

10.1 ENVIRONMENTAL AND DEVELOPMENT SERVICES

10.1.1 No. 2 (Lot 16) View Street, North Perth - Proposed Demolition of View Street Car Park Toilet Block

Ward:	Both Wards	Date:	18 July 2002
Precinct:	All Precincts	File Ref:	PKG0031
Reporting Officer(s):	D Brits, K Steicke, J Maclean, J van den Bok		
Checked/Endorsed by:	R Boardman, R Lotznicher		
Amended by:	John Giorgi		

OFFICER RECOMMENDATION:

That the Council;

- (i) *receives the report on the View Street Car Park Toilet Block located at No.2 (Lot 16) View Street, North Perth; and*
- (ii) *APPROVES the demolition of the View Street Car Park Toilet Block due to numerous requests from local residents, business owners and occupiers concerning safety risks, minimal use, repairs required and on-going maintenance costs.*

BACKGROUND:

For the last three years an increasing number of complaints have been received regarding the View Street Car Park Toilets where complainants have requested removal due to the following reasons:

- The facility attracts and is being used by undesirable persons;
- The location is relatively isolated;
- Safety fears from women in particular;
- Limited toilets - only one pedestal pan in each male and female toilet area;
- Frequent vandalism - around 12 (twelve) taggings per annum with associated costs;
- Necessary repairs and maintenance - roof needs replacement and approximately \$5,000 is required;
- The annual maintenance is approximately \$7,800;
- No universal (disability) access is provided - approximately \$20,000 is required for this purpose; and
- Anecdotal information suggests that the relatively isolated toilet block may be used for drug dealing and other criminal activities.

In addition, the Fitzgerald Street Traders recently co-ordinated a 242-signature petition requesting demolition of the toilet block at the View Street Car Park, and the installation of additional parking bays.

DETAILS:

Security

Law and Order Services has advised that the general public, due to safety concerns rarely use the toilet block. There is no light in the carpark, therefore persons are reluctant to use this at night, for safety reasons. The nearby Hotel, Restaurants and Cafes are in close proximity and all have patron toilet facilities.

Furthermore, the Safer Vincent Co-ordinator in principle supports removal as outlined below:

"There are several issues which need to be kept in mind regarding the toilet block located at the View Street Car Park. When considering Crime Prevention through Environmental Design concepts, this facility would fail in many aspects. Lack of adequate illumination, its isolated location, the illegitimate use of the facility deters legitimate use, and as such the facility does not fulfil its designated use. This situation will probably continue given the general feeling of community members in the vicinity. There are little or no hard statistics relating to activity at the toilets however anecdotally there is a real concern about using that particular facility by legitimate users."

Graffiti Control

The Graffiti Removal Officer has reported around 12 (twelve) taggings annually, with an associated cost of approximately \$1,440 for removal.

Property Maintenance Officer

The Property Maintenance Officer has reported the following indicative costing:

- Annual cost on operational budget is \$7,800;
- Urgent works that include roof replacement would cost approximately \$5,000; and
- Universal Access provision would cost approximately \$20,000.

FINANCIAL/BUDGET IMPLICATIONS:

A total of \$7,800 has been included in the 2002/2003 Budget for the building for maintenance. This could be used for the demolition, with no impact on the Budget.

Retention

If the building is retained, roof replacement works commence and universal access is provided, the estimated cost will amount to approximately \$25,000, and \$8,000 annually. In addition, should the facility be open after-hours in future, additional external security lighting should also be addressed.

Removal

The cost to remove the building would be approximately \$3,500, and to bitumen the affected Car Park surface \$2,400, a total of \$5,900.

STRATEGIC IMPLICATIONS:

This proposal is in keeping with the Council's Strategic Plan 2000-2002 - Key Result Area 1 - The Physical Environment:

- *promotion of a safe and healthy inner-city environment;*
- *review and update Council's programmes for physical infrastructure;*
- *develop and implement a comprehensive strategy for law, order and public safety.*

COMMENTS:

In the light of expressed safety concerns, the petition received, and reported minimal use by the general public, it is appropriate for the Council to consider the relevant costs and options. By removing the building and saving annual maintenance costs, the simultaneous benefit achieved of resolving a local safety risk and additional car parking bays for public use.

The Town's officers consider it appropriate to recommend removal of the building in order to enhance public safety and health, and to allocate funding based on community requests and on a cost-effective basis.

CHIEF EXECUTIVE OFFICER'S COMMENTS:

The CEO amended this report by deleting the need to carry out consultation. It is considered the information provided, together with a 242 signature petition supporting the removal of the toilets, provides adequate information for the Council to make an informed decision.

10.1.2 Further Report - No. 591 (Lot 1) William Street, Corner of Monmouth Street and Wasley Street, Mount Lawley - Proposed Alterations and Additions to Existing Two-Storey Dwelling and Shop

Ward:	North Perth	Date:	17 July 2002
Precinct:	Norfolk, P10	File Ref:	PRO 2036 00/33/1082
Reporting Officer(s):	V Lee, C Wilson		
Checked/Endorsed by:	Y Scheidegger, R Boardman		
Amended by:	-		

FURTHER OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owners D and L Tran, for proposed alterations and additions to existing two-storey dwelling and shop at No. 591 (Lot 1) William Street, corner Monmouth Street and Wasley Street, Mount Lawley, as shown on plans stamp dated 3 May 2002, 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;*
- (iii) the new shop front is to comply with the requirements of the Town's Local Law relating to Verandahs and Awnings Over Streets and the Town's Draft Policy relating to Security Roller Shutters, Doors and Grilles on Non-Residential Buildings;*
- (iv) a road and verge security deposit bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing road and verge have been reinstated to the satisfaction of the Town's Technical Services. An application for the refund of the security deposit must be made in writing; and*
- (v) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the deletion and removal of the car parking bays on the verge of Monmouth Street. All removal and replacement costs shall be borne by the applicants/owners;*

to the satisfaction of the Chief Executive Officer.

FURTHER REPORT:

The Council, at its Ordinary Meeting held on 9 July 2002, received a Report relating to proposed alterations and additions to an existing two storey single dwelling and shop on the subject property and deferred its consideration of the application to enable the Town's Officers to liaise with the owner to address the line marking and car parking area for this property.

An area for the parking of two (2) residential vehicles is provided on site however, there is no room on site for customers to park. Currently, customers to the shop use the car parking area on Monmouth Street and adjoining streets.

The 90 degree verge parking abutting the premises on the Monmouth Street frontage, as shown on the applicant's submission, was not installed with the Town's approval nor does it conform to the relevant Australian Standards. Officers from Technical Services have met with the applicant in an endeavour to address this issue. At the time of writing this report, the applicant is yet to agree to substantial changes and therefore it is considered that any development approval specifically excludes the verge parking and that the approval conditions reflect this.

The proposal does not involve any increase in shop floor area, hence no change to car parking provided on site is required.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 9 July 2002:

"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 D and L Tran, for proposed alterations and additions to existing two-storey dwelling and shop at No. 591 (Lot 1) William Street, corner Monmouth Street and Wasley Street, Mount Lawley, as shown on plans stamp dated 3 May 2002, 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; and*
- (iii) the new shop front is to comply with the requirements of the Town's Local Law relating to Verandahs and Awnings Over Streets and the Town's Draft Policy relating to Security Roller Shutters, Doors and Grilles on Non-Residential Buildings;*

to the satisfaction of the Chief Executive Officer.

Moved by Cr Ker, Seconded by Cr Piper

That the recommendation be adopted.

Moved by Cr Ker, Seconded by Cr Piper

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

"(iv) a road and verge security deposit bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing road and verge 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; "

CARRIED (7-0)

Mayor Catania and Cr Cohen absent and did not vote

Moved by Cr Ker, Seconded by Cr Hall

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

“(v) Council notes that the parking shown on the plan is on the footpath and the line marking is to be removed at the applicants cost.”

Cr Cohen returned at 8.16pm

Moved by Cr Piper, Seconded by Cr Hall

That this item be DEFERRED to enable Council Officers to liaise with the owner to address the line marking and parking for this property.

CARRIED (5-3)

For

Cr Cohen

Cr Doran-Wu

Cr Franchina

Cr Hall

Cr Piper

Against

Cr Drewett

Cr Chester

Cr Ker

Mayor Catania absent and did not vote

LANDOWNER: D and L Tran
APPLICANT: D and L Tran
ZONING: Residential R60
EXISTING LAND USE: Single House and Shop

COMPLIANCE:

<i>Requirements</i>	<i>Required</i>	<i>Existing</i>	<i>Proposed</i>
<i>Open Space</i>	<i>50 per cent</i>	<i>18 per cent</i>	<i>18 per cent</i>

<i>Requirements</i>	<i>Required</i>	<i>Proposed</i>
<i>Setback - to William Street</i>	<i>6 metres from the Primary Street, for two storey additions.</i>	<i>0 metre to balcony of second floor.</i>
<i>- Wasley Street</i>	<i>6.5 metres for two storey wall</i>	<i>0 metre - extension of existing parapet wall</i>

<i>Use Class</i>	<i>Single House, Shop</i>
<i>Use Classification</i>	<i>'P', 'SA'</i>
<i>Lot Area</i>	<i>364 square metres</i>

SITE HISTORY:

The subject two storey dwelling and shop is not included on the Municipal Heritage Inventory or the Interim Heritage Data Base. The original corner shop, while retaining a portion of its existing parapet, has undergone substantial alterations in the past.

DETAILS:

The proposal involves the addition of a bedroom, bathroom and balcony to the existing house, above the existing shop. The proposal will significantly alter the appearance of the building from William Street by the extension of the existing parapet wall along Wasley Street and addition of a balcony facing William Street, on top of the traditional single storey corner shop.

The proposal also involves the replacement of the awning over the William Street verge, and security roller shutters over the shop windows.

CONSULTATION/ADVERTISING:

No submissions were received during the consultation period.

COMMENTS:

The proposed second storey additions to the dwelling are directly above the existing shop with a zero setback to William Street. The proposal also involves the extension of the existing parapet wall on the secondary street (Wasley Street).

It is considered that the proposed additions and alterations to the existing corner shop will detract from the original form and presence of the corner shop. However, consideration for the limited authenticity of the shop and the continued use of the site for mixed commercial and residential purposes is considered to be acceptable in the context of the proposed redevelopment.

The proposal also involves the addition of security roller shutters on shop windows addressing William Street. No specifications have been provided, however a solid covering over these windows is considered to be undesirable. It is considered appropriate to require that these roller shutters are visually permeable, with a minimum 50 per cent visual permeability when viewed from the street and be designed as an integral part of the design of the building to comply with the Town's Draft Policy relating to Security Roller Shutters, Doors and Grilles on Non-Residential Buildings.

The awning generally complies with the requirements of the Town's Local Law relating to Verandahs and Awnings Over Streets.

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

10.1.3 No.168 (Lot 198) Coogee Street, Mount Hawthorn - Proposed Additions, Alterations and Garage to Existing Single House

Ward:	Mount Hawthorn	Date:	15 July 2002
Precinct:	Mount Hawthorn, P1	File Ref:	PRO 2106 00/33/1211
Reporting Officer(s):	M Hansen		
Checked/Endorsed by:	Y Scheidegger, 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 BY AN ABSOLUTE MAJORITY the application submitted by the owner JW Dalton for proposed additions, alterations and garage to existing single house at No. 168 (Lot 198) Coogee Street, Mount Hawthorn and as shown on plans stamp dated 1 July 2002, subject to;

- (i) a road and verge security bond and /or bank guarantee of \$550 shall be lodged 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;*
- (ii) subject to first obtaining the consent of the owners of No. 166 and No. 170 Coogee 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. 166 and No. 170 Coogee Street in a good and clean condition;*
- (iii) a right of way security bond and/or bank guarantee for \$880.00 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
- (iv) 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;*

- (v) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to Coogee Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (vi) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division; and*
- (vii) *compliance with all relevant Building, Engineering and Environmental Health requirements;*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: JW Dalton
APPLICANT: JW Dalton
ZONING: Metropolitan Region Scheme - Urban
 Town Planning Scheme No.1 – Residential 30
EXISTING LAND USE: Single House

COMPLIANCE:

Use Class	Single House	
Use Classification	"P"	
Lot Area	488 square metres	
Requirements	Required	Proposed
Total Open Space	50 percent	45 percent
Northern Side Setback - Store	1.0 metre	Nil
Southern Side Setback - Garage	1.0 metre	Nil
Northern Side Setback - House Addition	1.5 metres	1.1 metres
Southern Side Setback - House Addition	1.5 metres	1.1 metres

SITE HISTORY:

The subject site is occupied by an existing single house. The single dwelling is flanked by residential properties.

DETAILS:

Approval is sought for single storey additions, alterations and garage to the existing single house.

CONSULTATION/ADVERTISING:

The applicant for this proposal has provided comments from the adjoining neighbours. The neighbours have indicated that they do not object to the proposed additions, alterations and garage to the existing single house.

COMMENTS:

Setbacks

The variation to the northern and southern side setback requirement is considered acceptable as the variation is relatively minor in nature, will not unreasonably adversely affect the amenity of the area, and no objections were received from the affected adjacent properties.

Total Open Space

The dwelling is not provided with what would be termed as traditional open space. Given the site's inner urban location, its proximity to a number of parks and the growing trend for smaller maintenance-free areas of open space, the variation is considered acceptable.

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

10.1.4 No.120 (Lot 2) Palmerston Street, Perth - Proposed Alterations and Two-Storey additions to the Existing Single House involving Partial Demolition

Ward:	North Perth	Date:	16 July 2002
Precinct:	Hyde Park, P12	File Ref:	PRO2090 (00/33/1172)
Reporting Officer(s):	H Coulter		
Checked/Endorsed by:	Y Scheidegger, 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 BY AN ABSOLUTE MAJORITY the application submitted by G R Elly on behalf of the landowner K Wong for proposed alterations and two-storey additions to the existing single house involving partial demolition at No.120 (Lot 2) Palmerston Street, Perth and as shown on plans stamp dated 24 June 2002, 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 the front fence and gate adjacent to Palmerston 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;*
- (ii) *a road and verge security deposit bond and/or bank guarantee of \$550.00 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (iii) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the windows to bedroom four, the sitting room and the study on the eastern (rear) and southern elevations respectively on the first floor shall be screened with a permanent obscure material to a minimum of 1.4 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 obscure portion of the window shall be fixed in a closed position and any higher part may be openable, or the whole window be top hinged and the obscure portion of the window openable to a maximum of 20 degrees;*
- (iv) *a right of way security bond and/or bank guarantee for \$880.00 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*

- (v) *quality archival photographs of the place for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition and/or Building Licence;*
- (vi) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (vii) *a 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; and*
- (viii) *compliance with all relevant Environmental Health, Engineering and Building requirements;*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: K Wong
APPLICANT: G R Elly
ZONING: Metropolitan Region Scheme - Urban
 Town Planning Scheme No.1 – Residential R80
EXISTING LAND USE: Single House

COMPLIANCE:

Requirements	Required	Proposed
Car Parking	2 bays	1 bay existing
Total Open Space	50 per cent (225 square metres)	47.5 per cent (214 square metres)
Setbacks		
North (grd)	2.0 metres	0.6 (exist.) - 1.55 metres
(1st flr)	1.2 metres	1.07 - 1.55 metres
South (grd)	3.5 metres	1.2 metres (exist.) - 1.5 metres
	3.0 metres	1.5 metres
Use Class	Single House	
Use Classification	'P'	
Lot Area	450 square metres	

SITE HISTORY:

The property is located on the eastern side of Palmerston Street near the corner of Brisbane Street and accommodates a single house currently listed on the Town's Interim Heritage Database.

