

**INDEX**  
**(27 May 2003)**

<b>ITEM</b>	<b>REPORT DESCRIPTION</b>	<b>PAGE</b>
<b>10.1 ENVIRONMENTAL AND DEVELOPMENT SERVICES</b>		
10.1.1	Further Report - No. 28 (Lot 25) Windsor Street, Perth - Proposed Demolition of Existing Dwelling and Construction of Two (2) x Two (2) Storey Grouped Dwellings (Banks Precinct) PRO2259 (00/33/1494)	202
10.1.2	Nos.179-183 (Lot 102) Charles Street, Dual Frontage with Oak Lane, West Perth - Proposed Eight (8), Three Storey Grouped Dwellings (Clever Precinct) PRO1118 (00/33/1379)	44
10.1.3	No. 55 (Lot 458) Hobart Street (Corner London Street), North Perth - Proposed Survey Strata Subdivision (North Perth Precinct) 444-03	140
10.1.4	ADJOURNED No. 55 (Lot 458) Hobart Street (Corner London Street), North Perth - Proposed Subdivision (North Perth Precinct) 121994	220 229
10.1.5	No. 14 (Lot 204) Auckland Street, North Perth - Proposed Survey Strata Subdivision (North Perth Precinct) 434-03	144
10.1.6	ADJOURNED No. 14 (Lot 204) Auckland Street, North Perth - Proposed Survey Strata Subdivision (North Perth Precinct) 435-03	222 232
10.1.7	No.21 (Lot 254) Ethel Street, North Perth - Variations to Building Licence for Additional Three-Storey Grouped Dwelling (Norfolk Precinct) PRO1668 (00/33/0455)	61
10.1.8	Nos. 162-164 (Lot 10) Scarborough Beach Road (Corner Flinders Street), Mount Hawthorn - Proposed Projecting Sign to Existing Mixed Use Development (Mount Hawthorn Centre Precinct) PRO0786 (00/33/1591)	13
10.1.9	No. 120 (Lot 2) Palmerston Street, Perth - Proposed Carport to Existing Single House (Hyde Park Precinct) PRO2090 (00/33/1553)	92
10.1.10	No. 29 (Lot 8) Vincent Street (Dual Frontage to Harold Street) Mount Lawley – Proposed Single Storey Additions and Alterations to Existing Single House (Hyde Park Precinct) PRO2311 (00/33/1570)	134
10.1.11	No. 4 (Lot 67 and Part Lot 1) Haynes Street, North Perth – Proposed Additional Two, Two-Storey Grouped Dwellings to Existing Single House (North Perth Precinct) PRO2274 (00/33/1516)	148
10.1.12	Nos. 433 - 437 (Lots 15 and 12) William Street and No. 4 (Lots 13 and 14) Brisbane Place, Northbridge - Proposed Three-Storey Lodging House (Beaufort and Hyde Park Precincts) PRO 0495 (00/33/1590)	153
10.1.13	No. 33 (Lot 170) Eton Street, North Perth - Proposed Partial Demolition of and Alterations and Additions to Existing Single House (North Perth Precinct) PRO2314 (00/33/1576)	166

10.1.14	No. 25 (Lot 417) Birrell Street, Mount Hawthorn - Proposed Partial Demolition to, and Alterations and Additions With Loft, Carport, Rear Garage and Front Fence to Existing Single House (Mount Hawthorn Precinct) PRO2325 (00/33/1594)	16
10.1.15	No. 27 (Lot 31) Harley Street, Highgate - Proposed Partial Demolition of and Alterations and Additions Including Freestanding Garage and Studio Structure to Existing Single House (Hyde Park Precinct) PRO2309 (00/33/1567)	86
10.1.16	Nos. 45-45A (Lot 199) Hobart Street (Corner Auckland Street), North Perth - Proposed Retention of Existing Shops and Partial Demolition of and Alterations and Additions, Including Second Storey Additions, to Existing Single House (North Perth Precinct) PRO0041 (00/33/1556)	170
10.1.17	No. 180 (Lot 17) Harold Street, Mount Lawley - Proposed Partial Demolition of, and Alterations and Additions With Loft to Existing Single House (Hyde Park Precinct) PRO2318 (00/33/1582)	174
10.1.18	No. 318 (Lot 102) Fitzgerald Street (Corner Vincent Street), Perth - Proposed Change of Use to Offices and Consulting and Counselling Services (Hyde Park Precinct) PRO0040 (00/33/1583)	54
10.1.19	No. 48 (Lot 195) Auckland Street, North Perth - Proposed Subdivision (North Perth Precinct) 121725	41
10.1.20	Nos. 475- 481 (Lots 113, 114 and Part Lot 115) Beaufort Street, Corner of Chatsworth Road, Highgate – Proposed Roller Door to Existing Shop (Mount Lawley Centre Precinct) PRO0144 (00/33/1563)	51
10.1.21	Amendment No. 16 to the East Perth Redevelopment Scheme (Beaufort Precinct) PRO1490	190
10.1.22	Draft Design Guidelines and Performance Standards for Development – Parry Street Precinct (Precinct 24) (Beaufort Precinct) PRO1490	21
10.1.23	Town of Vincent Submission on the Draft Prostitution Control Bill 2003 (All Precincts) ENS0060	122
10.1.24	Nos. 595 - 599 (Lots 54 and 53) Beaufort Street, Corner Chelmsford Road, Mount Lawley - Proposed Alterations, Additions, and Change of Use to the Existing Development to Create a Three - Four Storey Mixed Use Development , Comprising Seven (7) Shops, One (1) Eating House and Sixteen (16) Multiple Dwellings (Mount Lawley Centre Precinct) PRO0917, PRO0344 (00/33/1538)	65

## 10.2 TECHNICAL SERVICES

10.2.1	Local Government Boundary Anomalies (ADM0057) Oxford Centre P4, Beaufort P13, Banks P15	24
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10.2.2	Amendment of Existing Parking Restriction from a 15 Minute Time Limit to a 2 Hour Time Limit on the East Side of Lake Street Near the Intersection of Bulwer Street (PKG0007) Hyde Park Precinct	28
10.2.3	2003/2004 Metropolitan Regional Road Projects Grant Approval (TES0174) All Precincts	30
10.2.4	2002/2003 & 2003/2004 Bus Shelter Grants Scheme (TES0028) All Precincts	32
10.2.5	Loton Park Tennis Club – Contribution for the Purchase of a Petrol Operated Hedge Trimmer (RES0013) Beaufort Precinct	193

### **10.3 CORPORATE SERVICES**

10.3.1	Financial Statements as at 30 <sup>th</sup> April 2003	37
10.3.2	Fees and Charges for 2003/2004 (FIN0025)	214
10.3.3	North Perth Bowling Club – Funding for Two Synthetic Bowling Greens (RES0010/FIN0074)	196
10.3.4	Expressions of Interest – Lee Hops Cottage (PRO1490)	180

### **10.4 CHIEF EXECUTIVE OFFICER**

10.4.1	Recording of Council Meetings - Purchase of Equipment and Adoption of Policy Relating to Recording of Council Meetings and Access to Recorded Information (ADM0016)	95
10.4.2	Review of Members Fees and Expenses - 2003/2004 and Policy 4.1.16 (ADM0051)	99
10.4.3	Amendment to Town of Vincent Local Law Relating to Parking Facilities - Clause 12(2) - Gazettal (LEG0047)	118
10.4.4	Delegations for the Period 1 January 2003 to 31 March 2003 (ADM0018)	120
10.4.5	Further Report - Planning and Building Policies - Amendment No. 9 Relating to Appendix No. 6 Brookman and Moir Streets Development Guidelines and Appendix No. 12 Design Guidelines for Elven on the Park (Smith's Lake & Hyde Park Precincts) 118874 PLA0128 & PLA0142	183
10.4.6	Information Bulletin	40
10.4.7	ADJOURNED Confidential Report - Renewal of Contacts of Employment for Executive Managers Corporate Services, Environmental & Development Services and Technical Services (Personal)	225 236

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

- |      |  |            |
|------|--|------------|
| 11.1 | ADJOURNED Notice of Motion - Councillor Caroline Cohen - Acquisition of Two Privately Owned Rights-of-Way - Banks Precinct | 226<br>235 |
| 11.2 | Notice of Motion - Councillor Helen Doran-Wu - Community Visioning   | 218        |

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

Nil. 243

**13. URGENT BUSINESS - Adjourned**

Nil 243

**14. CLOSURE - Adjourned**

219  
243

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 27 May 2003, commencing at 6.02pm.

## 1. DECLARATION OF OPENING

The Presiding Member, Acting Mayor Cr Ian Ker declared the meeting open at 6.02pm, advising the meeting that Mayor Catania's father had passed away last night, and Mayor Catania had requested Councillor Ker to Preside.

### Moved Cr Chester, Seconded Cr Torre

*That Acting Mayor Cr Ker, Councillors, Chief Executive Officer and staff of the Town of Vincent express their deepest sympathy to Mayor Nick Catania, JP and family on the sudden loss of his father.*

**CARRIED (8-0)**

(Mayor Catania JP absent from the meeting.)

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

### (a) Apologies:

Nil.

The Chief Executive Officer advised that Mayor Nick Catania JP will be applying for Leave of Absence from 27 May 2003 to 3 June 2003, due to the passing away of his father last night.

### (b) Present:

Cr Ian Ker	Presiding Member, Acting Mayor, South Ward
Cr Simon Chester	North Ward
Cr Caroline Cohen	South Ward
Cr Helen Doran-Wu	North Ward
Cr Steed Farrell	North Ward
Cr Basil Franchina	North Ward
Cr Sally Lake	South Ward
Cr Maddalena Torre	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental & Development Services
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 40 Members of the Public

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

Nil

Mayor Nick Catania, JP on Leave of Absence from 27 May 2003 to 3 June 2003, due to the passing away of his father last night.

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

1. Mr Lane Rietdijic of 48 Auckland Street, North Perth - Item 10.1.19. He referred to the Green Title subdivision of his property. He stated that because the rulings had altered since he purchased the property nine (9) years ago, the Town Officers had advised that under the WA Planning Commission guidelines they needed to refuse the application, however he stated that the WA Planning Commission had advised that the Town does have the capacity to overrule the guidelines and grant a Green Title Subdivision. He also stated there was also an application for Survey Strata subdivision.
2. Roy Liversage of 6 Hammond Street, West Perth, on behalf of Fay Dimitri of 3 Hammond Street, West Perth and the Cleaver Precinct Action Group - Item 10.1.2. He stated that they were perplexed as the proposal was first presented to Council in December 2002 and Town Officers recommended refusal and the Council supported this recommendation, and on this application there had only been slight changes and Town Officers were now recommending approval. He requested Councillors to refuse this development which he believes is overdevelopment.
3. Robin Withers of 93 Forrest Street, North Perth - Item 5.1. She stated that the petition had one hundred and twenty two (122) signatures of ratepayers and residents adversely affected by the traffic situation in Forrest Street, and they were concerned with the volume, speed and noise of vehicles using the street. She also stated that traffic calming measures in surrounding streets had unevenly redistributed the traffic flow into Forrest Street, making the traffic a safety and health concern and she requested Council to consider measures to reduce speed and volume of Forrest Street traffic.
4. Paul Martin of 94 Lincoln Street, Highgate - Item Ordinary Meeting of Council 13 May 2003 - Item 10.1.7. He stated that he had referred two questions and received a written response from Mr Boardman. He asked there had been a delay in advising the outcome of the application and when can the Item be reconsidered?

*Response;*

*Mr Boardman, Executive Manager Environment and Development advised that he had faxed a reply this afternoon to Ms Blair covering these matters, and that the Council should be considering the item again at the Ordinary Meeting of Council to be held on 10 June 2003.*

*In response to a further question from Mr Martin, Acting Mayor Cr Ker explained the procedure followed when an item was 'Laid on the Table', and suggested Mr Martin arrange an onsite meeting with one of the Councillors.*

5. Angelo D'Almarco of 91 Forrest Street, North Perth - Item 5.1. He stated that he was involved in collecting the signatures and obtained signatures from 122 of the 125 to 130 dwellings on Forrest Street, a high percentage. He requested that the community be involved in considering the options and solutions that were put forward by the Town.

6. Jim Ong of 35 Caledonian Avenue, Maylands, representing the shop operator from the corner Beaufort Street and Chatsworth Road - Item 10.1.20. He tabled a petition with 85 signatures in regard to this item. He stated that a roller door had been installed, but not a visually permeable one as required in the Town policy 3.5.15, a policy with which he agreed. He advised that they had received incorrect information in August 2002 when they approached the Town's Customer Service Centre for advice in regard to the installation of a roller door, and were told that there were no special requirements as there were no structural alterations. As a result they installed a roller door that was not visually permeable. He requested that in view of the wrong advice received, the Councillors give consideration and allow the existing visually non permeable roller door to remain.
7. Bill Dunstan of 16 Barberry Court, Dianella with an office at 314 Fitzgerald Street, North Perth - Item 10.1.18. He stated that the proposed development was next door to his offices and he had a concern with car parking for the clients of No. 318 Fitzgerald Street. He considered they would use his office carpark bays as the parking provided in the plans is inadequate, with the clients of No. 318 being asked to park elsewhere, and the closest carpark was at the Italian Club, 400 metres away. He requested Councillors to consider the carparking issue.
8. Kristi Eaton of 21 Ethel Street, North Perth - Item 10.1.7. She stated that she had spoken to Glen Snelling, Town Principal Building Surveyor today on the concerns with the development, regarding underneath storage, the drop from the rear lane, and pillars on the laneway boundary. She requested Councillors support to approve the application.
9. Carol Lewis, Executive Director of Cyrenian House, no address given - Item 10.1.18. She stated that Cyrenian House welcomed the conditions in the Officer Recommendation, and that Cyrenian House had established an excellent reputation as an ideal community agency over a 20 year period and had not received complaints from neighbours. She also stated that substantive objections raised by neighbours will be addressed in the Management Plan, however, in her experience many of the concerns raised will not eventuate, and documents were submitted today to address concerns relating to the car parking. She requested Councillors consideration of the application.
10. Kylie Powell Of 149 Vincent Street, Perth - Item 10.1.18. She read a statement on behalf of Phyllis Donovan, Honourable Secretary to the Corporate Body of the Owners of 149 Vincent Street, Perth. She stated that residents of eight households were experiencing an impossible traffic and parking situation in the accessway as there is a counselling service at the Glendower entrance to the laneway, and another at the other end will worsen the situation. She also stated that the type of people that were clients to this type of service created a risk to the welfare of children and elderly people, as in the past they had entered the grounds. She requested Councillors to refuse the application.
11. Yolanda Nardizzi of 5 Kenny Place, City Beach - Item 10.1.2. She stated there had been consultation with the Town Officers and Executives, and hoped it had Councillors support.

12. John Nardizzi of 5 Kenny Place, City Beach - Item 10.1.2. He stated that he was co-developer with the previous speaker and that there had been positive consultation with the Town Officers to overcome issues of parking, landscaping, bulk and scale, and he looked forward to Councillors support of the application.
13. James Taylor of 6 Chelmsford Road, Mount Lawley Perth - Item 10.1.24. He stated concern with the development being dominating and with the zero setback for the street front and side, with the site adjoining a residential area. He also stated that the area is already congested and would create more traffic problems.
14. Peter Duncan of 12 Harwood Place West Perth – Item 10.1.18. He stated that he is Manager of the Residential Program at Cyrenian House and that he appreciated resident’s fears of drug users, however, he had had a strong involvement with Cyrenian House over 12 years, and in his experience the people who used the service were not generally involved in crime. He extended an invitation to anyone who was interested to see their programs.
15. John Collier from C M P Architects, no address given – Item 10.1.24. He stated that in regard to the setback against the residential lot, he had resubmitted plans to address concerns, and also stated that the setback was erroneously stated as 6 metres in the Officer’s report, and there was an amendment correctly stating the setback as 2.15 metres. He also referred to a lowered roof line and light privacy screen structures in regard to the overlooking issues.
16. Dan O’Donovan of 1 Nanhob Street, Mount Lawley - Item 10.1.15. He tabled three (3) copies of amended plans. He stated the plans had taken into consideration the Town Officer’s recommendations in clauses (i)(a),(b) and (c), and advised that he had concerns in unenclosing the carports because of security, and requested that the carports be enclosed, although he was aware of the open space requirements. He requested Councillors support.
17. Kate Stewart of 7 Chelmsford Road, Mount Lawley – Item 10.1.24. She stated that the development would create additional traffic in an area that is already congested, and where it is already difficult to access Beaufort Street heading south from Chelmsford Road. She requested Councillors to consider and address the traffic issues.
18. Kim Cousins of 21 Ethel Street, North Perth – Item 10.1.7. He stated that amended plans had been submitted for this development, and he referred to changes of 86mm in height, one deleted window, two additional doors inside and a fireplace at the rear boundary. He requested Councillors to support the amended plans.
19. Dudley Maier of 21 Chatsworth Street Highgate - Leederville and Perth Oval, Items 10.4.2, 11.1 and 10.1.24. He asked the following questions.  
  
Leederville and Perth Oval  
He stated that the "percentage for art" policy will result in approximately \$65,000 for art at Leederville Oval and \$100,000 for art at Perth Oval.  
Q1. Will the selection of artists be done in an open manner and be open to local artists?

Q2. When will the community be given the opportunity to comment on the detailed plan for public open space – local park at Perth Oval?

Item 10.4.2 – Mayoral Car

Q3. Should the Council be considering a smaller car that uses less fuel?

Item 11.1 - Rights of Way

Stated he considered a there was a problem with the process, with the Town maintaining their Right of Ways but not those privately owned.

Q4. Could the priority be based on the condition of the Right of Way and not ownership?

Item 10.1.24

Referred to an earlier comment from an architect on a mistake in an Officer's Report on setbacks.

Q5. How did the error get to the Council, with all the checks in place?

### Responses

#### *Perth and Leederville Oval*

*Q1. Art - Chief Executive Officer stated that for Perth Oval the amount was approximately \$92,000, and the Town will be engaging a number of artists. Under the Aboriginal Heritage Act, the aboriginal community will be consulted, and the Town Officers and architect have already considered some types of art that could be incorporated. Yes, will be done in an open manner and be open for all artists.*

*Q2. Public Open Space - Chief Executive Officer, Mr John Giorgi stated the current earthworks were the sewer main diversion and the Town's Technical Services had prepared landscape plans which will be coming to Council as soon as legal documentation is finalised. The CEO will be recommending the Council to adopt the plan in principal and then the community will be consulted on the finer details.*

#### *Item 10.4.2 - Mayor's vehicle*

*Q3. Mr Lotznicher, Executive Manager Technical Services stated consumption for a Fairlane was 15 litres /100 city driving and 8 litres/100 country. Acting Mayor Cr Ker stated this would be debated by Council under the item.*

#### *Item 11.1 - Rights of Way*

*Q4. Mr Lotznicher, Executive Manager Technical Services stated that the Council had previously adopted a long term program, formulated on a rating system, regarding Town owned Rights of Way and this was the program that was being undertaken. The program was also currently being reviewed as the Town had recently acquired a number of privately owned Rights of Way. The Town has a duty of care in regard to Town owned Rights of Way.*

#### *Item 10.1.24*

*Q5. Acting Mayor Cr Ker stated that this would be dealt with in debate under the Item.*

20. Keith Wong of 120 Palmerston Street, Perth - Item 10.1.9. He tabled amended drawings of the 1.5 metre setback truncation. He thanked the Council.

There being no further questions from the public, the Presiding Member closed Public Question Time at 6.55pm.

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

Nil.

**4. APPLICATIONS FOR LEAVE OF ABSENCE**

The Chief Executive Officer advised that Mayor Nick Catania JP had requested Leave of Absence from 27 May 2003 to 3 June 2003, due to the passing away of his father last night.

**Moved Cr Torre, Seconded Cr Farrell**

*That Council approve Mayor Nick Catania JP's request for leave of absence for the period from 27 May 2003 to 3 June 2003.*

**CARRIED (8-0)**

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

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

- 5.1 Ms V Lockhart of 47 Alma Road, Mount Lawley, on behalf of 36 petitioners, requesting removal of Box Trees from Alma Road, Mount Lawley.

**Moved Cr Chester , Seconded Cr Lake**

*That the petition be received and referred to the Executive Manager Technical Services for investigation and report.*

**CARRIED (8-0)**

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

- 5.2 Ms Robyn Willis of Forrest Street, North Perth, on behalf of residents and ratepayers of Forrest Street, along with 121 signatories - registering concern about the volume, speed and accompanying noise of vehicular traffic using Forrest Street and urging Council to introduce substantial traffic calming measures in order to significantly reduce the traffic flow in Forrest Street.

**Moved Cr Torre, Seconded Cr Cohen**

*That the petition be received and referred to the Executive Manager Technical Services for investigation and report.*

**CARRIED (8-0)**

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

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

**6.1 Ordinary Meeting of Council held on 13 May 2003.**

**Moved Cr Torre, Seconded Cr Cohen**

*That the Minutes of the Ordinary Meeting of Council held on 13 May 2003 be confirmed as a true and correct record.*

**CARRIED (8-0)**

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

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

**7.1 Acting Mayor**

Acting Mayor Cr Ker advised that as Mayor Catania is on approved leave of absence for the period 27 May to 3 June 2003 due to the bereavement in his family, he has requested that he perform the duties of acting mayor in his absence.

**7.2 Special Council Meeting**

Acting Mayor Cr Ker advised that a Special Meeting of the Council will be held at 6pm on Wednesday 28 May 2003 to consider the 2003/04 Budget.

He noted that this is the Council's second year that it has discussed its draft budget in an open meeting and invited everyone to attend.

**7.3 10.1.23 Prostitution Control Bill**

Acting Mayor Cr Ker advised that the Officer's Report for the Prostitution Control Bill has now been included into the Agenda and drew everyone's attention to this report.

**7.4 Community Security Programme - Grants Funding**

Acting Mayor Cr Ker drew the Council's attention to Information Bulletin Number IB047, whereby the Premier has advised of the Town's successful applications for two seminars, namely Ethnic Communities \$3,920 and Safe Steps \$4,000, and advised that these two programmes fall under the umbrella of the Town's Safer Vincent Programmes and commended the Town's Officers for making such submissions.

He advised that The Safe Steps is an interactive program in partnership with the Western Suburbs School based Police Officer, Highgate Primary and Mt Hawthorn Primary Schools and the Town, and that a series of Safety and Protective Behaviours Sessions will be conducted with children from the schools previously mentioned, in Years 4 and 5.

From these sessions and discussions with the children about safety and security, messages will be developed in "kids speak" which will be painted onto large decorative and tiles which will then be installed in the footpath from the school gate to the nearest park as it is considered vital that we make safety and security messages relevant, interesting, and ongoing for our children

Acting Mayor Cr Ker stated that the Ethnic Communities Seminar is the provision of seminars for some of our diverse Ethnic groups, and in this instance the African Muslim and Vietnamese communities would be targetted. This is an awareness campaign to help include a greater number of our community in participating and enjoying the Town safely and with some confidence.

The seminar paperwork will be translated into their own language and there will be an interpreter for ease of communication during the presentation. Once again this will be in partnership with the WA Police Service.

#### **7.5 Leederville Oval Redevelopment**

Acting Mayor Cr Ker advised that the redevelopment of Leederville Oval is progressing on target and congratulated East Perth Football Club on their successful relocation of their Administration and Clubrooms to Leederville Oval on 26 May 2003, after almost a century on Perth Oval.

#### **7.6 National Soccer League Grand Final**

Acting Mayor Cr Ker, on behalf of the Council, wished Perth Glory Soccer Club every success in the Grand Final this Sunday.

### **8. DECLARATION OF INTERESTS**

- 8.1 Executive Manager Environmental and Development Services, Rob Boardman, Executive Manager Corporate Services, Mike Rootsey and Executive Manager Technical Services, Rick Lotznicher, declared a financial interest in Item 10.4.7 - Renewal of Contracts of Employment for Executive Managers Corporate Services, Environmental and Development Services and Technical Services. Their interest being that this item relates to their Contract of Employment.

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

- 9.1 Councillor Simon Chester - Relating to Len Fletcher Pavilion
- Q1. What is the financial benefit, provided by a licensed property valuer, to the sale price of the land at "Elven on the Park", taking into consideration the Council's decision of the Ordinary Meeting of Council held on 21 November 2000 to demolish the Len Fletcher Pavilion?

*CEO's Response*

*Verbal information received from a licensed valuer indicates that the value of each block could be reduced by approx \$15,000 - \$20,000 each if the building is not demolished. This written information has not been received. Due to the short notice of the questions there has been insufficient time to obtain these details from a licensed valuer.*

- Q2. What is the replacement cost of Len Fletcher Pavilion?

*CEO's Response*

*The replacement cost is approximately \$1,200,000. This is based on a building dimension of 1,296m<sup>2</sup> (36m x 36m) including a gymnasium of 648m<sup>2</sup> (33m x 18m), using the Rawlinsons Construction Handbook, which specifies an indicative cost of \$950 per metre.*

- Q3. What is the value of the building to the community?

*CEO's Response*

*The word "value" can be taken as either "monetary" or "non-monetary".*

*The monetary value is taken to be the replacement cost, as stated in Question 2.*

*The non-monetary value refers to the potential use and amenity provided by the building.*

*This building is currently leased by Gymnastics WA and is used for children's gymnastics. The value to the community lies in the fact that a building is available for this sport, otherwise another building would need to be found. A number of Vincent's children attend this building. It should be noted that the Council has approved of the construction of a State Indoor Centre on the Loftus Land, in partnership with the State Government of Western Australia. Gymnastics WA have expressed, along with a number of other indoor sports, a strong interest to relocate to this proposed centre. The value of this building after it is vacated would therefore depend on its future use. However, it should be noted that at the Ordinary Meeting of Council held on 21 November 2000, the Council resolved inter alia "for the demolition of the Pavilion to be carried out after July 2002". No further work has since been carried out by the Town's administration in relation to this matter.*

*If the Council is to reconsider its decision to demolish the building, it is recommended this be carried out prior to the land sale being held, in order that potential land purchasers are aware of the Council's long term position.*

- Q4. What amount of money has been spent on the facility over the past 15 years?

*CEO's Response*

*The Town has records dating back to the creation of the Town on 1 July 1994. These reveal that \$20,836 has been spent on building maintenance over that period. The Town's administration has been cognisant of the Council's decision to demolish the building and therefore only essential maintenance has been carried out. Information prior to the creation of the Town is unavailable.*

- Q5. What amount of money needs to be spent on the facility to make it serviceable and cover council's responsibilities?

*CEO's Response*

*Len Fletcher Pavilion was constructed in 1968 and is therefore 35 years old. The following remedial work has been identified, based on a report commissioned by the Town from a building consultant (Ian Lush and Associates) in 1996, and a further assessment by the Town's Property Maintenance Officer in 2000. These figures are at 2003 value:*

<i>Underpinning of building footings</i>	<i>\$275,000</i>
<i>Removal and replacement of asbestos roof</i>	<i>\$50,000</i>
<i>Replacement of Stammer ceiling</i>	<i>\$30,000</i>
<i>External repairs and renovations</i>	<i>\$25,000</i>
<i>Miscellaneous internal repairs/maintenance</i>	<i>\$25,000</i>
<i>External Painting</i>	<i><u>\$45,000</u></i>
<b><i>Total</i></b>	<b><i>\$450,000.00</i></b>

*The estimated demolition cost would be in the vicinity of \$60,000.00.*

## 10. REPORTS

Presiding Member, Cr Ian Ker, 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 10.1.19, 10.1.2, 10.1.20, 10.1.18, 10.1.7, 10.1.24, 10.1.15 and 10.1.9.

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

Items 10.4.1, 10.4.2, 10.4.3 and 10.4.4.

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:**

Cr Ker	10.1.23 and 10.1.10.
Cr Lake	10.1.3, 10.1.5, 10.1.11, 10.1.12, 10.1.13, 10.1.16, 10.1.17, 10.3.4 and 10.4.5.
Cr Chester	10.1.21, 10.2.5, 10.3.3, 10.1.1, 10.3.2, 10.1.4, 10.1.6 and 10.4.7.
Cr Torre	Nil.
Cr Doran-Wu	Nil.
Cr Farrell	Nil.
Cr Cohen	Nil.
Cr Franchina	Nil.

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:**

Item 10.4.7.

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

Items 10.1.8, 10.1.14, 10.1.22, 10.2.1, 10.2.2, 10.2.3, 10.2.4, 10.3.1 and 10.4.6.

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

Item 10.4.7.

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 10.1.8, 10.1.14, 10.1.22, 10.2.1, 10.2.2, 10.2.3, 10.2.4, 10.3.1 and 10.4.6.

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

Items 10.1.19, 10.1.2, 10.1.20, 10.1.18, 10.1.7, 10.1.24, 10.1.15 and 10.1.9.

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

Items 10.4.1, 10.4.2, 10.4.3 and 10.4.4.

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

Items 10.1.23, 10.1.10, 10.1.3, 10.1.5, 10.1.11, 10.1.12, 10.1.13, 10.1.16, 10.1.17, 10.3.4, 10.4.5, 10.1.21, 10.2.5, 10.3.3, 10.1.1, 10.3.2, 10.1.4, 10.1.6 and 10.4.7.

(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;**

Item 10.4.7.

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

Item 10.4.7.

**Moved Cr Lake, Seconded Cr Chester**

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

*Items 10.1.8, 10.1.14, 10.1.22, 10.2.1, 10.2.2, 10.2.3, 10.2.4, 10.3.1 and 10.4.6.*

**CARRIED (8-0)**

(Mayor Catania JP on approved leave of absence.)

**10.1.8 Nos. 162-164 (Lot 10) Scarborough Beach Road (Corner Flinders Street), Mount Hawthorn - Proposed Projecting Sign to Existing Mixed Use Development**

<b>Ward:</b>	North	<b>Date:</b>	16 May 2003
<b>Precinct:</b>	Mount Hawthorn Centre, P2	<b>File Ref:</b>	PRO0786; 00/33/1591
<b>Reporting Officer(s):</b>	S Crawford		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by S and T Coniglio on behalf of the owners Clarestone Holdings Pty Ltd ATF for the proposed projecting sign to existing mixed use development at Nos. 162-164 (Lot 10) Scarborough Beach Road, Mount Hawthorn, as shown on plans stamp-dated 11 April 2003, subject to:*

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements, including relevant Australian Standards and noise regulations;*
- (ii) the signage shall not have flashing or intermittent lighting;*
- (iii) the proposed projecting sign located under the awning on the Scarborough Beach Road frontage shall comply with the following;*
  - (a) to be a maximum of 50 kilograms in weight;*
  - (b) to be installed at right angles to Scarborough Beach Road; and*
  - (c) not to project beyond the outer frame or surround of the awning; and*
- (iv) all signage shall be subject to a separate Sign Licence application being submitted and approved prior to the erection of the signage;*

*to the satisfaction of the Chief Executive Officer.*

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**COUNCIL DECISION ITEM 10.1.8**

**Moved Cr Lake, Seconded Cr Chester**

*That the recommendation be adopted.*

**CARRIED (8-0)**

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

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**LANDOWNER:** Clarestone Holdings Pty Ltd ATF  
**APPLICANT:** S and T Coniglio  
**ZONING:** Metropolitan Region Scheme: Urban  
Town Planning Scheme No.1: District Centre

**EXISTING LAND USE:** Subject Tenancy - Shop

**COMPLIANCE:**

Use Class	Shop
Use Classification	"P"
Lot Area	1157 square metres

Requirement	Required	Proposed
Signage - General Requirement	Minimum 2.75 metres clearance from the finished ground level	2.45 metres
	Sign not to exceed 0.5 metre in height	0.6 metre
Projecting Sign Requirement	To be placed such that the centre of its base longitudinally is equidistant from the outer edge of the verandah and the vertical plane of the shop from directly opposite the end of such sign	Attached to the wall of the building and therefore not equidistant

**SITE HISTORY:**

- 25 May 1998: Council conditionally approved the site as a mixed use development at its Ordinary Council Meeting.
- 23 January 2001: The Town under delegated authority conditionally approved the demolition of the existing house and construction of a three storey mixed use development comprising six (6) shops, two (2) offices, nine (9) single bedroom grouped dwellings and one (1) grouped dwelling.
- 15 March 2001: The Council at its Ordinary Meeting conditionally approved a similar application for the demolition of the existing house and construction of a three storey mixed use development comprising six (6) shops, two (2) offices, nine (9) single bedroom grouped dwellings and one (1) grouped dwelling.

**DETAILS:**

The applicant seeks approval for a projecting sign, which consists of one double sided internally illuminated sign attached to the fascia above the shopfront of the building and located under the awning. The sign will display the retail premise's name and logo.

**CONSULTATION/ADVERTISING:**

The proposal was advertised and no objections were received.

**COMMENTS:**

**All Signs – General Requirements**

The provisions of the Town's Policy relating to signage requires that all signs have a minimum clearance of 2.75 metres from the finish ground level. In this instance, the applicant proposes a clearance of 2.45 metres. The applicant has achieved the greatest clearance possible, while maintaining a functional and purposeful sign for the business.

The sign is only 0.6 metre in height, and the proposed clearance is restricted by the location of the existing awnings. As such, it is considered that a greater clearance cannot be reasonably achieved on this site. In addition, the proposed clearance of 2.45 metres is considered to pose no undue harm to the footpath users in this location. Therefore, on this basis the reduced clearance can be supported.

**Projecting Sign Requirements**

The Town's Policy relating to signage promotes that projecting signs should be positioned so that the centre of the sign's base longitudinally is equidistant from the outer edge of the verandah and the vertical plans of the shop from directly opposite the end of such sign. The applicant proposes to attach the sign to the wall of the building above the shopfront. Because the sign is not proposed to be attached to the underside of the awning, it is therefore not in the equidistant position.

As the sign is only 0.6 metre in height and 1.0 metre in length, the visual impact of the sign is considered minimal on the surrounding streetscape. As such, the fact that the sign is not positioned completely symmetrically to the shop and awning is also not considered to have any undue visual impact. For these reasons, it is considered that this variation to the Policy is acceptable.

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 and appropriate conditions to address the above matters.

**10.1.14 No. 25 (Lot 417) Birrell Street, Mount Hawthorn - Proposed Partial Demolition to, and Alterations and Additions With Loft, Carport, Rear Garage and Front Fence to Existing Single House**

<b>Ward:</b>	North	<b>Date:</b>	19 May 2003
<b>Precinct:</b>	Mount Hawthorn, P1	<b>File Ref:</b>	PRO 2325; 00/33/1594
<b>Reporting Officer(s):</b>	S Crawford		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by P Cave on behalf of the owners P and R Cave for proposed partial demolition to, and alterations and additions with loft, carport, rear garage and front fence to existing single house at No. 25 (Lot 417) Birrell Street, Mount Hawthorn, and as shown on plans stamped 14 April 2003, subject to:*

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building Licence application;*
- (iii) all car-parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications and dimensions specified in the Town's Policy relating to Parking And Access and Australian Standards AS2890.1 – "Off Street Parking";*
- (iv) a visual truncation of 1.5 metres by 1.5 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) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following :*
- (a) *the proposed single carport having a minimum width of 3.0 metres; and*
- (b) *two (2) car parking spaces being provided onsite;*
- The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (xi) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Birrell Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the new front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (xii) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the southern elevation of the upper level balcony shall be screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished upper floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed;*
- (xiii) *subject to first obtaining the consent of the owners of No. 5 Birrell 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. 5 Birrell Street in a good and clean condition;*

*to the satisfaction of the Chief Executive Officer.*

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**COUNCIL DECISION ITEM 10.1.14**

**Moved Cr Lake, Seconded Cr Chester**

*That the recommendation be adopted.*

**CARRIED (8-0)**

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

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<b>LANDOWNER:</b>	P and R Cave
<b>APPLICANT:</b>	P Cave
<b>ZONING:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R30
<b>EXISTING LAND USE:</b>	Single House

**COMPLIANCE:**

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

<b>Requirement</b>	<b>Required</b>	<b>Proposed</b>
<b>Setbacks</b>		
<b>Front Carport</b>		
Front setback	4.0 metres	Nil
Northern side setback	1.0 metre	Nil
<b>Rear Garage</b>		
Rear setback	1.0 metre	Nil
Northern side setback	1.5 metres	1.0 metre
<b>Main Dwelling</b>		
Southern side setback - ground level	1.5 metres or consideration of allowing a 'seamless extension' as contained within the Town's Local Character Policy.	1.0 metre
<b>Cone of Vision</b>		
Guest room - northern dormer window	4.5 metres	2.3 metres
Guest room balcony - northern elevation	7.5 metres	3.2 metres
Guest room balcony - southern elevation	7.5 metres	4.2 metres
<b>Heights</b>		
Rear garage wall height	3.0 metres	3.1 metres
Dwelling wall height	3.0 metres or consideration of allowing a 'seamless extension' as contained within the Town's Local Character Policy.	3.4 metres
Dwelling roof height	6.0 metres	6.3 metres

**SITE HISTORY:**

The site currently supports a single storey single house.

**DETAILS:**

The applicant seeks retention of the existing residence and proposed partial demolition of and alterations and additions with loft, carport and front fence to existing single house.

**CONSULTATION/ADVERTISING:**

The proposal was advertised and no submissions were received.

**COMMENTS:**

**Partial Demolition**

The place is not listed on the Town's Municipal Heritage Inventory.

**Setbacks**

**Carport**

The Residential Design Codes (R Codes) generally require a 4.0 metres front setback, however when considering carports such structures can be located within the front setback area, provided that the width of the carport does not exceed 50 per cent of the frontage at the building line, and the construction allows for unobstructed views of the dwelling.

The applicant seeks a nil front setback in accordance with the above provision. The design of the carport incorporates a parapet wall to the northern boundary, however is open on two sides as per the provisions. Furthermore, the carport permits unobstructed views to the dwelling. On this basis the carport within the front setback is acceptable.

The R Codes generally require a 1.0 metre side setback for the carport, and the applicant proposes a nil setback in the form of a parapet wall. The parapet wall is located forward of the building line within the front setback area, and is for a length of 7.4 metres. Generally, this nature of parapet wall would not be supported in the front setback area, however the adjacent site is a large industrial complex, and as such, the visual impact of the parapet wall to the neighbouring landuse and within the context of the streetscape is considered to cause minimal harm, and therefore can be supported.

In areas Coded R30 and higher a parapet wall is permitted to one side boundary for walls that are no higher than 3.5 metres with an average height of 3.0 metres. The subject wall complies with these requirements, however is located forward of the building line. A variation to permit the parapet wall within the front setback area is not considered to have a detrimental impact on the streetscape of the area, and therefore is acceptable development.

**Garage**

The applicant seeks a garage to the rear of the residence, which would require a 1.0 metre setback to the rear boundary under the provisions of the R Codes. The applicant seeks to reduce this setback to nil. There is no right of way to the rear of property, and the lot backs onto a car park associated with the industrial site located within the City of Stirling, as such the reduced setback is considered to have minimal impact.

The northern side setback of the garage would also require a 1.5 metres setback from the boundary, whereas the applicant seeks a 1.0 metre setback. As this structure will not impose any undue overshadowing on the neighbour, the reduced setback is considered appropriate.

**Main Dwelling**

The southern side ground level setback required under the R Codes is 1.5 metres, whereas the applicant seeks a 1.0 metre setback. The reduced setback is proposed in order to allow the extension's alignment to be consistent with the existing setback of the dwelling.

The Town's Policy relating to Local Character actually promotes extensions to follow the existing setback alignment in order that extensions appear seamless in relation to the existing dwelling. Taking into account the limited overshadowing caused by the structure to the southern neighbour and the principle of a seamless extension, the reduced setback is considered supportable.

#### **Cone of Vision**

A number of privacy concerns result from the proposal. With respect to the upper level northern facing dormer window, a 4.5 metres setback requirement to boundaries applies under the R Codes, whereas the applicant proposes a 2.3 metres setback.

Similarly, the upper level loft also proposes a balcony structure adjoining the proposed guest room. Any balcony is required to be setback 7.5 metres from boundaries, whereas this balcony only achieves a 3.2 metres and 4.2 metres setback to the northern and southern boundaries respectively.

Due to the fact that the northern and western boundaries face onto an industrial development, it is considered unnecessary to require screening of these elevations. However, screening should be imposed to the southern elevation of the balcony to protect the privacy of the neighbouring residential property.

#### **Heights**

The R Codes permit single storey construction to have a wall height of 3.0 metres, whereas the applicant seeks a height of 3.1 metres for the rear garage structure. The marginal increase in height is considered to cause no undue harm to neighbours and is therefore supported.

With respect to the dwelling, the applicant seeks a wall height of 3.4 metres, which allows for the extension at ground level to be seamless to the existing form of the dwelling. This approach to extensions is supported as contained within the Town's Policy relating to Local Character.

Similarly, the existing dwelling has an existing increased roof height also. The R Codes permits a 6.0 metres height, whereas the applicant seeks a 6.3 metres high roof. Again this marginal increase, which is continued for the extensions, causes no undue harm to the affected neighbours with respect to amenity or overshadowing, and is therefore supported.

It is considered that the proposal will generally 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.

**10.1.22 Draft Design Guidelines and Performance Standards for Development  
– Parry Street Precinct (Precinct 24)**

<b>Ward:</b>	South	<b>Date:</b>	19 May 2003
<b>Precinct:</b>	Beaufort, P13	<b>File Ref:</b>	PRO1490
<b>Reporting Officer(s):</b>	B Mirco		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *receives the letter dated 17 April 2003 and associated documentation Draft Design Guidelines and Performance Standards for Development - Parry Street Precinct (Precinct 24), from the East Perth Redevelopment Authority (EPRA), as 'Laid on the Table'; and*
- (ii) *advises the East Perth Redevelopment Authority (EPRA) that the Council supports in principle the Draft Design Guidelines and Performance Standards for Development – Parry Street (Precinct 24).*

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**COUNCIL DECISION ITEM 10.1.22**

**Moved Cr Lake, Seconded Cr Chester**

*That the recommendation be adopted.*

**CARRIED (8-0)**

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

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**BACKGROUND:**

At its meeting held on 17 March 2003, the East Perth Redevelopment Authority Board resolved to grant consent for the above Draft Design Guidelines to be advertised for public comment.

**DETAILS:**

The Town has received a letter dated 17 April 2003 and associated documentation advising the Town of the Draft Design Guidelines and Performance Standards for Development - Parry Street Precinct (Precinct 24) and requesting the Town's comments.

The associated documentation is "Laid on the Table" and can be summarised as follows:

*“The guidelines are divided into seven sections.*

*Section One - Introduction*

*This section provides an overview of the Guidelines and the relationship to the East Perth Redevelopment Scheme Text and Planning Policies. This section also provides an overall map of the Precinct and a summary table, which identifies the development standards, requirements and other considerations that apply specifically to all lots.*

*Section Two - Site Planning*

*The section provides initial site planning design parameters that need to be addressed when formulating development proposals. Other site planning issues are also contained in this section including solar access and energy efficiency, open space, balconies and awnings, landscaping and sound attenuation.*

*Section Three - Building Design*

*Section three relates to the physical form of the development. Performance standards including building appearance and streetscape, setbacks, height, roof form and materials are addressed.*

*Section Four - Car Parking and Access*

*Movement issues such as vehicular and pedestrian access are covered in Section four.*

*Section Five - Heritage Listed Properties*

*This section identifies properties within the Precinct that are of heritage significance. Approval process and performance standards specific to heritage listed properties are identified in this section.*

*Section Six - Lot Specific Guidelines*

*Table 1 identifies lots within the precinct that require specific design guidelines to be considered. Specific performance standards relating to these lots are dealt with in Section six.*

*Section Seven - Other Considerations*

*Other design aspects to be considered are contained in Section 7. These include heritage buildings, Northbridge Tunnel requirements, encroachments into Crown Land."*

The Objectives of this Precinct include:

- *"To allow a mixture of compatible land uses in appropriate circumstances, such as residential, retail and commercial;*
- *To promote mixed use planning by locating facilities such as housing, place of employment and shops in close proximity to each other;*
- *To create a precinct which recognises the capacity to accommodate a variety of compatible land uses while retaining their unique character and identity referred to in Section 1.3 above;*
- *To impose specific land use controls which manage the impacts of non-residential development;*
- *To minimise any adverse effect on residential amenity by devising appropriate design assessment criteria and applying specific impact mitigation requirements;*
- *To increase the significance of heritage buildings by encouraging a contemporary response from infill development; and*
- *To encourage built form to promote security and safety within the Precinct through the activation of streets, underwidth roads and laneways. "*

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2000-2002 – Key Result Areas: 1.1 *"Implement Town Planning Scheme No 1 and associated policies and guidelines"*.

Draft Strategic Plan 2002-2007 – Key Results Area: 1.2 *"Manage heritage to provide a sense of place, identity and character for the area"*; and Key Results Area: 1.3 *"Develop, implement and promote sustainable urban design"*.

**COMMENTS:**

These guidelines apply to the Parry Street Precinct (Precinct 24) being bounded by Stirling Street to the west, Parry Street to the north, Lord Street to the east and Newcastle Street to the south.

The Draft Design Guidelines are generally considered appropriate in terms of the existing and intended planned development within the Town, and the Town's Town Planning Scheme No. 1 and associated Policies.

With particular reference to the protection of heritage listed properties within the Parry Street Precinct, the Town considers these appropriate. There is currently only one property on the northern side of Parry Street, which is included on the Town's own Municipal Heritage Inventory, being the dwelling at No.116 Parry Street. It is considered that the relevant details for heritage listed properties on the southern side of Parry Street, contained in the Design Guidelines and Performance Standards for Development - Parry Street Precinct (Precinct 24), will assist in an overall measure of protection of the broader heritage assets in the area within and surrounding the Precinct.

In light of the above, it is recommended that the Council advise the East Perth Redevelopment Authority that the Town supports in principle the Draft Design Guidelines and Performance Standards for Development - Parry Street Precinct (Precinct 24).

**10.2.1 Local Government Boundary Anomalies**

<b>Ward:</b>	Both	<b>Date:</b>	20 May 2003
<b>Precinct:</b>	Oxford Centre P4, Beaufort P13, Banks P15, Mount Hawthorn Precinct P1	<b>File Ref:</b>	ADM0057
<b>Reporting Officer(s):</b>	R Lotznicher		
<b>Checked/Endorsed by:</b>	-		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *receives the report on the Local Government Boundary Anomalies;*
- (ii) *APPROVES IN PRINCIPLE the proposal to rectify the anomalies to the Town's boundaries with the City of Perth along Summer Street, Lord Street and Loftus Street and with the City of Stirling along Green Street;*
- (iii) *NOTES the proposed relocation of a boundary from one side of a boundary road to the centre line of that road would not involve the movement of any rateable properties or electors;*
- (iv) *authorises the Chief Executive Officer to:*
  - (a) *liaise with the City of Perth with regards to effecting a minor District Boundary Change by realigning the boundary on Lord and Summers Street from the respective lot boundaries to the Centre of the road as shown on attached Plans No. 2164-CP.1 and 2164-CP.2;*
  - (b) *liaise with the City of Stirling with regards to effecting a minor District Boundary Change by realigning the boundary on Green Street from the respective lot boundary to the Centre of the road as shown on attached Plan No. 2164-CP.3;*
  - (c) *prepare a draft agreement with both the City of Perth and the City of Stirling for the maintenance of boundary roads in accordance with section 3.53 of the Local Government Act 1995, on the basis of maintaining the status quo;*
- (iv) *receives a further report regarding realigning the Town of Vincent boundary along Loftus Street and the draft maintenance agreements as stated in clause (iii)(b) above.*

**COUNCIL DECISION ITEM 10.2.1**

**Moved Cr Lake, Seconded Cr Chester**

*That the recommendation be adopted.*

**CARRIED (8-0)**

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

**BACKGROUND:**

Schedule 3 part A of the City of Perth Restructuring Act 1993 describes the boundaries of the Town of Vincent. The boundaries determine the Town's responsibilities and authority on a wide range of matters including the levying of rates, the electoral role, local laws, planning approvals and infrastructure maintenance.

In discussions with officers of the City of Perth it has recently come to the attention of the Town's officers that there are a number of anomalies in the Town's boundaries with the City of Perth. These result from changes that have occurred since the boundaries were established, and as a result of the original boundary not being clearly understood by all parties.

This report outlines the present situation, its implications, possible solutions and recommends that minor boundary changes be progressed to resolve the anomalies. The proposed boundary changes are only in respect to their alignment in the road reserve and do not affect properties within the Town.

The major implications are in relation to the maintenance of the roads and road verges, and the enforcement of parking local laws. Other considerations are public liability, and issues relating to control of the areas.

**DETAILS:**

On 15 April 2003 the Executive Manager Technical Services met with representatives from the City of Perth and a Senior Advisor from the Department of Local Government and Regional Development to discuss the boundary anomalies.

Following the meeting the Department of Local Government and Regional Development advised that:

*the simplest and quickest way to effect minor district boundary changes between Local Governments is for a joint request to be forwarded to the Local Government Advisory Board by the relevant Local Governments.*

*...the relocation of a boundary from one side of a "boundary road" to the centre line of that road does not involve the movement of any rateable property or electors and is considered to be desirable in regard to the enforcement of parking local laws.*

**Thomas Street/ Loftus Street Boundary**

This boundary is described as being located along the original centreline of Loftus Street.

