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10.1 ENVIRONMENTAL AND DEVELOPMENT SERVICES

10.1.1 Town of Vincent Administration and Civic Centre - Public Toilet Facilities - Conversion to Universally Accessible

Ward:	South	Date:	14 July 2003
Precinct:	Oxford Centre, P4	File Ref:	TES0453
Attachments:	Drawing 1 Plan dated 24 June 2003		
Reporting Officer(s):	K Steicke, D Brits		
Checked/Endorsed by:	R Boardman; M Rootsey	Amended by:	-

OFFICER RECOMMENDATION:

That the Council APPROVES BY AN ABSOLUTE MAJORITY the expenditure of approximately \$20,510 from the Administration and Civic Centre Reserve Fund for the conversion of the existing male and female public toilets on the first floor to universally accessible facilities, as shown in Appendix 10.1.1.

BACKGROUND:

At its Ordinary Meeting held on 24 May 1999, the Council resolved:

"That the Council;

- (i) receive the Town of Vincent Disabled Access Audit Survey Remedial Action Report as laid on the table prepared by the Disability Access Advisory Group;*
- (ii) receives the recommendations of the Town of Vincent Access Audit Survey Remedial Action Report and consider \$53,500 for the 1999/2000 budget"*

An Elected Member Request was received from Councillor Doran-Wu on 4 July 2003 to consider to improve universal access at the Town of Vincent Administration and Civic Centre, by the conversion of the two public toilets near the Council Chambers on the first floor. These toilets presently serve the persons who attend functions at the Council. Subsequently, Disability/Universal Access Consultant Peter Jones Architect has prepared the necessary specifications and plans. The indicative cost is \$20,510.

STRATEGIC IMPLICATIONS:

Principal Activities Plan 2002 - 2006 - Key Result Area: The Physical Environment -
"promotion of a safe and healthy inner-city environment."

Strategic Plan 2000 – 2002

- Key Result Area 2.1 *"Publicly celebrate the Town's diversity";*
- Key Result Area 2.4(a) *"to facilitate the provision of services and programs which are relevant to the needs of our community".*

FINANCIAL IMPLICATIONS:

This request was received after the close of submissions for the Draft Budget 2003/4. The work will be funded from the Administration and Civic Centre Reserve, and the Budget will be amended at the first Budget review. This will not impact on the Town's rates. Quotations will be obtained.

COMMENTS:

The adoption of the Five Year Strategic Access Plan in 1999 was a positive approach to improve universal access, improve our customer-focussed services, and comply with the provisions of the Disability Discrimination Act (1992).

The conversion of the toilets will provide facilities in accordance with the Council's Access Plan. These will be in addition to the universally acceptable toilet on the ground floor.

10.1.2 Nos. 134 (Lot 25) Joel Terrace, Mount Lawley - Proposed Home Occupation (Recruitment Agency) Within an Existing Single House

Ward:	South	Date:	14 July 2003
Precinct:	Banks, P15	File Ref:	PRO2379
Attachments:	-		
Reporting Officer(s):	S Crawford		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by R Yakimishyn on behalf of the owners R and K Yakimishyn for proposed home occupation (recruitment agency) within an existing single house at No. 134 (Lot 25) Joel Terrace, Mount Lawley, and as shown on plans stamp-dated 9 June 2003, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) the home occupation is to occupy a maximum area of twenty (20) square metres only, inclusive of all storage areas;*
- (iii) retail sale or display of goods of any nature shall not occur on the subject property;*
- (iv) compliance with the provisions relating to home occupation under the Town of Vincent Town Planning Scheme No. 1;*
- (v) the business shall not entail employment of any person not a member of the occupier's household;*
- (vi) the hours of operation shall be limited to 8.30am to 5.30pm, Monday to Friday, inclusive;*
- (vii) a maximum of one client per hour within the stipulated hours of operation is permitted to visit the premises; and*
- (viii) this approval for a home occupation is for a period of 12 months only and should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the Town prior to the continuation of use;*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: R and K Yakimishyn
APPLICANT: R Yakimishyn
ZONING: Metropolitan Region Scheme - Urban Town Planning Scheme No. 1 - Residential R60
EXISTING LAND USE: Single House

SITE HISTORY:

The site currently supports a single house.

DETAILS:

The applicant seeks to utilise an existing home office within the residence to undertake additional work should it be required. The applicant has an existing commercial premises located at Unit 5, 69 Murray Street, Perth at which he operates a recruitment agency. The general office hours of the business are between 8.30am-5.30pm and the applicant would be the sole person employed.

CONSULTATION/ADVERTISING:

The proposal was advertised and one submission was received from the owner of Nos. 140 and 142 Joel Terrace, Mount Lawley. This owner objects on the following grounds;

- the only access to this property is from a right of carriageway over adjoining properties;
- utilising such access may have legal implications and security issues for utilising the access for non-residential purposes;
- the premises has two car bays, with one being used by the owner and Joel Terrace already experiencing parking problems;
- the business is in close proximity to residential properties;
- a business will increase traffic flow; and
- approval would set a precedent to further commercialisation of the area and erosion of the residential amenity.

The proposal was further discussed with the objector on 4 July 2003, as many of the points of objection relate to a commercial proposal rather than a small scale home office. The objector advised that the proposal was understood and the main objection related to persons visiting the site and due to the properties only having a 1.0 metre frontage to Joel Terrace the impact their visits and access would have on neighbours. Due to this objection, the proposal is presented to Council for determination.

LEGAL/POLICY:

Town Planning Scheme No. 1 - Scheme Interpretations.

STRATEGIC IMPLICATIONS:

Nil

FINANCIAL/BUDGET IMPLICATIONS:

Nil

COMMENTS:

Home occupations are a permitted use within the Residential zone. Furthermore, the application submitted is compliant with the Town's provisions, relating to the area designated to the use, the number of persons employed, the hours of operation, which is addressed via conditions of approval, and parking.

The applicant seeks the ability to do additional work from home for an existing business, which operates out of a commercial premises in Murray Street, Perth.

The applicant will be self employed, utilise one room which is already a home office, possibly store details in a store room within the residence and it will be rare for any client to attend the premises. This small scale and nature of commercial activity is supported through home occupations.

The neighbour's objection has been considered, however the points raised are considered to relate to a large scale commercial activity rather than the minor nature of what has been proposed. With respect to the access arrangements, it is appreciated that the majority of residences within the complex (Lots 22-28) have access via rights of carriageway. As there are 7 of these access legs, with each having reciprocal use rights over the others, the actual access width is 7.0 metres in width. Such a width is wide enough for dual direction vehicular traffic and a 1.0 metre wide pedestrian strip. As such, the submission that access of any potential clients to the premises will adversely affect the residential amenity due to interference is not considered to be substantiated in this instance.

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.

10.1.3 No. 2 (Lot 208) Killarney Street, Mount Hawthorn - Proposed Partial Demolition of and Alterations and Two Storey Additions to Existing Single House

Ward:	North	Date:	15 July 2003
Precinct:	Mount Hawthorn, P1	File Ref:	PRO2365; 00/33/1654
Attachments:			
Reporting Officer(s):	S Crawford		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owners H and A Zimmerman for proposed partial demolition of and alterations and two storey additions to existing single house at No. 2 (Lot 208) Killarney Street, Mount Hawthorn, and as shown on plans stamp-dated 27 May 2003, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;*
- (iii) a road and verge security bond and /or bank guarantee of \$550 shall be lodge prior to the issue of a Building License and be held until all works have been completed and/or any damage to existing Towns assets have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (iv) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the north elevation of the upper/first floor balcony 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;*
- (v) subject to first obtaining the consent of the owners of No. 4 Killarney 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. 4 Killarney Street in a good and clean condition;*
- (vi) street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s); 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 adjacent to Killarney 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: H and A Zimmerman
APPLICANT: As above
ZONING: Metropolitan Region Scheme - Urban Town Planning Scheme No. 1 - Residential R30
EXISTING LAND USE: Single House

COMPLIANCE:

Requirements	Required	Proposed
Setbacks - Lower Floor – East (living/verandah)	1.5 metres	1.2 metres
Lower Floor – West (family)	1.5 metres	Nil to 2.37 metres
Wall Heights -		
Single storey	3.0 metres	3.4 metres
Two storey	6.0 metres	6.3 metres
Cone of Vision - Balcony	7.5 metres	2.2 metres to eastern boundary 6.8 metres to western boundary
Use Class	Single House	
Use Classification	"P"	
Lot Area	495 square metres	

SITE HISTORY:

The site currently supports a single house.

DETAILS:

The applicant seeks to undertake partial demolition of and alterations and two storey additions to the existing single house.

CONSULTATION/ADVERTISING:

The proposal was advertised and no submissions were received from neighbours.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Overshadowing

The orientation of the subject lot is north/south; as such, overshadowing will occur over the street.

Demolition

The property is not listed on the Town of Vincent Municipal Heritage Inventory. The proposal is therefore subject to general Town Planning Scheme provisions and policies.

Setbacks

Lower Floor – Eastern Side Setback

The Residential Design Codes (R Codes) would require a 1.5 metres setback to the subject side boundary, whereas the applicant seeks a reduced setback of 1.2 metres to accommodate the living room extension to the dwelling. The reduced setback at ground level is not considered to have any undue impact on the affected eastern neighbour with respect to privacy, overshadowing or loss of amenity. On this basis, the reduced setback is considered suitable.

Lower Floor – Western Side Setback

The R Codes would require that the subject wall be setback from the subject boundary by 1.5 metres. The applicant seeks a portion of the wall to have a nil setback which increases to 2.37 metres. The nil setback is to accommodate an alfresco area. In areas coded R30 and higher, parapet walls are permitted to one side boundary for two thirds of its length in certain circumstances. In this instance, this principle cannot be applied to the proposal as the average wall height is greater than 3.0 metres.

As such, considering the impact of the wall on the affected neighbour, it is considered that the structure will not result in any undue privacy or overshadowing concerns, and the greater average wall height for the proposed parapet, of 3.4 metres, does not affect such considerations. In addition, the neighbouring dwelling extends past the proposed alfresco area of the subject application by some 4.5 metres, with the neighbouring dwelling itself being located in close proximity to the boundary. As there will be limited impact on the affected neighbour and considering the neighbour has not objected to the proposal, no objection is raised to the relaxation.

Wall Heights

The R Codes permit a single storey dwelling to have a maximum wall height of 3.0 metres, whereas the applicant seeks a maximum single storey wall height of 3.4 metres. The existing dwelling has a wall height of 3.3 metres and the lot is predominantly flat.

The additional 0.4 metre height above the R Code standards, or 0.1 metre increase from the existing, is not considered to significantly affect the appearance, bulk or scale of the proposal, and will not result in any increase of undue effects to neighbours. As such, the minor relaxation in this standard is considered suitable.

Similarly, the R Codes permit two storey walls to be 6.0 metres in maximum height, whereas the applicant seeks a 6.3 metres high wall for the extension. Again, due to the fact that no additional adverse effects result on the neighbours from the proposed increase, no objection is raised. Furthermore, the proposed heights intend to match the finished floor, ceiling and wall heights of the existing dwelling. This allows the addition to complement the existing aspect of the dwelling.

Cone of Vision – Balcony

The R Codes require that balconies be setback 7.5 metres from any boundary. In this instance, the upper level rear balcony is proposed with a setback of 2.2 metres to the eastern side boundary and 6.8 metres to the western side boundary. Due to non-compliance with the setback requirements, it is considered that this structure will pose undue overlooking issues to the two side neighbours, particularly viewing into the rear yards of the neighbouring properties. Such overlooking is not supported and therefore it is recommended that the rear elevation of the balcony be appropriately screened to address this issue.

Significant Tree

The Town's Parks Services advise that the tree in question is located at the rear of Number 2 Killarney Street on the eastern side of the property. It appears on the Town of Vincent's Interim Significant Tree Database - Reference list. This tree has been identified as a Lilly Pilly (*Syzyguim oleosum*). It is estimated to be around thirty (30) years of age. The tree is around 10 metres in height with a canopy spread of 8 metres.

Lilly Pilly trees would generally not be considered by a qualified Arbourculturalist as a "Tree of Significance" given that they are still a common species of tree growing throughout Western Australia.

It appears that the tree will not be affected as a result of the proposed additions however, should its removal be warranted, the recommendation by Parks Services is to remove given the above facts, including that the Town of Vincent does not have a current Policy in place to ensure residents retain trees identified as significant within private property.

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.

10.1.4 No. 75 (Lot 88) Palmerston Street, Perth – Proposed Landfill on Vacant Lot

Ward:	South	Date:	14 July 2003
Precinct:	Hyde Park, P12	File Ref:	PRO2111; 00/33/1660
Attachments:	plan		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Liberty Homes P/L on behalf of the owners Oceanbird Holdings P/L for the proposed landfill on vacant lot at No. 75 (Lot 88) Palmerston Street, Perth, and as shown on plan stamp-dated 10 July 2003, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) landfill material shall be clean sand only;*
- (iii) prior to the commencement of works, the following details shall be submitted to and approved by the Town demonstrating the following:*
 - (a) detailed design of the angle of repose and the battering so as to contain the proposed landfill within the subject site; and*
 - (b) detailed cross-sectional drawings showing the proposed fill and battering on site and reflecting the proposed fill levels shown on the approved plans;*
- (iv) a detailed management plan that addresses the control of noise, dust suppression, compaction details, machinery to be used, to reasonable levels, associated with the landfill shall be submitted and approved prior to the commencement of works and thereafter implemented and maintained;*
- (v) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;*
- (vi) a road and verge security deposit bond and/or bank guarantee of \$ 1100 shall be lodged 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; and*

(vii) *any retaining walls shall be subject to a separate Planning Approval and/or Building Licence application being submitted and approved prior to the erection of the retaining walls;*

to the satisfaction of the Chief executive Officer.

LANDOWNER: Oceanbird Holdings P/L
APPLICANT: Liberty Homes P/L
ZONING: Metropolitan Region Scheme - Urban Town Planning Scheme No. 1(TPS No.1) - Residential R80
EXISTING LAND USE: Vacant Land

COMPLIANCE:

Use Class	Use not listed, however associated with single house or grouped dwelling
Use Classification	"P"
Lot area	3999 square metres

SITE HISTORY:

The site, which is currently vacant, was previously owned by the Town Of Vincent and was recently subdivided and sold to the current owners. The Town had limited readily available information relating to ground contour levels prior to the archaeological excavation of the site undertaken in 2001. A site inspection has revealed that fill has been dumped on site but not levelled yet. The applicant has not levelled the fill on-site after becoming aware that the Town's Planning Approval is required prior to carrying the above landfill works, as the amount of fill will be over 300 millimetres deep.

DETAILS:

The applicant seeks approval to fill the site to its original contour levels so as to prepare the site for future development. The level of fill proposed is between 15.3 AHD to 16 AHD as indicated on the attached plan. The level of fill would be approximately 1110 millimetres to 1120 millimetres above the natural ground level. The applicant intends to batter the landfill to the angle of repose within the site, thereby eliminating the need for retaining walls. The proposed fill will be clean sand.

CONSULTATION/ADVERTISING:

The proposal does not require to be advertised as the adjacent properties are mostly under the ownership of the Town, and the application is being referred to the Council for consideration and determination.

LEGAL/POLICY:

Town of Vincent Town Planning Scheme No. 1 and associated Policies, including Design Guidelines for the "Old Bottleyard", and the Residential Design Codes.

COMMENTS:

The portion of land adjacent to Palmerston Street slopes down in a north-west and south-west direction away from the Palmerston Street verge. The proposed fill level adjacent to Palmerston Street will generally match the Palmerston Street verge level. The amount of proposed fill ranges approximately from 1110 millimetres generally adjacent to Palmerston Street and 1120 millimetres adjacent to Robertson Park.

The Design Guidelines for the "Old Bottleyard" state in part that any future residential developments at the above site should utilise and complement the community asset of Robertson Park by way of active visual and access interaction. The proposed fill levels is unlikely to prejudice the future development of Robertson Park.

The Town has in the past prepared various improvement concept plans for the development of the adjoining Robertson Park to the west and the south of the subject site. The preliminary plans for Robertson Park indicate pedestrian paths alongside the south and west of the above site. By limiting the landfill as proposed, this will allow future direct access to the proposed paths. A further report relating to the Robertson Park Improvement Plan is also proposed to be included on this Agenda.

On the above basis, the proposed fill is considered acceptable at the current point of time even though there is no development application submitted for development of the subject site.

Building

The Town's Building Services have advised that the fill is required to be compacted to suit the intended use, and that a separate Planning Approval and/or Building Licence is required if retaining walls are proposed.

Health

The Town's Health Services have advised that all hours of operation are to comply with the relevant legislation and that adequate measure be undertaken for dust suppression.

Engineering

The Town's Engineering Services have advised that angle of repose is required to retain the proposed fill, and that the applicant submits compaction details including the type of machinery to be used, prior to commencement of works.

The Executive Manager Technical Services has advised that the proposed fill is considered acceptable in the context of the proposed Robertson Park Improvement Concept Plan. The portion of Robertson Park adjacent to subject Lot 88 will be filled to match the fill level on the Lot 88, thus allowing active visual and access interaction between future development on Lot 88 and Robertson Park and its proposed pedestrian paths.

On the above basis, the proposed levels of landfill is considered reasonable and supported, subject to standard and appropriate conditions to address the above matters.

10.1.5 No. 62 (Lot 162) Norfolk Street, Mount Lawley – Proposed Survey Strata Subdivision

Ward:	South	Date:	14 July 2003
Precinct:	Norfolk, P10	File Ref:	610-03
Attachments:			
Reporting Officer(s):	S Crawford		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Residential Design Codes, the Council RECOMMENDS APPROVAL to the Western Australian Planning Commission for the proposed strata subdivision of No. 62 (Lot 162) Norfolk Street, Mount Lawley, and as shown on plans stamp-dated 3 June 2003 (strata subdivision 610-03), subject to:

- (i) 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;*
- (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, 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) the building(s) concerned satisfying the Town in accordance with the provisions of the Strata Titles Act 1985;*
- (v) the tree of significance, sugar Gum (Eucalyptus cladocalyx), on the land, located on the proposed rear vacant strata lot, being retained and measures being taken to ensure its identification and protection to the satisfaction of the Town prior to commencement of site works;*
- (vi) the street verge tree(s) on Norfolk Street 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 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;*

(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 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;*
- (b) *amendment to or repeal of the above provision cannot be effected without the Commission's agreement; and*
- (c) *only one dwelling is permitted on each of the newly created lots; and*

(ix) *each of the existing residences is to comply with the requirements of the Residential Design Codes 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.

LANDOWNER: R and J Hole, G Russell and S Anthony
APPLICANT: Dennys Wm Hayes and Associates
ZONING: Metropolitan Region Scheme - Urban Town Planning Scheme No. 1 - Residential R40
EXISTING LAND USE: Three Grouped Dwellings
COMPLIANCE:

Requirements	Required	Proposed
Density (Residential, R40)	Minimum 200 square metres Average 220 square metres	Front lot 228 square metres Rear lot 280 square metres Common property lot 100 square metres
Clause 20 – Town Planning Scheme No. 1	Maximum 2 grouped dwellings per lot	1 dwelling per lot
Store	4.0 square metres with minimum dimension of 1.5 metres	Nil demonstrated
Car Parking	2 bays per dwelling	Nil demonstrated
Use Class	Grouped Dwelling	
Use Classification	"P"	
Lot Area	1214 square metres	

SITE HISTORY:

The site supports three grouped dwellings on three strata lots.

DETAILS:

The site was originally 1214 square metres in size, and has been strata subdivided into three strata lots supporting three grouped dwellings. The site has effectively been subdivided through the middle with the southern portion having been developed (607 square metres). The applicant now seeks to further strata subdivide the northern portion of land (607 square metres) to create an additional lot to the rear of the existing dwelling accessed via a common property driveway.

CONSULTATION/ADVERTISING:

The proposal is not required to be advertised.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil

FINANCIAL/BUDGET IMPLICATIONS:

Nil

COMMENTS:

Density

The site is coded Residential R40, which permits a minimum lot size of 200 square metres and an average lot size of 220 square metres. The applicant seeks an existing house lot of 228 square metres and an additional rear lot of 280 square metres, with both lots sharing common property of 100 square metres. The proposed lot sizes are compliant with the Residential Design Codes (R Codes).

Clause 20 – Town Planning Scheme No. 1

The above Clause, applicable to the Norfolk Precinct, P10 restricts development to having a maximum of two dwellings on any lot, regardless of the site area, so long as the proposed lots comply with the minimum site areas for grouped dwellings under the R40 Density Code. This Clause effectively diminishes development rights on larger land parcels by restricting development to a maximum of two dwellings, despite a greater land area possibly being available.

In this instance, the applicant has already progressively subdivided the lot to maximise the development potential under the terms of the R40 Density Code. The current application seeks a continuation of this approach through creating a second lot behind the rear of the existing terrace dwelling.

The Town has had legal advice pertaining to Clause 20(2)(d)(ii) that states notwithstanding the above (being the provisions of the clause), a lot can be subdivided into numerous lots provided the area of the proposed lots complies with the minimum lot area requirement under R40.

As such, the application before the Town is compliant with the provisions of the R Codes as well as Clause 20 of the Town Planning Scheme. Thus, the proposal can be supported.

Stores

Under the provisions of the R Codes, a 4.0 square metres store is required to be provided per grouped dwelling. The applicant has not demonstrated the provision of stores in the application and as such, this requirement will be addressed as a condition of the Town's recommendation.

Car Parking

The R Codes also require two car parking spaces to be provided per dwelling. Similarly, the accommodation of on-site vehicular parking has not been demonstrated on the proposal. Again, this will be addressed via a condition of the recommendation to the Western Australian Planning Commission.

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.

**10.1.6 No. 43 (Lot 23) View Street, Corner Persimmon Street - North Perth.
Proposed Two (2), Two- Storey, Single Houses.**

Ward:	North	Date:	15 July 2003
Precinct:	Smith's Lake	File Ref:	PRO2037; 00/33/1083
Attachments:	Plans http://www.vincent.wa.gov.au/civica/council/agenda/2003/20030722/att/pbsjbviewst001.pdf		
Reporting Officer(s):	J Barton		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Challenge Enterprise (Aust) Priority Limited on behalf of the landowners H T Nguyen and T N Thai for the proposed of two, two-storey single houses at No.43 (Lot 23) View Street, corner of Persimmon Street, North Perth, and as shown on plans dated 13 June 2003, subject to:

- (i) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the windows to the upper floor bedroom 1 and bedroom 3 of Unit 2 and bedroom 1 on the upper floor of Unit 1 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;*
- (ii) standard visual truncations, in accordance with the Town's Policies and to the satisfaction to the Town's Technical Services Division, shall be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*
- (iii) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any proposed front fences and gates adjacent to Persimmon Street, and along a maximum of half the length of the front boundary along View Street, shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fence and gate being visually permeable, with a minimum 50 per cent transparency. The solid portion of the front fence adjacent to View Street shall be a maximum height of 1.8 metres above natural ground level and shall include a minimum of two appropriate design features, to reduce the visual impact;*
- (iv) the construction of crossovers shall be in accordance with the Town's specifications;*

- (v) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
- (vi) *a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
- (vii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (viii) *a road and verge security deposit bond and/or bank guarantee of \$1100 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (ix) *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;*
- (xii) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the View 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, revised plans shall be submitted and approved demonstrating the following;*
 - (a) *the ground floor of Unit 1 on the western side being setback a minimum of 1.5 metres from the secondary street, Persimmon Street;*
 - (b) *the upper floor of Unit 1 on the northern side being setback a minimum of 6 metres from the primary street, View Street; and*

- (c) *the height of the parapet wall to the garage (Unit 1) complying with the acceptable development requirements of the Residential Design Codes, namely 3 metres in average height, and 3.5 metres maximum height.*

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

- (xiv) *subject to first obtaining the consent of the owners of No. 41 (Lot 22) View Street, North Perth for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 41 (Lot 22) View Street, North Perth in a good and clean condition;*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: H T Nguyen and T N M Thai
APPLICANT: Challenge Enterprise (Aust) Priority Limited
ZONING: Metropolitan Region Scheme: Urban
 Town Planning Scheme No.1: Residential R40
EXISTING LAND USE: Single House

COMPLIANCE:

Requirements	Required	Proposed
<u>Setbacks:</u>		
Unit 1		
<u>Ground Floor</u>		
Front	4 metres	2.8 metres to 4 metres
Eastern Side	1.5 metres	1 metre to 1.5 metres
Western Side	1.5 metres	1.2 metres
<u>Upper Floor</u>		
Front	6 metres	2.8 metres to 6 metres
Eastern Side	1.5 metres	1.2 metres to 1.6 metres
Unit 2		
<u>Ground Floor</u>		
Eastern Side	1.5 metres	1 metre to 1.5 metres
Front	4 metres	3 metres
<u>Upper Floor</u>		
Front	6 metres	3 metres to 4.5 metres
Eastern Side	1.6 metres	1.2 metres to 1.8 metres

Boundary Walls		
Unit 1-Southern and Eastern Elevation	One boundary wall is permitted with an average height of 3 metres and a maximum height of 3.5 metres, 2/3 length of boundary.	3.3 metres average height and Unit 1 has two boundary walls in total.
Privacy		
Cone of Vision Encroachments from:		
Unit 1-Bedroom One	4.5 metres	1.2 metres
Unit 2-Bedroom Three	4.5 metres	3 metres
Unit 2-Bedroom One	4.5 metres	4.2 metres
Street Walls and Fences	Wall along View Street should be a maximum 1.2 metres solid in height and visually permeable above to 1.8 metres in height.	1.8 metres high solid wall along View Street.