DETAILS:

Approval is sought for alterations and two-storey additions to the existing house including partial demolition.

CONSULTATION/ADVERTISING:

One submission has been received, excerpts of which are as follows:

"I wish to object to the proposal on the following grounds-

1/ The access from the lane to the above property is the obvious entry point for this construction....will cause an unacceptable level of disturbance for an ongoing period.

...

2/ My work as an artist and writer will be severely compromised...

...

3/ Previous use of bobcats and heavy trucks accessing the lane...resulted in cracking to the joints of the walls..."

The adjoining landowners comments are acknowledged however, from a planning point of view, do not contain valid grounds of objection. It is noted that concerns regarding noise, disturbance and possible damage to existing dwellings are addressed at the Building Licence stage with standard conditions.

COMMENTS:

Heritage

The existing house at No.120 Palmerston Street, Perth is a brick residence symmetrical in appearance, with prominent gables. The proposal requires the partial demolition of rear external and internal walls. The proposed additions, although two storey, have been set back sufficiently behind the existing roof line of the original dwelling. The proposed works are supported subject to quality archival photographs being submitted to and approved by the Town prior to the issue of a Building Licence.

Side Setbacks

The variations to the northern and southern side setbacks are considered acceptable, given the proposed additions have a greater setback than that of the existing dwelling, no objections have been received, and minimal habitable room openings are depicted on the elevations.

Overlooking

The first floor bedroom four, sitting and study windows on the eastern and southern elevations have the potential to unreasonably overlook into the rear of adjoining properties. As such, screening of these openings in accordance with the Town's Policy relating to Privacy should be imposed.

Open Space

The minor variation in the provision of open space is supported, given the plans maintain a traditional front yard and a functional verandah and open area is proposed off the main living area at the rear of the dwelling.

Car Parking

The dwelling exists with only one bay and given the nature of the proposal, in that the intensity of the use will not alter, the provision of parking is acceptable.

Summary

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

10.1.5 Nos.89-95 (Lots 63 & 64) Smith Street, Highgate - Proposed Eight, Two-Storey Grouped Dwellings

Ward:	North Perth	Date:	16 July 2002
Precinct:	Forrest, P14	File Ref:	PRO1096; 00/33/0994
Reporting Officer(s):	H Coulter		
Checked/Endorsed by:	Y Scheidegger, R Boardman		
Amended by:	-		

RECOMMENDATION:

That;

in accordance with the provisions of the Metropolitan Region Scheme and the Town of Vincent Town Planning Scheme No.1 the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by Labirynth Design and Development on behalf of the landowners E Aloj and R Kuscevic for eight, two-storey grouped dwellings on Nos. 89-95 (Lots 63 & 64) Smith Street, Highgate and as shown on amended plans stamp-dated 11 July 2002, subject to:

- (i) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating a 2 metres x 2 metres truncation being provided where the driveways intersect with the footpath to achieve visual sight lines;*
- (ii) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fence and gate adjacent to Smith 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;*
- (iii) 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;*
- (iv) a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Smith Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (v) a footpath security deposit bond and/or bank guarantee of \$880.00 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (vi) subject to first obtaining the consent of the owners of Nos.87 and 99 Smith Street and No.378 Stirling Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing north, south and west in a good and clean condition;*

- (vii) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s); and*
- (viii) *prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (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) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the windows to the master and bedroom three of unit 8 and the master bedroom of unit 6 on the northern and southern elevations respectively, shall be screened with a permanent obscure material to a minimum of 1.4 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 obscure portion of the window shall be fixed in a closed position and any higher part may be openable, or the whole window be top hinged and the obscure portion of the window openable to a maximum of 20 degrees;*
- (xi) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (xii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division; and*
- (xiii) *compliance with all relevant Building, Engineering and Environmental Health requirements;*

to the satisfaction of the Chief Executive Officer.

LANDOWNER:	E Aloj & R Kuscevic
APPLICANT:	Labirynth Design and Development
ZONING:	Metropolitan Region Scheme: Urban Town of Vincent Town Planning Scheme: Residential R80
EXISTING LAND USE:	Vacant Land

COMPLIANCE:

Requirements	Required	Proposed
Setbacks Front (Smith Street)	6.0 metres	3-3.6 metres
North (grd)	1 - 1.5 metres	Nil - 1.72 metres
North (1st flr)	1.2-3 metres	1-1.72 metres
South (grd)	1-1.5 metres	Nil- 1.72 metres
South (1st flr)	1.2-4 metres	1-1.72 metres
West (grd)	1-1.5 metres	Nil - 1.6 metres
West (1st flr)	1.2 metres	1-1.6 metres
Plot Ratio	0.55:1 (920.7 square metres)	0.67:1 (1124.17 square metres)
Street Setbacks Policy	Garages are required to be setback 6 metres from the frontage street	3.58 metres
Total Open Space	50 per cent (837 square metres);	49 per cent (774.74 square metres);
Private Open Space	24 square metres courtyard with a minimum dimension of 4 metres	Units 1 and 2 - 2 courtyards each of 14 square metres with minimum dimensions of 3 metres
Use Class	Grouped Dwellings	
Use Classification	'P'	
Lot Area	1674 square metres	

SITE HISTORY:

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

22 February 1999

The Council refused an application for the demolition of the existing dwellings on Nos. 89 and 91 Smith Street, Highgate and approved the demolition of the dwellings at Nos. 93 and 95 Smith Street.

The place at Nos.89 and 91 (Lot 64) Smith Street, Highgate was also transferred from the Interim Heritage List onto the Town of Vincent Municipal Heritage Inventory.

At the same meeting the Council refused the development of nine (9) two-storey (with loft) grouped dwellings 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, with respect to the visual amenity of the locality by virtue of the scale, mass and bulk of the proposed development on the Smith Street streetscape and the adjacent properties;*

(ii) *the non-compliance with the open space, setback and plot ratio requirements of the Residential Planning Codes (1991); and*

(iii) *consideration of objections received."*

- 22 April 1999 The applicants appealed to the Minister for Planning.
- 23 December 1999 The Minister for Planning dismissed the appeal however, made note relating to resubmission of a proposal by the applicants which incorporates, if practicable, nine new grouped housing units but incorporating the heritage facade of the existing pair of semi-detached dwellings on Part Lot 64.
- 7 July 2000 Meeting held with applicants and Town Officers to discuss a development on the site.
- 25 July 2000 Meeting held on-site with owners and the Town's Officers to discuss securing the premises and the proposed development of the site.
- 17 August 2000 &
25 August 2000 The Town sought clarification from the Minister for Planning regarding the ambit demolition of the dwellings.
- 5 September 2000 In response to the Town's request for clarification of the sentence reading:
- "My decision is, however, without prejudice to the resubmission by your clients of a new proposal for the redevelopment of the sites incorporating, if practicable, nine new grouped housing units on the site, but incorporating the heritage facade of the existing pair of semi-detached dwellings on Part Lot 64."*
- the Minister's Appeals Office replied:
- "...the comment in the last paragraph of the Minister's letter can be construed as support for the retention of the facade of the building, on Part Lot 64 and support, in principle, for the demolition of the remainder of the building."*
- 27 March 2001 The Council at its Ordinary Meeting refused an application for the demolition of two pairs of semi-detached dwellings and construction of two, 2-storey grouped dwellings and 6, 2-storey including loft grouped dwellings as the development does not comply (in a number of areas).
- 10 April 2001 The Metropolitan Region Scheme Form 2 Refusal to Commence Development issued.
- 24 April 2001 Notice provided to the Town that the applicants had lodged an appeal with the Town Planning Appeal Tribunal (TPAT).
- 17 May 2001 The Town provided a response to the Appeal to the TPAT.
-

- 22 May 2001 First Sitting of the Appeal conducted.
- 12 June 2001 Mediation and site inspection conducted by TPAT Members, the Town's Officers and the Appellants.
- 26 June 2001 The Council at its Ordinary Meeting considered amended plans submitted following mediation discussions. The amended plans were not supported 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, with respect to the visual amenity of the locality by virtue of the scale, mass and bulk of the proposed development on the Smith Street streetscape, and the adjacent properties;*
 - (ii) *non-compliance with the plot ratio, total open space, setbacks and private open space requirements of the Residential Planning Codes;*
 - (iii) *consideration of the objections received;*
 - (iv) *the development does not comply with the Town's policies relating to privacy, environmental design and building scale;*
 - (v) *the failure to retain the facades of Nos.89-91 (Lot 64) Smith Street and the preservation of the Smith Street streetscape is inconsistent with the Town's policy relating to the Brigatti Locality; and*
 - (vi) *the development is not consistent with the former Minister for Planning's decision that the facade of Nos.89-91(Lot 64) Smith Street should be retained."*
- 25 October 2001 The Town Planning Appeal Tribunal determined the above appeal and found as follows:
- "The appeal be allowed in respect of the application for demolition. The appeal be dismissed in respect to the application for the development of the site."*
- 14 November 2001 A Demolition Licence was issued for the existing dwellings at Nos.89-95 Smith Street, Highgate.
- 20 March 2002 The Town received a development application for eight, two-storey grouped dwellings on the subject site.
- 11 July 2002 Following a number of discussions with the applicants, amended plans were received by the Town.

DETAILS:

Approval is sought to construct eight, two-storey grouped dwellings on the subject property.

CONSULTATION/ADVERTISING:

As a result of the advertising procedure, two submissions have been received which are each summarised as follows:

"...the proposal still fails to meet the Town's regulation of 6 meters. ...the southern boundary setback for the upper level next to our residence is only 1.6 metres.

The reduced setback from the front boundary has a negative impact on the streetscape and has a negative impact on our residence in particular as our house is set back 5.5 metres.

Each of the double garages for Units 2, 6 and 8 has a 3.4 metre wall on the boundary with our property.

Overshadowing over our residence is a concern. Although less than 50 % of our property is in shadow....The house itself is more than 50 % in shadow on the 21 June.....The higher plot ratio impacts on the neighbouring properties by increasing the bulk this development relative to adjoining properties."

"Whilst the drawings indicate a reduction in height, there are still the same concerns as before. Overshadowing ...residence at 87 Smith...

*Double garage front setback only 3.6 m - safety concerns ...
two storey not in keeping with the streetscape*

Unit 8 and units on the northern side will mean the Homeswest residents are surrounded by 2 storey close to boundary on all 3 sides,...

...they are still over plot ratio, site cover, setbacks and other regulations....the amenity of the adjoining owners will be affected adversely...is non-compliant with the provisions of the Town Planning Scheme, R Codes and the Town's Building Policy Manual."

COMMENTS:

The amended plans exhibit a substantial reduction in the amount of built area resulting in increased open space and a reduced plot ratio floor area. In addition, the plans detail a slight increase in the setbacks to the northern and southern boundaries from 1.6 to 1.72 metres.

Front and Side Setbacks

The existing front setbacks to the properties adjoining the site are approximately 3.8 metres at No.87 Smith Street and 5.5 metres at No.99 Smith Street. There is no consistent pattern of setbacks along Smith Street, particularly in view of the new dwellings with reduced setbacks on the eastern side of Smith Street and further north along the western side of Smith Street. Given the above, the front setback of the dwellings (minimum 3.0 metres with the second storey setback 6.0 metres) is considered acceptable. Further, the setback of the garages is considered acceptable, given the existing pattern of setbacks along Smith Street and that they are effectively setback behind the main dwellings.

It is considered that the side and rear setback variations comply with Clauses 1.2 and 1.5.8(c) of the Residential Planning Codes(R-Codes), do not present an unreasonable loss of privacy or overlooking to the adjoining property, given the measures taken to screen habitable openings, such as solid side balcony walls and highlight windows, and are accordingly supported.

Plot Ratio, Bulk and Scale

The site has the development potential for thirteen (13) multiple dwellings or ten (10) grouped dwellings. A multiple unit development could realistically exploit this potential with a greater impact on the streetscape of Smith Street.

This section of the Forrest Precinct has undergone a partial transformation or 'renaissance' largely affected by the redevelopment of the Plunkett site, which has resulted in new two-storey single dwellings on small lots on the eastern side of Smith Street. It is noted that single residences are not subject to plot ratio restrictions. The Precinct includes multiple unit developments, which, by virtue of their non-compliance with current development standards, provides a contextual backdrop to less significant development.

The intention of the plot ratio requirement is to control bulk and scale of the development and it is not considered that strict compliance would result in any particular benefit to the streetscape or the development as a whole. Further, the scale and height of the buildings are cognisant of two-storey development in the street and it is not considered that the variation would have any undue adverse effect on the amenity and streetscape of the area.

Open Space

The minor variation to the open space requirement of 62 square metres (1 per cent) can be supported as the plans detail provision for private open space in terms of functional courtyard and balcony areas for each dwelling, which effectively provides an average of 53 square metres of private open space which exceeds the minimum average requirement. In addition, given the site's inner urban location, its proximity to public open parks and the growing trend for smaller maintenance-free areas of open space, the variation is considered acceptable.

Private Open Space

Units 1 & 2 do not comply with the minimum courtyard requirement of 24 square metres with a minimum dimension of 4 metres for private open space but, given that the units each have two functional courtyard areas, a balcony and separate drying courts, it is considered the variation can be supported.

Overshadowing

Calculation of overshadowing for the proposed development reveals that the dwellings will not unreasonably cast any more shadow across the adjoining property at No.87 Smith Street than was previously cast by the now demolished dwelling at No.89 Smith Street. The shadow from the proposed new dwellings will effectively cast in a southerly direction across the footpath and Smith Street and it is unlikely that any shadowing cast by the buildings would be greatly or effectually reduced by setting the wall back in compliance with the setback. The overshadowing is less than 50 per cent of the adjoining lot as required by Clause 1.7.2 of the Residential Planning Codes (R Codes).

Summary

The revised proposal demonstrates a significantly reduced impact on the amenity of the locality relative to the development proposal refused by the Council and subsequently dismissed by the Town Planning Appeal Tribunal. Further, it is considered that the applicants have genuinely endeavoured to address the specific areas of concern common to both the Council and the Tribunal and have submitted a proposal not dissimilar to recent development applications approved by the Council. In view of the above, it is recommended that the application be approved, subject to standard and appropriate conditions to address the matters discussed above.