As a result of the recent road duplication works the existing boundary no longer runs along the centre of the road and this needs to be formalised to clarify and agree upon maintenance responsibilities etc..

**Summers Street/Lord Street Boundary**

The original boundary travelled along the north eastern side of Lord Street and the northern side of Summers Street however a correction to the boundary was gazetted on 9 December 1994 to change the boundary to the north western side of Lord Street.

Investigation by the Department of Local Government and Regional Development has not been able to determine the reason for this change however it appears that it was to correct a error in the original description.

The Local Government boundaries are unusual in that they are located along the "side" of both roads and not on along the centre line. The "side" of the road is defined as the edge of the boundary between the road reserve and the property adjacent to it.

The anomaly arises from the fact that both the Town and the City of Perth had taken the boundary to be in the centre of the road and to this end the Town previously upgraded path on the west side of Lord Street. The Town also contributed to the Summer Street works and the road rehabilitation works on Lord Street. The Town also currently enforces parking restrictions in Summer and Lord Street.

#### **Implications of the Boundary Anomalies**

As no properties are involved there are NO implications in relation to the rateable properties or residents, and therefore electors, within the boundaries of the respective affected Local Governments.

The major implications are in relation to the maintenance of the roads and road verges, and the enforcement of parking local laws. Other considerations are public liability, and issues relating to control of the areas.

#### **Possible Solution**

A written agreement can be put in place to deal with most issues relating to the maintenance of the road on the Town's boundary. However, the enforcement of local laws, particularly parking, is a major problem.

There are provisions within the Local Government Act 1995 that may be used to provide the Town of Vincent with authority to administer local laws, particularly Section 3.5 *Places outside the district* and 3.19 *Places to be regarded as within the district* however, the process is difficult and may result in legal complications in the future.

A logical solution is to revise the boundaries. The Department of Local Government and Regional Development has advised that this can be achieved through a minor district boundary change as it does not result in any properties moving from one area to another.

#### **Possible Solution for Lord and Summers Streets**

In relation to Summer and Lord Streets, in discussion with City of Perth officers, it was acknowledged that the ratepayers fronting the road would expect the Town to maintain their footpaths and have responsibility for the areas in question.

Realigning the LG boundary to the centre of the road would overcome issues concerning the application of local laws and simplify drawing up a maintenance agreement.

#### **Possible Solution for Thomas and Loftus Streets**

The City of Perth is currently also discussing this matter with and the Towns of Subiaco and Cambridge in relation to Thomas and Loftus Streets. Deciding the location of the boundary is more complex than with Lord and Summers Streets due to the complicated road network, particularly around the Freeway overpass. *(The land on the west side of Thomas Street between Hay Street and Kings Park Road is being resumed under the Metropolitan Regional Scheme to allow for future road widening).*

It is therefore necessary to determine where the boundary should be realigned to, and the wording of the technical description. It is also necessary to determine the respective responsibilities for maintenance by the Local Governments involved.

#### **Green Street**

The Green Street Local Government boundary is located on the southern property line boundary. The Town currently maintains the road verge, footpath and jointly maintains the road with the City of Stirling, although no formal agreement is in place.

The allocation of responsibility for the care and control of boundary roads is governed by the Local Government Act (1995), section 3.53, which states that the control and management of a reserve partially within two or more Local Governments shall be as agreed by the Local Governments. If agreement is not achieved, the issue is to be referred to the Minister for resolution.

In the past, the understanding between Local Governments on the division of operational and capital responsibilities for works on these roads has been largely verbal with limited documentation.

The allocation of boundary roads, responsibility for asset management and grant funding purposes, has been clearly defined through the road inventory in ROMAN, however, this division is not necessarily the most practical arrangement for operational activities.

**Process to Effect a Minor District Boundary Change**

The process for a minor district boundary change is:

- The affected Local Governments request the Local Government Advisory Board to alter the boundary.
- The Board determine if the change is of a minor nature and not one that requires public submissions.
- The Board contacts the affected Local Governments and land owners to request their views. As it is intended to make joint submissions with the affected Local Governments and no land owners are significantly affected, this should be a simple process.
- The Board reports and makes a recommendation to the Minister for Local Government and Regional Development who accepts or rejects the recommendation.

**CONSULTATION/ADVERTISING:**

As part of the process to effect a Minor District Boundary Change involves the Local Government Advisory Board contacting the affected Local Governments and land owners to request their views.

**STRATEGIC IMPLICATIONS:**

N/A

**FINANCIAL/BUDGET IMPLICATIONS:**

The boundary change is intended to formalise the present 'informal' situation and therefore there are no significant financial implications to this report.

**COMMENTS:**

Following investigation of all options to manage the boundary anomalies, a change to the boundary if made as a minor change is considered to be the most advantageous option. Advice from the Department of Local Government is that if all the Local Governments affected agree with the change, they would expect the Local Government Advisory Board to treat it as a minor change.

The boundary anomaly on Lord, Summers and Green Streets is the most urgent due to the implications for the enforcement of parking restrictions in the area, and it is advisable that it should be rectified as soon as possible.

The City of Perth is also in discussion with the Towns of Cambridge and Subiaco in relation to Thomas and Loftus Streets. As a result of the road widening, particularly around the Freeway overpass on Loftus Street, responsibility for maintenance is not clear. It is considered that this should be agreed prior to making a change to the boundary as it will have some bearing on where the boundary is to be located and the technical description of the boundary required to effect the change.

**10.2.2 Amendment of Existing Parking Restriction from a 15 Minute Time Limit to a 2 Hour Time Limit on the East Side of Lake Street Near the Intersection of Bulwer Street**

<b>Ward:</b>	South	<b>Date:</b>	17 March 2003
<b>Precinct:</b>	Hyde Park Precinct P12	<b>File Ref:</b>	PKG0007
<b>Reporting Officer(s):</b>	A Munyard		
<b>Checked/Endorsed by:</b>	R Lotznicher		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *APPROVES the amendment of the time restriction on parking on the East side of Lake Street, near the intersection of Bulwer Street, from fifteen(15) minutes to two (2) hours, from 8.00am until 5.30pm Monday to Friday, and additionally, the introduction of a two (2) hour restriction at that location from 8.00am until 12 noon on Saturdays, as shown on attached plan 2162-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 Lake, Seconded Cr Chester**

*That the recommendation be adopted.*

**CARRIED (8-0)**

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

**BACKGROUND:**

A request has been received from the proprietor of a Cafe and Confectioners business located on the East side of Lake Street at the intersection of Bulwer Street for the Council to amend the adjacent existing fifteen (15) minute parking restriction in Lake Street to a two (2) hour restriction. The applicant has also requested that the same time restriction be put in place on Saturdays, from 8.00am until 12 noon.

**DETAILS:**

Currently there is a two (2) hour parking restriction in Lake Street, in the vicinity of the applicant's business, however, directly adjacent to the premises there is a fifteen (15) minute time restriction. Although this short term restriction may have been appropriate at the time of it's implementation, the nature of the nearby businesses has changed, and this restriction is no longer appropriate.

A two (2) hour restriction is considered more beneficial in this location, considering the requirements of the Cafe and the veterinary surgery across the road. It is proposed that the restriction also be extended to Saturday mornings.

Fifteen (15) minute bays are in place in Bulwer Street near the intersection of Lake Street, and also in Lake Street, opposite the applicants premises. These are considered adequate to meet the needs of nearby businesses.

**CONSULTATION/ADVERTISING:**

The amendment is minor, affecting two (2) parking bays, and has been requested by the adjacent business proprietor. No consultation is necessary under these circumstances.

**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 amendment to the current restriction. It is therefore recommended that the Council approve the introduction of this two (2) hour parking restriction on the East side of Lake Street, near the intersection of Bulwer Street.

**10.2.3 2003/2004 Metropolitan Regional Road Projects Grant Approval**

<b>Ward:</b>	Both	<b>Date:</b>	19 May 2003
<b>Precinct:</b>	All	<b>File Ref:</b>	TES0174
<b>Reporting Officer(s):</b>	R Lotznicher		
	-		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *receives the report on the successful 2003/2004 Metropolitan Regional Road funding allocation to the Town; and*
- (ii) *includes the successful projects in the Town's 2003/2004 Road Rehabilitation and Upgrade Program.*

**COUNCIL DECISION ITEM 10.2.3**

**Moved Cr Lake, Seconded Cr Chester**

*That the recommendation be adopted.*

**CARRIED (8-0)**

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

**BACKGROUND:**

On 30 April 2002, the Town submitted four (4) projects for funding to Main Roads WA for 2003/2004 from the Metropolitan Regional Road Program.

The projects were:

- Walcott Street – Venn St to Hill St
- Green Street - Duneden St to Eton St
- Angove Street - Charles to Daphne St
- London Street – Green St to Gill St

**DETAILS:**

A letter was received from Main Roads WA on 14 April 2003 advising that:

*Resulting from the State Budget brought down on 8 May 2003, the 2003/04 allocation for the above Program has been reduced by \$3.402M from \$13.430M to \$10.028M. The revised allocation, therefore, for the Improvement and Rehabilitation Programs is \$5.014M.*

*In addition, we wish to inform you that the funding level for Direct Grants has not changed and remains at \$2.892M.*

The Town was successful in receiving funding for three of the four projects. The following table outlines the funding agreement:

Road	Estimated Cost	Town's Contribution	State Funds	
Walcott Street	\$150,000	\$25,000	\$100,000	Note 1
Green Street	\$120,000	\$20,000	\$80,000	Note 2
Angove Street	\$160,000	\$53,333	\$106,667	

Note 1: Walcott Street forms a boundary road with the City of Stirling. The City will be required to contribute \$25,000.

Note 2: Green Street forms a boundary road with the City of Stirling. The City will be required to contribute \$25,000.

**FINANCIAL/BUDGET IMPLICATIONS:**

Each year the Council allocates \$400,000 for road resurfacing and rehabilitation. As with previous years, the Town's one third share of the Metropolitan Regional Road Project funding for 2003/2004 will be \$98,333 and, as with previous years, will be funded from this allocation.

**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. *“a) Continue to develop and implement annual road and footpath upgrade programs.”*

**COMMENTS:**

The effective and efficient management of the Town's road infrastructure is one of the Town's major responsibilities and the State Governments contribution is a welcomed addition to the road funds already expended by Council annually.

In this round of funding, the Town did not lose any projects due to the reduced State funding. The London Street project did not receive funding as it would have brought the Town's funding request over \$500,000 which is the funding cut off per Local Government for Road Rehabilitation Projects.

**10.2.4 2002/2003 & 2003/2004 Bus Shelter Grants Scheme**

<b>Ward:</b>	Both	<b>Date:</b>	21 May 2003
<b>Precinct:</b>	All	<b>File Ref:</b>	TES0028
<b>Reporting Officer(s):</b>	C Wilson		
<b>Checked/Endorsed by:</b>	R Lotznicher		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *receives the report on the Department for Planning and Infrastructure's Bus Shelter Grants Scheme;*
- (ii) *APPROVES the continued installation of Jason Sign Makers type JSc bus shelters, as shown in attachments 10.2.4(i) and 10.2.4(ii), the attached drawing, in Oxford Street, Leederville, Cleaver Street, West Perth and Bulwer Street, West Perth for the reasons outlined in the report; and in the locations as shown on the attached Plans A, B and C respectively, to be funded from the 2002/2003 budget allocation;*
- (iii) *APPROVES in principle the four sites nominated in the Town's 2003/2004 Bus Shelter Grants Scheme submission, as shown on Plans No. D, E, F and G, and lists \$20,000 in the 2003/2004 draft budget as the Town's contribution to the project; and*
- (iv) *receives a further report on the outcome of the Town's 2003/2004 submission upon the Town receiving advice from the Department for Planning and Infrastructure.*

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**COUNCIL DECISION ITEM 10.2.4**

**Moved Cr Lake, Seconded Cr Chester**

*That the recommendation be adopted.*

**CARRIED (8-0)**

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

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**BACKGROUND:**

At its Ordinary Meeting held on 28 May 2002, the Council received a report on the Department for Planning and Infrastructure's (DPI) Bus Shelter Grants Scheme.

In March 2002, the Department's Metropolitan Infrastructure Directorate invited Local Governments to apply for funding grants under the newly introduced Bus Shelter Grants Scheme. The scheme was launched with the following objective:

*"The Bus Shelter Grants Scheme provides funding assistance of \$500,000 per year to Local Governments in the procurement and installation of bus shelters throughout Western Australia. The scheme's primary aims are to encourage the use of public transport in partnership with Local Government through the provision of suitable facilities for the community."*

The DPI advised that the State Government had committed to funding the scheme to a maximum of \$500,000 per year over four (4) years. The money is available to all Local Governments on the understanding that it is on a 50/50 shared funding basis.

To ensure an even distribution of funds, the DPI imposed a limitation of \$10,000 per shelter (\$5,000 LA / \$5,000 DPI) based upon the cost of commercially produced shelters currently available.

The report proposed that the Town apply for funding to install four (4) new shelters requiring an allocation of \$20,000 in the 2002/03 capital works budget. The Council, upon considering the report, resolved the following:

*"That the Council;*

- (i) receives the report on the Department for Planning and Infrastructures Bus Shelter Grants Scheme;*
- (ii) endorses the Town's submission seeking a funding grant of \$20,000 in 2002/03; and*
- (iii) considers a matching allocation of \$20,000 in the 2002/03 draft budget."*

The DPI advised the Town in June 2002 that its funding submission had been successful and that the Town had been granted \$20,000 for the 2002/03 financial year. In accordance with the above resolution, Council approved an allocation of \$20,000 in the Town's 2002/03 budget.

A further report was presented to Council in February 2003 asking Council to approve the installation of a Jason Sign Makers type JSc bus shelter in Fitzgerald Street, North Perth, adjacent the North Perth Plaza Shopping Centre.

This type of shelter was considered the most appropriate for installation within the Town as it had the smallest 'footprint' of the designs submitted by the various manufactures and therefore allowed greater flexibility in placement.

Under delegated authority, Council resolved the following.

*"That the Council;*

- (i) receives the report on the Department for Planning and Infrastructure's Bus Shelter Grants Scheme;*
- (ii) APPROVES the immediate installation of a type JSc bus shelter in Fitzgerald Street, North Perth (as shown on the attached plan) for the reasons outlined in the report; and*
- (iii) receives a further report on the type and location of the further three (3) bus shelters once the affected adjoining residents have been consulted."*

## **DETAILS:**

### **2002/03 Installation Program**

The bus shelter installed in Fitzgerald Street, North Perth, has proved to be very successful, particularly with Seniors who regularly use bus services to and from the North Perth Plaza. In fact the success of the shelter is such that the installation of tactile paving indicators had to be carried out on a Sunday morning when there is little or no bus patronage.

The other three 2002/03 locations nominated, as reported in May 2002, were:

Cleaver Street, West Perth

Outward bound, adjacent to the Florence Hummerston Lodge (aged person's care and language/residential college).

Bulwer Street, West Perth

Inward bound, adjacent the reserve on the corner of Vincent Street and opposite Victoria Street.

Oxford Street, Leederville

Outward bound, near Franklin Street (Aranmore College and Doctor's surgery).

These sites were nominated based upon the following criteria:

- Patronage (predominantly students and aged persons)
- The number of requests (for a shelter)
- Surrounding land use/attractors (schools, leisure facilities etc.)
- Proximity to private dwellings
- Road safety issues
- Able to accommodate a shelter without impinging upon pedestrian access
- Considered unsuitable (as per the above) for an Adshel Shelter

The manufacture, who to date, have been inundated with work from other local authorities participating in the Bus Shelter Grants Scheme, has indicated that they are now in a position to proceed with the Town's 2002/03 program.

Therefore in accordance with clause (iii) of Council's resolution of February 2003 Technical Services has recently undertaken public consultation for those properties affected by the proposed shelters.

For the properties where a shelter is to be installed immediately adjacent at \*67 Cleaver Street, West Perth and 343 Oxford Street, Leederville, the property owner/occupier was approached personally as well being provided with a written proposal. Further the adjoining property owners/occupiers at 339 & 341 Oxford Street, Leederville and \*\*404 Bulwer Street, West Perth were advised of the proposal and asked to comment.

\* The 67 Cleaver Street is outside Florence Hummerston Lodge and no other property is affected.

\*\* The Bulwer Street site abuts a reserve with 404 Bulwer Street being the closet adjoining property.

**Public Consultation**

Cleaver Street, West Perth. The Rose Wood Care Group, operators of the Florence Hummerston Lodge, was both enthusiastic and supportive of the proposed shelter and had no objections.

343 Oxford Street, Leederville. The directors of Choice Home Loans, the occupiers of 343 Oxford Street, had no objections, and in fact inquired if they could advertise on the shelter. They were advised that under the terms and conditions of the Bus Shelter Grants Scheme that that advertising wasn't permitted.

In respect of the adjoining properties in Oxford Street and Bulwer Street the Town is yet to receive a response.

**2003/04 Bus Shelter Grants Scheme Submission**

In March 2003 DPI's (recently renamed) Public Transport Infrastructure Directorate, wrote to all Local Governments inviting applications for funding grants for the 2003/04 round of the Bus Shelter Grants Scheme, closing the 2 May 2003.

In keeping with the Town's 2002/03 submission, and subsequent budget allocation, Technical Services submitted four locations for consideration in 2003/04.

As outlined in the report above the proposed location were based upon the following criteria:

- Patronage (predominantly students and aged persons)
- The number of requests (for a shelter)
- Surrounding land use/attractors (schools, leisure facilities etc.)
- Proximity to private dwellings
- Road safety issues
- Able to accommodate a shelter without impinging upon pedestrian access
- Considered unsuitable (as per the above) for an Adshel Shelter

Therefore with regard to the above the four locations nominated were:

Scarborough Beach Road, Mt Hawthorn.

Inward bound, adjacent Axford Park. Anticipated patronage, commuters, student and the elderly.

Newcastle Street, Perth

Inward bound, near intersection of Lake Street. Adjacent two (2) large 'backpacker' hostels, and significant residential unit developments, anticipated patronage tourists and commuters.

Beaufort Street, Highgate

Inward bound, intersection of Harold Street. Near St Markes International College and Beaufort Street Café/Entertainment strip, anticipated patronage students and commuters.

Guildford Road, Mt Lawley

Inward bound near Stanley Street (outside 40 Guildford Road), last stop before Mt Lawley subway and approximately 400m to next stop crossing East Parade. Stop well patronised by commuters and students from the Banks Precinct. However current environment very hostile, no seat, full width concrete paving, 1.8m screen walls, adjacent a primary distributor road.

**CONSULTATION/ADVERTISING:**

With regard to the proposed 2003/04 bus shelter installation program and on the basis of Councils approval, consultation with affected residents would be undertaken in accordance with Council Policy No. 4.1.21 "Community Consultation".

**STRATEGIC IMPLICATIONS:**

In accordance with the aims of Draft Strategic Plan 2002-2007 - Key Result Areas 1.4 *"Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment"*.

**FINANCIAL/BUDGET IMPLICATIONS:**

An allocation of \$20,000 has been included in the 2003/04 'draft' budget for the installation of four (4) bus shelters under the DPI's Bus Shelter Grants Scheme, based upon a 50/50 equal funding arrangement.

**COMMENTS:**

The Fitzgerald Street, North Perth, installation has proved to be very successful and it is anticipated that there will be a similar positive reaction at the remaining (2002/03) locations, as outlined in the main body of the report. In each instance there is a demonstrated need for a bus shelter. The nominated shelter type, Jason SignMakers type JSc, meets both the DPI's design criteria and the Town's desire to provide enhanced infrastructure for residents.

The Cleaver Street, Oxford Street and Bulwer Street sites, whilst not as restrictive as the Fitzgerald Street location, are still be best served by installing a 'slim line' shelter such as Jason's 'JSc'. Therefore for reasons of continuity and maintenance, and in view of a positive responses received for the Fitzgerald Street shelter thus far it is recommend that the Town install Jason's type JSc shelters as standard.

**10.3.1 Financial Statements as at 30th April 2003**

<b>Ward:</b>		<b>Date:</b>	12th May 2003
<b>Precinct:</b>		<b>File Ref:</b>	
<b>Reporting Officer(s):</b>	Natasha Forsyth		
<b>Checked/Endorsed by:</b>	Mike Rootsey		
<b>Amended by:</b>			

**OFFICER RECOMMENDATION:**

*That Council receives the Financial Reports for the month ended 30 April 2003.*

**COUNCIL DECISION ITEM 10.3.1**

**Moved Cr Lake, Seconded Cr Chester**

*That the recommendation be adopted.*

**CARRIED (8-0)**

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

**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 30 April 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 90% of the Budget received to date.

**General Purpose Funding (Page 2)**

General Purpose Funding is showing 97% of the budget received to date, this is due to rates being levied.

**Health (Page 4)**

Health is showing 96% of the budget received to date. This is due to Health Licences being issued.

**Community Amenities (Page 6)**

Community Amenities is showing 90% 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 95% of the budget received to date.

**Economic Services (Page 12)**

Economic Services is showing 69% of the budget received to date.

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

Other Property and Services in this report is 127% of budget. Higher than anticipated recoup of workers compensation claims have occurred.

**Operating Expenditure**

Operating expenditure for the month is level with Budget (83%).

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

The fourth 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 \$5,787,117, which is 43% 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 30 April 2003 and shows current assets of \$15,238,242 less current liabilities of \$2,006,486, for a current position of \$13,231,756. Total non-current assets amount to \$96,324,944 for total net assets of \$109,260,395.

**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 30th April 2003, interest of \$275,379 was transferred.

Transfers to Reserves totalled \$900,265 and transfers from Reserves amounted to \$1,038,351. Restricted cash reserves total \$6,667,785 at the end of April 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 \$427,455 are outstanding at the end of April. Of this \$49,020 (11%) relates to debts outstanding for over 60 days. The Debtor Report identifies significant balances that are well overdue.

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

#### **Rate Debtors**

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

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

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

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

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

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

**10.4.6 Information Bulletin**

<b>Ward:</b>	-	<b>Date:</b>	21 May2003
<b>Precinct:</b>	-	<b>File Ref:</b>	-
<b>Reporting Officer(s):</b>	A Smith		
<b>Checked/Endorsed by:</b>	J Giorgi		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That the Information Bulletin dated 27 May 2003, as distributed with the Agenda, be received.*

**COUNCIL DECISION ITEM 10.4.6**

**Moved Cr Lake, Seconded Cr Chester**

*That the recommendation be adopted.*

**CARRIED (8-0)**

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

**DETAILS:**

The items included in the Information Bulletin dated 27 May 2003 are as follows:

ITEM	DESCRIPTION
IB01	Letter from Minister for Planning and Infrastructure re Proposed Reductions to the Local Roads Program
IB02	Letter from the Office of the Minister for Planning and Infrastructure - Amendment No. 11 to the Town of Vincent Town Planning Scheme No. 1
IB03	Letter from the National Trust of Australia (WA) - Endangered Places 2003 Nominations
IB04	Town Planning Appeal Tribunal Appeal No. 46 of 2003 - Nos. 4 - 8 Hobart Street, North Perth
IB05	Letter from United KFPW - Lease Agreement between Town of Vincent & Telstra Corporation Ltd Notification of Telstra Maintenance at Leederville CMTS Site
IB06	Letter from Bob Kucera APM MLA Member for Yokine - Town of Vincent Planning Scheme No. 1 Amendment No. 11 - Rezoning the land contained in the "Eton Locality Plan 7"
IB07	Letter from Premier of Western Australia - Community Security 2002/2003 Grant Funding
IB08	Western Australian Local Government Association - Review of Model Code of Conduct - Bulletin No 3 - May 2003

**10.1.19 No. 48 (Lot 195) Auckland Street, North Perth - Proposed Subdivision**

<b>Ward:</b>	North	<b>Date:</b>	20 May 2003
<b>Precinct:</b>	North Perth, P8	<b>File Ref:</b>	121725
<b>Reporting Officer(s):</b>	S Crawford		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Residential Design Codes, the Council RECOMMENDS REFUSAL to the Western Australian Planning Commission for the proposed subdivision of No. 48 (Lot 195) Auckland Street, North Perth, and as shown on the plan stamp-dated 3 April 2003 (subdivision 121725), for the following reasons:*

*Non-compliance with the requirements of the Residential Design Codes with respect to the following;*

- (i) the proposed subdivision does not comply with the minimum lot size requirement of 400 square metres for a rear battle-axe lot as per the Residential R40 density code, inclusive of the maximum permitted variation of 5 per cent to the minimum lot size;*
- (ii) the proposed battle-axe leg represents greater than 20 per cent of the lot area apportioned to the rear battle-axe lot; and*
- (iii) the minimum access leg width of 4.0 metres is not achieved.*

**NOTES:**

*The subject property is located within the Town's Eton Locality which is subject to Amendment No.11 to the Town of Vincent Town Planning Scheme No. 1. Amendment No.11 proposes to rezone the Eton Locality from R30 and R30/40 to R20. The amendment is currently with the Western Australian Planning Commission and Minister for Planning and Infrastructure for final approval.*

*The applicant has not demonstrated the required truncation at the point where the battle-axe leg meets the rear battle-axe lot, which will further reduce the proposed lot size of the rear lot.*

*Extensive discussions have occurred between the Town Officers and the applicant regarding the non-compliances in order to suggest to the applicant that a (survey) strata subdivision application, inclusive of common property, could be supported on the site. However, the applicant has not pursued this option with the Department for Planning and Infrastructure in a timely manner.*

**COUNCIL DECISION ITEM 10.1.19**

**Moved Cr Chester, Seconded Cr Lake**

*That the recommendation be adopted.*

**CARRIED (8-0)**

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

**LANDOWNER:** LJ & SE Rietdijic  
**APPLICANT:** LJ Rietdijic  
**ZONING:** Metropolitan Region Scheme: Urban  
 Town Planning Scheme No.1: Residential R30/40 (R40 applies)  
**EXISTING LAND USE:** Single House  
**COMPLIANCE:**

Use Class	Single House
Use Classification	"P"
Lot Area	675 square metres

Requirement	Required	Proposed
Minimum lot area rear battle-axe	400 square metres	337.48 square metres
5 per cent variation on lot size	380 square metres	337.48 square metres
Battle-axe leg area	To represent no more than 20 per cent of the overall rear battle-axe lot area	25.87 per cent
Access leg width	4.0 metres, which may be reduced to 3 metres to retain existing dwelling	2.95 metres

**SITE HISTORY:**

The site currently supports a single storey single house.

**Scheme Amendment No. 11**

It should be noted that the subject property is located within the Town's Eton Locality which is subject to Amendment No.11 to the Town of Vincent Town Planning Scheme No. 1. Amendment No.11 proposes to rezone the Eton Locality from R30 and R30/40 to R20. The Amendment is at present with the Western Australian Planning Commission and Minister for Planning and Infrastructure for final determination. Elected Members have requested that all subdivision proposals within the Eton Locality be referred to Council for determination.

**DETAILS:**

**Minimum Lot Area Rear Battle-Axe and Five (5) Per Cent Variation Provision**

The applicant seeks a battle-axe configured subdivision to create an additional rear lot. The R40 density code requires that any such rear battle-axe lot shall have a minimum lot size of 400 square metres (inclusive of portion of the battle-axe leg). The minimum area for the rear is to ensure that the area available for development provides enough space to ensure amenity and spaciousness to any future rear dwelling.

In considering the proposal, thought was also given to the 5 per cent variation provision under the Residential Design Codes (R Codes). This would permit the rear battle-axe site to then be a minimum area of 380 square metres. As the rear lot proposed is only 337.48 square metres, this provision does not assist to aid in compliance.

Due to the location of the existing dwelling and the need to maintain rear setbacks, site coverage and outdoor living spaces, very limited scope exists to alter the configuration of the proposed street frontage (existing house lot) in order to assist compliance.

In addition, it is also necessary to note that a rear truncation will be required to be provided at the point where the battle-axe leg meets the rear lot, thereby losing a further area of approximately 2.83 square metres. Thus, the overall lot size provided to the rear will actually be less if the subdivision were to be enacted and properly surveyed in accordance with general standard conditions.

**Battle-Axe Leg Area**

In addition, the R Codes require that a battle-axe leg to contribute to no more than 20 per cent of the area of the battle-axe lot. In this instance, the battle-axe leg proposed is 2.95 metres wide for a distance of approximately 29.6 metres. Therefore, this extent of battle-axe leg would represent 25.87 per cent of the area of the lot, which is outside the R Code requirements.

**Battle-Axe Leg Width**

The R Codes promote a 4.0 metres battle-axe leg width for green title subdivisions. The applicant is seeking an access leg of 2.95 metres in width. This width is all that can be afforded due to the location of the existing dwelling. The Town has been in the practice of reducing access leg width requirements in order to promote the retention of existing dwellings.

The above issues have been discussed between the Town's Officers and the applicant in detail by telephone and suggestions made that a (survey) strata subdivision application inclusive of common property could be supported by the Town on this lot. The applicant undertook to contact the Department for Planning and Infrastructure to seek the conversion of the application. However, this documentation/notification has not been received by the Town and determination of the current proposal is required.

Therefore, on the basis of the numerous non-compliances with the provisions of the R Codes, the proposal cannot be supported, and accordingly refusal is recommended.

**10.1.2 Nos.179-183 (Lot 102) Charles Street, Dual Frontage with Oak Lane, West Perth - Proposed Eight (8), Three Storey Grouped Dwellings**

<b>Ward:</b>	South	<b>Date:</b>	20 May 2003
<b>Precinct:</b>	Cleaver, P5	<b>File Ref:</b>	PR01118; 00/33/1379
<b>Reporting Officer(s):</b>	P Mastrodomenico		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by J Nardizzi on behalf of the owners Choice Constructions Pty Ltd for proposed eight (8), three storey grouped dwellings at Nos. 179-183 (Lot 102) Charles Street, dual frontage with Oak Lane, West Perth, and as shown on plans stamp-dated 8 May 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 Oak Lane 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) detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building Licence application;*
- (iv) a visual truncation of 1.5 metres by 1.5 metres at the intersection of the driveway(s) and the right of way 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 \$1100 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (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 and approved demonstrating:*

- (a) the reference to "small car bay" being removed from the tandem car parking bays;*
- (b) the provision of bin storage to the satisfaction of the Town's Technical Services; and*
- (c) the visitors' car parking bay adjacent to the southern boundary being setback 1.0 metre from the southern boundary.*

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

- (x) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development;*
  - (a) the window to the kitchen of unit 1 on the first floor level on the northern elevation;*
  - (b) the windows to bedroom 1 of unit 1 on the second floor level on the northern elevation;*
  - (c) the window to the kitchen of unit 3 on the first floor level on the northern elevation;*
  - (d) the window to bedroom 1 of unit 3 on the second floor level on the northern elevation;*
  - (e) the window to the kitchen of unit 4 on the first floor level on the northern elevation;*
  - (f) the window to the kitchen of unit 5 on the first floor level on the southern elevation;*
  - (g) the window to the kitchen of unit 6 on the first floor level on the southern elevation;*
  - (h) the window to bedroom 1 of unit 6 on the second floor level on the southern elevation;*
  - (i) the window to the kitchen of unit 7 on the first floor level on the southern elevation;*
  - (j) the window to bedroom 1 of unit 7 on the second floor level on the southern elevation;*
  - (k) the window to the kitchen of unit 8 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 respective finished floor levels. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002;*

- (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); and*
  - (xii) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Oak Lane front setback area, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- to the satisfaction of the Chief Executive Officer.*

**COUNCIL DECISION ITEM 10.1.2**

**Moved Cr Cohen, Seconded Cr Torre**

*That the recommendation, together with the following amended clause (ix) be adopted.*

- "(ix) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
- (a) the reference to "small car bay" being removed from the tandem car parking bays;*
  - (b) the provision of bin storage to the satisfaction of the Town's Technical Services; and*
  - (c) the visitors' car parking bay adjacent to the southern boundary being setback 1.0 metre from the southern boundary, and being a minimum width of 3.0 metres.*

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

*Debate ensued.*

**LOST (0-8)**

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

**Reasons:**

- 1. Non compliance in regard to density, plot ratio, wall height and set backs.**
- 2. Undue adverse affect on the amenity of the area.**
- 3. In consideration of objections received.**

**LANDOWNER:** Choice Constructions Pty Ltd  
**APPLICANT:** J Nardizzi  
**ZONING:** Metropolitan Region Scheme – Urban Town of Vincent  
Town Planning Scheme No. 1 – Residential R80  
**EXISTING LANDUSE:** Vacant  
**COMPLIANCE:**

Use Class	Grouped Dwellings
Use Classification	"P"
Lot Area	1000 square metres

<b>Requirements</b>	<b>Required</b>	<b>Proposed</b>
Density	6 grouped dwellings 1000 square metres	8 grouped dwellings 133.33 square metres
Plot Ratio	0.65	1.14
Primary Street Setback (Units 1 and 2 (Oak Lane)	4.0 metres ground floor 6.0 metres upper floor	3.06 metres
Primary Street Setback (Unit 5) (Oak Lane)	6.0 metres upper floor	4.62 - 5.35 metres
Northern side setback		
Unit 1		
-ground floor	1.5 metres	1.3-4.0 metres
-first floor	2.6 metres	1.3-4.0 metres
-second floor	4.2 metres	1.3-4.0 metres
Southern side setback		
- first floor	5.1 metres	4.0 metres
- second floor	7.0 metres	4.0 metres

**SITE HISTORY:**

- 9 October 1995 At the Ordinary Meeting, the Council approved the development of seven 2-storey grouped dwellings on Lot 102. This Planning Approval incorporated variations to the density, plot ratio, setbacks, total open space, private open space, car parking and storeroom requirements of the Residential Planning Codes (R-Codes) under the R80 standard. The majority of variations were approved under clause 48 of the previous Town of Vincent Town Planning Scheme (1985).
- 12 October 1995 Approval to Commence Development issued by the Town for seven 2-storey grouped dwellings, valid for two years from the date of issue.
- 18 January 2000 At the Ordinary Meeting, the Council refused a proposal for eight 2-storey grouped dwellings for the following reasons:
1. *Plot ratio in excess of requirement.*
  2. *Number of dwellings and density in excess of requirement.*
  3. *Lack of visitor car parking bays on site.*
  4. *Lack of street car parking in area.*
  5. *Loft area is considered habitable space.*
  6. *Objections received.*
- 14 March 2000 Appeal to the Minister for Planning against the refusal for eight 2-storey grouped dwellings at the Ordinary Meeting of Council held on 18 January 2000 referred to the Town for response.

- 28 March 2000 At the Ordinary Meeting, the Council refused a proposal for eight 2-storey grouped dwellings. This proposal was submitted by the same applicant/owner as the previous refusal and was predominantly the same, other than the following modifications:
1. Addition of two visitor car parking spaces;
  2. Deletion of the loft floor levels; and
  3. Deletion of the southern boundary wall.
- 27 April 2000 The appellant's further submission of revised plans to the Minister, received by the Town. Revisions included:
1. Addition of two visitor car parking spaces;
  2. Deletion of the loft floor levels; and
  3. Deletion of the southern boundary wall.
- 24 May 2000 Letter outlining the Minister's decision to uphold the appeal.
- 25 June 2002 The Council, at its Ordinary Meeting, recommended refusal to the Western Australian Planning Commission for the construction of eight (8), three storey grouped dwellings.
- 4 November 2002 Advice returned from the Western Australian Planning Commission advising that the Commission's determination of the application is not required as the affected property is located outside of, but adjacent to, the Planning Control Area (PCA) No. 54 for Charles Street.
- 17 December 2002 At the Ordinary Meeting, the Council refused a proposal for eight 3-storey grouped dwellings.
- 14 February 2003 The Town received a copy of Notice of Appeal to the Town Planning Appeal Tribunal against the Council's refusal.
- 14 March 2003 The Town received an amended copy of Notice of Appeal.
- 17 March 2003 The First Sitting of Appeal.
- 21 March 2003 The Town lodged its Respondent Statement to the Town Planning Appeal Tribunal.
- 27 March 2003 Appeal Mediation held between the Town Officer's and the Applicant.
- 8 May 2003 Town received amended plans for proposed eight 3-storey grouped dwellings.

**DETAILS:**

The subject site is currently vacant, cleared land. Lot 102 is sited between Lot 101 to the south and Lot 103 to the north. Both of the adjoining properties were created as development sites at the same time as Lot 102. Development on both Lots 101 and 103 involved generous concessions to the density and plot ratio standards required in accordance with the R80 density code, and approved under the provisions of the previous Town of Vincent Town Planning Scheme (1985). The adjoining properties maintain four grouped dwellings with three levels (two storeys with loft/attic space within the roof areas).

The applicant seeks approval for the construction of 8 three-storey grouped dwellings, which involves changes to the development refused by the Council at its Ordinary Meeting held on 17 December 2002.

These changes include, increase and staggering of street and side setbacks, different use of materials, a reduction in plot ratio, compliant building height, screening of all overlooking habitable openings, and compliant car parking provision.

**CONSULTATION/ADVERTISING:**

The application was not advertised as the amended plans are part of the appeal mediation process. There were five (5) submissions received during the previous advertising period. The objections raised related to:

- the density bonus sought;
- excessive plot ratio;
- loss of amenity;
- increase in parking demands, traffic and the visitor bay configuration;
- unreasonable bulk, scale and height;
- absence of landscaping; and
- obstruction of right of way.

Prior to the receipt of the most recent Planning Application, a petition in support of the application containing (81) signatures and accompanying letters of support was submitted. A letter objecting to the petition was received indicating that many of the signatures received on the petition lived some distance away from the site. It is acknowledged that the majority of signatures were received from residents in the Cleaver Precinct.

As the subject property is adjacent to the Planning Control Area No.54 - Charles Street, the previous application was referred to the Western Australian Planning Commission (WAPC) for its comments. The WAPC has advised that the development did not impact on the Planning Control Area.

**COMMENTS:**

**Density**

The proposal seeks a density bonus of 33.3 per cent for grouped dwellings. There are no provisions to grant a density bonus on the subject site under Clause 20 of the Town's Town Planning Scheme No. 1. However, the development reflects the existing bulk and scale of the adjoining properties. Also the applicant has held a number of meetings with the Town's Officers to overcome and reduce the number of non compliances of the previous application, which was refused at the Ordinary Meeting of Council held on 17 December 2002.

**Primary Street Setback**

The development proposes a 4.62 - 5.35 metres setback to Oak Lane. Whilst the development does not comply with the setback requirements to Oak Lane, the development has been designed to actively interact with Oak Lane through the use of major habitable openings, which face Oak Lane and as such is supported. The Oak Lane setbacks also reflect the Oak Lane setback of the development on the adjoining properties.

**Setbacks**

The variation to the side setback requirements is supported as it will generally not negatively impact the amenity of the adjoining properties, and the major openings are proposed to be screened in accordance with the requirements of the Residential Design Codes.

**Plot Ratio**

The variation to plot ratio is generally supported as the proposal is consistent with the height, bulk and scale of the adjacent development.

This application has made major changes to the overall development to reduce the height, bulk and scale of the development mainly through significant staggering of the street and side setbacks, the use of different materials including more "lighter" materials such as glazing, compliant building height, landscaping of the front setback area, all of which have resulted in a reduction in height, bulk and scale from the previous application.

**Privacy**

With regard to the potential for unreasonable overlooking from major habitable room openings on the first and second floors on the southern and northern 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.

The plans indicate that all such major openings are to be constructed with obscured glazing, however to ensure compliance with the privacy requirements and allow windows to be able to be open to a maximum of 20 degrees, appropriate screening conditions should be applied.

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.

**Landscaping**

The "Design for Climate" and "Open Space" (landscaping) provisions of the Residential Design Codes require developments not to exceed a maximum of 50 per cent hard surface in the street setback area. In this instance, the development indicates soft landscaping with 62 percent of the Oak Lane setback area, and as such is considered supportable.

**Summary**

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

**10.1.20 Nos. 475- 481 (Lots 113, 114 and Part Lot 115) Beaufort Street, Corner of Chatsworth Road, Highgate – Proposed Roller Door to Existing Shop**

<b>Ward:</b>	South	<b>Date:</b>	19 May 2003
<b>Precinct:</b>	Mount Lawley Centre, P11	<b>File Ref:</b>	PRO0144; 00/33/1563
<b>Reporting Officer(s):</b>	C Mooney		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That;*

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme and having regard to the matters it is required to consider generally, and in particular:*
- (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
  - (b) *the non-compliance with the requirements of the Town's Policies relating to Minor Nature Development and Security Roller Shutters, Doors and Grilles on Non Residential Buildings; and*
  - (c) *consideration of the objections received;*
- the Council REFUSES the application submitted by Highgate Lotteries Centre on behalf of the owner M Fenner, T Fenner, and S Hendry for the proposed roller door to existing shop at Nos. 475- 481 (Lots 113, 114 and Part Lot 115) Beaufort Street, corner of Chatsworth Road, Highgate, as shown on plans stamp-dated 31 March 2003; and*
- (ii) *the Council advises the owner and occupier of Nos. 475- 481 (Lots 113, 114 and Part Lot 115) Beaufort Street, corner of Chatsworth Road, Highgate, that the unauthorised roller door at Nos. 475 - 481 (Lots 113, 114 and Part Lot 115) Beaufort Street, corner of Chatsworth Road, Highgate, shall be removed within fourteen (14) days of notification, and the Council authorises the Chief Executive Officer to commence legal proceedings to remove the unauthorised roller door should the roller door remain.*

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**COUNCIL DECISION ITEM 10.1.20**

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

*That the recommendation be adopted.*

*Debate ensued.*

**CARRIED (7-1)**

<p><b><u>For</u></b> Cr Ker - Presiding Member Cr Chester Cr Cohen Cr Doran-Wu Cr Farrell Cr Lake Cr Torre</p>	<p><b><u>Against</u></b> Cr Franchina</p>
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**(Mayor Catania JP on approved leave of absence.)**

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**LANDOWNER:** M Fenner, T Fenner, and S Hendry  
**APPLICANT:** Highgate Lotteries Centre  
**ZONING:** Metropolitan Region Scheme - Urban  
 Town of Vincent Town Planning Scheme No.1 –  
 Commercial  
**EXISTING LAND USE:** Retail Shops

**COMPLIANCE:**

Use Class	Shop	
Use Classification	'P'	
Lot Area	923 square metres	
<b>Requirements</b>	<b>Required</b>	<b>Proposed</b>
Minor Nature Development	Planning Approval required for a roller door to a shop front.	No Planning Approval sought
Security Roller Doors	Visually permeable with a minimum of 50 per cent visual permeable	Existing non permeable roller door

**SITE HISTORY:**

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

27 December 2002 The Town sent the occupier/applicant a letter informing them of the unauthorised installation of a non-compliant roller door.

**DETAILS:**

The applicant seeks retrospective Planning Approval for an existing roller door, which fronts Beaufort Street.

The applicant writes the following:

*"In August 2002, I approached the council office seeking the approval for installing a roller door that spans fully across the front of the shop unit, and was given the go ahead since no structural changes were being made to the unit. However I was not informed of Policy No 3.5.15 at the time.*

*On the 30th of December I received a letter . . . regarding the unauthorized installation of a roller- door to the shop front. I then brought this matter to the council . . . whom informed me of Policy No 3.5.15 which was just passed in September 3 months ago. Within the week I called again . . . and was told that policy No. 3.5.15 has been there since 2001.*

*Therefore as you can see, I have been given inconsistent information from the Town of Vincent staff. Under these circumstances I am requesting your office to review the decision and allow us to retain the roller- door. . . . "*

**CONSULTATION/ADVERTISING:**

There was one objection received during the advertising period. The following statements were received by the objector:

*" We wish to make the following comment on the plan to alter the frontage of the newsagent portion of 475-481 Beaufort St Highgate.*

*We were very sorry to see the traditional window and entrance removed from this shop. We believe the charm and attraction of this area derives from the traditional shop fronts, and new developments, such as the building across the road at 500 Beaufort St, have maintained this style.*

*We would only support the application to install a roller door if the door is transparent/visually permeable. This area is developing into a commercial precinct that is active both day and night and has a high standard of businesses opening in this area. It is very important that all shops maintain a high standard of appearance with an interactive street-front through the ability for day and night window-shopping. This will decrease the likelihood of unsocial behaviour.*

*We strongly oppose the proposal if it is intended to retain the current obscure roller-door. This roller-door is contrary to Planning and Building Policy 81B (also referred to as Policy 3.5.15)."*

**COMMENTS:**

Beaufort Street is dominated by non residential development, of which the facades of these buildings provide active interaction and visual amenity with the streetscape. As such, the existing roller door is not supported due to the non-compliance with the Town's requirements and policies.

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

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

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

The applicant's comments, have been acknowledged. Nevertheless, in regard to the timing of Policy adoption are not valid, as such works require a development application to be approved and determined by the Town under the Town's Minor Nature Development Policy, which applied as from 27 March 2001, prior to the applicants claims, and states the following:

*" 2) Development of a minor nature includes such development/activities as: . . .*

- x) shop front alterations where the alignment is unaltered, where not affecting heritage requirements or which do not include the installation of roller doors;*

Given the above, it is therefore recommended that the application be refused, and the Town undertake action to ensure the unauthorised roller door is removed.

**10.1.18 No. 318 (Lot 102) Fitzgerald Street (Corner Vincent Street), Perth - Proposed Change of Use to Offices and Consulting and Counselling Services**

<b>Ward:</b>	South	<b>Date:</b>	20 May 2003
<b>Precinct:</b>	Hyde Park, P12	<b>File Ref:</b>	PRO 0040; 00/33/1583
<b>Reporting Officer(s):</b>	S Crawford		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Cyrenian House on behalf of the owner Aldalash Investments Pty Ltd for proposed change of use to offices and consulting and counselling services at No. 318 (Lot 102) Fitzgerald Street (corner Vincent Street), Perth, and as shown on plans stamp-dated 8 April 2003 and 16 May 2003 and additional details contained in correspondence dated 16 May 2003, subject to:*

- (i) the basement car parking provision shall be made available for use during the hours of operation for the office and consulting and counselling services (Cyrenian House);*
  - (ii) compliance with all relevant Environmental Health, Engineering and Building requirements; and*
  - (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) prior to the first occupation of the development, 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;*
  - (v) a detailed management plan that addresses the control of noise, traffic, car parking, litter and anti-social behaviour (to reasonable levels) associated with the development shall be submitted and approved prior to the first occupation of the development, and thereafter implemented and maintained; and*
  - (vi) the number of consulting rooms shall be limited to a maximum of five (5); and*
- to the satisfaction of the Chief Executive Officer.*

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**Moved Cr Torre, Seconded Cr Cohen**

*That the recommendation, together with the following amended clauses (i) and (vi), be adopted.*

- "(i) ~~the basement car parking provision shall be made available for use during the hours of operation for the office and consulting and counselling services (Cyrenian House) 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 \$9250 for the equivalent value of 3.70 car parking spaces, based on the cost of \$2500 per bay as set out in the Town's 2002/2003 Budget;~~
- (vi) ~~the number of consulting rooms shall be limited to a maximum of five (5); and three(3) at any one time, and the remaining two(2) consulting rooms shall not be used;"~~

*Debate ensued.*

**Moved Cr Lake, Seconded Cr Franchina**

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

"(vii) *The approval for the consulting rooms is for Cyrenian House;"*

*Debate ensued.*

**AMENDMENT CARRIED (8-0)**

(Mayor Catania JP on approved leave of absence.)

**Moved Cr Cohen, Seconded Cr Lake**

*"That in clause (v) add the words "information on carparks within the area of the new clinics" following the word "carparking" and the words "and evaluated within a timeframe of six (6) months" following the word "maintained", as follows;*

- "(v) *a detailed management plan that addresses the control of noise, traffic, car parking, information on carparks within the area of the new clinics, litter and anti-social behaviour (to reasonable levels) associated with the development shall be submitted and approved prior to the first occupation of the development, and thereafter implemented and maintained and evaluated within a timeframe of six (6) months; and"*

*Debate ensued.*

**AMENDMENT CARRIED (8-0)**

(Mayor Catania JP on approved leave of absence.)

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

(Mayor Catania JP on approved leave of absence.)

**COUNCIL DECISION ITEM 10.1.18**

*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 Cyrenian House on behalf of the owner Aldalash Investments Pty Ltd for proposed change of use to offices and consulting and counselling services at No. 318 (Lot 102) Fitzgerald Street (corner Vincent Street), Perth, and as shown on plans stamp-dated 8 April 2003 and 16 May 2003 and additional details contained in correspondence dated 16 May 2003, subject to:*

- (i) *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 \$9250 for the equivalent value of 3.70 car parking spaces, based on the cost of \$2500 per bay as set out in the Town's 2002/2003 Budget;*
  - (ii) *compliance with all relevant Environmental Health, Engineering and Building requirements; and*
  - (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) *prior to the first occupation of the development, 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;*
  - (v) *a detailed management plan that addresses the control of noise, traffic, car parking, information on carparks within the area of the new clinics, litter and anti-social behaviour (to reasonable levels) associated with the development shall be submitted and approved prior to the first occupation of the development, and thereafter implemented and maintained and evaluated within a timeframe of six (6) months;*
  - (vi) *the number of consulting rooms shall be limited to a maximum of three(3) at any one time, and the remaining two(2) consulting rooms shall not be used; and*
  - (vii) *the approval for the consulting rooms is for Cyrenian House;*
- to the satisfaction of the Chief Executive Officer.*

**FURTHER REPORT:**

**Car Parking**

Car Parking Requirement (nearest whole number) Existing Office (Toll Transport): 437 square metres at 1 car bay per 50 square metres = 8.74 car bays.	8.74 car bays
Proposed Use (Cyrenian House): 5 consulting rooms at 3 car bays per room =15 car bays. However only 3 consulting rooms are used on any one day (i.e. 9 car bays)	9 car bays
Office: 154.96 square metres at 1 car bay per 50 square metres = 3.10 car bays	3.10 car bays
Common toilets: 51.5 square metres at 1 car bay per 50 square metres =1.03 car bays.	1.03 car bays
Total car bays required	22 car bays
Apply the adjustment factors. • 0.85 (within 400 metres of existing public car parking with an excess of 75 spaces)	(0.85) 18.70 car bays.
Minus the car parking provided on site.	15 car bays
Resultant shortfall	3.70 car bays

Due to further detailed assessment, and site inspection and subsequent floor area discrepancies, the car parking table has been revised as above.

