In addition, the variation to the Residential Design Codes' requirement of the driveway being located no closer than 0.5 metre from a side boundary is considered acceptable, as the safety concerns of vehicular access are being addressed and the presence of landscaping in this instance will impede safety considerations.

Demolition

The subject place is a brick and tile dwelling that was constructed on Lot 22 of Perthshire Location Ad in 1930. The site was originally part of the No.2 Leederville subdivision, which was offered for sale in 1892. In 1894, Lot 22 of Location Ad was purchased by Carl Bartelog, who was a Murchison Goldfield miner.

He held onto the property until 1931, when it was transferred to another miner, Charles Bartlow. One year earlier, the City of Perth issued a Building Licence to Charles Bartlow for the development of the site.

The place has a symmetrical frontage, with a central protruding front room and open verandahs on either side. The verandahs have simple timber balustrades and fretwork and the front walls of the place are finished with a stucco moulding above sill height. There is a large roof gable over the central front room and verandahs, which joins onto a hipped roof over the other rooms of the dwelling, finishing with a skillion roof over the enclosed rear verandah. The place has four rooms, a kitchen and a bathroom, which are arranged around a central hallway. The enclosed rear verandah is accessed via an opening along the northern wall of the kitchen. The eastern end of the enclosed rear verandah is being utilised as a laundry and a stud wall separates the laundry from the remainder of the verandah. Original windows, doors, skirtings, architraves and ceilings are in place throughout the dwelling in varying states of condition.

Although representative of a typical Interwar residence, the place is not a unique or outstanding example of its type. Moreover, it sits in a streetscape of buildings that exhibit wide-ranging differences in terms of their construction dates, style, setbacks, materials, height and bulk. In this context, it is considered that the place contributes little to the amenity of the area. Overall, the place is not considered to meet the threshold for the Town's Municipal Heritage Inventory and it is considered that the place does not warrant a full heritage assessment. It is recommended that the proposal to demolish the place be approved, subject to standard conditions.

Summary

Accordingly, it is recommended that the proposal be approved, subject to standard and appropriate conditions.

10.1.12 Nos. 110, 112, 116 & 118 (Lots 3B, 2B, 1B and 54) Richmond Street, Dual Frontage with Raglen Alley, Leederville - Proposed Survey Strata Subdivisions, Department for Planning and Infrastructure Ref Nos. 1003-02, 1020-02 and 1347-02- Reconsideration of Condition Relating to Plate Height Development

Ward:	North Perth	Date:	18 March 2003
Precinct:	Leederville, P3	File Ref:	1003-02, 1020-02 & 1347-02
Reporting Officer(s):	Y Scheidegger		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

the Council advises the applicant and the Western Australian Planning Commission that the Town of Vincent is prepared to enter into a legal agreement with the owner/subdivider to enable the Town to clear the condition relating to plate height development in relation to the Western Australian Planning Commission's conditional approval for the survey strata subdivision of Nos. 110, 112, 116 and 118 (Lots 3B, 2B, 1B and 54) Richmond Street, dual Frontage with Raglen Alley, Leederville - Western Australian Planning Commission Ref. Nos. 1003-02, 1020-02 and 1347-02, subject to:

- (i) prior to clearance of the diagram of survey for the respective subdivisions, the owner 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, addressing the intent and interests of the Town in terms of the Town's Policy relating to Subdivisions Requiring Plate Height Development;*
- (ii) an administration cost of \$100.00 per legal agreement to cover the Town's costs to process each legal agreement; and*
- (iii) all costs associated with (i) and (ii) above and for the Town's solicitors to review and amend (where appropriate) the draft legal agreement to appropriately protect the intent and interest of the Town, to be borne by the applicant/owner.*

COUNCIL DECISION ITEM 10.1.12

Moved Cr Ker, Seconded Cr Cohen

That the recommendation be adopted.

Debate ensued.

CARRIED (7-1)

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

Against
Cr Cohen

(Cr Piper was an apology for the meeting.)

BACKGROUND:

Amendment No. 3 relating to Subdivisions Requiring Plate Height Development was initiated by Council at its Special Meeting held on 12 December 2001.

The Council at its Ordinary Meeting held on 26 February 2002 considered the amended new Policy relating to Subdivisions Requiring Plate Height Development, and resolved to defer consideration of this matter mainly to further clarify issues relating to boundary parapet walls and lots with shallow depths and/or long frontages.

The Council at its Ordinary Meeting held on 12 March 2002 resolved the following:

"That the Council APPROVES BY AN ABSOLUTE MAJORITY to:

- (i) receive the draft amended new Policy relating to Subdivisions Requiring Plate Height Development, as shown in Appendix 10.4.3;*
- (ii) adopt the draft amended new Policy relating to Subdivisions Requiring Plate Height Development to be applied immediately;*
- (iii) advertise the draft amended new Policy relating to Subdivisions Requiring Plate Height Development 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) review the draft amended new Policy relating to Subdivisions Requiring Plate Height Development, having regard to any written submissions; and*
 - (b) determine the draft amended new Policy relating to Subdivisions Requiring Plate Height Development, with or without amendment to, or not to proceed with the Policies.*

That Appendix 10.4.3 to the Agenda Report be amended to generally delete the word "and/" from the words "and/or" wherever it appears."

The Council at its Ordinary Meeting held on 11 June 2002 resolved to finally adopt the draft amended new Policy relating to Subdivisions Requiring Plate Height Development.

DETAILS:

The Western Australian Planning Commission (WAPC) conditional approvals for the subject three (3) survey strata subdivisions, states as follows:

prior to the clearance of the diagram of survey for the proposed lots which have an area less than 200 square metres, and/or have a frontage of less than 6 metres, the following criteria shall be met to the satisfaction of the Western Australian Planning Commission;

- a) the Town of Vincent has approved a Planning Approval and/or Building Licence for the development of dwelling(s) on the lots; and*
- b) the perimeter walls of the approved dwelling(s), including the garage walls and carport walls/pillars, are constructed to plate height;"*

This condition was requested by the Town in light of the Policy relating to Subdivisions Requiring Plate Height Development.

In correspondence dated 20 and 22 January 2003, Plan It Town Planning and Development requested the Council to re-consider the above condition on the subject three (3) survey strata subdivision applications.

The applicant's justification is summarised as follows:

"The above vacant strata lot subdivision was recently approved by the WAPC subject to Council's Plate Height Policy No. 3.5.14. The applicant has concerns with the Policy, as it will prevent his bank having security on titles as part of financing the construction of the development.

The Owner understands Council's concerns and reasons behind the Policy and has suggested an option that will allow the subdivision to be cleared while ensuring Council's objectives are protected. This would involve a legal agreement using the strata management by-laws with a caveat on the title of the land.

This is a similar arrangement to an agreement formed for Lot 23 Fairfield Street by the same applicant and was also used with the City of Melville to satisfy a similar condition."

The WAPC's Planning Bulletin No. 50 relating to the Residential Design Codes (R-Codes) and subdivision issues states:

"A particular concern arises when lots are small and planning issues arise in arranging the siting and access to development on small, narrow lots...in approving subdivision of such lots on small, narrow or unusually shaped lots, the Commission has been concerned that future development may create problems for adjacent owners and occupiers where the development has not been planned comprehensively.

It is considered that because of the frequent complexity of designing development on small lots of less than 350sqm, development approval be required for all such development. This will address many of the concerns regarding small lot development under the Codes. However, there are additional issues related to, although not directly part of, the Codes concerning subdivision policy and practice which require separate amendments to the Commission's policies to ensure that proposals for a number of small lots are designed to accommodate access and parking requirements. In addition, in certain cases it would still be appropriate to withhold titles until development has substantially commenced.

*The Commission proposes to replace the provisions of its policy relating to Attached Housing with a requirement that proposals to subdivide land to create two or more lots of less than 350sqm should be submitted with information regarding the arrangement of proposed buildings, fences, driveways and other development on the land to enable the relationship between the subdivision and the development to be assessed. **The Commission may require that the building be constructed to plate height prior to granting final approval."***

Further comments from the Officers of the Department for Planning and Infrastructure (DPI) have supported the continued application of this standard condition to such subdivision approvals (including the subject subdivisions) that are affected by the subject Policy, unless a legal agreement is entered into with the applicant and the Town that protects the Town's and WAPC's intention and interests.

The Town has consistently applied the subject Policy and associated condition, where applicable, since the Council resolution of 12 March 2002. During the period 1 July 2002 and 28 February 2003 the Town applied the subject Policy and associated condition to eleven (11) subdivision/survey strata applications.

Since 12 March 2002, the Town's records indicate that no other subdividers have formally requested variation to this Policy and condition.

The applicant has provided the Town with a draft proforma legal agreement that appears to generally protect the intent and interests of the Town and WAPC in relation to this subject plate height condition matter. The draft legal agreement is required to be referred to the Town's solicitors to review and amend (where appropriate) to ensure the intent and interest of the Town are appropriately protected. The draft proforma legal agreement is shown as Appendix 10.1.12 to this Report.

It is generally considered compliance with the condition is a more effective mechanism in achieving the intent of the Policy, rather than entering into legal agreements, which incurs administrative time, costs and resources. However, in this instance it is considered that a legal agreement is reasonable. Nevertheless given the above, it is considered premature to review the subject Policy.

COMMENTS:

In light of the above and orderly and proper planning, it is recommended that the Council advises the applicant that the Town of Vincent is prepared to enter into a legal agreement with the applicant subject to the conditions detailed in the Officer Recommendation.

11.2 Notice of Motion – Cr Chester - Town of Vincent – Assessment of Playgroup Standards

That the Council;

- (i) authorises the Chief Executive Officer to conduct an assessment of the various Playgroup facilities in the Town to assess the condition of the building and associated infrastructure, equipment and other requirements of the groups, so that a high standard of facility can be obtained and maintained;*
- (ii) includes an amount of \$20,000 in the Draft 2003/04 Budget to provide for the requirements for the Playgroups in the Town, with consideration being given to this being an annual amount; and*
- (iii) requests the Chief Executive Officer to submit a report concerning this matter for the Council's consideration during the Budget 2003/04 process.*

Moved Cr Chester, Seconded Cr Drewett

That the recommendation be adopted.

Moved Cr Doran-Wu, Seconded Cr Chester

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

- “(iv) notes that the money detailed above (\$20,000) is considered separate from funding already provided to the various community groups.”*

CARRIED (8-0)

(Cr Piper was an apology for the meeting.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Piper was an apology for the meeting.)