Use Class	Single House
Use Classification	'P'
Lot Area	450 square metres

SITE HISTORY:

A demolition application was conditionally approved by Council at its Ordinary Meeting held on 25 June 2002, (00/33/1083) for the demolition of the existing single house.

DETAILS:

The applicant seeks approval to construct two (2), two-storey single houses.

The subject land abuts a 3 metres wide, privately owned, unsealed right of way. Access is not proposed from the right of way.

The applicant submitted the following justification in support of the proposed variations:

- *"..there is no privacy/overlooking into neighbouring courtyards as defined in the codes".*
- *"...The codes allow for a wall 3m height x 2/3 length of boundary, which is a maximum of 15.48m, the combined length of the two is only 11.7m".*
- *"...similar setbacks exist down the street. Our setback allows unobstructed views between building and street. Also ensuring continuity of streetscape. Noting also these designs have minimal impact on adjacent residents in terms of privacy and amenity..."*

CONSULTATION/ADVERTISING:

The application was advertised to the adjoining neighbours from 17 June 2003 to 1 July 2003.

No submissions were received during the advertising period.

COMMENTS:

Setbacks

Unit 1

A front setback variation of 2.8 metres, in lieu of 4 metres is proposed to the ground floor of Unit 1. Clause 3.2.2 of the Residential Design Codes 2002 (R-Codes) allow for minor encroachments into the street setback area of one metre, provided that the total of such projections do not exceed 20 per cent of the frontage. Although the minor encroachment exceeds the 20 per cent requirement, only a small portion of the building is setback 2.8 metres and the rest of the dwelling complies with the 4 metres setback requirement. Furthermore, the existing building is setback 3 metres from View Street. Given this, the variation is considered supportable.

A secondary street setback variation is proposed on the ground floor to Unit 1 on the western side of 1.2 metres, in lieu of 1.5 metres. Given that the Town's Street Setbacks Policy overrides the R-Codes in relation to street setbacks, a condition has been recommended to amend the secondary street setback to 1.5 metres on the ground floor.

A front setback variation of 2.8 metres, in lieu of 6 metres, is also proposed to the upper floor of Unit 1. Given that the Town's Monastery Locality Statement specifies a minimum of 6 metres from the upper floor to the primary street, a condition has been recommended to amend the setback to 6 metres, bringing the proposal into compliance with the Policy.

The eastern side setback, as stated above in the Compliance Table, is minor and is considered to address the relevant Performance Criteria under Clause 3.3.1 of the R-Codes. In light of this, and given that no objections were received from the adjoining neighbours, approval is recommended.

Unit 2

The Town's Street Setbacks Policy states: *"In the case of new dwellings at the rear of original corner lots, with frontage to the secondary street, setbacks which match the adjoining dwellings fronting the street (if any) otherwise a minimum of 1.5 metres to a verandah, porch, portico and the like, excluding balconies, and/ or 2.5 metres to the main building"*. In light of the above Policy, the setback variations to the ground and upper floor of Unit 2, as stated in the Compliance Table, are considered acceptable.

The eastern side setback variation of 1 metre, in lieu of 1.5 metres is minor and is considered to address the relevant Performance Criteria under Clause 3.3.1 of the R-Codes. In light of this, and given that no objections were received from the adjoining neighbours, approval is recommended.

Setback Summary

The proposed setback variations to the new dwellings are considered generally acceptable, given the nature of surrounding development and the sense of openness afforded by the two street frontages. However, the development should comply with the primary and secondary street setback requirements of the Town's Policy. Additionally, open space provisions, solar access and privacy are not compromised due to the setbacks variations.

Given the above, and that the Council has approved similar variations on the previous approval, the setback variations are not considered to unduly impact on the amenity of the area and the streetscape, and approval is therefore recommended.

Boundary Walls

Clause 3.3.2 of R-Codes permit boundary walls for two thirds of the length of the balance of the boundary behind the front setback line, up to 3 metres in average height and 3.5 metres in total height.

Unit 1 represents a variation to the above acceptable development requirements, as two boundary walls are proposed, and the parapet wall to the garage is 3.3 metres in average height.

Given that the two walls are only 11 metres in total length, that no objections were received during the advertising period, and that the wall on the neighbouring boundary is only 2.5 metres in length, the walls are therefore considered acceptable.

However, although the garage wall is internal and that the land is owned by the same landowner, the height of the garage wall is not considered acceptable as it will overshadow the outdoor living area of Unit 2, which will have a detrimental impact on the future landowners. Accordingly, a condition has been recommended to reduce the height of the garage wall to bring it into compliance with the acceptable development requirements of the R-Codes.

Fences

Pursuant to the Town's Policy relating to Street Walls and Fences, front walls and fences within the primary street setback should be visually permeable 1.2 metres above natural ground level. The proposal represents a variation to this requirement, as a 1.8 metres high wall is proposed within the front setback area along View Street.

Notwithstanding the above Policy requirements, the proposed solid wall only occupies half of the width of the front boundary, which is considered acceptable in this instance as the wall screens a north facing outdoor living area from the street. Additionally, the proposal will not be out of character with the existing streetscape, as there are numerous examples of existing solid front walls and fences along View Street and Persimmon Street. However, this solid wall should include at least two design features to reduce its visual impact.

Privacy

Minor cone of vision encroachments are proposed from bedroom three and bedroom one (Unit 2) and bedroom one (Unit 1), as mentioned in the above compliance table. However, these non-compliances can be addressed by a standard privacy condition.

Conclusion

In light of the above, and given the state of the existing development, the narrowness of the subject land and the absence of objections, it is recommended that the proposal be approved, subject to standard and appropriate conditions to address the above matters.

10.1.7 No. 94 (Lot 2) Lincoln Street, Highgate – Proposed Additional Two Storey Grouped Dwelling, and Store and Front Screen Wall Additions, to Existing Dwelling

Ward:	South	Date:	14 July 2003
Precinct:	Forrest, P14	File Ref:	PRO1752; 00/33/1681
Attachments:			
Reporting Officer(s):	P Mastrodomenico		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by T A Blair for proposed additional two storey grouped dwelling, and store and front screen wall additions, to existing dwelling at No.94 (Lot 2) Lincoln Street, Highgate, and as shown on the plans stamp dated 13 June 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 Lincoln 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) detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building Licence application;*
- (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) *compliance with all relevant Environmental Health, Engineering and Building requirements; and*
- (x) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Lincoln Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: T A Blair
APPLICANT: T A Blair
ZONING: Metropolitan Region Scheme: Urban
 Town Planning Scheme No.1: Residential R80
EXISTING LAND USE: Single House

COMPLIANCE:

Use Class	Grouped Dwelling	
Use Classification	"P"	
Lot Area	620 square metres	
Requirements	Required	Proposed
Setbacks -		
Northern side (Ground Floor)	1.5 metres	1.2 - 1.5 metres
Eastern side (Ground Floor)	1.5 metres	1.2 - 1.5 metres
Northern side (First Floor)	1.6 metres	1.2 - 1.5 metres
Eastern side (First Floor)	1.6 metres	1.2 - 1.5 metres
Western side (First Floor)	2.8 metres	1.2 metres
Privacy - Western and Southern Sides (balcony to living)	Balconies within 7.5 metres of a property boundary on the first floor to be screened	No screening shown (screening condition applied)
Screen Walls and Fences	Front walls and fences within the primary street setback area to be visually permeable 1.2 metres above natural ground level.	A solid wall to a height of 1.8 metres proposed within the front setback area along the southern side boundary.

SITE HISTORY:

The subject site is occupied by a single storey character dwelling. The surrounding area is characterised by a mixture of single storey and two storey character dwellings.

13 May 2003 The Council at its Ordinary Meeting considered an application for a similar proposal, and resolved that *"this Item "LIE ON THE TABLE" so that the applicant can address the issues of setbacks, window opening and the amount of screening, the adequacy of open space and the store at the front of the development, and also consider the amended recommendation."*

10 June 2003 The Council at its Ordinary Meeting, refused the previous proposal for additional two storey grouped dwelling and front screen wall additions to existing dwelling, for the following reasons:

1. *Non compliances per Town Officer's report.*
2. *Adverse impact of walls without major openings, on surrounding properties.*
3. *Not in keeping with the amenity of the area.*

CONSULTATION/ADVERTISING:

The subject application is not required to be advertised as an application for a very similar proposal was advertised in the past 12 months. There was one objection received during the previous advertising period. Issues raised included the variations to setbacks, and the potential for overlooking onto the adjacent property.

DETAILS:

A new application for a very similar proposal for proposed additional two storey grouped dwelling, and store and front screen wall additions to existing dwelling has been received by the Town. A memorandum dated 7 July 2003 was forwarded to all Elected Members and stated the following information;

"The Council at its Ordinary Meeting held on 13 May 2003 considered an application for the above proposed development and resolved as follows;

"That this Item "LIE ON THE TABLE" so that the applicant can address the issues of setbacks, window opening and the amount of screening, the adequacy of open space and the store at the front of the development, and also consider the amended recommendation."

A new planning application dated 11 June 2003 together with an amended plan stamp dated 13 June 2003 (copy attached), was received by the Town and the above issues have been addressed and summarised below;

Setbacks

- *The variations to setbacks are minor and it is considered that the side setback variations do not present an unreasonable loss of amenity to the adjacent properties, given there were no objections to the setback variations received from the affected neighbours.*

Window Opening and Amount of Screening

- *With regards to the potential for unreasonable overlooking/possible screening the neighbours at No.96B originally objected (22 April 2003) and later submitted a letter of non-objection (12 May 2003). Therefore no screening conditions are required to be applied. Also there are no other overlooking major openings.*

- *With regards to window openings it has been confirmed by the Town's Senior Building Surveyor that the proposal complies with the lighting and ventilation requirements of the BCA.*

Adequacy of Open Space

- *Open space complies with the required 45 percent. The existing lot with the house fronting Lincoln Street has 57 percent open space and the proposed lot with the proposed dwelling to the rear has 60 percent open space.*

Store at the Front of the Development

- *The Town's Heritage Officers have no objection to the proposed store for the existing dwelling as it is setback behind the main building line and it is not fully visible from the street. The store is an addition only and there is no partial demolition involved to accommodate the store.*

Amended Recommendation

- *The screening condition has been removed (see comments under Window Opening and Amount of Screening);*
- *The Executive Manager Technical Services has stated that he has no objections to the issues of truncations and manoeuvring;*
- *The issue of the store has been resolved (see comments under Store at the Front of the Development).*

In light of the above and that the new application and amended plans have addressed all the issues arising from the previous application being "laid on the table", it is now possible to approve this new application under delegated authority.

If you wish to make any comments regarding these plans, please provide them to me by Wednesday 9th July 2003. If no response is received the new planning application dated 11 June 2003 will be approved under delegated authority."

Two Elected Members have requested that the application be referred to Council for consideration and determination at an Ordinary Meeting of Council.

COMMENTS:

The Council at its Ordinary Meeting held on 13 May 2003, moved but did not vote on, an Amended Recommendation in relation to the previous application.

The matters raised in the Amended Recommendation have since been addressed in the revised plans and the above comments. However, the only outstanding matter is the recommended deletion of the store additions to the existing dwelling. In addition to the above comments relating to the store, the Town has consistently required the provision of a store for an existing dwelling as part of a grouped dwelling development and if the store is relocated to the rear, it will result in a variation to the court yard requirements.

The matters relating to the subject proposal have been addressed in the memorandum dated 7 July 2003. In light of the above, it is recommended that the application be approved, subject to standard and appropriate conditions to address the above matters.

10.1.8 No. 32A (Lot 157, Strata Lot 2) Eton Street, North Perth - Proposed Additional Two-Storey Grouped Dwelling to Existing Single House

Ward:	North	Date:	16 July 2003
Precinct:	North Perth, P8	File Ref:	PRO2305; 00/33/1560
Attachments:	-		
Reporting Officer(s):	S Crawford, R Rasiah		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by the owner M Duffy for proposed additional two storey grouped dwelling to existing single house at No. 32A (Lot 157, Strata Lot 2) Eton Street, North Perth, and as shown on plans stamp-dated 12 May 2003 (ground and upper floor and shadow cast plans) and 5 June 2003 (site and ground floor plan and elevations), for the following reasons:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) non compliance with the building height, setback, privacy, store and access and car parking requirements of the Residential Design Codes; and*
- (iii) in consideration of the objections received.*

LANDOWNER: M Duffy
APPLICANT: As above
ZONING: Metropolitan Region Scheme-Urban Town of Vincent Town Planning Scheme No.1-Residential R30/40 (submitted prior to promulgation of Amendment No. 11 to Town Planning Scheme No. 1)
EXISTING LAND USE: Single House

COMPLIANCE:

Requirements	Required	Proposed
Setbacks		
Ground floor-eastern side	1.5 metres	1.0 metre
Upper floor-southern side	4.0 metres	1.3 metres and 3.0 metres
Upper floor-northern side	1.8 metres	1.6 metres and 3.0 metres
Upper floor-eastern side	1.2 metres	1.0 metre

Height - Roof - Wall	9.0 metres 6 metres	10 metres 6.59 metres
Cone of Vision - Upper Level		
Bedroom 1 (south)	4.5 metres	2.0 metres
Bedroom 2 (south)	4.5 metres	2.0 metres
Bedroom 3 (north)	4.5 metres	3.0 metres
Lounge (north, south and west)	6.0 metres	3.0 metres
Driveway Width	3.0 metres	2.8 metres
Garage Depth	5.5 metres	5.0 metres
Store (existing house)	4.0 square metres	Nil

Use Class	Grouped dwelling
Use Classification	"P"
Lot Size	529 square metres

SITE HISTORY:

The site currently supports a single house that has been strata titled.

DETAILS:

The applicant seeks to establish an additional two storey grouped dwelling on the site, accessed via a common driveway.

CONSULTATION/ADVERTISING:

The proposal was advertised and a number of submissions were received.

The neighbour at No.30 Eton Street (southern neighbour) considers that the proposed 1.3 metres setback to their boundary may not be in accordance with requirements, and suggests a 1.5 metres setback may be more appropriate. In addition, the neighbour raises overlooking concerns resulting from the upper level and potential overshadowing.

The neighbour at No.34 Eton Street (northern neighbour) objects to any further development of the lot.

The owner of No.39 Sydney Street (rear neighbour) objects to the proposal on a number of grounds relating to the following issues:

- appropriateness of additional development on No. 32 Eton Street;
- upper level window to eastern elevation;
- external materials and finishes;
- retaining (including protection measures to the existing retaining wall to the eastern boundary of the property);
- rear boundary setback; and
- building height.

Due to the comprehensiveness of this submission, a copy of this submission is "*Laid on the Table*" and circulated separately to Elected Members.

LEGAL/POLICY:

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

COMMENTS:

Setbacks and Cone of Vision

Ground Floor Eastern Side Setback

The setback of 1.0 metre in lieu of 1.5 metres is for a major opening to the living area. The proposed window is 1.5 metres in height from natural ground level. The variation is considered minor and is supported as it will not unduly affect the amenity of the adjoining landowner.

Upper Floor Southern Side Setback

The Residential Design Codes (R Codes) would require this wall to be setback 4.0 metres from the boundary, whereas the applicant proposes a setback of between 1.3 metres to 3.0 metres in distance. It is considered that the upper level will have a slight impact on the affected neighbour with respect to a reduction in amenity. The proposed upper level of the building, which is indented, is approximately 15.5 metres in length for purposes of calculating setbacks and accommodates two bedrooms, a bathroom and a lounge area. The wall that is only 1.3 metres from the boundary is considered to be acceptable as it is only 6.39 metres long and on that basis, the variation to the southern side boundary is supported.

South Side Cone of Vision

In terms of the cone of vision, each window to the upper level bedrooms 1 and 2 and the lounge room requires a setback to the boundary of 4.5 metres and 6 metres, respectively, and in both instances the applicant proposes a 1.3 metres to 3 metres setback. The applicant has proposed 'wing walls/fittings' in an attempt to address overlooking from the windows, which effectively limits the angle at which an occupant can look downwards through the window. The proposed 'wing walls/fittings' are not considered an effective screening mechanism and does not address the sense of being overlooked from a neighbour's perspective. As such, due to the adverse impact these windows will have with respect to overlooking, it is considered that screening 1.6 metres in height should be required.

Upper Floor Northern Side Setback

The R Codes require a 1.8 metres setback for this elevation and the applicant proposes a setback of between 1.6 metres and 3.0 metres. This minor relaxation of 0.2 metre is not considered to have any undue effect on this neighbour, particularly taking into account that no overshadowing will be caused in this direction. The sill height of the lounge windows should be a minimum 1.6 metres in height taken from the upper floor level.

North Side Cone of Vision

The cone of vision setback required is 4.5 metres and 6 metres for the windows to bedroom 3 and the lounge room, respectively. The sill height of the windows should be 1.6 metres to avoid any potential overlooking.

Upper Level Eastern Side Setback

The applicant proposes a reduced setback to this boundary of 1.0 metre; the R Codes would require this setback to be 1.2 metres from the boundary. The setback variation is considered minor and will not unduly affect the amenity of the adjoining lot. Moreover, the bedroom 1 window proposed has a sill height of 1.6 metres from the upper floor level, which also addresses the cone of vision requirements.

The window to the lounge to the east is not affected by the privacy arc as it is less than 1 square metre in area, and as such is considered a minor opening.

Western Side Cone of Vision

The upper level lounge accommodates a number of windows closer than the requirement to fulfil the cone of vision requirements of the R Codes. Those windows on the western elevations would require a 6.0 metres setback from the respective boundaries, whereas a setback of only 3.0 metres is achieved. Screening to 1.6 metres above the upper finished floor level should be required to the western side lounge windows.

Driveway Width

Generally a driveway width of 3.0 metres is required for grouped dwellings. However, in such instances where the existing house is retained, the Town has allowed relaxations to this requirement. The reduction in required width of 0.2 metre is not considered to adversely affected manoeuvrability..

Garage Depth

The applicant has proposed a combined garage and store area at ground level. From the plans submitted, it appears that the garage only provides a depth of 5.0 metres to accommodate a vehicle. The Town's Policy relating to Parking and Access requires garages to have a minimum depth of 5.5 metres. As such, the applicant will be required to address this while maintaining a store element.

Store – Existing House

The existing dwelling is required to be provided with a 4.0 square metres store with a minimum dimension of 1.5 metres in accordance with the R Codes. No store is demonstrated on the plans submitted.

Overshadowing

The proposal complies with the overshadowing requirements of the R Codes as demonstrated in the attached drawings.

Materials and Finishes

The proposed varying material and finishes is considered acceptable, as it assists in reducing the visual impact of the proposal, while not mimicking and undermining the value of the "true" character development in the area.

Retaining

The retaining concerns raised in the objection can be addressed at the Building Licence stage.

Height

The R Codes permit two storey developments with pitched roofs to have a maximum roof height of 9.0 metres. From the plans submitted, it is evident that the applicant seeks a roof height of 10 metres based on the natural ground level. The R Codes also state that the maximum wall heights for two storey developments is to be 6 metres. The proposed wall height is 6.59 metres. The amount of additional space proposed within the roof structure is not considered necessary. In order to reduce the visual impact of the development to an acceptable level, such that it would not have an undue adverse affect on the amenity of the area, the roof height should be limited to 9.0 metres and the wall height reduced to 6.0 metres above the natural ground level in accordance with the R Codes.

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 currently with the Western Australian Planning Commission and Minister for Planning and Infrastructure for final approval.

It is considered that the proposal will generally have an adverse impact on the amenity of the area, mainly in terms of the building wall and roof height. It is therefore recommended that the application be refused.

10.1.9 Nos. 313 and 315 (Lots 1 and 2) Oxford Street, Leederville – Proposed Demolition of Two (2) Existing Single Houses and Construction of a Three -Storey Mixed-Use Development Comprising Four (4) Offices, Ten (10) Multiple Dwellings (Including Four (4) Single Bedroom Dwellings) and Associated Undercroft Carparking

Ward:	South	Date:	14 July 2003
Precinct:	Leederville, P3	File Ref:	PRO2111; 00/33/1634
Attachments:	-		
Reporting Officer(s):	S Crawford, R Rasiah		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by Inspired Development Group Pty Ltd on behalf of the owners Filton Pty Ltd and S Tafti for proposed demolition of two (2) existing single houses and construction of a three-storey mixed-use development comprising four (4) offices, ten (10) multiple dwellings (including four (4) single bedroom multiple dwellings) and associated undercroft carparking at Nos. 313 and 315 (Lots 1 and 2) Oxford Street, Leederville, and as shown on plans stamp-dated 14 May 2003, for the following reasons:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) non compliance with the housing density, privacy, streetscape, boundary setbacks, building heights, balcony for multiple dwellings and single bedroom dwellings floor area requirements of the Residential Design Codes;*
- (iii) non compliance with the height and street setback requirements of the Town's Policy relating to Oxford Locality; and*
- (iv) in consideration of the objections received.*

LANDOWNER: Filton Pty Ltd & Tafti
APPLICANT: Inspired Development Group Pty Ltd
ZONING: Metropolitan Region Scheme - Urban Town Planning Scheme No. 1 - Residential R60
EXISTING LAND USE: Two Single Houses

COMPLIANCE:

Requirements	Required	Proposed
Density	R Codes would require 1439 square metres for all proposed dwellings	1264 square metres (shortfall of 175 square metres)
Single Bedroom Unit Size Limit	60 square metres per unit	62.5 square metres per unit
Setbacks Ground Floor		
Front	4.0 metres	Nil – 2.92 metres
Side (south)	2.5 metres	2.27 metres – 2.36 metres
Rear	5.5 metres	2.0 metres (including half of right of way width)
Upper Floor		
Front	6.0 metres	0.23 metre
Side (south)	2.5 metres	2.27 metres -2.65 metres
Side (north)	2.5 metres - 2.6 metres	2.27 metres - 2.6 metres
Rear	7.6 metres	2.0 metres (including half of right of way width)
Cone of Vision		
Rear balconies (Apartments 1-7 & 10)	7.5 metres	Nil-3.1 metres
Rear bedrooms (Apartments 1-6)	4.5 metres	Nil-3.1 metres
Balconies	10 square metres per dwelling	Less than 10 square metres per dwelling
Wall Height Building Height	7.0 metres 2 storeys	Maximum 9.716 metres 3 storeys

Use Class	Multiple dwelling and Office
Use Classification	"P" & "SA"
Lot Area	1264 square metres

SITE HISTORY:

The Council at its Ordinary Meeting held on 3 December 2002 resolved to refuse an application for the demolition of two (2) existing single houses and construction of eight (8) two-storey multiple dwellings, including two (2) single bedroom dwellings and associated semi-basement carparking. This application was refused on the basis that the bulk and scale was considered excessive, loss of amenity and in consideration of the objections received.