The public car park at Fitzgerald Street behind the Italian Club has 136 car bays available for public use and is approximately 390 metres from the subject site. The car parking adjustment factor has been reduced from 0.80 to 0.85.

There is currently an existing office operating from the above premises. The remaining floor area is to be used by Cyrenian House.

The applicant has further advised that 93 per cent of their clients arrive for their appointments by public transport. An average of 2.6 hours per day is required for all clients accessing the service. A total of 97 per cent of clients live within the metropolitan area. Only 3 of the consulting rooms are used by counselling staff at any one time. This is due to councillors operating from other related links such as residential services, outreach counselling, training and providing education to community groups. Cyrenian House is prepared to negotiate cash in lieu for extra car parking required.

The Town has in other similar instances required applicants to pay cash-in lieu for shortfall in car parking. Due to the operation and car parking demand pattern of the above proposal, cash in lieu is recommended.

**LANDOWNER:** Aldalash Investments Pty Ltd  
**APPLICANT:** Cyrenian House  
**ZONING:** Metropolitan Region Scheme: Urban – abuts Other Regional Road  
 Town Planning Scheme No.1: Commercial – abuts Other Regional Road  
**EXISTING LAND USE:** Office  
**COMPLIANCE:**

Use Class	Office and Consulting Rooms
Use Classification	"P" & "AA"
Lot Area	975 square metres

Requirement	Required	Proposed
Car parking *	18 bays	16 bays

\* Refer to "Comments - Car Parking"

**SITE HISTORY:**

The site currently supports an office building with dual street frontage to Fitzgerald and Vincent Streets. A 5 metres wide privately owned right of way runs along the eastern boundary.

**DETAILS:**

The applicant seeks a change of use to accommodate Cyrenian House, which is a counselling business for those affected by alcohol and drug related problems. The applicants intend to utilise the existing office space to conduct various forms of counselling, being one on one services, group therapy and the like, as well as running the administrative side of their business. The business will be run within the existing confines of the premises with no structural work taking place. The proposed offices will be created utilising moveable internal partitions.

The business will support two (2) full time employees and six (6) counselling staff being both full time and part time employees. Of the five (5) counselling rooms proposed, Cyrenian House intends to utilise two (2) of these for two (2) days of the week and the remaining rooms for three (3) days per week only.

**CONSULTATION/ADVERTISING:**

The proposal was advertised and the following number of objections were received;

- an objection by No.149 Vincent Street which represents all eight (8) owners of the dwellings, inclusive of two (2) individual letters of objection from one (1) of these owners and one (1) tenant respectively; and
- the owner of No.316 Fitzgerald Street and a separate objection from one of the tenants.

The above objections raised the following concerns;

- the existing traffic problem on the rear right of way is of concern and the proposal is considered to exacerbate this;
- the existing use does not have enough car parking which places pressure on the area and results in illegal parking in the right of way;
- objection to the after hours use of the building;
- object to the potential noise generated from the proposed use;
- object to the potential anti-social behaviour such as graffiti and theft that may result, including undesirable persons drawn to the area, inclusive of such behaviour that presently takes place;
- consider the existing counsellors at Glendower Street end of the laneway is sufficient for the area;
- the effect of the proposal and related externalities to the owners feeling of safety;
- the existing employees 'smokos' in the right of way, which causes nuisance by smell and cigarette butts; and
- the cost involved in securing an adjacent premises to protect their right to their sole use of their car parking bays.

The Department for Planning and Infrastructure advised that the proposal does not encroach or affect the Other Regional Road Reservation affecting the site, and therefore raises no objection to the proposal.

The Town's Law and Order Services commented on the proposal. With respect to car parking, and taking into account the limitations on street parking, the right of way and the car parking provided onsite, it was concluded that no adverse impact on parking availability will result from the proposal. With respect to 'Safer Vincent' principles, the Law and Order Services note the expected objection from surrounding residents.

**COMMENTS:**

**Use**

The existing approved use for the site is as an office. As such, any proposal to continue to utilise the premises as an office would not require express Planning Approval. As such, the issue in relation to the subject proposal is for the counselling component of the Cyrenian House business.

From the proposed floor plan submitted with the application, five (5) counselling rooms are denoted and three (3) administrative offices, with a number of incidental uses including; a reception area, toilet facilities, filing room and kitchen/utility room. As such, it is foreseen that the principle service provided by the business is counselling services, with administration of that business being ancillary.

Consulting rooms within the Commercial zone are an “AA” use and subject to compliance with parking requirements are generally supported. The objections of the adjacent neighbours are noted, however it is not the role of planning to govern the use of a premises beyond the use class description within the Town Planning Scheme (Scheme). Therefore on this basis there is no reason not to support the proposal, subject to a management plan that addresses anti-social behaviour, noise, litter, car parking and traffic being submitted to and approved by the Town.

**Hyde Park Precinct Policy**

The above Policy promotes the occupation of the Commercial zone with small scale commercial uses, which are generally compatible with, and largely serve, the surrounding residential uses. In addition, the Policy further states that uses are to be as per the Zone Table of the Scheme. It has already been established that a Consulting Room use is an “AA” use under the Scheme.

Further to this Policy, there are two considerations that need to be taken into account. The first is that the premises' location along Fitzgerald Street lends itself to the fact that this is a major distributor road within Perth and recognised as such by being classified as an Other Regional Road, which provides direct access into and out of the city, as well as being a major transport link for the greater community. As such, it is considered that the primary focus of Fitzgerald Street is not to the local area, but to the wider public also. The ability of these commercial premises to service the wider area is highlighted by the tenants/owners presently occupying the buildings. Such uses include AMP insurance, a Shell Service Station across the road, Ultimate mobile phone related business and the previous use of the subject tenancy as a courier company. These current uses clearly illustrate that they service the wider community and not specifically a local one, as the Policy would indicate.

The second consideration is the proximity to residential properties. It is acknowledged that the closest residential properties are located along Vincent Street and are on the eastern side of the right of way to the proposal. However, it is reasonable to expect these residents to acknowledge their proximity to a major road, being Fitzgerald Street, and the commercial properties located along this street. As such, in purchasing a property in an inner city location and in proximity to major roads and commercial uses, some interruption due to these uses would be a fair expectation of any owner or tenant.

**Car Parking**

In considering car parking, it is appropriate to look at the different uses of the tenancy. The Town’s Policy relating to Parking and Access requires 1 bay to be provided per 50 square metres of gross floor area for office uses and 3 spaces per consulting room. Because the business is dual use it is considered appropriate that the common areas, inclusive of toilets, boardroom, utility, reception and kitchen be shared equally between the two uses. Therefore, the area apportioned to the office use is 55.29 square metres and 105.2 square metres of common area, therefore being a total of 160.49 square metres, thereby requiring 3.2 car bays. The consulting use would generate the need for 15 car bays.

Clause 10 of the Town's Parking and Access Policy allows for car parking requirements to be adjusted in certain circumstances. In this instance, the following adjustments are applicable, including the adjustment criteria and reduction factors.

Car Parking Requirement (nearest whole number)	18 car bays
Apply the adjustment factors.	(0.80)
• 0.80 (within 50 metres of existing public car parking with an excess of 50 spaces)	14.4 car bays
Minus the car parking provided on site.	16 car bays
Resultant excess	1.6 car bays

As such the site has an over-supply of car parking on-site and is in complete accordance with the provisions of the above Policy.

As a comparison, in relation to the objections received, it should be noted that the existing use, comprising solely office use, for the total floor space of 320.45 square metres would require the provision of 6.4 onsite car parking bays, whereas the existing business also had access to the 16 basement bays on-site. Therefore, the existing use, that was claimed to generate so many externalities with respect to parking, was also compliant with the Policy provisions.

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

**10.1.7 No.21 (Lot 254) Ethel Street, North Perth - Variations to Building Licence for Additional Three-Storey Grouped Dwelling**

<b>Ward:</b>	South	<b>Date:</b>	21 May 2003
<b>Precinct:</b>	Norfolk, P10	<b>File Ref:</b>	PRO-1668; 00/33/0455
<b>Reporting Officer(s):</b>	G Snelling		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That;*

*the Council APPROVES the amendments as detailed on the amended plans stamp dated 11 March 2003, to the Building Licence No.20/1426 issued 4 July 2002 to the owner S. L. Eaton, for the additional three-storey grouped dwelling on No.21 (Lot 254) Ethel Street, North Perth, subject to:*

- (i) favourable comments from the owners of the front property of No.21 Ethel Street, regarding the new external brick fireplace and chimney, constructed in the pergola/alfresco area adjacent to the rear boundary;*
- (ii) subject to first obtaining the consent of the owners of No.21 Ethel Street, North Perth for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No.21 Ethel Street, North Perth in a good and clean condition; and*
- (iii) compliance with all relevant Environmental Health, Building and Engineering requirements;*

*to the satisfaction of the Chief Executive Officer.*

**COUNCIL DECISION ITEM 10.1.7**

**Moved Cr Cohen, Seconded Cr Lake**

Cr Torre departed the Chamber at 7.47pm.

*Debate ensued.*

Cr Torre returned to the Chamber at 7.50pm.

**Moved Cr Cohen, Seconded Cr Lake**

*That this item "LIE ON THE TABLE", and a further report with all the details provided including what changes and unauthorised works have been undertaken in order that the details can be assessed.*

**CARRIED (8-0)**

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

**FURTHER REPORT:**

The Town's approved plans do not indicate a storage area underneath the ground floor slab or the external alfresco floor structure, however, it is good building practice for dwellings with timber floors, to have such spaces for sub-floor ventilation, but not for habitable purposes.

On 30 May 2002, the Building Licence application was checked by a Town Planning Officer in terms of compliance with the Planning Approval. The Building Licence indicates a reduction in the northern side ground floor setback to the lounge room from 0.64 metres to a nil setback. Given the single storey nature of the parapet and the relatively short length of the wall, the proposed parapet is considered supportable and not considered to have a further adverse impact on the amenity of the locality.

The Building Licence indicates a reduction in the western side portico setback to the rear right of way from 1.2 metres to a nil setback. Given the orientation of the portico and the existing reduced setbacks along the rear right of way, the proposed setback is considered supportable and not considered to have a further adverse impact on the amenity of the locality.

On 20 March 2003, the Town's Officers carried out a site inspection and endeavoured to measure the total height of the 3 storey dwelling on the above-mentioned property. The estimated total height from the finished ground floor level (FGL) to the top ridge of the roof structure, is approximately twelve (12) metres, however, when measured in accordance with the new Residential Design Codes, i.e.: "*height shall be measured from the natural level (NL) immediately below the relevant point on the wall or roof*", the estimated total height from the NL to the top ridge of the roof structure, is approximately 12.9 metres.

The Town has not received a complaint relating to the damage of the retaining wall on the northern side boundary between No.21 and No.23 Ethel Street, North Perth. This is considered to be a separate matter to the subject variations to the Building Licence, however, a detailed investigation will be undertaken and a response on the outcome of these investigations will be forwarded to Councillor Caroline Cohen.

**LANDOWNER:** K & S Eaton  
**APPLICANT:** Cousins Constructions  
**ZONING:** Metropolitan Region Scheme: Urban  
 Town Planning Scheme No.1: Residential R40  
**EXISTING LAND USE:** Existing dwelling, and additional grouped dwelling under construction.

**COMPLIANCE:**

Use Class	Grouped Dwelling
Use Classification	"p"
Lot Area	680 square metres

**SITE HISTORY:**

The subject site is occupied by a single storey dwelling and the subject additional grouped dwelling is under construction. The surrounding area is characterised by a mix of single and two storey dwellings. A Town owned and sealed right of way runs along the rear boundary of the site.

The Council at its Ordinary Meeting held on 27 March 2001, conditionally approved an additional three-storey grouped dwelling, carport and alterations to an existing single house.

**CONSULTATION / ADVERTISING:**

One letter of objection was received during the previous advertising period. The main concerns included the three storey nature of the proposal and the potential for overshadowing onto adjacent properties.

**DETAILS:**

Approval is sought for the construction of minor amendments to the additional three-storey grouped dwelling.

**COMMENTS:**

In response to Elected Members Requests from Councillors Ker, Cohen and Chester dating back to 10 February 2003, and a complaint from the owner of Nos.101a and 101b Alma Road, the Town's Planning and Building Services Officers carried out a site inspection, of the recently constructed three (3) storey grouped dwelling at No. 21 (Lot 254) Ethel Street, North Perth.

The Council at its the Ordinary Meeting held on 27 March 2001, approved the subject grouped dwelling with a height of eleven (11) metres. The total height of the constructed dwelling is twelve (12) metres. It is considered that the additional metre in total height of the dwelling will not have any additional undue impact on the amenity and streetscape of the locality. The subject property is situated to the rear of an existing property along Ethel Street and has its primary access from the right of way. The subject development is setback approximately 28 metres from Ethel Street and 14 metres from Alma Road. Upon site inspection, it was also identified that a new external brick fireplace and chimney have been constructed in the pergola/alfresco area, adjacent to the rear boundary. This is not perceived to have an undue negative impact on the adjacent properties and no complaints have been received to date in relation to this structure.

Construction of the additional three-storey grouped dwelling complies with the Town Planning Approval, approved on 27 March 2001 and issued on 4 April 2001, with the exception of the ground floor ceiling height, the alteration of the roof design to an apex style and the variations detailed in Table 1.

On 30 May 2002, the Building Licence application was checked by a Town Planning Officer in terms of compliance with the Planning Approval. It was determined that the total height of the proposed three (3) storey grouped dwelling, complies with the Town's Policy relating to Building Scale, which permits a maximum height of twelve (12) metres for 3 storey dwellings with a pitched roof. As such, the height of 12 metres was considered supportable, and not considered to have a further adverse impact on the amenity of the locality.

On 4 July 2002, the Building Licence for an additional three-storey grouped dwelling, carport and alterations to existing house was issued. The Building Licence plans indicate the dwelling roof structure consisting of a forty five (45) degree pitched roof and the scaled total height from the finished ground floor level (FGL) to the top ridge of the roof structure, being approximately twelve (12) metres.

On 20 March 2003, the Town's Officers carried out a site inspection and endeavoured to measure the total height of the 3 storey dwelling on the above-mentioned property. The estimated total height from the FGL to the top ridge of the roof structure, is approximately twelve (12) metres, and the roof appears to have been constructed in accordance with the approved Building Licence plans with a pitch of 45 degrees. However, the roof has been altered from a longer ridge design in reference to the Planning Approval, to an apex style which complies with the Building Licence.

A discussion with the Building Supervisor on 17 April 2003, revealed that the designer's original roof structure was designed with longer ridges creating a lower pitched roof, however, the roof carpenter's opinion prior to submitting the Building Licence application, declared the original roof design to be too problematic, specifically with the central valley and gutter system, and the supervisor agreed to consult with the designer to change the design to an apex style, which added an extra metre to the overall height of the building.

A further discussion on 24 April 2003 with the designer, revealed the following comments:

*"The new apex roof style structure:*

- a) *improves the external aesthetics of the building;*
- b) *removes the previous ridge roof styles central valley and gutter system to reduce future maintenance and eliminate potential areas for roof leaks; and*
- c) *increases the structural integrity of the building".*

Therefore, construction of the additional three-storey grouped dwelling complies with the Planning Approval, approved on 27 March 2001 and issued on 6 April 2001, and the Building Licence issued on 4 July 2002, with the exception of the following variations detailed in Table 1.

**Table 1**

VARIATION	STATUS	COMMENTS/ RECOMMENDATION
(a) Original ridge style roof construction changed to an apex style structure, increasing the total height of the dwelling from 11 metres to 12 metres.	As per constructed and shown on Building Licence (No.20-1426) plans issued 4 July 2002.	Acceptable, and no further action to be undertaken. Not considered to have a further visual impact on the streetscape of the area surrounding Ethel Street and Alma Road, as it is setback approximately 28 metres and 14 metres respectively.
(b) One of the third floor ensuite windows has been deleted.	As per constructed and shown on proposed amended Building Licence plans dated 11 March 2003.	Acceptable, issue Amended Building Licence and no further action to be undertaken.
(c) New door installed leading from the master bedroom and entering the roof void, creating an additional storage area on the second floor.	As per constructed and shown on proposed amended Building Licence plans dated 11 March 2003.	Acceptable, issue Amended Building Licence and no further action to be undertaken.
(d) New door installed leading from bedroom 2 and entering the bathroom, on the first floor.	As per constructed and shown on proposed amended Building Licence plans dated 11 March 2003.	Acceptable, issue Amended Building Licence and no further action to be undertaken.
(e) New external brick fireplace and chimney constructed in the pergola/alfresco area, adjacent to the rear boundary.	As per constructed and shown on proposed amended Building Licence plans dated 11 March 2003.	Acceptable, subject to favourable comments from adjoining property owner.
(f) Increased ground floor ceiling level height from 2743 millimetres to 2795 millimetres.	As per constructed and shown on proposed amended Building Licence plans dated 11 March 2003.	Acceptable, issue Amended Building Licence and no further action to be undertaken.

The visual impact of the three-storey grouped dwelling is somewhat "softened" in the context of the scale and nature existing and intended development in the nearby North Perth Centre, and the setbacks from Ethel Street and Alma Road.

In light of the above, it is recommended that the proposed amendments to the issued Building Licence be approved, subject to standard and appropriate conditions to address the above matters.

**10.1.24 Nos. 595 - 599 (Lots 54 and 53) Beaufort Street, Corner Chelmsford Road, Mount Lawley - Proposed Alterations, Additions, and Change of Use to the Existing Development to Create a Three - Four Storey Mixed Use Development , Comprising Seven (7) Shops, One (1) Eating House and Sixteen (16) Multiple Dwellings**

<b>Ward:</b>	South	<b>Date:</b>	22 May 2003
<b>Precinct:</b>	Mount Lawley Centre, P11	<b>File Ref:</b>	PRO0917, PRO0344; 00/33/1538
<b>Reporting Officer(s):</b>	V Lee, P Mastrodomenico		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That;*

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1, the Council APPROVES the application submitted by Colliere Menkens Pickwell Architects on behalf of the owner A Mann, for proposed alterations, additions, and change of use to the existing development to create a three - four storey mixed use development, comprising seven (7) shops, one (1) eating house and sixteen (16) multiple dwellings, at Nos. 595 - 599 (Lots 54 and 53) Beaufort Street, corner Chelmsford Road, Mount Lawley as shown on plans stamp dated 10 April 2003 (SK 105-D, SK 106-D) and 17 April 2003 (SK 101-D, SK 102-D, SK 103-D, SK 104-C), subject to:*
  - (a) *detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building Licence application;*
  - (b) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
  - (c) *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);*
  - (d) *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 \$20,000 shall be submitted to and approved by the Town. The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development and Administrative Services Section with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

- (e) 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 with particular attention to the existing façade of the shops on the ground floor;*
- (f) subject to first obtaining the consent of the owners of No. 591 (Lot 3) Beaufort 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. 591 (Lot 3) Beaufort Street description of adjoining land in a good and clean condition;*
- (g) 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 Beaufort Street and Chelmsford Road shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the new front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (h) a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Chelmsford 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);*
- (i) 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;*
- (j) 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";*
- (k) prior to the first occupation of the development, five (5) class three bicycle parking rails, shall be provided at a location convenient to the entrance of the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (l) 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;*
- (m) 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;*

- (n) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property that the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities. This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;*
- (o) *the residential component of the development shall be adequately sound insulated prior to the first occupation of the development. The necessary sound insulation shall be in accordance with the recommendations, developed in consultation with the Town, of an acoustic consultant registered to conduct noise surveys and assessments in accordance with the Environmental Protection Act 1986. The sound insulation recommendations shall be submitted and approved prior to the issue of a Building Licence. The engagement of and the implementation of the recommendations of this acoustic consultant are to be at the applicant's/owner(s)' costs;*
- (p) *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;*
- (q) *the seven (7) commercial/retail tenancies shall be limited to a maximum gross floor area of 466 square metres, and the café/restaurant tenancy shall be limited 25 square metres of public area;*
- (r) *doors and windows and adjacent floor areas fronting Beaufort Street and Chelmsford Road shall maintain an active and interactive relationship with these streets;*
- (s) *prior to the first occupation of the development, the car parking spaces provided for the residential component of the development, including two (2) visitors bays, shall be clearly marked and signposted for the exclusive use of the residents of the development and shall not be in tandem arrangement unless they service the same residential unit/dwelling;*
- (t) *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;*
- (u) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;*
- (v) *a road and verge security deposit bond and/or bank guarantee of \$9600 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;*

- (w) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (x) *all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath levels;*
- (y) *the existing awning shall be modified to be a minimum of 600 millimetres back from the road kerb line;*
- (z) *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;*
- (aa) *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;*
- (ab) *prior to the first occupation of the development, the following requirements for people with disabilities shall be addressed:*
  - (a) *provide access to the building in accordance with the Building Codes of Australia; and*
  - (b) *any new or altered entrances to the building having a minimum doorway width in accordance with Australian Standards (AS) 1428.2;*
- (ac) *prior to the issue of a Building Licence, a Construction Staging Plan shall be submitted to and approved by the Town, indicating the staging of the development and all major construction works associated with each stage, with particular reference to the planning conditions that are required to be complied with 'prior to the first occupation of the development; and*
- (ad) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town;*
- (ae) *prior to the first occupation of the development, the applicant shall provide permanent mechanical ventilation for the commercial and residential bin enclosures, capable of facilitating a minimum of 10 air changes per hour. The mechanical apparatus shall be flumed to the external air and discharge clear of all building openings including, windows, doors vents or ducts;*
- (af) *prior to the first occupation of the development, the applicant/owner(s) shall, in at least 12-point size writing, advise (prospective) purchasers of the residential units/dwellings that:*

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

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

(a) *the plot ratio floor area of units 1, 6, 7, 8, 9, 14, 15 and 16 being limited to a maximum of 60 square metres; and*

(b) *the balcony of unit 15 having a minimum dimensions of 2 metres.*

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

(ah) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*

*to the satisfaction of the Chief Executive Officer; and*

(ii) *the Council advise the Western Australian Planning Commission that the Council strongly supports the application subject to conditions as detailed in Clause (i) above, and request the Western Australian Planning Commission to determine the application in accordance with the provision of the Metropolitan Region Scheme.*

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**Moved Cr Lake, Seconded Cr Torre**

*That the recommendation together with amended clauses (i)(z), (i) preamble, (i)(ag)(a) and (i)(q) be adopted.*

"(i)(z) *amend visual truncation of 2 1.5 metres by 2 1.5 metres at the intersection of the driveway and the footpath shall be provided at the owner's expense..*

"(i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1, the Council APPROVES the application submitted by Colliere Menkens Pickwell Architects on behalf of the owner A Mann, for proposed alterations, additions, and change of use to the existing development to create a three - four storey mixed use development, comprising ~~seven (7)~~ six (6) shops, ~~one (1)~~ three (3) eating houses and sixteen (16) multiple dwellings, at Nos. 595 - 599 (Lots 54 and 53) Beaufort Street, corner Chelmsford Road, Mount Lawley as shown on plans stamp dated 10 April 2003 (SK 105-D, SK 106-D) and 17 April 2003 (SK 101-D, SK 102-D, SK 103-D, SK 104-C), subject to:"*

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

(a) *the plot ratio floor area ~~of units 1, 6, 7, 8, 9, 14, 15 and 16 of the of~~ each single bedroom unit being limited to a maximum of 60 square metres; and"*

"(q) *the ~~seven (7)~~ six (6) commercial/retail tenancies shall be limited to a maximum gross floor area of ~~466~~ 382 square metres, and the three café/restaurant ~~tenancy~~ tenancies shall be limited ~~25~~ 57 square metres of public area;"*

*Debate ensued.*

**Moved Cr Lake, Seconded Cr Cohen**

*That clause i (ag) (a) be deleted.*

**AMENDMENT CARRIED (8-0)**

(Mayor Catania JP on approved leave of absence.)

**Moved Cr Lake, Seconded Cr Franchina**

*That clause i (ag) (b) be deleted.*

**AMENDMENT CARRIED (8-0)**

(Mayor Catania JP on approved leave of absence.)

Cr Franchina departed the Chamber at 8.06pm.

*Debate ensued.*

**MOTION AS AMENDED CARRIED (6-1)**

<u>For</u>	<u>Against</u>
Cr Ker - Presiding Member	Cr Chester
Cr Cohen	
Cr Doran-Wu	
Cr Farrell	
Cr Lake	
Cr Torre	

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

**COUNCIL DECISION ITEM 10.1.24**

*That;*

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1, the Council APPROVES the application submitted by Colliere Menkens Pickwell Architects on behalf of the owner A Mann, for proposed alterations, additions, and change of use to the existing development to create a three - four storey mixed use development, comprising six (6) shops, three (3) eating house and sixteen (16) multiple dwellings, at Nos. 595 - 599 (Lots 54 and 53) Beaufort Street, corner Chelmsford Road, Mount Lawley as shown on plans stamp dated 10 April 2003 (SK 105-D, SK 106-D) and 17 April 2003 (SK 101-D, SK 102-D, SK 103-D, SK 104-C), subject to:*
- (a) *detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building Licence application;*
  - (b) *compliance with all relevant Environmental Health, Engineering and Building requirements;*

- (c) *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);*
- (d) *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 \$20,000 shall be submitted to and approved by the Town. The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development and Administrative Services Section with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (e) *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 with particular attention to the existing façade of the shops on the ground floor;*
- (f) *subject to first obtaining the consent of the owners of No. 591 (Lot 3) Beaufort 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. 591 (Lot 3) Beaufort Street description of adjoining land in a good and clean condition;*
- (g) *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 Beaufort Street and Chelmsford Road shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the new front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (h) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Chelmsford 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);*
- (i) *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;*

- (j) *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;*
- (k) *prior to the first occupation of the development, five (5) class three bicycle parking rails, shall be provided at a location convenient to the entrance of the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (l) *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;*
- (m) *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;*
- (n) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property that the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities. This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;*
- (o) *the residential component of the development shall be adequately sound insulated prior to the first occupation of the development. The necessary sound insulation shall be in accordance with the recommendations, developed in consultation with the Town, of an acoustic consultant registered to conduct noise surveys and assessments in accordance with the Environmental Protection Act 1986. The sound insulation recommendations shall be submitted and approved prior to the issue of a Building Licence. The engagement of and the implementation of the recommendations of this acoustic consultant are to be at the applicant's/owner(s)' costs;*
- (p) *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;*
- (q) *the six (6) commercial/retail tenancies shall be limited to a maximum gross floor area of 382 square metres, and the three café/restaurant tenancies shall be limited 57 square metres of public area;*
- (r) *doors and windows and adjacent floor areas fronting Beaufort Street and Chelmsford Road shall maintain an active and interactive relationship with these streets;*

- (s) *prior to the first occupation of the development, the car parking spaces provided for the residential component of the development, including two (2) visitors bays, shall be clearly marked and signposted for the exclusive use of the residents of the development and shall not be in tandem arrangement unless they service the same residential unit/dwelling;*
- (t) *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;*
- (u) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;*
- (v) *a road and verge security deposit bond and/or bank guarantee of \$9600 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;*
- (w) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (x) *all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath levels;*
- (y) *the existing awning shall be modified to be a minimum of 600 millimetres back from the road kerb line;*
- (z) *a visual truncation of 1.5 metres by 1.5 metres at the intersection of the driveway and the footpath shall be provided at the owner's cost;*
  - (aa) *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;*
  - (ab) *prior to the first occupation of the development, the following requirements for people with disabilities shall be addressed:*
    - (a) *provide access to the building in accordance with the Building Codes of Australia; and*
    - (b) *any new or altered entrances to the building having a minimum doorway width in accordance with Australian Standards (AS) 1428.2;*
  - (ac) *prior to the issue of a Building Licence, a Construction Staging Plan shall be submitted to and approved by the Town, indicating the staging of the development and all major construction works associated with each stage, with particular reference to the planning conditions that are required to be complied with 'prior to the first occupation of the development; and*

- (ad) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town;*
- (ae) *prior to the first occupation of the development, the applicant shall provide permanent mechanical ventilation for the commercial and residential bin enclosures, capable of facilitating a minimum of 10 air changes per hour. The mechanical apparatus shall be flumed to the external air and discharge clear of all building openings including, windows, doors vents or ducts;*
- (af) *prior to the first occupation of the development, the applicant/owner(s) shall, in at least 12-point size writing, advise (prospective) purchasers of the residential units/dwellings that:*  
  
*"the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/dwellings. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development";*
- (ag) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*

*to the satisfaction of the Chief Executive Officer; and*

- (ii) *the Council advise the Western Australian Planning Commission that the Council strongly supports the application subject to conditions as detailed in Clause (i) above, and request the Western Australian Planning Commission to determine the application in accordance with the provision of the Metropolitan Region Scheme.*

**FURTHER REPORT:**

**Single Bedroom Dwellings**

<b>Requirements</b>	<b>Required</b>	<b>Provided</b>
Single Bedroom Dwellings	Maximum plot ratio floor area of 60 square metres per single bedroom dwelling.	8 single bedroom dwellings proposed ranging in size from 59.5 square metres to 75.5 square metres plot ratio floor area.

The above table has been amended to reflect the single bedroom dwellings only. All the single bedroom dwellings should be conditioned to comply with the requirements of the Residential Design Codes, which requires single bedroom dwellings not to exceed a maximum plot ratio floor area of 60 square metres.

**Western Side Setback**

<b>Requirements</b>	<b>Required</b>	<b>Provided</b>
Setback- To the adjacent western residential property	5.6 metres	1.8 metres

A further detailed assessment of the western side setback concluded that the western side setback requires a setback of 5.6 metres for a wall length of 14.3 metres, a wall height of 8.8 metres, and with a major opening. The applicant has requested that the wall be treated as a minor opening. However a balcony or terrace regardless of whether or not it is screened to 1.6 metres above the finished floor level, is considered a major opening in accordance with clause 3.3.1 A1 ii. of the Residential Design Codes, which states that *"unenclosed balconies, terraces, ... setback as though they are major openings to habitable rooms with a wall height of 2.4m above their floor level"*.

**Bicycle Parking**

Requirements	Required	Provided
<b>Restaurant-</b> 1 space (Class 1 or 2) per 100 square metres public area for employees	0.25 spaces	<del>No bicycle parking shown on plans</del>
2 spaces (Class 3) plus 1 space per 100 square metres of public area for visitors	2.25 spaces	<del>No bicycle parking shown on plans</del>
<b>Retail</b> 1 space (Class 2) per premises for employees	4 spaces	<del>No bicycle parking shown on plans</del>
1 space (Class 3) per 20 square metres gross floor area for visitors End of Trip facilities	10.3 spaces	<del>No bicycle parking shown on plans</del>  Bicycle parking shown, however insufficient details shown on plans

Further assessment of the plans indicates that the bicycle parking details have been included; however the plans show a lack of details relating to the amount and nature of the proposed bicycle parking.

**Agenda Plans**

A copy of the *Level 1 - Street Level* plan is attached as it was inadvertently omitted from the Agenda.

**Uses**

Further detailed assessment of the plans and discussions with the applicant confirmed that there are six (6) six commercial/retail tenancies and three (3) eating houses.

**Car parking**

**Commercial Car Parking Requirements**

Car parking requirement (nearest whole number)	37 car bays
Tenancy 1 - Eating House - <del>40</del> 22 square metres public area - 2.22 bays	
Tenancy 2 - Laundromat - 67 square metres - 3.35 bays	
Tenancy 3 - Eating House - <del>22</del> 10 square metres public area - 4.89 bays	
Tenancy 4 - Retail - 58.5 square metres - 3.9 bays	
Tenancy 5 - Retail - 58.5 square metres - 3.9 bays	
Tenancy 6 - Retail - 67 square metres - 4.47 bays	
Tenancy 7 - Eating House - 25 square metres public area - 5.56 bays	
Tenancy 8 - Retail - 70 square metres - 4.67 bays	
Tenancy 9 - Retail - 61 square metres - 4.07 bays	

In light of the above changes to the tenancies the car parking table has been amended accordingly, however, the total car parking requirement remains unchanged.

**LANDOWNER:** A Mann  
**APPLICANT:** Colliere Menkens Pickwell Architects  
**ZONING:** Metropolitan Region Scheme: Urban and Other Regional Road  
 Town Planning Scheme No.1: Commercial, District Centre and Other Regional Roads  
**EXISTING LAND USE:** Shop, Showrooms and Eating House

**COMPLIANCE:**

Requirements	Required	Proposed
Minimum Site Area - Performance Criteria	Maximum 5 per cent variation allowed to minimum site area where development has sufficient frontage to more than one public street, or protection of heritage feature.	5 per cent variation to minimum site area proposed. Development is considered to have significant frontage to Beaufort Street and Chelmsford Road and retains majority of existing ground floor building.
Store Rooms for Dwellings	Storage area with at least 4 square metres internal area and minimum internal dimension of 1.5 metres.	Some store rooms with less than 4 square metres internal area and less than 1.5 metre internal dimension.
Single Bedroom Dwellings	Maximum plot ratio floor area of 60 square metres per single bedroom dwelling.	8 single bedroom dwellings proposed ranging in size from 59.5 square metres to 88.5 square metres plot ratio floor area.
Town's Policy Relating to the Mount Lawley Centre - Building Height	Maximum height, three storeys, a fourth storey can be considered, provided that the amenity of the adjacent residential area is protected in terms of privacy bulk and scale.	Proposed development is up to four storeys high. A portion of the fourth storey is up to 13.63 metres in height

Setback- To the adjacent western residential property	6.0 metres	1.5 metres
Balcony for Multiple Dwelling (unit 15)	Minimum dimension of 2 metres	1.4 metres (total area of 4.8 metres squared)
Pedestrian Walkway	Minimum of 4.0 metres	3.0 metres

**Bicycle Parking Facilities:**

Requirements	Required	Provided
<b>Restaurant-</b> 1 space (Class 1 or 2) per 100 square metres public area for employees	0.25 spaces	No bicycle parking shown on plans
2 spaces (Class 3) plus 1 space per 100 square metres of public area for visitors	2.25 spaces	No bicycle parking shown on plans
<b>Retail</b> 1 space (Class 2) per premises for employees	4 spaces	No bicycle parking shown on plans
1 space (Class 3) per 20 square metres gross floor area for visitors End of Trip facilities	10.3 spaces	No bicycle parking shown on plans

Use Class	Shop, Eating House, Multiple Dwellings	
Use Classification	P, P, AA	
Lot Area	1586 square metres, including truncation	

**SITE HISTORY:**

The surrounding development consists of a mixture of commercial development to the north, south and east and residential to the west.

**DETAILS:**

The applicant seeks approval for proposed alterations, additions, and change of use to the existing development to create a three - four storey mixed use development , comprising seven (7) shops, one (1) eating house and sixteen (16) multiple dwellings

The Town received revised plans from the applicant on 10 April 2003 addressing some concerns raised by the Town. These modifications include:

1. an additional two (2) car parking bays being provided on site;
2. relocation of the bin storage area away from the adjoining residential property, and advice that the bin storage area will be enclosed and mechanically ventilated. The bin storage area is now 6.23 metres from the property boundary; and
3. allocation of storage areas.

In support of the application, the applicant has provided the following statement:

*"This exciting new project is located on the corner of Beaufort and Chelmsford Street in the heart of Mt Lawley's busy cosmopolitan streetscape of restaurants, bars, cinema and after-hours shopping. The building establishes itself as a 'bookend' in relation to local landmark Art-Deco buildings located on the nearby intersection of Walcott and Beaufort St, eg the Astor cinema. The urban space between the new project and these buildings provides an active pedestrian and retail strip. The addition of the new building compliments the existing urban amenities with its very own convenient mix of shops, cafes and restaurants. When completed the building will add to the lively urban precinct of Mt Lawley.*

*The pedestrian/visitor entry to the apartment foyer located on Chelmsford St is well lit and nestled within the line of the shopfronts. One through the security foyer the visitor passes by an internal landscape water feature and up to one of three entry staircases which inturn lead to the large outdoor living space, the majority of which enjoy sunny north-facing aspect onto quieter Chelmsford St. The building itself enjoys a high level of security along its boundaries, entry points and secure parking allotments. The overall aesthetic is fresh and modern with artful colour accents and textures articulating its façade.*

*The combination of a striking contemporary building, superbly located within Mt Lawley's lively cosmopolitan network of shops and amenities with access to public transport, will ensure quality of lifestyle and security on investment."*

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

Three submissions were received during the public consultation period. Issues raised included the variations to carparking, building height, setbacks, bin storage area, and the potential for overlooking onto the adjacent properties.

The Department for Planning and Infrastructure (DPI) provided the following comments:

*"The Beaufort Street MRS 'Other Regional Roads' (ORR) reserve encroaches over a 1.7m wide section of the subject lots.*

*The submitted sketches indicated that all vehicular access to the site would be provided via Chelmsford Road. However, the proposed commercial and residential development would be constructed along the Beaufort Street dedicated road reserve, and encroach on the ORR reserve.*

*One of the main objections of the Commission's Policy No. DC 1.2 (Development Control-General Principles) is to ensure, amongst other things, that the future acquisition of reserved land or its eventual development would not be prejudiced by the proposed development. In this case, the proposed development would result in commercial tenancies and residential apartments being constructed on land that is reserve for regional road purposes.*

*In view of the Commission's policy above and having regard to the nature, purpose and approximate cost of the proposed development, the application as submitted is not supported. The Department would be prepared to support a development that is located entirely outside of the ORR reserve."*

The applicant was made aware of the proposed road widening of Beaufort Street during the initial design stages. The applicant advised that their client had elected to proceed with the proposed building works in accord with the Town's preferred zero setback policy requirement to Beaufort Street. The applicant acknowledges that the Department for Planning and Infrastructure advice regarding the possible requirement of the 1.7 metre setback to Beaufort Street.

*"Our communications with DPI.....indicate that there are now multiple submission in relation to the road widening issues to Beaufort Street sufficient to warrant a 'round table' meeting with the Town of Vincent' Planning Department and DPI which will hopefully formulate a clearer methodology for assessment of the issues in light of the Heritage listed buildings to the corner of Beaufort and Walcott Streets which of course nullify the reason fro the road widening*

**COMMENTS:**

**Beaufort Street - Other Regional Road Reservation - Proposed Road Widening**

This is the third recent application that the Town has received along Beaufort Street that is affected by the Beaufort Street Other Regional Road Reservation and subject to road widening.

The Town supports the principles behind the proposed road widening of Beaufort Street, particularly to allow for an improved integrated public transport system along this arterial road.

However in this immediate vicinity, the Town requests that the DPI support the principles of the Town's Policy relating to the Mount Lawley Centre Precinct, particularly due to the presence of historically significant buildings within the precinct, which are likely to significantly restrict future road widening in this area.

The Town strongly supports a nil setback to Beaufort Street for the proposed development for the following reasons:

1. The Town's Policy relating to the Mount Lawley Centre Precinct states:

*"Any new buildings are to be of a scale consistent with existing buildings. The existing traditional ribbon form of development along Beaufort Street and Walcott Street is to be maintained and enhanced.*

*In particular, buildings along these streets are to have nil street setbacks, interactive fronts that are continuous and complementary to the design and small scale of existing traditional interactive fronts, frequent entrances, and weather protection over footpaths."*

The intersection of Beaufort Street and Walcott Street retains an intact streetscape of traditional ribbon form of development with nil setbacks to both streets. This has created a strong sense of urban character with historical buildings including the Alexander Building, which is listed on the Town's Municipal Heritage Inventory and is classified by the National Heritage Trust, dominating this intersection. It is most unlikely that the Town would support demolition of these buildings to facilitate road widening at this intersection.

The adjoining buildings on the eastern and northern sides of Beaufort Street have a nil setback to Beaufort Street. Setting back the subject building 1.7 metres in isolation would be considered to result in an undesirable and adhoc streetscape.

This Policy has been adopted pursuant to the provisions of the Town of Vincent Town Planning Scheme No. 1. The Policy has been consistently applied since its promulgation on 27 March 2001.

2. The Town's Technical Services have advised that they currently have no plans to widen this section of Beaufort Street, primarily due to cost involved, including the provision of underground power. In addition they advise that they have recently upgraded / resurfaced this section of Beaufort Street and do not anticipate that further works will be required in the near future.

In light of the above, the Town strongly supports the proposed development with a zero setback to Beaufort Street. It is recommended that the Town write to the Western Australian Planning Commission and request that the Commission reconsider the DPI's position in regard to this matter.

### **Single Bedroom Dwellings**

The proposal includes eight (8) single bedroom dwellings for which the applicant is seeking a variation to the minimum site area required as allowed under the Residential Design Codes (R Codes). Clause 3.1.3 A3 of the R Codes allows the minimum site area to be reduced by up to one third for single bedroom dwellings provided that the maximum plot ratio floor area is 60 square metres.

The proposed single bedroom dwelling plot ratio floor area ranges in size from 59.5 square metres to 88.5 square metres. The main reason for the 60 square metres floor area limitation for single bedroom dwellings is to ensure the dwellings are not used for more than one bedroom. As such a conditional has been applied accordingly to restrict units 1, 6, 7, 8, 9, 14, 15 and 16 to a maximum of 60 square metres plot ratio floor area.

### **Storage**

The R Codes require that each multiple dwelling is provided with an enclosed, lockable storage area, constructed in a design and material matching the dwelling, with a minimum dimension of 1.5 metres with an internal area of at least 4 square metres. Several of the storage areas provided do not meet the minimum dimension or area requirement.

Each multiple dwelling has been provide with a storage area, which includes storage areas nominated under the stairs. The variation to the storage area provided is supportable, as the designs are considered to be usable and functional. Units 9 to 16 have storage areas which are very narrow, however the space created is usable as each is to be provided with a roller door providing access the majority of its width. Bicycle parking has been provided separately, which is often a more bulkier item stored in a store room. Accordingly, this variation is supported.

### **Parking and Access**

To demonstrate the appropriateness for dual use of car parking on site between the commercial and residential uses, the applicant has employed a consultant to undertake an independent assessment of car parking use.

The Beaufort Street Parking Study undertaken by BSD consultants is "Laid on the Table", and concludes the following:

*"The ... analysis has showed that although the eight on street parking bays are highly utilised by patrons of the Chelmsford Road site, the two large council car parks near the site are currently under utilised at all times during the day.*

*Match Projects is proposing a mixture of food and retail outlets on the Chelmsford Road site, which will generate additional parking needs throughout business hours and during the evening. The majority of patrons to the outlets will create short-term parking as cafes, takeaway and high turnover retail are proposed. As previously stated there is currently 1 bay of secure parking provided within the development for each residence. Analysis of the car parks (which both provide short and long term parking) shows there is more than adequate parking to cater for additional parking during the day and night.*

*Consequently, any proposed additional parking requirements generated by the proposed Chelmsford Road development will be more than adequately accommodated by the Council car park between Chelmsford Road and Grosvenor Road and the Beaufort Street Council Car Park opposite the development."*

Car parking requirements for the residential component of the development have been calculated using the requirement for the multiple dwellings from the R Codes.

**Residential Car Parking Requirements**

<b>Requirement of Clause 3.5.1 of the Residential Design Codes</b>	<b>No. of Bays Required</b>
Two bedroom dwellings -0.35 spaces per dwelling plus 0.015 spaces per square metre of plot ratio area, to a maximum of two spaces per dwelling	15.7 bays
Single bedroom dwellings -0.75 spaces per dwelling	6 bays
Visitor bays -Not less than 10 percent of required spaces where more than four dwellings are provided	2.2 bays
Total for Residential 15.7 + 6 + 2.2 bays	24 bays

**The applicant has undertaken a traffic impact assessment study to demonstrate that on-site parking required for other users is available outside normal business hours.**

<b>Requirement of Clause 4.2.1 of the Residential Design Codes</b>	<b>No. of Bays Required</b>
Requirements under Clause 3.5.1 may be reduced to one per dwelling where on-site parking required for other users is available outside normal business hours	16 bays
Visitor bays -Not less than 10 percent of required spaces where more than four dwellings are provided	1.6 bays
Total for Residential 16 + 1.6 bays	<b>18 bays</b>

Accordingly, a minimum of 16 car parking bays may be considered an acceptable amount of car parking for the residential component of the development. It is still considered appropriate that a minimum of 2 car parking bays are made available for visitors use and are marked on site accordingly.

**Commercial Car Parking Requirements**

Car parking requirement (nearest whole number) Tenancy 1 - Eating House - 10 square metres public area - 2.22 bays Tenancy 2 - Laundromat - 67 square metres - 3.35 bays Tenancy 3 - Eating House - 22 square metres public area - 4.89 bays Tenancy 4 - Retail - 58.5 square metres - 3.9 bays Tenancy 5 - Retail - 58.5 square metres - 3.9 bays Tenancy 6 - Retail - 67 square metres - 4.47 bays Tenancy 7 - Eating House - 25 square metres public area - 5.56 bays Tenancy 8 - Retail - 70 square metres - 4.67 bays Tenancy 9 - Retail - 61 square metres - 4.07 bays	37 car bays
Apply the adjustment factors. <ul style="list-style-type: none"> <li>▪ 0.80 (mix of uses with greater than 45 percent of the gross floor area is residential)</li> <li>▪ 0.85 (within 400 metres of a bus stop)</li> <li>▪ 0.80 (within 50 metres of one or more public car parks in excess of 50 spaces)</li> <li>▪ 0.90 (within District Centre Zone)</li> <li>▪ 0.90 (development provided with end of trip facilities)</li> </ul>	( 0.44 )  16.3 car bays
Minus the car parking provided on site for uses other than residential purposes = 4 bays 28 bays provided on site including disabled car parking bay *(24 bays required for residential, including visitors, resulting in 4 bays specifically for commercial uses) **(18 bays required for residential, including visitors, resulting in 10 bays specifically for commercial uses)	*12.3 car bays **6.3 car bays
Minus the most recently approved on site car parking shortfall. Current development No. 599 Beaufort Street - Vacant Tenancy - Shop - 55 square metres - 3.67 bays Tenancy 1 - Eating House - 10 square metres public area - 2.22 bays Tenancy 2 - Laundromat - 67 square metres - 3.35 bays Tenancy 3 - Eating House - 22 square metres - 4.89 bays Tenancy 4 - Reco Fridge and Washers - showroom - 132 square metres - 3 bays Tenancy 5 - Fridge and Washer City - showroom - 206 square metres - 4 bays  No. 595 Beaufort Street - vehicle sales premises - 500 square metres - 5 bays  (Approximately 5 car parking bays provided at No. 595 Beaufort Street, no parking provided on site for No. 599 Beaufort Street) therefore existing shortfall of 21.13 bays on No. 599 Beaufort Street x adjustment factors (0.44) = 9.3 bays	*9.3 car bays
Resultant shortfall/surplus	*3 car bays shortfall **3 car bays surplus

\* And \*\* Refer to Residential Car Parking Requirements.

The Town's Law and Order Services have provided the following advice in relation to the proposal. It should be noted that these comments were provided after the assessment of plans stamp-dated 17 March 2003. An additional two car parking bays have now been provided on site. These comments are also made based on Law and Order requirements, rather than the Town's Planning and Building Policy relating to Parking and Access.

*"Chelmsford Road has one hour (1P) kerbside parking facilities for 5 vehicles and an 11 metre-long Loading Zone on the south side of the street. As you are no doubt aware, Chelmsford Road Car Park is situated on the north side of Chelmsford Road and can accommodate a total of 63 motor vehicles, including 4 motor cycles. However, only 26 of these bays attract a parking fee and can therefore be used for all-day parking.*

*I note that a total of 26 on-site parking bays are to be provided in the development, which incorporates a total of nine (9) commercial tenancies and sixteen (16) residential tenancies. I believe that it would not be unreasonable to expect that each of the 16 residential tenancies would be allocated a parking bay, with perhaps a further 5 communal bays set-aside for visitors to residences. This will leave only 5 parking bays to service 9 commercial tenancies, most of which will have a number of staff and, one of which is a cafe/restaurant, requiring both staff and customer parking. I estimate that this will result in a need for up to twenty (20) additional parking bays to be used.*

*Currently the parking fee, charged in both Chelmsford Road and Raglan Road car Parks, is 80 cents per hour to a maximum of \$4.40 per full day (from 8am to 8pm) and I believe that the additional vehicles could be accommodated in these locations. Under the Parking Facilities local Law, the Town can also issue pre-paid monthly parking permits, which average out to a cost of approximately \$2.65 per day.*

*Barlee Street Car Park is also close to this development and can accommodate a further 50 vehicles. This car park currently offers free all-day parking (6am to 6pm) with a night parking fee of 60 cents per hour to a maximum of \$3.30 per day.*

*In view of the above, I do not believe that there is likely to be any major problems generated as a result of an approval for this development. However, I would recommend that developers are required to inform prospective tenants that, in accordance with the Town's Parking Strategy and since the on-site parking facilities being provided in the plans are considered, by the developer, to be adequate, the issuing of further residential or visitor parking permits will not be permitted. Customers, visitors and residents' "second cars" will need to comply with the local parking restrictions.*

*I believe that, provided the above information is taken into consideration and that all other conditions are agreed to, I would not object to the development being APPROVED. "*

### **Two Zones Over Both Lots**

The proposal overlies two lots, No. 599 Beaufort Street being zoned District Centre, and No. 595 Beaufort Street zoned Commercial. The Town's Policy relating to Parking and Access allows for an additional adjustment factor to be taken into account when a proposal lies within a District Centre zone. In this instance it is considered appropriate to take into account this adjustment factor when calculating the car parking requirements for the commercial component as the majority of the commercial development proposed lies within the lot zoned District Centre and the intent of the adjustment factor is considered to be met.