COUNCIL DECISION ITEM 11.2

That the Council;

- (i) authorises the Chief Executive Officer to conduct an assessment of the various Playgroup facilities in the Town to assess the condition of the building and associated infrastructure, equipment and other requirements of the groups, so that a high standard of facility can be obtained and maintained;*
- (ii) includes an amount of \$20,000 in the Draft 2003/04 Budget to provide for the requirements for the Playgroups in the Town, with consideration being given to this being an annual amount;*
- (iii) requests the Chief Executive Officer to submit a report concerning this matter for the Council's consideration during the Budget 2003/04 process; and*
- (iv) notes that the money detailed above (\$20,000) is considered separate from funding already provided to the various community groups.*

10.1.8 Nos. 53-65 (Lots 12, 134, 135, 136) Wasley Street, Corner Norfolk Street and No. 88 (Lot 4, Strata Lot 3) Forrest Street, North Perth - Proposed Demolition of Two Existing Dwellings, and Alterations and Additions to and Partial Demolition of Existing Nursing Home

Ward:	North Perth	Date:	19 March 2003
Precinct:	Norfolk, P10	File Ref:	PRO2045; 00/33/1092
Reporting Officer(s):	V Lee, H Eames,		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1, and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Edgar Idle Wade Architects, on behalf of the owners Iles Investments Pty Ltd, for proposed demolition of two existing dwellings, and alterations and additions to and partial demolition of existing nursing home at Nos. 53 - 65 (Lots 12, 134, 135 and 136) Walsey Street, corner Norfolk Street, and No. 88 (Lot 4, Strata Lot 3) Forrest Street, North Perth, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) 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);*
- (iii) prior to the issue of a Building Licence, designs for art work(s) valued at a minimum of 1 per cent of the estimated total cost of the development, \$3700.00 shall be submitted to and approved by the Town. The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development and Administrative Services Section with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (iv) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (v) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to Wasley Street, Norfolk Street and Forrest Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*

- (vi) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Wasley Street, Norfolk Street and Forrest Street verges adjacent to the subject property, shall be submitted and approved prior to the issue of a building licence. The applicant is requested to liaise with adjacent landowners in regard to the selection of appropriate species and design where it abuts residential properties. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (vii) *no street trees shall be removed, cut back, pruned or interfered with in any way, without the prior approval of the town's parks services section;*
- (viii) *all car parking bays shall be dimensioned on the building licence application working drawings and shall comply with the minimum specifications and dimensions specified in the Town's Policy relating to Parking and Access and Australian Standards AS2890.1 – "Off Street Parking";*
- (ix) *prior to the first occupation of the development, fifteen (15) class one and five (5) class three bicycle parking rail(s) shall be provided within, or at a location convenient to the entrance of the development. The design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (x) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (xi) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (xii) *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;*
- (xiii) *a detailed management plan that addresses the control of noise, traffic, car parking, right of way access to adjoining properties, delivery and service vehicle times, rubbish collection and litter associated with the development shall be submitted and approved prior to the first occupation of the development, and thereafter implemented and maintained;*
- (xiv) *detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building Licence application;*
- (xv) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (xvi) *prior to the first occupation of the development, the full length and width of the right of way from Norfolk Street to the western most boundary abutting the subject land shall be sealed, drained and paved to the specifications of and supervision under the Town, at the applicant's/owner(s)' full expense;*

- (xvii) *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;*
- (xviii) *a bond and/or bank guarantee for \$7,400.00 for the full upgrade of the right of way shall be lodged prior to the issue of a Building Licence;*
- (xix) *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;*
- (xx) *a road and verge security deposit bond and/or bank guarantee of \$880 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the Town's assets have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (xxi) *a visual truncation of 2 metres by 2 metres at the intersection of the driveway and the footpath shall be provided at the owner's cost;*
- (xxii) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (xxiii) *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;*
- (xxiv) *all development and uses on site shall be directly associated with the nursing home on site;*
- (xxv) *the development and use of the right of way shall not restrict access to those properties that have a legal right of access over that right of way, unless agreed upon by the affected property owners; and*
- (xxvi) *prior to the issue of a Building Licence, the applicant/owner shall undertake a traffic impact assessment in liaison with the Town's Technical Services to determine the traffic impact the development will have on the adjacent residential streets, and this assessment shall be submitted to and approved by the Town. The recommendations of this assessment shall be undertaken prior to the first occupation of the development. All costs associated with this condition shall be borne by the applicant/owner;*

to the satisfaction of the Chief Executive Officer.

Moved Cr Cohen, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

COUNCIL DECISION ITEM 10.1.8

Moved Cr Cohen, Seconded Cr Drewett

That this item be DEFERRED for further investigation and report.

1. *Examine carparking requirements and access to ROW.*
2. *Examine verge parking.*
3. *Obtain traffic impact survey.*
4. *Clarify car ownership of self care residents.*
5. *Re-evaluate ratio of beds to carparking bays.*

CARRIED (6-2)

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

(Cr Piper was an apology for the meeting.)

LANDOWNER:	Iles Investments Pty Ltd
APPLICANT:	Edgar Idle Wade Architects
ZONING:	Metropolitan Region Scheme – Urban Town Planning Scheme No. 1 - Residential R40
EXISTING LAND USE:	Residential and Nursing Home

COMPLIANCE:

Requirement of Residential Design Codes and Town's Policy	Required	Proposed
Wasley Street Setback	Buildings are to be setback from the street alignment such distance as is generally consistent with the building setback on adjoining land - 6 metres	1 metre to portico/drop off point

Use Class	Nursing Home
Use Classification	'SA'
Lot Area	8335 square metres (not including privately owned right of way)

Car Parking:

Car parking requirement (nearest whole number) Nursing Home requires 1 space per 3 beds 105 beds = 35 car bays required	40 car bays provided on site
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Bicycle Parking Facilities:

Required	Provided
1 Class One bicycle parking space required per 7 beds 2 Class Three bicycle parking spaces required per 1500 metres gross floor area End of trip facilities including the provision of seven lockers and at least one shower encouraged.	No bicycle parking facilities provided on site. End of trip facilities shown, including showers, change rooms and staff room.

SITE HISTORY:

There has been a hospital/nursing home at No. 53 Wasley Street since the 1930's. The current owners have managed the premises since the 1980's and have provided additional accommodation to the nursing home and a selection of independent retirement units for the aged population over the past 20 years.

Currently, St Michael's Aged Care Centre has 66 beds. In 2002, the owners were successful in obtaining 28 new bed places in the Commonwealth Government Aged Care Approvals Round.

An unsealed, privately owned, 5.03 metres wide, right of way abuts the proposal.

DETAILS:

The current owners wish to further develop and upgrade the existing accommodation in line with the current recommendations and regulations governed by the Aged Care Act 1997 and subsequent amendments.

The proposed works include:

1. The demolition of the north-east wing of the existing nursing home.
2. The demolition of the two existing dwellings at Nos. 63 and 65 Wasley Street and extension of the Nursing Home onto this site.
3. The provision of 39 new nursing home places to the existing nursing home.
4. Conversion of the existing one and two bedroom independent aged care units into nursing home places.
5. Construction of a new 46 bed wing and reception and administration area.
6. Provision of new lounge areas, day rooms and chapel.
7. Alterations and upgrading of the existing kitchen and laundry areas.

The applicant has provided the following information regarding the proposal:

"St. Michael's Aged Care Centre requires major rebuilding works to provide single ensuite and twin shard ensuite accommodation facilities to meet the needs and expectations of the current and future residents. A mix of one and two bedroom will enable a choice of accommodation and care options.

The proposed building works will be a staged redevelopment proposal that includes:

A single storey development in lieu of multiple storey incorporating a staged development program to maintain occupancy and continuing care and services for current residents.

Improving the entry and accessibility of the overall facility promoting a quality campus image offering a choice of accommodation and care options.

Creative design in providing amenities for caring for people suffering from dementia and for those from non English speaking backgrounds.

The overall facility will be enhanced with indoor atrium gardens, courtyards with external secure walkways in garden settings, additional dining and meals areas, additional occupational therapy and physiotherapy areas to promote variety of experience, privacy and dignity including hydrotherapy."

Further information submitted by the applicant, is included in Attachment 10.1.8 to this Report..

The applicant has provided the following comparison for the development.

	Existing	Proposed
Number of Nursing Home Places	66	105
Plot Ratio	43 per cent	50 per cent (based on the amalgamation of Lot 12, 134, 135, 136, Part Lot 4, and private right of way.)
Site Coverage	51 per cent (based on existing Lot 13 only)	55 percent (based on amalgamation of Lots 12, 134, 135, 136, Part Lot 4 and private right of way)
On Site Car Parking	26 bays	41 bays

Time	Existing Staff Numbers	Proposed Staff Numbers
Daytime 6.00am - 4.00pm	20	26
Evening 4.00pm - 9.00pm	8	10
Night 9.00pm - 7.30am	3	5

CONSULTATION/ADVERTISING:

The use 'nursing home' is not defined in the Town's Town Planning Scheme No. 1 and it is considered that the use is a 'use not listed' within Town Planning Scheme No. 1. Accordingly, the proposal was advertised in accordance with 'SA' advertising requirements with signs being erected on site, an advertisement being placed in a locally circulating newspaper, the *Vincent Voice*, and adjacent landowners contacted by registered mail.

Five submissions were received during the consultation period. Several concerns were raised in the submissions, including;

Car parking

Currently, the verge and surrounding streets are used by staff and visitors for car parking and there is concern that this has a detrimental impact on the streetscape and a vehicular and pedestrian hazard. Submissions have stated that parking on the verge restricts vision of oncoming traffic potentially contributing to several accidents that have been witnessed at this intersection.

Traffic Management

One submission requests that stop signs are reinstalled at the intersection of Norfolk Street and Walsey Street . Concern is also raised that the 50 kilometres per hour is often exceeded and is particularly dangerous where there are elderly people and people who may be concerned or distracted after visiting inmates.

Expansion of the Nursing Home through the Residential Area

Concern has been raised that the nursing home has gradually expanded throughout the area, potentially changing the residential amenity of the immediate area, and exacerbating parking problems. The complainant suggests that such a use would be more appropriate in a commercial area.

Right of Way

The adjoining right of way provides access to a number of other adjoining properties. The plans indicate that access to the right of way will be via controlled gates, which may prevent these properties from using the right of way.

Noise

Concerns are raised that noise from delivery and service vehicles, including rubbish collection, will cause unacceptable noise at unsociable times. This is an issue with the current development.