10.1.6 No. 1 (Lot 34) The Avenue, Leederville – Proposed Western Power Electrical District Sub-Station

Ward:	North Perth	Date:	15 July 2002
Precinct:	Oxford Centre, P4	File Ref:	PRO0452, PRO1363, 00/33/1217
Reporting Officer(s):	S Robertson		
Checked/Endorsed by:	Y Scheidegger, R Boardman, R Lotznicher, M Rootsey		
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 G McAlister on behalf of the owners, the Town of Vincent, for the Western Power electrical district substation, on No. 1 (Lot 34) The Avenue, Leederville and shown on plans stamp dated 23 May 2002, subject to;

- (i) detailed plans of the of the proposal, indicating the colour of the external materials to be used in the proposed district sub-station enclosure, shall be submitted to and approved by the Town prior to commencement of construction work on the site;*
- (ii) Western Power and the owner/occupiers of Nos. 99-101 Oxford Street and Nos. 103-105 Oxford Street being responsible for all costs associated with the construction and ongoing maintenance of the district sub-station and any associated enclosures;*
- (iii) the owner/occupiers of Nos. 99-101 Oxford Street and Nos. 103-105 Oxford Street shall pay \$2,000 to the Town for the required landscaping works on Lot 34;*
- (iv) all costs associated with any service relocations and any future request to relocate the transformer be borne by Western Power and the owner/occupiers of Nos. 99-101 Oxford Street and Nos. 103-105 Oxford Street;*
- (v) any alterations or additions to the external appearance of the district sub-station shall require the written approval of the Town prior to the commencement of any such works on site;*
- (vi) any disused services including but not limited to water, sewerage, gas and telecommunication in the area are to be disconnected and removed prior to commencement of any construction work on the site;*
- (vii) the construction and ongoing maintenance of the district sub-station shall not interfere with the existing mature olive trees on the site;*
- (viii) support of this application should not be construed as support for other service providers to locate their services on this site; and*
- (ix) upon privatisation of Western Power, the Council expects full commercial rental to be paid to the Town;*

to the satisfaction of the Chief Executive Officer.

SITE HISTORY:

14 June 1999 The Council, at its Ordinary Meeting, approved the placement of a transformer within the Oxford Street road reserve under the pedestrian overpass bridge adjacent to the Kallis development at Nos. 99-101 Oxford Street, subject to:

- "(i) Western Power arranging for and paying all costs associated with the preparation and lodgment of the required easement documentation associated with the transformer;*
- (ii) Western Power agreeing to liaise with Westrail to ensure the existing bicycle lockers located on the site of the proposed transformer are relocated to the Leederville platform;*
- (iii) the proposed screen wall around the transformer being constructed to the satisfaction of the Chief Executive Officer; and*
- (iv) upon privatisation of Western Power, the Council expects full commercial rental to be paid to the Town."*

25 June 2002 The Council, at its Ordinary Meeting, refused the proposal to locate a Western Power electrical district sub-station within the Oxford Street road reserve beneath the pedestrian overpass footbridge and on Town owned land adjacent to the 'Avenue Carpark' and Leederville Parade.

DETAILS:

The Town is in receipt of an application seeking Planning Approval for the construction of a Western Power electrical district sub-station within the Town owned 'Avenue Carpark', adjacent to the Leederville Parade road reserve, and within close proximity to the approved mixed use development at Nos. 103-105 Oxford Street and the Kallis Brothers development at Nos. 99-101 Oxford Street.

The district sub-station will have a transformer capacity of 1300 amps. The development at Nos. 103-105 Oxford Street will use 400 amps, Kallis Brothers will use 300 amps and the remaining 500 amps will be available for future use. The district sub-station will comprise:

- (i) a modular package transformer (Hawthorne green colour approximately 1.6 metres wide by 1.6 metres long by 1.5 metres high, having padlocked entry to electrical terminations inside);
- (ii) a high voltage ring main unit - switchgear (Hawthorne green colour approximately 1.7 metres wide by 0.9 metre long by 1.5 metres high, having padlocked entry to switchgear inside); and
- (iii) a low voltage kiosk (Hawthorne green colour approximately 1.4 metres wide by 0.4 metre long by 1.4 metres high, having padlocked entry to electrical switchgear inside).

The colour may be changed if it is a requirement of the Town.

CONSULTATION/ADVERTISING:

No advertising is required as the matter is being presented to an Ordinary Meeting of Council for its consideration and determination.

COMMENTS:

The proposed location of the district sub-station will not compromise the Council adopted upgrade plans for the 'Avenue Carpark', and is considered a more desirable location than under the nearby pedestrian overpass which acts as a gateway to the Oxford Centre. Site constraints prevent the existing transformer in Newcastle Street (Leederville Hotel) from being upgraded, whilst the proposed transformer can be easily upgraded to provide additional capacity for future development. It is considered that the proposed location will not have an unreasonable visual impact on the Oxford Centre Concept Plan.

As the proposed site is not within 6.0 metres of a building, it will not be required to be contained within a fire rated enclosure. Any future development on or within 6.0 metres of the site, however, may require a fire-rated enclosure to be located around the district sub-station. Although the district sub-station would be located on Town owned land, Western Power have advised that they would not require an easement to their benefit provided that the Town has consented to unrestricted access. The Town's Technical Services have confirmed that there are no existing services in the immediate area that are likely to be affected by the proposal.

10.1.7 Nos. 20-28 (Lots 1, 2 & Part 155) Robinson Avenue, Dual Frontage With Brisbane Street, Perth - Proposed Satellite Dish attached to Existing Mixed Use Development

Ward:	North Perth	Date:	16 July 2002
Precinct:	Beaufort, P13	File Ref:	PRO0459 (00/33/1199)
Reporting Officer(s):	B Mirco		
Checked/Endorsed by:	Y Scheidegger, R Boardman		
Amended by:	-		

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 Kendro Constructions on behalf of the owner Valelink Investments P/L for a proposed satellite dish attached to existing mixed use development at Nos. 20-28 (Lots 1, 2 and Part 155) Robinson Avenue, dual frontage with Brisbane Street, Perth, as shown on plans stamp dated 1 July 2002, subject to:

- (i) the satellite dish being located such that it is not visible from Brisbane Street; and*
- (ii) compliance with all relevant Environmental Health, Engineering and Building requirements;*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: Valelink Investments P/L
APPLICANT: Kendro Constructions
ZONING: Metropolitan Region Scheme: Urban
 Town Planning Scheme No.1: Residential-Commercial R80
EXISTING LAND USE: Mixed Use Development

COMPLIANCE:

Use Class	Office Building/Grouped Dwelling
Use Classification	"AA, P"
Lot Area	6041 square metres

SITE HISTORY:

The site is occupied by a mixed use development.

DETAILS:

Approval is sought for the erection of a satellite dish to the existing building fronting Brisbane Street.

CONSULTATION/ADVERTISING:

The proposal was not required to be advertised due to the scale and nature of the proposal and determination by the Council.

COMMENTS:

The proposed satellite should not be visible from the street to ensure there is no unreasonable adverse impact on the Brisbane Street streetscape. As such, an appropriate condition should be applied.

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

10.1.8 Nos. 308 - 312 (Lot 101) Fitzgerald Street, North Perth - Proposed Pylon Signage to Existing Building

Ward:	North Perth	Date:	15 July 2002
Precinct:	Hyde Park, P12	File Ref:	PRO 2086 00/33/1163
Reporting Officer(s):	P Mastrodomenico		
Checked/Endorsed by:	Y Scheidegger , 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 Kingman Signs on behalf of the owners Jewel Court Holdings for the proposed pylon signage to existing building at Nos. 308 - 312 (Lot 101) Fitzgerald Street, North Perth, as shown on the plans stamp-dated 19 June 2002, subject to:

- (i) the signage shall not have flashing or intermittent lighting;*
- (ii) compliance with all Building, Environmental Health and Engineering requirements and relevant Australian Standards;*
- (iii) any additional signage proposed to be erected on site and/or pylon signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the additional signage;*
- (iv) all signage shall be subject to a separate Sign Licence application being submitted and approved prior to the erection of the signage; and*
- (v) footpath security deposit bond and/or bank guarantee of \$220 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;*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: Jewel Court Holdings
APPLICANT: Kingman Signs
ZONING: Metropolitan Region Scheme: Urban
Town Planning Scheme No.1: Commercial
EXISTING LAND USE: Office

COMPLIANCE:

Use Class	Office
Use Classification	"P"
Lot Area	1248 square metres

Requirement	Required	Proposed
Total signage area	Not to exceed 4 square metres	6.96 square metres
Minimum clearance	2.7 metres	Nil
Aggregate width	300 millimetres	425 millimetres

SITE HISTORY:

The subject site is occupied by a commercial office. The surrounding area is characterised by commercial activity.

DETAILS:

The applicant seeks approval for the following:

Pylon sign:

- 5700 millimetres (height) x 1700 millimetres (width);
- 6.96 square metres in area.
Stating: "308 Realty Executives"

CONSULTATION/ADVERTISING:

Advertising is not required for signage applications.

COMMENTS:

The Town's Policy relating to Signs and Advertising states that a pylon sign requires a minimum clearance of 2.7 metres from the finished ground level and an aggregate width not exceeding 300 millimetres. The proposed pylon sign is considered functional as it will not unreasonably adversely impact the streetscape and amenity of the surrounding area, given that there is only one sign proposed on the site and the nature and scale of the existing building and commercial area.

The proposed signage has the potential for additional signage to be incorporated into its structure and as such should be conditioned appropriately.

It is recommended that the pylon sign be approved, subject to standard and appropriate conditions.

**10.1.9 No. 72 (Lot 258) The Boulevarde, Corner Larne Street, Mount Hawthorn
- Proposed Alterations and Two Storey Additions and Garage to
Existing Single House**

Ward:	Mount Hawthorn	Date:	10 July 2002
Precinct:	Mount Hawthorn, P 1	File Ref:	PRO 2080 00/33/1156
Reporting Officer(s):	V Lee		
Checked/Endorsed by:	Y Scheidegger, 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 Anthony Tomasso Architects Pty Ltd on behalf of the owner St Bernard Pty Ltd for the proposed alterations and two-storey additions and garage to the existing single house on No. 72 (Lot 258) The Boulevarde, corner Larne Street, Mount Hawthorn and as shown on the plans stamp-dated 13 June 2002 and 21 June 2002, subject to:

- (i) detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building Licence application;*
- (ii) a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
- (iii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (iv) a road and verge security deposit bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to 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;*
- (v) the construction of crossovers shall be in accordance with the Town's specifications;*
- (vi) prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*

- (vii) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
 - (viii) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the window to the study on the eastern elevation on the first floor shall be screened with a permanent obscure material to a minimum of 1.4 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 obscure portion of the window shall be fixed in a closed position and any higher part may be openable, or the whole window be top hinged and the obscure portion of the window openable to a maximum of 20 degrees;*
 - (ix) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
 - (x) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) *the garage, meals area, kitchen, bedroom 4 and future stores shall be setback a minimum of 6 metres from the northern property boundary;*
 - (b) *a visual truncation of 1.5 metres by 1.5 metres at the intersection of the right of way and Larne Street shall be provided at the owner's cost; and*
 - (c) *visually permeable design features incorporated into the garage door;*
 - (xi) *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;*
 - (xii) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to The Boulevarde shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
 - (xiii) *subject to first obtaining the consent of the owners of No. 74 (Lot 259) The Boulevarde for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 74 (Lot 259) The Boulevard in a good and clean condition; and*
 - (xiv) *the store rooms are not to be used for industrial, commercial or habitable purposes;*
- to the satisfaction of the Chief Executive Officer.*

LANDOWNER: St Bernard Pty Ltd
APPLICANT: Anthony Tomasso Architects Pty Ltd
ZONING: Metropolitan Region Scheme - Urban
Town Planning Scheme No. 1 - Residential R30
EXISTING LAND USE: Single House

COMPLIANCE:

Requirements	Required	Proposed
Setbacks - Larne Street Secondary Street	ground floor - 1.5 metres	1.34 metres to house 0 metre to garage
- ROW	first floor - 3 metres 6 metres	0 metre to 6.2 metres 0 metre to garage
- North	1.1 metres	0 metre
Open Space	50 per cent	48 per cent
Use Class	Single House	
Use Classification	'P'	
Lot Area	470 square metres	

SITE HISTORY:

The subject site is occupied by an existing single storey brick and iron roof dwelling.

DETAILS:

The proposal involves additions to the rear of the existing dwelling including a new kitchen, meals and garage on the ground floor and study, bedroom 4 and store rooms on the first floor.

CONSULTATION/ADVERTISING:

One submission was received during the consultation period, requesting that windows of the first floor are screened where there is potential overlooking into the adjoining property.

COMMENTS:

Privacy

The applicant has advised that they will setback the proposed garage and kitchen and meals area a minimum of 6 metres from the northern property boundary in order to comply with the Town's Privacy Policy, and therefore not require screening to the windows of bedroom 4 and the storage area above the garage.

However, it is considered that there is potentially unreasonable overlooking from the study into the adjoining property. As such, an appropriate screening condition should be applied to this window.

Setbacks

The proposed parapet wall on the northern elevation is an extension of the existing parapet wall and has a total height of 4.3 metres. This is considered acceptable as no objection to this parapet wall has been received.

The proposed ground floor setback from Larne Street for the kitchen and meals area is considered acceptable as it is in keeping with the existing setback of the house from Larne Street.

On the first floor, bedroom 4 and smaller future store additions have been contained within the loft area of the roof and therefore, the building generally appears to be single storey from Larne Street. Consequently, it is considered acceptable that these additions are not further setback from Larne Street.

The proposed garage has a zero setback to both the ROW and Larne Street. In order to lessen the impact of a garage on the Larne Street streetscape, it is recommended that the garage have design features incorporated into the door such as windows, to lessen the visual impact on the streetscape.

The zero setback to ROW is not desirable as it limits the potential to widen this ROW. However as there is an existing swimming pool at the rear of the house, this potential is already limited. Therefore this variation, in this instance, is considered acceptable, provided that a visual truncation is provided at the intersection of Larne Street and the ROW.

The proposed first floor future store, above the garage, has a zero setback to Larne Street and the ROW. In this instance the loft window facing Larne Street is considered to add interest and interaction to the Larne Street streetscape, and is in keeping with the pitch of the roof. The loft appears to be contained within the roofline when viewed from the ROW and the location of this future store is therefore supported.

Truncation

The plans submitted do not show any truncation at the corner of the ROW and Larne Street. The Town's standard condition requires a truncation of 2 metres by 2 metres. The applicant has requested that Council consider reducing the truncation required to 1.5 metres by 1.5 metres so that the garage does not have to be redesigned. The Town's Engineering Services has advised that in this instance this variation is acceptable, particularly as there is an existing speed hump within the ROW to slow traffic before entering Larne Street.

Total Open Space

The proposed variation to open space is considered acceptable, as the lot is bounded on three sides by roads and right of ways and therefore, adequate light and ventilation is provided to the surrounding properties. The proposed outdoor living areas are considered to be useable and therefore, this variation to total open space is acceptable.