### **Bicycle Parking**

The Town's Parking and Access Policy requires the provision of bicycle parking facilities for all commercial properties. The proposed commercial component of the development requires 17 bicycle parking facilities. The Town's Technical Services have advised that the provision of 5 Class 3 bicycle parking facilities are considered appropriate in this instance due to the width of the adjacent footpath and the possible obstruction the rails may have on pedestrian movement and the fact that each rail can accommodate 2 bicycles. As such a conditional should be applied accordingly.

The proposal complies with the end of trip facilities for the development as required by the Town's Policy relating to Parking and Access, and have indicated the provision of end of trip facilities in the form of male/female change rooms and lockers.

### **Setbacks and Height**

A number of objections were received in regards to the overall height and setbacks of the development. The Town's Policy relating to the Mount Lawley Centre - Building Height permits maximum height, three storeys, a fourth storey can be considered, provided that the amenity of the adjacent residential area is protected in terms of privacy bulk and scale. As such the height of the proposed development is conceded acceptable as the western elevation, which is adjoins a residential property, is setback 1.5 to 2.0 metres and all major openings are screened in accordance with the requirements of the Residential Design Codes.

### **Privacy**

With regard to objections received in regards to the potential for unreasonable overlooking from major habitable room openings on the first, second and third floors on the western elevation, the plans indicate that the overlooking habitable openings are all screened to 1.6 metres with fixed obscured glass and as such comply with the privacy requirements of the Residential Design Codes.

### **Heritage**

The existing shops along Beaufort Street are indicative of single storey commercial premises dating from the early 20th century with various alterations to accommodate changing uses overtime. The existing buildings are not included in the Town's Municipal Heritage Inventory or the Interim Heritage Database. The retention of the façade and the continuation of the various commercial uses on the ground floor assists in marinating a link with the past uses and physical presentation to the streets. The existing shop frontage is to be retained and a schedule of finishes and detailing will be required to be submitted to the Town.

### **Bin Storage**

The Town's Health Services have advised that they are generally satisfied with the location of the residential and commercial bin storage area as shown on the revised plans stamp-dated 10 April 2003. The revised plans have increased the separation distance between the development and the single storey dwelling to the west, therefore reducing the potential impact of odours and noise from the development to the adjacent dwelling.

In order to minimise the potential for odour from the bin storage area, the Town's Health Services recommend that approval be subject to the storage area being permanently mechanically ventilated.

### **Air conditioners**

The Town's Health Services have advised they are generally satisfied that the proposed location of the air conditioners will not adversely impact on the amenity of the residents.

**Pedestrian Walkways**

The Town's Policy relating to Pedestrian Walkways requires a minimum width for arcades and pedestrian walkways to be 4.0 metres. The proposed pedestrian walkway is 3.0 metres wide. This is considered supportable as the arcade forms part of the existing building.

**Balcony**

Unit 15 proposes a balcony with a minimum dimension less than 2.0 metres. The Town's Policy requires a balcony to have a minimum dimension of 2.0 metres. This should be complied with to allow the area to be functional and allow for interaction with the street. As such a condition has been applied accordingly.

**Summary**

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

**10.1.15 No. 27 (Lot 31) Harley Street, Highgate - Proposed Partial Demolition of and Alterations and Additions Including Freestanding Garage and Studio Structure to Existing Single House**

<b>Ward:</b>	South	<b>Date:</b>	20 May 2003
<b>Precinct:</b>	Hyde Park, P10	<b>File Ref:</b>	PRO 2309; 00/33/1567
<b>Reporting Officer(s):</b>	S Crawford		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by D O'Donovan on behalf of the owner J O'Donovan for proposed partial demolition of and alterations and additions including freestanding garage and studio structure, to the existing single house at No. 27 (Lot 31) Harley Street, Highgate, and as shown on plans stamped 2 April 2003, subject to:*

- (i) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:
 
  - (a) the deletion of the proposed carport/garage;*
  - (b) the provision of two (2) unenclosed hardstand car parking spaces onsite; and*
  - (c) the car parking being provided with a minimum reversing room of 6.0 metres to the opposite/north - western side of the right of way.*

*The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;**
- (ii) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (iii) detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building Licence application;*
- (iv) a visual truncation of 1.5 metres by 1.5 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) *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;*
- (viii) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (ix) *subject to first obtaining the consent of the owners of No. 31 Harley 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. 31 Harley Street in a good and clean condition;*
- (x) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s); and*
- (xi) *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.*

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**Moved Cr Torre, Seconded Cr Lake**

*That the recommendation together with the following amended clause (iv), be adopted.*

- "(iv) a visual truncation of 1.5 metres by 1.5 metres at the intersection of the driveway and ~~footpath~~ right of way shall be provided at the owner's cost;"*

**Cr Doran-Wu departed the Chamber at 8.10pm.**

*Debate ensued.*

**Cr Doran-Wu returned to the Chamber at 8.12pm.**

*Debate ensued.*

**Cr Franchina returned to the Chamber at 8.14pm.**

**COUNCIL DECISION ITEM 10.1.15**

**Moved Cr Chester, Seconded Cr Farrell**

*That this item "LIE ON THE TABLE" and the applicant's amended plans be referred to the Town Officers for comment, and address the concerns of manoeuvrability.*

**CARRIED (8-0)**

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

**LANDOWNER:** J O'Donovan  
**APPLICANT:** D O'Donovan  
**ZONING:** Metropolitan Region Scheme: Urban  
 Town Planning Scheme No.1: Residential R80 (R60 applies)  
**EXISTING LAND USE:** Single House

**COMPLIANCE:**

Use Class	Single House
Use Classification	"P"
Lot Area	347 square metres

<b>Requirement</b>	<b>Required</b>	<b>Proposed</b>
Setbacks - Dwelling - Northern side setback	1.8 metres or consideration of allowing a 'seamless extension' as contained within the Town's Local Character Policy.	Nil
Southern side setback	4.5 metres	0.99 metre
Garage/Studio Structure - Rear setback	1.0 metre respectively	Nil respectively
Northern side setback	1.0 metre	Nil
Southern setback	1.0 metre	Nil
Car Parking	6.0 metres reversing room	Approximately 3.0 metres
Open Space	45 per cent	31.7 per cent
Wall Height	3.0 metres or consideration of 'seamless extension' as contained within the Town's Local Character Policy.	4.4 metres

**SITE HISTORY:**

The site currently supports a single storey single house. A 3.01 metres wide privately owned unsealed right of way runs along the rear boundary.

**DETAILS:**

The applicant seeks partial demolition and alterations and additions to the single house, including a free standing garage and studio structure located to the rear of the site adjacent to the right of way. The garage and studio structure will replace smaller existing structures of this nature.

**CONSULTATION/ADVERTISING:**

The proposal was advertised and one submission was received. The submission is from the owner of the property located on the southern side of the proposal, and raises concerns in relation to fencing for the site.

The objector submits that the southern boundary fence is considered to be encroaching onto her land and that any future fence should follow the correct boundaries of the property. In relation to this aspect, the Town can only approve development on the site that is subject of this application, that being No. 27 Harley Street. Any dispute to boundary fencing falls under the provisions of the Dividing Fences Act and is a civil matter between neighbours. As such, the Town has no direct involvement in the resolution of these matters.

The second issue raised by the objector relates to the fact that the existing southern boundary fence to the rear of the properties is higher than that which is proposed as part of this application.

As part of the application, the applicant does not intend to alter the existing boundary fencing, and as such it is understood that this will remain unaltered, which addresses the objector's concerns.

**COMMENTS:**

**Partial Demolition**

The proposal has been reviewed by the Town's Heritage Officer, which identifies that the property is listed on the Town's Interim Heritage Database, however is not listed on the Town's Municipal Heritage Inventory, and as such any proposal is subject to the provisions of the Town's Town Planning Scheme No. 1 and related Policies. Therefore, no objection is raised to the proposed partial demolition.

**Dwelling Setbacks**

**Northern Side Setback**

The Residential Design Codes (R Codes) require a setback of 1.8 metres from the affected boundary, whereas the applicant seeks a nil setback. The existing dwelling incorporates a nil setback to the northern boundary for a wall length of 12.2 metres. The applicant seeks a continuation of this setback to accommodate the additions, that being a living/dining area and to enclose the proposed deck to the rear of the dwelling.

The R Codes permits parapets to one side boundary for areas coded R30 or higher. However, the provisions of this Clause cannot be utilised in this proposal as the average wall height for the parapet is 4.0 metres, which is greater than that provided for by the R Codes.

However, the Town's Policy relating to Local Character promotes the continuation of existing setbacks on-site in the case of extensions, in order to achieve seamless extensions. The additional parapet to this boundary will be for a length of 9.2 metres.

Because the parapet wall is located on the northern boundary of the property no undue overshadowing will affect the northern neighbour. In addition, the proposed wall height of 4.0 metres is consistent with the scale of the existing parapet wall. On this basis, it is considered that the proposed parapet wall is acceptable.

Furthermore, the new dining/living and laundry areas created actually occur within the existing footprint of the building, with the actual extension element (lounge room) having a greater setback to this boundary in accordance with the R Codes. On this basis and the fact that no undue overshadowing will result, the relaxation to allow a seamless extension is supported.

#### **Southern Side Setback**

The R Codes would require a setback of 4.5 metres to this boundary, whereas the applicant is seeking a setback of 0.99 metre. Similarly, to the northern elevation the extensions to the existing dwelling seek to follow the existing setback pattern of the dwelling, in this case 0.99 metre from the boundary. The extension to this elevation is for a distance of 2.4 metres. Again, utilising the Town's Policy that relates to Local Character, confirms that this approach to setbacks is supported. As there is little undue harm caused as a result of overshadowing, taking into account the neighbour is located on the southern side of the proposal, it is considered the extension as proposed can be supported.

#### **Studio Setbacks**

The R Codes require a 1.0 metre setback to the right of way for this structure, whereas the applicant is proposing a nil setback.

The R Codes would also require a 1.0 metre setback to the northern side boundary whereas the applicant seeks a nil setback. In this instance, the parapet wall is deemed not to cause an undue adverse affect due to the single storey nature of the building.

#### **Garage Setbacks**

As a result of non-compliance with the provisions of open space, the applicant will delete the garage structure from the proposal and replace this with hardstand parking to address this aspect. Due to this modification, the setback issues associated with the garage structure will no longer be relevant to the proposal.

In relation to the objector's concerns for the fencing to this southern boundary at the rear of the property, the removal of the garage structure from the proposal will result in all fencing remaining as is existing on-site, again addressing the concerns raised.

#### **Car Parking**

The R Codes require single houses to be provided with a minimum of two (2) car parking bays on-site. The applicant originally proposed two bays to be accommodated in a garage structure. However, due to the non-compliance with the open space provisions and coupled with the insufficient manoeuvring room, the applicant will delete the garage from the proposal. The garage will be replaced with hardstand parking for two vehicles. In order to achieve the minimum 6.0 metres reversing room requirement, the applicant will provide the car parking forward off the rear boundary by 3.0 metres. The proposal will then be compliant with the R Code requirements with respect to car parking.

#### **Open Space**

Under the R60 code a minimum open space provision of 45 per cent is required. In this instance, the applicant only achieves the provision of 31.7 per cent. It is important to note that the proposed decking area is excluded from the open space calculation (that is, it is included as site cover) as the structure is enclosed on three (3) sides.

Recalculating the open space provision to account for the loss of the garage increases open space on-site to 40.31 per cent. Under the provisions of the Hyde Park Precinct Policy, consideration can be given to any variation to the R Codes where it is necessary to maintain the prevailing historic character of the precinct with regard to the redevelopment of small lots.

The subject site is only 347 square metres in size supporting a very modest residence.

The extensions seeks to create a kitchen/living/dining area only, with this extension being for 5.7 metres in length only. This extension in effect increases the floor space of the dwelling by one third, which demonstrates the small nature of the existing footprint and the increased amenity the extensions will provide to the occupants.

In addition, the deck, despite not being included in the open space calculation, will in fact be utilised as an outdoor living space, thereby fulfilling the intent of it being primarily utilised as an open space area. As an example, if the deck were to be included in the open space calculation, the provision on-site would increase to 56.29 per cent, thereby making the application compliant. Taking these factors into account, it is considered that the reduction in open space for this small lot is suitable and does not seriously reduce the amenity of the occupants, or have any undue impact on the surrounding neighbours.

**Wall Height**

The R Codes generally requires a 3.0 metres wall height for single storey dwellings. The applicant proposes a 4.4 metres wall height to accommodate the parapet wall to the northern boundary, so that the extension to the parapet is consistent to that which exists. The Town's Policy relating to Local Character promotes seamless extensions of this nature, and thereby the variation in height, having no undue effect on the neighbour, can be supported.

It is considered that the proposal will generally 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.

**10.1.9 No. 120 (Lot 2) Palmerston Street, Perth - Proposed Carport to Existing Single House**

<b>Ward:</b>	South	<b>Date:</b>	19 May 2003
<b>Precinct:</b>	Hyde Park; P 12	<b>File Ref:</b>	PRO2090; (00/33/1553)
<b>Reporting Officer(s):</b>	C Mooney		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by G Ellery on behalf of the owner K Wong for proposed carport to existing single house, at No. 120 (Lot 2) Palmerston Street, Perth, and as shown on plans stamp-dated 26 March 2003, subject to:*

- (i) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the carport being setback a minimum of 1.5 metres from the rear boundary.*

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

- (ii) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (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 visual truncation of 1.5 metres by 1.5 metres at the intersection of the driveway and the right of way shall be provided at the owner's cost; and*
- (v) a right of way security bond and/or bank guarantee for \$ 550.00 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;*

*to the satisfaction of the Chief Executive Officer.*

**Moved Cr Lake, Seconded Cr Torre**

*That the recommendation, together with the following amended clauses (i) and (iv) be adopted.*

*"(i) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the carport being setback a minimum of ~~1.5~~ 2.0 metres from the rear boundary.*

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

*"(iv) a visual truncation of 1.5 metres by 1.5 metres at the intersection of the driveway and the right of way adjacent to the southern side of the carport shall be provided at the owner's cost; and"*

*Debate ensued.*

**COUNCIL DECISION ITEM 10.1.9**

**Moved Cr Lake, Seconded Cr Franchina**

*That this item "LIE ON THE TABLE" and the applicant be given an opportunity for amended plans tabled to be referred to the Town Officers for comment.*

**CARRIED (8-0)**

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

**LANDOWNER:** K Wong  
**APPLICANT:** G Ellery  
**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	450 square metres

<b>Requirements</b>	<b>Required</b>	<b>Proposed</b>
Secondary Street (Right of Way)	1.5 metres	Nil
Manoeuvrability Depth	6 metres	3.4 metres

**SITE HISTORY:**

The subject site has an existing single house that fronts Palmerston Street. A 3.42 metres wide privately owned unsealed right of way exists at the rear of the property.

**CONSULTATION/ADVERTISING:**

No objections were received during the advertising period.

**DETAILS:**

The proposal seeks to construct a double carport, to the rear, of an existing single storey single house.

**COMMENTS:**

The Town's Engineering Services have provided the following comments;

*"As the garages on the opposite side of the R.O.W at the rear of the above property have been setback on a 1.4 m alignment the Technical Services Division consider a set back for this proposed carport of 1.5m as adequate."*

In relation to the secondary street setback requirement, the applicant has agreed to setback the carport 1.5 metres, which should be conditioned accordingly. Therefore, the manoeuvrability requirement is achieved.

Accordingly, it is recommended that Council approves the proposal, subject to standard and appropriate conditions to address the above matters.

**10.4.1 Recording of Council Meetings - Purchase of Equipment and Adoption of Policy Relating to Recording or Council Meetings and Access to Recorded Information**

<b>Ward:</b>	Both	<b>Date:</b>	20 May 2003
<b>Precinct:</b>	All	<b>File Ref:</b>	ADM0016
<b>Reporting Officer(s):</b>	Mike Rootsey, John Giorgi		
<b>Checked/Endorsed by:</b>	John Giorgi		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That;*

- (i) *the Council APPROVES BY AN ABSOLUTE MAJORITY the allocation of \$3,050 from the Electronic Equipment Reserve to fund the purchase of recording equipment for Council Meetings;*
- (ii) *ACCEPTS the quotation of \$3,050 (inclusive of GST) from TECSOUND (WA) Pty Ltd dated 12 May 2003 for the purchase of the recording equipment;*
- (ii) *APPROVES the adoption of a new Policy 4.1.23 - Recording of Council Meetings and Access to Recorded Information as shown in Appendix 10.4.1; and*
- (iii) *authorises the Chief Executive Officer to:*
  - (a) *advertise the proposed amended policy for a period of twenty one (21) days, seeking public comment;*
  - (b) *report back to the Council with any public comments received; and*
  - (c) *include the amended policy in the Policy Manual if no public submissions are received.*

**COUNCIL DECISION ITEM 10.4.1**

**Moved Cr Lake, Seconded Cr Chester**

*That the recommendation be adopted.*

**CARRIED BY**  
**AN ABSOLUTE MAJORITY (8-0)**

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

**BACKGROUND:**

At the Ordinary Meeting of the Council held on 8 April 2003, the Council considered a Notice of Motion concerning this matter and resolved as follows:

*"That;*

- (i) *in order to ensure the correct and accurate recording of Council Meetings, the Council adopts the procedure of audio recording all meetings of Council and this be implemented as soon as is practicable; and*

- (ii) *the purchase of any equipment required to enable this be actioned as soon as possible and without delay."*

### **Purchase of Equipment**

As reported to the Council meeting held on 13 May 2003 at Item 10.3.6, it was reported that a digital system was required. Further investigation was carried out on the feasibility of the mini-disk recording system to that of DVD recording system. Based upon current technology trends and possible enhancement to the recording system in the future, it was discussed that the DVD recording system was the preferred option.

Quotes were obtained from the following companies:

Company	Description	Cost
TECSOUND (WA) Pty Ltd	<ul style="list-style-type: none"><li>• 1 X Panasonic DMRE30</li><li>• 1 x RCA Wall Plate</li><li>• Supply and Install</li><li>• Connection to main system</li><li>• Labour, cable and sundry items to install the above equipment</li></ul>	\$2,629.00
B & H Australia Pty Ltd	<ul style="list-style-type: none"><li>• 1 X Panasonic DMRE30</li><li>• Supply and Install</li><li>• No site visit was made. Proprietor did not think it was necessary.</li></ul>	\$1,952.20
Event Audio & Visual Production Services	<ul style="list-style-type: none"><li>• 1 X Panasonic DMRE30</li><li>• 1 x Line balancing transformer</li><li>• 2 x Line unbalancing transformer</li><li>• Installation</li><li>• Not including audio cable and power installation.</li></ul>	\$2,145.00

In addition, two (2) DVD ROM players are required (one for the Minute Secretary and one for public access - to enable listening). These cost \$421.

### **Proposed Policy**

It will be necessary to adopt a Council Policy to ensure that there is a process in place for the recording of Council meetings and to outline the procedures for accessing the recorded information.

A draft Policy is attached in Appendix 10.4.1.

### **CONSULTATION/ADVERTISING:**

The amended Policy will be required to be advertised for 21 days calling for submissions.

### **LEGAL/POLICY:**

The Town of Vincent Local Law Relating to Standing Orders Clause 2.17 states:

*"No person shall use any electronic, visual or vocal recording device or instrument to record the proceedings of the Council unless the person has been give prior permission by the Council."*

**STRATEGIC IMPLICATIONS:**

This is in keeping with the Town's Draft Strategic Plan 2002-2007, *Key Result Area 2.3 - Ensure Effective Public Relations and Communications.*

**FINANCIAL/BUDGET IMPLICATIONS:**

No funds are provided in the 2003/04 Budget and therefore approval by an absolute majority for the reallocation of funds is required.

Fees and costs for purchasing of recorded and supervised listening of the recorded information will be included in the 2003/04 Budget.

TECSOUND (WA) Pty Ltd has provided a quotation for the Panasonic DVD recording system. The quotation includes supply, installation and commissioning of equipment. Total Cost \$3,050.00 (inclusive GST).

**COMMENTS:**

Initially a mini-disk system was recommended however this system lacked the possibility of visual recording and the operating cost was higher whereas the DVD system is able to support visual recording at a later date if Council decided to do so.

In addition 2 DVD ROM players will need to be purchased. One player will be used by the minutes secretary and the other for public access.

The installation of the equipment will take one (1) day and another one (1) day to test the functionality of system and to provide training.

The adoption of Policy is appropriate to provide for procedures for recording of meetings and accessing of information.

**APPENDIX 10.4.1**

**POLICY NO: 4.1.23**

**RECORDING OF COUNCIL MEETINGS AND  
ACCESS TO RECORDED INFORMATION**

**OBJECTIVES**

1. To provide for the electronic recording of Council meetings to ensure that a true and accurate account of the debate and discussions at the meetings is available.
2. To provide for procedures to access the recorded proceedings of the Council meeting.

**POLICY STATEMENT**

1. All Ordinary and Special Council Meetings shall be electronically recorded except when the Council has resolved to go behind closed doors, where the decision to record that part of the meeting shall be at the discretion of the Mayor.
2. Members of the public may purchase a copy of the recorded proceedings or alternatively listen to recorded proceedings under the supervision of a person as designated by the Chief Executive Officer.
3. Elected Members may obtain a copy of the recorded proceedings of the Council, upon request to the Chief Executive Officer, free of charge.
4. Members of the public and Elected Members may obtain a transcript of a particular section or all of a Council meeting. The cost of staff time will be in the Town's Schedule of Fees and Charges each year.
5. Costs of providing recorded proceedings to members of the public will be the cost of the recording plus staff time to make the copy. The cost of supervised listening to recorded proceedings or obtaining a transcript will be the cost of the staff time. The cost of staff time will be set in the Town's Schedule of Fees and Charges each year.
6. All recordings are to be retained as part of the Town's records in accordance with the General Disposal Authority for Local Government Records produced by the Public Records Office.

**10.4.2 Review of Members Fees and Expenses 2003/2004 and Policy 4.1.16**

<b>Ward:</b>	Both	<b>Date:</b>	19 May 2003
<b>Precinct:</b>	All	<b>File Ref:</b>	ADM0051
<b>Reporting Officer(s):</b>	Mike Rootsey, John Giorgi		
<b>Checked/Endorsed by:</b>	John Giorgi		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That;*

- (i) *the Council APPROVES BY AN ABSOLUTE MAJORITY for 2003/2004 the financial support that will be provided to Elected Members through the payment of allowances, fees and reimbursement of expenses incurred and insurance cover while performing the official functions and duties of office as detailed in Policy 4.1.16 - Elected Member Allowances, Fees and Re-imburement of Expenses as shown at Appendix 10.4.2;*
- (ii) *APPROVES the amendments to Policy 4.1.16 - Elected Member Allowances, Fees and Re-imburement of Expenses as shown at Appendix 10.4.2; and*
- (iii) *authorises the Chief Executive Officer to:*
  - (a) *advertise the proposed amended policy for a period of twenty one (21) days, seeking public comment;*
  - (b) *report back to the Council with any public comments received; and*
  - (c) *include the amended policy in the Policy Manual if no public submissions are received.*

Moved Cr Torre, Seconded Cr Cohen

*That the recommendation be adopted.*

Moved Cr Doran-Wu, Seconded Cr Lake

*That Clause 9(b) in Appendix 10.4.2 - Policy 4.1.16 - Elected Member Allowances, Fees and Re-imburement of Expenses be deleted and the following new clause inserted:*

*"(9)(b) Hire of a dinner suit, shirt and bow tie for official events requiring "Black Tie" attire for male Councillors or the hire of a formal dress for female Councillors to a maximum limit of two (2) occasions per member in each financial year;"*

*Debate ensued.*

**AMENDMENT CARRIED (6-2)**

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

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

(Mayor Catania JP on approved leave of absence.)

**Moved Cr Torre, Seconded Cr Chester**

*That the new Clause 9(b) be amended by adding the following words at the end of the clause, "or equivalent funds in reimbursement for the same", as follows*

*"(9)(b) Hire of a dinner suit, shirt and bow tie for official events requiring "Black Tie" attire for male Councillors or the hire of a formal dress for female Councillors to a maximum limit of two (2) occasions per member in each financial year or equivalent funds in reimbursement for the same;"*

*Debate ensued.*

**AMENDMENT CARRIED (5-3)**

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

**Moved Cr Chester , Seconded Cr Lake**

*That the words "If the Mayor so requests" be inserted at the beginning of clause 2 under Mayoral Vehicle, as follows;*

**"2. MAYORAL VEHICLE**

*If the Mayor so requests;*

- 2.1 A fully serviced and maintained vehicle will be leased for a period of four (4) years for the Mayor's use to the standard of that provided to the Chief Executive Officer.*
- 2.2 All lease costs, insurance, vehicle registration costs shall be deducted from the Mayor's Allowance.*
- 2.3 The Mayor shall be entitled to reimbursement of petrol costs to a maximum value of \$50 per week."*

*Debate ensued.*

**AMENDMENT CARRIED (8-0)**

(Mayor Catania JP on approved leave of absence.)

**Moved Cr Chester, Seconded Cr Cohen**

*That in clause 2.3, the word "petrol" is deleted and replaced with the word "fuel", as follows;*

*"2.3 The Mayor shall be entitled to reimbursement of fuel costs to a maximum value of \$50 per week."*

**AMENDMENT CARRIED (8-0)**

(Mayor Catania JP on approved leave of absence.)

*It was also noted and the Chief Executive Officer advised that clause 1.4 under Acting Roles had a typographical error and will be corrected to read as follows:*

**1.4 Acting Roles**

*If the Mayor or Deputy Mayor has taken leave of absence for a period(s) in excess of one (1) month (except leave of absence on Council business), and another Elected Member is acting in that capacity, then that Elected Member shall be entitled to the higher pro rata annual Meeting Fee (in the case of the Mayor) and allowance ~~or expense reimbursement amount~~ foregone by the absent Elected Member only.*

**MOTION AS AMENDED CARRIED  
BY AN ABSOLUTE MAJORITY (8-0)**

(Mayor Catania JP on approved leave of absence.)

**COUNCIL DECISION ITEM 10.4.2**

**APPENDIX 10.4.2**

**POLICY NO: 4.1.16**

**ELECTED MEMBER ALLOWANCES, FEES AND  
RE-IMBURSEMENT OF EXPENSES**

**OBJECTIVES**

1. To clearly outline the financial support that will be provided to Elected Members through the payment of allowances, fees and reimbursement of expenses incurred and insurance cover within the provisions of the Local Government Act 1995 while performing the official functions and duties of office.
2. The Local Government Act 1995, Sections 5.98, 5.98A and 5.99 allows for local governments to determine a structure under which Elected Members are to be paid either a meeting fee or an annual attendance fee in recognition to each Elected Member's commitment.

**POLICY STATEMENT**

**1. ALLOWANCES**

**1.1 Meeting Attendance Fees**

The Mayor and Councillors shall be entitled to an annual meeting attendance fee as follows, which is provided on the principle that each Elected Member regularly attends meetings of Council (and committees, where appropriate) to which they are appointed and carry out other responsibilities of the office;

Mayor:	\$12,000
Councillors:	\$ 6,000

**1.2 Mayoral Allowance**

The Mayor shall be entitled to an annual local government allowance at a rate of 0.002 of the Council's operating revenue, (Section 5.98, Regulation 33 of Local Government (Administration) Regulations 1996, to a maximum of \$60,000.

**1.3 Deputy Mayoral Allowance**

The Deputy Mayor shall be entitled to an annual local government allowance equivalent to 25% of the Mayoral Allowance. (Section 5.98A, Regulation 33A of Local Government (Administration) Regulations 1996).

**1.4 Acting Roles**

If the Mayor or Deputy Mayor has taken leave of absence for a period(s) in excess of one (1) month (except leave of absence on Council business), and another Elected Member is acting in that capacity, then that Elected Member shall be entitled to the higher pro rata annual Meeting Fee (in the case of the Mayor) and allowance foregone by the absent Elected Member only.

**1.5 Payment**

The fees in 1.1, 1.2 and 1.3 above are to be paid to each Elected Member monthly in arrears.

**2. MAYORAL VEHICLE**

**If the Mayor so requests;**

- 2.1 A fully serviced and maintained vehicle will be leased for a period of four (4) years for the Mayor's use to the standard of that provided to the Chief Executive Officer.
- 2.2 All lease costs, insurance, vehicle registration costs shall be deducted from the Mayor's Allowance.
- 2.3 The Mayor shall be entitled to reimbursement of fuel costs to a maximum value of \$50 per week.

**3. TELECOMMUNICATIONS**

**3.1 Facsimile/Telephone/Answering Machine**

- (a) Council shall make available to all Elected Members, for use in their private residence during their term of office a facsimile/telephone/answering machine, for the conduct of Council related business.
- (b) Where considered necessary by the respective Elected Member a telephone line may be installed to permit the operation of the facsimile/telephone/answering machine.
- (c) Council shall provide paper and copy/ink cartridges associated with the facsimile/telephone/answering machine for the use of Council business. Requests are to be directed to the Chief Executive Officer's Division staff.

### **3.2 Maintenance of Equipment**

- (a) Where necessary Council shall provide and make provision for the ongoing maintenance of equipment referred to in ~~(23)~~ above, with all maintenance costs being met by the Town.
- (b) In the event of a malfunction of the equipment, the Elected Member is to contact, during business hours, the Chief Executive Officer's Division staff, who will coordinate the attendance of maintenance personnel.

### **3.3 Reimbursement of Telecommunication Expenses**

Elected Members shall be entitled to reimbursement of telecommunication expenses incurred in the performance of the official duties of their office as follows;

- (a) the rental cost of one telephone/facsimile line and monthly mobile net access costs for a mobile telephone (where used) and mobile, local and STD call costs for all calls made on Council business on production of copies of telephone accounts verifying that such costs have been incurred;
- (b) the cost, on production of receipts, for one internet connection fee up to 80 per cent of the actual fee to a maximum of \$300 per annum;
- (c) costs incurred in (a) and (b) above be limited to \$18,000 per annum and where costs exceed these limits they are to referred to the Council for approval;
- (d) the cost of installation/relocation of one telephone and/or facsimile line at the Member's place of residence, during the Members term of office if necessary;

### **3.4 Mobile Phones**

- (a) Elected Members shall be entitled to the use of a mobile phone, accessories and car-kit for the term of their office.
- (b) Elected Members are to make a written request to the Chief Executive Officer if they choose to use a mobile phone as shown in ~~23.4~~(a).
- (c) The mobile phone model selected is to be determined by the Chief Executive Officer from the range of models available to the Town detailed in its telecommunications contract which exists at the time, and such model is to be of a similar standard to the model which is used by the Chief Executive Officer.

At the completion of their term, Elected Members will have the option of purchasing the mobile phone and car-kit, in accordance with Policy No 4.1.11 - Purchase of Fax Machines and Mobile Phones by Retiring Elected Members.

#### **4. Travelling Expenses**

Elected Members shall be entitled to reimbursement of travelling expenses incurred while using their own private motor vehicle in the performance of the official duties of their office, subject to:

- 4.1 Claims being related to travel to a destination from their normal place of residence or work and return in respect to the following:
  - (a) Council Meetings, Civic functions or Citizenship Ceremonies called by either Council, the Mayor and/or the Chief Executive Officer.
  - (b) Committees (where appropriate) to which the Elected Member is appointed a delegate by Council or in the role as a deputy in the event the delegate member is not available to attend.
  - (c) Meetings and functions scheduled by the Chief Executive Officer.
  - (d) Conferences, community organisations, industry groups and local government associations to which the Elected Member has been appointed by Council as its delegate.
  - (e) Functions and presentations as a representative of the Mayor, that are supported by a copy of the relevant invitation or request for attendance.
  - (f) Any other occasion in the performance of an act under the express authority of Council.
  - (g) Site inspections in connection with matters listed on any Council Agenda paper (Members to state an address, along with the date and time of the visit on the claim form).
  - (h) In response to a request to meet with a ratepayer/elector, but excluding the day of Council Elections. (Members to state the time and purpose of the visit and the name and address of the ratepayer/elector on the claim form).
- 4.2 All claims for reimbursement being lodged with the Chief Executive Officer's Division, on the appropriate claim form, on a monthly basis by no later than thirty (30) days of the final day of the period to which the claim relates. In submitting claims for reimbursement Elected Members shall detail the date of the claim, particulars of travel and nature of business, distance travelled, vehicle displacement and the total distance travelled in kilometres and certify the accuracy of such information. This should be accompanied by supporting documentation where applicable.
- 4.3 The rate of reimbursement being as prescribed from time to time by the Local Government Officer's Award.

#### **4.4 Public Transport**

The Elected Member may use the services of the bus, rail and ferry public transport system, expenditure for which shall be reimbursed upon lodgement of receipts.

#### **4.5 Parking Fees**

Parking fees incurred as a result of travel to any occasion referred to in clause ~~34~~.1 above shall be reimbursed upon lodgment of receipts accompanying the associated travel claim form.

The cost of valet parking will not be reimbursed.

#### **4.6 Cab Charge Vouchers**

Elected Members are authorised to use Cab Charge vouchers for travelling to any occasion referred to in Clause ~~34~~.1.

### **5. Child Care Costs**

Elected Members shall be entitled to reimbursement upon presentation of a receipt and certified statement detailing dates, costs and relevant information of meeting of the lesser amount of actual child care costs or to a maximum of \$10 per hour for care of children, of which they are parent or legal guardian, whilst attending any occasion referred to in clause ~~34~~.1 of Travelling Expenses above.

### **6. Conferences and Seminars**

Elected members shall be entitled to reimbursement for expenditure incurred as a result of attendance at conference and seminars in accordance with the provisions of Council Policy No. 4.1.14.

### **7. Insurance**

Council will insure or provide insurance cover for Elected Members for:

- 7.1 Personal accident whilst engaged in the performance of the official duties of their office, however, the cover does not include medical expenses.
- 7.2 Professional indemnity for matters arising out of the performance of the official duties of their office, provided the performance or exercise of the official duty is in the opinion of Council, not illegal, dishonest, unreasonable, in bad faith or against the interests of the Town.
- 7.3 Public liability for matters arising out of the performance of the official duties of their office but subject to any limitations set out in the insurance policy.
- 7.4 Motor vehicle at the particular time owned or driven by the Elected Member or driven by another person on behalf of the Elected Member whilst the Elected Member is proceeding as a Member to and from;
  - (a) Council Meetings, Civic functions, Citizenship Ceremonies or briefings called by either Council, the Mayor and or the Chief Executive Officer.

- (b) Committees to which the Elected Member is appointed by Council or in the role as a deputy in the event the member is not available to attend.
- (c) Meetings and functions scheduled by the Chief Executive Officer.
- (d) Conferences, community organisations, industry groups and local government associations to which the Elected Member has been appointed by Council as its delegate.
- (e) Functions and presentations as a representative of the Mayor.
- (f) Any other occasion while performing the functions of an Elected Member or as a result of an act under the express authority of Council.

## **8. Consumables and Stationery**

The cost of consumables and stationery and postage associated with the role as Councillor will be reimbursed to Elected Members, to a maximum of \$150 per annum, on the receipt of a claim and a declaration that the consumables were used in performing the functions of an Elected Member and were not in any way associated with campaigning for election as an Elected Member. Elected Members may choose to purchase their own consumables and claim reimbursement on production of receipts, or access such items through the Town. The administration will keep a total of costs incurred and notify Elected Members if the maximum allowance is reached.

The Mayor will be supplied by Council with the following:

- Business Cards (500 per annum)
- Mayor letterhead paper and envelopes (1,000 per annum)

Councillors will be supplied by Council with the following:

- Business Cards (250 per Councillor per annum)
- Councillor letterhead paper and envelopes (500 per Councillor per annum)

## **9. Miscellaneous Expenses**

Each Councillor shall be entitled to reimbursement, upon production of a receipt and certified statement certifying the expense specifically as part of their role as a Member, of;

- (a) Drycleaning to a maximum limit of \$150 per member in each financial year;
- (b) Hire of a dinner suit, shirt and bow tie for official events requiring "Black Tie" attire for male Councillors or the hire of a formal dress for female Councillors to a maximum limit of two (2) occasions per member in each financial year or equivalent funds in reimbursement for the same;
- \*(c) Four (4) or Two (2) drawer filing cabinet or office furniture (eg bookcase) to a maximum value of \$250 (one off during term of office);

\*(d) Briefcase/Satchel to a maximum value of \$150 (one off during term of office);

(e) 50 Christmas cards and postage each financial year.

\*Items (c) and (d) become the property of the Elected Member at the completion of their term.

For newly elected Councillors, any expenditure for the period of May and June will be deemed to apply on a pro rata basis (ie the total amount divided by 12).

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## **BACKGROUND:**

At the Ordinary Meeting of the Council held on 9 June 2002 the Council approved the draft Policy Members Fees and Expenses, policy number 4.1.16. This included the various items as follows:

### **1. Meeting Attendance Fees**

The meeting fees are the maximum permitted under the Local Government Act 1995.

*CEO's Comment*

*No change is recommended.*

### **2. Mayoral Allowance**

The Local Government Act 1995, Section 5.98 and Local Government (Administration) Regulations 1996, Regulation 33 allows for a Local Government to pay a minimum allowance of \$500 and a maximum allowance of \$10,000 or 0.002 of the Local Government's operating revenue.

The Council has adopted that the Mayoral allowance should be paid using the percentage formula of the Local Government's operating revenue.

The Town of Vincent's operating revenue for 2001/2002 was \$19,119,520, therefore the mayoral allowance will be \$38,239.

*CEO's Comment*

*No change is recommended to the amount. A clause to clarify the payment of the allowance during acting periods has been included.*

### **3. Deputy Mayor's Allowance**

The Local Government Act 1995, Section 5.98A and Local Government (Administration) Regulations 1996, Regulation 33A, prescribe that a Deputy Mayor allowance can be up to 25% of the Mayor's allowance. At the Special Meeting of Council held on 9 July 2002 the Council resolved that the Deputy Mayor's allowance be up to the maximum allowed under the Local Government Act.

*CEO's Comment*

*No change is recommended to the amount. A clause to clarify the payment of the allowance during acting periods has been included.*

**4. Mayoral Vehicle**

The Mayor has requested that a vehicle for official duties be leased for the term of his office (ie four years). A Ford Fairlane model is proposed. The lease, insurance and motor vehicle registration costs are to be deducted from the Mayoral allowance on a monthly basis. This is approximately \$878 per month. It is recommended that the Mayor be entitled to re-imbusement of fuel to a maximum value of \$50 per week.

CEO's Comment

*This is a new item. The Mayor has indicated that the cost of the vehicle is to be deducted from the Mayoral Allowance. Therefore there will be no additional cost to the ratepayers.*

**5. Telephone/Telecommunications Cost**

The Local Government Act and Regulations prescribe that rental charges for one telephone and one facsimile machine are required to be paid to Elected Members. The Town also currently pays for all telephone calls and including the use of mobile phones.

The Town also reimburses one internet connection fee up to 80% of actual fee for each member. This reimbursement is based on the proposed usage for Council related purposes.

All telephone accounts will require Elected Members to verify that such costs have been incurred for Council purposes.

CEO's Comment

*No change is recommended.*

**6. Travel and Parking Cost**

Travelling and parking costs are in accordance with the Local Government Officers' Award. Reimbursement of these fees is prescribed by the Local Government Act 1995.

CEO's Comment

*No change is recommended.*

**7. Childcare Cost**

Reimbursement of these fees is the maximum prescribed by the Local Government Act 1995 and regulations.

CEO's Comment

*No change is recommended.*

**8. Consumables and Stationery**

A revised category for consumables and stationery has been included.

CEO's Comment

*This details the current practice of reimbursement for provisions of business cards, letterheads and a new category of stationery for official business to a maximum value of \$150 per Member each year.*

## 9. Miscellaneous Councillor Expenses

The current policy states:

*"Each Councillor (excluding the Mayor and Deputy Mayor) shall be entitled to reimbursement, upon production of a receipt or certified statement certifying the expense of; clothing, apparel, dry cleaning and personal presentation specifically as part of their role as a Councillor associated with their attendance at Council related functions, to a maximum limit of \$1,500 in each financial year."*

### CEO's Comment

*It is recommended that this category be substantially changed by removing the words "clothing, apparel and personal presentation" and the words "associated with their attendance at Council related functions, to a maximum limit of \$1,500 in each financial year."*

*Drycleaning has remained, however, it has been limited to \$150 in each financial year.*

*The hiring of a dinner suit, shirt and bow tie for official events requiring "Black Tie" attire has been included and has a maximum claim of 2 occasions per Member in each financial year.*

*The purchasing of a filing cabinet or office furniture (eg bookcase or ergonomic chair) to a maximum value of \$250, and a briefcase/satchel to a maximum of \$150 (one off during term of office) has been included. The Town has previously provided for the purchase of a filing cabinet and satchel when a new member is elected (this is listed in the Protocols and Procedures Manual).*

*In view of the substantial changes, this category has been amended to include the Mayor and Deputy Mayor.*

*Comments from a number of Councillors reveals that they would not claim for "clothing or personal presentation". Therefore it is recommended that these items be deleted.*

### **CONSULTATION/ADVERTISING:**

The amended Policy will be required to be advertised for 21 days calling for submissions.

### **LEGAL/POLICY:**

The Local Government Act provides that a Member has a legal right to be reimbursed for rental on one telephone line and one facsimile line and in addition, can claim child care costs incurred whilst attending to Council business.

The Local Government (Administration) Regulations also provide:

*"The extent to which an expense ...can be reimbursed is the actual amount, verified by sufficient information".*

The above criteria must be met before any reimbursement can be made. That is:

- the Council must first approve the types of expenses which can be reimbursed (and may set limits to these);
- the expense must be incurred in performing a function as a council member;
- reimbursement is limited to the actual expense incurred; and
- the expense must be verified by sufficient information.

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

The above costs associated with this policy are covered in the Annual Budget 2003/04.

**COMMENTS:**

The expenses and allowances approved by the Town of Vincent are comparable with other local governments of a similar size and budget to the Town of Vincent.

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**APPENDIX 10.4.2**

**POLICY NO: 4.1.16**

**ELECTED MEMBER ALLOWANCES, FEES AND  
RE-IMBURSEMENT OF EXPENSES**

**OBJECTIVES**

1. To clearly outline the financial support that will be provided to Elected Members through the payment of allowances, fees and reimbursement of expenses incurred and insurance cover within the provisions of the Local Government Act 1995 while performing the official functions and duties of office.
2. The Local Government Act 1995, Sections 5.98, 5.98A and 5.99 allows for local governments to determine a structure under which Elected Members are to be paid either a meeting fee or an annual attendance fee in recognition to each Elected Member's commitment.

**POLICY STATEMENT**

**1. ALLOWANCES**

**1.1 Meeting Attendance Fees**

The Mayor and Councillors shall be entitled to an annual meeting attendance fee as follows, which is provided on the principle that each Elected Member regularly attends meetings of Council (and committees, where appropriate) to which they are appointed and carry out other responsibilities of the office;

Mayor:	\$12,000
Councillors:	\$ 6,000

**1.2 Mayoral Allowance**

The Mayor shall be entitled to an annual local government allowance at a rate of 0.002 of the Council's operating revenue, (Section 5.98, Regulation 33 of Local Government (Administration) Regulations 1996, to a maximum of \$60,000.

**1.3 Deputy Mayoral Allowance**

The Deputy Mayor shall be entitled to an annual local government allowance equivalent to 25% of the Mayoral Allowance. (Section 5.98A, Regulation 33A of Local Government (Administration) Regulations 1996).

#### **1.4 Acting Roles**

If the Mayor or Deputy Mayor has taken leave of absence for a period(s) in excess of one (1) month (except leave of absence on Council business), and another Elected Member is acting in that capacity, then that Elected Member shall be entitled to the higher pro rata annual Meeting Fee or expense reimbursement amount foregone by the absent Elected Member only.

#### **1.41.5 Payment**

The fees in 1.1, 1.2 and 1.3 above are to be paid to each Elected Member monthly in arrears.

### **2. MAYORAL VEHICLE**

2.1 A fully serviced and maintained vehicle will be leased for a period of four (4) years for the Mayor's use to the standard of that provided to the Chief Executive Officer.

2.2 All lease costs, insurance, vehicle registration costs shall be deducted from the Mayor's Allowance.

2.3 The Mayor shall be entitled to reimbursement of petrol costs to a maximum value of \$50 per week.

### **23. TELECOMMUNICATIONS**

#### **23.1 Facsimile/Telephone/Answering Machine**

- (a) Council shall make available to all Elected Members, for use in their private residence during their term of office a facsimile/telephone/answering machine, for the conduct of Council related business.
- (b) Where considered necessary by the respective Elected Member a telephone line may be installed to permit the operation of the facsimile/telephone/answering machine.
- (c) Council shall provide paper and copy/ink cartridges associated with the facsimile/telephone/answering machine for the use of Council business. Requests are to be directed to the Chief Executive Officer's Division staff.

### **23.2 Maintenance of Equipment**

- (a) Where necessary Council shall provide and make provision for the ongoing maintenance of equipment referred to in (~~23~~) above, with all maintenance costs being met by the Town.
- (b) In the event of a malfunction of the equipment, the Elected Member is to contact, during business hours, the Chief Executive Officer's Division staff, who will coordinate the attendance of maintenance personnel.

### **23.3 Reimbursement of Telecommunication Expenses**

Elected Members shall be entitled to reimbursement of telecommunication expenses incurred in the performance of the official duties of their office as follows;

- (a) the rental cost of one telephone/facsimile line and monthly mobile net access costs for a mobile telephone (where used) and mobile, local and STD call costs for all calls made on Council business on production of copies of telephone accounts verifying that such costs have been incurred;
- (b) the cost, on production of receipts, for one internet connection fee up to 80 per cent of the actual fee to a maximum of \$300 per annum;
- (c) costs incurred in (a) and (b) above be limited to \$18,000 per annum and where costs exceed these limits they are to referred to the Council for approval;
- (d) the cost of installation/relocation of one telephone and/or facsimile line at the Member's place of residence, during the Members term of office if necessary;

### **23.4 Mobile Phones**

- (a) Elected Members shall be entitled to the use of a mobile phone, accessories and car-kit for the term of their office.
- (b) Elected Members are to make a written request to the Chief Executive Officer if they choose to use a mobile phone as shown in 23.4(a).
- (c) The mobile phone model selected is to be determined by the Chief Executive Officer from the range of models available to the Town detailed in its telecommunications contract which exists at the time, and such model is to be of a similar standard to the model which is used by the Chief Executive Officer.

*At the completion of their term, Elected Members will have the option of purchasing the mobile phone and car-kit, in accordance with Policy No 4.1.11 - Purchase of Fax Machines and Mobile Phones by Retiring Elected Members.*

### **34. Travelling Expenses**

Elected Members shall be entitled to reimbursement of travelling expenses incurred while using their own private motor vehicle in the performance of the official duties of their office, subject to:

- 34.1** Claims being related to travel to a destination from their normal place of residence or work and return in respect to the following:
- (a) Council Meetings, Civic functions or Citizenship Ceremonies called by either Council, the Mayor and/or the Chief Executive Officer.
  - (b) Committees (where appropriate) to which the Elected Member is appointed a delegate by Council or in the role as a deputy in the event the delegate member is not available to attend.
  - (c) Meetings and functions scheduled by the Chief Executive Officer.
  - (d) Conferences, community organisations, industry groups and local government associations to which the Elected Member has been appointed by Council as its delegate.
  - (e) Functions and presentations as a representative of the Mayor, that are supported by a copy of the relevant invitation or request for attendance.
  - (f) Any other occasion in the performance of an act under the express authority of Council.
  - (g) Site inspections in connection with matters listed on any Council Agenda paper (Members to state an address, along with the date and time of the visit on the claim form).
  - (h) In response to a request to meet with a ratepayer/elector, but excluding the day of Council Elections. (Members to state the time and purpose of the visit and the name and address of the ratepayer/elector on the claim form).

- 34.2** All claims for reimbursement being lodged with the Chief Executive Officer's Division, on the appropriate claim form, on a monthly basis by no later than thirty (30) days of the final day of the period to which the claim relates. In submitting claims for reimbursement Elected Members shall detail the date of the claim, particulars of travel and nature of business, distance travelled, vehicle displacement and the total distance travelled in kilometres and certify the accuracy of such information. This should be accompanied by supporting documentation where applicable.
- 34.3.** The rate of reimbursement being as prescribed from time to time by the Local Government Officer's Award.