Dust

Concerns raised regarding dust during demolition.

Landscaping

Concerns were raised regarding proposed landscaping adjacent to private property. It was requested that any proposed landscaping / trees be undertaken so that they do not cause problems such as roots, leaves and light.

COMMENTS:

Car Parking

The Town's Law and Order Services have undertaken a survey of the parking in the area. The Town's Officers have reiterated that the current situation is undesirable with staff and visitors parking on the verge as there currently appears to be a lack of on site car parking. The current situation with parking on the verges and the street is not considered acceptable for several reasons including;

1. Unsightly and unlandscaped verges;
2. Restricted line of sight around parked vehicles; and
3. Unattractive streetscape.

Accordingly, as a condition of Planning Approval, it is considered appropriate that all verges should be required to be reinstated, landscaped and reticulated.

The Town's Policy relating to Parking and Access states that a nursing home should provide 1 space per 3 beds provided. This provides for both patients, staff and visitors. Accordingly, for 105 beds, 35 car parking bays are required to be provided on site. The proposal shows 40 car parking bays provided on site, and therefore the proposal complies with the Town's Policy relating to Parking and Access.

Traffic Management

The Town's Technical Services has received complaints from residents of Forrest Street regarding excessive traffic volumes and speeds. It is therefore considered that the proposed increase in size of the facility may further impact on the adjoining residential streets (classified as access roads in accordance with the Metropolitan Functional Road Hierarchy) and that a traffic impact assessment should be carried out by the applicant to determine what traffic impact the proposal will have on the adjoining residential streets

Expansion of the Use

The Town's Policy relating to the Norfolk Precinct states that:

"Any new development should be of a similar scale to existing buildings and compatible with adjacent residential buildings, particularly in relation to height and setbacks from the street....."

Careful control is to be exercised over the nature of the uses within these areas, and their design and layout to minimise the impact on any adjacent residential uses or land. The expansion of development into adjacent residential areas is not to be accepted. Adequate car parking is to be available to ensure that unreasonable vehicular traffic does not encroach into residential areas."

The proposed expansion of the nursing homes involves the demolition of two single houses. The proposed nursing home is considered to be similar in physical structure to that of a residential dwelling, in that the proposed structures are single storey, and are setback in line with the existing streetscape.

However, it is acknowledged that the number of people that will live and work in this premise is much higher than what would be expected in a residential dwelling. Associated deliveries and services vehicles, ambulances and staff and visitors to the premise would add additional vehicular traffic to that normally expected in a residential area.

Accordingly, it is considered imperative that adequate car parking, loading bays, etc are provided on site and appropriately designed, so that vehicles associated with the nursing homes are not imposing onto the streetscape or amenity of the adjoining residential area.

As on-site car parking does comply with the Town's Policy, it is anticipated that car parking should no longer pose an unreasonable affect on the adjoining residents amenity.

When compared to other commercial uses, a nursing home is considered to be a compatible use with the surrounding residential area. When making a decision, the Town should only consider the current proposal, which expands the nursing home over two additional lots that were previously residential. Should the applicant/owner continue to expand the business, the proposal will be subject to further Planning Approval, which will include further public consultation.

Right of Way

The Town's Officers have made the applicant aware of the issues raised by adjoining landowners in regard to the right of way. Prior to the issue of a Building Licence, the applicant is to provide the Town with evidence of ownership over the right of way and provide a management plan, in consultation with the affected adjacent landowners who have a legal right of access over the right of way, if appropriate. The applicant has suggested that one option may be to provide these landowners with their own remote control to the gates to allow them access to the rear of their lots.

Noise

The proposal shows rubbish collection and a delivery bay provided from the car park. It is considered that this proposal is workable and practical and should not cause traffic to build up on the adjacent streets. In order to lessen the impact on adjoining residents, it is recommended that the applicants/owners prepare a management plan, co-ordinating the majority of its deliveries and rubbish collection to times, which will not unduly disturb the amenity of the adjacent residents.

Dust

Dust problems created during the demolition/construction phase are controlled by the Environmental Protection Act 1986. The developers are required to comply with these standards and should a dust problem arise during demolition/construction, appropriate action can be undertaken by the Town.

Landscaping

Landscaping, both within the development and of the adjoining verges should be required as a part of the Planning Approval. The applicant/owner is requested to liaise with adjoining landowners when designing landscaping that abuts residential properties, particularly No. 88 Forrest Street.

Bicycle Parking Facilities

In accordance with the Town's Policy relating to Parking and Access, it is considered appropriate that 15 class one bicycle parking facilities and 5 class three bicycle parking facilities are provided.

Setback

The majority of the building complies with the setback requirements for residential requirements, except for a covered portico which covers the drop off /pick up point from Walsey Street.

The variation to setback requirements caused by the portico is considered to be minor as it is only eight metres long, which equates to approximately 7 percent of the property's Wasley Street frontage.

As the portico structure is an open structure, it is not considered to unduly affect the amenity of the streetscape and accordingly, this variation is supported.

Demolition

The subject places at Nos.63 and 65 (Lots 135 and 136 respectively) are brick dwellings that were most likely to have been constructed in 1917. The original Building Licences for these properties are dated 1917 but are missing from the City of Perth archives.

The place at No.63 (Lot 135) Wasley Street is a generously sized dwelling that is currently used for administrative services associated with the Wasley Nursing Home. It has generally undergone substantial alteration with exception of minor decorative features that illustrate its construction period. The dwelling has a symmetrical facade with two short protruding bay windows either side of the centralised front door. There is a front verandah across the front of the dwelling, which wraps around to the western side of the dwelling. There is a wide central hallway with an arch half way through. Off either side of this hallway are four main rooms. Fireplaces have been removed and the majority of windows have been replaced. Skirting boards of varying heights remain, as do elaborate air vents. The kitchen, general living area and bathroom facilities have been located under a skillion area to the rear. The kitchen contains a tiled stove cook area with a Warren stove probably dating from the 1940s. Post office directories show that Mr Edward Fletcher lived at the property until at least 1925.

By the start of World War Two, William Duncan is shown to have lived there for a further 10 years until 1949.

No.65 (Lot 136) is smaller in size than No.63 and is also likely to have been constructed in 1917. The roof is clad in short iron sheets painted green. There is one chimney. The protruding southern gable is decorated with batons and roughcast render. The verandah is concrete and decorated with tiles and the verandah floor is also concrete. A central hallway leads to the main rooms to either side, which all generally have plain finishes except for cornices which are stylised in art deco like patterns. The skillion contains a kitchen and laundry/bathroom. The front garden contains a mature frangi pani tree and mature conifer (pine) tree. The rear garden contains large olive trees, pomegranate and grape vines and various outbuildings.

Although representative of a typical mid-1910s residences, the places are not unique or outstanding examples of its type. Moreover, the proposed development sits in a streetscape of buildings that exhibit wide-ranging differences in terms of their construction dates and styles, although there is generally a consistent set back and height. In this context, it is considered that the places contribute little to the amenity of the area. Overall, the places are not considered to meet the threshold for the Town's Municipal Heritage Inventory and it is considered that the places does not warrant full heritage assessment. It is recommended that the proposal to demolish the places be approved, subject to standard conditions.

Conclusion

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

10.1.9 Nos. 341 - 345 (Lots Pt 1 & 2) Charles Street, Corner Howlett Street, North Perth - Proposed Change of Use from Recreational Facility (Health Club) to Showroom and Associated Education Centre, Alterations and Additions

Ward:	Mount Hawthorn	Date:	18 March 2003
Precinct:	Beaufort, P13	File Ref:	PRO2250; 00/33/1483
Reporting Officer(s):	M Bonini		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by D Paton on behalf of the owners Yaw Pty Ltd, for proposed change of use from recreational facility (health club) to showroom and associated education centre, alterations and additions at Nos. 341 - 345 (Lots Part 1 and 2) Charles Street, corner Howlett Street, North Perth, as shown on plans stamp-dated 4 February 2003, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements, including the provision of facilities for people with disabilities in accordance with the Building Code of Australia (BCA) and Disability Discrimination Act, that is, disabled toilet on ground floor and a disabled parking bay;*
- (ii) prior to the issue of the Building Licence or first occupation of the development, whichever occurs first, the applicant/owner shall pay a cash-in-lieu contribution of \$7625 for the equivalent value of 3.05 car parking spaces, based on the cost of \$2500 per bay as set out in the Town's 2002/2003 Budget;*
- (iii) all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (iv) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (v) prior to the first occupation of the development, three (3) bicycle parking rail(s) shall be provided at a location convenient to the entrance of the proposed showroom component adjacent to Charles Street. Details of the design and layout of the bicycle parking facilities shall be submitted to and approved by the Town prior to the installation of such facilities;*
- (vi) the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (vii) the number of teachers, staff and students at any one time in relation to the education centre shall not exceed a maximum of six in total;*

- (viii) *all car-parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications and dimensions specified in the Town's Policy relating to Parking and Access and Australian Standards AS2890.1 – "Off Street Parking";*
- (ix) *the windows, doors and adjacent floor area facing Charles Street and Howlett Street shall maintain an active and interactive frontage to Charles Street and Howlett Street;*
- (x) *prior to the issue of the Building Licence or first occupation of the development, whichever occurs first, a detailed noise management plan shall be submitted to and approved by the Town, and thereafter implemented and maintained; and*
- (xi) *sound proofing of the premises shall be carried out so that noise inside the premises shall not exceed the levels stipulated in the Environmental Protection (Noise) Regulations 1997 and Building Code of Australia. A report on the soundproofing carried out is to be provided to the Town's Health Services from a reputable consultant to demonstrate the effectiveness of the sound proofing prior to use. The acoustic consultant's report is to provide actual sound level measurements and should take into consideration noise characteristics. The engagement and implementation of the recommendations by the acoustic consultant are to be at the applicant's/owner's expense;*

to the satisfaction of the Chief Executive Officer.

Moved Cr Drewett, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

Moved Cr Doran-Wu, Seconded Cr Ker

That the following amended recommendation be adopted.

AMENDED RECOMMENDATION:

Delete clause (ii) and amend clause (vii), and renumber the remaining clauses accordingly, of the previous recommendation as follows:

~~*"(ii) prior to the issue of the Building Licence or first occupation of the development, whichever occurs first, the applicant/owner shall pay a cash-in-lieu contribution of \$7625 for the equivalent value of 3.05 car parking spaces, based on the cost of \$2500 per bay as set out in the Town's 2002/2003 Budget;"*~~

"(vii) the number of teachers, staff and students at any one time in relation to the education centre shall not exceed a maximum of ~~six~~ three in total;"

CARRIED (8-0)

(Cr Piper was an apology for the meeting.)