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

10.1.10 Nos. 37-43 (Lot 3) Stuart Street, Perth – Proposed Two-Storey Additions and Alterations to Existing Office Building

Ward:	North Perth	Date:	16 July 2002
Precinct:	Beaufort, P13	File Ref:	PRO2067 00/33/1133
Reporting Officer(s):	B Mirco		
Checked/Endorsed by:	Y Scheidegger, R Boardman		
Amended by:	-		

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 Keytown Constructions on behalf of the owners O-Corp Pty Ltd for proposed two-storey additions and alterations to existing office building at Nos.37-43 (Lot 3) Stuart Street, Perth and as shown on the amended plans stamp dated 16 July 2002, subject to:

- (i) prior to the issue of a Building Licence, payment of \$6250 for the provision of cash-in-lieu for the resultant carparking shortfall;*
- (ii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the Stuart Street elevation incorporating windows and/or appropriate design features to increase the interactivity with the street;*
- (iii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services;*
- (iv) a road and verge security 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 existing Town's assets have been reinstated to the satisfaction of the Town's Technical Services. An application for the refund of the security deposit must be made in writing;*
- (v) 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;*
- (vi) 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;*
- (vii) street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s); and*

(viii) *compliance with all relevant Environmental Health, Engineering and Building requirements;*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: O-Corp Pty Ltd
APPLICANT: Keytown Constructions
ZONING: Metropolitan Region Scheme: Urban
 Town Planning Scheme No.1: Residential Commercial R80
EXISTING LAND USE: Office Building

COMPLIANCE:

Requirements	Required	Provided
Car Parking	27 car bays	10 car bays (existing)
Use Class	Office Building	
Use Classification	AA	
Lot Area	1290 square metres	

Car Parking

Car parking requirement (nearest whole number)	12 car bays
Apply the adjustment factors <ul style="list-style-type: none"> ▪ 0.85 (within 400m of a bus stop) ▪ 0.95 (within 400m of one or more public car parks in excess of 25 spaces) 	(0.8075) 21.8025 car bays
Minus the car parking provided on site	10 car bays
Minus the most recently approved on site car parking shortfall (after application of applicable adjustment factors)	9.3 car bays
Resultant shortfall	2.5 car bays

DETAILS:

The planning application proposes two-storey additions and alterations to the existing office building.

CONSULTATION/ADVERTISING:

There were five objections received as a result of advertising. The main concerns related to potential privacy issues, overshadowing, height, devaluing of adjacent properties and loss of park views.

COMMENTS:

Caparking

The proposed carparking shortfall is considered supportable given the minor nature of the concession being sought and the provision of cash-in-lieu for the proposed carparking shortfall. As such, an appropriate condition requiring the provision of cash-in-lieu for the carparking shortfall should be applied.

Use

The proposed additions are supported, given the existing continued use of the site for offices and will not adversely impact on the amenity of the area to an unreasonably greater extent. The Policy relating to the "Beaufort Precinct" provides that:-

"Commercial uses will not be permitted to develop independently of residential uses. Mixed-use developments proposing the integration of, or close relationship between work and residence, will be favoured where acceptable levels of residential amenity can be maintained."

It is considered unreasonable to disallow the additions and alterations proposed, given the entrenched office use on the site and there being no reports or complaints in relation to the activities and operations on the site.

Stuart Street Elevation

In order to increase interactivity with Stuart Street, an appropriate condition should be applied requiring the addition of windows and/or appropriate design features to increase the interactivity to Stuart Street.

Northern Side Boundary Wall

Given the height of the existing parapet wall and the substantial setback of the Maltings apartments, the proposed two-storey parapet is considered supportable and is not considered to have an unreasonable adverse impact on the amenity of the adjacent property.

The proposed scale and nature of the proposal is considered supportable and is not considered to have an unreasonable detrimental impact on the amenity of the area and surrounding uses. Accordingly, it is recommended that the proposal be approved, subject to standard and appropriate conditions to address the matters discussed.

10.1.11 No. 46 (Lot 100) Ruby Street, Corner Hunter Street, North Perth – Proposed Two Storey Single House to the Existing Single House

Ward:	Mount Hawthorn	Date:	15 July 2002
Precinct:	North Perth, P8	File Ref:	PRO1969 00/33/1135
Reporting Officer(s):	S Robertson		
Checked/Endorsed by:	Y Sheidegger, R Boardman		
Amended by:	-		

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 C Tsilikos on behalf of the owners K and K Tsilikos for the proposed two storey single house to existing single house at No. 46 (Lot 100) Ruby Street, corner Hunter Street, North Perth and shown on plans stamp dated 31 May 2002, subject to;

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (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) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to Hunter Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (iv) a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Hunter 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);*
- (v) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the window to Bedroom 4 on the western elevation on the first of floor level shall be screened with a permanent obscure material to a minimum height of 1.4 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 obscure portion of the window shall be fixed in a closed position and any higher part may be openable, or the whole window be top hinged and the obscure portion of the window openable to a maximum of 20 degrees;*
- (vi) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the southern side of the balcony accessible from Bedroom 1 on the first floor level shall be screened with a permanent obscure material to a minimum height of 1.4 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;*

- (vii) *a footpath security deposit bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;;*
- (viii) *prior to the issue of a Building Licence, the subject land shall be subdivided as generally shown on the approved plans on Certificates of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to subdivide the subject land as generally shown on the approved plans within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (ix) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (x) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (xi) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (xii) *the construction of crossovers shall be in accordance with the Town's specifications and shall be positioned in consultation with, and as directed by, the Town's Technical Services Division; and*
- (xiii) *subject to first obtaining the consent of the owners of No. 69 Mabel Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing north in a good and clean condition;*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: K and K Tsilikos
APPLICANT: C Tsilikos
ZONING: Metropolitan Region Scheme – Urban
Town Planning Scheme No.1 – Residential R30/40
EXISTING LAND USE: Single House

COMPLIANCE:

Use Class	Single House
Use Classification	'P'
Lot Area	491 square metres (Proposed Lots - 207 square metres and 284 square metres)

Requirements	Required	Previous	Proposed
Hunter Street Setback	6.0 metres	2.0 metres (main dwelling) and 1.04 metres (porch)	2.0 metres (ground floor) 3.0 metres (first floor) 1.04 metres (porch)
Rear Setback	4.0 metres	4.0 - 3.12 metres	3.12 metres
Northern ground floor setback	1.0 metre	nil	nil
Open Space	50 percent - 142 square metres (existing house); 103.5 square metres (proposed house)	115.6 square metres (40.71 percent - existing house); 96.3 square metres (46.52 percent - proposed house)	115.6 square metres (40.71 percent - existing house); 91.7 square metres (44.3 percent - proposed house)

SITE HISTORY:

The subject site is located on the northern side of Ruby Street on the corner of Ruby Street and Hunter Street, and is occupied by a corner shop that has been converted to a residence. The proposed freehold lot fronts Hunter Street.

12 December 2001 The Town recommended conditional approval for the subdivision of the subject property into two freehold lots.

23 April 2002 The Council, at its Ordinary Meeting, granted conditional Planning Approval for the proposed two storey single house to the existing single house. Condition (iv) of the conditions of approval stated:

"(iv) prior to the issue of a Building Licence, revised plans and details shall be submitted and approved demonstrating the upper floor being setback a minimum of 3.0 metres from Hunter Street in accordance with the Towns 'Street Setback' and 'Knutsford Locality' Policies. The revised plans shall not result in any greater variation to setbacks and open space requirements of the Residential Planning Codes;"

DETAILS:

The application seeks approval to construct a single house on the proposed lot. The plans are similar to the plans that were determined at the Ordinary Meeting of Council held on 23 April 2002, however they have been amended to address condition (iv) of Council's resolution above and result in a greater variation to the rear setback and open space of the previously approved plans. The amended Planning Application does not result in a greater variation to the open space requirements for the existing single house, which is required to facilitate the proposed subdivision.

CONSULTATION/ADVERTISING:

One comment was received during the previous advertising period. A further letter was received in relation to the new plans, reiterating concerns over potential overlooking and overshadowing to the adjacent property, and generally objected to the subdivision and associated increase in density and in-fill development that is occurring in the area. A copy of this letter was also sent to the applicant by the objector.

COMMENTS:

Density

The retention of the existing house allows the subject property to be developed to an R40 standard, which requires an average lot size of 220 square metres and a minimum lot size of 200 square metres per lot.

Hunter Street Setback

The proposed new dwelling would not step forward of the building line of the existing dwelling and would therefore not appear to be an overly dominant feature. The proposed garage is setback at the line of the proposed main dwelling. The new plans demonstrate the first floor generally being setback a minimum of 3.0 metres to reduce the impact of the bulk and scale of the proposed development on the streetscape and generally complies with the intentions of the Town's Policy relating to 'Street Setbacks'.

Rear Setback and Overshadowing

The proposed variation to the rear setback is considered acceptable as the proposed setback and solar orientation of the proposed dwelling is not considered to unreasonably impact on the amenity of the adjoining landowners, provided the western Bedroom 4 window is appropriately screened. The development complies with the R-Codes requirements, such that no adjoining lot will be in more than 50 percent shadow at noon on June 21 as a result of the development.

Side Setback

The proposed single storey northern parapet wall is not considered to unreasonably impact on the amenity of the adjoining property, which has a rear garage setback approximately 1.0 metre from the common boundary.

Scale and Height

The Town's Policy relating to the 'Knutsford Locality' allows for a general height limit of two storeys (including loft) and the proposal does not exceed the height of adjoining properties by more than a single storey.

Privacy

The western Bedroom 4 window and the balcony south face should be conditioned to comply with the Town's Policy relating to 'Privacy'.

Open Space

The proposed variation to the open space requirement for the existing dwelling and proposed dwelling is supported as the existing corner shop contributes to the streetscape, the Hunter Street and Ruby Street verges provide the development with a sense of openness, and the existing single house will retain an 18 square metres functional rear north facing courtyard.

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

10.1.12 No.93 (Lot 242) Buxton Street, Corner Berryman Street, Mount Hawthorn - Proposed Two-Storey Additions and Alterations to Existing Single House including Partial Demolition

Ward:	Mount Hawthorn	Date:	16 July 2002
Precinct:	Mount Hawthorn, P1	File Ref:	PRO2078 (00/33/1150)
Reporting Officer(s):	B Mirco		
Checked/Endorsed by:	Y Scheidegger, R Boardman		
Amended by:	-		

RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owners M Martell and W Blackman for the proposed two-storey additions and alterations to existing single house including partial demolition on No.93 (Lot 242) Buxton Street, corner Berryman Street, Mount Hawthorn and as shown on the plans stamp-dated 11 June 2002, 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 the front fences and gates adjacent to Buxton Street and Berryman Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (ii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (iii) a road and verge security bond and /or bank guarantee of \$880 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) a visual truncation of 1 metre x 1 metre at the western side of the proposed new crossover and 2 metres x 2 metres at the eastern side of the proposed new crossover shall be provided at the owner's cost;*
- (v) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the windows to the balcony and bedroom on the first floor on the northern elevation shall be screened with a permanent obscure material to a minimum of 1.4 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 obscure portion of the window shall be fixed in a closed position and any higher part may be openable, or the whole window be top hinged and the obscure portion of the window openable to a maximum of 20 degrees;*

- (vi) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the western side of the balcony accessible from bedroom and family room on the first floor level shall be screened from the northern most point to the centre reinforced concrete column with a permanent obscure material to a minimum height of 1.4 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;*
- (vii) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (viii) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (ix) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s); and*
- (x) *compliance with all relevant Environmental Health, Engineering and Building requirements.*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: M Martell and W Blackman
APPLICANT: M Martell and W Blackman
ZONING: Metropolitan Region Scheme: Urban
 Town Planning Scheme No.1: Residential R30
EXISTING LAND USE: Single House

COMPLIANCE:

Use Class	Single House
Use Classification	"P"
Lot Area	491 square metres

Requirements	Required	Proposed
Berryman Street Setback	6.0 metres	1.862 metres
Northern Side Setback	4.6 metres	1.5 metres

SITE HISTORY:

The site is occupied by a single storey single house.

CONSULTATION/ADVERTISING:

One letter of objection was received. The main concerns related to the loss of sunlight and privacy to the adjacent property.

DETAILS:

Approval is sought for the proposed two-storey additions and alterations to the existing single house including partial demolition.

COMMENTS:

Berryman Street Setback

The Berryman Street ground floor and first floor setback is considered supportable, given it is a secondary street and follows the existing building line of the main dwelling.

Setbacks

The northern side setback is considered supportable, given the setback follows the building line of the main dwelling and there is not considered to be an unreasonable adverse effect on the amenity of the adjacent property.

Privacy

There is considered to be the potential for unreasonable overlooking from the windows to the balcony and bedroom on the northern elevation on the first floor and on part of the face of the balcony on the western elevation on the first floor and as such, appropriate screening conditions should be applied.

Overshadowing

The proposal is not considered to unreasonably overshadow the adjacent properties given its proposed height and scale.

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

10.1.13 No.4 (Lot 165) Eton Street, North Perth – Demolition of Existing Dwelling and Construction of Two, Two-Storey Single Houses

Ward:	Mount Hawthorn	Date:	15 July 2002
Precinct:	North Perth P8	File Ref:	PRO2076 00/33/1148
Reporting Officer(s):	P Mastrodomenico, A Nancarrow, V Lee		
Checked/Endorsed by:	Y Scheidegger , 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 Doepel & Associates Architects on behalf of the owners R W Parsons and R R Patel for the demolition of existing dwelling and construction of two, two-storey single houses at No. 4 (Lot 165) Eton Street, North Perth, as shown on the plans stamp dated 11 June 2002, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fence and gate adjacent to Eton 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;*
- (iii) 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;*
- (iv) prior to the first occupation of the development, redundant or ‘blind’ crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town’s Technical Services Division, at the applicant’s/owner(s)’ full expense;*
- (v) the construction of crossovers shall be in accordance with the Town’s specifications;*
- (vi) a road and verge security bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town’s Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (vii) subject to first obtaining the consent of the owners of No. 2 and No. 6 Eton 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. 2 and No. 6 Eton Street, North Perth in a good and clean condition;*

- (viii) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (ix) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (x) *an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (xi) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (xii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating visually permeable design features incorporated into the garage doors; and*
- (xiii) *prior to the issue of a Building Licence, the subject land shall be subdivided as generally shown on the approved plans on Certificates of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to subdivide the subject land as generally shown on the approved plans within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: R W Parsons and R R Patel
APPLICANT: Doepel & Associates Architects
ZONING: Metropolitan Region Scheme: Urban
 Town Planning Scheme No.1: Residential R30/40
EXISTING LAND USE: Single House

COMPLIANCE:

Use Class	Single house	
Use Classification	"P"	
Lot Area	600 square metres	
Requirements	Required	Proposed
Northern side setback	ground floor -1.0 metre	Nil
Crossovers	6 metres separation distance	2.7 metres

SITE HISTORY:

An application for the subdivision of the above property was granted conditional planning approval on 31 May 2002 by the Western Australian Planning Commission.

CONSULTATION/ADVERTISING:

No objections were received during the advertising period.

DETAILS:

Approval is sought for two (2), two-storey single houses.

COMMENTS:

Demolition

The site is occupied by a fibro, weatherboard and iron dwelling that was constructed circa 1912. The place retains some pressed metal cladding to internal walls and ceilings and overall is in poor condition. The place has also undergone a number of alterations - including the removal of most of the external weatherboard cladding, the enclosure of part of the front verandah and alterations to windows and glazing - that have lowered the authenticity of place.

It is considered that the place has *little to some rarity value* as a result of the remnant weatherboard and pressed metal materials that are extant on the dwelling. However, these materials are not intact, particularly with regard to the weatherboard fabric, which has been mostly removed and replaced with fibro. It is not considered that these remnant materials alone justify the retention of the house or qualify the place for consideration for entry into the Town's Municipal Heritage Inventory.

In light of the above, it is recommended that the proposed demolition of the dwelling be approved, subject to standard conditions.

The Heritage Assessment Report is attached as Appendix 10.1.13 to this report.