**34.4 Public Transport**

The Elected Member may use the services of the bus, rail and ferry public transport system, expenditure for which shall be reimbursed upon lodgement of receipts."

**34.5 Parking Fees**

Parking fees incurred as a result of travel to any occasion referred to in clause 34.1 above shall be reimbursed upon lodgment of receipts accompanying the associated travel claim form.

The cost of valet parking will not be reimbursed.

**34.6 Cab Charge Vouchers**

Elected Members are authorised to use Cab Charge vouchers for travelling to any occasion referred to in Clause 34.1.

**45. Child Care Costs**

Elected Members shall be entitled to reimbursement upon presentation of a receipt and certified statement detailing dates, costs and relevant information of meeting of the lesser amount of actual child care costs or to a maximum of \$10 per hour for care of children, of which they are parent or legal guardian, whilst attending any occasion referred to in clause 34.1 of Travelling Expenses above.

**56. Conferences and Seminars**

Elected members shall be entitled to reimbursement for expenditure incurred as a result of attendance at conference and seminars in accordance with the provisions of Council Policy No. 4.1.14.

**67. Insurance**

Council will insure or provide insurance cover for Elected Members for:

- 67.1 Personal accident whilst engaged in the performance of the official duties of their office, however, the cover does not include medical expenses.
- 67.2 Professional indemnity for matters arising out of the performance of the official duties of their office, provided the performance or exercise of the official duty is in the opinion of Council, not illegal, dishonest, unreasonable, in bad faith or against the interests of the Town.
- 67.3 Public liability for matters arising out of the performance of the official duties of their office but subject to any limitations set out in the insurance policy.
- 67.4 Motor vehicle at the particular time owned or driven by the Elected Member or driven by another person on behalf of the Elected Member whilst the Elected Member is proceeding as a Member to and from;
  - (a) Council Meetings, Civic functions, Citizenship Ceremonies or briefings called by either Council, the Mayor and or the Chief Executive Officer.
  - (b) Committees to which the Elected Member is appointed by Council or in the role as a deputy in the event the member is not available to attend.
  - (c) Meetings and functions scheduled by the Chief Executive Officer.
  - (d) Conferences, community organisations, industry groups and local government associations to which the Elected Member has been appointed by Council as its delegate.
  - (e) Functions and presentations as a representative of the Mayor.
  - (f) Any other occasion while performing the functions of an Elected Member or as a result of an act under the express authority of Council.

**78. ~~Letterheads and Business Cards~~ Consumables and Stationery**

**~~To provide up to 1000 letterheads for the Mayor and 500 letterheads for Councillors and 250 Business Cards per Member each year.~~**

The cost of consumables and stationery and postage associated with the role as Councillor will be reimbursed to Elected Members, to a maximum of \$150 per annum, on the receipt of a claim and a declaration that the consumables were used in performing the functions of an Elected Member and were not in any way associated with campaigning for election as an Elected Member. Elected Members may choose to purchase their own consumables and claim reimbursement on production of receipts, or access such items through the Town. The administration will keep a total of costs incurred and notify Elected Members if the maximum allowance is reached.

The Mayor will be supplied by Council with the following:

- Business Cards (500 per annum)
- Mayor letterhead paper and envelopes (1,000 per annum)

Councillors will be supplied by Council with the following:

- Business Cards (250 per Councillor per annum)
- Councillor letterhead paper and envelopes (500 per Councillor per annum)

## **89. Miscellaneous Councillor Expenses**

Each Councillor shall be entitled to reimbursement, upon production of a receipt and certified statement certifying the expense specifically as part of their role as a Member, of; ~~clothing, apparel, dry cleaning and personal presentation~~ specifically as part of their role as a Councillor associated with their attendance at Council related functions, to a maximum limit of \$1,500 in each financial year.

(a) Drycleaning to a maximum limit of \$150 per member in each financial year;

(b) Hire of a dinner suit, shirt and bow tie for official events requiring "Black Tie" attire to a maximum limit of two (2) occasions per member in each financial year;

\*(c) Four (4) or Two (2) drawer filing cabinet or office furniture (eg bookcase) to a maximum value of \$250 (one off during term of office);

\*(d) Briefcase/Satchel to a maximum value of \$150 (one off during term of office);

(e) 50 Christmas cards and postage each financial year.

*\*Items (c) and (d) become the property of the Elected Member at the completion of their term.*

For newly elected Councillors, any expenditure for the period of May and June will be deemed to apply on a pro rata basis (ie the total amount divided by 12).

**10.4.3 Amendment to Town of Vincent Local Law Relating to Parking Facilities - Clause 12(2) - Gazettal**

<b>Ward:</b>	Both	<b>Date:</b>	19 May 2003
<b>Precinct:</b>	All	<b>File Ref:</b>	LEG0047
<b>Reporting Officer(s):</b>	J MacLean / A Smith		
<b>Checked/Endorsed by:</b>	John Giorgi		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That;*

- (i) *the Council APPROVES BY A SPECIAL MAJORITY an amendment to the Town of Vincent Local Law Relating to Parking Facilities, by replacing the existing clause 12(2) as follows:*

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

*In pursuance of the powers conferred upon it by the Local Government Act 1995, the above-mentioned Local Law and all other powers enabling it, the Council of the Town of Vincent HEREBY RECORDS having resolved on 11 March 2003 to make the following amendment to the Town of Vincent Parking Facilities Local Law published in the Government Gazette on 23 May 2000;*

*That the existing clause 12(2) of the Town of Vincent Parking Facilities Local Law be deleted and the following clause 12(2) be inserted in its place:*

*"A vehicle that is parked in any portion of a public place where vehicles may lawfully be parked is deemed to be causing an obstruction if the vehicle is parked for any period exceeding 24 hours, without the consent in writing of the Chief Executive Officer or a Ranger."; and*

- (ii) *the amendment be published in the Government Gazette.*

**COUNCIL DECISION ITEM 10.4.3**

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

*That the recommendation be adopted.*

**CARRIED BY A SPECIAL MAJORITY (8-0)**

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

**BACKGROUND:**

At the Ordinary Meeting of Council held on 11 March 2003 the Council resolved to advertise the proposed amendment to Clause 12(2) of the Local Law Relating to Parking Facilities. Altering the wording will allow the enforcement of the clause to be more open and consistent and make it less onerous for officers to prove the offence in a court of law.

**DETAILS:**

At the close of submissions on 12 May 2003, no submissions were received. However a question was received from Mr David Waterhouse seeking clarification as to whether the Town of Vincent parking permit issued by the Town to residents so they may park on the street outside their home constitutes the required written consent.

The Manager Law and Order Services provided Mr Waterhouse with the following response:

*"The reference to "written permission from the Chief Executive Officer or a Ranger" was included in the previous clause and has been included in the new clause to specifically enable the Town to issue written permission, in the form of Residential and Visitor's Parking Permits, to residents who meet all of the other conditions of permit-issue. These permits allow the holder to park in a specified street, in contravention of parking time restrictions.*

*Conditions applying to the issuing of Residential Parking Permits are written into the Parking Facilities Local Law and the issuing of both Residential and Visitor's Parking Permits is governed by Town of Vincent Policy No 3.3.8. Eligible residents may apply and may be issued with up to 2 Residentials and 2 visitor's Parking Permits."*

**ADVERTISING/CONSULTATION:**

The proposed amendment was advertised in The West Australian newspaper on 26 March 2003, in a local paper on 29 March 2003 and on the Town's Notice Board and Website.

**LEGAL/POLICY IMPLICATIONS:**

In accordance with Local Government Act 1995.

**STRATEGIC IMPLICATIONS:**

Item 1.4 of the Strategic Plan 1998/2002, *"Develop and implement a Transport and Car Parking Strategy"* indicates a need to develop a model for car parking requirements for shopping precincts and other public areas. The above proposal would be in keeping with this strategy.

Item 1.4(i) of the Draft Strategic Plan 2002/2007 *"Traffic and Parking Management"* indicates a need to develop a strategy for parking management in business, residential and mixed-use precincts. The above proposal would be in keeping with this strategy.

**FINANCIAL/BUDGET IMPLICATIONS:**

Other than the costs associated with advertising the proposed amendment, there will be no costs to the Town.

**COMMENT:**

Clause 12(2) of the Local Law Relating Parking Facilities has been amended in accordance with advice received from the Town's Solicitors.

It is recommended that the proposed amendment be approved and submitted for gazettal.

**10.4.4 Delegations for the Period 1 January 2003 to 31 March 2003**

<b>Ward:</b>	Both	<b>Date:</b>	19 May 2003
<b>Precinct:</b>	All	<b>File Ref:</b>	ADM0018
<b>Reporting Officer(s):</b>	Various		
<b>Checked/Endorsed by:</b>	John Giorgi		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *ENDORSES the delegations for the period 1 January 2003 to 31 March 2003 as shown in Appendix 10.4.4; and*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY to write-off infringement notices to the value of \$25,660 for the reasons detailed in this report.*

**Moved Cr Chester, Seconded Cr Torre**

*That the recommendation be adopted.*

**CARRIED BY AN ABSOLUTE MAJORITY (8-0)**

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

**BACKGROUND:**

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

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

**ADVERTISING/CONSULTATION:**

Not applicable.

**LEGAL/POLICY:**

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

It is considered appropriate to report to Council on a quarterly basis on the delegations utilised by the Town's Administration. A copy of these for the quarter is shown in the attached Appendix 10.4.4. Quarterly reports are reported to the Council.

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

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

<b>Description</b>	<b>Amount \$</b>
Residential parking restrictions – Perth Oval – valid reason provided #	18,690
Ranger/Clerical Error/Training	450
Vehicle registered to interstate or overseas owner	2,820
Proof of vehicle breakdown or theft	1,170
Proof that ticket was purchased and produced	660
Vehicle ownership cannot be located	690
Insufficient or incorrect signage	30
Faulty ticket machines	290
Modified Penalties	860
<b>TOTAL</b>	<b>\$25,660</b>

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

**COMMENTS:**

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

**10.1.23 Town of Vincent Submission on the Draft Prostitution Control Bill 2003**

<b>Ward:</b>	Both Wards	<b>Date:</b>	26 May 2003
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	ENS0060
<b>Reporting Officer(s):</b>	K Bennett, A Bosworth, D Abel		
<b>Checked/Endorsed by:</b>	R Boardman		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *receives the report relating to the Town of Vincent Submission on the Draft Prostitution Control Bill 2003; and*
- (ii) *endorses the comments and recommendations contained in this report and the attached Draft Western Australian Local Government Association Prostitution Control Bill 2003 - Position Paper (26 May 2003), as shown in Appendix 10.1.23 (c), and advises the Western Australian Local Government Association accordingly.*

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**COUNCIL DECISION ITEM 10.1.23**

**Moved Cr Cohen, Seconded Cr Lake**

*That the recommendation be adopted.*

*Debate ensued.*

**CARRIED (8-0)**

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

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**BACKGROUND:**

In late November 2002, the Minister for Police, released the Draft Prostitution Control Bill 2002 as a "Green Bill" for public comment. The proposed legislation was intended to provide for the licensing, location and control of brothels and sex workers, and the establishment of a Prostitution Control Board to oversee the industry.

The Council at its Ordinary Meeting held on 11 February 2003, considered the draft Prostitution Bill 2002 and resolved as follows:

*"That the Council;*

- (i) *receives the report relating to the Town of Vincent Submission on the Draft Prostitution Control Bill 2002;*
- (ii) *endorses the comments and recommendations contained in the attached Town of Vincent Submission Report relating to the Draft Prostitution Control Bill 2002, as shown in Appendix 10.1.19;*
- (iii) *authorises the attached Town of Vincent Submission Report relating to the Draft Prostitution Control Bill 2002, as shown in Appendix 10.1.19, being lodged with the Minister for Police and Emergency Services; and*

- (iv) *acknowledges that the Town's Officers are legally ill-equipped to effectively prevent, control and prosecute alleged nuisance brothels and prostitution until appropriate legislative provisions are promulgated by the Western Australian Government.*
- (v) *That the Town of Vincent Submission Report relating to the Draft Prostitution Control Bill 2002, as referred to in Clause (ii) (of the Officer Recommendation) and as shown in Appendix 10.1.19, be amended as follows;*

*"Street Prostitution*

- "~~Blanket Prohibition~~" has not worked in the past and is unlikely to do so in this case;*
- ~~The reality of street prostitution is that it is going to occur, irrespective of the legalities; ...~~"*

*and*

*Recommendation No. 2 to read as follows;*

- "2. ~~Streetworkers should be addressed in the legislation. to enable their conduct, hygiene and methods of soliciting and locations of their "beats" to be controlled. The Police Service should enforce a total prohibition of street worker prostitution.~~"*

*Planning Issues No. 14 to read as follows;*

*Where it can be shown that a brothel was in operation on the day the Bill was introduced, its continuation as such will be formalised and permitted, subject to its meeting criteria other than the 300 metre distance from specified land uses, until either it closes down or is sold. These brothels can continue even if the brothel is in a totally inappropriate location or it existed due to:*

- the Council/Police not being able to obtain sufficient evidence to close it down; or*
- the Council/Police not being aware of its existence.*

*Introduction to read as follows;*

*The Town of Vincent makes the following recommendations, for the Minister for Police and Emergency Services to consider and address in the legislation. In doing so, we note that the approach embodied in the Green Bill has not been successful in Victoria or Queensland and our recommendations should not be seen as support for the Government's proposed approach. However, if the Government does pursue this approach, we believe our recommendations would improve the effectiveness of the legislation.*

*Recommendations to read as follows;*

- 3. Local Government, because of their existing experience and expertise, should be a partner in the process of licensing and reporting, including the licensing of premises, as required in the Queensland legislation, which is not currently in the green Bill.*
- 4. Any licensing of existing brothels should, in addition to the criteria already specified, be subject to either:**

- a) meeting the 300-metre distance from specified land uses criterion; or
- b) demonstrating that the brothel has operated without detrimental impact on specified land uses within 300 metres, over a period of at least two years.

45. A process should be put in place ~~whereby~~ to ensure that the renewal of licences is assessed on the same basis as new applications, so that the suitability of a licence ~~can be~~ is effectively reviewed at appropriate intervals.

**6. The Prostitution Control Board should not be exempt from the rules of natural justice, especially the duty of procedural fairness. Sections 205 to 208 of the Green Bill should be removed from any legislation.**

*and existing clauses (v) to (xi), to be renumbered (vii) to (xiii) accordingly."*

The Council at its Ordinary Meeting held on 13 May 2003 considered an Information Bulletin Item (IB03) relating to Western Australia Local Government Association (WALGA) Infopage dated 28 April 2003, concerning the Draft Prostitution Control Bill 2003, and resolved as follows:

*"That;*

- (i) *the Information Bulletin dated 13 May 2003, as distributed with the Agenda, be received; and*
- (ii) *the Council;*
  - (a) *whilst acknowledging the substantial improvements from the original Green Bill, expresses its continuing concern that the model of regulation incorporated in the Bill has been found ineffective elsewhere;*
  - (b) *notes the following matters that are still of particular concern in the current Bill:*
    - (1) *the ability of the State Government to make regulations to specify places where street prostitution and soliciting are not illegal (S208 (2)(a)) with no requirement to consult with affected local governments or local communities;*
    - (2) *the process for licensing of existing brothels (Schedule 3) which requires the Board to 'liaise with the local government of the district' on a range of matters but without any right of appeal by the local government against a decision of the Board; and*
    - (3) *the fact that the Minister for Police, in her second reading speech on the Bill, makes no mention of local government being consulted or having any role in the development of regulations other than those relating to planning controls;*
  - (c) *communicates the matters in (ii) (a) and (b) above to the Western Australian Local Government Association for inclusion in its further position paper; and*
  - (d) *requests the Chief Executive Officer to submit a further report on the new Prostitution Control Bill 2003 to the Ordinary Meeting of Council to be held on 27 May 2003."*

The WALGA has confirmed that it has received the letter from the Town advising of the above Council resolution.

A copy of the Town of Vincent Submission Report relating to the Draft Prostitution Control Bill 2002, as shown in Appendix 10.1.19 to the Ordinary Meeting held on 11 February 2003, and the WALGA Infopage dated 28 April 2003, is attachments to this report, as shown in Appendices 10.1.23 (a) and 10.1.23 (b), respectively.

**DETAILS:**

A copy of the *Draft Western Australian Local Government Association Prostitution Control Bill 2003 - Position Paper (26 May.2003)* has been forwarded to the Town and is an attachment to this report, as shown in Appendix 10.1.23 (c).

Extracts of the Draft WALGA Position Paper state as follows:

*"Contents of the 2003 Prostitution Control Bill:*

*Following the close of the public comment period, and based on the submissions received, the State Government has redrafted the proposed legislation. A new Prostitution Control Bill 2003 was introduced into Parliament in April 2003. The new Bill contains a number of changes, many to the advantage of Local Government.*

*The main objectives of the new Bill are :*

- (a) to safeguard public health and wellbeing against effects of prostitution;*
- (b) to prevent children and incapable persons from being involved in prostitution and protect children and incapable persons from being exploited in connection with prostitution;*
- (c) to protect the social and physical environment of the community by controlling the location of brothels and prostitution agency office and the carrying on of businesses involving the provision of prostitution;*
- (d) to deter organised and other crime in connection with prostitution;*
- (e) to regulate and control people involved in the management of, and people working in, businesses involving the provision of prostitution;*
- (f) by promoting the welfare, occupational health, and safety of prostitutes and by other means, to protect prostitutes from exploitation;*
- (g) to ensure that persons who act as prostitutes under a contract of service with a person who has a brothel operator's licence or prostitution agent's licence, have the entitlements and protections that are generally available to workers under industrial law, including those arising under workers' compensation laws;*
- (h) to regulate and control the ownership and operation of brothel businesses and prostitution agency businesses; and*
- (i) to regulate and control the advertising of prostitution.*

*Clauses 151 and 152 of the 2003 Bill inserts a Schedule (Schedule 3) into all local authorities' town planning schemes which are in force on the day the Bill comes into operation. This will occur regardless of whether or not it is acceptable to each local authority. This situation is the same as was proposed under the previous Bill.*

*The Main Differences Between the Superseded 2002 Bill and the New 2003 Bill :*

*One of the key changes to the legislation is that sex workers will not have to be licensed or carry identity cards. Only owners and operators will be required to carry cards.*

*From the viewpoint of local government this is not a major issue:- rather it is the location and form of operation of the premises that is of concern to local governments.*

*There are also a number of changes to the legislative provisions relating to local town planning schemes. Part 7 of the Bill ("Planning Controls"), still enables existing planning schemes to be varied by Schedule 3 of the Bill, but the clauses in the Schedule have been modified. The main clauses of the Schedule now specify that :*

- *Brothels and attended prostitution agencies are prohibited in residential areas (This is supported);*
- *Brothels and attended prostitution agencies are permitted in industrial zones if, at the time the business commences, the land is not within 300 metres (or a lesser distance permitted by the Council) of a protected use place\*, and the use complies with any applicable regulations made under the Prostitution Control Act 2003. There are provisions in the Bill for the discretionary use of land for brothels and attended prostitution agencies in other zones (such as commercial zones) subject to the approval of the relevant local authority.*

*[It is likely that local governments, as part of their normal assessment process, will be considering the availability of relevant important infrastructure (lighting, security, public transport, etc.) when applications for brothels in industrial areas are submitted.]*

**NOTE \* :** *In Schedule 3 a 'protected use place' is defined as an educational establishment, childcare premises, or other place regularly frequented by children for recreational or cultural activities, a place of worship, or land in a residential zone or precinct. A 'residential zone or precinct' is defined as a zone or precinct, however described, in which the predominant use is residential. If this proposal is to be acceptable and workable, Local government must have a more detailed definition than this.*

- *In all other zones the use of land for the purposes of a brothel or attended prostitution agency is not permitted unless planning approval is given by the Council. Planning approval can only be given if the land is not within 300 metres (or a lesser distance permitted by the Council) of a protected use place, and the use complies with any applicable regulations made under the Prostitution Control Act 2003. Councils may vary the 300 metre buffer in consideration of individual or special circumstances which justify the change.*
- *Brothels and attended prostitution agencies in existence when the Prostitution Control Bill became public will be permitted land uses, subject to approval by the Prostitution Control Board. Applications for the Board's approval must comply with any applicable Regulations made under the Act, and the Board must liaise with the relevant local authority, taking into consideration a variety of planning and amenity matters. (However, no mention is made of how it is proposed that "existing premises" will be identified. Local government is generally supportive of this proposal, but Councils must have access to the existing police "Containment List" of existing brothels, they need to know the details of the relationship and processes between the Board and local government, and a decision of the Board must be appealable by a local government.)*

*Secondly, the legislation provides a head of power for Regulations to be made which provide for, among other things :*

- *Planning and development standards for businesses involving prostitution, including matters such as location, parking and signage; and*

- *The matters that can and cannot be taken into account by Local Governments and other planning authorities when making decisions about businesses involving prostitution.*

*Finally, the clause contained in the 2002 Bill that permitted sole prostitutes to be exempt from normal home occupation requirements has been deleted. Instead, the 2003 Bill is silent on the planning requirements for sole prostitutes operating from a residence.*

*It should be noted that while WALGA had several meetings with the Department for Planning and Infrastructure and the Minister for Planning's Office to discuss potential planning provisions for the revised Bill, neither individual Local Governments, nor WALGA, were invited to comment on the revised Bill prior to it being introduced into Parliament in April."*

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

WALGA has also advised that it will present its Position Paper relating to the Draft Prostitution Control Bill 2003 to its State Council on 4 June 2003. It is therefore considered appropriate that the Town's comments relating to the Draft Bill 2003 be forwarded to WALGA prior to that State Council meeting.

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

The legal/policy implications of the Draft Prostitution Control Bill 2003 are addressed in this report and the attached Draft WALGA Position Paper.

#### **STRATEGIC IMPLICATIONS:**

Strategic Plan 2000-2002:

Key Result Area 1.1 *"Implement Town Planning Scheme No. 1 and associated policies and guidelines"*.

Key Result Area 1.8 *"Develop and implement a comprehensive strategy for law, order and safety"*.

Draft Strategic Plan 2002-2007:

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

Key Result Area 1.4 *"Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment"*.

Key Result Area 2.5 *"Develop and implement community programs for law, order and safety"*.

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

The financial/budget implications of the Draft Prostitution Control Bill 2003 are addressed in this report and the attached Draft WALGA Position Paper.

#### **COMMENTS:**

##### **Street Sex Work**

With the Draft Prostitution Control Bill 2003 currently before Parliament, it is fair to say that the included amendments appear to be positive for local governments and seem to address some of the reservations of local governments, however, there is still a need for clarification in some instances.

The current situation as it relates to street sex workers on the other hand is not addressed appropriately, and it is street sex work that causes the most distress for residents.

In general brothels and activities therein do not cause a great deal of social distress; it is the street sex workers and the detritus around it that provides local governments with the greatest number of complaints.

The original Police Act Amendment (Prohibition of Street Prostitution) Bill 1999 provided sweeping powers for police to address the problems of street prostitution from a criminal aspect. Operation Bounty was set up and the police worked vigilantly to reduce the incidents of street prostitution using the powers provided in the Act. This, to a certain extent, achieved a reduction in street sex workers in certain areas and associated anti-social and criminal activities. However, what also happened was a displacement of the street sex workers into surrounding residential streets where they plied their trade away from the main "drag", this displacement served only to increase the area where residents were affected.

It is important to reiterate why street sex workers are using the streets; the majority of workers are drug addicted and need to access large sums of money to finance their addiction. They are unable to work in brothels because of their addiction and they are unable to access the appropriate sums of money legitimately, consequently they work on the streets. It is acknowledged that the Police will respond by issuing move-on notices, arrest and restraint orders, however, this provides only a temporary respite to residents.

The legislation has now been in place for more than two years and the Police have used the legislation to its full extent, however the Town still has increasing numbers of workers and kerb crawlers frequenting the area, causing great distress to residents of the area. The Act provided for a "Sunset Clause", which is due on 27 July 2003; this would see the cessation of powers under the Police Act Amendment 1999. However, there are moves by the State Government to extend this facility and maintain the current environment of criminality and prohibition relating to the activities of street sex workers. It is of concern that little has been provided in legislation to adequately address the issue of street sex workers, except to prohibit it.

A holistic and multi agency approach may deliver outcomes, which satisfy a broad range of concerns. It would be a positive move to look at different options to address street sex workers as generally, prohibition and the criminalisation of this aspect of prostitution will not assist in alleviating residents' discomfort or sustaining any true reduction in the incidence of street sex work.

A Residents' Forum was held by the Forrest Precinct Group on Thursday 15 May 2003 where a number of State politicians, Town Officers, the Mayor, Police and community were represented. It is clear there is great distress in the community relating to the street sex industry and that street sex work attracts unsavoury elements to the area however, the legislation does not provide the Town with any powers to address this aspect of prostitution. So even with the extension of the legislation, it is not considered that there will be any real improvement in the situation for any sustained period of time.

It is therefore recommended that options are investigated by the Town and Western Australian Local Government Association to address street sex work specifically.

### **Health Issues**

It is considered from a Health Services perspective, that regular and documented health and substance abuse checks are mandatory for all sex workers working in brothels and attended prostitution agencies (APAs). Although there is no evidence to suggest there is a higher rate of STD within the sex worker community (working in brothels or APAs), strict control mechanisms need to be established to maintain this. A register should be available for inspection by authorised officers.

In relation to discarded syringes, condoms and other paraphernalia relating to the sex industry, some complaints have been received in relation to inappropriately discarded waste. There have been few complaints lodged regarding these issues in relation to the existing brothels within the Town.

As detailed in the report to the Ordinary Meeting of Council held on 11 February 2003, Health Services still strongly advocates the need for the following:

*"It is considered essential that the "Board" requires a Premises Management Plan, and Code of Practice from licence holders, covering:*

- *Complaints Protocol;*
- *Incident Register;*
- *Waste Management;*
- *Security, Safety & Amenity;*
- *Parking & Noise Control; and*
- *Hours of Operation;*
- *Hygiene Standards;*
- *Liability Insurance & Indemnity;*
- *Fire & Evacuation Procedures;*
- *Minimum Structural Standards...*

*Currently, our ratepayers have the perception that local government has the necessary legislative powers to effectively deal with alleged brothels, and prostitution matters. Service Requests and complaints are currently referred to the Managers for Planning and Building Services, Health Services, and Law and Order, who are uncertain as to precisely what action is intra vires and expected from local government. As the Town of Vincent, reportedly the inner-city with the most brothels, receive numerous complaints in this regard, it would be prudent for the WA Police Service, Department of Health (WA), and the Town's three relevant Managers to form an Interim Vincent Prostitution Complaint Handling Forum until legislation is adopted that clearly define local government and state government powers in this regard. "*

#### **Planning and Building Issues and WALGA's Position**

The Town's Manager Planning and Building Services represents the Town on the WALGA's Local Government Prostitution Working Group, which comprises officers from WALGA and various local governments. The Town's planning and building matters, together with the above street sex work and health issues, have been provided to and discussed in the context of this Working Group, and are addressed in the Draft WALGA Position Paper.

Further extracts of the Draft WALGA Position Paper state as follows:

*" Outstanding or Unresolved Issues :*

*When comparing the provisions of the 2003 Bill with the provisions of its predecessor, it can be seen that, while improvements have been made, there remain matters (from the view point of Local Government) that have yet to be resolved, or require clarification and follow-up.*

- *Principal amongst these issues will be the formulation of the proposed Regulations [see Part 9, Division 4, Clause 208, in particular (k) & (l)]. The reference to "planning and development standards" is a new addition to the Bill, and, if appropriately drafted, could satisfy many of the previous and on-going concerns of Local Government which have been communicated to the Minister. However, the proposed Regulations must be drafted with the assistance and close co-operation of Local Government.*

- *The proposals regarding the control of street workers remain unsatisfactory to local government. It is of great concern that the State Government has the ability to make regulations to specify places where street prostitution and soliciting are not illegal [Section 208 (2) (a)], with no requirement to consult with affected local governments or local communities. The whole issue of street prostitution is inadequately dealt with under the 2003 Bill, and the proposed repeal of the Prostitution Act 2000 (Section 210 of the 2003 Bill) is therefore premature. Inner-city local authorities in particular want this matter addressed urgently.*
- *The process for licensing of existing brothels (Schedule 3), which requires the Board to “..... liaise with the local government of the district .....” on a range of matters, but apparently without any right of appeal by the local government against a decision of the Board. This situation must be rectified.*
- *The fact that the new Bill is silent as regards sole operators operating from residential areas is of concern to local governments. While the proposals contained in the previous 2002 Bill were considered unacceptable to local government, the new Bill, by omitting reference to licensing and approval procedures for sole operators, has failed to resolve this difficult issue. Local government urgently needs to know what the State Government proposes in this area.*
- *It is still unclear how complaints from the public about prostitution activities will be addressed. Local authorities fear they will receive most of the public complaints, especially regarding sole operators in residential areas, as local government staff and Councillors are much more accessible to the community than any proposed Prostitution Control Board is likely to be.*
- *The proposed \$6,000 penalty [Section 208 (5)] is inadequate, as it is not consistent with the penalty for similar breaches under the Town Planning and Development Act.*

*Conclusion :*

*WALGA's Position :*

*While it is clear from the changes made to the 2002 Bill that the State Government has taken heed of many of WALGA's concerns that it expressed in its submission to the Minister in February of this year, WALGA has still to be consulted directly about the legislation. This remains a major concern.*

*The WA Local Government Association supports the State Government in its efforts to manage prostitution in WA, however, it cannot support the passage of the new 2003 Bill unless and until it can be satisfied that a number of crucial matters have been satisfactorily resolved.*

*There are several areas where change or clarification is required in order to make the Bill workable and effective from a local government viewpoint. In summary, these matters are :*

- *The contents of the proposed Regulations (planning and health);*
- *Sole operators in residential areas;*
- *Street prostitution;*
- *The identification, status and regulation of existing brothels;*
- *Rights of appeal;*
- *Complaints protocol;*
- *Penalties.*

*Proposed Solutions :*

*Following is a précis of WALGA's proposed solutions to the outstanding and unresolved issues identified earlier in this paper. WALGA is prepared to devote resources to work with the Government, and requires a firm commitment from State Government that this will occur as soon as possible.*

*The Proposed Regulations (Planning and Health) :*

*Several of the concerns of local government highlighted in its submission to Government in February this year on the 2002 Bill could be satisfactorily addressed through appropriate Regulations. The scope of the proposed Regulations in the 2003 Bill appears to have been broadened to accommodate many of these concerns, and this is welcomed.*

*However, as these Regulations have yet to be drafted, it is crucial for the eventual acceptance of the prostitution legislation by local government that the contents of the Regulations are comprehensive, effective and workable. This is a priority issue, and the State Government is urged to work closely with local government in developing the proposed Regulations.*

*WALGA also requires a workable timeframe to be agreed in which the process will be undertaken, to ensure adequate consultation is achieved, and hasty and ill-considered decisions are avoided. The issue of transitional arrangements also needs to be addressed at the same time.*

*The proposed Planning Regulations should address at least the following matters :*

- *The adoption of Planning objectives :*
- *Clarification of the working relationship between the Prostitution Control Board and local governments :*
- *Development Application procedures :*
- *The adoption of planning and development standards for brothels, including :*
  - *locational criteria;*
  - *cumulative impact;*
  - *scale;*
  - *hours of operation;*
  - *complaints history;*
  - *potential for local disturbance;*
  - *building design / external appearance compatibility;*
  - *access;*
  - *parking;*
  - *surveillance and security;*
  - *availability of local service infrastructure;*
  - *advertising signage;*
  - *any other amenity issues.*
- *Regulation of sole operators in residential areas, including :*
  - *the planning and development standards required;*
  - *under what circumstances an application need not be made;*
  - *the process that needs to be followed when an application is required;*
- *Areas where street prostitution is to be prohibited :*
- *Enforcement :*
- *Appeal rights :*
- *A comprehensive definition of terms.*

Public Health Regulations should address the following matters :

- *The adoption of public health and safety objectives :*
- *The requirement of individual brothel owners to provide Management Plans to address the following matters :*
  - *health checks;*
  - *hygiene standards;*
  - *cleaning schedules;*
  - *maintenance requirements;*
  - *waste management;*
  - *plumbing requirements;*
  - *spa water quality;*
  - *laundry;*
  - *noise control;*
  - *anti-social behaviour;*
  - *code of conduct;*
  - *safety exit/evacuation signage;*
  - *public liability insurance cover; and risk management.*
- *Specific hygiene/safety standards :*
  - *cleanliness of ablution facilities and swimming and spa pools;*
  - *cleanliness of rooms;*
  - *cleanliness of bedding and linen;*
  - *storage and safe disposal of used prophylactics;*
  - *storage and safe disposal of sharps;*
  - *cleanliness/sanitisation of sex toys and associated paraphernalia; and*
  - *controls relating to preventing overcrowding of premises.*
- *Structural requirements :*
  - *classification of the building in accordance with the Building Code of Australia;*
  - *provision of adequate toilet and bathroom facilities;*
  - *provision of adequate laundry facilities;*
  - *ventilation and lighting;*
  - *noise;*
  - *kitchen/bar facilities; and*
  - *adequate access/egress and emergency exit signage.*
- *An inspection regime, which would require inspection of premises by Environmental Health Officers or other suitably qualified persons to determine compliance with structural/hygiene requirements.*
- *A comprehensive definition of terms.*

*NOTE : The preceding list of matters requiring inclusion in the proposed Regulations is not necessarily exhaustive. Further work is to be undertaken in the next few weeks with the aim of compiling a high level framework for the Regulations, which will then be discussed with DPI and the Local Government Prostitution Working Group, before being finalised and submitted to the Minister.*

Street prostitution :

*The life of the existing legislation concerning street prostitution (Prostitution Act 2000) (which appears to be working quite well) should be extended for a minimum period of 12 months, during which time the relevant provisions of the Prostitution Control Bill 2003 would be reviewed, and more acceptable options for controlling street prostitution devised.*

*The review should examine the effectiveness of the legislation, and identify options for alternative actions, such as the introduction of "safe houses".*

*Health issues and drug addiction are at the core of the problems in the streets, and a much more thorough and measured consideration of solutions is required.*

*The identification, status and regulation of existing brothels :*

*The WA Local Government Association and all local governments must be provided with a comprehensive list of operating brothels known to the police.*

*The Board must require all existing brothel owners to make a development application to the relevant local government, as an integral part of any application for the approval of the Board.*

*A decision of the Board should be appealable by the affected local government.*

*All brothels must be subjected to regular checks against the adopted Planning and Public Health Regulations.*

*Complaints protocol :*

*The Bill should set out an appropriate "complaints protocol" to clearly explain to prospective complainants the correct avenue for registering their grievances. The whole area of policing, inspection and enforcement roles, resources and responsibilities is not adequately addressed by the proposed legislation.*

*In particular, the delineation of roles and responsibilities between the Board and local government needs to be clarified.*

*Penalties :*

*The penalty set out in Section 208 (5) should be increased and made consistent with penalties for similar breaches under the Town Planning and Development Act."*

**Conclusion**

In light of the above, it is recommended that the Council receives and endorses the comments and recommendations contained in this report and the attached *Draft Western Australian Local Government Association Prostitution Control Bill 2003 - Position Paper (26 May 2003)*, as shown in Appendix 10.1.23 (c), and advises WALGA accordingly.

**10.1.10 No. 29 (Lot 8) Vincent Street (Dual Frontage to Harold Street) Mount Lawley – Proposed Single Storey Additions and Alterations to Existing Single House**

<b>Ward:</b>	South	<b>Date:</b>	19 May 2003
<b>Precinct:</b>	Hyde Park, P12	<b>File Ref:</b>	PRO 2311; 00/33/1570
<b>Reporting Officer(s):</b>	C Mooney		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Cardinal Constructions Pty Ltd on behalf of the owner, Lineker Pty Ltd ATF Lineker Trust for proposed single storey additions and alterations to existing single house, at No.29 (Lot 8) Vincent Street (dual frontage to Harold Street), Perth, and as shown on plans stamp-dated 2 April 2003, subject to:*

- (i) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
  - (a) *the carport shall being one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted), except where it abuts the rear/northern main building wall;*
  - (b) *the solid portion of the fence adjacent to Harold Street incorporating at least two design features;*
  - (c) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Vincent Street being a maximum height of 1.2 metres above the ground level, with the upper portion of the new front fences and gates being visually permeable, with a minimum 50 per cent transparency; and*
  - (d) *the maximum height of the eastern wall being 4.1 metres.*

*The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (ii) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (iii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (iv) *subject to first obtaining the consent of the owners of No. 27 Vincent 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. 27 Vincent Street in a good and clean condition;*

- (v) *a visual truncation of 1.5 metres by 1.5 metres at the intersection of driveway and footpath shall be provided at the owner's cost;*
- (vi) *a road and verge security deposit bond and/or bank guarantee of \$880.00 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;*
- (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; and*
- (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);*

*to the satisfaction of the Chief Executive Officer.*

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**Moved Cr Torre, Seconded Cr Lake**

*That the recommendation, together with the following amended clause (i)(a), be adopted.*

- (i) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
  - (a) *the carport shall being one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted), except where it abuts the rear/ ~~northern~~ southern main building wall and existing western boundary wall;*

*Debate ensued.*

Cr Torre departed the Chamber at 8.58pm.

**Moved Cr Chester, Seconded Cr Lake**

*That in clause (i) (d) "4.1" is deleted and replaced with "3.5", as follows;*

- "(i)(d) the maximum height of the eastern wall is 3.5 metres."*

*Debate ensued.*

Cr Torre returned to the Chamber at 8.59pm.

Cr Chester with agreement from Cr Lake WITHDREW the amendment.

*Debate ensued.*

Cr Chester departed the Chamber at 9.03pm.

**CARRIED (7-0)**

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

**COUNCIL DECISION ITEM 10.1.23**

*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 Cardinal Constructions Pty Ltd on behalf of the owner, Lineker Pty Ltd ATF Lineker Trust for proposed single storey additions and alterations to existing single house, at No.29 (Lot 8) Vincent Street (dual frontage to Harold Street), Perth, and as shown on plans stamp-dated 2 April 2003, subject to:*

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

(a) *the carport shall being one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted), except where it abuts the rear/southern main building wall and existing western boundary wall;*

(b) *the solid portion of the fence adjacent to Harold Street incorporating at least two design features;*

(c) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Vincent Street being a maximum height of 1.2 metres above the ground level, with the upper portion of the new front fences and gates being visually permeable, with a minimum 50 per cent transparency; and*

(d) *the maximum height of the eastern wall being 4.1 metres.*

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

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

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

(iv) *subject to first obtaining the consent of the owners of No. 27 Vincent 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. 27 Vincent Street in a good and clean condition;*

(v) *a visual truncation of 1.5 metres by 1.5 metres at the intersection of driveway and footpath shall be provided at the owner's cost;*

(vi) *a road and verge security deposit bond and/or bank guarantee of \$880.00 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;*

- (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; and*
- (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);*
- to the satisfaction of the Chief Executive Officer.*

**LANDOWNER:** Lineker Pty Ltd ATF Lineker Trust  
**APPLICANT:** Cardinal Constructions WA Pty Ltd  
**ZONING:** Metropolitan Region Scheme: Urban  
 Town Planning Scheme No.1: Residential R80 (R60 provisions apply for single house)  
**EXISTING LAND USE:** Single House

**COMPLIANCE:**

Use Class	Single House
Use Classification	"P"
Lot Area	273 square metres

Requirement	Required	Proposed
<b>Garage</b>		
Secondary street setback	1.5 metres	Nil
Western side setback	1.5 metres	Nil
<b>Fence</b>		
Primary Street	Solid portion of front fence to be a maximum height of 1.2 metres, with the upper portion being visually permeable, with a minimum 50 per cent transparency.	Solid wall to a maximum height of 1.8 metres.
Secondary Street	Solid wall to a maximum height of 1.8 metres may be permitted provided the wall has two appropriate design features.	Solid wall to a maximum height of 1.8 metres.
Open Space	45 per cent	37.6 per cent

<p>Nil Boundary Setback</p>	<p>One Side Boundary only-</p> <ul style="list-style-type: none"> <li>▪ 2/3 (67 per cent) the length of the balance behind the front setback, walls not to be higher than 3.5 metres with an average height of 3.0 metres.</li> </ul>	<p>Two Side Boundaries -</p> <ul style="list-style-type: none"> <li>▪ Eastern Boundary - Follows existing height and parapet wall of dwelling: 45 per cent of the length of the balance behind the front setback. Average height of 3.65 metres.</li> <li>▪ Western Boundary - Proposed garage within Harold Street setback, maximum height 3.5 metres, and average height 3 metres.</li> </ul>
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**SITE HISTORY:**

The site is occupied by a single storey house in a terrace configuration, with dual frontage to Harold Street.

**DETAILS:**

The applicant seeks to undertake a single storey extension to the rear of the dwelling, and to erect a double garage located to the secondary street frontage of Harold Street.

The applicant has submitted a "Statement of Design Intent" in support of the application, which has been attached to the plan documentation.

**CONSULTATION/ADVERTISING:**

The proposal was advertised and one submission was received within this time. The neighbour located at No. 27 Vincent Street has advised that they have concerns with the parapet wall located on the eastern boundary, in relation to height and overshadowing and the impact this will have on their home. The objector has informed the Town that there were willing to discuss their concerns with their neighbour and may intend to develop their property adjacent to the parapet wall in the same location on their lot in the future.

**COMMENTS:**

**Garage and Secondary Street Setback**

The Residential Design Codes (R Codes) prescribe that a 1.5 metres setback should be achieved to the secondary street for a garage. The applicant proposes a nil setback to this boundary to accommodate the garage, while maintaining their courtyard provision to the rear of the dwelling. The immediate surrounding properties with frontage to Vincent Street additionally have their car parking access to the secondary street, that being Harold Street. Those properties whose primary street frontage facing Harold Street are 3 lots eastward from the subject property. Nevertheless, in order to comply with the requirement to fulfil a visual truncation between the footpath and driveway and secondary street setback for a garage, the appropriate condition has been imposed to ensure that the garage will be an open carport.

**Eastern Side Setback**

The proposed living room extension to the eastern elevation follows the existing pattern of development, which is seen as a seamless extension of the original building. This extension is compliant with the both the Town's Policies and the requirements of the Residential Design Codes. With regard to the objector's concerns to the height of the wall, the extension is a maximum height of 4.3 metres and delineates to a height of 3 metres, creating an average of 3.65 metres. The existing height of the wall on the eastern boundary is 4.1 metres. The appropriate condition has been placed to accommodate height concerns of the objector.

**Western Side Setback**

The R Codes permit a parapet wall to one side boundary only in areas coded R30 or higher where the wall has a maximum height of 3.5 metres with an average height of 3.0 metres. Under these provisions, the parapet wall to the western boundary does not comply with the provisions of this clause of the R Codes. Therefore, the appropriate condition has been placed in relation to the garage to be open alleviating the non-compliance with the R Codes.

**Overshadowing**

In relation to the concerns raised by the objector in regard to overshadowing, the lot is primarily orientated north - south therefore it is considered to have no undue overshadowing effect on the neighbouring property to the east. The actual percentage of overshadowing onto to the eastern neighbouring property is 2.1 per cent. This is not considered to unduly adversely impact on the amenity of the neighbouring property. The Residential Design Codes permits a maximum of 50 per cent overshadowing onto the adjoining site, for areas zoned higher than R40 to RIC.

**Open Space**

The R Codes permits a minimum provision of 45 per cent open space for each dwelling. Taking into account the ground floor extension and the garage structure, the applicant seeks 37.6 per cent open space for the site. Generally, it is considered unsuitable to vary this provision however, in this instance, due to the historical nature of small lot subdivision, and the current provision to supply 2 car parking bays of which the applicant attains, the relaxation is considered appropriate. In addition, the proposal achieves a courtyard provision of 34.4 square metres, which is far in excess of the 16 square metres requirement of the R Codes, and is located directly off the main living space of the dwelling.

**Fencing**

The Town's Policy Relating to Street Walls and Fences requires the solid portion of front fences to the primary street of a dwelling to be 1.2 metres maximum above ground level. The proposal proposes to have a solid fence to a height of 1.8 metres to Vincent Street. In order to comply with the Town's Policy and achieve streetscape interaction and visual amenity, the appropriate condition should be placed.

In respect to the solid portion of the fence fronting the secondary street, that being Harold Street, the solid wall in this instance is considered appropriate, due to the streetscape of Harold Street within the immediate area of the property comprising solid walls and gates, garages/carports, and assortment of outbuildings. The opposite side of Harold Street is a solid brick wall surrounding Sacred Heart Church and School. In order to reduce the visual impact to the secondary street, the appropriate condition has been placed to incorporate at least two design features in order to comply with the Town's Policy.

**Summary**

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

**10.1.3 No. 55 (Lot 458) Hobart Street (Corner London Street), North Perth - Proposed Survey Strata Subdivision**

<b>Ward:</b>	North	<b>Date:</b>	16 May 2003
<b>Precinct:</b>	North Perth, P8	<b>File Ref:</b>	444-03
<b>Reporting Officer(s):</b>	S Crawford		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Residential Design Codes, the Council RECOMMENDS APPROVAL to the Western Australian Planning Commission for the proposal survey strata subdivision of No. 55 (Lot 458) Hobart Street (corner London Street), North Perth, and as shown on the plan stamped 28 April 2003 (survey strata subdivision 444-03), subject to:*

- (i) all buildings and effluent disposal systems, having the necessary clearance from the new boundaries as required under the relevant legislation;*
- (ii) support of the subdivision is not to be construed as support of the demolition of the existing building(s) and/or any development on the proposed lots;*
- (iii) if any portion of the existing building(s) is to be demolished to facilitate the proposed subdivision, a separate Planning Approval and/or Demolition Licence is to be obtained from the Town for the demolition of the existing building(s) prior to the clearance of the Diagram or Plan of Survey by the Town;*
- (iv) all buildings and structures that have been granted Planning Approval and/or Demolition Licence for demolition being demolished and materials removed from the site and the site made good. A separate Planning Approval and/or Demolition Licence is required from the Town prior to the commencement of any demolition works;*
- (v) the land being filled and/or drained at the subdivider's cost to the satisfaction of the Town and any easements and/or reserves necessary for the implementation thereof, being provided free of cost;*
- (vi) the street verge tree(s) on Hobart and London Streets adjacent to the subject land being retained and measures being taken to ensure their identification and protection to the satisfaction of the Town prior to commencement of site works;*
- (vii) the applicant obtaining Planning Approval and/or Building Licence for the development of a house(s) on the lots less than 350 square metres in accordance with Clause 2.3.3 of the Residential Design Codes;*
- (viii) a Management Statement being prepared and submitted in accordance with section 5C of the Strata Titles Act 1985, to include the following additions to the by-laws contained in Schedules 1 and 2 of the Strata Titles Act:*

- (a) *development or redevelopment on the survey strata lots must comply with an existing development approval issued by the Town of Vincent, or such alternative development approval as the Council may grant, which complies with the requirements of the Town of Vincent Town Planning Scheme; and*
- (b) *amendment to or repeal of the above provision cannot be effected without the Commission's agreement; and*
- (ix) *the existing residence to comply with the requirements of the Residential Design Codes pertaining to single house development to the satisfaction of the Town, including;*
  - (a) *the provision and construction of two (2) on site car parking bays and associated driveway and crossover;*
  - (b) *the provision of a permanent enclosed storage area and adequate provision for the storage of garbage; and*
  - (c) *the provision of a 20 square metres outdoor living area, with a minimum dimension of 4 metres;*

*to the satisfaction of the Chief Executive Officer.*

**NOTE:**

*Please be advised that the subject property is located within the Town's Eton Locality which is subject to amendment No.11 to the Town of Vincent Town Planning Scheme No. 1. Amendment No.11 proposes to rezone the Eton Locality from R30 and R30/40 to R20. The amendment is currently with the Western Australian Planning Commission and Minister for Planning and Infrastructure for final approval.*

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

*That the recommendation be adopted.*

Cr Chester returned to the Chamber at 9.05pm.

*Debate ensued.*

**LOST (0-8)**

(Mayor Catania JP on approved leave of absence.)

**Reasons:**

Not possible to develop with compliance to Residential Design Codes and Town Planning Scheme in this zoning and locality given the lot size and shape.