Moved Cr Cohen, Seconded Cr Doran-- Wu

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

“(xii) the hours of tuition be between 6.00pm and 9.00pm, Monday to Friday.”

Debate ensued.

CARRIED (8-0)

(Cr Piper was an apology for the meeting.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Piper was an apology for the meeting.)

COUNCIL DECISION ITEM 10.1.9

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by D Paton on behalf of the owners Yaw Pty Ltd, for proposed change of use from recreational facility (health club) to showroom and associated education centre, alterations and additions at Nos. 341 - 345 (Lots Part 1 and 2) Charles Street, corner Howlett Street, North Perth, as shown on plans stamp-dated 4 February 2003, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements, including the provision of facilities for people with disabilities in accordance with the Building Code of Australia (BCA) and Disability Discrimination Act, that is, disabled toilet on ground floor and a disabled parking bay;*
- (ii) all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (iii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (iv) prior to the first occupation of the development, three (3) bicycle parking rail(s) shall be provided at a location convenient to the entrance of the proposed showroom component adjacent to Charles Street. Details of the design and layout of the bicycle parking facilities shall be submitted to and approved by the Town prior to the installation of such facilities;*
- (v) the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (vi) the number of teachers, staff and students at any one time in relation to the education centre shall not exceed a maximum of three in total;*
- (vii) 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”;*

- (viii) *the windows, doors and adjacent floor area facing Charles Street and Howlett Street shall maintain an active and interactive frontage to Charles Street and Howlett Street;*
- (ix) *prior to the issue of the Building Licence or first occupation of the development, whichever occurs first, a detailed noise management plan shall be submitted to and approved by the Town, and thereafter implemented and maintained;*
- (x) *sound proofing of the premises shall be carried out so that noise inside the premises shall not exceed the levels stipulated in the Environmental Protection (Noise) Regulations 1997 and Building Code of Australia. A report on the soundproofing carried out is to be provided to the Town's Health Services from a reputable consultant to demonstrate the effectiveness of the sound proofing prior to use. The acoustic consultant's report is to provide actual sound level measurements and should take into consideration noise characteristics. The engagement and implementation of the recommendations by the acoustic consultant are to be at the applicant's/owner's expense; and*
- (xi) *the hours of tuition be between 6.00pm and 9.00pm, Monday to Friday.*
to the satisfaction of the Chief Executive Officer.

FURTHER REPORT:

In a facsimile dated 24 March 2003, the applicant has advised as follows:

"The 'Drum Shop Academy of Drums' operates from 6pm till 9pm Monday to Friday. Each evenings lessons will be conducted by a different teacher. On occasion a lesson may be conducted during shop hours. At no given time are there more than three persons present in the 'Drum Shop Academy of Drums', usually 1 x teacher and 1 x student, with 1 x student leaving or waiting for a lesson."

In light of the above, the Car Parking Table has been amended as follows:

***Car Parking**

Car parking requirement (nearest whole number) -Showroom - 558.6 square metres requires 7 bays -*Education Centre - as determined by Council - 3 bays	10 car bays
Apply the adjustment factors. ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.95 (bicycle parking facilities)**	(0.85) (0.95) 8.075 car bays
Minus the car parking provided on site *The ninth bay shown on the plan is not considered to have adequate maneuvering area and therefore is not included for the purposes of this calculation.	8 car bays
Minus the most recently approved on site car parking shortfall. 7th November 1994 - Council supported a proposal involving 42 Multiple Dwelling Units. There was no shortfall in car parking.	0 car bays
Resultant shortfall	0.075 car bays***

* Applicant has advised that 1 teacher and a maximum of 2 students will be at the premise at any one time. Accordingly, it is considered appropriate that 3 bays be required for the educational centre.

** This adjustment factor derives from clause (v) of the Officer Recommendation.

*** "If the resultant shortfall of parking is less than or equal to 0.5 bays, no parking bays or cash in lieu of parking is required for shortfall." (Parking and Access Policy).

LANDOWNER: Yaw Pty Ltd
APPLICANT: D Paton
ZONING: Metropolitan Region Scheme: Urban.
 Town Planning Scheme No.1: Commercial
EXISTING LAND USE: Health Club

COMPLIANCE:

Use Class	Showroom, Educational Establishment
Use Classification	"P", "AA"
Lot Area	875 square metres

***Car Parking**

Car parking requirement (nearest whole number) -Showroom - 558.6 square metres requires 7 bays -*Education Centre - as determined by Council - 6 bays	13 car bays
Apply the adjustment factors. ▪ 0.85 (within 400 metres of a bus stop)	(0.85) 11.05 car bays
Minus the car parking provided on site *the ninth bay shown on the plan is not considered to have adequate maneuvering area and therefore is not included for the purposes of this calculation.	8 car bays
Minus the most recently approved on site car parking shortfall. 7th November 1994 - Council supported a proposal involving 42 Multiple Dwelling Units. There was no shortfall in car parking.	0 car bays
Resultant shortfall	3.05 car bays

* Applicant has advised that 2 to 3 teachers with 2- 3 students will be at the premise at any one time. Accordingly, it is considered appropriate that 6 bays be required for the educational centre.

Bicycle Parking Facilities:

Required	Provided
The Town's Parking and Access Policy does not specify bicycle parking spaces for the uses, Showroom or Education Centre.	In this instance, it is considered appropriate to provide three (3) bicycle parking spaces.

SITE HISTORY:

The site was previously occupied by a health club use. However, there is no Town record to confirm the approval of this use.

DETAILS:

The subject proposal involves a change of use from a health club to a showroom and teaching area for a drum shop use, and associated alterations and additions.

CONSULTATION/ADVERTISING:

The proposal was advertised and two objections were received by the Town. The submissions mention the following concerns;

Objection1

"We object to the premises being used as a drum shop retail premises complete with teaching areas for drumming tuition.

Noise

We are concerned that the noise transmission from these high noise activities will affect our office amenity...We note that for our premises, being a commercial premise, the Assigned Level in accordance with the Environmental Protection (Noise) Regulation is 60dB(A).

Our genuine concern is the impact of noise intrusion on the amenity of our staff and productivity within the office.

Parking

There is already a severe shortage of available car parking spaces for businesses operating in the immediate vicinity. With the increase in residential units in the area, vehicular traffic has increased and parking has become increasingly scarce. The site of the premises at the intersection of Charles Street, Angove Street and Scarborough Beach Road means that the only limited street parking available is in Howlett Street.

Health

The intrusion of airborne and structural sound will affect staff concentration levels to the detriment of our business."

Objection 2

"The adjacent premises are used for professional offices and we believe that the likely level of increase in the noise from the drum studio will result in adverse consequences for our business.

We wish to register our objection to the change of use, specifically the drum tuition aspect.

Additionally, we would like to register our concern as to the adequacy of parking at this location.

We have had on going problems with both the staff and patrons of the previous tenants of that building using our registered private car parking."

Department for Planning and Infrastructure

The application was referred for comment to the Department for Planning and Infrastructure (DPI). A response was received upon which it was established that the proposed development would not encroach within the Planning Control Area No. 54 nor result in the creation of new driveways for vehicular access to/from Charles Street. Therefore, DPI hold no objections to the proposal.

COMMENTS:

Noise

The concerns relating to noise are mainly focused upon the tuition aspect of the proposal. However, in a general sense, the premises accommodating a use relating to the retail and use of drums is considered to be noise intensive to the surrounding uses. The applicant provided further information and clarification to the nature of the tuition component. The applicant intends to conduct tuition classes during after hours times only, namely, 6pm to 9pm. Furthermore, noise levels will need to be maintained within the noise regulations associated with this proposal.

Parking

The Town's Policy relating to Parking and Access, suggests that the Council may determine to accept a cash-in-lieu payment where the shortfall is greater than 0.5 to provide and/or upgrade parking in other car parking areas. This would equate to a payment of \$7625. The parking shortfall is not considered excessive and is therefore supported with the cash-in-lieu payment.

In accordance with the Town's Policy relating to Parking and Access, there is also a requirement for the provision of bicycle parking. The policy does not state a specific bicycle parking provision for showroom or education centre use. It is considered appropriate in this instance to provide 3 bicycle parking spaces. This can be accommodated in the ninth car parking bay. The ninth car parking bay cannot accommodate vehicular parking as there is not sufficient manoeuvring in that location.

Health

The concern expressed relating to the *"intrusion of airborne and structural sound"* from works conducted for the proposal is considered to be a short term issue and an unavoidable one. It should be appreciated that for a change of use there will be structural works to the building in order to suit the new use.

As the building is already existing with only modifications proposed, the main issues concerning this application relate to parking and the objections received. Following an assessment of the proposal, the application is considered acceptable, subject to standard and appropriate conditions to address the above matters.

10.1.7 No. 28 (Lot 25) Windsor Street, Perth - Proposed Demolition of Existing Dwelling and Construction of Two (2) x Two (2) Storey Grouped Dwellings

Ward:	North Perth	Date:	17 March 2003
Precinct:	Banks, P5	File Ref:	PRO 2259; 00/33/1494
Reporting Officer(s):	S Crawford		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by A Cuccovia of behalf of the owners A & L Cuccovia and A & N Koenig for proposed demolition of existing dwelling and construction of two (2) x two (2) storey grouped dwellings at No.28 (Lot 25) Windsor Street, Perth, and as shown on plans stamp-dated 12 February 2003, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) 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". To demonstrate compliance adequate manoeuvring diagrams utilising the Town's standard vehicle turning circles template (drawing number A4 - 1160 - TC.01) allowing a maximum of two vehicle manoeuvres for each car bay shall be submitted to and approved by the Town;*
- (iii) a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
- (iv) a visual truncation of 2 metres by 2 metres at the intersection of the driveway and footpath shall be provided at the owner's cost;*
- (v) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (vi) a road and verge security deposit bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*

- (vii) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (viii) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (ix) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (x) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development;*
 - (a) *the eastern side of the proposed deck to the upper level of the front dwelling;*
 - (b) *the west facing study window to the upper level of the rear dwelling; and*
 - (c) *the western side of the proposed deck to the upper level of the rear dwelling;*

shall be screened with a permanent obscure material and be non-openable to a minimum height of 1.6 metres above the respective finished upper floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. In relation to (x) (b) the whole window can be top hinged and the obscure portion of the window openable to a maximum of 20 degrees;
- (xi) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development;*
 - (a) *the northern side of the proposed deck to the upper level of the front dwelling, shall be screened to a minimum height of 1.6 metres above the finished upper floor level for a length of 1.1 metres as measured from the eastern side of the deck, and to 1.2 metres for the remaining length; and*
 - (b) *the western side of the proposed deck to the upper level of the front dwelling, shall be screened to a minimum height of 1.6 metres above the finished upper floor level for a length of 2.5 metres as measured from the southern side of the deck, and to 1.2 metres for the remaining length;*

with a permanent obscured material and to be non-openable, as generally illustrated on the approved plans. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;
- (xii) *the proposed garden wall alongside the proposed parking space for front dwelling located within the front setback area, shall be deleted from the plans to allow adequate vehicle manoeuvrability;*
- (xiii) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation for the front setback area and the Windsor Street verge adjacent to the subject property, shall be submitted to and approved by the Town prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

- (xiv) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to Windsor Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (xv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating additional articulation to the street front elevation of the front dwelling to increase its streetscape contribution and architectural interest. Such interest can be achieved through additional windows or a balcony element for example. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*

to the satisfaction of the Chief Executive Officer.