The lots are serviced by a rear right -of way, which is 4.5 metres wide, unsealed and Town owned.

DETAILS:

The applicant seeks to demolish the two (2) existing single houses and construct a three-storey mixed-use development comprising four (4) offices, ten (10) multiple dwellings, including four (4) single bedroom dwellings, and associated undercroft carparking.

CONSULTATION/ADVERTISING:

The proposal was advertised and 17 submissions were received. The following summarises the comments of these submissions;

- proposal is considered excessive for the site;
- access from the laneway for the dwellings is considered inappropriate;
- the laneway is only 5 metres wide not allowing for two way traffic, which generates safety concerns;
- considers the car parking on-site is likely to be insufficient, especially as it is considered the apartments are likely to be rental investment properties;
- any future gated entry to the garage car parking is likely to cause noise and light disturbance;
- overlooking concerns;
- commercial development to Oxford Street will generate greater parking pressures in the area;
- greater parking pressure on Oxford Street is likely to impact on visibility for other surrounding residential uses entering and exiting Oxford Street;
- detrimental impact on amenity;
- detrimental impact on property values;
- height of the development is excessive;
- overshadowing concerns;
- non-compliance with setback requirements;
- site does not have a commercial zoning and that the development does not comply with zoning;
- effect on the original character of the Precinct;
- no bin enclosure has been provided and the likelihood of bins being left on the verge of Bennelong Place residents;
- the effect of the proposal on television reception;
- effect of construction on the structural stability of surrounding dwellings and potential damage;
- objects to the fact that the developer did not consult with surrounding residents at the time of proposal development;
- commercial element of the proposal does not make provision for service delivery vehicles;
- provision not made for persons with disabilities;
- no visitor parking provided;
- opposes demolition of existing character dwellings;
- opposes removal of established trees;
- objects to the developer advising Councillors that residents on No.1 Bennelong Place are reasonably happy with the proposal;
- no landscaping proposed;
- the bulk and scale of the proposal is out of keeping with the character of the area;
- security concerns; and
- objection to the architectural style of the proposal.

The applicant and the architect have both submitted a lengthy submission addressing the concerns raised in the submissions. Due to the detailed submission, the submission is attached to this Agenda Report.

LEGAL/POLICY:

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

COMMENTS:

Demolition

Heritage Assessments of both places have been attached to this Agenda Report.

The Heritage Assessments of the two dwellings on the site were undertaken by Considine and Griffiths Architects in June 2002 on behalf of the applicant. The Heritage Assessments contain very little historical evidence and as such, the assessments are based primarily on the physical fabric and setting of the two dwellings. Some historical research has subsequently been undertaken by the Town to fulfill this part of the assessment process.

The two dwellings are situated on Lots 1 and 2 of Perthshire Location Ac. Perthshire Location Ac was one of the land grants that was taken up by William Leeder during the early years of the colony. Perthshire Location Ac and the other four land grants that made up the Leeder Estate were sold during the prosperous years of the Gold Rush to make way for suburban development. In 1892, three subdivisions were opened in the area that was aptly named 'Leederville'. The No.3 Leederville subdivision of Locations 1, Ay and Ac offered large garden lots of around two acres to ten acres between Bourke Street and Anzac Road.

As the population of Perth continued to increase, the large garden lots of Leederville were further subdivided into smaller suburban lots. Lot 16 fronting Oxford Street, which was owned by butcher, William Allen and clerk, Albert Henry Allen was subdivided in 1921 and Lots 1 and 2 that are the subject of this assessment were subsequently created. In 1925, Lot 1 was purchased by Alexander Bruce Campbell and Lots 2 and 3 were purchased by Charles Worthy Johnson. The two dwellings were constructed on the lots soon after this. No links of historical importance have been made with either of the places.

Considine and Griffiths Architects determined through their assessment that the two places are representative of Inter-War California and Inter-war Functionalist style bungalows. In all other respects, the places are not rare and exhibit little cultural heritage value. The two dwellings are flanked on both sides by post 1970s two-storey medium density developments. Although being generally representative of their era, the places are not exemplars of their type and furthermore, their original context and setting has been significantly eroded by the surrounding medium density developments. As such, it is considered that the places are not of sufficient value to warrant their retention and inclusion on the Town's Municipal Heritage Inventory.

In light of the above, it is recommended that the proposal to demolish the two dwellings be approved, subject to standard conditions.

Building

The Town's Building Services made the following comments on the proposal with respect to its compliance with the Building Code of Australia provisions:

- no toilets have been provided to the proposed offices;
- the proposed car parking bays for people with disabilities are too narrow;
- natural light and ventilation to the habitable rooms of the apartments are to be provided; and
- general compliance with the Building Code of Australia.

Health

The Town's Health Services had the following comments on the proposal with respect to its compliance with the Health Act provisions:

- toilets are to be provided for staff within the proposed offices;
- laundry facilities are to be demonstrated; and
- suitable bin areas are to be demonstrated for the proposed offices.

Engineering

The Town's Engineering Services made the following comments on the proposal with respect to its compliance with relevant engineering standards:

- the car parking bay adjacent to the pump room (for Apartment 5) and the northernmost car parking bay for Apartment 7 are to be a minimum of 2.7 metres in width;
- the walkway to the ramp is to be at the same level as the accessible bay; and
- the walls next to the commercial bays and next to Apartment 7's car bay are to be reduced in length to facilitate visual truncations.

Density

The Residential Design Codes permits consideration of the Residential R60 density code under the terms of the previous Residential Planning Codes. As such, this results in a requirement of 166 square metres per multiple dwelling, and 110.67 square metres for the single bedroom units based on two thirds the requirements for multiple dwellings with 2 or more bedrooms under the provisions of the Residential Design Codes. The applicant seeks six (6) multiple dwellings and four (4) single bedroom dwellings within the proposal. This number of dwellings equates to the requirement for 1439 square metres in land area, whereas the entire land area of the site is only 1264 square metres. As such there is a shortfall in area of 175 square metres (13.84 per cent) resulting in the proposal being in excess of the density provision for the site.

It should also be noted that four (4) commercial tenancies are proposed as part of the application that do not factor into the density calculation or plot ratio calculations for the site as they are located on the ground floor.

In assessment of the proposal, it is considered that there is no justifiable reason to consider a density bonus on the site of the nature proposed, taking into account that the proposal to accommodate ten (10) dwellings and four (4) offices, already has had a variation to the minimum site area required applied, due to the inclusion of single bedroom units in the proposal.

Single Bedroom Unit Size Limit

The Residential Design Codes (R Codes) allows single bedroom dwellings to each have a maximum plot ratio floor area of 60 square metres. The four (4) proposed single bedroom dwellings each have a plot ratio floor area of 62.5 square metres, which is over and above this requirement. The floor area for such dwellings are limited as the intended occupant(s) are one or two person households, which do not generate the same demands for car parking and result in less building bulk due to the need for less habitable area. There is sufficient scope within the design of the special purpose dwellings to comply with this size limitation, and there is no justification for a relaxation to this provision.

Setbacks

Ground Floor

Front Setback

The R Codes would require a front setback to Oxford Street of 4.0 metres, whereas the applicant is proposing a setback of between nil to 2.92 metres to accommodate the proposed offices. Offices 2 and 3 are proposed with a nil setback and Offices 1 and 4 are stepped back to 2.92 metres.

The immediate subject area of Oxford Street is primarily residential in nature, with the adjoining properties having traditional setbacks of approximately 4.0 metres. There are some examples of carports located within the front setback in the area, however no predominant or substantial structure is located in such proximity to the front boundaries as what is proposed. The effect of such a minor setback to a major thoroughfare (including consideration of the upper floor) would result in the proposed development dominating the streetscape of the area, and changing the character from predominantly residential to introducing a commercial element. Further to the requirements of the R Codes, the Town's Leederville Precinct Policy states that buildings are to be setback from the street alignment such distances that are consistent with the building setbacks on adjacent land. As such the proposed front setback is non-compliant with the R Codes and the Town's Policy and the effect of the reduced setbacks on the character and appearance of the area is considered undesirable.

Side (South)

The R Codes would require the southern elevation of the proposal to be setback 2.5 metres from the boundary, whereas the applicant seeks a setback that ranges between 2.27 metres and 2.36 metres. Although the variation is not significant in terms of distance, its impact results in an imposing blank structure (proposed in two sections) to the neighbouring property, being a grouped housing development. This reduced setback also contributes to the loss of light and overshadowing to the neighbouring property, being located on its southern side. This degree of impact to the neighbouring properties, coupled with the scale of the wall having a maximum height of 9.716 metres with no articulation is considered unacceptable.

Rear

The R Codes require this elevation to have a 5.5 metres setback to the rear boundary. In accommodating the proposal, and specifically the residential apartments located in proximity to this boundary, the applicant seeks a reduced setback of 2.0 metres. Utilising Clause 3.3.1 A1(v) of the R Codes allows the setback distances to be reduced by half the width of an adjoining right of way to a maximum reduction of 2.0 metres where suitable. Utilising this provision would result in a permissible rear setback of 3.5 metres. As is evident, the applicant seeks a setback that is further reduced than this provision, down to a minimum of 2.0 metres.

Taking into account that the site falls away to the west (to the rear), the proposed development will be elevated in comparison to the neighbouring properties. This results in the ground finished floor levels of the apartments being greater than 0.5 metre above the right of way and adjacent rear properties. This elevation of the apartments accommodates major openings and courtyard/balcony areas to the bedrooms, which are expected to be well utilised. Thus, the reduced setback results in a dominating elevation close to the boundary that raises overlooking concerns for neighbours and a reduction in general amenity, despite a right of way separating the site from the rear neighbouring properties. For these reasons, the reduced setback is considered unsuitable.

Upper Floor

Front

The Town's Policy relating to Oxford Locality requires a front setback of 6.0 metres to upper levels. In this instance, the applicant proposes a reduced setback of 0.23 metre. Similar to the ground level assessment, such a setback is out of keeping with the prevailing setback pattern in the area and is considered to have a significant domineering effect on the streetscape, that would detract from the residential character and appearance of the area. Such setbacks are also again not supported within the Town's Leederville Precinct Policy. Again, due to the detrimental impact such a setback would result to the area, it is not supported.

The height restriction in the Oxford Locality Plan 10 is 2 storeys. The proposal is a 3 storey development, with the third storey located at the rear portion of the lot, towards the right-of-way.

Side (South)

The R Codes would require a setback of 2.5 metres for the subject elevation, while the applicant achieves a setback of between 2.27 metres for the bulk of the elevation to 2.6 metres, with the wall being in two parts. Similar to the earlier evaluation of the southern setback at ground level, the two storey, substantially blank wall, to a maximum height of 9.716 metres is considered an imposing structure that will result in the reduction of light and imposition of overshadowing to the adjacent grouped housing development. The effect of such a substantial wall close to the boundary is considered to significantly reduce the amenity of the adjacent residential properties. Such a reduction in amenity is not supported and has further been objected to by the affected neighbours. The ability to comply with the required setback within the R Codes has a direct relationship to the amount of development being proposed on site, and it is such overdevelopment that is necessitating such relaxations that are not supportable.

Side (North)

The R Codes would require a setback of between 2.5 metres to 2.6 metres for this elevation and the applicant seeks a setback of between 2.27 metres to 2.6 metres. The predominant portion of the walls are setback 2.27 metres, with only a recess affecting Apartment 10 being at 2.6 metres from the boundary. Again, this elevation is predominantly blank in appearance with openings limited to highlight windows and a maximum wall height of 9.716 metres. Although overshadowing will not be unduly cast by this wall to the affected neighbours, the sizeable wall is considered to seriously affect their amenity by dominating over these properties and their associated private open space, which is located in proximity to this boundary. The height and scale of such a wall is again out of keeping with surrounding development and is therefore considered unacceptable.

Rear

The R Codes would require a 7.6 metres setback to the rear boundary while the applicant achieves a 2.0 metres setback. Again, such setbacks can be reduced through utilisation of Clause 3.3.1 A1(v) of the R Codes, however a setback of 5.6 metres would still be required. This upper level supports bedrooms to this elevation with associated balcony elements, which as discussed earlier are at a significantly higher ground level, and thus finished floor level, than the right of way of adjacent residential properties. As such, the impact of such a reduced setback will allow the structure to again dominate over the right of way and associated residential properties, raises overlooking and noise concerns and as a result, generally diminishes the residential amenity of surrounding properties. On this basis, the reduced setback is not supportable.

Cone of Vision

The rear elevation of the proposal raises overlooking concerns. In this instance, the ground floor element is subject to the cone of vision principles due to it being 0.5 metre or greater above the natural ground level. Each floor is serviced with balcony elements all having a setback of between nil to 1.6 metres from the boundary for both floors. The R Codes require balconies to be 7.5 metres from any boundary and bedroom windows to be 4.5 metres from such boundaries. The setbacks proposed are significant reductions from these standards that will result in unacceptable overlooking. If such elements were to be screened, which is the standard approach to address overlooking issues, it would result in a further blank façade resulting in an overall box effect building on the lot. This would have a limited contribution to the aesthetics of the proposal or its contribution to the character and appearance of the area. Such overlooking is unsupportable under the R Codes.

Balconies

The R Codes require a minimum 10 square metres balcony provision per multiple dwelling that is accessible off a habitable room, with a minimum dimension of 2.0 metres. Some of the balconies proposed are less than the 10 square metres requirement, which in turn reduces the amenity afforded to each unit with respect to private open space. As such, balcony provisions would need to comply with the statutory requirements.

Wall Height

The R Codes provide for a 7.0 metres maximum wall height for two storey development with concealed roofs. The applicant seeks a maximum wall height of 9.716 metres for the development, which is a variation of 2.716 metres. This height difference is greater than the minimum floor to ceiling height requirements under the Building Code of Australia, being 2.4 metres, and thus effectively represents adding an additional floor to the proposal.

The proposed height of the development is significantly out of keeping with surrounding development in the area, and has a substantial effect on altering the character of the locality. Furthermore, it is such a wall height that results in unacceptable externalities being imposed on the side and rear neighbouring properties as discussed under the setbacks section above. There is no site characteristic or precedent factor to consider such a relaxation to height requirements, and therefore, the height as proposed, is unacceptable.

Carparking

Residential Carparking Requirements

Requirement	Provided
2 carbays per unit (2x 6 units)	12 carbays
1 carbay per single bedroom unit (1x4 units)	4 carbays
Total	16 carbays

Commercial Car Parking Requirements

Requirements as per Parking and Access Policy	Required No. of Carbays
Carparking Requirement (nearest whole number) Office: 1 carbay per 50 square metres gross floor area (proposed 260 square metres)	5 carbays
Apply the adjustment factors -Not applicable	5 carbays
Minus the carparking provided on-site for commercial component	5 carbays
Resultant shortfall/surplus	NIL

A total of 21 carbays are provided as required.

Bicycle Parking Facilities.

A total of two (2) class 1 or 2 bicycle parking spaces are to be provided for office employees based on 1 space per 200 square metres of gross floor area (proposed 260 square metres).

Due to the extensive non-compliances with the Residential Design Codes and the Town's Policies in relation to excessive density for the site, inappropriate setback variations, oversized single bedroom dwellings, undersized balcony provisions for multiple dwellings, height restrictions and overlooking issues generated by the proposal, it is considered that the development would have a detrimental impact on the character and appearance of the immediate locality through overdevelopment of the site, which would detrimentally affect the area's amenity and the amenity of surrounding neighbouring properties. On this basis, the proposal is considered not appropriate and is not supported.

10.1.10 Nos. 485 - 495 (Lot 200) Fitzgerald Street, Dual Frontage with Menzies Street, North Perth - Proposed Twenty-Eight (28) Two-Three Storey Multiple Dwellings, Including Ten (10) Single Bedroom Multiple Dwellings, and Associated Semi-Basement Car Parking, to the Existing Four (4) Grouped Dwellings - Determination of Town Planning Appeal Tribunal

Ward:	North	Date:	16 July 2003
Precinct:	Smith's Lake, P6	File Ref:	PRO2047; 00/33/1114
Attachments:	-		
Reporting Officer(s):	D Abel		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council RECEIVES the report relating to Nos. 485 - 495 (Lot 200) Fitzgerald Street, dual frontage with Menzies Street, North Perth - proposed twenty-eight (28) two-three storey multiple dwellings, including ten (10) single bedroom multiple dwellings, and associated semi-basement car parking, to the existing four (4) grouped dwellings - determination of Town Planning Appeal Tribunal

LANDOWNER: Cape Bouvard Developments Pty Ltd
APPLICANT: Cape Bouvard Developments Pty Ltd
ZONING: Metropolitan Region Scheme: Urban
 Town Planning Scheme No 1: Residential R60
EXISTING LAND USE: Grouped Dwellings and Vacant Land

SITE HISTORY:

17 December 2002 The Council at its Ordinary Meeting considered an application for the subject proposed development and resolved to refuse the planning application.

14 January 2003 The Town received a copy of the Notice of Appeal lodged with the Town Planning Appeal Tribunal (TPAT) against the above Council's refusal of the planning application.

7 March 2003 The First Sitting of the TPAT on the appeal held.

6 May 2003 Hearing of the TPAT on the appeal held.

12 June 2003 Decision of TPAT on the appeal handed down.

DETAILS:

On 12 June 2003, the Town Planning Appeal Tribunal decided to dismiss the appeal. A copy of the Town Planning Appeal Tribunal written reasons for the decision is "*Laid on the Table*", and extracts from this document are as follows:

"34. The appeal site is zoned "Residential" with a permitted site density of R60 under TPS 1. Both grouped dwellings and multiple dwellings are permitted uses within the "Residential" zone. This fact is acknowledged by both parties.

35. *The character of the locality consists predominantly of single storey houses with the exception of a number of recently constructed two storey single houses and grouped dwellings. The density code pertaining to the appeal site would allow for a more intense form of development than that identified as the predominant build form of the locality.*

However, the proposed development is non-compliant with a number of 'Acceptable Development' standards specified in the Residential Design Codes and a number of local planning policies of the Council that had been formulated under the provisions of TPS 1. The appellant has failed to show that the elements of the proposed development that do not meet the 'Acceptable Development' standards satisfy the 'Performance Criteria' of the Residential Design Codes.

37. *Furthermore, although the retention of the existing dwellings was desirable, the effective area of land available for the multiple dwelling component and the subsequent density bonus creates problems of scale and bulk.*

38. *In our opinion the aggregate effect of the various aspects of non-compliance is to adversely impact on the amenity of the residents of the surrounding properties and of future residents of the proposed development. Under subclause 20(5) of TPS 1, a variation to the Residential Design Codes may be considered where acceptable levels of residential amenity can be achieved. In this case, the proposed variations would not achieve an acceptable level of residential amenity. The variation required to the building height will adversely affect the impact of the proposed building on adjacent properties. The design deficiencies relating to open space for both the grouped dwelling and multiple dwelling components, visual privacy and the proximity of the accessway between two of the existing dwellings significantly diminish the amenity to be enjoyed by future residents of the proposed development. Given the combination of issues, the Tribunal is not prepared to support the required variations to the Residential Design Codes to permit the proposed development.*

39. *For the forgoing reasons, the appeal is dismissed."*

CONSULTATION/ADVERTISING:

Nil

LEGAL/POLICY:

Nil

STRATEGIC IMPLICATIONS:

Nil

FINANCIAL/BUDGET IMPLICATIONS:

The total legal expenses and planning consultant witness fees associated with the subject appeal, was \$26,082.51 as at 22 May 2003.

COMMENTS:

It is recommended that Council receives this report.

10.1.11 Amendment No. 10 to the Town of Vincent Town Planning Scheme No. 1 - Proposed Rezoning of No. 73 (Lot 58) Angove Street, North Perth, and Nos. 22A, 22B, 22C and 22D (Lot 200) Kadina Street, North Perth.

Ward:	North	Date:	14 July 2003
Precinct:	Smith's Lake Precinct	File Ref:	PLA0091
Attachments:	Amend No. 10 Kadina 001 Amend No. 10 Kadina 002		
Reporting Officer(s):	C Mooney		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *advises the Hon. Minister for Planning and Infrastructure and Western Australian Planning Commission that the Town DOES NOT SUPPORT the proposed modifications to Amendment No. 10 to the Town of Vincent Town Planning Scheme No. 1, to rezone portion of No. 73 (Lot 58) Angove Street, North Perth, from "unzoned land" to "Commercial" and portion of Nos. 22A, 22B, 22C and 22D (Lot 200) Kadina Street, North Perth, from "unzoned land" to "Residential/Commercial R80", respectively, for the following reasons;*
 - (a) *the proposed modifications to Amendment No. 10 have not been adequately justified by the Western Australian Planning Commission and Hon. Minister for Planning and Infrastructure; and*
 - (b) *the proposed modifications to Amendment No. 10 undermines the general objectives and intent of Town Planning Scheme No. 1 and Policies adopted pursuant to the Scheme; and*
- (ii) *pursuant to Regulation 21 of the Town Planning Regulations, 1967 (as amended), advertises for a period of 20 days Amendment No. 10 to the Town of Vincent Town Planning Scheme No. 1 with modifications as required by the Hon. Minister for Planning and Infrastructure and the Western Australian Planning Commission in accordance with letter dated 23 June 2003 as follows:*
 - (a) *rezoning portion of No. 73 (Lot 58) Angove Street, North Perth from "unzoned land" to "Commercial"; and*
 - (b) *rezoning portion of Nos. 22A, 22B, 22C and 22D (Lot 200) Kadina Street, North Perth from "unzoned land" to "Residential/Commercial R80".*

SITE HISTORY:

20 November 2001 The Council at its Ordinary Meeting resolved to initiate Scheme Amendment No.10, as follows.

"That the Council;

- (1) *pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended), resolves to initiate an amendment to the Town of Vincent Town Planning Scheme No. 1 by initiating a rezoning of:-*

- (i) *portion of No. 73 (Lot 58) Angove Street, North Perth as shown in Appendix 10.1.26(c), from "unzoned land" to "Residential R30" Zone; and*
 - (ii) *portion of No. 22A (Lot 1), 22B (Lot 2), 22C (Lot 3) and 22D (Lot 4) Kadina Street, North Perth as shown in Appendix 10.1.26(d), from "unzoned land" to "Residential R30" Zone;"*
- 3 December 2001 The Western Australian Planning Commission (WAPC) and the Environmental Protection Authority (EPA) were advised of the resolution to initiate Amendment No. 10.
- 7 December 2001 Correspondence received from the WAPC stating that it has noted Council's intention to advertise the Amendment.
- 18 December 2001 Correspondence received from the EPA stating that the proposed amendment does not require an environmental assessment.
- 31 December 2001 All relevant owners and occupiers of nearby properties sent notice of the Amendment.
- 5, 8 & 9 January 2002 Amendment advertised in the 'Voice News', 'Guardian Express' and 'West Australian' newspapers respectively.
- 20 February 2002 Advertising period completed. No submissions lodged with the Town.
- 26 February 2002 Late submission received from landowner of No.73 Angove Street.
- 26 March 2002 The Council at its Ordinary Meeting held on 26 March 2002 resolved the following:
- "That the Council;*
- (i) *resolves pursuant to Town Planning Regulation 17(1), to receive the one submission of objection and further resolve pursuant to Town Planning Regulation 17(2), that Amendment No. 10 to the Town of Vincent Town Planning Scheme No. 1 be adopted for final approval, without modification;*
 - (ii) *authorises the Mayor and Chief Executive Officer to execute and affix the Town of Vincent common seal to Amendment No. 10 to the Town of Vincent Town Planning Scheme No. 1 documents reflecting the Council's endorsement of final approval; and*
 - (iii) *advises the Hon. Minister for Planning and Infrastructure, Western Australian Planning Commission (WAPC) and Environmental Protection Authority and forwards the relevant executed documents to and requests the Hon. Minister and WAPC to adopt for final approval and Gazettal, without modification, Amendment No. 10 to the Town of Vincent Town Planning Scheme No. 1."*
- 4 April 2002 Correspondence sent to the WAPC advising of the Council's resolution at Ordinary Meeting of Council, and seeking final approval.