Parapet Wall

The ground floor northern side setback variation (parapet wall) is considered supportable as it is relatively short in length (5.6 metres), the height is single storey and there is no unreasonable adverse effect on the adjacent properties. Both adjacent landowners have signed plans and have no objections to the proposed parapet walls.

Front Setback

The proposed garages are setback 6 metres from Eton Street in compliance with the Town's Policy relating to Street Setbacks. However, the garages width is approximately 80 per cent of the width of the lot and therefore may be considered to be visually dominating on this streetscape. In this instance, it is considered desirable that design features such as feature windows or visually permeable grills are required within the garage doors to add interest to the streetscape.

Crossovers

The proposed crossovers are double width and are separated by a landscaping strip approximately 2.7 metres wide. The Residential Planning Codes (R-Codes) requires that street crossovers are spaced not less than 6 metres apart. The Town's Technical Services has advised that the proposed crossovers with a 2.7 metres separation distance is acceptable in this instance and therefore, this variation is supported.

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

10.1.14 No. 318 (Lot 123) Oxford Street, Leederville - Proposed Demolition of the Existing Single House and Construction of Six (6) Two Storey Grouped Dwellings

Ward:	Mount Hawthorn	Date:	16 July 2002
Precinct:	Leederville, P 3	File Ref:	PRO2060 00/33/1109
Reporting Officer(s):	S Robertson		
Checked/Endorsed by:	Y Scheidegger, R Boardman		
Amended by:	-		

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 Overman and Zuideveld Architects on behalf of the owner C Giaimo for the proposed demolition of existing single house and construction of six (6) two storey grouped dwellings on No. 318 (Lot 123) Oxford Street, Leederville, as shown on the amended plans stamp dated 9 June 2002, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (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) the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (iv) all car parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications and dimensions specified in the Town's Policy relating to Parking and Access and Australian Standards AS2890.1 – "Off Street Parking". The Town's Technical Services section have advised that entry into carbays for Unit 1 and Unit 4 does not meet the Town's minimum manoeuvring requirements. The car parking spaces shall not be in tandem arrangement unless they service the same residential unit/dwelling;*
- (v) a road and verge security 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 Town's assets in the Oxford Street road reserve are reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond must be made in writing to the Town;*
- (vi) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*

- (vii) *the solid portion of the front fences shall contain a minimum of two design features and all front fences and gates shall comply with the Town's Policy relating to 'Front Fences and Screen Walls', and full details shall be submitted and approved prior to the issue of a Building Licence;*
- (viii) *subject to first obtaining the consent of the owners of No. 320 Oxford Street, No. 51 Marian Street and No. 19 Rae Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing north and south in a good and clean condition;*
- (ix) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (x) *the construction of crossovers shall be in accordance with the Town's specifications and shall be positioned in consultation with and as directed by the Town's Technical Services Division;*
- (xi) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (xii) *a detailed landscaping plan, including a schedule of plant species, 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) *Units 1 and 6 shall be occupied as single bedroom dwellings only;*
- (xiv) *a visual truncation of 2.0 metres by 2.0 metres at the south west corner to the courtyard for Unit 2 shall be provided at the owner's cost; and*
- (xv) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the proposed screening to the windows to bedroom 1 on the western and eastern elevations on the first floor level to Units 1 and 6 respectively, shall be screened with a permanent obscure material to a minimum height of 1.4 metres above the finished first floor level from the adjoining northern boundary such that it complies with the provisions of the Town's 'Privacy' Policy. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: C Giaimo
APPLICANT: Overman and Zuideveld Architects
ZONING: Metropolitan Region Scheme: Urban
Town Planning Scheme No 1: Residential R60
EXISTING LAND USE: Single House

COMPLIANCE:

Use Class	Grouped Dwelling
Use Classification	"P"
Lot Area	900 square metres

Requirements	Required	Proposed
Density*	5 Grouped Dwellings OR 8 Single Bedroom Dwellings	4 Grouped Dwellings and 2 Single Bedroom Dwellings
Car Parking	10 car bays (including 2 visitor bays)	11 car bays (including 1 visitor bay)
Oxford Street Setback	6.0 metres first floor setback	5.4 - 6.0 metres first floor setback
Storerooms	4 square metres (1.5 metres minimum internal dimension)	2.7-2.8 square metres (1.0 metre minimum internal dimension)

* Clause 5.2.1 of the Residential Planning Codes states that: "In the case of single bedroom dwellings the number of dwellings permitted may, at the discretion of Council, be up to 50% greater than provided for by the Code applying to the site."

Side Setbacks

Wall	Height	Length	Major Openings	Setback Required	Setback Provided
Southern Boundary					
Unit 5 Ground Floor	3.0 metres	9.0 metres	nil	1.0 metre	nil
Northern Boundary					
Unit 6 Ground Floor	3.0 metres	9.0 metres	nil	1.0 metre	nil
Unit 1 and storerooms Ground Floor	3.0 - 3.5 metres	16.9 metres	nil	1.5 metres	nil
Storerooms	3.0 - 3.5 metres	9.0 metres	nil	1.0 metre	nil

DETAILS:

The proposed development involves demolition of the existing single house and construction of six (6) two storey grouped dwellings, two (2) of which are single bedroom dwellings. The proposal seeks a density bonus for the single bedroom dwellings as provided for in the Residential Planning Codes (R-Codes). The applicant has submitted amended plans which address some of the objections received during the advertising period and some of the original identified non-compliances.

CONSULTATION/ADVERTISING:

Three letters were received during the advertising period. The objections to the proposal related to:

- the density, height, scale and contemporary design of the development, which was considered to be inconsistent with surrounding predominantly single storey residential dwellings;
- the lack of landscaped area and associated noise screening;
- the lack of security to adjoining properties; potential overlooking and overshadowing to adjoining properties;
- replacement of the existing boundary fence; and
- the potential impacts associated with construction.

COMMENTS:

Heritage

The subject place at No.318 (Lot 123) Oxford Street, Leederville is a rendered brick and tile dwelling with a hipped roof containing a gablet. The building has undergone substantial alterations in the past and with the exception of its roof detail, little physical evidence is present to suggest the dwelling's original construction style or date. Physical characteristics of the place including roof form, skirting and architrave details suggest the dwelling was constructed circa 1920. Decorative alterations occurred in the 1940s style with further alterations and additions taking place in the 1980s. These physical alterations to the place are supported by City of Perth Building Licence archive cards showing Building Licences issued for various changes from the 1940s onwards.

On the basis of this preliminary information and the substantial alterations to the dwelling, it is considered that the place has little cultural significance and the proposal to demolish the dwelling does not warrant a full heritage assessment. It is recommended that the application to demolish the existing dwelling be approved, subject to standard conditions. The submitted photographs and floor plan satisfies the archival documentation requirements.

Density

The proposed density of the development is supported under Part 5 of the R-Codes, having regard to the Town's Policies and procedures and determination of the application on its merits. It is noted that the site area required per dwelling unit may be reduced to two-thirds of that for other dwelling types. The proposal requires a total lot size of 890 square metres and does not seek a density bonus under Clause 40 of the Town Planning Scheme No.1 as the subject site is 900 square metres.

Contemporary Design

In terms of the architectural style of the development, it is noted that the Council has consistently supported and encouraged proposals within the Town which demonstrate a contemporary architectural theme or honest contemporary architectural form. Reproduction of 'historic' styles has largely been discouraged to ensure that the integrity of existing housing stock of value is not reduced or compromised. As such, it is not considered appropriate or a sensible ethos to expect a contemporary development to incorporate elements or aspects of adjoining and surrounding housing such as a pitched roof to supposedly 'fit in' with the street. The Town's Policy relating to Residential Design Guidelines encourage new development to "*demonstrate genuine architectural expression, either as an extension of the existing predominant style, or of contemporary design.*" In terms of this proposal, the street setback of the dwellings is in keeping with others in the street and exhibits traditional frontage treatments such as glazing, open front yard areas and entry/openings to the street.

Scale and Height

The scale and height of the building is compatible with other single two storey buildings in the street. The Town's Policy relating to the 'Oxford Locality' allows for a general height limit of two storeys (including loft) and the proposal does not exceed the height of adjoining properties by more than a single storey. The application will include the removal of site fill, which will further serve to reduce the height, bulk and scale of the development.

Carparking

Each of the grouped dwellings is provided with two bays (in tandem) and each of the single bedroom dwellings with one car bay, within a secure parking area. The development provides an additional visitor bay and it is not considered that carparking will unreasonably impact on the amenity of the surrounding area.

Oxford Street Setback

The proposed variation to the Oxford Street setback is supported, as the development is generally setback 6.0 metres and incorporates design features which will reduce the bulk and scale of the development.

Side Boundary Setbacks and Overshadowing

The variations to setback requirements of the subject development are determined with reference to the R-Codes and the variations proposed are not considered to unreasonably impact on the amenity of the adjoining properties. The development has been designed with greater than the required southern side boundary setbacks to reduce unreasonable northern overshadowing of properties to the south, and the R-Codes requirements, such that no adjoining lot will be in more than 50 percent shadow at noon on June 21 as a result of the development.

Landscaping

There are no specific minimum requirements for landscaping within grouped dwelling developments. The proposed development has landscaped courtyards and landscaped areas within the development. The proposed building mass, including the proposed parapet walls, will serve to reduce noise generated within the development to adjacent properties.

Privacy

The amended plans provide screening to those windows within 6.0 metres of a boundary to reduce overlooking to adjoining properties, and generally comply with the Town's Policy relating to "Privacy".

Storerooms

The proposed development provides access to practical outdoor storage areas with the additional provision of storage within each unit under the stairs. It is considered that the proposed internal and external storage area meet the intentions of the R-Codes.

Construction

Potential earthworks and dust and vibration associated with the construction phase is addressed and conditioned as part of the Building Licence, and is not a valid planning consideration.

Summary

In light of the above, it is recommended the Council approve the proposal, subject to standard and appropriate conditions to address the above matters and development of such scale and nature.

10.1.15 No.258 (Lot 5) Stirling Street, Perth – Proposed Change to 'Consulting Rooms' - Acupuncture, Chinese Medicine and Associated General Practice

Ward:	North Perth	Date:	15 July 2002
Precinct:	Beaufort, P13	File Ref:	PRO1519 00/33/1130
Reporting Officer(s):	S Robertson		
Checked/Endorsed by:	Y Scheidegger, R Boardman		
Amended by:	John Giorgi		

RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme the Council APPROVES the application submitted by K F Cheung on behalf of the owners W X Zeng and K F Cheung for a change of use to consulting rooms - acupuncture, Chinese medicine and associated general practice at No. 258 (Lot 5) Stirling Street, Perth, and as shown on the plans stamp dated 30 May 2002 and 11 July 2002, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) practitioners/consultants operating from the site shall be a legally qualified medical practitioner, physiotherapist, chiropractor, chiropodist and/or a person ordinarily associated with a medical practitioner in the investigation or treatment of physical or mental injuries or ailments, and shall not be undertaking any type of massaging;*
- (iii) the use is restricted to 'Consulting Room' for the purpose of acupuncture and Chinese herbal clinic only and any increase in the intensity of this use or change in the approved use will require a planning application to be submitted to and approved by the Town prior to the commencement of the use."*
- (iv) a maximum of two (2) qualified practitioners/consultants shall operate at the premises at any one time;*
- (v) the consulting rooms shall only operate between the hours of 8am and 6pm, Monday to Saturday, inclusive;*
- (vi) a maximum of two (2) rooms shall be used as a consulting room;*
- (vii) all car parking area(s) on the subject land shall be sealed, drained, paved and line marked and comply with the minimum specifications and dimensions specified in the Town's Policy relating to Parking and Access and Australian Standards AS2890.1 – "Off Street Parking", prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (viii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*

- (ix) *a road and verge security deposit bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (x) *this approval is for a period of six (6) months only and should the applicant wish to continue this after that period, it shall be necessary to re-apply and obtain approval from the Town prior to continuation of the use;*
- (xi) *any increase in the intensity of this use or change in the approved use shall require another planning application to be submitted to and approved by the Town prior to the commencement of the use in accordance with Town Planning Scheme No.1 and associated Policies; and*
- (xii) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage. Any proposed signage shall not state any form of massage and/or massaging;*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: K F Cheung & Zeng WX
APPLICANT: K F Cheung
ZONING: Metropolitan Region Scheme: Urban
Town Planning Scheme No.1: Residential-Commercial R80
EXISTING LAND USE: Vacant building

COMPLIANCE:

Use Class	Consulting Room
Use Classification	"SA"
Lot Area	438 square metres

DETAILS:

The vacant building was once used as a residential building, chapel and occasional outreach/drop in centre. The application seeks to change the use of the building to consulting rooms for the purposes of acupuncture, Chinese medicine and associated general practice.

The proposal will have two (2) consulting rooms and an associated herbal dispensary, visiting room, office, kitchen/staff room and toilets. There is sufficient space for six (6) carparking bays to the rear of the existing building. The proposal meets the Town's Policy relating to Parking and Access which requires a minimum of three (3) parking bays per consulting room. The owner has submitted copies of relevant diploma and degree certificates to support the application. The Town's Planning and Building and Health Services Sections conducted an internal and external site inspection of the premises on 11 July 2002. The inspection revealed the premises had been set up as Chinese medicine and acupuncture consulting rooms in accordance with the proposed plans.

CONSULTATION/ADVERTISING:

Two (2) letters were received during the advertising period, predominantly raising concerns about the proposed use as consulting rooms and the assurances that the Council could give to ensure that the use remains legal and appropriately controlled, particularly in terms of hours of operation.

COMMENTS:

The general area is characterised by a residential buildings that have been converted for commercial use along with purpose-built commercial buildings.

The Town's Policy relating to the "Beaufort Precinct" states that:-

"Commercial uses will not be permitted to develop independently of residential uses. Mixed-use developments proposing the integration of, or close relationship between work and residence, will be favoured where acceptable levels of residential amenity can be maintained."

The clear objective of the Residential-Commercial Zone is to transform the bulk of the area bounded by Lord, Bulwer, Beaufort and Parry Streets from predominantly commercial into an area of "compatible residential and commercial uses". Enforcing a residential component on the subject site will not transform, even marginally, the current conspicuously and firmly commercial amenity of Stirling Street in the short term. Further, it is unlikely that this property and the remainder of the street will convert to predominantly residential uses in the short term, as most of the existing commercial uses are lawful and established. The purpose of the mixed-use requirement contained in the Policy may be more effective in the short term in streets and neighbourhoods where the predominant use is residential, rather than the higher yielding commercial uses.

Notwithstanding the above, the existing building could be converted back to residential use in the future. As such, it is not considered that the Town's long term objective for the Residential/Commercial area will be particularly compromised by this proposal.

The Policy relating to the 'Beaufort Precinct' states that the Town should protect and enhance the amenity and general environmental standards of existing and future residential development and ensure the compatibility of commercial and residential uses, avoiding conflict between different uses. In light of the limited scale and nature of the proposal, it is considered that the proposal will not have an unreasonable detrimental impact on the amenity of the area and surrounding uses. Accordingly, it is recommended that the proposal be approved, subject to standard and appropriate conditions to address the above matters. It is considered that the above conditions will ensure that the use remains legitimate and authorised.