Moved Cr Chester, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

COUNCIL DECISION ITEM 10.1.7

Moved Cr Drewett, Seconded Cr Doran-Wu

That this item be DEFERRED for further investigation and report, to address non-compliance of setbacks through use of rear ROW for access.

CARRIED (5-3)

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

(Cr Piper was an apology for the meeting.)

LANDOWNER:	A & L Cuccovia and A & N Koenig
APPLICANT:	A Cuccovia
ZONING:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R60
EXISTING LAND USE:	Single House

COMPLIANCE:

Use Class	Single House
Use Classification	"P"
Lot Area	534 square metres

Requirements	Required	Proposed
Front Dwelling		
Front setback - upper level	6.0 metres	3.0 metres
East side setback - upper level	4.5 metres	3.5 metres
West side setback - upper level	2.0 metres	1.5 metres
Rear Dwelling		
East side setback - ground level	1.5 metres	1.2 metres
West side setback - upper level	3.0 metres	1.5 metres
Deck - West side	1.6 metres high screening	1.2 metres high screening
Cone of vision - deck - rear and west	7.5 metres	5.9 metres
Carparking	4 bays	4 bays - manoeuvring issues
Vehicular access	Use of right of way	Battle-axe configuration

SITE HISTORY:

The site is occupied by a single storey single house with rear access to an unsealed 4.02 metres wide Town owned right of way (ROW). The existing dwelling attains no access from the ROW and the proposed redevelopment does not seek such rear access either.

DETAILS:

The proposed development seeks to demolish the existing house and to construct two (2) x two (2) storey grouped dwellings, providing access via common battleaxe leg.

CONSULTATION/ADVERTISING:

The proposal was advertised and one submission was received within this time, from a rear neighbour at No. 37 Marlborough Street. The submission objects to the proposal due to the non-compliance issues and especially the proposed rear dwelling. The neighbour raises concerns in relation to the western upper level side setback and the proposed deck that is partially screened. These aspects will be addressed in the report below.

COMMENTS:

Demolition

In order to undertake the redevelopment of this property demolition of the existing dwelling is required. The dwelling is not listed on the Municipal Heritage Inventory or the Interim Heritage Database, and the proposed demolition is supported by the Town's Heritage Officer with the following assessment having been made.

The subject place is a rendered brick and iron dwelling that was constructed circa 1920 on Lot 25 of Location A4. The place would have been a typical 'pattern book' home of the early Interwar period, but over time it has undergone adaptations to seemingly create additional living space and to modernise the appearance and functionality of the place.

The form of the original structure and the roofline remains largely in place, although this has been partly obscured by the enclosure of the front verandah. Most of the original windows have been replaced with aluminium sliding windows and all of the exterior brickwork has been rendered. Internal alterations include the removal of some walls, which has impacted on the internal planning of the place. In its present state the internal planning is not indicative of an early Interwar dwelling. In some rooms ceilings have been replaced, although the present owner has indicated that the original ceiling is still intact (but concealed by the new ceiling) in at least one of the rooms.

Although generally representative of an early Interwar residence, the place is not an unusual or outstanding example of its period, and the alterations and additions that have taken place over the years have reduced its ability to provide an accurate architectural record of Interwar domestic architecture. Moreover, there is no evidence that the place is linked with any important persons or historical events. Overall, the place is considered to have little cultural heritage significance and it is considered that the place does not warrant a full heritage assessment. It is recommended that the proposal to demolish the place be approved, subject to standard conditions.

Front Dwelling

Front Setback - Upper Level

Generally, the front setback requirement for an upper level is 6.0 metres. In this instance, this setback is proposed to be reduced to 3.0 metres at its minimum, on the south-eastern side of the property, and extending to a setback of 7.1 metres on the north-western side of the property.

Richmond Street is characterised by predominantly single storey dwellings with a few two storey infill examples. At the western end of Windsor Street is the East Perth Railway Station.

As such there is a 3.0 metres length of the upper storey which is forward of the required 6.0 metres setback, with the remaining 4.2 metres of the proposed dwelling frontage being set behind the 6.0 metres setback requirement. The encroaching portion of the upper level supports the master bedroom and ensuite.

The setback for the upper level was influenced by comments made by the neighbour at No. 30 Windsor Street when the applicant was developing plans. The neighbour requested that the front house be kept as far forward as possible in order to allow maximum light to enter their courtyard provision behind their Windsor Street house. As such, these comments influenced the reduced upper level setback.

It is considered that an encroachment of a 3.0 metres length within the front setback requirement for the upper level will not have an undue impact on the streetscape of the area for two reasons. Firstly, this is because the two neighbouring dwellings at Nos. 26 and 30 Windsor Street are setback 3.3 metres and approximately 3.5 metres respectively, which provides a setback context for the proposed dwelling. With respect to the upper level, it is considered that the proposed residence with a maximum height of 6.4 metres is comparable in scale to the two neighbouring dwellings. It is estimated that these are approximately 5.0 metres in height to the pitch of their roof. It is appreciated that the design of the dwelling is substantially different to the neighbouring dwellings, that being contemporary construction with a concealed roof, and therefore will be a noticeable addition within the streetscape, however there are other examples of contemporary infill development along Windsor Street. Furthermore, the proposed front dwelling has been designed to align itself with the lot frontage to the property, rather than being on a 90 degree angle to it.

Having the proposed front dwelling aligned to the frontage and therefore the street, maintains the existing building pattern and is considered to further reduce the impact of the dwelling on the streetscape. On this basis, it is considered that the dwelling will not be unduly prominent in the streetscape of Windsor Street.

The Town's Policy relating to 'Street Setbacks' identifies that new development should not overpower the existing streetscape, and in accordance with the above it has been established that the proposed development complies with this requirements. The Norwood Locality Statement identifies that development should occur in accordance with the existing pattern of development and recognises the varied nature of housing in the area. On this basis, it is considered adequate justification exists to vary the setback provision to the upper storey.

East Side Setback - Upper Level and Cone of Vision

The subject wall requires a setback of 4.5 metres under the Residential Design Codes (R Codes), whereas the proposal achieves a setback of 3.5 metres. The applicant has recognised the impact on the neighbouring property (No. 26 Windsor Street) by implementing highlight windows to the walk-in-robe and the living area, thereby preventing overlooking. In addition the mass of the wall is not considered to adversely affect the neighbour due to the setback achieved and the fact that there is a 4.6 metres separation between the two dwellings. In addition, due to the location of south, the front setback area of the neighbouring property will only be minimally affected by overshadowing, with the majority of overshadowing falling on the proposed battle-axe driveway and the street. On this basis, the reduced setback is considered acceptable.

In relation to the kitchen window, this would require a setback of 6.0 metres under the R Codes, whereas the proposal demonstrates a setback of 5.6 metres. It is considered that screening need not be applied to this window, as it only has the potential to overlook the front setback area which is not considered sensitive.

West Side Setback - Upper Level

This wall requires a setback of 2.0 metres from the boundary, and in this instance a setback of only 1.5 metres is achieved. The upper wall is a blank wall with no openings and as such no overlooking is created. Furthermore, due to the wall being the eastern boundary of the neighbouring dwelling at No. 30 Windsor Street, no overshadowing is created. As such, the relaxation of the side setback is considered suitable as minimal impact is considered to be caused to the neighbouring property.

Rear Dwelling

Eastern Side Setback - Ground Level

The rear dwelling requires an eastern side setback at ground level of 1.5 metres, and only 1.2 metres is proposed. The reduced setback is again considered to have minimal impact on the neighbour in light of the fact it is a single storey element of the proposed dwelling. In addition, the proposed windows to the living space which constitutes this element are proposed to be highlight windows, thereby preventing overlooking. On this basis, it is considered suitable.

Western Side Setback - Upper Level and Cone of Vision

The western side setback to the upper level is required to be 3.0 metres under the R Codes and the applicant seeks relaxation of this to 1.5 metres. This portion of the upper level supports a study and deck area. Immediately adjacent to this element is a two storey parapet wall resulting from development of two strata dwellings at the rear of No. 30 Windsor Street. The proposed upper level study extends past the limits of the parapet wall by 3.8 metres.

Again taking into account the position of north, no overshadowing will be imposed on the neighbour. Furthermore, the wall height is only 6.1 metres with a concealed roof. This degree of wall located 1.5 metres from the boundary is not considered to have any undue detrimental impact. However, because the wall extends past the existing adjacent parapet, it is necessary to apply screening to the study window in accordance with the provisions of cone of vision.

In the recent Ordinary Meetings of Council, the Council has been prepared to vary the Privacy requirements of the Residential Design Codes by allowing the overlooking window to be top hinged and the obscured portion of the window to be openable to a maximum of 20 degrees.

The applicant also seeks a deck space for the proposed rear dwelling. This deck is accessed via the study and is proposed to be 4.3 square metres in size. This deck will also not benefit from the existing adjacent parapet wall and as such raises privacy concerns due to the potential for overlooking. The applicant has somewhat addressed this by denoting that the western side be fitted with a 1.2 metres high screen. The neighbouring development has carparking to the rear of which the deck will primarily overlook. However, when applying the cone of vision it is the south-western 45 degree angle of view that is of concern, and the potential to overlook the neighbours only courtyard provision. On this basis, it is considered that the 1.2 metres screen is insufficient and this should be increased to 1.6 metres in height.