5 March 2003 Further correspondence sent to WAPC requesting decision advice regarding final approval of Amendment No. 10.

23 June 2003 Correspondence received from the WAPC relating to Amendment No. 10 to the Town's Town Planning Scheme No.1.

DETAILS:

In letter dated 23 June 2003, the WAPC advised as follows:

"I refer to your letters of 4 April 2002 and 5 March 2003, and advise that the Hon. Minister for Planning and Infrastructure upheld the submission opposing the Amendment and has decided not to approve the above Amendment until such time as the following modifications are effected:

- 1. To rezone portion of No. 73 (Lot 58) Angove Street, North Perth from "unzoned land" to "Commercial";*
- 2. To rezone portion of Nos. 22A, 22B, 22C and 22D (Lot 200) Kadina Street, North Perth from "unzoned land" to "Residential/Commercial R80".*

The Hon. Minister further advises Council, that the modified Amendment is to be advertised for a period of 28 days, subject to affected owners being notified in writing of the proposal and invited to make submissions.

Council is reminded that the amending documents are not on display at the Commission's offices during the advertising period. When forwarding the Amendment to the Commission for final approval advice on the commencement and expiry dates of the advertising period and the steps taken by Council to advertise the Amendment should be submitted, together with the documentation outlined in Regulation 18 of the Town Planning Regulations, 1967 (as amended).

Three sets of amending documents are returned herewith for the purpose."

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

COMMENTS:

As mentioned in the site history, the Town received one late submission of objection, which was from the President of the Managing Committee for Noah's Ark Toy Library which operates from the building located at No. 73 Angove Street. The main concerns raised include:

- the current use of the site being entirely for commercial purposes;
- potential restrictions for redevelopment of the site; and
- potential problems in selling the property.

The Town however did not receive any submission in relation to the unzoned land at Nos. 22A - 22D Kadina Street.

In addressing the concerns raised in the single submission, the following points were made in the Agenda Report that was submitted to the Ordinary Meeting of Council held on 26 March 2002:

- *"The portion of land zoned "Commercial" on the subject site is located in the North Perth Centre Precinct and the "Unzoned" portion located in the Smith's Lake Precinct and Monastery Locality. If the unzoned portion was to be zoned "Commercial", there would be flow-on implications for the Precinct and Locality boundaries. Currently, there are no commercial provisions contained in the Policy Statement for the Smith's Lake Precinct and therefore this would have to be incorporated. Alternatively, the boundaries would require realignment to include the unzoned land in the North Perth Centre Precinct and be excluded from the Monastery Locality. However, realigning the boundary would set a precedent and would require modification to the Precinct Policies, Locality Statement and Scheme Maps.*
- *If the unzoned portion was zoned "Commercial", the resultant common land reasonably expected uses for the zone would intrude into the adjacent established residential area. The Town generally does not support this type of "spot" rezoning as it does not promote proper and orderly planning.*
- *The Town of Vincent Town Planning Scheme No.1 Zone Table provides a degree of flexibility in considering a variety of appropriate uses in the "Residential" zone. Therefore, if the unzoned land was zoned "Residential", consideration could still be given to commercial uses or buildings to operate from this portion of the subject site. The Town has a number of properties of a similar nature that have non-residential uses operating within a residential zone."*

It can be assumed that the Minister has opposed the Amendment based on one submission, which relates only to the portion of No.73 Angove Street. It is considered inappropriate that this approach has been taken in the final stages of the amendment process, considering that the Minister and WAPC have had ample time to assess the Amendment and advise the Town that amendments relating to different zones/density codes over different portions of lots are not considered appropriate.

The implications of such an approach by the Minister and WAPC upon the Town, implies that a portion of a lot is not permitted to have a different zoning and/or density code to another portion of that lot. If this is the case, the approach taken by the WAPC is considered questionable, as the WAPC do not appear to advocate relevant procedures and practices to update zones and/or density codes when lots are amalgamated and/or subdivided.

The Minister's decision to uphold the single submission objecting to the proposed Amendment identifies inconsistencies with the process of orderly and proper planning, which may initiate an influx of amendments due to future amalgamation and/or subdivision of lots within the Town. It should be noted that there are numerous lots within the Town that have different zones/density codes over different portions, and that to date have not posed a problem with development within the Town. Such predicaments have been avoided by the Town due to its proactive and flexible approaches concerning developments located over different zones/density codes on lots, and have not required rezoning.

In addition, the portion of land currently zoned "Commercial" on the subject Lot 58 is located in the North Perth Centre Precinct and the "Unzoned" portion located in the Smith's Lake Precinct and Monastery Locality. If the unzoned portion was to be zoned "Commercial", there would be flow-on implications for the Precinct and Locality boundaries. Currently, there are no commercial provisions contained in the Policy Statement for the Smith's Lake Precinct and therefore this would have to be incorporated.

Alternatively, the Precinct boundaries would require realignment to include the unzoned land in the North Perth Centre Precinct and be excluded from the Smith's Lake Precinct and Monastery Locality. However, realigning the boundary would set a precedent and would require modification to the Precinct Policies, Locality Statement and Scheme Maps.

The Town inherited the Precinct boundaries from the former City of Perth, which includes some lots that have the Precinct boundary and different zones/density codes covering the lots.

In light of the above and considering the implications of such an approach to orderly and proper planning, it is recommended that the Council advises the Minister and WAPC that it does not support their determination, and advertises the modifications as required by the Minister and WAPC, accordingly.

10.1.12 Reuse of Greywater in Vincent - Request to Waive Application Fee

Ward:	Both	Date:	14 July 2003
Precinct:	All	File Ref:	ENS0042
Attachments:	-		
Reporting Officer(s):	D Brits		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *Receives the report on the re-use of Greywater in Vincent; and*
- (ii) *Approves the waiving of the \$75.00 greywater reuse system application fee for the 2003/2004 financial year.*

BACKGROUND:

At the Ordinary Meeting of Council held on 23 July 2002, the Council, in response to recent drought conditions and the critically low levels of surface water storage in Western Australia, resolved as follows :

- "(i) receives the report on Draft Guidelines for the Re-use of Greywater in Western Australia, as 'Laid on the Table';*
- (ii) does not prepare a Policy at this stage as no applications have been received;*
- (iii) notes that each application will be reported to the Council for consideration; and*
- (iv) authorises the Chief Executive Officer to prepare a Draft Policy once local needs and concerns become clear."*

The guidelines, compiled by relevant State Agencies detail approved generic greywater reuse systems, provide guidance for the development of alternative greywater system designs, and include details on the bucketing of greywater, the approval process, and how to size greywater systems. Greywater is the waste-water generated in the bathroom, kitchen and laundry. Greywater is therefore defined as the components of domestic wastewater, which have not originated from the toilet. The State Agencies report that the opportunity exists for greywater to be reused to irrigate gardens. This will reduce the demand on quality ground and surface water supplies. The guidelines are available for public viewing on the Department of Health of Western Australia website at www.health.wa.gov.au.

To date, only one "Application to Construct or Install an Apparatus for the Treatment of Sewage" has been received and approved by Council. At the Ordinary Meeting of Council held on 8 April 2003, the Council approved the application of Dr Ross Mars of Greywater Reuse Systems, submitted on behalf of the owners of No. 46 Egina Street, Mount Hawthorn.

A State Water Strategy for Western Australia was released by the Hon Premier Dr Geoff Gallop on 10 February 2003. Since this time, the Town has hosted a State-Local Government Sustainability Roundtable discussion on Water Resource Management, the agenda of which included matters such as water sensitive urban design, Local Government's Contribution to Water Resource Management, Development and Implementation of Water Campaign in WA, and an overview of the State Water Strategy.

The Town of Vincent intend to conduct be anticipated that an information seminar/workshop in the near future with a view to formulating a policy for the Town. In addition, the Town has been involved in strategies such as Cities for Climate Protection (CCP), the recently formed Sustainability Advisory Working Group, and other means to encourage environmental protection and sustainability.

DETAILS:

Mr Jim Bertram of Greywater Saver (website: *www.greywatersaver.com*), has met with Environmental Health Officers and Strategic Planning Officers in relation to the Town's Water Strategy.

Mr Bertram has outlined his product and was positive in discussions regarding the possibility of his involvement in a seminar/workshop on water saving strategies and the like.

The Greywater Saver is described as a system that:

"costs little to purchase, nothing to use and quickly pays for itself as a sustainable water conservation recycling product...is a miniature greywater recycling system with no large tanks, no electric pumps/switches, maintenance contracts and requires no chemical additives, for ecologically sustainable development...has a failsafe overflow to sewer feature if the filter is not cleaned regularly or if the system gets overloaded for safe wastewater reuse...diverts recycles and reuses greywater for garden irrigation rather than disposing it to the sewer or onsite wastewater system."

Greywater Saver has requested that the Council waive the \$75.00 application fee to reduce the establishment costs to install a greywater reuse system by around 10%.

LEGAL/POLICY IMPLICATIONS:

Greywater Reuse Systems are approved by the Executive Director, Public Health in accordance with the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974 for use within Western Australia. Both the above mentioned systems have received Department of Health Western Australia approval. In addition, applicants should adhere to the Guidelines for the Re-use of Greywater in Western Australia.

STRATEGIC IMPLICATIONS:

Strategic Plan:

Key Result Area 1: The Physical Environment -

1.3 Develop and implement strategies to enhance the environment.

Key Result Area 3: Physical Infrastructure -

3.4 Increase participation in recycling and waste minimisation by residents and businesses.

COMMUNITY CONSULTATION/ADVERTISING:

No advertising is required.

FINANCIAL IMPLICATIONS:

No implementation costs are foreseen. The potential loss of a few hundred dollars in waiving application fees would demonstrate the Council's commitment to sustainability.

COMMENTS:

The request received by Mr Bertram of Groundwater Saver to waive the \$75.00 greywater reuse system application fee is supported and recommended to the Council for approval. A reduction in establishment costs to install a greywater reuse system may facilitate an increased installation rate in future.

10.1.13 Nos. 193-195 (Lot 17) Oxford Street, Leederville - Alleged Non-Compliance with Planning Approval and Building Licence for Mixed-Use Development

Ward:	South	Date:	16 July 2003
Precinct:	Oxford Centre, P4	File Ref:	PRO 0297
Attachments:	-		
Reporting Officer(s):	R Rasiah, G Snelling		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

(i) *advises the owners, Australand Holding Ltd of Nos. 193-195 (Lot 17) Oxford Street, Leederville and the builders, Resolute Constructions Pty Ltd of the development occurring on that property, that the following works are to be undertaken within fourteen (14) days of notification:*

(a) *the parapet wall adjacent to the southern boundary for office A and apartments 1 and 3 shall be altered to lower the height of that parapet wall to the height shown on the plans approved by Building Licence 20/1497 dated 28 August 2002, being the height of 92 brick courses and ranging in height from 7.886 to 8.2 metres above the ground level of the southern boundary; and*

(b) *the parapet wall adjacent to the northern boundary for office B and apartments 2 and 4 shall be altered to lower the height of that parapet wall to the height shown on the plans approved by Building Licence 20/1497 dated 28 August 2002, being the height of 92 brick courses and ranging in height from 7.886 to 8.0 metres above the ground level of the northern boundary; and*

(ii) *authorises the Chief Executive Officer to undertake legal proceedings should the above requirements not be complied with, including but not limited to issuing notices and written directions in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1960, and/or the Town of Vincent Town Planning Scheme No.1, and/or the Town Planning and Development Act 1928, requiring the alteration of the parapet walls.*

LANDOWNER:

Australand Holdings Ltd

APPLICANT:

Australand Holdings Ltd

ZONING:

Metropolitan Region Scheme - Urban
Town Planning Scheme No. 1(TPS No.1) -
Residential/Commercial R80

EXISTING LAND USE:

Three-storey mixed use development comprising two (2) offices, four (4) multiple dwellings, ten (10) two (2) storeys grouped dwellings and associated undercroft car parking, under construction.

COMPLIANCE:

Use Class	Office Building, Multiple Dwelling, Grouped Dwelling
Use Classification	"AA", "P", "P"
Lot area	1728 square metres

SITE HISTORY:

- 14 May 2002 The Council at its Ordinary Meeting conditionally approved the demolition of the existing lodging house and construction of three-storey mixed use development comprising two (2) offices, four (4) multiple dwellings, ten (10) two (2) storey grouped dwellings and associated undercroft car parking.
- 10 June 2002 Formal Planning Approval (No.00/33/0893) issued for the above development.
- 28 August 2002 Building Licence No. 20/1497 issued for the above development.
- 30 June 2003 Town's Officers discussed with Australand Holdings Ltd and the builder to clarify non-compliance issues.
- 2 July 2003 Letter of clarification from Australand Holdings Ltd regarding non-compliance issues.
- 8 July 2003 The Council at its Ordinary Meeting considered the alleged non-compliance of the subject development and resolved as follows:
"That the Council REQUESTS the Chief Executive Officer to prepare a full and detailed report to the next Ordinary Meeting of Council, that assesses the compliance of the building works at 193-195 Oxford Street, Leederville with the information contained in the applications submitted to the Town at the stages of Development Application and Building Licence."

LEGAL/POLICY:

Town of Vincent Town Planning Scheme No. 1 and associated Policies, Local Government (Miscellaneous Provisions) Act 1960, and Town Planning and Development Act 1928 (as amended).

DETAILS/COMMENTS:

Response from Owners Regarding Alleged Non-Compliance

The owners, Australand Holdings Ltd, in letter dated 2 July 2003 provided the Town with a response to the non-compliance between the Planning Approval, Building Licence and buildings constructed on-site. This response letter is attached to this Agenda Report to provide Elected Members with an opportunity to review the owner's justification for the subject variation.

Planning Approval and Building Licence Relationship

Planning Approval

Plans and details submitted with a planning application are generally not as detailed as Building Licence plans and details, and provide details such as the proposed type of use, carparking, setbacks, materials, location of windows and contours and levels on site. The details submitted with a planning application are sufficient for the Town to make a formal determination on the development proposal.

Building Licence

Plans submitted for a Building Licence are generally more detailed in the form of working and structural plans and drawings. The plans and working drawings should address the conditions of the Planning Approval, and are required to address the Building Code of Australia, such as compliance with fire, disability services, relevant Australian Standards, stormwater, electrical, hydraulics and structural requirements. It is acknowledged that there may be several variations between the Planning Approval plans and the Building Licence plans, as the Building Licence plans are to comply with not only the Planning Approval conditions but also the other statutory requirements.

Non-Compliance Issues

The Town's Officers have undertaken a thorough compliance assessment of the Planning Approval against the Building Licence, and of the constructed development against the Planning Approval and Building Licence, in relation to the subject development to date. This also included comprehensive site inspections of the constructed development to date. The development is only approximately 75 per cent completed.

The following Tables 1 to 9, inclusive, indicates the non-compliance aspects of the subject three-storey mixed-use development comprising two (2) offices, four (4) multiple dwellings and ten (10) two (2)-storey grouped dwellings, and associated undercroft car-parking , in relation to the respective Planning Approval 00/33/0893 approved on 14 May 2002 and issued on 10 June 2002, the Building Licence 20/1497 issued to Resolute Constructions Pty Ltd on 28 August 2002, as inspected on 10 July 2003. The non-compliance items are shown on the attached Planning Approval and Building Licence plans.

Table 1 - Office A and Apartments 1 and 3

ITEM AND PLANNING APPROVAL	BUILDING LICENCE	STATUS ON SITE AS AT 10 JULY 2003	COMMENTS/ RECOMMENDATION
1(a) 1.4 metres long brick nib wall on the ground floor, northern elevation.	Removed as per Planning Approval condition.	Not constructed as per Planning Approval condition.	Complies with Planning Approval and Building Licence, and no further action to be undertaken.
1(b) 1.8 metres high boundary (fence) all between office A and unit 5.	2.4 metres high boundary (fence) wall.	2.2 metres, measured from adjoining southern property.	Complies with Building Licence to protect major openings (windows/doors) from the spread of fire from the property boundary. The developer/builder advised that they are currently negotiating with the adjoining property owner regarding installation of obscure glass blocks to allow more natural light.
1(c) Overall height of building is 10.5 metres, scaled from natural ground level to the roof ridge.	Overall height of building is 10.7 metres, scaled from natural ground level to the roof ridge.	Building Supervisor advised, constructed in accordance with Building Licence plans.	Unable to readily measure, however, appears to comply with Building Licence, and no further action to be undertaken due to no undue impact on amenity of area. The increased height has no implications on required setbacks and no further undue impact on amenity of area.
1(d) 8.0 metres to 8.1 metres high brick boundary wall along southern side boundary.	7.886 metres (92 courses) to 8.2 metres high brick boundary wall along southern side boundary	8.765 metres high brick parapet wall constructed, measured from the ground floor level of office A, and 8.850 metres high to the Oxford Street footpath.	Serve Planning and Building Notices, as no approval granted by the Town. Amended plans submitted 9 July 2003 indicate 101 brick courses high, which is 8.658 metres high from ground floor level to top of wall.
1(e) Awning over front entrance driveway.	4.5 metres high awning, to comply with Planning Approval condition.	Not constructed at present time.	To be addressed on completion of development.
1(f) Two windows shown on the northern elevation to office A.	Windows deleted.	Windows deleted.	Acceptable, and no further action to be undertaken due to no undue impact on amenity of area.
1(g) Two windows shown on the northern elevation to the first floor living area.	Windows deleted.	Windows deleted.	Acceptable, and no further action to be undertaken due to no undue impact on amenity of area.

Table 2 - Office B and Apartments 2 and 4

ITEM AND PLANNING APPROVAL	BUILDING LICENCE	STATUS ON SITE AS AT 10 JULY 2003	COMMENTS/ RECOMMENDATION
2(a) 1.4 metres long brick nib wall on the ground floor, southern elevation.	Removed as per Planning Approval condition.	Not constructed as per Planning Approval condition.	Complies with Planning Approval and Building Licence, and no further action to be undertaken.
2(b) 1.8 metres high boundary (fence) wall between office B and unit 6.	1.8 metres high boundary (fence) wall.	2.29 metres, measured from adjoining northern property.	Builder advised that this wall height was negotiated with the adjoining owners, and no complaints received. Acceptable, and no further action to be undertaken due to no undue impact on amenity of area
2(c) 8.2 metres to 8.3 metres high brick boundary wall along northern side boundary.	7.886 metres (92 courses) to 8.0 metres high brick boundary wall along northern side boundary	8.765 metres high brick parapet wall constructed, measured from the ground floor level of office B, and 8.975 metres high to the Oxford Street footpath.	Serve Planning and Building Notices, as no approval granted by the Town. Amended plans submitted 9 July 2003 indicates 101 brick courses high, which is 8.658 metres high from ground floor level to top of wall.
2(d) Two windows shown on the southern elevation to office B.	Windows deleted.	Windows deleted.	Acceptable, and no further action to be undertaken due to no undue impact on amenity of area.
2(e) Two windows shown on the southern elevation to the first floor living area.	Windows deleted.	Windows deleted.	Acceptable, and no further action to be undertaken due to no undue impact on amenity of area.

Table 3 - Townhouse 5

ITEM AND PLANNING APPROVAL	BUILDING LICENCE	STATUS ON SITE AS AT 10 JULY 2003	COMMENTS/ RECOMMENDATION
3(a) Two windows shown to the stairway on the first floor level.	One window shown to the stairway between the first and second floor level.	One window of glass blocks installed to the stairway, between the first and second floor level.	Complies with Building Licence, and no further action to be undertaken due to no undue impact on amenity of area.
3(b) No windows shown to the stairway on the second floor level.	One window shown to the stairway between the first and second floor level.	One window of glass blocks installed to the stairway, between the first and second floor level.	Complies with Building Licence, and no further action to be undertaken due to no undue impact on amenity of area.
3(c) Southern boundary parapet wall at the second floor level of 6.3 metres long.	Southern boundary parapet wall at the second floor level of 7.2 metres long.	Constructed 7.2 metres long to comply with Building Licence condition to protect a major opening from fire.	Complies with Building Licence condition to protect major openings (windows/doors) from the spread of fire from the property boundary. Increased length of wall to comply with Planning Approval building requirement condition.
3(d) Eastern elevation at the first floor level, the courtyard screen wall height of 1 metres high.	Eastern elevation at the first floor level, the courtyard screen wall height of 1.8 metres high.	Constructed 1.8 metres high.	Complies with Building Licence and provides increased visual privacy, no further action required.
3(e) Overall height of building of 10.0 metres, scaled from natural ground level to the roof ridge.	Overall height of building of 9.8 metres high, scaled from natural ground level to the roof ridge.	Building Supervisor advised constructed in accordance with Building Licence plans.	Unable to readily measure, however, appears to comply with Building Licence, and no further action to be undertaken due to no undue impact on amenity of area.

Table 4 - Townhouse 6

ITEM AND PLANNING APPROVAL	BUILDING LICENCE	STATUS ON SITE AS AT 10 JULY 2003	COMMENTS/ RECOMMENDATION
4(a) 1.8 metres high brick screen wall on the northern elevation.	1.8 metres high brick screen wall on the northern elevation.	Constructed to 25 brick courses, which is 2.143 metres high. Additional 4 brick courses constructed to comply with Building Licence condition to protect a major opening from fire.	Complies with Building Licence condition to protect major openings (windows/doors) from the spread of fire from the property boundary. Increased length of wall to comply with Planning Approval building requirement condition.
4(b) Length of north elevation parapet wall of 9.7 metres.	Length of north elevation parapet wall of 10.7 metres.	Constructed 10.7 metres long, to comply with Building Licence condition to protect a major opening from fire.	Complies with Building Licence condition to protect major openings (windows/doors) from the spread of fire from the property boundary. Increased length of wall to comply with Planning Approval building requirement condition.
4(c) Height of north elevation parapet wall is 7.9 metres to 8.2 metres.	Height of north elevation parapet wall is 8.0 metres to 8.8 metres.	Building Supervisor advised, constructed in accordance with Building Licence plans.	Unable to readily measure, however, appears to comply with Building Licence, which indicates 97 brick courses or 8.315 metres high from the car park floor level to top of wall. No further action to be undertaken due to no undue impact on amenity of area.

Table 5 - Townhouse 7

ITEM AND PLANNING APPROVAL	BUILDING LICENCE	STATUS ON SITE AS AT 10 JULY 2003	COMMENTS/ RECOMMENDATION
5(a)4.5 metres high brick boundary screen wall to courtyard between townhouses 5 and 7, on the southern elevation.	4.8 metres high brick boundary screen wall to courtyard between townhouses 5 and 7, on the southern elevation.	4 additional brick courses constructed to comply with Building Licence condition to protect a major opening from fire.	Complies with Building Licence condition to protect major openings (windows/doors) from the spread of fire from the property boundary. Measures 5.15 metres high from adjoining southern property ground level. Increased height of wall to comply with Planning Approval building requirement condition.
5(b)Length of southern elevation boundary parapet wall of 6.3 metres.	Length of southern elevation boundary parapet wall of 7.3 metres.	Constructed 7.3 metres long, to comply with Building Licence condition to protect a major opening from fire.	Complies with Building Licence condition to protect major openings (windows/doors) from the spread of fire from the property boundary. Increased length of wall to comply with Planning Approval building requirement condition.