CHIEF EXECUTIVE OFFICER'S COMMENTS:

The Chief Executive Officer amended this report at Clause (x) by deleting "twelve (12)" and inserting "six (6)" in its place. Applications of this nature require careful monitoring and in some cases, have required considerable Officer resources to investigate non-compliance of approved conditions.

10.1.16 Nos. 368-372 (Part Lot 1, 2 and 3) Charles Street, Corner Waugh Street, North Perth - Proposed Change of Use from Vehicle Sales Premises to Open Air Display and Associated Signage

Ward:	Mount Hawthorn	Date:	12 July 2002
Precinct:	Charles Centre, P7	File Ref:	PRO 0569 00/33/1155
Reporting Officer(s):	V Lee		
Checked/Endorsed by:	Y Scheidegger, R Boardman		
Amended by:	John Giorgi		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council RECOMMENDS APPROVAL to the Western Australian Planning Commission for the application submitted by Total Construction on behalf of the owners Millionaire Holdings Pty Ltd, for proposed change of use from vehicle sales premises to open air storage and associated signage at Nos. 368 - 372 (Part Lots 1, 2 and 3) Charles Street, corner Waugh Street, North Perth, as shown on plans stamp dated 13 June 2002 and 10 July 2002, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building Licence application;*
- (iii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Section;*
- (iv) a road and verge security deposit bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Section. An application for the refund of the security deposit must be made in writing;*
- (v) the construction of crossovers shall be in accordance with the Town's specifications;*
- (vi) prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (vii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating a minimum of eleven (11) car parking bays shall be dimensioned on the Building Licence Application working drawings and shall comply with the minimum specifications and dimensions specified in the Town's Policy relating to Parking and Access and Australian Standards AS 2890.1 – "Off Street Parking", and shall include a minimum of one disabled car parking bay;*

- (viii) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (ix) *prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (x) *all front fences and gates shall comply with the Town's Policy relating to Front Fences and Screen Walls, and full details shall be submitted and approved prior to the erection of such fences and gates;*
- (xi) *a detailed landscaping plan, including a schedule of plant species, 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);*
- (xii) *no street trees shall be removed, cut back, pruned or interfered with in any way, without the prior approval of the Town's Parks Services Section;*
- (xiii) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (xiv) *the signage shall not have flashing or intermittent lighting;*
- (xv) *all signage shall be subject to a Sign Licence application being submitted and approved prior to the erection of the signage;*
- (xvi) *no barbed or razor wire is permitted on any fence and/or gate and shall comply with the Town's Local Law relating to Fences, Floodlights and Other External Lights; and*
- (xvii) *a landscaping strip with a minimum width of one (1) metre shall be provided on the Waugh Street and Charles Street frontages and thereafter maintained by the owners of the subject land;*

to the satisfaction of the Chief Executive Officer.

LANDOWNER:	Millionaire Holdings Pty Ltd
APPLICANT:	Total Construction
ZONING:	Metropolitan Region Scheme - Urban Town Planning Scheme No.1 - Local Centre Planning Control Area No. 54
EXISTING LAND USE:	Vehicle Sales Premises

COMPLIANCE:

Requirements	Required	Proposed
Car Parking	11 bays	11 bays, three in a tandem arrangement
Use Class	Open Air Display	
Use Classification	'AA'	
Lot Area	1525 square metres	

SITE HISTORY:

12 June 1995 The Council conditionally approved the use of the subject site for three office buildings and vehicle sales yard. This proposal was over three lots.

24 June 2002 The Town received an application for the amalgamation of the subject three lots into one lot. This application has not been determined by the Western Australian Planning Commission to date.

As the proposal is on Charles Street within the Planning Control Area No. 54, the Council's recommendation must be forwarded to the Western Australian Planning Commission for determination.

DETAILS:

The proposal involves the use of the existing building and lot for an open air storage yard for use by Kennards Hire, for the display of vehicles, trailers and the like for hire.

Three car bays have been depicted on the plans dated 13 June 2002 and indicate three existing crossovers, two accessing via Waugh Street, and one via Charles Street. Revised plans were received 10 July 2002, showing 11 car parking bays provided on site.

The proposed signage generally complies with the Town's Policy relating to Signage and Advertising.

CONSULTATION/ADVERTISING:

No submissions were received during the consultation period.

COMMENTS:

Car Parking

The Town's Policy relating to Parking and Access requires that 11 car parking bays are provided on site, based on three (3) spaces for the first 200 square metres for Open Air Display, and thereafter one (1) space per 100 square metres for Open Air Display or part thereof. Revised plans were received 10 July 2002, showing the provision of 11 car parking bays on site, of which three are in tandem at the rear of the existing building and are to be used by staff. This tandem arrangement is considered acceptable as they are to be used by staff. In addition, one disabled car parking bay should be provided on site.

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

Chief Executive Officer's Comments

The CEO amended this report by including new clause (xvi) - to prohibit the use of barbed or razor wire, and clause (xvii) to require the installation of landscaping. These conditions will assist in improving the aesthetics of the exterior yard.

10.1.17 Nos.116-118 (Lot 50) Edward Street corner Thorley Street, Perth - Alterations and Additions to, and Change of Use From Showroom/Warehouse to Office and Showroom and Proposed Signage

Ward:	North Perth	Date:	11 July 2002
Precinct:	Beaufort P13	File Ref:	PRO2068 (00/33/1139)
Reporting Officer(s):	H Coulter		
Checked/Endorsed by:	Y Scheidegger, R Boardman		
Amended by:	-		

RECOMMENDATION:

That;

in accordance with the provisions of the Metropolitan Region Scheme and the Town of Vincent Town Planning Scheme No.1 the Council APPROVES the application submitted by Geoffrey A Raphael and Associates on behalf of the landowner Internet Business Corporation Ltd for alterations and additions to, and change of use from showroom/warehouse to office and showroom and proposed signage at Nos. 116-118 (Lot 50) Edward Street corner Thorley Street, Perth, and as shown on plans dated 6 June 2002, subject to;

- (i) a Sign Licence application shall be submitted and approved prior to the erection of the signage;*
- (ii) a road and verge security bond and/or bank guarantee of \$220.00 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing 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;*
- (iii) all car parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications and dimensions specified in the Town's Policy relating to Parking and Access and Australian Standards AS2890.1 – "Off Street Parking". In particular, bays 1 and 6 shall be a minimum of 2.7 metres in width;*
- (iv) the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (v) prior to the first occupation of the building, 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 \$550.00 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
- (vii) *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;*
- (viii) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (ix) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense; and*
- (x) *compliance with all relevant Environmental Health, Engineering and Building requirements;*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: Internet Business Corporation Ltd
APPLICANT: Geoffrey A Raphael and Associates
ZONING: Metropolitan Region Scheme: Urban
 Town Planning Scheme No.1 -
 Residential/Commercial R80
EXISTING LAND USE: Showroom/Warehouse

COMPLIANCE:

Requirements	Required	Provided
Created Roof Sign - Projection	Maximum 300 millimetres from the building	800 millimetres
Created Roof Sign - Area	Maximum 3 square metres (Edward Street elevation)	4 square metres
Car Parking	7.6 bays	6 bays
Use Class	Office; Showroom	
Use Classification	'AA'; 'SA'	
Lot Area	541 square metres	

Car Parking

Car parking requirement (nearest whole number)		
Offices (282 square metres)	5.6 bays	7.6 bays
Showroom (132 square metres)	2 bays	
Apply the adjustment factors		(0.76)
<ul style="list-style-type: none"> ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.90 (end of trip facilities for bicycle users) 		1.83 car bays
Minus the car parking provided on site		6 car bays
Minus the most recently approved on site car parking shortfall		0 car bays
Resultant surplus		0.23 car bays

SITE HISTORY:

The site is located on the northern side of Edward Street on the corner of Thorley Street and currently accommodates a two level building used for showroom, warehouse and office purposes. The Perth City Council at its Ordinary Meeting held on 17 May 1976 approved the construction of a showroom and warehouse building of approximately 297 square metres in area.

Surrounding land uses are characterised by single residences, former residences converted for offices and consulting rooms and purpose-built commercial buildings.

DETAILS:

Approval is sought for alterations and additions to the existing building and a change of use from showroom and warehouse uses to office and showroom. The proposal also includes the provision of new signage to the building. The signage consists of two created roof signs which are painted lettering to a height approximately 80 per cent of the height of new 'boxed' awnings to the street frontages of the building. The signs advertise 'ibc' along with a logo.

CONSULTATION/ADVERTISING:

No submissions have been received as a result of the advertising procedure.

COMMENTS:**Uses**

The proposed use of the site for offices and showroom is supported given the use is not dissimilar to the existing use and will not adversely impact on the amenity of the area to a greater extent. The Policy relating to the "Beaufort Precinct" provides that:-

"Commercial uses will not be permitted to develop independently of residential uses. Mixed-use developments proposing the integration of, or close relationship between work and residence, will be favoured where acceptable levels of residential amenity can be maintained."

The vast majority of adjacent residential buildings in Edward Street have been converted for commercial use along with purpose-built commercial buildings and it is not considered appropriate to enforce a residential component in this instance.

Signage

The proposal represents reasonable signage for the proposed use and sole tenant of the building. The 'created roof sign' does not comply with the maximum area stipulated in the Town's Policy relating to Signs and Advertising however, it is not considered that the signage will have an undue affect on the amenity and streetscape of the area.

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

10.1.18 No.241 (Lot 2) Vincent Street, West Perth - Proposed Change of Use from Single House to Educational Establishment

Ward:	North Perth	Date:	10 July 2002
Precinct:	Cleaver, P5	File Ref:	PRO0405 (00/33/1187)
Reporting Officer(s):	B Mirco		
Checked/Endorsed by:	Y Scheidegger, R Boardman		
Amended by:	John Giorgi		

OFFICER RECOMMENDATION:

That;

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

- (i) the application does not comply with the prescribed use;*
- (ii) the premises are not fit for the purpose of the current use; and*
- (iii) the lot is not appropriately zoned;*

the Council REFUSES the application dated 25 May 2002 submitted by R Green on behalf of the owner I Chin for the proposed change of use from single house to educational establishment on No.241 (Lot 2) Vincent Street, West Perth.

LANDOWNER: I Chin
APPLICANT: R Green
ZONING: Metropolitan Region Scheme: Urban
Town Planning Scheme No.1: Residential R80
EXISTING LAND USE: Educational Establishment (Unauthorised)

COMPLIANCE:

Use Class	Educational Establishment
Use Classification	"AA"
Lot Area	599 square metres

SITE HISTORY:

The subject site is currently operating as the Phoenix English Language Academy.

15 January 2002 The Town advised the owner of the subject property to cease the unauthorised use of existing single house for the purposes of an educational establishment within 14 days.

25 January 2002 The tenant of the subject property requested an extension of operation until the planning application for the change of use was determined by the Town.

- 4 February 2002 The Town received an incomplete planning application for the subject property.
- 12 February 2002 The Town granted the tenant of the subject property permission to continue to operate as an educational establishment until the planning application has been determined by the Town.
- 21 March 2002 The Town received a completed planning application for the proposed change of use from single house to educational establishment.
- 14 May 2002 The Council at its Ordinary Meeting resolved to refuse the planning application on the following grounds:
- "1. The application does not comply with the prescribed use.
2. There is no planning application before the Council.
3. The premises are not fit for the purpose of the current use.
4. The Lot is not appropriately zoned."*
- 26 June 2002 The Town received notification that an appeal had been lodged with the Town Planning Appeal Tribunal and the First Sitting of the Appeal Tribunal will be held on 22 July 2002.

The Council Planning Officers support this application. If the Council wishes to approve the proposal, the following conditions should apply:

- (i) the hours of operation shall be between 9am and 4pm Monday to Friday, inclusive;
- (ii) the number of students shall be restricted to a maximum of 30;
- (iii) the number of staff shall be restricted to a maximum of 3; and
- (iv) compliance with all relevant Environmental Health, Building and Engineering requirements.

CONSULTATION/ADVERTISING:

The application was not required to be advertised due to the previous application being advertised and the application being considered by the Council. There were three comments received during the previous advertising period. The main concerns related to insufficient parking, noise, non-residential nature of use, non-compliance with intent of Cleaver Precinct Policy, and operating without a current approval.

DETAILS:

Approval is sought for the change of use from single house to educational establishment.

The applicant has provided the following details:

"We would like Council to re-consider our application on the basis that we were not invited to present our case to Council as per Council policy, and that the reasons for the decision are incorrect from a planning perspective."

The application does not comply with the prescribed use

An educational establishment is considered an AA use in every zone in the Town of Vincent and as such cannot be approved unless Council exercises its discretion.

Although the site is occupied by a residential dwelling is considered unreasonable to insist on the site to be used only for residential purposes given its location to the major Loftus Street/Vincent Street intersection.

There is no planning application before Council

Our application for a change of use IS a planning application and as such was presented to the Council.

It is not our intent to change the fabric of the building or redevelop.

The premises are not fit for the purpose of the current use

Council received no briefing from staff on this issue, so it is difficult to understand how this position was reached!

Discussions with Health and Building indicated the buildings are indeed very fit for the purpose with minimal changes, none of which affect the character of the building.

The lot is not appropriately zoned

Again, Council's own Scheme makes it impossible for the lot to be appropriately zoned. It is an AA use - at Council's discretion. This is a near perfect location for education, which is a low impact activity.

As you can see, the planning reasons for refusal do not seem appropriate, and we ask the Council to reconsider our application."

COMMENTS:

Use

The Cleaver Precinct states *"non-residential uses should not further erode existing residential uses."* The Town's Policy relating to Non-Residential Uses in/or Adjacent to Residential Areas states *"non-residential development on land which is adjacent to land which is or may be used for residential purposes is only permitted where the non-residential use will not cause undue conflict through the generation of traffic and parking, or the emission of noise or any other form of pollution which may be undesirable on residential areas.*

Non-residential development in, or adjacent to, residential areas is strongly encouraged to be located within existing building(s) which complement the surrounding residential amenity. In these cases, the Town of Vincent may vary the development requirements provided it does not adversely affect the amenity of the area."

The educational establishment is not considered to have an unreasonable impact on the amenity of the surrounding area nor erode the residential nature of the Cleaver Precinct, given the use is to be located within an existing residential building, and its contextual location adjacent to non-residential uses and the high traffic volume of the Vincent Street/Loftus Street intersection.

Carparking

The Town's Policy relating to Parking and Access indicates a carparking requirement as determined by the Council for an educational establishment. It is considered that the proposed use will not have an unreasonable impact on the amenity of the surrounding area in terms of carparking, given that the students will utilise public transport and there will not be a significant increase in demand for on street parking.

In light of the above, it is recommended that the proposal be approved, subject to standard and appropriate conditions to address the above matters and a proposal of such scale and nature.

Chief Executive Officer's Comments

The Chief Executive Officer amended this Report by changing the Officer Recommendation to a refusal to reflect the Council's previous decision made at the Ordinary Council Meeting of 14 May 2002.