Cone of Vision - Deck Rear Dwelling

The subject deck would require a setback of 7.5 metres from the rear boundary in order to comply with the R Codes. The subject proposal achieves a setback of 5.9 metres. Taking into account the deck is to the rear of the property and further overlooks the existing ROW, which is 4.02 metres in width, it is considered unnecessary to impose a screen to the rear (northern) elevation of the deck, due to its distance from any rear neighbour and associated sensitive areas.

Carparking

The applicant provides the required four carparking bays, two bays being for each dwelling in accordance with the R Codes. Engineering Services have raised concerns regarding the manoeuvring room and have identified that the front dwelling's carbay and the rear dwelling's garage possibly will not provide adequate manoeuvring room to be functional. It is considered that conditioning the development to remove the proposed internal front wall affecting the front carbay will overcome this issue. With respect to the rear dwelling's garage, it is acknowledged that more than one maneuver is required for entry and egress when applying manoeuvring templates. This degree of maneuvers is not considered onerous and in effect the carparking arrangement is considered functional.

Access

The Town's Policies relating to Vehicular Access and Street Setbacks generally requires that access be provided from a ROW where one exists. In this instance, it is considered there are a number of mitigating circumstances to allow the variation of this requirement, these include;

- The ROW is irregular in its layout which makes access difficult;
- The implication of emergency service access when only utilising the ROW, especially when the ROW has not been developed;
- The proposed rear residence treats the ROW as its frontage and has good streetscape presentation to the rear;
- There is no increase in the number of crossovers in comparison to that which presently exists;
- No undue harm is caused to the streetscape of Windsor Street through retention of a driveway;
- The majority of properties have their access off Windsor Street; and
- The proposal still allows for ROW widening if required in the future.

Further to the above reasons, the Town is currently in the process of formulating a ROW access policy to address the above issues to guide further development. It is expected that this Policy will be before Council shortly.

As such, it is considered that in this particular instance there is just cause to vary the Town's Policies on Vehicular Access and Street Setbacks to allow a battle-axe configured development.

Landscaping

The Norwood Locality Statement promotes detailed landscaping within the front setback areas. The applicant has not denoted any significant planting and thus this will form a condition of approval.

Articulation of the Street Front Dwelling

It is considered the front dwelling to Windsor Street lacks articulation to the street front. This has resulted because the entrance to the dwelling is off the battle-axe leg and not to the street. It is considered that this articulation issue can easily be overcome through application of more windows to the southern elevation or a balcony element, accessible off the master bedroom. As such, the approval shall be conditioned accordingly to require revised plans to address this aspect.

It is considered that the proposal will generally have no unreasonable detrimental impact on the amenity and streetscape of the area. It is considered that the objections raised as a result of the consultation period have been addressed adequately through conditioning of the proposal. Accordingly, the proposal is recommended for approval, subject to standard conditions and conditions to address the above matters.

10.1.10 Nos. 364-366 (Lot 61) Lord Street, Highgate – Proposed Demolition of Existing Semi-Detached Dwellings

Ward:	North	Date:	17 March 2003
Precinct:	Banks, P15	File Ref:	PRO1360; 00/33/1418
Reporting Officer(s):	H Eames		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

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

- (i) the proposed demolition of the place not being consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
- (ii) the place, having cultural heritage significance, in terms of its rarity value, aesthetic contribution to the streetscape and its contribution to the community's sense of place, and being listed on the Town of Vincent Municipal Heritage Inventory;*

the Council RECOMMENDS REFUSAL to the Western Australian Planning Commission of the application submitted by the owner Department for Planning and Infrastructure for proposed demolition of semi-detached dwellings at Nos. 364-366 (Lot 61) Lord Street, Highgate, and as shown on the plans stamp dated 4 December 2002.

Moved Cr Chester, Seconded Cr Ker

That the previous recommendation be amended and adopted as follows.

AMENDED RECOMMENDATION:

That;

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

- (i) (a) the proposed demolition of the place not being consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
- (i) (b) the place, having cultural heritage significance, in terms of its rarity value, aesthetic contribution to the streetscape and its contribution to the community's sense of place, and being listed on the Town of Vincent Municipal Heritage Inventory;*

the Council RECOMMENDS REFUSAL to the Western Australian Planning Commission of the application submitted by the owner Department for Planning and Infrastructure for proposed demolition of semi-detached dwellings at Nos. 364-366 (Lot 61) Lord Street, Highgate, and as shown on the plans stamp dated 4 December 2002; and

(ii) the Council authorises the Chief Executive Officer to write to the Minister for Housing and Works, Minister for Planning and Infrastructure, Minister for Heritage and the Local Member of State Parliament to inform them of the Council's support for the retention of the place and request their support for and action in the retention of the place."

CARRIED (8-0)

(Cr Piper was an apology for the meeting.)

COUNCIL DECISION ITEM 10.1.10

That;

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

(a) the proposed demolition of the place not being consistent with the orderly and proper planning and the preservation of the amenities of the locality; and

(b) the place, having cultural heritage significance, in terms of its rarity value, aesthetic contribution to the streetscape and its contribution to the community's sense of place, and being listed on the Town of Vincent Municipal Heritage Inventory;

the Council RECOMMENDS REFUSAL to the Western Australian Planning Commission of the application submitted by the owner Department for Planning and Infrastructure for proposed demolition of semi-detached dwellings at Nos. 364-366 (Lot 61) Lord Street, Highgate, and as shown on the plans stamp dated 4 December 2002; and

(ii) the Council authorises the Chief Executive Officer to write to the Minister for Housing and Works, Minister for Planning and Infrastructure, Minister for Heritage and the Local Member of State Parliament to inform them of the Council's support for the retention of the place and request their support for and action in the retention of the place.

LANDOWNER:	Western Australian Planning Commission
APPLICANT:	Department of Planning and Infrastructure
ZONING:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R60
EXISTING LAND USE:	Semi-Detached Dwellings

SITE HISTORY:

The subject site is occupied by one semi-detached building, containing two dwellings, which is proposed to be demolished.

At the Ordinary Meeting of Council held on 6 December 1999, Council refused an application for demolition of the subject dwellings on the basis that the place was included on the Town of Vincent Municipal Heritage Inventory (MHI) and that the place had rarity value, aesthetic contribution to the streetscape and contribution to the community's sense of place.

The (former) Department of Contract and Management Services previously commissioned a Heritage Assessment for the subject dwellings. This Heritage Assessment is included as Appendix 10.1.10 to this report.

CONSULTATION/ADVERTISING:

Applications for the demolition of places on the Municipal Heritage Inventory are required to be advertised. However, in light of the Council's previous resolution of 6 December 1999, the application being referred to the Council for consideration, and the Western Australian Planning Commission being responsible for determination of the application under the Metropolitan Region Scheme, it was not considered necessary to advertise the application.

DETAILS:

Approval is sought for the demolition of two existing semi-detached dwellings.

COMMENTS:

The Town has previously recognised the local significance of these dwellings by means of including the property on the Town's Municipal Inventory. As such, it is recommended that the Council recommends to the Western Australian Planning Commission that the buildings are to be retained and maintained, and not demolished.

10.1.17 No. 10 (Lot 4046) (Strata Lot 1) Ellesmere Street, Corner of Selden Street, North Perth - Proposed Additions to Existing Front Fence, and Alterations to Existing Garage of Existing Single House

Ward:	Mount Hawthorn	Date:	19 March 2003
Precinct:	North Perth, P8	File Ref:	PRO 2293; 00/33/1540
Reporting Officer(s):	C Mooney		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by K Riley on behalf of the owner R & S Kucera for the proposed additions to existing front fence, and alterations to existing garage of existing single house, at No.10 (Lot 4046) (Strata Lot 1) Ellesmere Street, corner of Selden Street, North Perth, and as shown on plans stamp-dated 11 March, 2003 subject to;

- (i) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services;*
- (ii) a footpath security deposit bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath has been reinstated to the satisfaction of the Town's Technical Services. An application for the refund of the security deposit must be made in writing;*
- (iii) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (iv) 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);*
- (v) the construction of crossovers shall be in accordance with the Town's specifications;*
- (vi) proposed crossovers shall be positioned in consultation with and as directed by the Town's Technical Services Division; and*
- (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;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.17

Moved Cr Doran-Wu, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

CARRIED (8-0)

(Cr Piper was an apology for the meeting.)

LANDOWNER: R & S Kucera
APPLICANT: K Riley
ZONING: Metropolitan Region Scheme - Urban
Town Planning Scheme No. 1 - Residential R30/40
EXISTING LAND USE: Single House

COMPLIANCE:

Use Class	Single House
Use Classification	"P"
Lot Area	Lot 4046 - 787 square metres

Requirements	Required	Proposed
Front Fence - Visual Permeability	Front walls and fences within the primary street setback area to be visually permeable 1.2 metres above natural ground level.	A portion of 2.5 metres solid wall to a height of 1.8 metres proposed adjacent to Ellesmere Street.

SITE HISTORY:

A two storey single house situated on a corner lot currently occupies the subject site.

DETAILS:

The proposal includes additional front fencing to the existing open fence, such that the fence is compatible with the existing fencing, as well as associated alterations to the garage that will generally reverse the vehicular access to be directly adjacent to Ellesmere Street.

CONSULTATION/ADVERTISING:

The application was not required to be advertised, due to the limited scale and nature of the proposal and it is to be considered and determined by Council.

COMMENTS:

A portion of the fence to a length of 2.5 metres adjacent to Ellesmere Street is solid to a height of 1.8 metres. In this instance, it is an acceptable variation as it is setback 1 metre from the street, is only 2.5 metres long, is adjacent to the existing garage, and the varying design features of the adjacent garage and "open" front fence.

The Town's Technical Services have indicated that they have no objection to the removal of the street tree, to accommodate the proposed crossover, provided it is replaced with a suitable tree in an appropriate location and all removal and replacement costs are met by the applicant/owners.

The alterations to the existing garage are considered acceptable, as it generally reverses the current situation to ensure direct vehicular access off the Ellesmere Street. The development does not further obstruct the view of the main dwelling and the architectural features used are generally in keeping with the building.

The proposal is considered to enhance the amenity and safety/security of the property as well as enhance the amenity of the streetscape. Accordingly, it is recommended that the proposal be approved, subject to standard and appropriate conditions to address the above matters.

The full set of plans for this application have not been included for security reasons. They are held by the Executive Manager Environmental and Development Services, and Elected Members can arrange to view them.