Table 6 - Townhouse 8

ITEM AND PLANNING APPROVAL	BUILDING LICENCE	STATUS ON SITE AS AT 10 JULY 2003	COMMENTS/ RECOMMENDATION
6(a) Setback to courtyard from northern boundary of 2.8 metres.	Setback to courtyard from northern boundary of 2.0 metres.	Setback to courtyard from northern boundary of 2.8 metres.	Complies with Planning Approval and Building Licence, no further action required.
6(b) Northern boundary wall between townhouses 6 and 8 of 4.9 metres high.	Northern boundary wall between townhouses 6 and 8 of 4.2 metres high.	Constructed 4.9 metres high, to comply with Building Licence condition to protect a major opening from fire.	Complies with Building Licence condition to protect major openings (windows/doors) from the spread of fire from the property boundary. Increased height of wall to comply with Planning Approval building requirement condition.
6(c) 10.2 metres high building, scaled from natural ground level to the roof ridge.	10.0 metres high building, scaled from natural ground level to the roof ridge.	Building Supervisor advised constructed in accordance with Building Licence plans.	Unable to readily measure, however, appears to comply with Building Licence, and no further action to be undertaken due to no undue impact on amenity of area.
6(d) Northern elevation, first floor level, the courtyard screen wall height of 1.886 metres high.	Northern elevation, first floor level, the courtyard screen wall height of 1.886 metres high.	Constructed 2.2 metres high, to comply with Building Licence condition to protect a major opening from fire.	Complies with Building Licence condition to protect major openings (windows/doors) from the spread of fire from the property boundary. Increased height of wall to comply with Planning Approval building requirement condition.
6(e) Bedroom 1 window on the second floor is located on the eastern elevation.	Bedroom 1 window on the second floor is relocated to the southern elevation, to eliminate potential overlooking of adjoining courtyard.	Constructed bedroom 1 window on the southern elevation, to eliminate potential overlooking of adjoining courtyard.	Complies with Building Licence, and no further action to be undertaken due to no undue impact on amenity of area.
6(f) Bedroom 2 windows on the second floor are located on the north and northwestern elevation. Condition of Planning Approval for the windows to be screened.	Bedroom 2 window is relocated to the western elevation, to eliminate potential overlooking of adjoining property.	Constructed bedroom 2 window on the western elevation, to eliminate potential overlooking of adjoining property.	Complies with Building Licence and condition of Planning Approval in that the window has been deleted, no further action required.

Table 7 - Townhouse 9

ITEM AND PLANNING APPROVAL	BUILDING LICENCE	STATUS ON SITE AS AT 10 JULY 2003	COMMENTS/ RECOMMENDATION
7(a) Height of southern elevation parapet boundary wall of 5.4 metres to 5.6 metres.	Height of southern elevation parapet boundary wall of 5.6 metres to 5.8 metres.	Building Supervisor advised constructed in accordance with Building Licence plans.	Complies with Building Licence, and no further action to be undertaken due to no undue impact on amenity of area. The increased height has no implications on required setbacks and no further undue impact on amenity of area.

Table 8 - Townhouse 10

ITEM AND PLANNING APPROVAL	BUILDING LICENCE	STATUS ON SITE AS AT 10 JULY 2003	COMMENTS/ RECOMMENDATION
8(a) Height of northern elevation external wall of 5.0 metres to 5.2 metres.	Height of northern elevation external wall of 4.7 metres to 5.1 metres.	Building Supervisor advised constructed in accordance with Building Licence plans.	Complies with Planning Approval and Building Licence, no further action required. The reduced height has no implication on required setbacks.

Table 9 - Townhouses 11, 12, 13 and 14

ITEM AND PLANNING APPROVAL	BUILDING LICENCE	STATUS ON SITE AS AT 10 JULY 2003	COMMENTS/ RECOMMENDATION
9(a) Southern boundary parapet wall to townhouse 11 of 7.4 metres high.	Southern boundary parapet wall to townhouse 11 of 8.0 metres high.	Constructed to 93 brick courses or 7.97 metres high to make the loft a more habitable area.	Unable to readily measure, however, appears to comply with Building Licence, and no further action to be undertaken due to no further undue impact on amenity of area.
9(b) Northern external wall to townhouse 14 of 7.0 metres high.	Northern external wall to townhouse 14 of 7.6 metres high.	Constructed to 85 brick courses or 7.286 metres high to make the loft a more habitable area.	Unable to readily measure, however, appears to comply with Building Licence, and no further action to be undertaken due to no further undue impact on amenity of area.
9(c) 8.8 metres high building, scaled from natural ground level to the roof ridge.	8.5 metres high building, scaled from natural ground level to the roof ridge.	Building Supervisor advised constructed in accordance with Building Licence plans.	Unable to readily measure, however, appears to comply with Building Licence, and no further action to be undertaken due to no undue impact on amenity of area.
9(d) Height at the top of the windows to the stairwell on the eastern elevation of 6.6 metres.	Height at the top of the windows to the stairwell on the eastern elevation of 6.4 metres.	Building Supervisor advised constructed in accordance with Building Licence plans.	Complies with Building Licence, no further action required
9(e) Western elevation external wall of 5.2 metres high.	Western elevation external wall of 6.0 metres high.	Constructed at 6.0 metres high to make the loft a more habitable area.	Complies with Building Licence, and no further action to be undertaken due to no undue impact on amenity of area.
9(f) Western (rear) elevation windows, relocated on the first floor.	Minor relocation of windows to the western (rear) elevation.	Constructed with obscure glazing up to 1.4 metres and 20 degree restricted opening in accordance with Planning Approval condition.	Complies with condition of Planning Approval and Building Licence, no further action required.

Major Items of Non-Compliance

In respect to items of non-compliance, the following variations are considered to be major non-compliance:

- (a) Table 1 - Office A and Apartments 1 and 3 - Item 1(d); and
- (b) Table 2 - Office B and Apartments 2 and 4 - Item 2(c).

The proposed wall for the office and multiple dwellings 1 and 3 on the southern elevation adjacent to No.191 Oxford Street, has been increased by 0.765 metres from 8.0 metres to 8.765 metres. Australand Holdings Ltd has advised that the increase in wall height was due to the redesign of the parapet wall to ensure all storm water is contained on-site. The same issue of increased parapet wall applies to the northern parapet wall for the office and multiple dwellings 2 and 4, which had been increased by 0.565 metres, from 8.2 metres to 8.765 metres. These variations are considered to have an adverse impact on the amenity of adjoining landowners and it is recommended that the applicant rectify the above discrepancies.

The Builder has submitted a Building Licence application for the above increased parapet walls on 10 July 2003. No application for retrospective Planning Approval has been submitted at the date of preparation of this Agenda Report, while this Building Licence application has not yet been assessed.

It is recommended that the Council issue a Notice under section 10 (1) of the Town Planning and Development Act 1928 and under clause 51 of the Town of Vincent Town Planning Scheme No.1 (TPS1) to require these parapet walls to comply with the respective Planning Approval.

A further Notice, in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1960, to require these parapet walls to also comply with the respective Building Licence should be issued.

Minor Items of Non-Compliance

All the other non-compliance items stated in the above Tables are considered as minor variations to the respective Planning Approval and Building Licence, and do not further unduly affect the amenity of the area. Some of the changes have been undertaken to satisfy conditions of Planning Approval and/or Building Licence and/or fire and safety requirements of the Building Code of Australia.

Health

The Town's Health Services have advised that all conditions of planning approval have been met. However, as the buildings are still being constructed, a full compliance assessment in terms of the relevant health requirements can only be undertaken once the development has been fully constructed. The health, together with building, planning and engineering inspections are undertaken, as it forms part of the compliance requirements prior to issue of the Certificate of Classification for the development. This certificate is required to be obtained from the Town in order for the development to be occupied.

Engineering

The Town's Engineering Services have advised that the same procedures will be undertaken as per the above health comments in terms of engineering conditions.

Conclusion

As indicated in the non-compliance Tables above, there are two (2) major items of non-compliance that require further action to be taken by the Town. For the items that are considered as major non-compliance, appropriate action is recommended to be taken by Council as stated in the recommendation.

All the other items of non-compliance are considered as minor variations. It is recommended that the Town acknowledge these differences as minor and resolve not to take further action in relation to these matters.

10.2 TECHNICAL SERVICES

10.2.1 2003 / 2004 Road Rehabilitation and Upgrade Program

Ward:	Both	Date:	14 July 2003
Precinct:	All	File Ref:	TES0174
Attachments:	001 ;		
Reporting Officer(s):	R Lotznicher		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *adopts year one of the 2003/2004 to 2007/2008 Road Rehabilitation and Upgrade Program as outlined in Attachment 10.2.1;*
- (ii) *notes that the remaining four years of the above program are preliminary only and will be subject to change; and*
- (iii) *receives a further report on the annual expenditure required to maintain the Town's road infrastructure to an acceptable level of service.*

BACKGROUND:

The Council in 1997, resolved to adopt a long term Road Rehabilitation and Upgrade Program.

The program was developed to ensure the Town's road infrastructure is maintained at an acceptable level of service and safety.

To ensure that the program is dynamic in reflecting changing circumstances, including development activity, other capital improvement projects, residents' requests, changing conditions and State Funding for roads through the Metropolitan Regional Road program, it was considered appropriate (*Ordinary Meetings of Council 10 August 1998, 25 August 1999 and 25 July 2000*) to review and update the program annually and request that only the first year of the program be adopted by the Council.

DETAILS:

The first year of the program, as outlined in this report, relates to the 2003/2004 financial year.

As outlined in detail in the report presented to Council on 28 April 1997, the "roads" program was developed using ROMAN (pavement management software).

At that meeting the Council was advised as follows:

The results obtained from ROMAN indicate that Council is required to spend in the order of \$8.4 million on its roads over the next 15 years. This equates to an average annual expenditure of \$560,000.

It is important to note that the above funding requirements do not allow for general road maintenance or traffic management works.

The Council subsequently allocated \$400,000 in the 1997/1998 financial year and that level of annual funding has not changed since then

The major purpose of ROMAN is to:

- Determine the condition of the existing road network system.
- Establish a priority rating system for road reconstruction and resurfacing works, including special maintenance considerations.
- Determine both short and long term funding requirements.
- Determine AAS27 requirements.

A new version of Roman was recently released and the program is currently being updated to include all road projects completed since the start of the Town's Road Rehabilitation and Upgrade Program. Once this has been completed a further report will be presented to Council outlining projected funding scenarios required to manage the road network.

The five (5) year road program as presented in this report has been updated and revised to include projects funded from the State Metropolitan Regional Road Program, projects reprioritised according to road condition, projects associated with other capital works and requests received.

The five year Road Rehabilitation and Upgrade Program is outlined in attachment 10.2.1.

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY

The Town is responsible for the care control and management of approximately 137 km of roads which include Primary Distributors, Local Distributors and Access Roads.

FINANCIAL/BUDGET IMPLICATIONS:

The 2003/2004 Capital Works Budget includes funds of \$400,000 for road rehabilitation and upgrade.

Results obtained from ROMAN in 1997 indicated the Town was required to spend in the order of \$8.4 million on its roads over the next 15 years. This equated to an average annual expenditure of \$560,000.

As previously mentioned, a new version of ROMAN was recently released and the program is currently being updated to include all road projects completed since the start of the Town's Road Rehabilitation and Upgrade Program. Once this has been completed, a further report will be presented to Council outlining projected funding scenarios required to manage the road network.

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:

At the special meeting of Council held on 8 July 2003, Council adopted the 2003/2004 budget. The purpose of this report is to obtain Council's approval for the allocation of funds allowed for in the 2003/2004 budget to specific projects in the 2003/2004 Road Rehabilitation and Upgrade Program.

It is therefore recommended that the Council adopts year one of the 2003/2004 to 2007/2008 Road Rehabilitation and Upgrade Program as outlined in Attachment 10.2.1, notes that the remaining four (4) years of the above program are preliminary only and will be subject to change and receives a further report on the future annual expenditure required to maintain the Town's road infrastructure to an acceptable level of service.

10.2.2 2003/2004 Footpath Replacement Program

Ward:	Both	Date:	14 July 2003
Precinct:	All	File Ref:	TES0174
Attachments:	001;		
Reporting Officer(s):	R Lotznicher		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *adopts year one of the 2003/2004 to 2007/2008 Footpath Replacement Program as outlined in Attachment 10.2.2; and*
- (ii) *notes that the remaining four (4) years of the above program is preliminary only and may be subject to change.*

BACKGROUND:

The Council in 1996 resolved to adopt a long term Footpath Replacement Program.

The above program was developed to ensure the Town’s footpath infrastructure is maintained at an acceptable level of service and safety.

To ensure that the program is dynamic in reflecting changing circumstances, including development activity, other capital improvement projects, residents’ requests and changing conditions, it was considered appropriate to review and update the program annually and request that only the first year of each respective program be adopted by the Council.

DETAILS:

The first year of the program, as outlined in this report, relates to the 2003/2004 financial year.

As outlined in detail in the report presented to Council on 12 August 1996, this program was initially developed by assessing the condition and locality of all existing paths in the Town and by prioritising paths to be upgraded accordingly.

This program has also been revised and updated based on the revised condition of some paths, requests received, footpaths listed in the current program either brought forward or deferred, and footpaths on the current program being already upgraded by either service authorities or developers.

The Five Year Footpath Replacement Program is outlined in attachment 10.2.2.

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY

The Town is responsible for the care control and management of approximately 280 km of footpaths.

FINANCIAL/BUDGET IMPLICATIONS:

The 2003/2004 Capital Works Budget includes funds of \$350,000 for footpath replacement.

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:

At the special meeting of Council held on 8 July 2003, Council adopted the 2003/2004 budget. The purpose of this report is to obtain Council’s approval for the allocation of funds allowed for in the 2003/2004 budget to specific projects in the 2003/2004 Footpath Replacement Program.

It is therefore recommended that the Council adopts year one of the 2003/2004 to 2007/2008 Footpath Replacement Program as outlined in Attachment 10.2.2, and notes that the remaining four years of the above program is preliminary only and may be subject to change.

10.2.3 Updated Robertson Park Improvement Plan

Ward:	South	Date:	15 July 2003
Precinct:	Hyde park P12	File Ref:	PRO0692
Attachments:	001;		
Reporting Officer(s):	R Lotznicher, J van den Bok, J Anthony, D Abel, H Eames		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *receives the report on the updated Robertson Park Improvement Plan;*
- (ii) *adopts the updated Robertson Park Improvement Plan as shown on attached Plan Nos 2176-LS-1, which incorporates the proposed water feature and improvements to Stuart Street including minor layout changes to the park, and advertises the plan for a period of 28 days inviting written submissions from the public;*
- (iii) *refers the proposed plan to the Heritage Council of Western Australia as part of the proposed consultation process;*
- (iv) *complies with statutory heritage conditions as required by the Department of Indigenous Affairs and the Heritage Council of Western Australia;*
- (v) *gives consideration to the recommendations of Aboriginal stakeholders contained in the Ethnographic Survey of Robertson Park dated October 2000, including but not limited to the recommendations for the recreation of the proposed wetland habitat; and*
- (iv) *receives a further report at the conclusion of the consultation period and once a response has been received from the Heritage Council of Western Australia, and considers any submissions received.*

BACKGROUND:

The original Robertson Park Improvement Concept Plan was developed by the Robertson Park Working Group, which was formed in March 1999.

At the Ordinary Meeting of Council held on 11 April 2000, the Council resolved:

“to adopt the draft Robertson Park Improvement Plan as shown in Plan A098045/I and advertise the plan for a period of 21 days inviting written submissions from the public and for the Council to consider any submissions at the conclusion of this period;”

The results of the community consultation were presented to the Ordinary Meeting of Council held on 23 May 2000, where the following resolution was adopted:

That;

- (i) *the Council receives the report on public submissions received on the Robertson Park Improvement Plan No. A0 98045/I;*

- (ii) *a total of \$498,000 be allocated for the park upgrade works to be funded from the sale of the Old Bottle Yard;*
- (iii) *detailed design plans and costings be prepared incorporating, wherever appropriate, ideas put forward by the community and the Robertson Park Working Group;*
- (iv) *the Town liaises with the Claisebrook Catchment Group with regard to the possible water feature and explores possible funding options;*
- (v) *no works commence on the park upgrade until sufficient funds have been obtained from the sale of the Old Bottle Yard and a further report is presented to Council outlining the final design and costings of the proposal;*
- (vi) *the Robertson Park Improvement Plan be incorporated into the Greenway Plan due to be tabled at Council in the near future; and*
- (vii) *the Town reconvene the Robertson Park Working Group to progress the matter.*

On 21 November 2000, a further report was presented to Council with regards *clause (iv)* of the above resolution, requesting the Council to support the Claisebrook Catchment Group's (CCG) application for funding through the Gordon Reid Foundation for the preparation of a feasibility study for a possible Water Feature on the Robertson Park site. At the meeting, the Council adopted the following resolution:

That;

- (i) *the Council agrees to support the Claisebrook Catchment Group Inc in their bid to obtain funding for a feasibility study to determine the viability of a 'wetland statement' at Robertson Park Reserve; and*
- (ii) *an amount of \$2,695.00 be listed for consideration in the next budget review should (i) above be approved.*

The CCG commissioned a study, which found that constructing a wetland on the site was feasible. Subsequently the CCG and the Town applied for funding through the Swan Catchment Urban Landcare (which is jointly funded by Alcoa World Alumina Australia and the Swan River Trust). The application was successful and in February 2002 the CCG received funding as a contribution towards the construction of a water feature on Robertson Park.

The Town also allocated funds in the 2002/2003 budget for the construction of a water feature in the park.

With the success of the CCG feasibility study and funding application members of the Robertson Park Working Group and CCG reconvened in late 2002 to revisit and further develop the park redevelopment concept plan to incorporate the water feature.

DETAILS:

The concept plan (*Plan No. A0 98045/1*) previously presented to Council in 2000 has been revisited and further developed and refined to incorporate ideas previously put forward by the community and the CCG. The Working Group comprising officers from the Town's Technical Services, Planning Services, Community Development and CCG have also had considerable input in updating/developing the concept plan.

The following factors were discussed/investigated in the further development of the park redevelopment plan.

Aboriginal Sites Register

Robertson Park (also known as Boorjoormelup and Henderson's Lake) is a registered Aboriginal site under the Aboriginal Heritage Act 1972. It includes areas that were once lake margins occupied by Aboriginal people.

Consultation with Aboriginal stakeholder groups has been undertaken by the Town of Vincent. All members of the groups consulted advised that Robertson Park was a site of heritage significance to Aboriginal people. The proposal has received support from the stakeholder groups.

The Aboriginal stakeholder groups have expressed a strong desire for the recreation of the original wetland habitat to encourage the return of tortoises and other fauna that were once common in the area. The place is a significant site that holds particular importance as a route for the Wagyl.

The improvements to Robertson Park are subject to conditions by the Minister for Indigenous Affairs where ground disturbance associated with sub-surface material is occurring. A number of recommendations from the Aboriginal Stakeholders relate to the recreation of a wetland habitat and these are considered to be a valuable contribution to the appreciation and understanding of the proposed works. They include recommendations in relation to the wetland location, materials, fauna and flora that should be considered when formulating the specifications relating to the wetland recreation.

State Register of Heritage Places

The Town has been advised by the Heritage Council of Western Australia (HCWA) that it has commenced an assessment of Robertson Park for possible consideration for inclusion on the State Register of Heritage Places under the Heritage of Western Australia Act 1990. As such, the proposed plans are required to be referred to HCWA. This will occur during the proposed advertising period.

Lee Hops Cottage

The tender for the lease of the cottage was awarded to Great Mates WA as per Council resolution at the Ordinary Meeting of Council on 8 July 2003. The lease term will be negotiated for a period of three years.

Art Work

At the Ordinary meeting of Council held on 14 August 2001, authority was given to proceed with the first phase of the Wetlands Heritage Trail to design and install interpretive artworks at Smith's Lake, Dorrien Gardens and Robertson Park.

The artwork for Robertson Park has undergone extensive community consultation and redesign as a result. The concept agreed upon finally is a structure which stands about 2m tall, segmented into two parts and made of layers of clear resin and steel. Encased within the resin will be objects and scenes relevant to the area's history. The artist has been researching the history of Robertson Park in order to accurately capture the themes historically and will offer proposals for these scenes for community approval prior to installation.

Each of the structures will have a blue fluorescent light embedded in its base, which will radiate through the sculpture to the top. This will make it an attractive addition to the park which is able to be viewed 24 hours a day.

The artist is currently working on creating the steel structures after having consulted with a structural engineer. It is estimated that the project will be completed within 2 months.

Bottleyard Land

Funds for the redevelopment of Robertson Park are to be funded from the proceeds from the Bottle yard subdivision which was recently sold.

The new owner of the land has not yet indicated what sort of development is proposed for the site however the Town has received a planning application for landfill at the Old Bottleyard site (No. 75, Lot 88 Palmerston Street). This application is subject to a separate report on this Agenda.

Indications are that the owner proposes to fill the land to the level that existed prior to the excavation to remove bottles taking place. This will result in approximately 1.0m of fill being placed adjacent to the park and ties in with the proposed redevelopment levels.

Veterans' Tennis

The Council at its Ordinary Meeting held on 25 June 2002 conditionally approved alterations and two-storey additions to the existing tennis pavilion.

On 17 June 2003, the Town received a new planning application for alterations and single-storey additions to the tennis pavilion. The proposal includes a new function room, "pro shop", office and "captain" room. The proposal is currently being assessed by the Town's Planning and Building Services.

Water Feature

The larger area of Robertson Park and nearby Dorrien Gardens comprised a former wetland and formed part of a chain of lakes, north of the city, between Lake Monger and the Swan River.

The Robertson Park wetland was reclaimed and used for market gardening and industrial purposes in the 19th Century.

It is proposed to recreate a seasonal wetland in which will collect storm water runoff from surrounding streets, which currently flows directly into the Claisebrook Main Drain, with an overflow connection into the Claisebrook Main Drain. The wetland will be planted with local native species.

Fed by storm water, the wetland will be a demonstration of the function of wetlands within the environment. The location of the wetland, within a highly developed urban environment, will serve to remind people that they are still part of the natural environment. Signage will reinforce the idea that what enters our storm water system from the nearby area/catchment will eventually flow into the wetland and ultimately to the river.

The site will form a main focus of the Town of Vincent 'Wetlands Heritage Trail'. The trail will link many of the parks within the Town and follows the route of the Claisebrook Main Drain to the river. The trail serves environmental, educational and cultural purposes.

Major benefits of the wetland project include:

- Creating an area of natural habitat containing indigenous flora and fauna within the inner city urban area, reminding local residents that even though they live in a urban environment, it is also a natural environment and connects to local wetlands and to the Swan River.
- Restoring a water body to Robertson Park and creating an area with strong environmental and historical interest within the park.
- Recreating a link in the wetlands chain, and on the Wetlands Heritage Trail.

- Benefiting local residents and school children who become involved in activities based around the wetland such as planting and Ribbons of Blue monitoring.
- Creating links with the Indigenous community who retain strong cultural links to this significant location.

The consultant engaged by the CCG advised the wetland should include the following three functional compartments: Inlet zone, Open Water zone and Outlet zone.

Inlet zone

This reduces the velocity of inflowing water, and typically would contain trash racks. This zone could be in the form of a creek or stream.

Open water zone

This constitutes the permanent pool. The shape of the pool and the placement of the inlet and outlet should ensure that water flows through the whole wetland and does not cross-circuit the pool

The pool should be oriented to take advantage of prevailing winds to mix the waters and prevent stratification.