**COUNCIL DECISION ITEM 10.1.3**

**SUBSEQUENT MOTION**

**Moved Cr Chester, Seconded Cr Lake**

*That;*

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Residential Design Codes, the Council RECOMMENDS REFUSAL to the Western Australian Planning Commission for the proposal survey strata subdivision of No. 55 (Lot 458) Hobart Street (corner London Street), North Perth, and as shown on the plan stamp-dated 28 April 2003 (survey strata subdivision 444-03), as the subdivision is not consistent with the orderly and proper planning and the preservation of the amenities of the locality for the following reasons:*

- (a) *the subject property is located within the Town's Eton Locality, which is subject to Amendment No.11 to the Town of Vincent Town Planning Scheme No. 1. Amendment No.11 proposes to rezone the Eton Locality from R30 and R30/40 to R20. The Amendment is currently with the Western Australian Planning Commission and Minister for Planning and Infrastructure for final approval. The proposed lots do not comply with the minimum site area per dwelling requirements of the Residential R20 density code; and*
- (b) *the size and configuration of the proposed lots would most likely result in any reasonable dwelling on these lots not complying with the requirements of the Residential Design Codes and the Town's Town Planning Scheme No. 1 and associated Policies including the Policy relating to the Eton Locality, which includes the provision that development is to respect and maintain the existing character of the area, and this is considered to be predominantly detached dwellings with no boundary/parapet walls, and a minimum street setback of 6.0 metres to the first floor of a dwelling; and*
- (ii) *the Council requests the Western Australian Planning Commission that if the Commission is inclined to approve the proposed subdivision, the Town is further consulted to obtain the appropriate conditions of the Town that should apply to the proposed subdivision.*

*Debate ensued.*

**CARRIED (8-0)**

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

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**LANDOWNER:** The Girl's Brigade Western Australia  
**APPLICANT:** Malcom Birch Architecture & Design  
**ZONING:** Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R30/40 (R40 applies)  
**EXISTING LAND USE:** Single House

**COMPLIANCE:**

Use Class	Single House
Use Classification	"P"
Lot Area	668 square metres

**SITE HISTORY:**

The site currently supports a single storey single house. A concurrent freehold subdivision application has been submitted to the Western Australian Planning Commission under reference 121994, which is also being concurrently considered, and subject to a separate agenda report at Item 10.1.4.

**Scheme Amendment No. 11**

It should be noted that the subject property is located within the Town's Eton Locality which is subject to Amendment No.11 to the Town of Vincent Town Planning Scheme No. 1. Amendment No.11 proposes to rezone the Eton Locality from R30 and R30/40 to R20. The Amendment is at present with the Western Australian Planning Commission and Minister for Planning and Infrastructure for final determination. Elected Members have requested that all subdivision proposals within the Eton Locality be referred to Council for determination.

**DETAILS:**

The applicant seeks to survey strata subdivide the property in accordance with the Residential R40 density code, to create three (3) lots.

**CONSULTATION/ADVERTISING:**

The proposal did not require advertising.

**COMMENTS:**

The proposed survey strata subdivision complies with the provisions of the Residential R40 density code in relation to lot size requirements. The R40 code permits a minimum lot size of 200 square metres with an average lot size of 220 square metres. Three (3) lots are proposed as part of the subdivision, an existing house corner lot of 261 square metres and two vacant lots each being 203.5 square metres in size, with all lots having their own street frontage.

The proposal is in accordance with the current density code and is therefore supported, subject to standard conditions.

**10.1.5 No. 14 (Lot 204) Auckland Street, North Perth - Proposed Survey Strata Subdivision**

<b>Ward:</b>	North	<b>Date:</b>	19 May 2003
<b>Precinct:</b>	North Perth, P8	<b>File Ref:</b>	434-03
<b>Reporting Officer(s):</b>	M Bonini		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Residential Design Codes, the Council RECOMMENDS APPROVAL to the Western Australian Planning Commission for the proposed survey strata subdivision of No. 14 (Lot 204) Auckland Street, North Perth, and as shown on the plan stamp-dated 24 April 2003 (survey strata subdivision 434-03), subject to:*

- (i) all buildings and effluent disposal systems, having the necessary clearance from the new boundaries as required under the relevant legislation;*
- (ii) support of the subdivision is not to be construed as support of the demolition of the existing building(s) and/or any development on the proposed lots;*
- (iii) if any portion of the existing building(s) is to be demolished to facilitate the proposed subdivision, a separate Planning Approval and/or Demolition Licence is to be obtained from the Town for the demolition of the existing building(s) prior to the clearance of the Diagram or Plan of Survey by the Town;*
- (iv) all buildings and structures that have been granted Planning Approval and/or Demolition Licence for demolition being demolished and materials removed from the site and the site made good. A separate Planning Approval and/or Demolition Licence is required from the Town prior to the commencement of any demolition works;*
- (v) the land being filled and/or drained at the subdivider's cost to the satisfaction of the Town and any easements and/or reserves necessary for the implementation thereof, being provided free of cost;*
- (vi) the street verge tree on Auckland Street adjacent to the subject land being retained and measures being taken to ensure its identification and protection to the satisfaction of the Town prior to commencement of site works;*
- (vii) the applicant obtaining Planning Approval and/or Building Licence for the development of a house(s) on the lots less than 350 square metres in accordance with Clause 2.3.3 of the Residential Design Codes. Any proposed development shall comply with the requirements of the Residential Design Codes and the Town's Town Planning Scheme No. 1 and associated Policies including the Policy relating to the Eton Locality, which includes the provision that development is to respect and maintain the existing character of the area, and this is considered to be predominantly detached dwellings with no boundary/parapet walls; and*
- (viii) a Management Statement being prepared and submitted in accordance with section 5C of the Strata Titles Act 1985, to include the following additions to the by-laws contained in Schedules 1 and 2 of the Strata Titles Act:*

- (a) *development or redevelopment on the survey strata lots must comply with an existing development approval issued by the Town of Vincent, or such alternative development approval as the Council may grant, which complies with the requirements of the Town of Vincent Town Planning Scheme; and*
- (b) *amendment to or repeal of the above provision cannot be effected without the Commission's agreement;*

*to the satisfaction of the Chief Executive Officer.*

**NOTE:**

*The subject property is located within the Town's Eton Locality which is subject to amendment No.11 to the Town of Vincent Town Planning Scheme No. 1. Amendment No.11 proposes to rezone the Eton Locality from R30 and R30/40 to R20. The amendment is currently with the Western Australian Planning Commission and Minister for Planning and Infrastructure for final approval.*

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

*That the recommendation be adopted.*

*Debate ensued.*

**LOST (0-8)**

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

**Reasons:**

*Not possible to develop with compliance to Residential Design Codes and Town Planning Scheme in this zoning and locality given the lot size and shape.*

**COUNCIL DECISION ITEM 10.1.5**

**SUBSEQUENT MOTION**

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

*That;*

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Residential Design Codes, the Council RECOMMENDS REFUSAL to the Western Australian Planning Commission for the proposal survey strata subdivision of No. 14 (Lot 204) Auckland Street, North Perth, and as shown on the plan stamp-dated 24 April 2003 (survey strata subdivision 434-03), as the subdivision is not consistent with the orderly and proper planning and the preservation of the amenities of the locality for the following reasons:*
  - (a) *the subject property is located within the Town's Eton Locality, which is subject to Amendment No.11 to the Town of Vincent Town Planning Scheme No. 1. Amendment No.11 proposes to rezone the Eton Locality from R30 and R30/40 to R20. The Amendment is currently with the Western Australian Planning Commission and Minister for Planning and Infrastructure for final approval. The proposed lots do not comply with the minimum site area per dwelling and minimum lot frontage requirements of the Residential R20 density code; and*

- (b) *the size and configuration of the proposed lots would most likely result in any reasonable dwelling on these lots not complying with the requirements of the Residential Design Codes and the Town's Town Planning Scheme No. 1 and associated Policies including the Policy relating to the Eton Locality, which includes the provision that development is to respect and maintain the existing character of the area, and this is considered to be predominantly detached dwellings with no boundary/parapet walls; and*
- (ii) *the Council requests the Western Australian Planning Commission that if the Commission is inclined to approve the proposed subdivision, the Town is further consulted to obtain the appropriate conditions of the Town that should apply to the proposed subdivision.*

*Debate ensued*

**CARRIED (8-0)**

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

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**LANDOWNER:** B Munro  
**APPLICANT:** As Above  
**ZONING:** Metropolitan Region Scheme: Urban  
Town Planning Scheme No.1: Residential R30/40 (R30 applies)  
**EXISTING LAND USE:** Single House  
**COMPLIANCE:**

Use Class	Single House
Use Classification	"P"
Lot Area	675 square metres

**SITE HISTORY:**

The site currently supports a single storey single house. A concurrent survey strata subdivision application has been submitted to the Western Australian Planning Commission under reference 435-03, which is also being concurrently considered, and subject to a separate agenda report at Item 10.1.6.

**Scheme Amendment No. 11**

It should be noted that the subject property is located within the Town's Eton Locality which is subject to Amendment No.11 to the Town of Vincent Town Planning Scheme No. 1. Amendment No.11 proposes to rezone the Eton Locality from R30 and R30/40 to R20. The Amendment is at present with the Western Australian Planning Commission and Minister for Planning and Infrastructure for final determination. Elected Members have requested that all subdivision proposals within the Eton Locality be referred to Council for determination.

**DETAILS:**

The applicant seeks to survey strata subdivide the property in accordance with the Residential R30 density code, to create two (2) lots.

**CONSULTATION/ADVERTISING:**

The proposal did not require advertising.

**COMMENTS:**

The proposed survey strata subdivision complies with the provisions of the Residential R30 density code in relation to lot size requirements. The R30 code permits a minimum lot size of 270 square metres with an average lot size of 300 square metres. Two (2) lots are proposed as part of the subdivision. The existing house is proposed to be demolished to create two side by side lots each with own street frontage. The lot sizes proposed are 337 square metres and 338 square metres.

The resultant lot frontage widths are proposed to be 7.07 metres for both proposed lots. The Residential Design Codes do not prescribe a minimum lot frontage requirement for the R 30 zone and is therefore compliant with the R Codes requirements. The proposed lots will most likely result in the subsequent development requiring boundary/parapet walls. The Council has recently refused an application for four (4) dwellings with boundary/parapet walls at No. 138 Matlock Street, which also involved similar lot frontage widths. The application is subject to an appeal and is currently being determined by the Town Planning Appeal Tribunal.

In this instance, proposed clause/condition (vii) will require that Planning Approval is granted before the subdivision is finally cleared. Any development issues relating to boundary/parapet wall development will be addressed at this stage.

The proposal is in accordance with the current density code and is therefore supported, subject to standard conditions.

**10.1.11 No. 4 (Lot 67 and Part Lot 1) Haynes Street, North Perth – Proposed Additional Two, Two-Storey Grouped Dwellings to Existing Single House**

<b>Ward:</b>	North	<b>Date:</b>	14 May 2003
<b>Precinct:</b>	North Perth, P8	<b>File Ref:</b>	PRO2274; 00/33/1516
<b>Reporting Officer(s):</b>	P Mastrodomenico		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by ABC Design Services on behalf of the owners F and L Bianchini for proposed additional two, two-storey grouped dwellings to existing single house at No.4 (Lot 67 and Part Lot 1) Haynes Street, North Perth and as shown on the plans stamp dated 15 April 2003, subject to:*

- (i) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates along and within the front setback area of Haynes Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the new front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (ii) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (iii) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development;*
  - (a) the windows to bedroom 1 and bedroom 2 to Unit A on the first floor level on the northern elevation;*
  - (b) the window to bedroom 3 to Unit B on the first floor level on the northern elevation; and*
  - (c) the window to bedrooms 1 and bedroom 2 to Unit B on the first floor level on the eastern elevation;*

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

- (iv) *subject to first obtaining the consent of the owners of No. 403 (Lot 1) Charles Street, No. 36 (Lot 3) Sydney Street and No.6 (Lot 68) Haynes 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. 403 (Lot 1) Charles Street, No. 36 (Lot 3) Sydney Street and No.6 (Lot 68) Haynes Street, in a good and clean condition;*
- (v) *a visual truncation of 1.5 metres by 1.5 metres at the intersection of the driveway and the footpath shall be provided at the owner's cost;*
- (vi) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (vii) *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;*
- (viii) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (ix) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (x) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (xi) *compliance with all relevant Environmental Health, Engineering and Building requirements; and*
- (xii) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Haynes Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (xiii) *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);*

*to the satisfaction of the Chief Executive Officer.*

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**COUNCIL DECISION ITEM 10.1.11**

**Moved Cr Lake, Seconded Cr Torre**

*That the recommendation be adopted.*

**LOST (1-7)**

**For**  
**Cr Franchina**

**Against**  
**Cr Ker - Presiding Member**  
**Cr Chester**  
**Cr Cohen**  
**Cr Doran-Wu**  
**Cr Farrell**  
**Cr Lake**  
**Cr Torre**

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

**Reasons:**

1. **Not entitled to use higher density and split zoning due to adverse effects on adjacent residents.**
2. **Non compliance as listed in report.**

**FURTHER REPORT:**

<b>Requirements</b>	<b>Required</b>	<b>Proposed</b>
Northern side First Floor	3.6 metres	<del>2.1 metres</del> 1.3 metres - 1.8 metres

The previously stated northern side first floor setback did not adequately reflect the actual minimum setback of 1.3 metres for Unit B and 1.8 metres for Unit A. The setback variations do not present an unreasonable loss of amenity to the adjacent properties and given the windows at first floor level are conditioned to be screened in accordance with the Residential Design Codes.

**LANDOWNER:** F and L Bianchini  
**APPLICANT:** ABC Design Services  
**ZONING:** Metropolitan Region Scheme: Urban  
 Town Planning Scheme No.1: Residential R30/40  
**EXISTING LAND USE:** Single House  
**COMPLIANCE:**

Use Class	Grouped Dwelling	
Use Classification	"P"	
Lot Area	680 square metres	
<b>Requirements</b>	<b>Required</b>	<b>Proposed</b>
Setbacks -		
Northern side Ground Floor	1.5 metres	Nil (store only)
Eastern side Ground Floor	1.0 metre	Nil (garage)
Western side Ground Floor	1.0 metre	Nil (garage)
Northern side First Floor	3.6 metres	2.1 metres

Privacy -  North (Unit A) (windows to bedrooms 1 and 2)  North (Unit B) (window to bedroom 3)  East (Unit B) (windows to bedrooms 1 and 2)	Bedroom window within 4.5 metres of a property boundary more than 0.5 metre above natural ground level to be screened	No screening shown
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**SITE HISTORY:**

The subject site is occupied by two storey single house. The surrounding area is characterised by a mixture of single storey character dwellings.

**CONSULTATION/ADVERTISING:**

There were no objections received during the advertising period.

**DETAILS:**

Approval is sought for additional two, two-storey grouped dwellings to the existing two storey single house.

**COMMENTS:**

**Eton Locality**

The Eton Locality Statement states the following:

*"Single houses will remain the predominant dwelling types within this Locality. On those larger lots which can accommodate additional housing, infill development will be favoured. Grouped Dwellings developments comprising two or more new dwellings are also appropriate.*

*The retention and/or restoration of established houses which are indicative of the era in which the Locality was developed and generally contribute to its existing character will be encouraged. An increase in housing density for new infill development will be permitted where certain criteria can be met."*

The proposal has retained the existing dwelling, and is providing infill development; therefore the proposal fulfills the current Locality Statement.

**Scheme Amendment No. 11**

The subject property is located within the Town's Eton Locality which is subject to Amendment No.11 to the Town of Vincent Town Planning Scheme No. 1. Amendment No.11 proposes to rezone the Eton Locality from R30 and R30/40 to R20. The Amendment is at present with the Western Australian Planning Commission and Minister for Planning and Infrastructure for final determination. The proposal represents a density code of R40.

**Privacy**

With regard to the potential for unreasonable overlooking from the major openings on the first floor of Units A and B on the 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.

**Setbacks**

It is considered that the side setback variations do not present an unreasonable loss of amenity to the adjacent properties, and given the overlooking windows at first floor level are conditioned to be screened in accordance with the Residential Design Codes, the variations to setbacks are considered supportable.

**Summary**

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

**10.1.12 Nos. 433 - 437 (Lots 15 and 12) William Street and No. 4 (Lots 13 and 14) Brisbane Place, Northbridge - Proposed Three-Storey Lodging House**

<b>Ward:</b>	South	<b>Date:</b>	21 May 2003
<b>Precinct:</b>	Beaufort; P13 and Hyde Park; P12	<b>File Ref:</b>	PRO 0495; 00/33/1590
<b>Reporting Officer(s):</b>	C Mooney		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by John L Silbert and Associates Pty Ltd on behalf of the owners Cityrise Investments Pty Ltd for a proposed three-storey backpackers lodging house at Nos. 433 - 437 (Lots 15 and 12) William Street, and No. 4 (Lots 13 and 14) Brisbane Place, Northbridge, and as shown on the plans stamp dated 11 April 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) subject to first obtaining the consent of the owners of No.427-429 (Lot 16) and 441-445 (Lot 11) William Street, and No.6 (Lot 10) and Lot 17 Brisbane Place for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing north-east and south-west in a good and clean condition;*
- (iii) all car parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications and dimensions specified in the Town's Policy relating to Parking and Access and Australian Standards AS2890.1 – "Off Street Parking";*
- (iv) prior to the first occupation of the development, eleven (11) bicycle parking rails shall be provided at a location convenient to the William Street entrance of the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (v) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
  - (a) one unisex shower and change room facility and 11 storage lockers being provided;*
  - (b) a visual truncation of 2 metres by 2 metres at the intersection of the driveway and the footpath being provided at the owner's cost;*
  - (c) the exit door located from the kitchen to the car parking area opening inwards;*

- (d) *car parking bays being a minimum depth of 5.4 metres; and*
- (e) *at least one car parking bay for persons with disabilities being designed, provided and marked in accordance with the relevant standards;*
- (vi) *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;*
- (vii) *a detailed management plan that addresses the control of noise, traffic, car parking, litter and anti-social behaviour (to reasonable levels) associated with the development shall be submitted and approved prior to the first occupation of the development, and thereafter implemented and maintained;*
- (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 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;*
- (x) *in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments the footpath adjacent to the subject land along William Street shall be upgraded, by the applicant, a brick paved standard to the Town's specification. A refundable footpath upgrading bond and /or bank guarantee of \$2640 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 facilities have been reinstated to the satisfaction of the Town's Technical Services Division. An application to the Town for the refund of the upgrading bond must be made in writing;*
- (xi) *prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (xii) *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 (\$ 15,000.00) 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 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);*

- (xiii) *no car parking structures shall be erected within the front setback area adjacent to Brisbane Place;*
- (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, gates and bin store areas adjacent to Brisbane Place and William Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences, gates and bin store area being visually permeable, with a minimum 50 per cent transparency*
- (xv) *the activities and doors and windows fronting William Street shall maintain an active and interactive relationship with William Street;*
- (xvi) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (xvii) *the support/approval of the Department for Planning and Infrastructure and/or the Western Australian Planning Commission and compliance with its comments and conditions at the applicant(s)/owner(s) full expense;*
- (xviii) *the Town accepts no liability for the cost of relocating any services that may be required as a consequence of this development. The applicant/owner(s) shall ensure that all services are identified prior to submitting a Building Licence application and that the cost of any service relocations is to be borne by the applicant/owner(s);*
- (xix) *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 \$80,625 for the equivalent value of 32.25 car parking spaces, based on the cost of \$2,500 per bay as set out in the Town's 2002/2003 Budget; OR alternatively, prior to the issue of a Building Licence the owner(s) of the subject land shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee, with or a grant of easement on the subject land in favour of the Town and to its satisfaction, to provide rights of access to/from and use of a minimum of 32 car parking bays on Nos. 22 - 50 Aberdeen Street, Perth, and/or No. 305 William Street, Perth, and/or No. 322 William Street, Perth. The legal agreement shall be secured by a caveat while the grant of easement shall be registered on the Certificate(s) of Title of the subject land. The legal documentation shall be prepared by the Town's solicitors or other solicitors agreed upon by the Town. All costs associated with this condition being borne by the applicant/owner(s);*
- (xx) *a detailed landscaping plan, including a schedule of plant species and provision of one shade tree per four carparking spaces, 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);*
- (xxi) *the car parking area on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*

(xxii) *compliance with the relevant Environmental Health, Engineering and Building requirements; and*

(xxiii) *all uses and activities shall be ancillary and incidental to and associated with the lodging house, and be used only by the staff and occupiers of the lodging house;*

*to the satisfaction of the Chief Executive Officer.*

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**Moved Cr Lake, Seconded Cr Cohen**

*That the recommendation be adopted.*

*Debate ensued.*

**Moved Cr Chester, Seconded Cr Torre**

*That clause (v) of the previous recommendation be amended to read as follows:*

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

- (a) *one unisex shower and change room facility and 11 storage lockers being provided;*
- (b) *a visual truncation of 2 1.5 metres by 2 1.5 metres at the intersection of the driveway and the footpath being provided at the owner's cost;*
- (c) *the exit door located from the kitchen to the car parking area opening inwards;*
- (d) *car parking bays being a minimum depth of 5.4 metres; and*
- (e) *at least one car parking bay for persons with disabilities being designed, provided and marked in accordance with the relevant standards;"*

*Debate ensued.*

**AMENDMENT CARRIED (7-1)**

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

(Mayor Catania JP on approved leave of absence.)

**Moved Cr Chester, Seconded Cr Torre**

*That clause (xix) be amended to read as follows;*

*"(xix) 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 \$80,625 for the equivalent value of 32.25 car parking spaces, based on the cost of \$2,500 per bay as set out in the Town's 2002/2003 Budget; ~~OR alternatively, prior to the issue of a Building Licence the owner(s) of the subject land shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee, with or a grant of easement on the subject land in favour of the Town and to its satisfaction, to provide rights of access to/from and use of a minimum of 32 car parking bays on Nos. 22 – 50 Aberdeen Street, Perth, and/or No. 305 William Street, Perth, and/or No. 322 William Street, Perth. The legal agreement shall be secured by a caveat while the grant of easement shall be registered on the Certificate(s) of Title of the subject land. The legal documentation shall be prepared by the Town's solicitors or other solicitors agreed upon by the Town. All costs associated with this condition being borne by the applicant/owner(s);"~~*

*Debate ensued.*

**AMENDMENT CARRIED (8-0)**

(Mayor Catania JP on approved leave of absence.)

**MOTION AS AMENDED CARRIED (5-3)**

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

(Mayor Catania JP on approved leave of absence.)

**COUNCIL DECISION ITEM 10.1.12**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by John L Silbert and Associates Pty Ltd on behalf of the owners Cityrise Investments Pty Ltd for a proposed three-storey backpackers lodging house at Nos. 433 - 437 (Lots 15 and 12) William Street, and No. 4 (Lots 13 and 14) Brisbane Place, Northbridge, and as shown on the plans stamp dated 11 April 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) subject to first obtaining the consent of the owners of No.427-429 (Lot 16) and 441-445 (Lot 11) William Street, and No.6 (Lot 10) and Lot 17 Brisbane Place for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing north-east and south-west in a good and clean condition;*
- (iii) all car parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications and dimensions specified in the Town's Policy relating to Parking and Access and Australian Standards AS2890.1 – "Off Street Parking";*

- (iv) *prior to the first occupation of the development, eleven (11) bicycle parking rails shall be provided at a location convenient to the William Street entrance of the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (v) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
  - (a) *one unisex shower and change room facility and 11 storage lockers being provided;*
  - (b) *a visual truncation of 1.5 metres by 1.5 metres at the intersection of the driveway and the footpath being provided at the owner's cost;*
  - (c) *the exit door located from the kitchen to the car parking area opening inwards;*
  - (d) *car parking bays being a minimum depth of 5.4 metres; and*
  - (e) *at least one car parking bay for persons with disabilities being designed, provided and marked in accordance with the relevant standards;*
- (vi) *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;*
- (vii) *a detailed management plan that addresses the control of noise, traffic, car parking, litter and anti-social behaviour (to reasonable levels) associated with the development shall be submitted and approved prior to the first occupation of the development, and thereafter implemented and maintained;*
- (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 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;*
- (x) *in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments the footpath adjacent to the subject land along William Street shall be upgraded, by the applicant, a brick paved standard to the Town's specification. A refundable footpath upgrading bond and /or bank guarantee of \$2640 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 facilities have been reinstated to the satisfaction of the Town's Technical Services Division. An application to the Town for the refund of the upgrading bond must be made in writing;*
- (xi) *prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*

- (xii) *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 (\$ 15,000.00) 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 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);*
- (xiii) *no car parking structures shall be erected within the front setback area adjacent to Brisbane Place;*
- (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, gates and bin store areas adjacent to Brisbane Place and William Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences, gates and bin store area being visually permeable, with a minimum 50 per cent transparency*
- (xv) *the activities and doors and windows fronting William Street shall maintain an active and interactive relationship with William Street;*
- (xvi) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (xvii) *the support/approval of the Department for Planning and Infrastructure and/or the Western Australian Planning Commission and compliance with its comments and conditions at the applicant(s)/owner(s) full expense;*
- (xviii) *the Town accepts no liability for the cost of relocating any services that may be required as a consequence of this development. The applicant/owner(s) shall ensure that all services are identified prior to submitting a Building Licence application and that the cost of any service relocations is to be borne by the applicant/owner(s);*
- (xix) *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 \$80,625 for the equivalent value of 32.25 car parking spaces, based on the cost of \$2,500 per bay as set out in the Town's 2002/2003 Budget;*
- (xx) *a detailed landscaping plan, including a schedule of plant species and provision of one shade tree per four carparking spaces, 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);*
- (xxi) *the car parking area on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (xxii) *compliance with the relevant Environmental Health, Engineering and Building requirements; and*

*(xxiii) all uses and activities shall be ancillary and incidental to and associated with the lodging house, and be used only by the staff and occupiers of the lodging house;*

*to the satisfaction of the Chief Executive Officer.*

**LANDOWNER(S):** Cityrise Investments Pty Ltd  
**APPLICANT(S):** John L Silbert & Associates Pty Ltd  
**ZONING:** Metropolitan Region Scheme - Urban  
 Town Planning Scheme No. 1 -  
 Residential R80 and Commercial

**EXISTING LAND USE:** William Street - Vacant retail premises Brisbane Place -  
 Single house

**COMPLIANCE:**

Requirements	Required	Proposed
Brisbane Place setback	4.0 metres to ground floor; 6.0 metres to upper level	6.0 metres to ground floor; 3.0 metres to upper levels
Side setbacks	Nil setback on commercial property; 1.8 metres setback for ground floor and 4.8 metres setback for upper levels on a residential property	Nil
Height	2 storey in residential zone; 7 metres maximum height (for a concealed roof)	3 storey in residential zone; 11.3 metres height
Use Class	Lodging house	
Use Classification	'SA'	
Land Area	1014 square metres	

**Car Parking**

Car parking requirement (nearest whole number) ▪ based on a residential building (1 space per 3 beds)	45 car parking bays required
Apply the adjustment factors ▪ 0.85 (within 400 metres of a bus stop)	(0.85) 38.25 car bays
Minus the car parking provided on site (6 car bays)	32.25 car bays
Minus the most recently approved on site car parking shortfall	nil
Resultant shortfall	32.25 car bays

**SITE HISTORY:**

The site currently consists of a vacant commercial building fronting William Street and a single storey single house fronting Brisbane Place.

25 September 2001 Council conditionally approved the demolition of the existing buildings.

24 September 2002 Council at its Ordinary Meeting resolved to defer consideration of a previous application of an identical proposal to investigate the non-compliant matters.

- 22 October 2002 Council at its Ordinary Meeting resolved to defer the decision on the proposal until the next Ordinary Meeting of Council, and that appropriate conditions for approval be prepared.
- 5 November 2002 Council at its Ordinary Meeting conditionally approved the previous application for an identical proposal for proposed three storey lodging house.

**CONSULTATION/ADVERTISING:**

The current application was not advertised as an identical proposal was advertised and considered by the Council within the past 12 months. During the previous advertising, there were three objections received during the advertising period. Concerns raised included the following;

- The use is not appropriate to the residential area along Brisbane Place;
- The three storey bulk and scale;
- Loss of privacy and noise from north-west facing balconies; and
- Inadequate car parking facilities will result in on street parking.

**DETAILS:**

The application is identical to that which was approved by Council at its Ordinary Meeting held on 5 November 2002.

The applicant has requested that the application be reconsidered and has provided the following details:

*"Further to Council's recent Planning Approval, and on behalf of our Client we forward copy of the letters obtained by him to provide car parking in response to the "cash in lieu" Council requirement referred to in "clause (XIX)".*

*Our Client accepts the Council's request for further parking provision over the cars already provided on site but seeks Council's consideration of an "Alternate Parking Solution" in lieu of the cash payment.*

*This Parking Levy (\$80, 625) together with the Councils request for Public Art (\$15, 000 - Clause XII) and the footpath upgrade (Clause X) has significantly affected the viability of the project.*

*The Owner also believes that the car usage by backpackers is minimal and unpredictable and he would rather pay for "Short Term Parking" at adjacent car parks on a "User Pays Basis".*

*We would also like to point out to Council that the "Cash in Lieu" Payment will not actually provide any additional parking in our area or benefit our Project but payment to local Car Park Operators will improve the viability of their businesses and support for our project.*

*Major Car -parking Operators with permanent parking availability have now confirmed in writing that at least 115 car bays are available within a very short distance from this project.*

*As indicated in these letters parking for the backpackers is readily available at all times.*

*Our Client now requests Councils reconsideration of this car parking alternative before proceeding to the cost of full documentation necessary for issue of a Building Licence."*

Clause (x), (xii) and (xix), respectively, of the Planning Approval granted by the Council on 5 November 2002, state the following:

- "(x) *in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments the footpath adjacent to the subject land along William Street shall be upgraded, by the applicant, a brick paved standard to the Town's specification. A refundable footpath upgrading bond and /or bank guarantee of \$2640 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 facilities have been reinstated to the satisfaction of the Town's Technical Services Division. An application to the Town for the refund of the upgrading bond must be made in writing;*
- (xii) *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 (\$ 15,000.00) 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 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);*
- (xix) *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 \$80,625 for the equivalent value of 32.25 car parking spaces, based on the cost of \$2,500 per bay as set out in the Town's 2002/2003 Budget;"*

The applicant has forwarded the following from Wilson Parking and Auto Masters Perth respectively.

*". . . Further to our discussions regarding the provision of parking for your backpackers we can provide parking for your guests at our Aberdeen Street car park. The car park is a 502 bay car park extending from Aberdeen Street to Newcastle Street. The site operates 24 hours per day 7 days per week. When unmanned the car park operates on a pay and display system.*

*We will supply you with a flier that will provide your customers with a map and instructions on how to use the car park facility. You simply have to pre purchase a number of pre paid vouchers that you hand to your customers along with the flier to satisfy their parking requirements.*

*Customers will present our staff with the pre paid voucher that will allow them to enter the car park and stay as long as required.*

*Our staff is on duty Monday - Thursday 6:30 am to 8pm, Friday 6:30am to Midnight and Saturday 6pm to 1am. They will collect the pre paid vouchers from your customer and provide them with a parking location.*

*When our staff are not on duty, being Saturday morning and Sunday, your customers will be permitted entry and will be required to purchase a ticket from the ticket machine in the car park. The ticket will have 2 parts, one part for the dashboard, the second as a receipt that can be returned to you for reimbursement. By placing the ticket and a voucher on their dashboard they will be able to park in the car park until they are ready to leave.*

*We would welcome an opportunity to discuss this operation further and are happy to assist in any way possible to resolve your parking needs."*

*"Further to our discussions regarding the provision for your backpackers and the availability of space in our Northbridge car parks.*

*You have raised concern over the availability to supply car parking bays to your patrons during peak times. Our 2002 figures for our 2 car parks fronting Newcastle Street show a combined average peak vacancy of 95 bays. Such bays would therefore be available to your customers. In addition our car park in Parry Street has an additional 25 bays empty everyday, with the exception of Perth Glory match days, to supply an overflow demand.*

*Given that many of your customers would book in the evening, a quiet parking period in Northbridge, substantial space will be available beyond the 95 bays mentioned above.*

*I hope this will alleviate any concerns you may have over our ability to supply your parking needs. . . . "*

*"As per our discussion 30 January 2003 Automasters Perth will make available twenty carparking bays for your business venture."*

The owner has provided the following comments in relation to the proposal:

*". . .As the owners and developers of the above, and considering that we will be investing a couple of million of dollars into the project, we would like to assure the council that as a business project and from the feasibilities that we have conducted, it is quite clear to us that the car parking provided is adequate.*

*Nonetheless we have confirmed availability of additional car park spaces at nearby commercial car parks as and when required if necessary.*

*These car parks are at walking distances of 2.5 minutes and 4 minutes from the hostel (we have all ready walked and measured these distances). We would wish to inform you that we find this distance totally insignificant to, say, the distances, which will be travelled and covered by a tourist exploring the City or visiting the lovely beaches.*

*We further re- iterate that monies paid to the car park owners will be benefiting local businesses and also solving a problem if ever there was one to occur.*

*Please realize that we are unable to accept that close to \$80, 000 be paid for "in lieu of parking". That does not solve anything.*

*We have invested our earnings in this land, in the City of Vincent, since 2001 and would appreciate for a positive outcome so that we can start developing and thereby creating a better-built environment at this end of William Street, which is really in need of an uplift.*

*Your early blessing to this project is required to revitalize this part of Northbridge."*

#### **COMMENTS:**

##### **Car Parking**

In accordance with the Town's Policy for Parking and Access, in determining whether the proposed development should be refused on car parking grounds, the following applies. When the total requirement for cash in lieu (after adjustment factors are taken into account) is between 11 and 40 bays, a minimum of 15 per cent of the required bays shall be provided.

In this case, 15 per cent of 38.25 equates to 6 bays being required on site. The proposal includes the provision of 6 bays on site.

The existing buildings on site are proposed to be demolished and a new building constructed for the proposed backpackers lodging house on the vacant site. As such, in this instance, car parking calculations do not consider an existing shortfall of car parking on site.

In light of the comment made by the applicant in regard to the cash in lieu component, the Town's Car Parking and Access Policy states the following:

*"Cash-in-lieu of parking is to be considered where non-residential developments have a shortfall of parking according to the requirements outlined in the Land Use Parking Requirement Table, as modified according to Clause 10). The Town may accept money for this shortfall to provide and/or upgrade parking bays in a nearby existing or proposed public parking facility, including on-street parking where appropriate.*

Therefore, it can be seen that the objective for the cash in lieu contribution is specifically directed at the upgrading or provision of parking bays to cater for the parking requirements of the subject proposal.

The car parking facilities, of which the applicant has indicated possible car parking availability for their proposal are listed below, including location and distance:

- Wilson Car Parking: Nos. 22- 50 Aberdeen Street, bounded by William, Newcastle and Beaufort Streets respectively, is approximately 520 metres away from the subject proposal.
- Wilson Car Parking: No. 305 William Street, bounded by William, Newcastle and Lake Streets respectively, is approximately 760 metres away from the subject proposal.
- Automasters Perth: No. 322 William Street is approximately 322 metres away from the proposal.

The Town's Parking and Access Policy additionally states the following, in relation to reciprocal and combined parking;

*"9) Reciprocal and Combined Parking . . .*

*ii) Reciprocal Parking*

*Reciprocal parking arrangements may be considered acceptable where the Town of Vincent is convinced that demand for parking by the uses proposed will not unreasonably coincide.*

*Where reciprocal parking is proposed, the Town of Vincent is to be satisfied that:*

- a) the parking facilities serving the proposed uses will be located on the one lot, or that parking arrangements are permanent (e.g. easement, amalgamation, legal agreement, restrictive covenant or any other formal arrangement the Town of Vincent may require);*

- b) *parking demand both in the immediate and long term can be satisfied; . . ."*

In light of the above, a relevant condition should be placed for the required cash in lieu contribution to be paid in full to the Town and/or a legal agreement or grant of easement between the relevant parties concerned and the Town to ensure 32 parking bays are to be legally provided for the subject proposal. The legal agreement/grant of easement is the most appropriate means of ensuring the parking bays are provided legally for the subject development, and avoid situations such as the properties providing the parking bays being sold or developed and the bays being "lost" hence not available for the subject development in the future.

The other matters relating to the proposal and addressing the previous objections are contained in the report pertaining to the previous application (Item 10.1.1) to the Ordinary Meeting of Council held on 5 November 2002.

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

**10.1.13 No. 33 (Lot 170) Eton Street, North Perth - Proposed Partial Demolition of and Alterations and Additions to Existing Single House**

<b>Ward:</b>	North	<b>Date:</b>	20 May 2003
<b>Precinct:</b>	North Perth, P8	<b>File Ref:</b>	PRO 2314; 00/33/1576
<b>Reporting Officer(s):</b>	S Crawford		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Tangent Nominees Pty Ltd on behalf of the owners ND and NL Rollond for proposed partial demolition of and alterations and additions to existing single house at No. 33 (Lot 170) Eton Street, North Perth, and as shown on plans stamp-dated 4 April 2003, subject to:*

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) a visual truncation of 1.5 metres by 1.5 metres at the intersection of the driveway and footpath shall be provided at the owner's cost;*
- (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 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) 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) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the south facing windows to the dining room shall be screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; and*
- (vii) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates along and within the front setback area of Eton Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the new front fences and gates being visually permeable, with a minimum 50 per cent transparency;*

*to the satisfaction of the Chief Executive Officer.*

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

*That the recommendation, together with the following amended clause (vi), be adopted.*

*"(vi) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the south facing windows to the dining room shall be screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR alternatively , mature vegetation shall be planted to effectively screen these windows prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); and"*

**CARRIED (8-0)**

(Mayor Catania JP on approved leave of absence.)

**COUNCIL DECISION ITEM 10.1.13**

*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 Tangent Nominees Pty Ltd on behalf of the owners ND and NL Rollond for proposed partial demolition of and alterations and additions to existing single house at No. 33 (Lot 170) Eton Street, North Perth, and as shown on plans stamp-dated 4 April 2003, subject to:*

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) a visual truncation of 1.5 metres by 1.5 metres at the intersection of the driveway and footpath shall be provided at the owner's cost;*
- (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 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) 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) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the south facing windows to the dining room shall be screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR alternatively , mature vegetation shall be planted to effectively screen these windows prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); and*

- (vii) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates along and within the front setback area of Eton Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the new front fences and gates being visually permeable, with a minimum 50 per cent transparency;*

*to the satisfaction of the Chief Executive Officer.*

**LANDOWNER:** ND and NL Rollond  
**APPLICANT:** Tangent Nominees Pty Ltd  
**ZONING:** Metropolitan Region Scheme: Urban  
 Town Planning Scheme No.1: Residential R30/40 (R40 applies)  
**EXISTING LAND USE:** Single House

**COMPLIANCE:**

Use Class	Single House	
Use Classification	"P"	
Lot Area	675 square metres	
<b>Requirement</b>	<b>Required</b>	<b>Proposed</b>
Setbacks		
Northern side ground level	1.5 metres	1.25 metres
Heights		
Wall Height	3.0 metres - consideration of allowing a 'seamless extension' as contained within the Town's Local Character Policy.	3.5 metres
Roof Height	6.0 metres - consideration of allowing a 'seamless extension' as contained within the Town's Local Character Policy.	6.2 metres
Cone of Vision (for Finished Floor Level greater than 0.5 metre above Natural Ground Level)		
Dining room - southern side	6.0 metres	1.83 metres

**SITE HISTORY:**

The site currently supports a single storey single house.

**Scheme Amendment No. 11**

It should be noted that the subject property is located within the Town's Eton Locality which is subject to Amendment No.11 to the Town of Vincent Town Planning Scheme No. 1. Amendment No.11 proposes to rezone the Eton Locality from R30 and R30/40 to R20.

The Amendment is at present with the Western Australian Planning Commission and Minister for Planning and Infrastructure for final determination. The Amendment does not affect the proposal before the Town.

**DETAILS:**

The applicant seeks partial demolition of and alterations and additions to the single house.

**CONSULTATION/ADVERTISING:**

The proposal was advertised and no submissions were received.

**COMMENTS:**

**Partial Demolition**

The proposal has been reviewed by the Town's Heritage Officer which identifies that the property is not listed on the Town's Municipal Heritage Inventory, and as such any proposal is subject to the provisions of the Town's Town Planning Scheme No. 1 and related Policies. Therefore, no objection is raised to the proposal.

**Setbacks**

The Residential Design Codes (R Codes) would require a 1.5 metres setback between the northern elevation and the side boundary. The applicant seeks a reduced setback of 1.25 metres for the majority of the wall. The existing setback of the dwelling is 1.25 metres from the boundary, and for the majority of this elevation the dwelling remains unaltered. The only extension affecting the northern elevation is a future laundry and ensuite. The laundry is only 2.845 metres in length, and is setback the required 1.6 metres from the boundary. In light of the fact that only the laundry represents the extension, the existing setback associated with the existing dwelling is considered acceptable.

**Heights**

The R Codes allow single storey construction to have a wall height of 3.0 metres, whereas the applicant seeks a height of 3.5 metres. The additional height represents a continuation of the roof line of the existing house.

Similarly, the R Codes permit a 6.0 metres roof height, whereas the applicant seeks a roof height of 6.2 metres. This additional height is as a result of the raised wall height associated with the existing dwelling.

The Town's Policy in relation to Local Character promotes this approach to extensions in order for them to be seamless and to tie into the existing residence. On this basis, and the fact that no undue overshadowing is caused by the increased heights, no objection is raised.

**Cone of Vision**

Due to the elevated internal finished floor levels of the dwelling some privacy concerns result. The R Codes would require a 6.0 metres setback to boundaries for the southern facing dining room opening, whereas the proposal only achieves a 1.83 metres setback to the affected boundary. On this basis, it is appropriate to impose a screening condition to this opening to ensure the affected neighbour's privacy is maintained.

**Car Parking**

The R Codes require two car parking spaces to be provided onsite. The existing development has one car bay provided on site, and there is potential to provide a second car bay on site if required in the future. The proposal does not prejudice this current car parking situation.

**Conclusion**

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

**10.1.16 Nos. 45-45A (Lot 199) Hobart Street (Corner Auckland Street), North Perth - Proposed Retention of Existing Shops and Partial Demolition of and Alterations and Additions, Including Second Storey Additions, to Existing Single House**

<b>Ward:</b>	North	<b>Date:</b>	16 May 2003
<b>Precinct:</b>	North Perth, P8	<b>File Ref:</b>	PRO 0041; 00/33/1556
<b>Reporting Officer(s):</b>	S Crawford		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Anic Design Studio on behalf of the owners V and T Nguyen for proposed retention of existing shops and partial demolition of and alterations and additions, including second storey additions, to existing single house at Nos. 45-45A (Lot 199) Hobart Street (corner Auckland Street), North Perth, and as shown on plans stamp-dated 27 March 2003, subject to:*

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) detailed plans of site works, including identification drainage shall be submitted with the Building Licence application;*
- (iii) a visual truncation of 1.5 metres by 1.5 metres at the intersection of the driveway and footpath shall be provided at the owner's cost;*
- (iv) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (v) a road and verge security deposit bond and/or bank guarantee of \$1100 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (vi) the construction of crossovers shall be in accordance with the Town's specifications;*
- (vii) prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (viii) the solid portion of the new front fence and gate adjacent to Auckland Street shall be a maximum height of 1.8 metres above natural ground level, decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres above natural ground level, shall incorporate at least two (2) design features and details shall be submitted to and approved by the Town prior to issue of the Building Licence;*

- (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);*

*to the satisfaction of the Chief Executive Officer.*

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**Moved Cr Chester, Seconded Cr Lake**

*That the recommendation, together with the following amended clause (viii) and additional clause (x), be adopted.*

- "(viii) the solid portion of the new front fence and gate adjacent to Auckland Street shall be a maximum height of 1.8 metres above natural ground level, decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres above natural ground level, shall incorporate at least two (2) design features and details shall be submitted to and approved by the Town prior to issue of the Building Licence. The Town will not support any increase in the height of the solid portion of this fence and gate;"*

*Additional clause (x).*

- "(x) this approval is only for the partial demolition of and alterations and additions to the existing single house, and not the development of another dwelling on the property; and the opening between the existing and proposed portions of the single house shall remain;"*

**CARRIED (8-0)**

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

**COUNCIL DECISION ITEM 10.1.16**

*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 Anic Design Studio on behalf of the owners V and T Nguyen for proposed retention of existing shops and partial demolition of and alterations and additions, including second storey additions, to existing single house at Nos. 45-45A (Lot 199) Hobart Street (corner Auckland Street), North Perth, and as shown on plans stamp-dated 27 March 2003, subject to:*

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) detailed plans of site works, including identification drainage shall be submitted with the Building Licence application;*
- (iii) a visual truncation of 1.5 metres by 1.5 metres at the intersection of the driveway and footpath shall be provided at the owner's cost;*
- (iv) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*

- (v) *a road and verge security deposit bond and/or bank guarantee of \$1100 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (vi) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (vii) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (viii) *the solid portion of the new front fence and gate adjacent to Auckland Street shall be a maximum height of 1.8 metres above natural ground level, decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres above natural ground level, shall incorporate at least two (2) design features and details shall be submitted to and approved by the Town prior to issue of the Building Licence. The Town will not support any increase in the height of the solid portion of this fence and gate;*
- (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) *this approval is only for the partial demolition of and alterations and additions to the existing single house, and not the development of another dwelling on the property; and the opening between the existing and proposed portions of the single house shall remain;*

*to the satisfaction of the Chief Executive Officer.*

**LANDOWNER:** V and T Nguyen  
**APPLICANT:** Anic Design Studio  
**ZONING:** Metropolitan Region Scheme: Urban  
 Town Planning Scheme No.1: Residential R30/R40 (R30 applies)  
**EXISTING LAND USE:** Single House and Two Shops

**COMPLIANCE:**

Use Class	Single House and Shop	
Use Classification	"P" and "SA"	
Lot Area	506 square metres	
<b>Requirement</b>	<b>Required</b>	<b>Proposed</b>
Setbacks		
Eastern side - ground level	1.5 metres	1.15 metres
Wall Height	3.3 metres or consideration of allowing a 'seamless extension' as contained within the Town's Local Character Policy.	3.0 metres

**SITE HISTORY:**

The site currently supports a dual use, being two single storey shops, one operating as a deli and the other being vacant, which have frontage to both Hobart Street and Auckland Street, and a single storey single house located behind the shop with frontage to Auckland Street only.

**Scheme Amendment No. 11**

It should be noted that the subject property is located within the Town's Eton Locality which is subject to Amendment No.11 to the Town of Vincent Town Planning Scheme No. 1. Amendment No.11 proposes to rezone the Eton Locality from R30 and R30/40 to R20. The Amendment is at present with the Western Australian Planning Commission and Minister for Planning and Infrastructure for final determination.

**DETAILS:**

The applicant seeks retention of the existing shops and partial demolition of and alterations and additions, including second storey additions, to the existing single house.

**CONSULTATION/ADVERTISING:**

The proposal was advertised and no objections were received.

**COMMENTS:**

**Partial Demolition**

The proposal has been reviewed by the Town's Heritage Officer, which identifies that the property is listed on the Town's Interim Heritage Database, however is not listed on the Town's Municipal Heritage Inventory, and as such any proposal is subject to the provisions of the Town's Town Planning Scheme No. 1 and related Policies. No objection is raised to the proposed partial demolition.

**Eastern Side Ground Level Setback**

The Residential Design Codes (R Codes) would require the eastern elevation to be setback 1.5 metres from the boundary, whereas the applicant proposes a setback of 1.15 metres. The applicant seeks this reduced setback in order to allow the extension to be a continuation from the existing dwelling. The Town's Policy relating to Local Character promotes this approach to achieve seamless extensions. Furthermore, the new dining/living and laundry areas created actually occur within the existing footprint of the building, with the actual extension element (lounge room) having a greater setback to this boundary in accordance with the R Codes. As such, on this basis and the fact that no undue overshadowing will result, the relaxation to allow a seamless extension is supported.

**Wall Height**

The R Codes require that single storey residential construction have a wall height of 3.0 metres. In this instance, the applicant proposes a wall height of 3.3 metres. This increased wall height is consistent with the existing form of the dwelling and provides for the continuation of the finished floor level and roof alignment as part of the overall alterations and additions. Again, the Town's Policy relating to Local Character promotes this approach to renovations, in order to maintain the visual appearance of the building so that it is consistent and harmonious with the proposed extensions. As no undue harm is caused to the affected neighbour, no objection is raised.

It is considered that the proposal will generally 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.

**10.1.17 No. 180 (Lot 17) Harold Street, Mount Lawley - Proposed Partial Demolition of, and Alterations and Additions With Loft to Existing Single House**

<b>Ward:</b>	North	<b>Date:</b>	20 May 2003
<b>Precinct:</b>	Hyde Park, P12	<b>File Ref:</b>	PRO 2318; 00/33/1582
<b>Reporting Officer(s):</b>	S Crawford		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by A Mott on behalf of the owner T Mott for proposed partial demolition of, and alterations and additions with loft to existing single house at No. 180 (Lot 17) Harold Street, Mount Lawley, and as shown on plans stamp-dated 8 April 2003, subject to:*

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) detailed plans of site works, including identification drainage shall be submitted with the Building Licence application;*
- (iii) a visual truncation of 1.5 metres by 1.5 metres at the intersection of the driveway and footpath shall be provided at the owner's cost;*
- (iv) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (v) a road and verge security deposit bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (vi) the construction of crossovers shall be in accordance with the Town's specifications;*
- (vii) prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (viii) street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*

- (ix) *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 Harold Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the new front fences and gates being visually permeable, with a minimum 50 per cent transparency; and*
- (x) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development,*
- (a) *the northern-most, south facing windows to the ground level kitchen and dining room areas;*
  - (b) *the west facing windows/doors to the ground level dining room; and*
  - (c) *the south, east and west elevations of the rear landing;*
- shall be screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees;*

*to the satisfaction of the Chief Executive Officer.*

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**Moved Cr Lake, Seconded Cr Torre**

*That the recommendation, together with the following amended clause (x), be adopted.*

- " (x) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development,*
- (a) *the ~~northern~~ western-most, ~~south~~ north facing windows to the ground level kitchen and dining room areas;*
  - (b) *the ~~west~~ east facing windows/doors to the ground level dining room; and*
  - (c) *the ~~south~~ north, east and west elevations of the rear landing;*
- shall be screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees;"*

**CARRIED (8-0)**

(Mayor Catania JP on approved leave of absence.)