10.1.19 No.243 (Lot 1) Vincent Street, Corner Loftus Street, West Perth - Proposed Change of Use from Single House to Educational Establishment

Ward:	North Perth	Date:	10 July 2002
Precinct:	Cleaver, P5	File Ref:	PRO1992 (00/33/1189)
Reporting Officer(s):	B Mirco		
Checked/Endorsed by:	Y Scheidegger, R Boardman		
Amended by:	John Giorgi		

OFFICER RECOMMENDATION:

That;

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

- (i) the application does not comply with the prescribed use;*
- (ii) the premises are not fit for the purpose of the current use; and*
- (iii) the lot is not appropriately zoned;*

the Council REFUSES the application dated 1 July 2002 submitted by R Green on behalf of the owner M Di Fabrizio for the proposed change of use from single house to educational establishment on No.243 (Lot 1) Vincent Street, corner Loftus Street, West Perth.

LANDOWNER: M Di Fabrizio
APPLICANT: R Green
ZONING: Metropolitan Region Scheme: Urban
 Town Planning Scheme No.1: Residential R80
EXISTING LAND USE: Educational Establishment (Unauthorised)

COMPLIANCE:

Use Class	Educational Establishment
Use Classification	"AA"
Lot Area	706 square metres

SITE HISTORY:

The subject site is currently operating as the Phoenix English Language Academy.

15 January 2002 The Town advised the owner of the subject property to cease the unauthorised use of existing single house for the purposes of an educational establishment within 14 days.

- 25 January 2002 The tenant of the subject property requested an extension of operation until the planning application for the change of use was determined by the Town.
- 4 February 2002 The Town received an incomplete planning application for the subject property.
- 12 February 2002 The Town granted the tenant of the subject property permission to continue to operate as an educational establishment until the planning application has been determined by the Town.
- 21 March 2002 The Town received a completed planning application for the proposed change of use from single house to educational establishment.
- 14 May 2002 The Council at its Ordinary Meeting resolved to refuse the planning application on the following grounds:
- "1. *The application does not comply with the prescribed use.*
2. *There is no planning application before the Council.*
3. *The premises are not fit for the purpose of the current use.*
4. *The Lot is not appropriately zoned."*
- 26 June 2002 The Town received notification that an appeal had been lodged with the Town Planning Appeal Tribunal and the First Sitting of the Appeal Tribunal will be held on 22 July 2002.

The Council Planning Officers support this application. If the Council wishes to approve the proposal, the following conditions should apply:

- (i) the hours of operation shall be between 9am and 4pm Monday to Friday, inclusive;
- (ii) the number of students shall be restricted to a maximum of 30;
- (iii) the number of staff shall be restricted to a maximum of 3; and
- (iv) compliance with all relevant Environmental Health, Building and Engineering requirements.

CONSULTATION/ADVERTISING:

The application was not required to be advertised due to the previous application being advertised and the application being considered by the Council. There were three comments received during the previous advertising period. The main concerns related to insufficient parking, noise, non-residential nature of use, non-compliance with intent of Cleaver Precinct Policy, and operating without a current approval.

DETAILS:

Approval is sought for the change of use from single house to educational establishment.

The applicant has provided the following details:

"We would like Council to re-consider our application on the basis that we were not invited to present our case to Council as per Council policy, and that the reasons for the decision are incorrect from a planning perspective.

*The application does not comply with the prescribed use
An educational establishment is considered an AA use in every zone in the Town of Vincent and as such cannot be approved unless Council exercises its discretion.*

Although the site is occupied by a residential dwelling is considered unreasonable to insist on the site to be used only for residential purposes given its location to the major Loftus Street/Vincent Street intersection.

*There is no planning application before Council
Our application for a change of use IS a planning application and as such was presented to the Council.*

It is not our intent to change the fabric of the building or redevelop.

*The premises are not fit for the purpose of the current use
Council received no briefing from staff on this issue, so it is difficult to understand how this position was reached!*

Discussions with Health and Building indicated the buildings are indeed very fit for the purpose with minimal changes, none of which affect the character of the building.

*The lot is not appropriately zoned
Again, Council's own Scheme makes it impossible for the lot to be appropriately zoned. It is an AA use - at Council's discretion. This is a near perfect location for education, which is a low impact activity.*

As you can see, the planning reasons for refusal do not seem appropriate, and we ask the Council to reconsider our application."

COMMENTS:

Use

The Cleaver Precinct states *"non-residential uses should not further erode existing residential uses."* The Town's Policy relating to Non-Residential Uses in/or Adjacent to Residential Areas states *"non-residential development on land which is adjacent to land which is or may be used for residential purposes is only permitted where the non-residential use will not cause undue conflict through the generation of traffic and parking, or the emission of noise or any other form of pollution which may be undesirable on residential areas.*

Non-residential development in, or adjacent to, residential areas is strongly encouraged to be located within existing building(s) which complement the surrounding residential amenity. In these cases, the Town of Vincent may vary the development requirements provided it does not adversely affect the amenity of the area."

The educational establishment is not considered to have an unreasonable impact on the amenity of the surrounding area nor erode the residential nature of the Cleaver Precinct, given the use is to be located within an existing residential building, and its contextual location adjacent to non-residential uses and the high traffic volume of the Vincent Street/Loftus Street intersection.

Carparking

The Town's Policy relating to Parking and Access indicates a carparking requirement as determined by the Council for an educational establishment. It is considered that the proposed use will not have an unreasonable impact on the amenity of the surrounding area in terms of carparking, given that the students will utilise public transport and there will not be a significant increase in demand for on street parking.

In light of the above, it is recommended that the proposal be approved, subject to standard and appropriate conditions to address the above matters and a proposal of such scale and nature.

Chief Executive Officer's Comments

The Chief Executive Officer amended this Report by changing the Officer Recommendation to a refusal to reflect the Council's previous decision made at the Ordinary Council Meeting of 14 May 2002.

10.1.20 No.13 (Lot 22) Anzac Road, Mount Hawthorn - Proposed Carport Additions to Existing Single House

Ward:	Mount Hawthorn	Date:	10 July 2002
Precinct:	Leederville, P3	File Ref:	PR02102 00/33/1203
Reporting Officer(s):	S Ward		
Checked/Endorsed by:	Y Scheidegger, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

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

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
- (ii) non-compliance with the Town's Policy relating to Street Setbacks, as there is on-site car parking available from an existing right-of-way (ROW) at the rear of the property;*

the Council REFUSES the application submitted by the Eden Home Improvements on behalf of the owner M Favaro for the proposed carport additions to the existing single house at No.13 (Lot 22) Anzac Road, Mount Hawthorn as shown on the plans stamp dated 9 July 2002.

LANDOWNER: M Favaro
APPLICANT: Eden Home Improvements
ZONING: Metropolitan Region Scheme: Urban
 Town Planning Scheme No.1: Residential R30
EXISTING LAND USE: Single House

COMPLIANCE:

Requirements	Required	Proposed
Setbacks		
Front -	6 metres	1.5 metres
Eastern side -	1.0 metre	750 millimetres
Use Class	Single House	
Use Classification	'P'	
Lot Area	599 square metres	

SITE HISTORY:

The property currently accommodates a single storey brick and pitched "decramastic" roof single house with access from a sealed right of way at the rear of the property.

There is an existing crossover within the Anzac Road alignment with provision for vehicle parking within the front setback area.

DETAILS:

An application has been received to construct a pitched metal carport located within the front street setback area, over an existing carparking area.

CONSULTATION/ADVERTISING:

No submissions were received during the advertising period.

COMMENTS:

Carport

The Town's Policy relating to Street Setbacks states that carports "*are to be compatible with the nearest dwelling on site in terms of the design, profile and finishes used*" and requires on-site car parking to be accessible from an existing right-of-way (ROW) where available. The proposed carport is considered acceptable in terms of compatibility with the existing dwelling; however; the carport is within the front street setback and access to the rear of the property for parking purposes is available via an existing rear ROW on this particular site.

Side Setbacks

The side setback variation of the proposed carport is considered relatively minor and is acceptable in the context of the nature of development in the immediate area, with no objection received from the neighbour.

Summary

In light of the above, it is recommended that the application for the proposed carport be refused.

10.1.21 No.90 (Lot 123) Buxton Street, Corner Berryman Street, Mount Hawthorn - Proposed Ancillary Accommodation above Garage

Ward:	Mount Hawthorn	Date:	17 July 2002
Precinct:	Mount Hawthorn, P1	File Ref:	PRO2063 (00/33/1122)
Reporting Officer(s):	B Mirco		
Checked/Endorsed by:	Y Scheidegger, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

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

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with the setbacks, and the Town's Policy relating to Ancillary Accommodation; and*
- (iii) consideration of the objection received;*

the Council REFUSES the application dated 1 May 2002 submitted by R Bartsch on behalf of the owners R Bartsch and S Wright for the proposed ancillary accommodation above garage to existing single house, including garage and studio with dormer windows, on No.90 (Lot 123) Buxton Street, corner Berryman Street, Mount Hawthorn.

LANDOWNER: R Bartsch and S Wright
APPLICANT: R Bartsch
ZONING: Metropolitan Region Scheme: Urban
 Town Planning Scheme No.1: Residential R30
EXISTING LAND USE: Single House

COMPLIANCE:

Use Class	Single House
Use Classification	"P"
Lot Area	491 square metres

Requirements	Required	Proposed
Berryman Street Setback	6.0 metres	1.0 metre
Eastern Side Setback	1.1 metres	nil
Ancillary Accommodation Area	Maximum 35 square metres	37 square metres
Covered Walkway	Covered walkway from ancillary accommodation to dwelling	No walkway indicated

SITE HISTORY:

The site is occupied by a single storey single house.

CONSULTATION/ADVERTISING:

One letter of objection was received. The main concerns related to the side setback of the proposal, overshadowing, height of proposal and obstruction of views.

DETAILS:

Approval is sought for proposed ancillary accommodation above garage with dormer windows.

COMMENTS:

Berryman Street Setback

The proposed setback generally follows the existing building line of the main dwelling.

Setbacks

The eastern side parapet is not considered to have an unreasonable adverse impact on the amenity of the adjacent property, given the reduced setback of the garage on the adjacent property.

Bulk and Scale

The proposal complies with the Town's Policy relating to Bulk and Scale.

Overshadowing

The proposal is not considered to unreasonably overshadow the adjacent properties given its proposed height and scale.

Views

Views are not considered to be a valid planning issue and the Town does not have any policies that protect the view of adjacent properties.

Ancillary Accommodation Area

The proposal does not comply with Town's Policy relating to Ancillary Accommodation in relation to the permitted maximum area allowable.

Covered Walkway

The proposal does not indicate a covered walkway between the ancillary accommodation and the dwelling.

In light of the above, it is recommended that the proposal be refused due to the non-compliances with the setbacks and the Town's Policy relating to Ancillary Accommodation.

10.1.22 No.262 (Lot 3) Oxford Street, Leederville - Proposed Construction of Three (3) Three-Storey Grouped Dwellings

Ward:	Mount Hawthorn	Date:	15 July 2002
Precinct:	Leederville, P3	File Ref:	PR02066 00/33/1127
Reporting Officer(s):	B Mirco		
Checked/Endorsed by:	Y Scheidegger, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

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

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with the front setbacks, plot ratio, courtyard area requirements of the Residential Planning Codes (R-Codes), and the Town's Policies relating to Privacy, Street Setbacks and Leederville Locality; and*
- (iii) consideration of the objection received;*

the Council REFUSES the application dated 28 May 2002 submitted by Rojas Wood Pty Ltd on behalf of the owner N Webb for the proposed construction of three (3) three-storey grouped dwellings at No.262 (Lot 3) Oxford Street, Leederville and as shown on plans stamp-dated 15 July 2002.

LANDOWNER: N Webb
APPLICANT: Rojas Wood Pty Ltd
ZONING: Metropolitan Region Scheme – Urban
Town of Vincent Town Planning Scheme No. 1 – Residential R60
EXISTING LANDUSE: Vacant

COMPLIANCE:

Use Class	Grouped Dwellings
Use Classification	“P”
Lot Area	607 square metres

Requirements	Required	Proposed
Oxford Street Setback	6.0 metres	0.5 metre - 2.4 metres
Plot Ratio	0.55	0.65
Courtyard Area	24.0 square metres (minimum dimension 4.0 metres)	Unit 1 - 11.88 square metres and 9.1 square metres (minimum dimension 2.35 metres); Unit 2 - 11.88 square metres and 9.1 square metres (minimum dimension 2.35 metres); Unit 3 - 11.88 square metres and 9.45 square metres (minimum dimension 2.1 metres)
Location of unscreened habitable room openings	Minimum 6.0 metres from lot boundary	4.53 metres from lot boundary

SITE HISTORY:

The subject site is currently vacant.

DETAILS:

The applicant seeks approval for the construction of three (3) three-storey grouped dwellings.

The applicant has submitted the following in support of the application:

"I have reviewed and discussed with my development partners, the ratified Oxford Locality Plan 10 Policy Statements (Policy No.3.3.10) and accept that it differs from the former Oxford Policy Statement (Policy No. 3.3.35) we were referring to when preparing our application.

Our application has principally been prepared around the Special Policies, which stated:

4(i) Height Limit - Three storeys to Oxford Street, two storeys elsewhere.

The current ratified policy states:

3(i) A general height limit of two storeys (including loft) can be considered provided the second storey (including loft) is generally setback a minimum of 6 metres...

Height

Given the narrow site and carparking requirements, our intention with the design has been to separate the dwellings by incorporating three levels and thereby allow more space between and around the individual dwellings.

Plot Ratio

Whilst we comply with the 'R' Coding, we exceed the plot ratio by approximately 27% and this is not inconsistent with other developments in the area.

Setback

We have set the front dwelling back 250 metres from the front boundary to match part of the Picture Framing shop, whilst the remainder of the Picture Framing shop and Giants Liquor are built directly on the boundary.

We have attached a streetscape including the proposed development and, while not entirely accurate, this gives a fair representation of how the development will look. Note that the front townhouse will be setback from the front fence and will subsequently look a little bit smaller."

CONSULTATION/ADVERTISING:

One objection was received as a result of advertising. The main concerns related to the height, provision of adequate parking and the effect on street parking.

COMMENTS:

The proposed development involves a significant number and extent of non-compliances with the relevant development requirements under the Residential Planning Codes, and the Town's Town Planning Scheme No.1 and associated Policies, which results in a development that will unreasonably adversely affect the streetscape and amenity of the area.

Accordingly, it is recommended that the proposed development be refused for the reasons outlined above.

10.1.23 Report on Draft Guidelines for the Reuse of Greywater in Western Australia in general and Town of Vincent in particular

Ward:	Both Wards	Date:	17 July 2002
Precinct:	All Precincts	File Ref:	ENS0042
Reporting Officer(s):	D Brits		
Checked/Endorsed by:	R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That the Council;

- (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.*

BACKGROUND:

At the Ordinary Meeting of Council held on 25 June 2002, Council resolved that *"the Chief Executive Officer be authorised to prepare a further report on the feasibility of a Policy for the reuse of greywater within the Town."*

In response to recent drought conditions and the critically low levels of surface water storage in Western Australia, the Department of Health (DOH) in consultation with the Water Corporation and Department of Environment, Water and Catchment Protection drafted *"Guidelines for Greywater Reuse in Western Australia"*. The guidelines detail approved generic greywater 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. The Guidelines are 'Laid on the Table'.

The draft guidelines are available for public viewing on the Department of Health of Western Australia website at www.health.wa.gov.au.