Slopes should be carefully designed to avoid isolated stagnant pools as water levels fall seasonally.

Outlet Zone

This constitutes an overflow structure to enable water from the water body to discharge into the Claisebrook Main Drain when required.

As the wetland will be clay lined it will need to be reticulated to prevent plants and soil from drying out. in the drier months of the year. To reduce the breeding of mosquitoes and midges, ongoing maintenance will be required, particularly to Remove floating vegetation if it becomes too thick and tin out reeds/sedges if fringing wetland vegetation becomes too thick.

Park Design

The overall park design has been further developed quite considerably since being endorsed by the Council in 2000. Members of the Robertson Park Working Group conducted several site meetings to resolve various soft and hard landscaping issues.

- Earthworks
Other than the wetland area, very little earthworks are required other than the boxing out of pathways, removal of existing carpark and perimeter fencing. It is proposed to fill the area adjacent to the tennis courts along the Fitzgerald Street frontage and the area adjacent to the new Bottleyard subdivision.
- Tree Removal
Due to the decline of the Port Jackson Figs, it was decided that the majority located along the Fitzgerald Street frontage should be removed as they may never fully recover.

Several other exotic species around the wetland area will be removed to recreate a native landscape.

Various Eucalypts within the Park have also been identified for removal due to structural weaknesses and or disease.

- Planting
Due to the presence of many mature exotic trees within the area around Halvorsen Hall, it is proposed to maintain an exotic theme in this space. Planting of Liquidambers along Fitzgerald Street will compliment the existing Liquidamber planted south of Lee Hops Cottage.

An additional two (2) Ficus trees will be planted in line with the existing Port Jackson Figs located at the western end of the central axis path. This will frame the area and still allow a visual line through the park.

Underplantings in this section of the park will also comprise exotic species.

The various other sections of the park will consist mainly of native species, existing trees will be retained and additional trees will be planted to provide grouped plantings with native understorey.

An exotic theme however will be maintained around the existing Moreton Bay Fig trees located on the eastern end of the tennis courts and either side of the former access road off Palmerston Street.

Plant species selection in these areas, while exotic, will blend in with the native species selected in other areas.

All grassed areas will be maintained/reinstated using Kikuyu turf.

The area surrounding the wetland will be planted with suitable indigenous wetland and dryland species available from local specialist nurseries.

- Paths

All paths through the park will be generally 2.5 metres wide and constructed of red asphalt and be bordered with a concrete flush kerb for definition and ease of maintenance.

- Tree Bridge

A bridge will be constructed through large Moreton Bay Figs located at the eastern end of the tennis courts. The path was located through this area to allow a direct but aesthetically pleasing approach to Palmerston Street.

- Lighting

The Thorn "Urbi" light will be installed throughout the park as has been completed in the many park upgrades recently undertaken by the Town.

However, a white 'metal halide' lamp will be used instead of the yellow "high pressure sodium" lamps previously used in the Town.

- Park Furniture

Seats and bins have been provided at specific locations throughout the park. The design options for the above are numerous and consideration has been given to either using a recycled plastic option or a contemporary design using aluminum. Furniture designs will be finalised following the consultation period.

- Playground Areas

Both existing playground areas will be removed and one (1) area of playground equipment located to the north of the central axis paths. Shade will therefore be provided from the existing grove of Eucalypts.

It is proposed that the completion of this playground site will be undertaken as part of the 2004/05 Playground Upgrade Program.

In addition to the above elements, the existing carpark off Fitzgerald Street will be resurfaced and drainage provided.

The entire park will also be automatically irrigated from a new bore recently completed.

Timetable

The following draft implementation timetable was developed by the working group to enable the works to commence in November 2003.

Finalise concept Plan	May - June 2003
Report to Council	July 2003
Community Consultation	July/August 2003
Prepare further report to Council	August 2003
Report to Council	September 2003
Finalise construction drawings	October 2003
Construction	November 2003 - Mar 04

Estimated Cost of all Works:

Outlined below is a breakdown of the estimated cost of the entire upgrade project.

Park Improvements

Item	Estimate \$
• Earthworks / Removal	20,000
• Tree Removal	20,000
• Bore / Pump Upgrade	20,000
• Reticulation	9,000
• Paths 2.50 m wide asphalt/ flush kerbing	155,000
• Path Bridge Over Roots	20,000
• Entry Statements	10,000
• Tennis Lane resurfacing / removal drainage	10,000
• Lighting	84,000
• Trees	21,000
• Shrubs	18,000
• Mulching	10,000
• Grassing	10,000
• Park Furniture	14,000
• Playground upgrade	15,000
• Electrical Supply	20,000
• Car park Upgrade	25,000
• Fence Realignment - Fitzgerald Street	17,000
	\$ 498,000
<i>Reticulation</i>	69,000
<i>Palmerston / Stuart Street Intersection Improvements</i>	15,000
<i>Wetland</i>	70,000
<i>Stuart Street (Including trees, road rehabilitation)</i>	65,000
<i>Art Work</i>	35,000

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Funds for the various works associated with the redevelopment of Robertson Park have been allocated for some time however were dependant on the sale of the Bottleyard land. The following is a list of funding available for the project and surrounds in the 2003/2004 budget.

• Park Improvements	\$ 498,000
• <i>Reticulation</i>	\$ 40,000
• <i>Works around Bottleyard Subdivision</i>	\$ 57,000
• Palmerston / Stuart St Intersection improvements	\$ 45,000
• Stuart Street Improvements/angle parking formalization	\$ 35,000
• Wetland (Grant/TOV)	\$ 44,336
• Art Work	\$ 35,000

Sufficient funds have been allocated to implement the proposal.

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. “c) *Continue to design and implement infrastructure improvements for public open space.*”

COMMENTS:

The Town allocated funds in the 2002/2003 budget for the construction of a water feature in the park and with the success of the CCG feasibility study and funding application, members of the Robertson Park Working Group and CCG reconvened in late 2002 to revisit and further develop the park redevelopment concept plan to incorporate the water feature.

As a result the previous concept plan was further developed and refined by the Working Group over several meetings where ideas previously put forward by the community and the CCG were incorporated with the resulting proposal outlined on concept Plan Nos 2176-LS-1.

The group also held several on site meetings where detailed design issues were discussed and formulated.

It is therefore recommended that the Council adopts the updated Robertson Park Improvement Plan as shown on attached Plan Nos 2176-LS-1 and advertises the plan for a period of 28 days inviting written submissions from the public

It is also recommended that the Council submits a copy of the revised Robertson Park Improvement Plan to the Heritage Council of Western Australia: and receives a further report at the conclusion of the consultation period and once a response has been received from the Heritage Council and considers any submissions received.

10.2.4 Introduction of an ACROD 2.5 Parking Bay Together With The Establishment of Additional Parking Spaces Outside the Vietnam Veterans' Federation of Australia Located at 207 Beaufort Street, Northbridge

Ward:	South	Date:	15 July 2003
Precinct:	Beaufort P13	File Ref:	PKG0011
Attachments:	001 ;		
Reporting Officer(s):	A Munyard		
Checked/Endorsed by:	R Lotznicher	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES the introduction of one (1) ACROD 2.5 parking bay outside The Vietnam Veterans Federation of Australia;*
- (ii) *APPROVES the establishment of additional one (1) and two (2) hour parking spaces from the North end of the new ACROD 2.5 bay and the existing Loading Zone, as shown on attached Plan 2166-PP-1;*
- (iii) *places a moratorium on issuing infringement notices for a period of two (2) weeks from the installation of the new parking restriction signs; and*
- (iv) *notifies The Vietnam Veterans Federation of Australia of the Council's decision.*

BACKGROUND:

A request has been received from representatives of The Vietnam Veterans' Federation of Australia for two ACROD Bays to be created outside the Federation's Offices located at 207 Beaufort Street, Northbridge.

DETAILS:

The Vietnam Veterans' Federation of Australia-WA LINC's Inc is a voluntary organisation assisting veterans from all conflicts that Australia has been involved in. Many of their clients have disabilities and therefore are eligible for ACROD permits.

Currently parking is not permitted outside 207 Beaufort Street, and this prohibition continues for a further 45m to the North of the premises. There is no apparent justification for maintaining the *No Stopping* restriction on the North side of Beaufort Street at this location, therefore measures can be introduced to assist the Federation with its parking requirements.

Kerbside ACROD 2.5 parking bays are an initiative of the Town. Prior to approving installation of ACROD 2.5 bays, a number of factors must be taken into consideration, including the location, the demand for parking generally, and the likely occupation rate of the bay. As it is proposed that parking now be permitted in the entire length of this block on the west side of Beaufort Street, creating a minimum of seven (7) new spaces, it is proposed that one of these bays be an ACROD 2.5 bay, and time restrictions be imposed in the others.

Both the ACROD 2.5 bay and a second adjacent bay will be restricted to two (2) hour parking, while a one (1) hour restriction will be applied to the remaining bays.

This should allow sufficient time for visitors to the Vietnam Veterans' Federation of Australia, and provide parking opportunities for both disabled and able bodied clients. The additional one (1) hour bays will also be available to these same clients as well as those of other nearby businesses.

The Manager for Law and Order Services has been consulted and is supportive of the application.

LEGAL/POLICY:

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

CONSULTATION/ADVERTISING:

N/A

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of the Draft Strategic Plan 2002-2007 - 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *"Develop a strategy for parking management in business, residential and mixed use precincts, that includes parking facilities that are appropriate to public needs".*

FINANCIAL/BUDGET IMPLICATIONS:

Introduction of the ACROD 2.5 bay and the time restricted zones, for both signage and line marking, would cost approximately \$500.00.

COMMENTS:

With the high demand for parking in the locality, the introduction of additional spaces would be very beneficial. The dedication of one of these spaces for the purpose of providing parking for the disabled can be justified by the need of clients of The Vietnam Veterans' Federation of Australia. The needs of other businesses in the area have also been catered for. It is therefore recommended that the Council approves the proposal.

10.2.5 Town of Vincent 2003 Garden Competition

Ward:	Both	Date:	9 July 2003
Precinct:	All	File Ref:	CVC0007
Attachments:	-		
Reporting Officer(s):	J van den Bok		
Checked/Endorsed by:	R Lotznicher	Amended by:	

OFFICER RECOMMENDATION:

That the Council receives the report on the proposed 2003 Garden Competition and APPROVES;

- (a) the 2003 Garden Competition format as outlined in the report, with final judging to be carried out on Saturday 4 October 2003;*
- (b) the judging panel consisting of the Mayor, Councillors Cohen and Lake, Manager Parks Services and the winner of the 2002 "Best Residential Garden-High Maintenance/Waterwise" category, Jeff Roberts; and*
- (c) the awarding of prizes to the winners of each category of the competition at a function to be held at the Town of Vincent Administration and Civic Centre on Wednesday 5 November 2003, commencing at 6pm.*

BACKGROUND:

The Town has conducted a Spring Garden Competition during the months of September/October for the past eight (8) years.

This annual event has become increasingly popular with owner/occupiers and is now financially assisted with sponsorship being provided by the Town's contractors and local businesses.

In 2002, 84 individual category entries were received over the seven (7) categories including sixteen (16) entries nominated in the new category of "Catchment Friendly Garden".

The categories in the 2002 competition were as follows: -

- Best Residential Front Garden - Low Maintenance/Waterwise
- Best Residential Front Garden - High Maintenance/Waterwise
- Best Landscaped Commercial/Grouped Housing Property
- Best Courtyard - Front
- Best Kept Verge
- Best Kept Street/Part Street
- Catchment Friendly Garden

In addition to the above, the Mayor's Encouragement Award is presented to a worthy entrant.

DETAILS:

On Thursday 26 June 2003, a meeting of the Garden Awards Advisory Group was convened to discuss the format for 2003 competition.

It was agreed that the format for the 2003 Competition would remain unchanged and the additional category, Catchment Friendly Garden, be retained and sponsored again by the Claisebrook Catchment Group (CBCG)

Therefore the categories to be included in the Town of Vincent 2003 Garden Competition are as follows: -

- Best Residential Front Garden - Low Maintenance/Waterwise
- Best Residential Front Garden - High Maintenance/Waterwise
- Best Landscaped Commercial/Grouped Housing Property
- Best Courtyard - Front
- Best Kept Verge
- Best Kept Street/Part Street
- Catchment Friendly Garden

While, over the past two (2) years, a prize has not been awarded for the "Best Kept Street/Part Street", this category is an integral part of the competition and a significant reason as to why Local Governments initiate events such as the garden competition.

The installation of a specialised street sign will be undertaken in this category if the standard of entries is worthy of an award.

All other categories will have a first, second and third prize awarded as follows: -

- First Prize \$300 plus trophy/certificate.
- Second Prize \$200 plus certificate
- Third Prize \$150 plus certificate

A quality pair of Swiss made "Felco" secateurs will again be presented as the Mayor's Encouragement Award.

In addition to the above, the presentation will also include a number of raffles or give-away prizes provided by the numerous sponsors.

Preliminary judging of this year's competition will be undertaken by the Town's horticultural staff. Preliminary judging for the Catchment Friendly Garden will be undertaken by CBCG members in conjunction with the Parks Services Technical Officer.

Final judging will be undertaken on the morning of Saturday 4 October 2003 and it is proposed that the final judging committee consist of the following: -

- Mayor Nick Catania
- Cr Sally Lake
- Cr Caroline Cohen
- Manager Parks Services
- Mr Jeff Roberts (Winner 'Best Residential Front Garden High Maintenance/
waterwise Category 2002)

The Mayor, Councillors Lake and Cohen, together with the Manager Parks Services, are part of the Town's 'Garden Awards Advisory Group'.

CONSULTATION/ADVERTISING:

Advertisements will be placed in a local community paper during late August/September 2003 together with an entry form being distributed with the 'Mayor's Message', and rates notices.

Entry forms will also be made available at the Administration Civic Centre and via the Town's website.

LEGAL/POLICY:

Nil

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of the Draft Plan 2002-2007- 1.1 Protect and enhance environmental sustainability and biodiversity. *"f) Develop and implement water conservation initiatives, including encouraging residents to implement waterwise gardening principles."*

FINANCIAL/BUDGET IMPLICATIONS:

An estimate of costs associated with the 2003 Town of Vincent Garden Competition are as follows: -

• Cash prizes	\$4,550
• Function	\$3,000
• Trophies	\$1,400
• Photography	\$950
• Certificates	\$60
• Advertising	\$1,500
• Administration	\$200
• Street sign	<u>\$130</u>
	<u>\$11,790</u>

An amount of \$10,000 has been included in the 2003/04 budget for the competition.

The CBCG will be providing \$650 via sponsorship from the Water Corporation for the prize money allocation – "Catchment Friendly Garden".

In addition, it is estimated that sponsorship contributions will amount to approximately \$1,850 as was the case in 2002.

COMMENTS:

Any property/street within the Town of Vincent can be nominated for a prize, however previous first prize winners are excluded for a period of three (3) years to allow recognition of as many other properties as possible.

It should be noted that property owners, residents, staff and Councillors are able to submit nominations in any of the approved categories.

It is therefore recommended that the Council undertakes the 2003 Garden Competition, with entries closing on Friday 26 September 2003.

10.2.6 Street Verge Tree Survey - Alma Road, North Perth and Mt Lawley

Ward:	South	Date:	14 July 2003
Precinct:	Smith's Lake P6; North Perth P9; Norfolk P10	File Ref:	TES0234
Attachments:	-		
Reporting Officer(s):	J van den Bok		
Checked/Endorsed by:	R Lotznicher	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *receives the report on the Street Verge Tree Survey undertaken in Alma Road between Charles Street, North Perth and Walcott Street, Mt Lawley.*
- (ii) *APPROVES the retention of all existing street verge trees in Alma Road unless individual specimens are identified as in decline due to old age, water stress or insect infestation;*
- (iii) *notes that should a staged removal be approved, there are insufficient funds in the 2003/2004 Street Tree Management budget to fund such a proposal estimated to cost \$60,000; and*
- (iv) *advises residents in Alma Road of Council's resolution.*

BACKGROUND:

A petition was received on 22 May 2003, with 36 signatories, requesting the removal of Queensland Box trees from Alma Road, Mt Lawley.

Alma Road runs from Charles Street, North Perth to Walcott Street, Mt Lawley and the petitioners reside in the section of Alma Road between William Street and Hutt Street, Mt Lawley.

The Alma Road streetscape consists almost entirely of Queensland Box trees and the majority of trees are in excellent health and condition.

DETAILS:

Following receipt of the petition, it was decided that a survey should be conducted of the entire length of Alma Road to ascertain owner/occupier response to the removal/replacement of the Queensland Box trees.

Following receipt of the petition on 17 June 2003, a survey was conducted along the entire length of Alma Road to ascertain owner/occupier response to the requested removal/replacement of the Queensland Box trees.

A total of 150 letters/survey forms were distributed to all owner/occupiers in Alma Road. In addition, several properties in adjacent Forrest Street, which back onto Alma Road, were also included in the letter drop.

The residents were asked whether they agreed with the proposal to remove/replace the existing Queensland Box tree species.

At the conclusion of the consultation period, a total of sixty-six (66) responses had been received with forty-seven (47) in favour of removal, seventeen (17) against the removal, and two (2) respondents unsure.

The results of the consultation were as follows: -

<i>Agree with Removal/replacement of Existing Queensland Box trees</i>	<i>Disagree with Removal/replacement of Existing Queensland Box trees</i>
47 Responses	17 Responses
<ul style="list-style-type: none"> • Finally my wish has come true 	<ul style="list-style-type: none"> • Strongly opposes as this avenue cannot be replaced in decades
<ul style="list-style-type: none"> • Garage is always full of leaves and nuts 	<ul style="list-style-type: none"> • Complete waste of money
<ul style="list-style-type: none"> • Best thing that could happen 	<ul style="list-style-type: none"> • Like to see the beautiful mature trees left standing
<ul style="list-style-type: none"> • Well established but incredibly messy 	<ul style="list-style-type: none"> • Walks the dog and enjoys the shade provided
<ul style="list-style-type: none"> • Concur whole heartedly 	<ul style="list-style-type: none"> • We need the shade trees in the street
<ul style="list-style-type: none"> • Totally unsuitable for suburban streets 	<ul style="list-style-type: none"> • The trees are the only redeeming feature of Alma Rd
<ul style="list-style-type: none"> • Anything but the existing trees 	<ul style="list-style-type: none"> • Strongly disagree with removal of mature trees
<ul style="list-style-type: none"> • I want to make sure that these trees are removed 	<ul style="list-style-type: none"> • Happy with Box trees
<ul style="list-style-type: none"> • Too much mess and no appeal 	<ul style="list-style-type: none"> • Strongly opposed to proposal to remove trees
<ul style="list-style-type: none"> • All of the trees should be removed 	<ul style="list-style-type: none"> • Trees offer good shade and leaf-fall is manageable
<ul style="list-style-type: none"> • Prefer a smaller growing tree 	<ul style="list-style-type: none"> • Do we always have to fix something that's not broken?
<ul style="list-style-type: none"> • Would like them removed 	
<ul style="list-style-type: none"> • Lots of leaves dropping continually 	
<ul style="list-style-type: none"> • Leaves drop at certain times of the year 	
<ul style="list-style-type: none"> • Would like my tree removed 	
<ul style="list-style-type: none"> • Welcome the removal 	
<ul style="list-style-type: none"> • Blocks out the light 	
<ul style="list-style-type: none"> • Underground the power at the same time 	
<ul style="list-style-type: none"> • Present trees are messy 	
<ul style="list-style-type: none"> • Bear in mind the powerlines 	
<ul style="list-style-type: none"> • Replace with Callistemons/Melaleucas 	
<ul style="list-style-type: none"> • Remove all Box trees outside my address 	
<ul style="list-style-type: none"> • Supports removal 	

Officer's Comments:

As previously advised, the Council resolved to discontinue the former street tree enhancement program, whereby existing mature trees were removed/replaced with a preferable tree species.

This program, which particularly targeted the Queensland Box tree, generated many negative comments.

While the Queensland Box tree does attract a number of complaints regarding leaf and fruit drop in particular, they provide many significant benefits such as provision of shade and nesting sites for birds.

Generally, the trees in Alma Road are in good health and condition and create an attractive avenue and removal of these trees would mean these benefits would not again be enjoyed for at least another five to ten years.

The response to the survey has also not indicated a strong preference for the removal of the trees in any particular section of Alma Road.

As indicated previously, the petitioners were located in the section of Alma Road between William Street and Hutt Street however, there was also some very strong opposition to the proposal to remove the trees from residents in this section of Alma Road.

CONSULTATION/ADVERTISING:

Owner/occupiers will be advised of the Council's resolution, and if required, further consultation will be undertaken.

LEGAL/POLICY:

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. *"b) Develop and implement streetscape enhancements and wider street initiatives."*

FINANCIAL/BUDGET IMPLICATIONS:

Should a removal/replacement program be implemented along the entire street with every second tree being removed, this would cost in the order of \$50,000, ie \$40,000 in removal costs and in the vicinity of \$10,000 for replanting.

This is a significant amount of money to be expended on simply replacing an established streetscape due to the dislike of a particular tree species. The entire street tree management and enhancement budget allocation for 2003/2004 is only \$50,000.

COMMENTS:

The Town has received similar requests for street verge tree removal/replacement recently. In particular the comments in relation to Venn Street again apply in this case and are as follows:

The Box tree species is well adapted to Perth's climate and has been widely planted by numerous Local Governments within the metropolitan area as a street verge tree over many years. While some of the Queensland Box trees in the Town have displayed signs of stress, most likely due to the extreme heat and a drop in the subsurface water tables, the trees in Alma Road have not been detrimentally affected. While the majority of respondents are in favour of the staged removal of the trees, it is considered that the trees should be retained for the following reasons: -

- Significant streetscape amenity still intact
- Relevance of complaints or issues raised
- Past negative response to tree removal
- The excellent health and condition of all the trees within the street

It is therefore recommended that all of the street verge trees in Alma Road be retained.

Should owner/occupiers have a particular issue or concern regarding the tree(s) adjacent to their property, they can advise the Town and each tree will then be inspected and remedial action or removal undertaken if justified.

10.3 CORPORATE SERVICES

10.3.1 Art Acquisitions 2003

Ward:	Both	Date:	11 July 2003
Precinct:	All	File Ref:	CVC 0016
Attachments:	-		
Reporting Officer(s):	J. Anthony		
Checked/Endorsed by:	M. Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That Council APPROVES the purchase of art works as detailed in this report.

DETAILS:

The Art Award exhibition was held from Saturday 14 June to Sunday 22 June 2003. Opening night was on Friday 13 June 2003 where the awards were presented according to the various categories. A total of 216 artworks — paintings, prints, photographs, needlework and sculptures — were displayed. The judging panel consisted of the members of the Art Advisory Group who were Mayor Nick Catania, Cr Caroline Cohen, Cr Steed Farrell, Mr. Vincent Sammut, Ms. Anna Ciffolili and Ms. Florence Allain. The winners of the 2003 Art Award are listed below.