**COUNCIL DECISION ITEM 10.1.17**

*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 Mott on behalf of the owner T Mott for proposed partial demolition of, and alterations and additions with loft to existing single house at No. 180 (Lot 17) Harold Street, Mount Lawley, and as shown on plans stamp-dated 8 April 2003, subject to:*

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) detailed plans of site works, including identification drainage shall be submitted with the Building Licence application;*
- (iii) a visual truncation of 1.5 metres by 1.5 metres at the intersection of the driveway and footpath shall be provided at the owner's cost;*
- (iv) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (v) a road and verge security deposit bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (vi) the construction of crossovers shall be in accordance with the Town's specifications;*
- (vii) prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (viii) street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (ix) 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 Harold Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the new front fences and gates being visually permeable, with a minimum 50 per cent transparency; and*
- (x) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development,*
  - (a) the western-most, north facing windows to the ground level kitchen and dining room areas;*
  - (b) the east facing windows/doors to the ground level dining room; and*
  - (c) the north, east and west elevations of the rear landing;*

*shall be screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees;*

*to the satisfaction of the Chief Executive Officer.*

**COMMENTS:**

The north point is incorrectly shown on the plans submitted by the applicant. A copy of the site, demolition and floor plans showing the correct north point direction is attached and the above clause (x) should be amended accordingly.

**LANDOWNER:** T Mott  
**APPLICANT:** A Mott  
**ZONING:** Metropolitan Region Scheme: Urban  
 Town Planning Scheme No.1: Residential 80 (R60 applies)  
**EXISTING LAND USE:** Single House

**COMPLIANCE:**

Use Class	Single House	
Use Classification	"P" "	
Lot Area	362 square metres	
<b>Requirement</b>	<b>Required</b>	<b>Proposed</b>
<b>Setbacks</b>		
Eastern side ground level	3.3 metres	1.035 metres
Eastern side upper level	1.6 metres	1.035 metres
<b>Cone of Vision</b>		
Kitchen rear windows/doors	6.0 metres	3.0 metres
Dining rear windows/door	6.0 metres	5.7 metres
Dining west window	6.0 metres	2.9 metres
Rear landing	7.5 metres	3.7 metres
<b>Front Fencing</b>	Maximum 1.8 metres in height with pillars/capping to maximum of 2.0 metres in height, with area above 1.2 metres being open in design	2.095 metres - insufficient design details to assess
<b>Car Parking</b>	2 car bays	1 car bay
<b>Heights</b>		
Wall Height	3.0 metres or consideration of allowing a 'seamless extension' as contained within the Town's Local Character Policy.	3.8 metres
Roof Height	6.0 metres or consideration of allowing a 'seamless extension' as contained within the Town's Local Character Policy.	7.0 metres

**SITE HISTORY:**

The site currently supports a single storey single house.

**DETAILS:**

The applicant seeks retention of the existing residence and proposed partial demolition of and alterations and additions with loft to existing single house.

**CONSULTATION/ADVERTISING:**

The proposal was advertised and one (1) objection was received from the eastern side neighbour who is part of a strata complex. The submission objects to the 1.035 metres eastern side setback, and the ground level window/door to this elevation and the proposed deck. The objection to the deck area is based on the potential noise this area will create.

**COMMENTS:**

**Partial Demolition**

This property is not listed on the Town's Municipal Heritage Inventory. As such, this proposal is subject to the general provisions of the Town Planning Scheme and Policies. With regard to the proposed demolition of the rear skillion section to facilitate the new additions, this is supported as the skillion section is considered to be of little significance in the overall context of the place.

**Eastern Side Setbacks**

The Residential Design Codes (R Codes) would generally require the ground level of the proposal to be setback 3.3 metres from the affected boundary, whereas the applicant seeks a reduced setback of 1.035 metres. The reduced setback is proposed in order to allow the extension's alignment to be consistent with the existing setback of the dwelling. Council's Policy relating to Local Character actually promotes extensions to follow the existing setback alignment in order that extensions appear seamless in relation to the existing dwelling.

The objector raised concerns with respect to the reduced setback, however few adverse impacts are considered to be caused to the affected neighbour. The height of the proposal, coupled with the fact that the neighbour will not be unduly affected by overshadowing and the objector's main outdoor living space provision is located to the north, deems that very little impact will result from the extension. Furthermore, the proposed extension at ground level is only an additional 6.0 metres in length. As such, on this basis, the proposed reduction in side setback is considered acceptable.

With respect to the upper level setback, the R Codes would require a 1.6 metres setback to the upper level from the boundary, whereas the applicant seeks this setback to be 1.035 metres. Again this reduced setback is aligned with the ground level setback of the dwelling. The upper level is of a loft design and therefore is principally contained within the roof space of the dwelling. The loft incorporates a dormer window element to the eastern elevation serviced with a highlight window to the future bathroom.

The dormer element provides additional height within the loft to create more useable area at this upper level. The loft incorporates only modest living areas, consisting of a bedroom, mezzanine space, a large void and an area for a future bathroom. As such, there will only be non-habitable space affecting the eastern boundary adjacent to the objector's property.

Based on the fact that no privacy concerns result from the proposal to the eastern neighbour, and no undue overshadowing is created for this neighbour either, it is considered that the proposed lot with a dormer inclusion is considered appropriate and will not have any undue impact on this neighbour.

### **Cone of Vision**

A number of privacy issues arise from the submitted proposal, principally due to the fact that the finish floor level of the dwelling is raised above natural ground level.

The R Codes would require that the rear (southern) kitchen and dining windows/doors be setback 6.0 metres from the boundaries, whereas the proposal only achieves respective setbacks of 3.0 metres and 5.7 metres from the relative side boundaries. Therefore, these openings would require the imposition of screening to protect the privacy of the affected neighbours.

Similarly, the R Codes would require the western side openings to the dining room be setback 6.0 metres from the boundary whereas the applicant achieves a setback of 2.9 metres. Again, these openings will require screening to comply with the R Code requirements.

The proposed rear landing which the kitchen/dining/living area opens onto is a raised platform area, which provides access to the steps, which lead down into the rear yard. Due to the fact that this landing is also raised off the ground, it would require a 7.5 metres setback from the boundaries, whereas only a 3.7 metres boundary setback is achieved. Again, this element of the proposal will be required to be screened. The imposition of screening to this landing area is likely to address some of the preceding privacy concerns in relation to the window/door openings.

With respect to the objector's concerns in relation to noise, it is considered that the landing area will create no greater noise issues than the applicant utilising their open space provision to the rear. Furthermore, the landing area is only 1.1 metres in width, which will not accommodate persons utilising this space for prolonged periods of time or great numbers of persons at any one time.

### **Heights**

The R Codes permit single storey construction have a wall height of 3.0 metres, whereas the applicant seeks a height of 3.8 metres. The additional height is required due to the change in level over the site and the desire to maintain the existing finished floor level within the residence. In turn, an increased wall height results in an increased roof height. The R Codes permits a 6.0 metres roof height for single storey residential buildings and the applicant seeks a 7.0 metres height.

These heights allows for a seamless extension to the dwelling, as has been applied with respect to setbacks for the proposal, and is supported by the Town's Policy relating to Local Character. The additional heights are again not considered to cause any undue impact to the neighbour, due to the fact that no undue overshadowing is caused and therefore the impact on the amenity of the affected neighbour is considered minimal. On this basis the additional heights are considered appropriate.

### **Front Fencing**

The Town's Policy relating to Street Walls and Fences only permits fencing to a maximum height of 1.8 metres with pillars/capping extending to 2.0 metres in height, with the solid portion of the fencing being limited to 1.2 metres and the upper portion being open in design. The applicant's proposal indicates that a front fence height of 2.095 metres is proposed, however insufficient details are provided for full assessment. The existing dwelling is currently serviced with a low lying fence.

A fence higher than that prescribed by the Town's Policy is considered inappropriate and as such, the standard fencing condition should be imposed on the approval to address this aspect.

### **Conclusion**

It is considered that the proposal will generally 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.

**10.3.4 Expressions of Interest - Lee Hops Cottage**

<b>Ward:</b>	South	<b>Date:</b>	19 May 2003
<b>Precinct:</b>	Hyde Park, P12	<b>File Ref:</b>	PRO1490
<b>Reporting Officer(s):</b>	J Anthony		
<b>Checked/Endorsed by:</b>	M Rootsey		
<b>Amended by:</b>			

**OFFICER RECOMMENDATION:**

*That the Council ACCEPTS the Expression of Interest submitted by "Great Mates WA" and invites the applicant organisation to submit a tender application for the future lease/licence of 176 Fitzgerald Street, North Perth.*

**COUNCIL DECISION ITEM 10.3.4**

**Moved Cr Lake, Seconded Cr Chester**

*That the recommendation be adopted.*

**CARRIED (8-0)**

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

**LANDOWNER:** Town of Vincent  
**ZONING:** Metropolitan Region Scheme: Urban  
Town of Vincent Town Planning Scheme No.1:  
Scheme Reserves – Parks and Recreation  
**EXISTING LAND USE:** Vacant Dwelling

- 1903 Construction of the dwelling at No.176 Fitzgerald Street, Perth (approximate date only).
- 1928 The cottage is owned by the City of Perth for the purposes of Caretakers Residence and renovations to the dwelling take place (approximate date only).
- 1955 Further adaptations and renovations occur at the cottage (approximate date only).
- 1992 Park caretaker no longer required and the cottage becomes vacant (approximate date only).
- 1994 Town of Vincent take ownership of the cottage.
- 1995 Cottage is placed on the Town's Municipal Heritage Inventory.
- 2000 Town commissions a Conservation Plan for the cottage in March 2000.
- 2001 Council at the Ordinary Meeting held on 13 February 2001 adopts the recommendations and guidelines contained in the Conservation Plan for the purposes of the retaining and conserving the cultural heritage significance of the place.

The Town applies for funding assistance for the conservation of the cottage in the 2001/2002 Heritage Council of Western Australia (HCWA) Grants Program. The application is unsuccessful in receiving funding.

Council at the Ordinary Meeting held on 8 May 2001 resolved to nominate the cottage to the Heritage Council of Western Australia for consideration for listing on the State Register of Heritage Places.

2002 The Town receives correspondence dated 25 February 2002 from the Heritage Council, notifying receipt of the Town's nomination of Robertson Park and advising that the place has been included on HCWA's assessment program in order to consider it for the state Register of Heritage Places.

The Town commences preliminary discussions with Central TAFE in relation to the proposed Live Works Program at the cottage.

2003 The Town project manages the works at Lee Hops to completion. Expression of Interest advertised. Successful applicants to be invited to submit a tender for the lease/licence of the cottage. A lease/licence will be negotiated with the successful tenderer with full occupation of premises expected in the latter half of the year.

#### **DETAILS:**

Expressions of Interest closed at 2.00pm on the 16 May 2003. One expression of interest was received from Great Mates WA.

Purchasing Officer David Paull, Executive Manager Corporate Services Mike Rootsey and the Chief Executive Officer John Giorgi were in attendance at the opening of the Expressions of Interest.

Great Mates WA was launched in May 2001 with the goal to assist disadvantaged and at risk young people to achieve adulthood and independence. The platform for the strategies used to achieve outcomes is built on positive celebrity WA athletes helping the disadvantaged young person. The proposed use for the building is to accommodate the management team of the organisation.

Currently the organisation's ongoing programs consist of **one on one mentoring** which is designed to develop relationships with others who hold the personal and professional qualities that young person admires and respects. Other programs run by the organisation include **Transitional Housing** and an **Alternative Education** programme. Recently the organisation was successful in bidding for two government tenders for services to provide crisis and transitional accommodation for young people between the ages of fifteen (15) and twenty (20) years in the Fremantle area.

Assessment of the submitted expression of interest has determined that the applicant adequately meets the following selection criteria set out by the Town of Vincent:

- Benefits to the Town of Vincent and its ratepayers including but not limited to financial benefits.
- Benefits to the wider community.
- Financial history and stability of applicants.
- Operational performance of the service being offered (including copies of annual report and audited financial statements).
- Effective and ethical use of the facility.
- Joint use/sharing of facilities to maximise the use of the facility.
- At least two references must be provided with one preferably from a previous lessor.

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

A notice for the Expression of Interest was advertised in the West Australian on 30 April 2003 and in the local newspapers in the following two weeks. The documentation was also made available on the Town of Vincent website.

**LEGAL/POLICY:**

The Expression of Interest was conducted in accordance with Section 3.57 of the Local Government Act 1995 and Local Government (Functions and General) Regulations 1996 Part 4 Tenders for Providing Goods or Services.

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2000-2002 - Key Result Area 1.2 - "*Develop, Promote and Implement Cultural Heritage Management Practices, Policies and Guidelines*"; and Key Result Area 3.6 - "*Develop and Implement strategies to improve the Town's Parks and Reserves.*"

**FINANCIAL/BUDGET IMPLICATIONS:**

Criteria as to the fiduciary implications and benefits of the lease/licence was not a compulsory requirement as part of the expression of interest documentation. This shall be requested when the applicant organisation submits a formal tender for the premises.

**COMMENTS:**

It is recommended that as the applicant organisation meets the relevant criteria, it be invited to submit a tender for the lease of 176, Fitzgerald Street, North Perth.

**10.4.5 Further Report - Planning and Building Policies - Amendment No. 9 Relating to Appendix No. 6 Brookman and Moir Streets Development Guidelines and Appendix No. 12 Design Guidelines for Elven on the Park**

<b>Ward:</b>	South	<b>Date:</b>	20 May 2003
<b>Precinct:</b>	Smiths' Lake, P6 Hyde Park, P12	<b>File Ref:</b>	118874; PLA0128 & PLA0142
<b>Reporting Officer(s):</b>	H Coulter		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the amended version of the Policy relating to Appendix No. 12 Design Guidelines for Elven on the Park, as shown in Appendices 10.4.5(b);*
- (ii) *ADOPTS the amended version of the Policy relating to Appendix No. 12 Design Guidelines for Elven on the Park to be applied immediately;*
- (iii) *ADVERTISES the amended version of the Policy relating to Appendix No. 12 Design Guidelines for Elven on the Park for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
  - (a) *advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
  - (b) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and*
  - (c) *forwarding a copy of the subject Policy to the Western Australian Planning Commission; and*
- (iv) *after the expiry of the period for submissions:*
  - (a) *REVIEWS the amended version of the Policy relating to Appendix No. 12 Design Guidelines for Elven on the Park, having regard to any written submissions; and*
  - (b) *DETERMINES the amended version of the Policy relating to Appendix No. 12 Design Guidelines for Elven on the Park, with or without amendment, to or not to proceed with them.*

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**Moved Cr Chester, Seconded Cr Lake**

*That the recommendation be adopted.*

*Debate ensued.*

**COUNCIL DECISION ITEM 10.4.5**

**Moved Cr Chester, Seconded Cr Lake**

*That this Item be DEFERRED for further investigation and report due to inconsistencies in the guidelines.*

**CARRIED (8-0)**

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

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**FURTHER REPORT:**

The Council at its Ordinary Meeting held on 22 April 2003 resolved to defer this matter to allow an Informal Briefing of Elected Members to be held in order to determine the Design Guidelines for the Elven on the Park Subdivision. Accordingly, an informal briefing attended by the Elected Members and the Chief Executive Officer, Executive Manager Environmental and Development Services, Executive Manager Technical Services, Executive Manager Corporate Services and the Manager Planning and Building Services was held on 15 May 2003, where matters relating to access from Emmerson Street, setbacks of buildings and the interface of buildings and the streets were discussed.

As a result, changes to the amended version of the Policy relating to Appendix No.12 Design Guidelines for Elven on the Park have been made.

An amended version of the Policy containing these changes is contained in Appendix 10.4.5.

The following is the verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 22 April 2003:

*“OFFICER RECOMMENDATION:*

*That the Council;*

- (i) RECEIVES the amended version of the Policy relating to Appendix No. 12 Design Guidelines for Elven on the Park, as shown in Appendices 10.4.2(b);*
- (ii) ADOPTS the amended version of the Policy relating to Appendix No. 12 Design Guidelines for Elven on the Park to be applied immediately;*
- (iii) ADVERTISES the amended version of the Policy relating to Appendix No. 12 Design Guidelines for Elven on the Park for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
  - (a) advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
  - (b) where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and*
  - (c) forwarding a copy of the subject Policy to the Western Australian Planning Commission; and*
- (iv) after the expiry of the period for submissions:*
  - (a) REVIEWS the amended version of the Policy relating to Appendix No. 12 Design Guidelines for Elven on the Park, having regard to any written submissions; and*
  - (b) DETERMINES the amended version of the Policy relating to Appendix No. 12 Design Guidelines for Elven on the Park, with or without amendment, to or not to proceed with them.*

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Moved Cr Ker, Seconded Cr Cohen

*That the recommendation be adopted.*

COUNCIL DECISION ITEM 10.

Moved Cr Ker, Seconded Cr Hall

*That this Item be DEFERRED to allow an Informal Briefing of Elected Members to be held in order to determine the Design Guidelines for the Elven on the Park Subdivision.*

CARRIED (9-0)

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*FURTHER REPORT:*

*The Council at its Ordinary Meeting held on 8 April 2003 considered this matter and resolved that the item be deferred for "further consideration and a report of Elven Park to be provided." The subdivision layout is shown in Appendix 10.4.2(a) to this Report.*

*General concerns were raised by Elected Members in relation to the draft amended Design Guidelines for Elven on the Park allowing garages to be 6 metres wide and within the front setback area and having a greater width than 50 percent of the frontage of the lots, which are generally 8.6 metres wide.*

*The garage component of the draft amended Design Guidelines for Elven on the Park is a variation to and overrides the Streetscape requirements of the Residential Design Codes (R-Codes) and the Town's Policy relating to Street Setbacks.*

*The Elven Street streetscape currently comprises of three houses on the western side, with their primary street frontage to Richmond Street, Elven Street and Emerson Street, respectively, as shown in the photograph below. The subject eastern side of Elven Street is presently vacant. It is therefore considered that the development on the subject land/subdivision will determine the Elven Street streetscape.*

*These draft amended guidelines still achieve an active interaction and casual surveillance between the dwellings and the street, and reduces the visual impact of the garage, via the provision of proposed new clause 5) i) e) Setbacks. Consequently the draft amended guidelines are considered to generally achieve the intent and objectives of the existing Design Guidelines for Elven on the Park, and the other Town Policies.*

*The draft amended guidelines will provide:*

- 1. reduction of the visual impact of the garages and carports with the requirement for the walls/doors facing the street having at least two (2) design features; for example, open structures, recesses and/or planters facing the street at regular intervals and varying finishes; and*
- 2. visual interaction with the street as the changes made to the guidelines include:*
  - (i) the formal entry to the main dwelling being clearly visible from Elven Street, when viewed directly from the footpath on Elven Street;*
  - (ii) front garages and carport are to have a maximum external width of 6.0 metres; and*
  - (iii) balcony(ies) are to be located above the front garage and carport with a minimum depth of 2.0 metres, minimum width of the garage and carport below and to be located at or in front of the garage and carport front setback line. Therefore a significantly functional balcony(ies) will be required to be located above the garage and have a front setback at or in front of the garage below*

*Development at 'Richmond on the Park' has achieved an intimate inner urban streetscape, and the draft amended guidelines for Elven on the Park will enhance and extend this theme, and achieve active interaction between the dwelling and the street.*

*Notwithstanding the above, the current Policy relating to Appendix No. 6 Design Guidelines for Elven on the Park was formally adopted by the Council at its Ordinary Meeting held on 3 December 2002. If the draft amended guidelines are not adopted, the current formally adopted guidelines will prevail and be applicable at the time of sale/auction of the subject land.*

*The following is the verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 8 April 2003:*

*"OFFICER RECOMMENDATION:*

*That the Council;*

- (i) RECEIVES the amended version of the Policies relating to Appendix No. 6 Brookman and Moir Streets Development Guidelines and Appendix No. 12 Design Guidelines for Elven on the Park, as shown in Appendices 10.4.6 (b) and (c);*
- (ii) ADOPTS the amended version of the Policies relating to Appendix No. 6 Brookman and Moir Streets Development Guidelines and Appendix No. 12 Design Guidelines for Elven on the Park to be applied immediately;*
- (iii) ADVERTISES the amended version of the Policies relating to Appendix No. 6 Brookman and Moir Streets Development Guidelines and Appendix No. 12 Design Guidelines for Elven on the Park for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:
  - (a) advertising a summary of the subject Policies once a week for four consecutive weeks in a newspaper circulating in the locality;*
  - (b) where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policies; and*
  - (c) forwarding a copy of the subject Policies to the Western Australian Planning Commission; and**
- (iv) after the expiry of the period for submissions:
  - (a) REVIEWS the amended version of the Policies relating to Appendix No. 6 Brookman and Moir Streets Development Guidelines and Appendix No. 12 Design Guidelines for Elven on the Park, having regard to any written submissions; and*
  - (b) DETERMINES the amended version of the Policies relating to Appendix No. 6 Brookman and Moir Streets Development Guidelines and Appendix No. 12 Design Guidelines for Elven on the Park, with or without amendment, to or not to proceed with them.**

---

*Moved Cr Ker, Seconded Cr Cohen*

*That the recommendation be adopted.*

*Debate ensued.*

COUNCIL DECISION ITEM 10.4.6

Moved Cr Ker, Seconded Cr Chester

*That Elven Park be DEFERRED for further consideration and report, and all references to Elven Park be deleted as follows:*

*That the Council;*

- (i) RECEIVES the amended version of the Policies relating to Appendix No. 6 Brookman and Moir Streets Development Guidelines as shown in Appendix 10.4.6 (b);*
- (ii) ADOPTS the amended version of the Policies relating to Appendix No. 6 Brookman and Moir Streets Development Guidelines to be applied immediately;*
- (iii) ADVERTISES the amended version of the Policies relating to Appendix No. 6 Brookman and Moir Streets Development Guidelines for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:
  - (a) advertising a summary of the subject Policies once a week for four consecutive weeks in a newspaper circulating in the locality;*
  - (b) where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policies; and*
  - (c) forwarding a copy of the subject Policies to the Western Australian Planning Commission; and**
- (iv) after the expiry of the period for submissions:
  - (a) REVIEWS the amended version of the Policies relating to Appendix No. 6 Brookman and Moir Streets Development Guidelines, having regard to any written submissions; and*
  - (b) DETERMINES the amended version of the Policies relating to Appendix No. 6 Brookman and Moir Streets Development Guidelines, with or without amendment, to or not to proceed with them.**

AMENDMENT CARRIED (9-0)

MOTION AS AMENDED CARRIED (9-0)

Reasons:

- 1. Further consideration and a report of Elven Park to be provided.*

COUNCIL DECISION ITEM 10.4.6

*That the Council;*

- (i) RECEIVES the amended version of the Policies relating to Appendix No. 6 Brookman and Moir Streets Development Guidelines as shown in Appendix 10.4.6(b);*
- (ii) ADOPTS the amended version of the Policies relating to Appendix No. 6 Brookman and Moir Streets Development Guidelines to be applied immediately;*

- (iii) *ADVERTISES the amended version of the Policies relating to Appendix No. 6 Brookman and Moir Streets Development Guidelines for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
- (a) *advertising a summary of the subject Policies once a week for four consecutive weeks in a newspaper circulating in the locality;*
  - (b) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policies; and*
  - (c) *forwarding a copy of the subject Policies to the Western Australian Planning Commission;*
- (iv) *after the expiry of the period for submissions:*
- (a) *REVIEWS the amended version of the Policies relating to Appendix No. 6 Brookman and Moir Streets Development Guidelines, having regard to any written submissions; and*
  - (b) *DETERMINES the amended version of the Policies relating to Appendix No. 6 Brookman and Moir Streets Development Guidelines, with or without amendment, to or not to proceed with them; and*
- (v) *DEFERS the Elven on the Park Design Guidelines.*
- 

**BACKGROUND:**

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

*The Town applied to the Western Australian Planning Commission (WAPC) to subdivide a portion of its land on Elven Street, corner Emmerson Street, North Perth into seven lots. Conditional approval for the subdivision was received from the WAPC on 19 September 2002. The advice to applicant states as follows:*

*"3. Detailed Residential Design Guidelines for the subdivisional area being submitted to the Western Australian Planning Commission for approval and adopted by the Town of Vincent pursuant to Clause 47 of the Town of Vincent Town Planning Scheme No.1 to address such issues as building orientation, site coverage, setbacks, the location and width of driveway crossovers, location of party walls, common fencing and parking."*

*Therefore, the Town was required to draft a new Policy that contained appropriate development guidelines. The subdivision was named "Elven on the Park", to reflect the adjacent street and the naming of the nearby subdivision of "Richmond on the Park". A copy of the approved subdivision plan is included as Appendix No.10.4.6(a) to this Agenda Report. The proposed subdivision forms part of the Smith's Lake Redevelopment Plan.*

*The Council at its Ordinary Meeting held on 3 December 2002 resolved to adopt the Policy relating to Appendix No. 6 Design Guidelines for Elven on the Park subject to some minor text amendments.*

**CONSULTATION/ADVERTISING:**

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

*DETAILS:*

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

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

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

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

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

*Policy relating to Appendix No. 12 Design Guidelines for Elven on the Park*

*Amendments are required to this Policy to provide further clarity of acceptable development standards on the subject lots. These amendments include provision of garages in certain circumstances and the development of a detailed indicative plan showing all setback requirements from the ground and upper floors including carports/garages to the lot boundaries.*

*The draft amended Policy relating to Appendix No. 12 Design Guidelines for Elven on the Park is shown as Appendix No.10.4.6(c) to this Report.*

*STRATEGIC IMPLICATIONS:*

*Strategic Plan 2000-2002 –*

*Key Result Area: 1.1 “Implement Town Planning Scheme No. 1 and associated policies and guidelines”.*

*Draft Strategic Plan 2002-2007 -*

*Key Result Area: 1.2 "Manage heritage to provide a sense of place, identity and character for the area"; and*

*Key Result Area: 1.3 "Develop, implement and promote sustainable urban design".*

*COMMENTS:*

*In light of the above, it is recommended that the Council approves and advertises the amended version of the Policies relating to Appendix No. 6 Brookman and Moir Streets Development Guidelines and Appendix No. 12 Design Guidelines for Elven on the Park."*

**10.1.21 Amendment No. 16 to the East Perth Redevelopment Scheme**

<b>Ward:</b>	South	<b>Date:</b>	19 May 2003
<b>Precinct:</b>	Beaufort, P13	<b>File Ref:</b>	PRO1490
<b>Reporting Officer(s):</b>	B Mirco		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) receives the letter dated 15 April 2003 and associated documentation in relation to Scheme Amendment No. 16 to introduce a new Planning Policy (1.17) and associated provisions into the East Perth Redevelopment Authority (EPRA) Scheme dealing with sound attenuation and acoustic matters, as shown in Appendix 10.1.21; and*
- (ii) advises the East Perth Redevelopment Authority that the Council supports in principle Scheme Amendment No. 16 to introduce a new Planning Policy (1.17) and associated provisions into the EPRA Scheme dealing with sound attenuation and acoustic matters, as shown in Appendix 10.1.21.*

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**Moved Cr Chester, Seconded Cr Lake**

*That the recommendation, together with the following amended clause (iii), be adopted.*

- “(iii) authorises the Chief Executive Officer to prepare a report to an Ordinary Meeting of Council as soon as possible relating to the possible application of the EPRA provisions relating to sound attenuation and acoustic matters within the Town's Town Planning Scheme No.1 and associated Policies;”*

**CARRIED (8-0)**

(Mayor Catania JP on approved leave of absence.)

**COUNCIL DECISION ITEM 10.1.21**

*That the Council;*

- (i) receives the letter dated 15 April 2003 and associated documentation in relation to Scheme Amendment No. 16 to introduce a new Planning Policy (1.17) and associated provisions into the East Perth Redevelopment Authority (EPRA) Scheme dealing with sound attenuation and acoustic matters, as shown in Appendix 10.1.21;*
- (ii) advises the East Perth Redevelopment Authority that the Council supports in principle Scheme Amendment No. 16 to introduce a new Planning Policy (1.17) and associated provisions into the EPRA Scheme dealing with sound attenuation and acoustic matters, as shown in Appendix 10.1.21; and*

- 
- (iii) *authorises the Chief Executive Officer to prepare a report to an Ordinary Meeting of Council as soon as possible relating to the possible application of the EPRA provisions relating to sound attenuation and acoustic matters within the Town's Town Planning Scheme No.1 and associated Policies;*
- 

**BACKGROUND:**

East Perth Redevelopment Authority (EPRA) has recently gained consent from the Minister for Planning and Infrastructure for an amendment to be advertised to introduce a new Planning Policy (1.17) and associated provisions into the EPRA Scheme dealing with sound attenuation and acoustic matters.

**DETAILS:**

The Town has received a letter dated 15 April 2003 and associated documentation advising the EPRA's intention to introduce a new Planning Policy (1.17) and associated provisions into its Scheme dealing with sound attenuation and acoustic matters. The documentation is shown in Appendix 10.1.21 to the report.

The associated documentation can be summarised as follows:

*"The addition of three sub-clauses allowing EPRA to require an applicant to obtain an expert's report that deals with the proposed development's compliance or compatibility with specified aspects of its Scheme or a policy.*

*Ensure the compatibility and amenity of land uses within the Scheme Area is not affected adversely by the impact of noise. The Authority may require an applicant to submit an acoustic report in accordance with Planning Policy 1.17 to the satisfaction of the Authority.*

*A consultant who has prepared an acoustic report shall certify that the incorporation of the design features recommended in the report will achieve the noise criteria referred to in Planning Policy 1.17.*

*Summary of Planning Policy 1.17*

*The intention of the policy is to ensure compatibility between, and the amenity of, land uses such as residential, retail and commercial, measures may need to be taken to minimise any adverse impact of noise.*

*Noise Emission*

*All development should be designed and carried out so as not to cause noise emissions which may detrimentally affect the amenity of existing and possible future adjacent or nearby properties or premises of the locality.*

*Noise Protection*

*Any new or refurbished development, or any conversion of part or all of an existing building that will accommodate new residential or other noise sensitive uses, should be designed, orientated and constructed to include noise attenuation measures."*

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2000-2002 – Key Result Area: 1.1 *“Implement Town Planning Scheme No 1 and associated policies and guidelines”*.

Draft Strategic Plan 2002-2007 - Key Result Area: 1.3 *“Develop, implement and promote sustainable urban design”*.

**COMMENTS:**

The content of the amendment is generally considered appropriate in terms of the existing and intended planned development within the Town, and the Town's Town Planning Scheme No. 1 and associated Policies.

In light of the above, it is recommended that the Council advise the East Perth Redevelopment Authority that the Town generally supports Amendment No.16.

**10.2.5 Loton Park Tennis Club – Contribution for the Purchase of a Petrol Operated Hedge Trimmer**

<b>Ward:</b>	South	<b>Date:</b>	20 May 2003
<b>Precinct:</b>	Beaufort, P13	<b>File Ref:</b>	RES0013
<b>Reporting Officer(s):</b>	J van den Bok		
<b>Checked/Endorsed by:</b>	R Lotznicher, M Rootsey		
<b>Amended by:</b>			

**OFFICER RECOMMENDATION:**

*That the Council*

- (i) *receives the report in relation to a contribution to the Loton Park Tennis Club for the purchase of a petrol operated hedge trimmer;*
- (ii) *APPROVES a 'one off' contribution of \$630 to the Loton Park Tennis Club for the purchase of a petrol operated hedge trimmer subject to: -*
  - (a) *the Club providing a written undertaking that it will carry out all future maintenance on the hedge to the satisfaction of the Town's Technical Services Division; and*
  - (b) *the Club will be responsible for all repairs and maintenance of the hedge trimmer.*

---

**Moved Cr Chester, Seconded Cr Cohen**

*That the recommendation, together with the following additional clause (iii), be adopted.*

*Additional clause (iii).*

*"(iii) advises Loton Park Tennis Club of the significance of the hedge, which is listed on the Town's "Trees of Significance Inventory", and thanks the Club for their assistance in the management of this heritage asset."*

**CARRIED (8-0)**

(Mayor Catania JP on approved leave of absence.)

**COUNCIL DECISION ITEM 10.2.5**

*That the Council*

- (i) *receives the report in relation to a contribution to the Loton Park Tennis Club for the purchase of a petrol operated hedge trimmer;*
- (ii) *APPROVES a 'one off' contribution of \$630 to the Loton Park Tennis Club for the purchase of a petrol operated hedge trimmer subject to: -*
  - (a) *the Club providing a written undertaking that it will carry out all future maintenance on the hedge to the satisfaction of the Town's Technical Services Division; and*

- (b) *the Club will be responsible for all repairs and maintenance of the hedge trimmer; and*
- (iii) *advises Loton Park Tennis Club of the significance of the hedge, which is listed on the Town's "Trees of Significance Inventory", and thanks the Club for their assistance in the management of this heritage asset.*
- 

**BACKGROUND:**

A Coastal Tea Tree Hedge (*Leptospermum laevigatum*) is located on the southern boundary of the Loton Park Tennis Club, adjacent to Perth Oval, which has been growing for approximately 80 years.

The hedge, given its age and significance, is lightly pruned up to four (4) times per year.

An informal agreement with the Loton Park Tennis Club, who require the hedge pruned regularly where it encroaches on to their tennis courts, was reached where the Club contributes to the cost of the pruning which amounts to approximately \$1200.00 per prune.

The Loton Park Tennis Club for the past three (3) years have contributed to 50% of the total pruning costs.

The hedge is listed on the Town of Vincent Trees of Significance Inventory 1997.

**DETAILS:**

A letter has been received from the Loton Park Tennis Club requesting that the Town make a 'one off' contribution of \$630.00 for the purchase of a petrol operated hedge trimmer. The Club believes that the purchase of a quality hedge trimmer would eliminate the continued cost to both organisations and assist in maintaining other vegetation at the Club.

The Club has indicated that their groundsman will undertake all future pruning requirements and will no longer require assistance from the Town and its Contractors.

Details of the hedge trimmer to be purchased are as follows: -

- STIHL HL 75;
- Long reach with 0-90 degree cut;
- Petrol motor with 0.95kW power;
- 6.7kg weight;
- 3 metre reach from the ground;
- Overall length is 2.5 metres;
- Suitable for cutting long, tall or wide hedges without leaving the ground;
- Three year warranty.

**CONSULTATION/ADVERTISING:**

Nil

**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.”

**FINANCIAL/BUDGET IMPLICATIONS:**

The total cost of the above machine with an adjustable back harness and free first service is \$1,260.00.

The Town’s 50% “one off” contribution would be \$630.00 and can be sourced from the Miscellaneous Plant budget allocation.

The Town will save an estimated \$2,400.00 per year for the cost of pruning the hedge and disposal of material, which will be undertaken by the Club.

**COMMENTS:**

Given the cost benefits to the Town and the overall benefit to the hedge in that the more often it is pruned lightly, the better it will be both aesthetically and structurally, it is recommended that the Council approve the contribution of \$630.00 to the Loton Park Tennis Club.

**10.3.3 North Perth Bowling Club – Funding for Two Synthetic Bowling Greens**

<b>Ward:</b>	North	<b>Date:</b>	30 April 2003
<b>Precinct:</b>	North Perth	<b>File Ref:</b>	RES0010/FIN0074
<b>Reporting Officer(s):</b>	M Rootsey		
<b>Checked/Endorsed by:</b>	John Giorgi		
<b>Amended by:</b>			

**OFFICER RECOMMENDATION:**

*That Council;*

- i) DEFERS the allocation of consideration of the funding assistance of \$240,000 to the North Perth Bowling Club to the 2004/05 draft budget; and*
- ii) authorises the Chief Executive Officer to further investigate the request and in particular the installation of synthetic bowling greens.*

---

**Moved Cr Cohen, Seconded Cr Chester**

*That the recommendation, together with the following additional clause (iii) be adopted.*

*Additional clause (iii).*

*"(iii) authorises the Chief Executive Officer to investigate ways in which the Town can assist in the long term sustainable viability of the North Perth Bowling Club. "*

*Debate ensued.*

**Moved Cr Cohen , Seconded Cr Franchina**

*Add the words "by the end of July 2003" to the end of clause (ii) as follows;*

*"(ii) authorises the Chief Executive Officer to further investigate the request and in particular the installation of synthetic bowling greens by the end of July 2003."*

Cr Farrell departed the Chamber at 9.45pm.

*Debate ensued.*

**AMENDMENT CARRIED (7-0)**

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

Cr Farrell returned to the Chamber at 9.48pm.

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

(Mayor Catania JP on approved leave of absence.)

**COUNCIL DECISION ITEM 10.3.3**

*That Council;*

- (i) *DEFERS the allocation of consideration of the funding assistance of \$240,000 to the North Perth Bowling Club to the 2004/05 draft budget;*
- (ii) *authorises the Chief Executive Officer to further investigate the request and in particular the installation of synthetic bowling greens by the end of July 2003; and*
- (iii) *authorises the Chief Executive Officer to investigate ways in which the Town can assist in the long term sustainable viability of the North Perth Bowling Club.*

**BACKGROUND:**

At the Ordinary Council meeting of the 22<sup>nd</sup> April 2003 it was resolved that a notice of motion prepared by Cr Marilyn Piper be adopted. The resolution was as follows:

*“That the Council;*

- (i) *supports the North Perth Bowling Club's application to the Town for financial assistance to enable the installation of synthetic bowling greens;*
- (ii) *authorises the Chief Executive Officer to investigate and evaluate the request and report on the most viable financial arrangement to ensure the installation of synthetic greens in time for the 2004 Lawn Bowls Summer Competition; and*
- (iii) *allocates an amount of \$220,000 for consideration in the 2003/04 Draft Budget.”*

The North Perth Bowling Club was founded in 1907. The club officially opened in 1912 when the clubhouse was built. The club is the 11<sup>th</sup> oldest in WA and the sixth oldest in Perth. The club currently has 80 members and is the only bowling club in the Town of Vincent. The facilities at North Perth Bowling Club include a dining room for functions and a licensed bar where members enjoy a quiet drink. Social pool and winter darts competitions are also held at the club.

The membership over the past three years is as follows:

<b>1998/99</b>	<b>1999/2000</b>	<b>2000/2001</b>
84 full members	82 full members	70 full members
9 social	11 social	14 social

*(Information taken from CSRFF application)*

**Financial Information:**

**Income and Expenditure Account**

	<b>2001</b>	<b>2002</b>
Income	\$46,250	\$70,713
Expenditure	\$59,971	\$66,123
Deficit	\$(13,721)	\$4,590
<b>Bar Trading Account</b>		
Net profit	\$31,747	\$36,639

These figures are included in the Income and Expenditure Account above.  
Bar turnover has increased 4%.  
Bar Gross profit increased from 105% to 118.7%.

*(Information taken from Financial Statements North Perth Bowling Club 2001/02)*

Currently North Perth Bowling Club pay a groundsman approximately \$600 a week for the maintenance and upkeep of the three greens and at a total of \$37,000 for the year which includes fertiliser and other things necessary with the greens. The transition from grass to synthetic greens would allow the club to play all year round by being involved in winter pennants and would likely increase the clubs membership, as it would be the only club in the metropolitan area to have synthetic greens. This project will assist with the long term viability and survival of the sport in the Town.

The North Perth Bowling Club has submitted two (2) applications for the Community Sport and Recreation Facility Fund (CSRFF), one in October 2001 and the second in October 2002. Both applications were for \$240,000 with the Town contributing a one third share of \$80,000. Both applications were supported by Council and allocated a medium priority on the provision that the application was approved by the Department of Sport and Recreation. On both occasions the Club's applications were unsuccessful.

It is understood that one of the contributing factors of this decision was that it was not supported by the sports controlling body, namely Bowls WA. Bowls WA are promoting and supporting the larger clubs and encouraging the amalgamation of the smaller clubs.

#### **DETAILS:**

The North Perth Bowling Club is seeking consideration for the following proposal to purchase and install two synthetic bowling greens.

- a) Interest free loan amount from Town of Vincent - \$240,000.\*
- b) Monthly repayment amount of \$2,166.67 payable on the 28<sup>th</sup> day of each and every month for a loan period of 6.15 years. Total repayment to the Town of Vincent will be \$160,000.

*\*This amount includes an amount of \$80,000 which was already budgeted with our original application to the Department of Sport and Recreation as the Town of Vincent's 1/3 share.*

The Town has received a letter from the North Perth Bowling Club in which it outlines the support for the proposal for the Town's consideration.

The contents of which are as follows:

*"In keeping with the Town of Vincent's Water Wise initiatives and our support for the State Government's Water Conservation policy, the installation of two synthetic greens at our club only enhances our attitude for caring for the environment for our future generations to come and obviously would reduce considerably the water usage currently used at this site.*

*North Perth Bowling Club has been serving the community for some 94 years and over this period of time, has been a completely self-sufficient club and has received no significant funding from the Town of Vincent for any upgrading that has occurred at the site over these years.*

*Increased costs associated with the upkeep of lawn greens are becoming more expensive due to wage increases, fertilizers, maintenance of machinery and all other costs associated with the up keeping of lawn greens.*

*It is also noted that lawn greens limit the number of months throughout the year that the greens can be used as they become very "heavy" during the winter months. Bowls WA are considering a Winter Competition whereby Clubs that have synthetic greens only will be allowed to enter these competitions.*

*The North Perth Bowling Club is now the only club located in the Town of Vincent with approximately 70% of our members' ratepayers. Our Club provides a fun community service to the public and is currently being used by a number of organisations including Disability Services Commission, Corporate Social Clubs, French & Mauritian Society and members of the general public."*

The French and Mauritian Society of WA have been successful with an application for CSRFF funding for a pentaque rink, playground and volleyball court, on the area next to the North Perth Bowling Club at Woodville Reserve. This will enable them to use the clubhouse facilities at the North Perth Bowling Club for their members.

Bowls WA has been contacted by the Town as to their position with the North Perth Bowling Club and its application for funding of synthetic greens. Their comments are as follows:

1. The reason that Bowls WA chose not to support the North Perth Bowling Club's CSRFF application

There are 74 bowling clubs within the Perth metropolitan area. Comparatively, North Perth Bowling Club is a small club with lots of competitors (there are over ten clubs in City of Stirling).

Bowls WA can only support some of the clubs to apply for synthetic greens so they have had to prioritise the clubs.

Bowls WA employed a consultant to prepare a report on the clubs. It is understood they have ranked them into three categories. These are:

1. Long Term: these clubs have a positive future,
2. Bring in other sports: these clubs need to merge with other sports or groups to be considered viable,
3. Very uncertain: these clubs would definitely need to merge with a larger bowling club, in order to survive; otherwise they are likely to face closure.

Bowls WA indicated that North Perth Bowling Club falls into the lower end of group two (2) but are on the verge of falling into group three (3).

2. Bowls WA are encouraging the amalgamation of the Mt Lawley and North Perth Bowling Clubs

Bowls WA are encouraging rationalization among clubs, and would like to see smaller clubs that have a lot of competition merging with another club to form a bigger more competitive club with better more presentable facilities.

3. Synthetic Greens: cost and lifespan

Bowls WA indicated that a club having to service two grass greens would be spending approximately \$50,000 a year on equipment, wages, fertilizers etc. If a club was to use this money to pay off synthetic greens instead of maintaining grass greens then synthetic greens would be a viable option for them. A bowling club should not plan to save money or fix their financial situation by installing synthetic greens. Bowls WA have used a lifespan of 7-10 years for synthetic greens in their information.

Bowls WA will only support any one club for a CSRFF application to have synthetic greens installed only once. Once a club has a synthetic green installed, it is expected to save towards renewing that green within 7-10 years.

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

Not applicable.

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

An amount of \$80,000 was included in the 2001/2002 budget and represents the Towns 1/3 share of the funding however this item was not carried forward after the application was unsuccessful.

The amount required of \$240,000 from Municipal Funds will represent an increase of 1.95% in rates to meet current Draft Budget 2003/04 shortfall, if this project was included.

The North Perth Bowling Club has requested an interest free loan which offers no offset for the loss of interest on the Towns' funds if it were to provide such a loan.

**COMMENTS:**

The amount required \$240,000, is a significant amount for a club of this size and whilst the Club has advised that it is able to meet repayments from the associated savings from the cost of maintaining lawn greens. The Club however does not have the funds to commit to the capital cost of the project.

The Town is unable support an interest free loan for two reasons, one is that an interest free loan offers no compensation for the loss of earnings on the Town's funds if this project were not to proceed and secondly an interest free loan would set a precedent for sporting and community clubs in the Town.

There is concern that if this funding assistance is supported, with the Town fully funding this project through the loan using municipal funds it will create a precedent for many groups in the Town. The Town will be inundated by sporting and community groups with projects eager to take advantage of similar funding assistance arrangements. The Town would not be able to meet these requests and would be seen to be favouring this particular club.

The North Perth Bowling Club has submitted two CSRFF funding applications for this proposal and both have been unsuccessful. The failure of these applications has been attributed to lack of support for the project by Bowls WA, the sports major body in West Australia.

Bowls WA have commissioned a report on the 74 clubs in WA, they believe there are too many currently operating at the moment. In regard to the North Perth Bowling Club:

- They have categorised North Perth Bowling Club at the lower end of the scale recommending amalgamation to survive;
- The lifespan of synthetic greens are 7-10 years;
- Synthetic greens should not be used to attempt to fix the financial position of the club.

The implication for the Town here is if no financial provision is made by the club at the end of this loan in six years, a further loan will be required to fund replacement synthetic greens, given that they have a seven to ten year life span.

As a possible alternative the Town could investigate the use of self-supporting loan for the Club. A self-supporting loan involves the Town taking out the loan with a financial institution for in this case \$160,000, and then the Town would charge the Club for the repayments. The benefit of this proposal is that the \$160,000 is funded from the Loan funds and therefore the impact on the rates is reduced to \$80,000. The Town however is acting as a guarantor for the Club and should the club default on the repayments, the Town would be responsible for payments. This again is setting a precedent for the Town and would no doubt attract the same possible criticism as previously mentioned.

The Town's Administration is of the opinion that further investigation is required into this matter, especially in regard to the long-term viability of the club and the funding options available. The funding of this project will have a major impact on the current draft budget and is not categorised as a level 1 or 2 priority.

The club's benefit to the community however is acknowledged.

This matter is complex and any decision will have major ramifications for the Club, the Town and the Community. In summary the matters to be considered are as follows:

- the impact on the Draft Budget for this project is significant, if this project was included it will either be at the exclusion of other projects or an increase in the rates income.
- the precedent set by this financial assistance package and its impact regarding other community and sporting clubs in the Town of Vincent;
- the report and information provided by Bowls WA, which raises some concerns regarding the long term viability of the future of the North Perth Bowling Club in its current format;
- the clubs value to the community of the Town of Vincent.

In the light of these matters, the Town does not currently support the inclusion of funds for the 2003/04 Draft Budget.

It is therefore recommended that further investigation be carried out on this matter as many of the issues are coming to fruition, in particular the impact of the consultants report on the status of bowling clubs in WA.

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

<b>Ward:</b>	South	<b>Date:</b>	20 May 2003
<b>Precinct:</b>	Banks, P5	<b>File Ref:</b>	PRO 2259; 00/33/1494
<b>Reporting Officer(s):</b>	S Crawford		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by 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 1.5 metres by 1.5 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 clause (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.*

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**COUNCIL DECISION ITEM 10.1.1**

**Moved Cr Torre, Seconded Cr Cohen**

*That the recommendation be adopted.*

*Debate ensued.*

**Moved Cr Chester**

*That this item "LIE ON THE TABLE".*

*Debate ensued.*

**There was no Seconder and therefore the Motion lapsed.**

*Debate ensued.*

**CARRIED (6-2)**

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

**Against**  
Cr Ker - Presiding Member  
Cr Chester

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

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**FURTHER REPORT:**

**BACKGROUND:**

This application was considered at the Ordinary Meeting of Council held on 25 March 2003 where the Council resolved that this item "be deferred for further investigation and report, to address non-compliance of setbacks through use of rear ROW for access".

**COMMENTS:**

The Town received additional details from the applicant on 7 May 2003 (dated 31 March 2003) to address Council's deferral of the item. The plans, as originally submitted, remain the same for the proposal, and as such the Town Officer's assessment of this proposal has not changed from that originally put before Council. The details submitted by the applicant are "*Laid on the Table*" and can be summarised as follows:

*"A battleaxe configuration for the two dwellings was the best result considering:*

1. *Block orientation and the need to employ good solar design principles whilst maintaining an adequate level of privacy separation between the two new dwellings...*
2. *Block orientation and preserving a good level of solar access for the outdoor living area of the rear courtyard of the front dwelling on the neighbouring property to the west.*
3. *Maintaining the existing street setback patterns allows the two storey dwelling of the front to have minimal solar access concerns for the neighbouring houses to the east. If the building was pushed further back from the boundary less solar radiation is the result for the eastern neighbour.*
4. *Parking is an issue on the street already... the neighbouring rear development on the west side provides car bays at the rear, though at almost no time do these properties utilize these provision - the provision are in effect used as courtyards. The result is at least 4 cars parked out front of 28 & 30 Windsor Street.*
5. *Safety - the use of battleaxe configuration greater ensures the safety of occupants of the properties when returning home...*
6. *There is an existing driveway thus no harm is caused to the existing streetscape, supported by the fact that all bar two properties use Windsor Street as their access points.*

*With regards to the application of setbacks we believe that minimal impact results from small variances proposed. This is supported by the support of all neighbours on the east and west..."*

The Town Officers previously recommended approval to the proposal subject to conditions. It is now recommended that the proposal be approved subject to the previous conditions proposed.