10.1.1 No. 28 (Lot 125) Chatsworth Road, Highgate – Proposed Alterations, Additions, Studio and Garage to and Partial Demolition of Existing Single House

Ward:	North Perth	Date:	17 March 2003
Precinct:	Hyde Park, P12	File Ref:	PRO2238; 00/33/1467
Reporting Officer(s):	P Mastrodomenico		
Checked/Endorsed by:	D Abel		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owners M A Roberts and B R Dimer for proposed alterations, additions, studio and garage to and partial demolition of existing single house at No.28 (Lot 125) Chatsworth Road, Highgate, and as shown on the plans stamp dated 24 January 2003, subject to:

- (i) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (ii) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Chatsworth 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;*
- (iii) a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
- (iv) a two (2) metres by two (2) metres visual truncation being provided where the driveway intersects with the footpath at the owner's cost;*
- (v) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (vi) the construction of crossovers shall be perpendicular to the road and 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; and*

- (viii) *subject to first obtaining the consent of the owners of No. 26 Chatsworth Road and No. 30 Chatsworth Road for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 26 Chatsworth Road and No. 30 Chatsworth Road in a good and clean condition;*
- (ix) *the garage/studio structure shall not be used for habitable, industrial or commercial purposes;*
- (x) *prior to the issue of the Building Licence, revised plans shall be submitted to and approved by the Town demonstrating the garage having adequate manoeuvring area for the provision of two car parking bays. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and*
- (xi) *compliance with all relevant Environmental Health, Engineering and Building requirements;*

to the satisfaction of the Chief Executive Officer.

Moved Cr Ker, Seconded Cr Cohen

That the recommendation be amended and adopted as follows.

AMENDED RECOMMENDATION:

Delete clauses (iv), (vi) and (vii) of the previous recommendation.

CARRIED (8-0)

(Cr Piper was an apology for the meeting.)

COUNCIL DECISION ITEM 10.1.1

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owners M A Roberts and B R Dimer for proposed alterations, additions, studio and garage to and partial demolition of existing single house at No.28 (Lot 125) Chatsworth Road, Highgate, and as shown on the plans stamp dated 24 January 2003, subject to:

- (i) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (ii) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Chatsworth 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;*

- (iii) *a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
- (iv) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (v) *subject to first obtaining the consent of the owners of No. 26 Chatsworth Road and No. 30 Chatsworth Road for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 26 Chatsworth Road and No. 30 Chatsworth Road in a good and clean condition;*
- (vi) *the garage/studio structure shall not be used for habitable, industrial or commercial purposes;*
- (vii) *prior to the issue of the Building Licence, revised plans shall be submitted to and approved by the Town demonstrating the garage having adequate manoeuvring area for the provision of two car parking bays. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and*
- (viii) *compliance with all relevant Environmental Health, Engineering and Building requirements;*

to the satisfaction of the Chief Executive Officer.

COMMENTS:

No driveway or crossover onto Chatsworth Road exist or are proposed as part of the subject application, therefore clauses (iv), (vi) and (vii) are not applicable in this instance, and can be deleted accordingly.

LANDOWNER: M A Roberts and B R Dimer
APPLICANT: M A Roberts and B R Dimer
ZONING: Metropolitan Region Scheme: Urban
Town Planning Scheme No.1: Residential R80
EXISTING LAND USE: Single House

COMPLIANCE:

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

Requirements	Required	Proposed
Setbacks - Eastern Side	1.5 metres	0.765 metre (following existing building line)
Western Side First Floor	1.5 metres	0.305 metre (following existing building line)
Garage/Studio	1.0 metre	Nil
Carparking	2 bays (nil bays existing)	2 bays, however only one bay has adequate manoeuvring area
Setback to Right of Way	Manoeuvring depth - 6 metres from garage/carport opening to nearest impediment	5.4 metres from garage/carport opening to nearest impediment
Open Space	45 percent	43 percent (48 percent including verandah)

SITE HISTORY:

The subject site is occupied by a single storey character dwelling, which is listed on the Town's Interim Heritage Database. The surrounding area is characterised by mainly single storey character dwellings.

A 3.02 metres wide resumed and vested sealed right of way runs along the rear boundary.

CONSULTATION/ADVERTISING:

There were no objections received during the advertising period.

DETAILS:

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

COMMENTS:

Partial Demolition

The proposal retains the essential elements of the property and show retention of the existing floor plan. The proposed partial demolition is therefore considered acceptable.

Side Setbacks

The eastern and western side setback variations are considered supportable, as they follow the existing building line, no objections were received from the affected neighbours, and are not considered to have an unreasonable adverse effect on the adjacent properties.

Open Space

The dwelling proposes a maximum of 43 percent open space. The proposal aims to retain and enhance an existing dwelling which is listed on the Town's Interim Heritage Database. A 40 square metres courtyard/outdoor living is also provided. A verandah not more than 0.5 metre above natural ground level can be included in open space. In this instance, due to the slope of the land, the verandah is greater than 0.5 metre. However the verandah forms an integral and effective transitional relationship with the front courtyard and should be included in open space. This achieves 48 percent open space. In this instance, the variation to open space will not unreasonably negatively impact on the amenity of the area.

Carparking

At present, there is no provision for carparking on the property. Two car bays are proposed, however only one bay has adequate area for manoeuvring. In this instance, a condition has been applied for amended plans to be submitted to incorporate two parking bays with adequate area for manoeuvring.

Summary

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

10.1.6 No. 46 (Lot 33) Richmond Street, North Perth - Proposed Partial Demolition of and Alterations and Two (2) Storey Additions, Including Carport and Shed, to the Existing Single House

Ward:	North Perth	Date:	17 March 2003
Precinct:	Smith's Lake, P6	File Ref:	PRO 2248;00/33/1482
Reporting Officer(s):	S Crawford		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Laneway Construction on behalf of the owner KJ Osten for the proposed partial demolition of and alterations and two (2) storey additions, including carport and shed, to the existing single house at No.46 (Lot 33) Richmond Street, North Perth, and as shown on plans stamp-dated 4 and 24 February 2003, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) the provision of two (2) carparking bays onsite which 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"; and*
 - (b) no part of the roof, including gutters shall be setback nearer than 500 millimetres from northern and eastern boundaries;*

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

- (iii) a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
- (iv) a visual truncation of 2 metres by 2 metres at the intersection of the driveway and footpath shall be provided at the owner's cost;*

- (v) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
 - (vi) *a road and verge security deposit bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
 - (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) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the master bedroom window to the upper floor, shall be screened with a permanent obscured material and to be non-openable to a minimum height of 1.6 metres above the finished floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole window can be top hinged and the obscure portion of the window openable to a maximum of 20 degrees;*
 - (x) *details of all street trees adjacent to the subject property shall be submitted with the Building Licence application;*
 - (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);*
 - (xii) *subject to first obtaining the consent of the owners of No. 48 Richmond 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. 48 Richmond Street] in a good and clean condition;*
 - (xiii) *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 front of the existing dwelling; and*
 - (xiv) *the shed is not to be used for industrial, commercial or habitable purposes;*
- to the satisfaction of the Chief Executive Officer.*
-

Moved Cr Doran-Wu, Seconded Cr Chester

That the recommendation be amended and adopted as follows.

AMENDED RECOMMENDATION:

Amend Clause (ii) of the previous recommendation to read as follows;

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

- (a) *the provision of two (2) carparking bays onsite which 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";*
- (b) *no part of the roof, including gutters shall be setback nearer than 500 millimetres from northern and eastern boundaries; and*
- (c) *the upper floor western side setback being in accordance with the requirements of the Residential Design Codes;*

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

CARRIED (8-0)

(Cr Piper was an apology for the meeting.)

COUNCIL DECISION ITEM 10.1.6

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Laneway Construction on behalf of the owner KJ Osten for the proposed partial demolition of and alterations and two (2) storey additions, including carport and shed, to the existing single house at No.46 (Lot 33) Richmond Street, North Perth, and as shown on plans stamp-dated 4 and 24 February 2003, subject to:

- (i) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) *the provision of two (2) carparking bays onsite which 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";*
 - (b) *no part of the roof, including gutters shall be setback nearer than 500 millimetres from northern and eastern boundaries; and*
 - (c) *the upper floor western side setback being in accordance with the requirements of the Residential Design Codes;*

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

- (iii) *a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
- (iv) *a visual truncation of 2 metres by 2 metres at the intersection of the driveway and footpath shall be provided at the owner's cost;*
- (v) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (vi) *a road and verge security deposit bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (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) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the master bedroom window to the upper floor, shall be screened with a permanent obscured material and to be non-openable to a minimum height of 1.6 metres above the finished floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole window can be top hinged and the obscure portion of the window openable to a maximum of 20 degrees;*
- (x) *details of all street trees adjacent to the subject property shall be submitted with the Building Licence application;*
- (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);*
- (xii) *subject to first obtaining the consent of the owners of No. 48 Richmond 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. 48 Richmond Street] in a good and clean condition;*
- (xiii) *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 front of the existing dwelling; and*
- (xiv) *the shed is not to be used for industrial, commercial or habitable purposes;*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: KJ Osten
APPLICANT: Laneway Construction
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	354 square metres

Requirement of Residential Design Codes or Town's Policy	Required	Proposed
SETBACKS - DWELLING		
Front - Carport	4.0 metres	Nil
Ground - Eastern side setback	2.8 metres	0.8 -2.3 metres
Ground - Western side setback	1.9 metres	0.6 metre
Upper -Western side setback	1.2 metres	0.6 metre
Eaves	0.75 metre	0.4 metre
SHED		
Rear	1.0 metre	Nil
Western side setback	1.0 metre or in areas Coded R30 or higher, walls not higher than 3.5 metres with an average of 3.0 metres can have a parapet wall for 2/3's of the length of the balance of the boundary behind the front setback, to one side	Nil
CONE OF VISION		
Ground floor bedroom 2 window	4.5 metres	3.0 metres
Upper floor bedroom window	4.5 metres	2.4 metres
WALL HEIGHT	6.0 metres	6.3 metres to rear
CARPARKING	2 car bays	1 car bay illustrated, 2 bays can be achieved

SITE HISTORY:

The site is occupied by a single storey single house. The site has a rear right of way (ROW), which is unsealed and privately owned. The ROW is approximately 5 metres in width. The applicant does not currently utilise the ROW for access and no access is intended as part of this application.

DETAILS:

The proposed development seeks to partially demolish the rear of the existing dwelling and to replace this with a two (2) storey addition. The additions also encompass a single carport within the front setback and demolition and replacement of an existing shed on the rear boundary.