Vincent First Prize of \$2,000 (non-acquisitive)			
Ron Tapper	Cathedral and Offices	Gouache	
Vincent Second Prize of \$1,500 (non-acquisitive)			
Marilyn Watson	The Apelles Of Black Lines	Drawing	
Vincent Third Prize of \$1,000 (non-acquisitive)			
Kale Miller	Just So	Watercolour	
Vincent Awards (sharing a prize pool of \$1,000)			
Jill Ansell	Sticky Lou and the Teapot of Loneliness	Acrylic	
Chubby Button	Heaven	Acrylic	
Maggie El-Mughiery	Vincent Girl	Charcoal	
Vincent Ceramic Sculpture Award (\$500 non-acquisitive)			
Robyn Varpins	Soaking in the Gentle Dawn	Ceramic	
Voice News Encouragement Award (\$500 non-acquisitive)			
Abe Dunovits	Untitled (Love)	Oil	
Voice News Encouragement Award (\$100 non-acquisitive)			
Scott Anderson	Generation X, Its Started	Oil	
Member for Perth Encouragement Award (\$300 non-acquisitive)			
Rhys Tonkin	Sacred Cloth	Oil	
Member for Curtin Encouragement Award (\$100 non-acquisitive)			
Michael Scott	Emma	Plastic Bags	
PURCHASES BY THE TOWN OF VINCENT			
ARTIST	TITLE	MEDIUM	PRICE
Ron Tapper	Cathedral and Offices	Gouache	\$2,750.00
Catherine Gartner	Venice At Dusk	Watercolour	\$400.00
Maggie El-Mughiery	Vincent Girl	Charcoal	\$750.00
L.R.Ferria	My Street My Neighbours My Community	Painting	\$1,000.00
TOTAL			\$4900.00

CONSULTATION/ADVERTISING:

Advertising consisted of two phases. First, to attract entries, a professionally designed brochure was published and distributed to community centres, libraries, arts centres and local governments throughout the State. Display advertisements were placed in the trade magazine *The Artist's Chronicle* and the two local newspapers, *Voice News* and *Guardian Express*. Line ads, which have proven most effective, were placed in the Arts Directory of *The West Australian*. The brochure for the art award was also available from the Town's web site .

The second phase consisted of advertising the exhibition to attract viewers and buyers. Display ads were placed in *Western Suburbs Weekly*, *Voice News* and *Guardian Express* and line ads in *The West Australian's* Arts Directory. A banner was placed on Keith Frame Reserve at the corner of Loftus and Vincent streets.

STRATEGIC IMPLICATIONS:

Draft Strategic Plan 2002-2007

Key Result Area 2.1 - Celebrate and acknowledge the Town's social diversity.

FINANCIAL/BUDGET IMPLICATIONS:

Ten (10) works were also sold to private buyers.

PRIVATE SALES						
FIRST NAME	FAMILY NAME	TITLE	MEDIUM	PRICE	ToV COMMISSION	BALANCE TO ARTIST
Watson	Marilyn	The Apelles Of Black Lines	Drawing	\$325	\$81.25	\$243.75
Neaves	Kylie	Persimmons	Oil	\$680	\$170	\$510
Rogers	Judy	Boy at the Beach	Textile	\$400	\$100	\$300
Winter	Susan			\$115	\$28.75	\$86.25
Reynolds	Paul	Captain Fatty	Monoprint	\$250	\$62.50	\$187.50
Mitchell	Vonne	You speak...I listen	Mixed Media	\$380	\$95	\$285
Danton	Shelley	Springtime at Clampton	Acrylic	\$500	\$125	\$375
Perry	Sandra	Autumn Pastures	Oil	\$168	\$42	\$126
Emhardt	Ida	Endless Sky, Sand and Fun	Acrylic	\$490	\$122.50	\$367.50
Tizzano	Guiseppe	O'Sindaco (The Mayor)	Acrylic	\$400	\$100	\$300
TOTAL				\$3708.00	\$927.00	\$2781.00

As can be seen from the table above, the total private sales amounted to \$3,708. Of this, \$2,781 was forwarded to artists and \$927 was held by the Town as commission. Adding total private sales to Town of Vincent purchases gives a total of \$8,608 for artworks sold as a result of the exhibition.

Sponsorship by the *Voice News* of the *Voice News* Encouragement Award involves the newspaper publishing several display ads to the value of \$600 or greater in return for the Town providing two cash prizes, one to the value of \$500 and the other to a value of \$100 as encouragement awards. The Vincent Ceramic Sculpture Award consists of \$200 donated by an anonymous local artist and \$300 provided by the Town. The State Member for Perth, John Hyde, provided the Member for Perth Encouragement Award of \$300. The Federal Member for Curtin, Julie Bishop, provided the Member for Curtin Encouragement Award of \$100.

COMMENTS:

A feedback form has been distributed to artists after the awards. A debrief meeting will be held with the Art Advisory Group to discuss the exhibition and curator's report. Suggestions will also be sought for the 2004 Art Award. The analysis of this feedback together with the curator's report and evaluation of the award will be reported at the following Ordinary Meeting of Council after this meeting has been held.. This report will outline the change in the structure of the prizes that was recommended by the Art Advisory Group for 2003 and the impact on the outcomes of the award.

10.4 CHIEF EXECUTIVE OFFICER

10.4.1 Use of Common Seal

Ward:	-	Date:	16 July 2003
Precinct:	-	File Ref:	ADM0042
Reporting Officer(s):	A Smith		
Checked/Endorsed by:	John Giorgi		
Amended by:	-		

RECOMMENDATION:

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

DETAILS:

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

Date	Document	No of copies	Details
03/07/03	Acceptance Form - Community Security Program	2	Town of Vincent, being the Service Provider, and Office of Crime Prevention, Department of Premier and Cabinet, St Georges Terrace, Perth re: Grant to provide Multicultural Seminars - Town of Vincent Project
07/07/03	Deed of Assignment of Lease Site 6151A - Tamala Park	3	Cities of Perth, Joondalup, Stirling, Wanneroo, Towns of Cambridge, Victoria Park and Vincent ("Lessor") and Vodafone Australia Limited (formerly Vodafone Network Pty Ltd) of 799 Pacific Highway, Chatswood, NSW ("Assignor") and Vodafone Network Pty Ltd (same address) ("Assignee"), both c/o Michael, Whyte & Co., Barristers & Solicitors, Level 1, 41-43 Ord Street, West Perth WA 6005
07/07/03	Deed of Variation of Lease Site 6151A - Tamala Park	3	Cities of Perth, Joondalup, Stirling, Wanneroo, Towns of Cambridge, Victoria Park and Vincent ("Lessor") and Vodafone Australia Limited (formerly Vodafone Network Pty Ltd) ("Lessee"), c/o Michael, Whyte & Co., Barristers & Solicitors, Level 1, 41-43 Ord Street, West Perth WA 6005
11/07/03	Financial Assistance Agreement	2	Town of Vincent and the State Government of Western Australia represented by the Minister for Sport and Recreation, the Hon Robert Charles Kucera, APM, MLA, regarding the Multi Purpose Rectangular Sports Stadium and redevelopment of Perth Oval
14/07/03	Heads of Agreement	5	Town of Vincent and Allia Holdings Pty Ltd - Redevelopment of Perth Oval

10.4.2 Change of Council Decision - Loan Funding for the Multi-Purpose Rectangular Sports Stadium and Redevelopment of Perth Oval, Pier Street, Perth

Ward:	South	Date:	15 July 2003
Precinct:	All	File Ref:	RES0051/RES0064
Attachments:			
Reporting Officer(s):	M Rootsey, John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(e) of the Local Government Act 1995 having received the support of one third of the number of offices of Members of the Council, namely Mayor Catania, Cr Chester and Cr Ker, RESOLVES TO CHANGE the following resolution adopted by the Council at its Special Meeting held on 1 July 2003 (Item 7.4, Clause (i)), namely;*

by deleting the number "5.44%"; and

- (ii) *APPROVES BY AN ABSOLUTE MAJORITY to ACCEPT the loan of \$4,469,000 from the Western Australian Treasury Corporation at the lowest rate available and at a fixed rate for a 20 year period.*

BACKGROUND:

At the Special meeting of Council held on 1 July 2003, the Council adopted the following resolution:

"That the Council;

- (i) *ACCEPTS the loan of \$4,469,000 from the West Australian Treasury Corporation at 5.44% (or lower if available) fixed for a 20 year period;*
- (ii) *AUTHORISES the Chief Executive Officer to accept the most suitable loan rate available and loan portfolio for the repayment of the loan, finalise the loan documentation and affix the Common Seal; and*
- (iii) *OBTAINS the approval for the loan of the State Treasurer in accordance with Section 6.21 of the Local Government Act."*

DETAILS:

Quotations for the proposed loan were sought from a number of financial institutions. Western Australian Treasury Corporation (WATC) provided the lowest rate.

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

The Local Government Act (1995) requires that the Local Government give one (1) month's notice of the Council's intention in accordance with Section 6.20 of Subdivision 3, Part 6 of the Local Government Act 1995 and subject to prior approval by the State Treasurer (under the Local Government Act, Section 6.21).

STRATEGIC IMPLICATIONS:

N/A

FINANCIAL/BUDGET IMPLICATIONS:

The annual repayments for the loan will be funded by the annual income from the naming and catering rights for the Multi-Purpose Rectangular Sports Stadium. The Council has accepted an amount of \$400,000 per annum.

Since the Council Meeting of 1 July 2003, the WATC has advised that interest rates have risen slightly and now are in the range of 5.58 - 5.92%. These rates fluctuations are on a daily basis, depending on events affecting the world markets. Negotiations with Allia began on 14 May 2003 and were not finalised until 1 July 2003. Over this period the interest rate increased from 5.44% to the range of 5.58-5.92%. However, the rate of 5.44% is currently no longer available.

Whilst the Council decision of 1 July 2003 gave approval for the CEO *"to accept the most suitable loan rate available and loan portfolio ..."* it also specified a rate of 5.44%. Therefore, to strictly comply with the Council decision this rate would apply. However, it is recommended that the Council rescind this rate of *"5.44%"* and the remainder of the Council decision would therefore allow the CEO *"to accept the most suitable rate"*. The CEO proposes to accept the lowest rate available at the time.

During the negotiations, the loan repayment was the subject of considerable discussion. Eventually, the Town was able to negotiate an amount of \$30,000 of the \$400,000 payment from Allia to be paid into the Reserve Fund. (This \$30,000 is based on the difference of the loan repayment and Allia's payment of \$400,000).

Since the Council decision of 1 July 2003, the CEO has also negotiated with Allia Holdings Pty Ltd to make monthly payments commencing from 1 September 2003.

Therefore, whilst the interest rate is slightly higher than previous, the benefit to the Town by making monthly payments is a lower annual repayments by approximately \$3,000 - \$3,500 per annum (depending upon the chosen rate).

In addition, the Town has also reached agreement with the DSR. They will make payments of 57.63% towards the building progress payment, commencing in August. This will provide cost savings to the Town.

With the above changes, the Town has obtained from John Holland Pty Ltd the progress payment schedule for the building tender. This will allow the Town to more accurately progressively call on the loan in monthly amounts.

Rates Comparison

The following table shows the comparison between the two loan options:

Rate (fixed for 20 years)	5.44%	5.58%
Payment	Semi annual	monthly
Effective from	1 January 2004	1 September 2003
Annual Payment	\$369,973.44	\$366,497.00

Financial institutions generally hold their quoted rates for a maximum of twenty-four hours due to the dynamics of the money markets. As the rate fluctuates on a daily basis, it is recommended that the CEO be authorised to accept the most suitable loan rate available (after the Council decision has been made) and also to negotiate the most suitable loan portfolio for the repayment of the loan. The WA Treasury Corporation will always likely be the most competitive in this market for the reasons stated above.

In summary, by making monthly loan payments effective from 1 September 2003, sharing the progress payments with the DSR (DSR 57.63% and Town 42.37%) and progressively calling on the loan amounts will provide a lower annual repayment over the period of the loan than the previous proposal. These factors still provide a lower repayment, even though the interest rate is slightly higher as the loan has been tailored to meet anticipated cash flow requirements of the construction.

COMMENTS:

The rates offered by WA Treasury Corporation are very competitive, they are able to provide these rates as they are a central borrowing authority for a number of State Government agencies and are therefore able to pool a significant amount of funds which enables them to gain wholesale rates.

Furthermore the WA Treasury Corporation are State Government guaranteed and as a result attract a high credit rating, second only to Federal Government funds.

10.4.3 Western Australian Local Government Association Code of Conduct - Draft Regulations

Ward:	-	Date:	16 July 2003
Precinct:	-	File Ref:	ADM0050
Attachments:			
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council advise WALGA that it supports the Model Code of Conduct and Draft Regulations as shown in the Discussion Paper titled "Establishing a Regulated Code of Conduct for Elected Members and Committee Member, as circulated to Elected Members and as "Laid on the Table".

BACKGROUND:

The Western Australian Local Government Association (WALGA) is in the process of reviewing its Model Code of Conduct for Local Government. The Model Code, which was produced in response to the requirements of the Local Government Act 1995, has been adopted by most Local Governments with varying degrees of amendment.

The Model Code of Conduct review is being undertaken by a Technical Working Group consisting of representatives from the Association, Local Government Mangers Australia and the Department of Local Government and Regional Development.

One of the key issues identified by the Working Group in preliminary consultation with Councils was the lack of enforceability of current Local Government Codes of Conduct. As a consequence, the Working Group has recommended that a minimum Code of Conduct be enshrined into regulations to the Local Government Act. This position has been supported by the Minister for Local Government and the Parliamentary Joint Standing Committee on Delegated Legislation.

Proposed Code of Conduct regulations have now been developed by the Working Group. It should be noted that the provisions contained within the regulations are conceptual only. They are designed to stimulate discussion and debate, with the objective of reaching a direction forward for Local Government on this important issue.

A Discussion Paper on the regulations has also been prepared, which includes a proposed set of ethical principles and a copy of the draft regulations. This Discussion Paper is "Laid on the Table" and was circulated to Elected Members.

Should the Code of Conduct regulations be adopted, they will be mandatory and have application to all Local Governments within Western Australia, thereby achieving uniform minimum standards of behaviour for Elected Members and Committee Members.

The Working Group has recommended that the provision of the regulations be enforced through a proposed disciplinary framework for Local Government, which includes a Disciplinary Tribunal. This framework is presently under development and remains the subject of ongoing consultation with Local Government.

The Working Group has also suggested that the proposed Code of Conduct regulations have application to Elected Members and Committee Members but not employees. For employees, it has recommended that a separate Code of Conduct be developed and linked to contracts of employment. Breaches of the employee Code of Conduct would be dealt with by the CEO or designated senior officers via the performance management process. Breaches of the Code by the CEO would be dealt with by the Council.

The Draft was circulated to Elected Members and Executive Managers on 12 June 2003 seeking comment. Only one (1) response was received, Mayor Catania submitted comments as follows:

"The proposed Code should be supported:

- *it should be included as part of the Local Government Act - Regulations;*
- *it needs to be enforceable and will be ineffective without; and*
- *support Disciplinary Tribunal.*

The Code should include:

- *minimum standards of behaviour during and outside meetings;*
- *should include general obligations;*
- *support Boxes C, D, E, F, G and H; and*
- *support recommendations of Part 2 Conflict of Interest Boxes K and L."*

DETAILS:

1. Preamble

Box A

The Local Government (Code of Conduct) Regulations 2003 provide minimum standards for ethical and professional conduct by elected members and others who may be committee members (as defined in sections 5.8 and 5.9 of the Local Government Act) in Local Government.

Elected members and committee members should behave consistently in a manner that meets or exceeds these minimum standards and reflects the high level of conduct the community is entitled to expect of them. In this way, public confidence in the system of Local Government is enhanced.

The minimum standards contained in the Code of Conduct regulations are mandatory and enforceable. Whilst individual Local Governments have the capacity to add additional standards of behaviour to the regulations, these remain discretionary and are not enforceable.

It is a fact of any working relationship that conflicts will arise from time to time between individuals. Where minor breaches to the Code of Conduct occur, and where it remains in the public interest, elected members and committee members are encouraged in the first instance to seek to resolve matters through the internal review processes within their own Local Government. Where internal review is unsuccessful, a breach is of a serious nature or public interest requires external determination, complaints will be dealt with externally through the Local Government Disciplinary Framework.

CEO's Comment

This section is self explanatory.

2. Scope

Box B

1. An elected member or committee member must observe the Code of Conduct regulations whenever he or she conducts the business of the Local Government.
2. Where an elected member or committee member acts as a representative of the Local Government on any other body, he or she must comply with these regulations.

CEO's Comment
This is supported.

3. General Obligations

Box C

3. An elected member or committee member must-
 - (a) act with honesty and integrity;
 - (b) treat others with respect, fairness and equality;
 - (c) undertake their role with reasonable care and due diligence;
 - (d) be open and accountable to the public for their actions and the manner in which they carry out their responsibilities;
 - (e) take account of the views of others in decision making;
 - (f) not do anything which compromises or which is likely to compromise the impartiality of those who work for or on behalf of the Local Government;
 - (g) uphold the law and, on all occasions, act in accordance with the trust the public is entitled to place in them;
 - (h) conduct themselves in a manner that maintains the reputation of their office and Local Government; and
 - (i) not undertake official duties of their Local Government when impaired by mind affecting substances.

CEO's Comment
This is supported.

Box D

4. An elected member or committee member must not -
 - (a) disclose information relevant to the Local Government which has been given to him or her or acquired by him or her in their official capacity, and has been designated confidential by the Local Government, unless he or she is required by law to do so;
 - (b) improperly use information; nor
 - (c) notwithstanding sub-clauses (a) and (b), prevent any other person from gaining access to information to which that person is entitled by law.

CEO's Comment
This section reflects the current provisions of the Local Government Act 1995. It is therefore supported.

Box E

5. An elected member or committee member must not -
- (a) in his or her position, confer improperly on or secure improperly for himself or herself, or any other person or body, an advantage or disadvantage;
 - (b) in his or her position, seek to improperly influence other elected members, committee members or employees in the performance of their duties or functions for the purpose of gaining advantage or disadvantage for himself or herself or for any other person or body;
 - (c) when using or authorising the use by others of the resources of the Local Government, misuse or permit their misuse by any other person or body; nor
 - (d) improperly use resources of the Local Government for electioneering purposes.

CEO's Comment

This section reflects the current provisions of the Local Government Act 1995. It is therefore supported.

4. Reporting breaches of the Code of Conduct regulations

Box F

6. A person may, if he or she becomes aware of any conduct by an elected member or committee member which he or she reasonably believes involves a breach of the code of conduct regulations, make a written complaint to that effect to the Complaints Officer within their Local Government or to the Director General of the Department of Local Government and Regional Development as soon as practicable. The complaint must be given in confidence and should:
- (a) identify the complainant and the person against whom the complaint is made;
 - (b) set out the details of the alleged breach of the code of conduct regulations;
 - (c) give details on the grounds of the complaint; and
 - (d) be verified by a statutory declaration.

CEO's Comment

This is a new section. It is supported.

Box G

7. A person who has lodged a complaint, or an elected member or committee member against whom a complaint has been made under section 6, must keep confidential all aspects relating to the complaint until such time as the complaint is deemed to be no longer confidential by the person receiving the complaint (either the Local Government Complaints Officer or the Director General).

CEO's Comment

This is a new section. It is supported.

Box H

8. The person receiving the complaint (the Local Government Complaints Officer or the Director General) is to give the elected member or committee member against whom the complaint has been made details of the complaint.

CEO's Comment

This is a new section. It is supported.

5. Conflict of Interests

Box I

9. An elected member or committee member must regard himself or herself as having a conflict of interest in any matter when -
- (a) he or she has a financial interest (including proximity interest) pursuant to Division 6 Part 5 of the Local Government Act; or
 - (b) he or she has a personal interest in any matter as defined in section 10.

CEO's Comment

This section reflects the current provisions of the Local Government Act 1995. It is therefore supported.

Box J

10. An elected member or committee member must regard himself or herself as having a personal interest in any matter if the matter relates to:
- (a) general control or management of a:
 - (i) body to which he or she has been appointed or nominated by the Local Government as its representative;
 - (ii) public authority or body exercising functions of a public nature ;
 - (iii) incorporated body, charity or body directed to charitable purposes;
 - (iv) professional body or association; or
 - (v) sporting, leisure or social club of any description.
 - (b) any subject or matter other than a personal belief or philosophy which significantly affects the elected member or committee member to a greater extent than other Local Government ratepayers or residents of the Local Government generally.
 - (c) a relative, known friend or known adversary.

CEO's Comment

This section reflects the current provisions of the Local Government Act 1995. It is therefore supported.

6. Disclosure of Personal Interests

Box K

11. An elected member or committee member who has a personal interest in any matter, or is likely to be perceived as having a personal interest in any matter which is to be discussed at a Council or Committee meeting to be attended by that elected member or committee member, or in respect of which the elected member or committee member has given or will give advice, must disclose the existence and nature of the interest.

CEO's Comment

This section reflects the current provisions of the Local Government Act 1995. It is therefore supported.

Box L

12. The disclosure of a personal interest in a matter to be discussed at a Council or Committee meeting, or in respect of which an elected member or committee member has given or will give advice, must:-
- (a) be made in writing, beforehand or as soon as becoming aware, of the personal interest explaining the nature of the personal interest;
 - (b) be given to the Chief Executive Officer of the Local Government either before the meeting or as soon as becoming aware of the personal interest, or be made at the time that the advice is given;
 - (c) if the matter relates to the giving of advice, accompany the advice; and
 - (d) be recorded in the minutes of the meeting at which the issue is discussed or the advice is considered.

CEO's Comment

This section reflects the current provisions of the Local Government Act 1995. It is therefore supported.

7. Prejudicial Interests

Box M

13. Subject to section 14, an elected member or committee member with a personal interest in a matter also has a prejudicial interest in that matter if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the elected member's or committee member's judgment of the public interest.

CEO's Comment

This is a new section. It is supported.

Box N

14. An elected member or committee member may regard himself or herself as not having a prejudicial interest in a matter if that matter relates to:-
- (a) a Regional Council of which he or she is a member; or
 - (b) a body to which he or she had been appointed by the Local Government as its representative.

CEO's Comment

This is a new section. It is self explanatory and is supported.

Box O

15. An elected member or committee member who has a personal interest which is not a prejudicial interest, or to which section 14 applies, may remain in the room or chamber where the meeting is being held and participate in the discussion, exercise deliberative functions and, where relevant, give advice in relation to that matter.
16. An elected member or committee member who has a prejudicial interest in any matter must -

- (a) withdraw from the room or chamber where a meeting is being held whenever it becomes apparent that the matter is being considered at that meeting, unless he or she has obtained a dispensation from a majority of the members of Council who do not have a prejudicial interest or from the Minister;
- (b) not participate in the discussion, exercise deliberative functions or give advice in relation to that matter; and
- (c) not seek improperly to influence a decision about that matter.

CEO's Comment

This section reflects the current provisions of the Local Government Act 1995. It is therefore supported.

The General Principles

Elected members and committee members within Local Government in Western Australia are required to uphold the following eleven ethical principles in their public services:

- (1) **Selflessness** – Elected members and employees should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.
- (2) **Honesty and Integrity** – Elected members and employees should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.
- (3) **Objectivity** – Elected members and employees should make decisions on merit, including when making appointments, awarding contracts or recommending individuals for rewards or benefits.
- (4) **Accountability** – Elected members and employees should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.
- (5) **Openness** – Elected members and employees should be as open as possible about their actions and those of their Local Government, and should be prepared to give reasons for those actions.
- (6) **Decision Making** – Elected members and employees should take account of the views of others, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.
- (7) **Respect for Others** – Elected members and employees must seek to achieve a team approach in an environment of mutual respect, trust and acceptance of their different roles in achieving the Council's objectives.
- (8) **Equality** – Elected members and employees should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability.
- (9) **Duty to Uphold the Law** – Elected members and employees should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

- (10) **Stewardship** – Elected members and employees should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.
- (11) **Leadership** – Elected members and employees should promote and support these principles by leadership, and by example, and should always act in a way that secures or preserves public confidence.

Local Government (Code of Conduct) Regulations (DRAFT)

Preamble

The *Local Government (Code of Conduct) Regulations 2003* provide minimum standards for ethical and professional conduct by elected members and others who may be committee members (as defined in sections 5.8 and 5.9 of the *Local Government Act*) in Local Government.

Elected members and committee members should behave consistently in a manner that meets or exceeds these minimum standards and reflects the high level of conduct the community is entitled to expect of them. In this way, public confidence in the system of Local Government is enhanced.