The following is a verbatim copy of the Minutes of the item placed before the Council at its Ordinary Meeting held on 25 March 2003:

*"OFFICER RECOMMENDATION:*

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by 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.*

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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:	<i>A &amp; L Cuccovia and A &amp; N Koenig</i>
APPLICANT:	<i>A Cuccovia</i>
ZONING:	<i>Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R60</i>
EXISTING LAND USE:	<i>Single House</i>
COMPLIANCE:	

<i>Use Class</i>	<i>Single House</i>
<i>Use Classification</i>	<i>"P"</i>
<i>Lot Area</i>	<i>534 square metres</i>

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

*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 manoeuvre is required for entry and egress when applying manoeuvring templates. This degree of manoeuvres 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."*

**10.3.2 Fees and Charges for 2003/2004**

Ward:	N/A	Date:	14 May 2003
Precinct:	N/A	File Ref:	FIN0025
Reporting Officer(s):	M Rootsey		
Checked/Endorsed by:			
Amended by:			

**OFFICER RECOMMENDATION:**

*That the Council APPROVES the Schedule of Fees and Charges attached for adoption for the 2003/2004 financial year in conjunction with adoption of the 2003/2004 Annual Budget.*

Moved Cr Torre, Seconded Cr Lake

*That the recommendation be adopted.*

Moved Cr Chester, Seconded Cr Lake

*That, under Abandoned Vehicles, in the Schedule of Fees and Charges attached to the meeting Agenda for adoption for 2003/2004 financial year, the standard fee for Towage be amended as follows;*

*"Towage - Normal      increase by \$5, from \$33 to \$38.  
Towage - Jinkers      increase by \$5 from \$45 to \$50.  
Towage - Tray top     increase by \$5 from \$66 to \$71."*

**AMENDMENT CARRIED (8-0)**

(Mayor Catania JP on approved leave of absence.)

Moved Cr Chester , Seconded Cr Lake

*That, under Development Applications in the Schedule of Fees and Charges attached to the meeting Agenda for adoption for 2003/2004 financial year, Determination of a development application applied for in accordance with Clause 34 of Town Planning of Vincent Town Planning Scheme No. 1, be amended as follows;*

*"The fee required for a development application for a similar development in the Fees and Charges 2002/2003 plus a (10%) fee. At the discretion of the Chief Executive Officers a four times (4x) levy can be applied."*

*Debate ensued.*

**AMENDMENT CARRIED (8-0)**

(Mayor Catania JP on approved leave of absence.)

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

(Mayor Catania JP on approved leave of absence.)

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**COUNCIL DECISION ITEM 10.1.1**

*That the Council APPROVES the Schedule of Fees and Charges attached for adoption for the 2003/2004 financial year in conjunction with adoption of the 2003/2004 Annual Budget with the following amendments;*

- (i) *That, under Abandoned Vehicles, in the Schedule of Fees and Charges attached to the meeting Agenda for adoption for 2003/2004 financial year, the standard fee for Towage is;*

<i>Towage - Normal</i>	<i>increase by \$5, from \$33 to \$38.</i>
<i>Towage - Jinkers</i>	<i>increase by \$5 from \$45 to \$50.</i>
<i>Towage - Tray top</i>	<i>increase by \$5 from \$66 to \$71.</i>

- (ii) *That, under Development Applications in the Schedule of Fees and Charges attached to the meeting Agenda for adoption for 2003/2004 financial year, Determination of a development application applied for in accordance with Clause 34 of Town Planning of Vincent Town Planning Scheme No. 1, be amended as follows;*

*The fee required for a development application for a similar development in the Fees and Charges 2002/2003 plus a (10%) fee. At the discretion of the Chief Executive Officers a four times (4x levy can be applied).*

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**BACKGROUND:**

The Town of Vincent, as all other Local Authorities, applies charges for services provided and for the use of facilities available for hire. All such fees are required to be reviewed annually.

The Local Government Act 1995 allows fees and charges to be adopted and included in the Annual Budget without having to be Gazetted separately.

**DETAILS:**

The attached Schedule outlines details of Fees and Charges proposed for the 2001/2002 year with a comparison to last year's fees, where there has been a change from last year the particular item has been highlighted in bold italics.

A number of fees are determined by Legislation these include Dogs and Building/Planning Fees and a number of Fees are raised under the Health Act.

Fees and Charges that are raised where the Town is engaged in what is deemed to be commercial activity GST must be applied. Fees where GST is applicable are marked with a tick in the last column of the schedule.

Local Government Fees and Charges that are raised under Legislation or Local Laws are in general GST free by way of exemption through Division 81 of the GST Legislation.

New fees recommended for 2003/2004 include:

Car Parking Fees

Oxford Street car park. This recommendation is made on the assumption that the introduction of parking machines is adopted in the Draft Budget 2003/04.

#### Busking Fees

These fees have been introduced in line with the new policy on Buskers that is currently being developed.

#### Library

A new charge for printing pages from the internet has been introduced.

#### Sundry Information

The Town is now able to provide a street directory of the Town, this directory is in a CD format. A charge of \$200 has been introduced to produce this information. This new fee was adopted at the Ordinary Council meeting held on the 5<sup>th</sup> November 2002 item 10.3.1.

#### Recording of Council Minutes

A new fee has been introduced for the purchase of Recorded Information of Council Meetings. Furthermore another fee has been introduced associated with the staff time involved in the supervision of the listening of Recorded Information of Council Meetings and the transcribing of recorded information. This is in accordance with Council's decision of Ordinary Meeting of Council held on 8 April 2003, to record meetings.

#### Building Fees

Demolition Licence Fee – a fee has been introduced by storey.

#### Development Application Fees

Increase in Development Applications fees in accordance with Clause 34 of the Town of Vincent Town Planning Scheme No. 1 of 10% was adopted at the Ordinary Council meeting held on the 11<sup>th</sup> February 2003.

Town Planning Scheme amendment/rezoning applications fees have increased as determined by the Town Planning (Local Government Planning Fees) Regulations 2000.

#### Beatty Park Leisure Centre

New fees are recommended for Beatty Park, these include:

Admission to pool premises and use of pool

- Pilates/swim

Multi-entry cards

- Pilates/swim 10 and 20 entry cards
- Creche – 20 entries for members and non-members

#### Sports Grounds and Reserves

Active Recreation

- Reserve Deposit Bonds – a new charge has been recommended for the cost of an extra key.
- A charge is being proposed for the unauthorised use of halls and/or services without prior permission or confirmation.

Increased charges have been recommended in the following areas:

- Rubbish charges - a small increase in the rubbish charge has been recommended. These charges have remained the same for a number of years.
- Sundry Information – an increase in the Rate Enquiry Fee has been recommended to cover the actual cost of providing this enquiry and bring us in line with fees charged in the industry.

- Hire of Halls – a recommended increase in bond charges has been made due to the increase costs involved in repairs and cleaning when required. It has been found that often the bond does not cover the costs of work required to be done.
- Beatty Park Leisure Centre – A review of other centres is conducted each year. Beatty Park charges are adjusted each year to minimise significant increases and to ensure the centre remains competitive as well as meeting its community obligations.

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

In accordance with Local Government Act (1995) S6.16, 6.17 and 6.18.

**FINANCIAL/BUDGET IMPLICATIONS:**

The new and amended charges have been included in the preparation of the Draft 2003/04 Budget.

**STRATEGIC IMPLICATIONS:**

N/A.

**COMMENTS:**

It is recommended that the fees and charges contained in the attached schedule be adopted for 2003/2004 so that the Council can apply these from 1 July 2003 (or subsequent date where nominated).

**11.2 Notice of Motion – Councillor Helen Doran-Wu - Community Visioning**

*That;*

- (i) the Council allocates \$40 000 for consideration in the 2003/4 draft budget for the purposes of "Community Visioning" prior to the Town Planning Scheme Review;*
- (ii) the Chief Executive Officer be requested to prepare a report for the Ordinary Meeting of Council to be held in June 2003 on "Visioning", the "Visioning Process" and the Town Planning Scheme Review; and*
- (iii) the "Visioning" include;*
  - (a) but not be limited to, public workshops, telephone polls, written surveys; and*
  - (b) all stakeholders, including but not limited to, residents, ratepayers, Elected Members and Council staff.*

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

*That the motion be adopted.*

*Debate ensued.*

**Moved Cr Lake, Seconded Cr Chester**

*That the words " and the Town Strategic Planning Process" are added to the end of clause (ii) as follows;*

*"(ii) the Chief Executive Officer be requested to prepare a report for the Ordinary Meeting of Council to be held in June 2003 on "Visioning", the "Visioning Process", the Town Planning Scheme Review and the Town Strategic Planning Process; and"*

**CARRIED (7-1)**

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

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

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

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

**COUNCIL DECISION ITEM 11.2**

- (i) the Council allocates \$40 000 for consideration in the 2003/4 draft budget for the purposes of "Community Visioning" prior to the Town Planning Scheme Review;*

- (ii) *the Chief Executive Officer be requested to prepare a report for the Ordinary Meeting of Council to be held in June 2003 on "Visioning", the "Visioning Process", the Town Planning Scheme Review and the Town Strategic Planning Process; and*
- (iii) *the "Visioning" include;*
- (a) *but not be limited to, public workshops, telephone polls, written surveys; and*
- (b) *all stakeholders, including but not limited to, residents, ratepayers, Elected Members and Council staff.*
- 

**At 10.14pm, Moved Cr Chester, Seconded Cr Doran-Wu**

*That due to the lateness of the hour the meeting be adjourned until the conclusion of the Special Meeting of Council on 28 May 2003, along with the remaining items, (Items 10.1.4, 10.1.6, 10.4.7, 11.1, 12, 13 and 14).*

**CARRIED (8-0)**

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

Presiding Member, Acting Mayor Cr Ian Ker thanked Councillors for the Meeting and declared the Meeting adjourned at 10.15pm.

**Present:**

Cr Ian Ker	Presiding Member, Acting Mayor, South Ward
Cr Simon Chester	North Ward
Cr Caroline Cohen	South Ward
Cr Helen Doran-Wu	North Ward
Cr Steed Farrell	North Ward
Cr Basil Franchina	North Ward
Cr Sally Lake	South Ward
Cr Maddalena Torre	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental & Development Services
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 5 Members of the Public

*That due to the lateness of the hour the meeting was ADJOURNED to 28th May 2003, following the conclusion of the Special Meeting of Council.*

**10.1.4 No. 55 (Lot 458) Hobart Street (Corner London Street), North Perth - Proposed Subdivision**

<b>Ward:</b>	North	<b>Date:</b>	16 May 2003
<b>Precinct:</b>	North Perth, P8	<b>File Ref:</b>	121994
<b>Reporting Officer(s):</b>	S Crawford		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Residential Design Codes, the Council RECOMMENDS APPROVAL to the Western Australian Planning Commission for the proposal subdivision of No. 55 (Lot 458) Hobart Street (corner London Street), North Perth, and as shown on the plan stamp-dated 28 April 2003(subdivision 121994), subject to:*

- (i) all buildings and effluent disposal systems, having the necessary clearance from the new boundaries as required under the relevant legislation;*
- (ii) support of the subdivision is not to be construed as support of the demolition of the existing building(s) and/or any development on the proposed lots;*
- (iii) if any portion of the existing building(s) is to be demolished to facilitate the proposed subdivision, a separate Planning Approval and/or Demolition Licence is to be obtained from the Town for the demolition of the existing building(s) prior to the clearance of the Diagram or Plan of Survey by the Town;*
- (iv) all buildings and structures that have been granted Planning Approval and/or Demolition Licence for demolition being demolished and materials removed from the site and the site made good. A separate Planning Approval and/or Demolition Licence is required from the Town prior to the commencement of any demolition works;*
- (v) the land being filled and/or drained at the subdivider's cost to the satisfaction of the Town and any easements and/or reserves necessary for the implementation thereof, being provided free of cost;*
- (vi) the street verge tree(s) on Hobart and London Streets adjacent to the subject land being retained and measures being taken to ensure their identification and protection to the satisfaction of the Town prior to commencement of site works;*
- (vii) the applicant obtaining Planning Approval and/or Building Licence for the development of a house(s) on the lots less than 350 square metres in accordance with Clause 2.3.3 of the Residential Design Codes;*
- (viii) the existing residence to comply with the requirements of the Residential Design Codes pertaining to single house development to the satisfaction of the Town, including;*
  - (a) the provision and construction of two (2) on site car parking bays and associated driveway and crossover; and*
  - (b) the provision of a 20 square metre outdoor living area, with a minimum dimension of 4 metres;*

*to the satisfaction of the Chief Executive Officer.*

**NOTE:**

*Please be advised that the subject property is located within the Town's Eton Locality which is subject to amendment No.11 to the Town of Vincent Town Planning Scheme No. 1. Amendment No.11 proposes to rezone the Eton Locality from R30 and R30/40 to R20. The amendment is currently with the Western Australian Planning Commission and Minister for Planning and Infrastructure for final approval.*

**LANDOWNER:** The Girl's Brigade Western Australia  
**APPLICANT:** Malcom Birch Architecture & Design  
**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	668 square metres

**SITE HISTORY:**

The site currently supports a single storey single house. A concurrent survey strata subdivision application has been submitted to the Western Australian Planning Commission under reference 444-03, which is also being concurrently considered and subject to a separate agenda report at Item 10.1.3.

**Scheme Amendment No. 11**

It should be noted that the subject property is located within the Town's Eton Locality which is subject to Amendment No.11 to the Town of Vincent Town Planning Scheme No. 1. Amendment No.11 proposes to rezone the Eton Locality from R30 and R30/40 to R20. The Amendment is at present with the Western Australian Planning Commission and Minister for Planning and Infrastructure for final determination. Elected Members have requested that all subdivision proposals within the Eton Locality be referred to Council for determination.

**DETAILS:**

The applicant seeks to subdivide the property in accordance with the Residential R30 density code, to create two (2) lots.

**CONSULTATION/ADVERTISING:**

The proposal did not require advertising.

**COMMENTS:**

The proposed subdivision complies with the provisions of the Residential R30 density code in relation to lots size requirements. The R30 code permits a minimum lot size of 270 square metres with an average lot size of 300 square metres. Two (2) lots are proposed as part of the subdivision, an existing house corner lot of 332 square metres and a vacant lot of 336 square metres in size, with both lots having their own street frontage.

The proposal is in accordance with the current density code and is therefore supported, subject to standard conditions.

*That due to the lateness of the hour the meeting was ADJOURNED to 28th May 2003, following the conclusion of the Special Meeting of Council.*

**10.1.6 No. 14 (Lot 204) Auckland Street, North Perth - Proposed Survey Strata Subdivision**

<b>Ward:</b>	North	<b>Date:</b>	19 May 2003
<b>Precinct:</b>	North Perth, P8	<b>File Ref:</b>	435-03
<b>Reporting Officer(s):</b>	M Bonini		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Residential Design Codes, the Council RECOMMENDS APPROVAL to the Western Australian Planning Commission for the proposed survey strata subdivision of No. 14 (Lot 204) Auckland Street, North Perth, and as shown on the plan stamp-dated 24 April 2003 (survey strata subdivision 435-03), subject to:*

- (i) all buildings and effluent disposal systems, having the necessary clearance from the new boundaries as required under the relevant legislation;*
- (ii) support of the subdivision is not to be construed as support of the demolition of the existing building(s) and/or any development on the proposed lots;*
- (iii) if any portion of the existing building(s) is to be demolished to facilitate the proposed subdivision, a separate Planning Approval and/or Demolition Licence is to be obtained from the Town for the demolition of the existing building(s) prior to the clearance of the Diagram or Plan of Survey by the Town;*
- (iv) all buildings and structures that have been granted Planning Approval and/or Demolition Licence for demolition being demolished and materials removed from the site and the site made good. A separate Planning Approval and/or Demolition Licence is required from the Town prior to the commencement of any demolition works;*
- (v) the land being filled and/or drained at the subdivider's cost to the satisfaction of the Town and any easements and/or reserves necessary for the implementation thereof, being provided free of cost;*
- (vi) the street verge tree on Auckland Street adjacent to the subject land being retained and measures being taken to ensure its identification and protection to the satisfaction of the Town prior to commencement of site works;*
- (vii) the applicant obtaining Planning Approval and/or Building Licence for the development of a house(s) on the lots less than 350 square metres in accordance with Clause 2.3.3 of the Residential Design Codes;*
- (viii) the existing residence to comply with the requirements of the Residential Design Codes pertaining to grouped housing development to the satisfaction of the Town, including;*
  - (a) the provision and construction of two (2) on site car parking bays and associated driveway and crossover;*

- (b) *the provision of a permanent enclosed storage area and adequate provision for the storage of garbage; and*
- (c) *the provision of a 20 square metres outdoor living area, with a minimum dimension of 4 metres;*
- (ix) *a Management Statement being prepared and submitted in accordance with section 5C of the Strata Titles Act 1985, to include the following additions to the by-laws contained in Schedules 1 and 2 of the Strata Titles Act:*
  - (a) *development or redevelopment on the survey strata lots must comply with an existing development approval issued by the Town of Vincent, or such alternative development approval as the Council may grant, which complies with the requirements of the Town of Vincent Town Planning Scheme; and*
  - (b) *amendment to or repeal of the above provision cannot be effected without the Commission's agreement; and*
- (x) *all existing structures on the proposed rear lot shall be demolished and materials removed from the site;*

*to the satisfaction of the Chief Executive Officer.*

**NOTE:**

*The subject property is located within the Town's Eton Locality which is subject to amendment No.11 to the Town of Vincent Town Planning Scheme No. 1. Amendment No.11 proposes to rezone the Eton Locality from R30 and R30/40 to R20. The amendment is currently with the Western Australian Planning Commission and Minister for Planning and Infrastructure for final approval.*

**LANDOWNER:** B Munro  
**APPLICANT:** As Above  
**ZONING:** Metropolitan Region Scheme: Urban  
Town Planning Scheme No.1: Residential R30/40 (R40 applies)  
**EXISTING LAND USE:** Single House

**COMPLIANCE:**

Use Class	Single House
Use Classification	"P"
Lot Area	675 square metres

**SITE HISTORY:**

The site currently supports a single storey single house. A concurrent survey strata subdivision application has been submitted to the Western Australian Planning Commission under reference 434-03, which is also being concurrently considered, and subject to a separate agenda report at Item 10.1.5.

**Scheme Amendment No. 11**

It should be noted that the subject property is located within the Town's Eton Locality which is subject to Amendment No.11 to the Town of Vincent Town Planning Scheme No. 1. Amendment No.11 proposes to rezone the Eton Locality from R30 and R30/40 to R20. The Amendment is at present with the Western Australian Planning Commission and Minister for Planning and Infrastructure for final determination. Elected Members have requested that all subdivision proposals within the Eton Locality be referred to Council for determination.

**DETAILS:**

The applicant seeks to survey strata subdivide the property in accordance with the Residential R40 density code, to create two (2) lots.

**CONSULTATION/ADVERTISING:**

The proposal did not require advertising.

**COMMENTS:**

The proposed survey strata subdivision complies with the provisions of the Residential R40 density code in relation to lot size requirements. The R40 code permits a minimum lot size of 200 square metres with an average lot size of 220 square metres. Two (2) lots are proposed as part of the subdivision, the existing house is proposed to be retained on a lot size of 274 square metres with street frontage and the vacant lot behind is proposed to be 317 square metres in size.

The proposal is in accordance with the current density code and is therefore supported, subject to standard conditions.

*That due to the lateness of the hour the meeting was ADJOURNED to 28th May 2003, following the conclusion of the Special Meeting of Council.*

**10.4.7 Confidential Report - Renewal of Contracts of Employment for Executive Managers Corporate Services, Environmental & Development Services and Technical Services**

<b>Ward:</b>	-	<b>Date:</b>	19 May 2003
<b>Precinct:</b>	-	<b>File Ref:</b>	Personal
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>	-		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That pursuant to section 5.95 of the Local Government Act 1995 and clause 2.15 of the Town of Vincent Local Law Relating to Standing Orders, the Council proceeds “behind closed doors” at the conclusion of the items, to consider the confidential report, circulated separately to Elected Members, relating to the renewal of Contracts of Employment for Executive Managers Corporate Services, Environmental & Development Services and Technical Services.*

**DETAILS:**

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains information relating to staff matters.

**LEGAL:**

The Town of Vincent Local Law Relating to Standing Orders states the following:

*“2.15 Confidential business*

- (1) All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is –*
  - (i) to be treated as strictly confidential; and*
  - (ii) not, without the authority of Council, to be disclosed to any person other than–*
    - (a) the Members; and*
    - (b) Officers of the Council but only to the extent necessary for the purpose of carrying out their duties;*

*prior to the discussion of that matter at a meeting of the council held with open doors.*
- (2) Any report, document or correspondence which is to be placed before the Council or any committee and which is in the opinion of the Chief Executive Officer of a confidential nature, may at his or her discretion be marked as such and –*
  - (i) then to be treated as strictly confidential; and*
  - (ii) is not without the authority of the Council to be disclosed to any person other than the Mayor, Councillors or the Officers of the Council referred to in sub-clause (1).”*

The confidential report is provided separately to Elected Members, the Chief Executive Officer and Executive Managers.

At the conclusion of these matters, the Council may wish to make some details available to the public.

*That due to the lateness of the hour the meeting was ADJOURNED to 28th May 2003, following the conclusion of the Special Meeting of Council.*

**11.1 Notice of Motion – Councillor Caroline Cohen - Acquisition of Two Privately Owned Rights-of-Way - Banks Precinct**

*That the Council AUTHORISES the Chief Executive Officer to;*

- (i) acquire the rights-of-way located between Stanley Street and Ebsworth Street, and between Joel Terrace and East Parade, becoming Zebina Street (owned by "The Perth (WA) Estate Company"); and*
- (ii) place the rights-of-way on the Town's Right-of-Way Upgrade Program.*

**Items from the Adjourned Meeting of 27 May 2003  
(28 May 2003)**

<b>ITEM</b>	<b>REPORT DESCRIPTION</b>	<b>PAGE</b>
<b>10.1 ENVIRONMENTAL AND DEVELOPMENT SERVICES</b>		
10.1.4	No. 55 (Lot 458) Hobart Street (Corner London Street), North Perth - Proposed Subdivision (North Perth Precinct) 121994	229
10.1.6	No. 14 (Lot 204) Auckland Street, North Perth - Proposed Survey Strata Subdivision (North Perth Precinct) 435-03	232
<b>10.4 CHIEF EXECUTIVE OFFICER</b>		
10.4.7	Confidential Report - Renewal of Contacts of Employment for Executive Managers Corporate Services, Environmental & Development Services and Technical Services (Personal)	236
<b>11. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN</b>		
11.1	Notice of Motion - Councillor Caroline Cohen - Acquisition of Two Privately Owned Rights-of-Way - Banks Precinct	235
<b>12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES</b>		
	Nil.	243
<b>13. URGENT BUSINESS</b>		
	Nil	243
<b>14. CLOSURE</b>		
		243

**1. DECLARATION OF OPENING**

The Presiding Member, Acting Mayor Cr Ian Ker declared the adjourned meeting of 27 May 2003 open at 8.48pm, 28 May 2003, advising that the following items are still to be considered;

Items 10.1.4, 10.1.6, 11.1, 10.4.7, 12, 13 and 14.

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

**(a) Apologies:**

Nil.

**(b) Present:**

Cr Ian Ker	Presiding Member, Acting Mayor, South Ward
Cr Simon Chester	North Ward
Cr Caroline Cohen	South Ward
Cr Helen Doran-Wu	North Ward
Cr Steed Farrell	North Ward
Cr Basil Franchina	North Ward
Cr Sally Lake	South Ward
Cr Maddalena Torre	South Ward

John Giorgi, JP	Chief Executive Officer
Rick Lotznicher	Executive Manager, Technical Services
Mike Rootsey	Executive Manager, Corporate Services
Debbie Winfield	Minutes Secretary

2 Members of the Public

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

Mayor Nick Catania, JP

That due to the lateness of the hour at the OMC meeting held on 27 May 2003, this item was ADJOURNED to 28th May 2003, following the conclusion of the Special Meeting of Council.

**10.1.4 No. 55 (Lot 458) Hobart Street (Corner London Street), North Perth - Proposed Subdivision**

<b>Ward:</b>	North	<b>Date:</b>	16 May 2003
<b>Precinct:</b>	North Perth, P8	<b>File Ref:</b>	121994
<b>Reporting Officer(s):</b>	S Crawford		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Residential Design Codes, the Council RECOMMENDS APPROVAL to the Western Australian Planning Commission for the proposal subdivision of No. 55 (Lot 458) Hobart Street (corner London Street), North Perth, and as shown on the plan stamp-dated 28 April 2003(subdivision 121994), subject to:*

- (i) all buildings and effluent disposal systems, having the necessary clearance from the new boundaries as required under the relevant legislation;*
- (ii) support of the subdivision is not to be construed as support of the demolition of the existing building(s) and/or any development on the proposed lots;*
- (iii) if any portion of the existing building(s) is to be demolished to facilitate the proposed subdivision, a separate Planning Approval and/or Demolition Licence is to be obtained from the Town for the demolition of the existing building(s) prior to the clearance of the Diagram or Plan of Survey by the Town;*
- (iv) all buildings and structures that have been granted Planning Approval and/or Demolition Licence for demolition being demolished and materials removed from the site and the site made good. A separate Planning Approval and/or Demolition Licence is required from the Town prior to the commencement of any demolition works;*
- (v) the land being filled and/or drained at the subdivider's cost to the satisfaction of the Town and any easements and/or reserves necessary for the implementation thereof, being provided free of cost;*
- (vi) the street verge tree(s) on Hobart and London Streets adjacent to the subject land being retained and measures being taken to ensure their identification and protection to the satisfaction of the Town prior to commencement of site works;*
- (vii) the applicant obtaining Planning Approval and/or Building Licence for the development of a house(s) on the lots less than 350 square metres in accordance with Clause 2.3.3 of the Residential Design Codes;*
- (viii) the existing residence to comply with the requirements of the Residential Design Codes pertaining to single house development to the satisfaction of the Town, including;*
  - (a) the provision and construction of two (2) on site car parking bays and associated driveway and crossover; and*
  - (b) the provision of a 20 square metre outdoor living area, with a minimum dimension of 4 metres;*

*to the satisfaction of the Chief Executive Officer.*

**NOTE:**

*Please be advised that the subject property is located within the Town's Eton Locality which is subject to amendment No.11 to the Town of Vincent Town Planning Scheme No. 1. Amendment No.11 proposes to rezone the Eton Locality from R30 and R30/40 to R20. The amendment is currently with the Western Australian Planning Commission and Minister for Planning and Infrastructure for final approval.*

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**COUNCIL DECISION ITEM 10.1.4**

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

*That the recommendation be adopted.*

*Debate ensued.*

**CARRIED (8-0)**

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

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**LANDOWNER:** The Girl's Brigade Western Australia  
**APPLICANT:** Malcom Birch Architecture & Design  
**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	668 square metres

**SITE HISTORY:**

The site currently supports a single storey single house. A concurrent survey strata subdivision application has been submitted to the Western Australian Planning Commission under reference 444-03, which is also being concurrently considered and subject to a separate agenda report at Item 10.1.3.

**Scheme Amendment No. 11**

It should be noted that the subject property is located within the Town's Eton Locality which is subject to Amendment No.11 to the Town of Vincent Town Planning Scheme No. 1. Amendment No.11 proposes to rezone the Eton Locality from R30 and R30/40 to R20. The Amendment is at present with the Western Australian Planning Commission and Minister for Planning and Infrastructure for final determination. Elected Members have requested that all subdivision proposals within the Eton Locality be referred to Council for determination.

**DETAILS:**

The applicant seeks to subdivide the property in accordance with the Residential R30 density code, to create two (2) lots.

**CONSULTATION/ADVERTISING:**

The proposal did not require advertising.

**COMMENTS:**

The proposed subdivision complies with the provisions of the Residential R30 density code in relation to lots size requirements. The R30 code permits a minimum lot size of 270 square metres with an average lot size of 300 square metres. Two (2) lots are proposed as part of the subdivision, an existing house corner lot of 332 square metres and a vacant lot of 336 square metres in size, with both lots having their own street frontage.

The proposal is in accordance with the current density code and is therefore supported, subject to standard conditions.

That due to the lateness of the hour at the OMC meeting held on 27 May 2003, this item was ADJOURNED to 28th May 2003, following the conclusion of the Special Meeting of Council.

**10.1.6 No. 14 (Lot 204) Auckland Street, North Perth - Proposed Survey Strata Subdivision**

<b>Ward:</b>	North	<b>Date:</b>	19 May 2003
<b>Precinct:</b>	North Perth, P8	<b>File Ref:</b>	435-03
<b>Reporting Officer(s):</b>	M Bonini		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Residential Design Codes, the Council RECOMMENDS APPROVAL to the Western Australian Planning Commission for the proposed survey strata subdivision of No. 14 (Lot 204) Auckland Street, North Perth, and as shown on the plan stamp-dated 24 April 2003 (survey strata subdivision 435-03), subject to:*

- (i) all buildings and effluent disposal systems, having the necessary clearance from the new boundaries as required under the relevant legislation;*
- (ii) support of the subdivision is not to be construed as support of the demolition of the existing building(s) and/or any development on the proposed lots;*
- (iii) if any portion of the existing building(s) is to be demolished to facilitate the proposed subdivision, a separate Planning Approval and/or Demolition Licence is to be obtained from the Town for the demolition of the existing building(s) prior to the clearance of the Diagram or Plan of Survey by the Town;*
- (iv) all buildings and structures that have been granted Planning Approval and/or Demolition Licence for demolition being demolished and materials removed from the site and the site made good. A separate Planning Approval and/or Demolition Licence is required from the Town prior to the commencement of any demolition works;*
- (v) the land being filled and/or drained at the subdivider's cost to the satisfaction of the Town and any easements and/or reserves necessary for the implementation thereof, being provided free of cost;*
- (vi) the street verge tree on Auckland Street adjacent to the subject land being retained and measures being taken to ensure its identification and protection to the satisfaction of the Town prior to commencement of site works;*
- (vii) the applicant obtaining Planning Approval and/or Building Licence for the development of a house(s) on the lots less than 350 square metres in accordance with Clause 2.3.3 of the Residential Design Codes;*
- (viii) the existing residence to comply with the requirements of the Residential Design Codes pertaining to grouped housing development to the satisfaction of the Town, including;*
  - (a) the provision and construction of two (2) on site car parking bays and associated driveway and crossover;*

- (b) *the provision of a permanent enclosed storage area and adequate provision for the storage of garbage; and*
- (c) *the provision of a 20 square metres outdoor living area, with a minimum dimension of 4 metres;*
- (ix) *a Management Statement being prepared and submitted in accordance with section 5C of the Strata Titles Act 1985, to include the following additions to the by-laws contained in Schedules 1 and 2 of the Strata Titles Act:*
  - (a) *development or redevelopment on the survey strata lots must comply with an existing development approval issued by the Town of Vincent, or such alternative development approval as the Council may grant, which complies with the requirements of the Town of Vincent Town Planning Scheme; and*
  - (b) *amendment to or repeal of the above provision cannot be effected without the Commission's agreement; and*
- (x) *all existing structures on the proposed rear lot shall be demolished and materials removed from the site;*

*to the satisfaction of the Chief Executive Officer.*

**NOTE:**

*The subject property is located within the Town's Eton Locality which is subject to amendment No.11 to the Town of Vincent Town Planning Scheme No. 1. Amendment No.11 proposes to rezone the Eton Locality from R30 and R30/40 to R20. The amendment is currently with the Western Australian Planning Commission and Minister for Planning and Infrastructure for final approval.*

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**COUNCIL DECISION ITEM 10.1.6**

**Moved Cr Torre, Seconded Cr Chester**

*That the recommendation be adopted.*

**CARRIED (8-0)**

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

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**LANDOWNER:** B Munro  
**APPLICANT:** As Above  
**ZONING:** Metropolitan Region Scheme: Urban  
Town Planning Scheme No.1: Residential R30/40 (R40 applies)  
**EXISTING LAND USE:** Single House

**COMPLIANCE:**

Use Class	Single House
Use Classification	"P"
Lot Area	675 square metres

**SITE HISTORY:**

The site currently supports a single storey single house. A concurrent survey strata subdivision application has been submitted to the Western Australian Planning Commission under reference 434-03, which is also being concurrently considered, and subject to a separate agenda report at Item 10.1.5.

**Scheme Amendment No. 11**

It should be noted that the subject property is located within the Town's Eton Locality which is subject to Amendment No.11 to the Town of Vincent Town Planning Scheme No. 1. Amendment No.11 proposes to rezone the Eton Locality from R30 and R30/40 to R20. The Amendment is at present with the Western Australian Planning Commission and Minister for Planning and Infrastructure for final determination. Elected Members have requested that all subdivision proposals within the Eton Locality be referred to Council for determination.

**DETAILS:**

The applicant seeks to survey strata subdivide the property in accordance with the Residential R40 density code, to create two (2) lots.

**CONSULTATION/ADVERTISING:**

The proposal did not require advertising.

**COMMENTS:**

The proposed survey strata subdivision complies with the provisions of the Residential R40 density code in relation to lot size requirements. The R40 code permits a minimum lot size of 200 square metres with an average lot size of 220 square metres. Two (2) lots are proposed as part of the subdivision, the existing house is proposed to be retained on a lot size of 274 square metres with street frontage and the vacant lot behind is proposed to be 317 square metres in size.

The proposal is in accordance with the current density code and is therefore supported, subject to standard conditions.

That due to the lateness of the hour at the OMC meeting held on 27 May 2003, this item was ADJOURNED to 28th May 2003, following the conclusion of the Special Meeting of Council.

**11.1 Notice of Motion – Councillor Caroline Cohen - Acquisition of Two Privately Owned Rights-of-Way - Banks Precinct**

*That the Council AUTHORISES the Chief Executive Officer to;*

- (i) acquire the rights-of-way located between Stanley Street and Ebsworth Street, and between Joel Terrace and East Parade, becoming Zebina Street (owned by "The Perth (WA) Estate Company"); and*
- (ii) place the rights-of-way on the Town's Right-of-Way Upgrade Program.*

---

**Moved Cr Cohen, Seconded Cr Franchina**

*That the motion be adopted.*

*Debate ensued.*

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

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

*"(iii) reports to Council on the implications of acquiring privately owned Right of Ways which are causing significant maintenance problems for the Town."*

*Debate ensued.*

**AMENDMENT CARRIED (8-0)**

(Mayor Catania JP on approved leave of absence.)

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

(Mayor Catania JP on approved leave of absence.)

**COUNCIL DECISION ITEM 11.1**

*That the Council AUTHORISES the Chief Executive Officer to;*

- (i) acquire the rights-of-way located between Stanley Street and Ebsworth Street, and between Joel Terrace and East Parade, becoming Zebina Street (owned by "The Perth (WA) Estate Company");*
  - (ii) place the rights-of-way on the Town's Right-of-Way Upgrade Program; and .*
  - (iii) reports to Council on the implications of acquiring privately owned Right of Ways which are causing significant maintenance problems for the Town.*
-

That due to the lateness of the hour at the OMC meeting held on 27 May 2003, this item was ADJOURNED to 28th May 2003, following the conclusion of the Special Meeting of Council.

**10.4.7 Confidential Report - Renewal of Contracts of Employment for Executive Managers Corporate Services, Environmental & Development Services and Technical Services**

<b>Ward:</b>	-	<b>Date:</b>	19 May 2003
<b>Precinct:</b>	-	<b>File Ref:</b>	Personal
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>	-		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That pursuant to section 5.95 of the Local Government Act 1995 and clause 2.15 of the Town of Vincent Local Law Relating to Standing Orders, the Council proceeds "behind closed doors" at the conclusion of the items, to consider the confidential report, circulated separately to Elected Members, relating to the renewal of Contracts of Employment for Executive Managers Corporate Services, Environmental & Development Services and Technical Services.*

At 9.00pm Moved Cr Doran-Wu, Seconded Cr Lake

CARRIED (8-0)

(Mayor Catania JP on approved leave of absence.)

Acting Mayor Ker announced that Executive Manager Environmental and Development Services, Rob Boardman, Executive Manager Corporate Services, Mike Rootsey and Executive Manager Technical Services, Rick Lotznicher declared a financial interest in this item, and Mike Rootsey and Rick Lotznicher departed the Chamber at 9.01pm. Minutes Secretary, Debbie Winfield, journalists Jenny D'Anger and Ryan Sturman and approximately two members of the public also departed the Chamber.

**Present:**

Cr Ian Ker	Presiding Member, Acting Mayor, South Ward
Cr Simon Chester	North Ward
Cr Caroline Cohen	South Ward
Cr Helen Doran-Wu	North Ward
Cr Steed Farrell	North Ward
Cr Basil Franchina	North Ward
Cr Sally Lake	South Ward
Cr Maddalena Torre	South Ward
John Giorgi, JP	Chief Executive Officer

**DETAILS:**

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains information relating to staff matters.

**LEGAL:**

The Town of Vincent Local Law Relating to Standing Orders states the following:

*"2.15 Confidential business*

*(1) All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is –*

- (i) *to be treated as strictly confidential; and*
  - (ii) *not, without the authority of Council, to be disclosed to any person other than–*
    - (a) *the Members; and*
    - (b) *Officers of the Council but only to the extent necessary for the purpose of carrying out their duties;*
- prior to the discussion of that matter at a meeting of the council held with open doors.*
- (2) *Any report, document or correspondence which is to be placed before the Council or any committee and which is in the opinion of the Chief Executive Officer of a confidential nature, may at his or her discretion be marked as such and –*
- (i) *then to be treated as strictly confidential; and*
  - (ii) *is not without the authority of the Council to be disclosed to any person other than the Mayor, Councillors or the Officers of the Council referred to in sub-clause (1).”*

The confidential report is provided separately to Elected Members, the Chief Executive Officer and Executive Managers.

At the conclusion of these matters, the Council may wish to make some details available to the public.

**OFFICER RECOMMENDATION:**

*That;*

- (i) *the Contract of Employment for the Executive Manager Corporate Services, Michael Rootsey, Executive Manager Environmental and Development Services, Rob Boardman and Executive Manager Technical Services, Rick Lotznicher, be renewed for a further period of five (5) years effective from 1 December 2003 (in accordance with Clause 8.3 of the Contract of Employment), subject to;*
  - (a) *the contract details and remuneration package being identical to the current Contract of Employment (as detailed in this report); and*
  - (b) *the Executive Managers consenting to jointly determine with the Chief Executive Officer key performance outcomes into the Contract of Employment and that those outcomes be strategic in nature and include a focus on goal setting and continuous improvement (as recommended in the Independent Organisational Review, Recommendation 16); and*
- (ii) *the Council authorises the Mayor and Chief Executive Officer to sign the contract between the Town and the respective Executive Managers and affix the Common Seal.*

*Debate ensued.*

**Moved Cr Chester, Seconded Cr Torre**

*That an amendment to Clause (i)(a) be made and an additional Clause (i)(c) be included as follows:*

*That;*

- (i) *the Contract of Employment for the Executive Manager Corporate Services, Michael Rootsey, Executive Manager Environmental and Development Services, Rob Boardman and Executive Manager Technical Services, Rick Lotznicher, be renewed for a further period of five (5) years effective from 1 December 2003 (in accordance with Clause 8.3 of the Contract of Employment), subject to;*
  - (a) *the contract details and remuneration package being identical (other than the Key Performance Indicator's (Outcomes) which are to be determined) to the current Contract of Employment (as detailed in this report); ~~and~~*
  - (b) *the Executive Managers consenting to jointly determine with the Chief Executive Officer key performance outcomes into the Contract of Employment and that those outcomes be strategic in nature and include a focus on goal setting and continuous improvement (as recommended in the Independent Organisational Review, Recommendation 16); and*
  - (c) *the new Key Performance Indicators (Outcomes) being reported to the Council for final approval; and*
- (ii) *the Council authorises the Mayor and Chief Executive Officer to sign the contract between the Town and the respective Executive Managers and affix the Common Seal.*

*Debate ensued.*

**AMENDMENT CARRIED (8-0)**

(Mayor Catania JP on approved leave of absence.)

*Debate ensued.*

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

(Mayor Catania JP on approved leave of absence.)

**COUNCIL DECISION ITEM 10.4.7**

*That;*

- (i) *the Contract of Employment for the Executive Manager Corporate Services, Michael Rootsey, Executive Manager Environmental and Development Services, Rob Boardman and Executive Manager Technical Services, Rick Lotznicher, be renewed for a further period of five (5) years effective from 1 December 2003 (in accordance with Clause 8.3 of the Contract of Employment), subject to;*
  - (a) *the contract details and remuneration package being identical (other than the Key Performance Indicator's (Outcomes) which are to be determined) to the current Contract of Employment (as detailed in this report);*
  - (b) *the Executive Managers consenting to jointly determine with the Chief Executive Officer key performance outcomes into the Contract of Employment and that those outcomes be strategic in nature and include a focus on goal setting and continuous improvement (as recommended in the Independent Organisational Review, Recommendation 16); and*
  - (c) *the new Key Performance Indicators (Outcomes) being reported to the Council for final approval; and*

- (ii) *the Council authorises the Mayor and Chief Executive Officer to sign the contract between the Town and the respective Executive Managers and affix the Common Seal.*

**BACKGROUND:**

The Town's Senior Officers, which include the Chief Executive Officer and Executive Managers Corporate Services, Environmental & Development Services and Technical Services, are employed under a Deed of Contract for a period of five (5) years.

The current contracts expire on the following dates;

Executive Manager Technical Services	30 November 2003
Executive Manager Corporate Services	30 August 2004
Executive Manager Environmental & Development Services	30 January 2005
Chief Executive Officer	8 August 2004

The Executive Managers have raised the matter of their contracts with the Chief Executive Officer with the view to an extension under the current Terms and Conditions.

**SALARY AND REMUNERATION:**

In order to provide the Council with a guide to salary/packages for Executive Managers/Directors within Local Government, the following is advised;

Comparisons with similar Local Governments:

Local Government	Salary	Total Package	Total Rates	Total Revenue	No. of Staff	Population
Bayswater			16,752,000	31,537,000	217	56,160
Belmont	\$100,392	\$136,229	15,291,000	28,958,000	174	30,800
Cambridge			9,148,000	17,591,000	140	24,047
Nedlands			9,032,000	13,947,000	120	21,741
South Perth	\$92,500	\$123,892	13,983,000	29,041,000	168	37,684
Victoria Park	*\$90,541	\$119,636	11,499,000	15,803,000	127	27,892
Vincent	\$91,823	\$119,950	10,811,000	19,415,000	176	25,795

\* *Under review (to \$95,000)*

**SOURCE:** This information has been obtained from the Western Australian Local Government Association (WALGA). Salary Survey dated 1 May 2003.

The Executive Managers have not requested an increase in their salary or remuneration package. Their current salary package consists of the following;

Salary	<b>Current</b> \$91,823
Remuneration details are confidential	
<b>TOTAL REMUNERATION:</b>	<b>\$119,950</b>

The current salary for equivalent positions, as shown in the Table above, indicate that the Town of Vincent is comparable with other similar Local Governments.

### **Independent Organisational Review**

The Town of Vincent Independent Organisational Review dated April 2003 included the following objective for Senior Executives;

*"Objective No. 10 - Human Resources - Senior Executives*

*To review and align the role of Senior Executives with reference to the future direction of the organisation."*

The report stated; *"The majority of key stakeholders believed the Chief Executive Officer and the Executive Managers were performing satisfactorily."* (Clause 1.13 - Page 10.)

The Consultants made two recommendations relating to Senior Executives, namely;

*"Recommendation 16*

*Following the determination of performance outcomes for the Chief Executive Officer, that Officer conducts the same process for the Executive Managers. The Executive Manager's consent is required to any change, as this constitutes a contract variance."*

#### **CEO's Comment:**

This recommendation is supported, however it is not possible to carry out the determination of performance outcomes after the CEO's process has been completed. The Town has a legal requirement by 30 May 2003 to renew the contract of the Executive Manager Technical Services - as specified in Clause 8 in the Contract of Employment.

Therefore, It is considered appropriate to obtain the Executive Managers' consent to implement this recommendation as part of their contract renewal. This has been discussed with the Executive Managers and they have consented to this request.

The other Recommendation No. 53 relates to embarking on an Organisational Improvement Program. This Recommendation does not impact on the renewal of the Contracts of Employment and can be implemented at a later stage.

### **Advantages and Benefits of Contract Renewal**

The Chief Executive Officer is of the view that the current Executive Managers are performing in a most professional, loyal, conscientious and diligent manner. Their request for a renewal of contract is strongly supported for the following reasons;

1. The Executive Managers have provided professional, conscientious, loyal and diligent service to the Town and are currently performing in a most satisfactory manner.
2. The Executive Management Team works in a most positive, harmonious and cohesive manner with obvious positive benefits to achieving the Town's strategic objectives.
3. The Town's recent Independent Organisational Review, dated April 2003, has reported that; *"The majority of key stakeholders believed the Chief Executive Officer and the Executive Managers were performing satisfactorily."* (Clause 1.13 - Page 10.)
4. A continuity of service will ensure stability within the Executive Management Team over the forthcoming years and will avoid the need for contract renegotiation during the extremely busy period which lies ahead.

5. A renewal of contract will ensure a continuity of employment of the current incumbents who have accumulated extensive background knowledge and experience of the Town and its operations and are in the best position to achieve the objectives in the Town's Draft Strategic Plan 2002-2007.
6. A stability and continuity of service will be provided during the Town's State Sporting Facilities Projects, including;
  - construction of the Multi Purpose Rectangular Sports Stadium and redevelopment of Perth Oval;
  - redevelopment of Leederville Oval into a "Football Centre of Excellence";
  - construction of a Multi Use Sports Centre; and
  - construction of the administration building for the Department of Sport and Recreation.
7. There is no cost increase to the Town by renewing the contracts and, in fact, there are cost savings by not having to advertise the positions and incur the usual recruitment costs of advertising/recruitment (estimated at up to \$10,000 per position).
8. There are advantages and benefits of synchronising all three Executive Manager contract renewals and in particular, this provides an assurance that they are all treated in a fair and equitable manner.

**LEGAL/POLICY IMPLICATION:**

The current Contract of Employment, Clause 8.0 states;

**"8.0 Renewal of Employment**

- 8.1 *There is no compulsion on either the Town or the Officer to agree to an extension of the Term.*
- 8.2 *The Town shall invite the Officer in writing not later than 12 months prior to the expiry of the Term to discuss the possibility of the parties entering into a new agreement for a further term with the intent of finalising those discussions not later than 6 months prior to the end of the Term.*
- 8.3 *In the event that the Town and the Officer agree to an extension of the Term then the terms and conditions of this Agreement will continue to apply unless varied in writing by the parties.*

**STRATEGIC IMPLICATION:**

The review of the salary and conditions is in accordance with the Town's Strategic Plan 2000-2002, Key Results Area 4: Leadership and Management, Item 4.3 – Enhanced Staff Empowerment, Career Development and Job Satisfaction; Clause (f), "*Review staff Remuneration/Conditions including benchmarking against industry standards*" and Draft Strategic Plan 2002-2007, Clause 4.4, "*Maintain and enhance a positive work environment that encourages employees to give their best and work in safety.*" Clause (e) states; "*Maintain employee remuneration and conditions according to industry standards.*"

**FINANCIAL IMPLICATION:**

There are no financial increases to the Town as a result of renewing the Contracts of Employment.

**COMMENT:**

The Chief Executive Officer is of the strong view that the current Executive Managers are performing in a most professional, loyal, conscientious and diligent manner. The Independent Organisational Review (April 2003) recognises the Officers' performance. Over the previous years they have conducted themselves in a most professional manner (despite the often difficult circumstances) and have provided excellent service to the Town. Their background knowledge and experience is invaluable. They are considered valued Senior Officers of the Town.

Accordingly, a renewal of their contracts, as detailed in this report, is strongly recommended for approval.

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

Nil.

**13. URGENT BUSINESS**

Nil

At 9.40 Moved Cr Chester, Seconded Cr Torre

*That the meeting be declared open to the public and the recommendation be made public.*

**CARRIED (8-0)**

(Mayor Catania JP on approved leave of absence.)

**14. CLOSURE**

Presiding Member, Acting Mayor Cr Ian Ker declared the Adjourned Meeting closed at 9.41pm.

**Present:**

Cr Ian Ker	Presiding Member, Acting Mayor, South Ward
Cr Simon Chester	North Ward
Cr Caroline Cohen	South Ward
Cr Helen Doran-Wu	North Ward
Cr Steed Farrell	North Ward
Cr Basil Franchina	North Ward
Cr Sally Lake	South Ward
Cr Maddalena Torre	South Ward
John Giorgi, JP	Chief Executive Officer

These Minutes were confirmed by the Council as a true and accurate record for the Ordinary Meeting of the Council held on 27 May 2003, and of the items adjourned to 28 May 2003.

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

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