CONSULTATION/ADVERTISING:

The proposal was advertised and a submission was received from the western neighbour at No. 48 Richmond Street. The issues raised relate to the neighbour's safety concerns due to the proximity of walls and eaves to the adjoining property. The submission identified the provision of Clause 3.3.1, A 1(iv) of the Residential Design Codes (R Codes), which states that eaves overhang should not be closer than 0.75 metre to the boundary. The submission further cites the provisions of the Building Code of Australia (BCA) with respect to setback requirements for fire safety. These aspects will be addressed in the report below.

COMMENTS:

Front Setback

The carport is proposed to be sited with a nil setback to the boundary. Generally, the Scheme provisions require a 4.0 metres front setback. Relaxations can be considered under Clause A3.4 of the Residential Design Codes (R Codes) to allow carports in the front setback provided that it does not exceed fifty (50) per cent (%) of the frontage of the property at the building line. The Town's Policy relating to Street Setbacks generally promotes parking off existing rights of way, however provision is made for consideration of carparking within front setback area. When considering carports in the front setback, the Policy promotes that clear views are maintained to the dwelling.

The majority of dwellings in the immediate vicinity rely on verge parking, with little use of the rear ROW for access. There are two examples of carports located within the front setback and a number of parking structures are integrated with the dwelling. In considering the carport in the front setback, the following issues are applicable; the applicant has an established hardstand carparking area in the subject location of the carport, the dwelling achieves onsite parking reducing pressure to on-street parking, the ROW is unsealed and would need considerable upgrading works, the lot is only 9.03 metres wide and with the existing shed located to the rear (despite its reconstruction) access would be further limited, and a carport in the rear yard would remove valuable outdoor living space for the dwelling. All of these reasons coupled with the fact that only a single carport is proposed, that reflects the appearance of the dwelling and does not unduly limit views of the dwelling, the proposal is therefore considered acceptable.

Ground - Eastern Side Setback

Due to the length and height of the wall the R Codes require a setback of 2.8 metres from the eastern side boundary. The existing setback line of the dwelling is 0.8 metre from the boundary. The applicant seeks to continue this building line and increase the setback for the upper storey. The provisions of Clause A4 of Policy 'Local Character' promotes additions and alterations continuing the existing side setbacks in order to provide for a seamless extension. The alterations to the residence only result in an additional length of 1.0 metre in this wall, which is considered to have minimal effect on the neighbouring property. On this basis, the reduced setback is considered acceptable.

Ground Level - Western Side Setback

The western elevation of the dwelling has a predominant existing setback of 0.6 metre, which increases to 1.1 metres for the latter portion of the dwelling. The proposed alterations seek to extend the latter portion of the residence towards the western boundary (to a 0.6 metre setback) as well as towards the rear of the property by an additional 1.9 metres.

Again in accordance with Policy - 'Local Character' an extension following the existing side setbacks is permissible. It is considered that a ground floor extension will have no undue effect on a neighbour and therefore is acceptable.

Upper Level - Western Side Setback

The applicant seeks an upper level extension to accommodate a master bedroom, ensuite, walk-in-robe and stairwell. The extension seeks to continue the side setback of 0.6 metre from the western side setback, which is the continuation of the existing side setback at ground level. The R Codes would require this setback to be 1.2 metres for the length and height of the wall.

The extension is a blank wall, devoid of any windows. Due to the location of south in relation to the property no shadow will be cast onto the affected neighbour. In addition, the neighbouring dwelling sits further to the front of the block in comparison to the subject dwelling. The proposed extension will be a maximum height of 5.67 metres, which is in accordance with the Town's requirements.

In considering whether the extension at the proposed setback is suitable, consideration should also be given to the fact that the applicant could have applied for a parapet wall on 2/3's of the boundary for the ground level. This potentially could amount to a parapet on 23.6 metres of the boundary (inclusive of the proposed shed with a nil setback). It is considered that a parapet wall of this nature with potentially a stepped upper level would be more onerous on the neighbouring property than what is presently proposed. On this basis, it is considered that the reduced setback to the upper level is appropriate and will not have undue affect on the neighbouring property. In addition, the neighbours concerns with respect to compliance with the BCA for fire safety will be achieved.

Eaves

The existing dwelling establishes the existing side setbacks and thus the existing eave setbacks to these boundaries. In permitting the continuation of existing setbacks to achieve seamless extension, it is then considered suitable that a reduced setback for the eaves will occur. However, in order to ensure safety the BCA imposes a minimum 0.5 metre setback from boundaries. It is considered that the western side eaves will be able to comply with this requirement as a condition of approval, which will be imposed to ensure BCA compliance.

Cone of Vision

The bedroom denoted by the number 2 located on the eastern side of the ground floor does not comply with the cone of vision setback requirements. The affected neighbours have signed the proposal plans stating they have no objection. As such, no screening requirement for this window is required.

The upper level master bedroom also poses overlooking issues, through non-compliance with the setback provisions of the cone of vision principles. Due to the elevated nature of the window, the potential for overlooking is considerable and as such, similarly this window should be appropriately screened to maintain privacy for both side neighbours.

In the recent Ordinary Meetings of Council, the Council has been prepared to vary the Privacy requirements of the Residential Design Codes by allowing the overlooking window to be top hinged and the obscured portion of the window to be openable to a maximum of 20 degrees.

Carparking

The R Codes requires the provision of two (2) carparking bays per dwelling. The applicant has only made provision for one (1) carparking space within the carport. There is sufficient area onsite to accommodate another hardstand bay and the approval shall be conditioned accordingly.

Shed

The site supports an existing shed to the rear of the dwelling with nil setbacks to the rear and western side boundaries. The applicant seeks to reconstruct a shed of the same size in the same location. The design of the shed will differ in that the reconstructed version will have a pitched roof to match the residence and access door and windows on its southern elevation and further windows to the eastern elevation. The R Codes permits a parapet wall under certain circumstances for one side boundary under the provisions of Clause A2. The proposed parapet complies with the terms of this clause and thus the side setback is acceptable. The reduced rear setback is considered suitable also as it is an established setback resulting from the existing shed structure and no undue impact is caused to the ROW.

Furthermore, the existing ROW is approximately 5.0 metres in width and therefore does not prejudice future use for access.

It is considered that the proposal will generally have no unreasonable detrimental impact on the amenity of the surrounding area. Accordingly, the proposal is recommended for approval, subject to standard conditions and conditions to address the above matters.

10.4.1 Information Bulletin

Ward:	-	Date:	4 March 2003
Precinct:	-	File Ref:	-
Reporting Officer(s):	A Smith		
Checked/Endorsed by:	J Giorgi		
Amended by:	-		

RECOMMENDATION:

That the Information Bulletin dated 25 March 2003, as distributed with the Agenda, be received.

COUNCIL DECISION ITEM 10.4.1

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

At 7.32pm, Mayor Catania advised that he declares a proximity interest in this matter, as he just realised that he has an office in close proximity to the matter in IB04. He departed the Chamber and did not speak or vote on the matter.

No vote had been taken.

Cr Drewett assumed the Chair.

Cr Ker stated that in regard to IB04 and Appeal No. 4 of 2003, that a motion was carried at the Ordinary Meeting of Council held on 17 December 2002, that Elected Members and Woodville Street residents would be notified and asked to provide a witness, in the case of an appeal, and that this would now need to occur.

CARRIED (7-0)

(Mayor Catania was absent from the Chamber and did not vote. Cr Piper was an apology for the meeting.)

DETAILS:

The items included in the Information Bulletin dated 25 March 2003 are as follows:

ITEM	DESCRIPTION
IB01	Letter from the Heritage Council of Western Australia - Assessment Program, 3553 Beatty Park Aquatic Centre and Recreation Ground, and 8705 Robertson Park.
IB02	Letter from the Heritage Council of Western Australia - Assessment Program, 2183 Church of the Sacred Heart, Halls and Presbytery, 2180 Highgate Primary School, 2178 St Alban's Church, 2218 Redemptorist Monastery and Church and 8749 North Perth Fire Station No. 2.
IB03	Letter from the Heritage Council of Western Australia - Preliminary Survey, 4175 Service Station, 342 Beaufort Street, North Perth.
IB04	Letter to the Town Planning Appeal Tribunal - Appeal No. 04 of 2003, Nos 485 - 495 (Lot 200) Fitzgerald Street, dual frontage with Menzies Street, North Perth.
IB05	Letter from the Town Planning Appeal Tribunal - Appeal No. 157 of 2002, Nos. 140-140B (Lot 56) Edward Street, Perth.

Mayor Catania returned to the Chamber at 7.35pm and resumed the Chair. He was advised that Item 10.4.1 was carried (7-0).

11.1 Notice of Motion – Mayor Nick Catania – Review of Policy - Elected Member Allowances, Fees and Re-imbusement of Expenses

That the Council reviews Policy No. 4.1.16 - "Elected Member, Allowances, Fees and Re-Imbursement of Expenses" during the Budget 2003/04 process.

COUNCIL DECISION ITEM 11.1

Moved Cr Chester, Seconded Cr Ker

That the recommendation be adopted.

Debate and discussion ensued.

Moved Cr Drewett, Seconded Cr Hall

That the Chief Executive Officer read out to the meeting the questions asked by Mr Nick Geronimos during Pubic Question Time at the Ordinary Meeting of Council, held on 25 February 2003.

CARRIED (6-2)

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

(Cr Piper was an apology for the meeting.)

The Chief Executive Officer read out to the meeting the questions asked by Mr Nick Geronimos during Pubic Question Time at the Ordinary Meeting of Council, held on 25 February 2003.

Debate and discussion ensued.

The Chief Executive Officer responded to questions asked by Councillors.

MOTION CARRIED (8-0)

(Cr Piper was an apology for the meeting.)

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

Nil.

14. CLOSURE

Presiding Member, Mayor Nick Catania JP, declared the Meeting closed at 8.16pm with Councillors Chester, Doran-Wu, Drewett JP, Franchina, Cohen, Hall, and Ker, Chief Executive Officer, John Giorgi JP, Executive Manager Environmental and Development Services, Rob Boardman, Executive Manager Corporate Services, Mike Rootsey, Executive Manager Technical Services, Rick Lotznicher, Minutes Secretary, Debbie Winfield, journalist Guardian Express, Ryan Sturman, journalist Voice News, Jenny D'Anger and 4 members of the public present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 25 March 2003

Signed:Presiding Member
Mayor Nick Catania, JP

Dated this day of 2003