The minimum standards contained in the Code of Conduct regulations are mandatory and enforceable. Whilst individual Local Governments have the capacity to add additional standards of behaviour to the regulations, these remain discretionary and are not enforceable.

It is a fact of any working relationship that conflicts will arise from time to time between individuals. Where minor breaches to the Code of Conduct occur, and where it remains in the public interest, elected members and committee members are encouraged in the first instance to seek to resolve matters through the internal review processes within their own Local Government. Where internal review is unsuccessful, a breach is of a serious nature or public interest requires external determination, complaints will be dealt with externally through the Local Government Disciplinary Framework.

PART 1 - General Provisions

Scope

1. An elected member or committee member must observe the Code of Conduct regulations whenever he or she conducts the business of the Local Government.
2. Where an elected member or committee member acts as a representative of the Local Government or on any other body, he or she must comply with these regulations.

General Obligations

3. An elected member or committee member must -
 - (a) act with honesty and integrity;
 - (b) treat others with respect, fairness and equality;
 - (c) undertake their role with reasonable care and due diligence;
 - (d) be open and accountable to the public for their actions and the manner in which they carry out their responsibilities;

- (e) take account of the views of others in decision making;
 - (f) not do anything which compromises or which is likely to compromise the impartiality of those who work for or on behalf of the Local Government;
 - (g) uphold the law and, on all occasions, act in accordance with the trust the public is entitled to place in them;
 - (h) conduct themselves in a manner that maintains the reputation of their office and Local Government; and
 - (i) not undertake official duties of their Local Government when impaired by mind affecting substances.
4. An elected member or committee member must not -
- (a) disclose information relevant to the Local Government which has been given to him or her or acquired by him or her in their official capacity, and has been designated confidential by the Local Government, unless he or she is required by law to do so;
 - (b) improperly use information; nor
 - (c) notwithstanding sub-clauses (a) and (b), prevent any other person from gaining access to information to which that person is entitled by law.
5. An elected member or committee member must not -
- (a) in his or her position, confer improperly on or secure improperly for himself or herself, or any other person or body, an advantage or disadvantage;
 - (b) in his or her position, seek to improperly influence other elected members, committee members or employees in the performance of their duties or functions for the purpose of gaining advantage or disadvantage for himself or herself or for any other person or body;
 - (c) when using or authorising the use by others of the resources of the Local Government, misuse or permit their misuse by any other person or body; nor
 - (d) improperly use resources of the Local Government for electioneering purposes.

Reporting breaches of the Code of Conduct regulations

6. A person may, if he or she becomes aware of any conduct by another elected member or committee member which he or she reasonably believes involves a breach of the code of conduct regulations, make a written complaint to that effect to the Complaints Officer within their Local Government or to the Director General of the Department of Local Government and Regional Development as soon as practicable.

The complaint must be given in confidence and should:

- (a) identify the complainant and the person against whom the complaint is made;
 - (b) set out the details of the alleged breach of the code of conduct regulations;
 - (c) give details on the grounds of the complaint; and
 - (d) be verified by a statutory declaration.
7. A person who has lodged a complaint, or an elected member or committee member against whom a complaint has been made under section 6, must keep confidential all aspects relating to the complaint until such time as the complaint is deemed to be no longer confidential by the person receiving the complaint (either the Local Government Complaints Officer or the Director General).

8. The person receiving the complaint (the Local Government Complaints Officer or the Director General) is to give the elected member or committee member against whom the complaint has been made details of the complaint.

PART 2 - Conflict of Interests

9. An elected member or committee member must regard himself or herself as having a conflict of interest in any matter when -
- (a) he or she has a **financial interest** (including proximity interest) pursuant to Division 6 Part 5 of the *Local Government Act*; or
 - (b) he or she has a **personal interest** in any matter as defined in section 10.
10. An elected member or committee member must regard himself or herself as having a personal interest in any matter if the matter relates to:
- (a) general control or management of a:
 - (i) body to which he or she has been appointed or nominated by the Local Government as its representative;
 - (ii) public authority or body exercising functions of a public nature ;
 - (iii) incorporated body, charity or body directed to charitable purposes;
 - (iv) professional body or association; or
 - (v) sporting, leisure or social club of any description.
 - (b) any subject or matter other than a personal belief or philosophy which significantly affects the elected member or committee member to a greater extent than other Local Government ratepayers or residents of the Local Government generally.
 - (c) a relative, known friend or known adversary.

Disclosure of Personal Interests

11. An elected member or committee member who has a personal interest in any matter, or is likely to be perceived as having a personal interest in any matter which is to be discussed at a Council or Committee meeting to be attended by that elected member or committee member, or in respect of which the elected member or committee member has given or will give advice, must disclose the existence and nature of the interest.
12. The disclosure of a personal interest in a matter to be discussed at a Council or Committee meeting, or in respect of which an elected member or committee member has given or will give advice, must:-
- (a) be made in writing, beforehand or as soon as becoming aware, of the personal interest explaining the nature of the personal interest;
 - (b) be given to the Chief Executive Officer of the Local Government either before the meeting or as soon as becoming aware of the personal interest, or be made at the time that the advice is given;
 - (c) if the matter relates to the giving of advice, accompany the advice; and
 - (d) be recorded in the minutes of the meeting at which the issue is discussed or the advice is considered.

Prejudicial Interests

13. Subject to section 14, an elected member or committee member with a personal interest in a matter also has a prejudicial interest in that matter if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the elected member's or committee member's judgment of the public interest.
14. An elected member or committee member may regard himself or herself as not having a prejudicial interest in a matter if that matter relates to:-
 - (a) a Regional Council of which he or she is a member; or
 - (b) a body to which he or she had been appointed by the Local Government as its representative.

Participation in Relation to Disclosed Personal Interests

15. An elected member or committee member who has a personal interest which is not a prejudicial interest, or to which section 14 applies, may remain in the room or chamber where the meeting is being held and participate in the discussion, exercise deliberative functions and, where relevant, give advice in relation to that matter.
16. An elected member or committee member who has a prejudicial interest in any matter must -
 - (a) withdraw from the room or chamber where a meeting is being held whenever it becomes apparent that the matter is being considered at that meeting, unless he or she has obtained a dispensation from a majority of the members of Council who do not have a prejudicial interest or from the Minister;
 - (b) not participate in the discussion, exercise deliberative functions or give advice in relation to that matter; and
 - (c) not seek improperly to influence a decision about that matter.

GIFTS AND HOSPITALITY

17. **In this section:-**

“gift” means any disposition of property, or the conferral of any other financial benefit, made by one person in favour of another otherwise than by Will (whether with or without an instrument in writing), without consideration in money or money's worth passing from one person in whose favour it is made to the other; or with such consideration so passing if the consideration is not fully adequate.

It does not include:-

- (a) a gift from a relative as defined in section 5.74(1) of the Local Government Act; or
- (b) a gift as defined in regulation 30A of the *Local Government (Elections) Regulations 1997*.

“token gift” means a gift of, or below, the value of \$250.

18. An elected member or committee member cannot accept a gift, other than a token gift, from any person who has undertaken, is undertaking or is likely to undertake any dealings with the Local Government or has undertaken, is undertaking or is likely to undertake any business:

- (a) that requires the person to obtain any authorisation from the Local Government;
 - (b) by way of contract between the person and the Local Government; or
 - (c) by way of providing any service to the Local Government.
19. An elected member or committee member who receives, other than in his or her purely private capacity, a gift or other benefit including a token gift, must within 5 days of its receipt, give to the Chief Executive Officer of the Local Government written details of-
- (a) the name of the person who gave, and received, the gift or token gift;
 - (b) the date of receipt of the gift or token gift; and
 - (c) a description, and the estimated value, of the gift or token gift.
20. The Chief Executive Officer of the Local Government is to keep a *Register of Gifts*, including token gifts, and is to include in the Register the details that are given under section 19.
21. If the particular Local Government decides that -
- (a) a specified thing given by way of hospitality; or
 - (b) a thing given by way of hospitality that belongs to a specified class of things,
- does not need to be recorded under section 19, the specified thing, and things belonging to the specified class, do not need to be recorded.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

The Local Government Act 1995 Section 5.103 requires each local government is to prepare and adopt a Code of Conduct which is to be observed by Elected Members and employees. The Code is to be reviewed within twelve (12) months of each election day.

The Local Government (Administration) Regulations deal with gifts and disclosures effecting impartiality.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil. However, if a new Code of Conduct is to be adopted, reprinting of the Code will be required in order that a copy is made available to Elected Members and employees. A pocket size version is available. Printing of these would costs approximately \$500.

COMMENTS:

The proposed Model Code of Conduct and associated regulations are an improvement on the current documents. They provide more concise details and removes ambiguity in some areas. Accordingly, they are supported.

10.4.4 Town of Vincent Policy Manual Review

Ward:	-	Date:	16 July 2003
Precinct:	-	File Ref:	ORG0023
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council APPROVES of the following;

- (i) *Policies to be amended as shown in Appendix 10.4.4:*
- (a) *1.1.4 - Floodlight by Sporting Organisations on Council's Reserves*
 - (b) *1.2.2 - Electoral Signs - Control of*
 - (c) *1.2.4 - Performing and Displayed Animals in Circuses and Travelling Menageries*
 - (d) *1.2.9 - Freedom of Information Requests*
 - (e) *1.3.5 - Paper Products - Purchase of*
 - (f) *1.3.7 - Loan of Council Equipment*
 - (g) *3.9.1 - Community Policing*
 - (h) *3.9.4 - Reserved Parking for Individuals or Charitable/Handicapped Groups*
 - (i) *3.9.7 - Parking Restrictions - Kerbside*
 - (j) *4.1.9 - Elected Members' Requests - Procedure*
 - (k) *4.1.23 - Recording of Council Meetings and Access to Recorded Information*
- (ii) *Policies to be deleted:*
- (a) *1.1.3 - Leased Facilities - Sale of*
 - (b) *1.2.3 - Smoking - Council Properties*
 - (c) *3.8.2 - Smoking in Food Premises*
- (iii) *Policies to be re-adopted without any changes:*
- (a) *1.1.1 - Sale of Liquor on and in Sporting and Recreation Facilities owned by the Town*
 - (b) *1.2.1 - Naming of Reserves and Buildings*
 - (c) *1.2.5 - Use of Council Facility for other than Primary Designated Purpose*
 - (d) *1.3.2 - Contracts for the Supply of Goods and/or Services*
 - (e) *1.3.6 - Plant and Vehicles - Sale of*
 - (f) *1.3.9 - Selective Purchasing Policy*
 - (g) *3.8.4 - Issue of Section 39 Certificates - Liquor Licensing Act 1988*
 - (h) *3.8.5 - Concerts and Events*
 - (i) *3.9.2 - Dog Control*
 - (j) *3.9.3 - Public Car Marts in the Council's Car Parks*
 - (k) *3.9.5 - Vehicles Parking on Commercial Property - Policing of*
 - (l) *3.9.6 - Parking Facilities - Pick-up and Set-down stands*
 - (m) *3.9.13 - Removal and Disposal of Apparently Abandoned Vehicles*
 - (n) *4.1.1 - Provision of Refreshments After Meetings of the Council - To be amalgamated with 4.1.17 - Use and Access to Refreshments*

- (o) **4.1.4 - Provision of Plaques at Official Openings**
 - (p) **4.1.5 - Sexual Harassment**
 - (q) **4.1.6 - Town of Vincent Student Citizenship Award**
 - (r) **4.1.7 - Council Meetings Maximum Time**
 - (s) **4.1.12 - Newsletters**
 - (t) **4.1.17 - Use and Access to Refreshments - To be amalgamated with 4.1.1 - Provision of Refreshments After Meetings of Council**
 - (u) **4.1.18- Nuclear Free Zone**
 - (v) **4.2.1 - Staff Safety**
 - (w) **4.2.6 - Resolution of Safety and Health Issues**
 - (x) **4.2.7 - Purchasing Policy Relating to Occupational Safety and Health Considerations; and**
- (iv) ***the CEO be authorized to review the current policy manual format and policy numbering and provide further reports to the Council.***

BACKGROUND:

The Council's Policy Manual contains various policies which provide guidance to the Town's Administration and also to Elected Members for day to day management issues and also decision making.

The policies are amended from time to time as the need arises. It is "best practice" to review policies at a regular interval and the Town undertakes this every five years. As the policy manual contains a large number of policies a program of review has been prepared for the matter to be considered between July and December 2003. The Town's Administration has commenced the process and has provided the comments as outlined in this report.

Copies of the policies to be amended, deleted or recommended for re-adoption were circulated to Elected Members requesting comments by 30 June 2003. Comments were received from Councillors Chester and Ker and these have been incorporated into the various policies.

The following policies are to be amended.

- (i) 1.1.4 - Floodlight by Sporting Organisations on Council's Reserves

CEO's Comment

Contains minor changes to standardise terminology.

- (ii) 1.2.2 - Electoral Signs - Control of

CEO's Comment

Cr Ker made comment on this policy and accordingly the definition of "Signs" has been inserted to refer to "Signs and Advertising" as defined in the Town of Vincent Planning and Building Policy Manual Policy Number 3.5.2 - This policy is to be renumbered and inserted in the CEO's section (the matter is more appropriately aligned with governance matters).

- (iii) 1.2.4 - Performing and Displayed Animals in Circuses and Travelling Menageries

CEO's Comment

Wording has been modified to refer to "any land owned or controlled by the Council".

- (iv) 1.2.9 - Freedom of Information Requests

CEO's Comment

Cr Ker made comment on this policy and the policy has been amended so that the fee of \$30 has been removed and the words "fee as prescribed by the Council" inserted. This Policy is to be re-numbered and inserted in the CEO's Section, who is responsible for FOI.

- (v) 1.3.5 - Paper Products - Purchase of

CEO's Comment

Cr Ker and Chester made comment on this policy. Their comments have been included and this policy has been amended to delete the word "hopefully" in line one and to add the words "performance and price" as a criteria.

- (vi) 1.3.7 - Loan of Council Equipment

CEO's Comment

Minor amendments to the policy now include "items" and also to prohibit machinery or tools being loaned for safety and insurance purposes. This is based on advice from the Town's Insurer.

- (vii) 3.9.1 - Community Policing

CEO's Comment

Reference has now been included to "Safer WA and other Agencies" dealing with community safety and security issues. Reference to redundant formula based funding has been deleted.

- (viii) 3.9.4 - Reserved Parking for Individuals or Charitable/Handicapped Groups

CEO's Comment

Reference to the Town's new policy 3.9.15 - Introduction of Kerbside "ACROD 2.5" parking bay in Residential Areas has been included." The title has been amended to reflect current terminology.

- (ix) 3.9.7 - Parking Restrictions - Kerbside

CEO's Comment

The words "taking into account the needs of local residents" has been inserted. This will allow more flexibility and discretion when applying the Policy.

(x) 4.1.9 - Elected Members' Requests/Contact with Staff

CEO's Comment

Cr Chester made a comment on this policy relating to requests being actioned in a specified time and a need for responses to be provided. Accordingly, the policy has been amended to include a new paragraph advising that Elected Members requests will be actioned within 10 working days (as this is the current practice) and a written response will be provided to the Elected Member advising of the action taken.

In addition, a new clause has been inserted to allow the CEO to use discretion with requests that require considerable staff resources or where the matter has not been included in the Town's budget.

(xi) 4.1.23 - Recording of Council Meetings and Access to Recorded Information

CEO's Comment

It is recommended that this policy be amended by deleting the word "Mayor" in clause (1) of the policy statement and inserting the words "Presiding Member". Whilst the Mayor is generally the Presiding Member, on occasions when the Mayor is absent, the Deputy Mayor presides. Therefore, to avoid any ambiguity the title "Presiding Member" should be used.

The following policies are to be deleted:

(i) 1.1.3 - Leased Facilities - Sale of Goods

CEO's Comment

These are controlled by leases, therefore, the policy is redundant.

(ii) 1.2.3 - Smoking - Council Properties

CEO's Comment

The smoking issue is covered under Occupational Safety and Health legislation and the Health (Smoking in Enclosed Public Places) Regulations 1999 (WA) now prohibits smoking within food premises.

(iii) 3.8.2 - Smoking in Food Premises

CEO's Comment

The Health (Smoking in Enclosed Public Places) Regulations 1999 (WA) now prohibits smoking within food premises.

A large number of policies are recommended for re-adoption without any changes. These are listed in the recommendation and no further explanation is required.

The CEO is of the opinion that a number of policies are incorrectly listed in some categories. Also that the Policy Manual could be streamlined and reformatted for ease of locating policies. Approval to carry out this task is requested. The final format will be reported to the Council for approval. A number of new policies will be recommended to the Council over the forthcoming months.

CONSULTATION/ADVERTISING:

The Council has a policy of advertising for a period of 21 days seeking comments from the public. However, as the proposed policy changes are relatively minor or of an administrative nature, it is recommended that this not be carried out, in this instance. This will provide costs savings to the Council.

LEGAL/POLICY:

Policies are not legally enforceable, they provide guidance to the Town's Administration and Elected Members when considering various matters. The Independent Organisational Review identified the need for the Town's Policy Manual to be reviewed (Recommendation Number 11).

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The Town's Policy Manual will be progressively reviewed and amended over the forthcoming six months. These will reflect the Council's position and also any community attitude changes which have occurred over the previous five years.

10.4.5 Delegations for the Period 1 April 2003 to 30 June 2003

Ward:	Both	Date:	15 July 2003
Precinct:	All	File Ref:	ADM0018
Attachments:	001		
Reporting Officer(s):	Various		
Checked/Endorsed by:	John Giorgi	Amended by:	-

RECOMMENDATION:

That the Council;

- (i) **ENDORSES** the delegations for the period 1 April 2003 to 30 June 2003 as shown in Appendix 10.4.5; and
- (ii) **APPROVES BY AN ABSOLUTE MAJORITY** to write-off infringement notices to the value of \$25,425 for the reasons detailed in this report.

BACKGROUND:

The Local Government Act 1995, at Section 5.42, allows for a Council to delegate to the Chief Executive Officer its powers and functions.

The purpose of delegating authority to the Chief Executive Officer is to provide for the efficient and orderly administration of the day to day functions of the Local Government. The Chief Executive Officer and Executive Managers exercise the delegated authority in accordance with the Council's policies.

ADVERTISING/CONSULTATION:

Not applicable.

LEGAL/POLICY:

Section 5.42 of the Local Government Act 1995 gives power to a Council to delegate to the CEO the exercise of its powers and functions; prescribes those functions and powers which cannot be delegated; allows for a CEO to further delegate to an employee of the Town; and states that the CEO is to keep a register of delegations. The delegations are to be reviewed at least once each financial year by the Council and the person exercising a delegated power is to keep appropriate records.

It is considered appropriate to report to Council on a quarterly basis on the delegations utilised by the Town's Administration. A copy of these for the quarter is shown in the attached Appendix 10.4.4. Quarterly reports are reported to the Council.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

The Council's auditors recommend that infringement notices be reported to Council for a decision to write-off the value of the infringement notice. In these cases it is the opinion of the Manager Law and Order Services that infringement notices cannot be legally pursued to recover the money or it is uneconomical to take action as this will exceed the value of the infringement notice. The details of the infringement notices are as follows:

Description	Amount \$
Residential parking restrictions – Perth Oval – valid reason provided #	17,240
Ranger/Clerical Error/Training	1,740
Vehicle registered to interstate or overseas owner	2,050
Proof of vehicle breakdown or theft	690
Proof that ticket was purchased and produced	270
Vehicle ownership cannot be located	370
Insufficient or incorrect signage	310
Faulty ticket machines	Nil
Modified Penalties	1,605
Litter Act	400
Dog Act	200
Pound Fees Modified	550
TOTAL	25,425

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.

10.4.6 Information Bulletin

Ward:	-	Date:	15 July 2003
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer(s):	N Wellington		
Checked/Endorsed by:	J Giorgi	Amended by:	-

RECOMMENDATION:

That the Information Bulletin dated 22 July 2003, as distributed with the Agenda, be received.

DETAILS:

The items included in the Information Bulletin dated 22 July 2003 are as follows:

ITEM	DESCRIPTION
IB01	Rangers' Statistics for April, May and June 2003
IB02	Thank you letter received from Roger Sandercock regarding Police patrols
IB03	Thank you letter received from Mrs Hilda Jones regarding the Town of Vincent Art Awards

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1. Notice of Motion - Councillors Chester, Cohen, Farrell and Lake - Recision Council Resolution 10.4.3 Clause (ii) - Council Meeting Held on 8 July 2003

That the Council;

- (i) *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(e) of the Local Government Act 1995 having received the support of one third of the members, resolves to REVOKE OR CHANGE the following part resolution adopted by the Council at its Ordinary Meeting held on 8 July 2003 (Item No 10.4.3) namely Clause (ii);*
- "(ii) REQUESTS the Chief Executive Officer to provide a further report on the Independent Organisational Review including the recommendations, as detailed in this report; and ..."*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY of the following:*
- (a) *that the Mayor, Councillors, CEO and Executive Managers have an Elected Members briefing to discuss key issues raised by the Independent Organisational Review and potential options for dealing with them;*
 - (b) *the proposed briefing is to be held in two weeks time;*
 - (c) *the Council hold a Special Meeting in mid August 2003 to consider the recommendations and identify key areas and priorities in the implementation of the Independent Organisational Review;*
 - (d) *the CEO be requested to prepare an Organisational Review Implementation Report, by the first meeting in October, based on the resolution of Council at the aforementioned Special Meeting of Council;*
 - (e) *the Town's Organisational Review Implementation Report and consultants Independent Organisational Review be advertised for community consultation in accordance with the Town's consultation policy; and*
 - (f) *the final report be presented for Council's consideration by November 2003.*

11.2. Notice of Motion - Councillor Chester - Town of Vincent Town Planning and Building Policy Manual

That the Council requests the Chief Executive Officer to prepare a report, no later than September 2003, that:-

- (i) addresses any ambiguity or contradiction in the Towns Planning and Building Policy manual in so far as its regulations on building height and specifically, the effect of the current policies wording in their provision for lofts;*
- (ii) provides recommendations that provide greater clarity in the Town's policies as to the height of development considered appropriate in the Town's Localities; and*
- (iii) examines the alternative mechanism of governing the maximum scale of development by reference to a maximum number of storeys to a maximum overall height, and where the number of storeys takes precedence.*

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

12.1 Appointment of Council Delegate to Statutory Authorities – Safer WA (Western Suburbs) Committee

Ward:	Both	Date:	15 July 2003
Precinct:	All	File Ref:	ORG0055
Attachments:			
Reporting Officer(s):	N Wellington		
Checked/Endorsed by:	J Giorgi	Amended by:	-

RECOMMENDATION:

That the Council appoints Cr _ _ _ _ _ as the Member to the Safer WA (Western Suburbs) Committee.

BACKGROUND:

As a part of the Council's role in governing for the Town, Elected Members and/or Council Officers represent the Council on a wide range of statutory authorities.

At the Ordinary Meeting of Council held on 13 May 2003, Council considered a report on delegates to the various Statutory Authorities, Committees and Advisory Groups. Cr Lake was elected as Deputy for the Safer WA (Western Suburbs) Committee, however the Elected Member Delegate position was not filled.

The Committee meets monthly on a Wednesday at 5.30pm and is of approximately 2 hours duration. Accordingly, it is necessary to fill the vacancy.

12.2 WALGA Nomination - (WA Tourism) Visitor Servicing Review - Working Group (2 Members - 1 North and 1 South of the State)

Ward:	-	Date:	16 July 2003
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer(s):	A Smith		
Checked/Endorsed by:	J Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That _____ be nominated as a Member of the (WA Tourism Commission) Visitor Servicing Review - Working Group;

BACKGROUND:

Please see Appendix 12.2 for details.

NOMINATIONS CLOSE COB FRIDAY 1 AUGUST 2003.

13. URGENT BUSINESS

Nil.

14. CLOSURE