Until 1 September 2002, public comment is invited. Written comments on the draft guidelines may be sent to either:

Draft Greywater Reuse Guidelines – Comments

Environmental Health Branch

Department of Health

PO Box 8172 Perth Business Centre WA 6849 or Telefacsimile Number: (08) 9388 4910

or Email:greywater.comments@health.wa.gov.au

DETAILS:

As outlined in the Draft Guidelines, 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. Considering the dry environment in many parts of Western Australia and the sometimes limited supply of water available, it is important that water is used efficiently and conserved wherever possible. Reuse of greywater is therefore supported and encouraged by the State Government to help conserve water.

However, it has to be accomplished without compromising community health, causing unacceptable environmental impact, or downgrading the amenity of our residential areas. Greywater must be reused in a beneficial manner for landscaping (that is, to the plant root zone) rather than simply disposal at a depth, which would not benefit landscaping.

Greywater can contain pathogenic micro-organisms including bacteria, protozoa, viruses and parasites in concentrations high enough to present a health risk. Therefore, a level of caution must be exercised with greywater reuse. This can be achieved by not allowing unnecessary human contact with greywater, or by treating the greywater to remove or destroy the micro organisms.

Greywater also contains oils, fats, detergents, soaps, nutrients, salts and particles of hair, food and lint, which can impact on operational performance and life of a greywater irrigation system. If these contaminants are not managed correctly they can degrade soil structure, clog groundwater flow paths or even cause no wetting characteristics in garden soils. The Town of Vincent, as an inner and relatively high-density city jurisdiction, should take particular care prior to approving greywater reuse. Approval should preferably only occur after consultation with adjoining neighbours and putting in place site specific controls.

A clear understanding of the potential health risks, operational problems and environmental impacts that can be caused by improperly designed greywater treatment and land application systems, is necessary to ensure only suitably designed greywater treatment and land application systems are permitted. There will be a cost to design, install and maintain such greywater reuse systems if they are to protect public health and be environmentally sustainable. Greywater systems must be designed for long term use. Past experiences have shown that some poorly developed greywater systems will result in clogging of the soil, odours, blockages and become a burden (financial and time) due to constant maintenance requirements.

The objective of these guidelines is to assist in the promotion of acceptable long term greywater reuse practice and promote conservation of our quality ground and surface water supplies.

HEALTH AND SAFETY ASPECTS:

Pathogens from greywater may spread by direct contact (that is, touching greywater or inhaling infection water droplets) or indirectly by consumption of contaminated food or water.

To minimise the risk to public health and prevent a nuisance from greywater reuse, the following requirements apply:

- 2.1 Greywater systems (this does not include bucketing) must dispose of greywater below the ground surface unless treated and disinfected to an appropriate standard (see Section 6, Table 6.1 of Guidelines).
- 2.2 The system must be designed and operated to exclude human and animal contact with the greywater except as required to maintain the system.
- 2.3 No cross connection with the potable water supply is allowed.
- 2.4 Greywater must not be allowed to enter any stormwater drainage system.
- 2.5 Greywater shall not be used in a manner that will result in direct contact with vegetables or other edible plants. It may be used to irrigate fruit plants where the fruit does not make contact with the greywater.
- 2.6 No opportunity for mosquito breeding is to exist in any part of a greywater system, that is, in conveyance, treatment, storage, soil application.
- 2.7 If irrigated via sub-strata drippers or above ground sprays, each irrigation area shall have signage effectively cautioning those entering the area that greywater is being used for irrigation. The sign should be on a white background with red lettering at least 20 millimetres high. The sign shall state:- *"Warning: Greywater Irrigation Area, Do Not Drink - Avoid Contact."*

Procedure in guidelines for obtaining a permit to install a greywater system

Only greywater systems that have been approved by the Executive Director, Public Health (EDPH) under Section 4 of the Guidelines are approved for use in Western Australia.

Installation of an approved greywater system or conversion of septic tank systems or Aerobic Treatment Units to greywater systems must be approved by the Local Government and will require a formal written application be made and all fees paid (currently the relevant development application fee is \$100).

All greywater system applications up to (and including) 10 persons are to be made to and approved by the Local Government.

All greywater systems above 10 persons are to be submitted to the EDPH for approval as is the procedure for septic tank applications greater than 540 litres under Section 4A of the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*.

COMMENTS:

Health Services recommend that due to the Town of Vincent's urbanised and inner-city nature, and the potential health and environmental ramifications, the first five (5) applications for the reuse of greywater within the jurisdiction of the Town be reported to Council for consideration prior to approval being granted. After these initial applications, the local needs, concerns and tendencies should become clear that would lead to a sensible tailor-made policy being developed.

10.1.24 General and Specified Building Maintenance Approved Contractors

Ward:	Both Wards	Date:	15 July 2002
Precinct:	All Precincts	File Ref:	PRO1226
Reporting Officer(s):	D Brits, K Steicke		
Checked/Endorsed by:	R Boardman, M Rootsey		
Amended by:	-		

OFFICER RECOMMENDATION:

That the Council APPROVES the continued use of the List of Approved Contractors for General and Specified Building Maintenance for the period until 30 June 2003.

BACKGROUND:

At the Ordinary Meeting of Council held on 10 July 2001 the Council approved the Tender to appoint contractors to undertake General and Specified Building Maintenance Works. During the confirmation of the Minutes of the previous meeting, the Council resolved on 24 July 2002 as follows:

"... (iii) any negotiations for the contracts to be extended beyond 12 months will require a further report to the Council for consideration."

DETAILS:

The Council previously accepted the tenders submitted to appoint contractors to undertake general and specified building maintenance in accordance with the specifications detailed in Tender No. 197/01, as follows;

- "(i) Plumbing and Gas Fitting - Oasis Plumbing Services & AUM Services;*
- (ii) Roof Plumbing - AUM Services & Robinson Buildtech;*
- (iii) General Building Maintenance & Carpentry - Walshy All Round Tradesman, AUM Services & Robinson Buildtech;*
- (iv) Electrical Services - AUM Services, FM Holdings and AARAT;*
- (v) Glazing Services – All Suburbs Glazing;*
- (vi) Drafting Services - Colin Criddle;*
- (vii) Pest Control - Ausmic Environmental Industries & Maxwell Robinson & Phelps;*
- (viii) Handyman Services - Walshy All Round Tradesman, Robinson Buildtech, Kim Edwards and AUM Services;*
- (ix) Painting Services - North Perth Painting & Steven Bailie;*
- (x) Air-Conditioning (Electrical) – Assett Services & Burke-Air; and*
- (xi) Air-Conditioning (Cleaning/General Maintenance) - Numans & Assett Services."*

Recently, an Internal Working Group Meeting consisting of the Property Maintenance Officer, Superintendent Works, Acting Manager Health Services, Manager Engineering Design, Manager Parks Services, Finance Officer (Purchasing), and Disability Services Officer, discussed the matter. Overall satisfaction with the approved list of maintenance contractors were expressed. As quotations have still been required for specific works, some contractors were used less than others due to the quoted price/cost or inability to action at the requested time.

In order to further improve the procedure, in cases where less than three quotations from approved contractors may be forthcoming, officers will obtain additional quotations from local service providers wherever possible, or by using the Council Purchasing Service of the Western Australian Local Government Association.

LEGAL/POLICY:

The Property Maintenance Officer or other officers wishing to use General and Specified Building Maintenance Approved Contractors when necessary, are still required to comply with the Town's Purchasing Policy.

STRATEGIC IMPLICATIONS:

Strategic Plan 2000-2002 – Key Result Area 3.5 *“Develop and implement strategies to improve the Town’s physical infrastructure, including buildings and land”*.

COMMENTS:

It is therefore recommended that the Council approves the extension of the General and Specified Building Maintenance Approved Contractors List until 30 June 2003, whereafter the Tender will be advertised again and a further report submitted for Council's consideration.

10.2 TECHNICAL SERVICES

10.2.1 Intersection William & Brisbane Streets, Perth - Relocation of Signal Holding Line

Ward:	North Perth	Date:	9 July 2002
Precinct:	Beaufort P13	File Ref:	TES0121
Reporting Officer(s):	R Lotznicher		
Checked/Endorsed by:	-		
Amended by:	-		

OFFICER RECOMMENDATION:

That the Council;

- (i) *receives the report on the Relocation of the Signal Holding Line at the intersection of William and Brisbane Streets, Perth;*
- (ii) *places the current project, estimated to cost \$33,605 "on hold" pending the availability of additional funds from either a budget review or savings achieved from other budgeted 2002/2003 traffic management projects; and*
- (iii) *advises Main Roads WA of its resolution.*

BACKGROUND:

Funds were allocated in the 2001/2002 budget for the relocation of the signal holding line at Brisbane Street (east side of William Street) to allow for the provision of pedestrian crossing facilities, i.e. ramps, etc.

On 9 February 2001, Main Road WA (MRWA) advised as follows:

"The request at first for what seems to be a simple request for the relocation of the signal hold line is unfortunately not the case for this intersection. The relocation of the hold line for this leg of Brisbane Street requires relocation of poles, electrical pit, detector loops and pavement markings to meet Main Roads standard signal layout.

Main Roads shall obtain a preliminary design and costing, at no cost to Council, from Main Roads Term Consultancy Contract for the modifications needed at the intersection to accommodate installation of pedestrian ramps as requested by Council. This quotation will then be forwarded to Council for Council to then advise Main Roads whether to proceed with arranging a design and construct project through Main Roads Traffic Control Infrastructure Contract for the modification of the intersection to be funded by Council."

DETAILS:

In accordance with their previous advice on 21 June 2002, MRWA advised that the estimated cost to relocate the signal holding line and associated works on Brisbane Street at William Street is \$33,605.

An amount of \$15,000 has been carried forward from the 2001/2002 budget, leaving a budget shortfall of \$18,605 for the project.

MRWA initially advised that the works would be relatively simple to implement and estimated the cost at between \$10,000 and \$15,000.

CONSULTATION/ADVERTISING:

N/A.

STRATEGIC IMPLICATIONS:

Strategic Plan 2000-2002 – Key Result Area 1.5 *“Develop and implement a plan to manage through traffic and local traffic, and reduce car dependence”*.

FINANCIAL/BUDGET IMPLICATIONS:

Funds totalling \$15,000 have been carried forward from the 2001/2002 budget for this project. The estimated cost is \$33,605, leaving a shortfall of \$18,605.

COMMENTS:

Brisbane Street forms a main arterial road into the Perth CBD and a formal pedestrian crossing facility on Brisbane Street (east of William Street) is required, however, due to the current road layout, including existing services/awnings, etc. the relocation of the signal holding lines to accommodate a formal crossing, i.e. pedestrian ramps, etc. is costly.

As insufficient funds have been allocated for the proposal, it is recommended that the project be placed on hold pending the availability of additional funds from either a budget review or savings achieved from other 2002/2003 budgeted traffic management projects.

10.2.2 Proposed Revised 2002 / 2003 Right of Way Upgrade and Acquisition Program

Ward:	Both	Date:	9 June 2002
Precinct:	All	File Ref:	TES0451
Reporting Officer(s):	R. Lotznicher, A. Munyard,		
Checked/Endorsed by:	-		
Amended by:	-		

OFFICER RECOMMENDATION:

That the Council;

- (i) *adopts the 2002/2003 Rights of Way Upgrade and Acquisition Program as outlined in the report and as indicated on plans contained in Attachment 10.2.2B; and*
- (ii) *receives a further report outlining a revised schedule for the Right of Way Acquisition and Upgrade program commencing with the 2003/2004 Right of Way upgrades.*

BACKGROUND:

Ordinary Meeting of Council of 23 February 1998

A report was presented to Council at its Ordinary Meeting held on 23 February 1998 which provided information regarding some anomalies with the adopted 1996 Rights of Way Upgrade & Acquisition program. The anomalies included such things as: the former Perth City Council data being out of date and inaccurate in some instances, the initial cost per lineal metre for ROW upgrades being too low etc.

The appointment of a "Temporary Lands Officer" in September 1997 resulted in the completion of extensive site investigations, ownership and acquisition research.

The "Temporary Lands Officer" established that a significant number of private ROWs were previously acquired and upgraded by the former Perth City Council during the period 1991 to 1995 (the survey used to establish the 1996 program was carried out by the former Perth City Council in 1991). It was also established that some privately owned ROWs were in fact owned by the Town or were currently undergoing resumption (initiated by the former Perth City Council).

A revised Rights of Way Upgrade & Acquisition program was subsequently prepared, incorporating all the updated data. The program was based on an annual (1998) expenditure of \$170,000 for the Upgrade Program and \$30,000 for the Town's 30% private ROW Upgrade Policy contribution.

At the meeting (23 February 1998) the following resolution was adopted by the Council;

"That the Council adopt the amended 'Rights of Way Upgrade Program' as shown in Appendix 11.2.2." (Refer attachment 10.2.2A).

Ordinary Meeting of Council of 25 June 2002

At the Ordinary Meeting of Council held on 25 June 2002, a comprehensive report relating to proposed amendments to the current Right of Way Upgrade Program and policies including the introduction of possible future development Right of Way Management Options was presented to the Council.

At this meeting it was reported that in October 2001 the Town acquired in excess of 40 private ROWs from a development company and the Roman Catholic Church also transferred ownership of approximately 10 private ROWs to the Town.

It was also reported that ongoing development and the increased demand for ROW access had resulted in the accelerated degradation of unsealed ROWs and therefore, the data collected on ROW use in 1991 was possibly out of date.

The above factors including the increase in the annual ROW budget allocation (\$300,000 in 2002/2003) had resulted in the need to review the current ROW Upgrade Program schedule.

At the meeting of 25 June 2002 it was resolved (in part) as follows:

"That the Council

(iii) notes that;

- (a) the current Right of Way Acquisition and Upgrade Program will be reassessed and a further report will be submitted, outlining a revised schedule for the current Right of Way Acquisition and Upgrade program commencing with the 2003/2004 Right of Way upgrades;*
- (b) a separate report on the proposed 2002/2003 Right of Way upgrades will be submitted as soon as the 2002/2003 budget has been adopted;"*

DETAILS:

This report deals with clause (iii)(b) of the Council's resolution from its 25 June 2002 meeting.

At the special meeting of Council held on 9 July 2002, the Council adopted the 2002/2003 budget which includes \$300,000 for ROW upgrades.

In addition, \$30,000 has been allocated where, in accordance with Policy No. 2.2.2 (ROWs - Paving and Draining of), the Town contributes $\frac{1}{3}$ of the cost to upgrade a ROW, with residents contributing the remainder of the cost.

In accordance with existing adopted ROW upgrade schedule all ROW's previously owned by the Town's will be completed at the conclusion of the proposed 2002/2003 program (outlined below). In addition four (4) recently acquired ROWs have been brought forward and included in the 2002/2003 program (refer * in table).

Of the four (4) ROWs brought forward for upgrade three (3) have been selected on the basis of their previous grading, being the earliest scheduled ROWs of those newly acquired. The other has been included due to significant flooding to adjacent residents due to the state of the current unsealed ROW. This has been brought forward to address the Town's liability in this respect.

The following table outlines the proposed Right of Way Upgrade and Acquisition program for 2002/2003. Drawings as numbered are attached.

File	North Street	West Street	Estimated Cost	Drawing No.
TES0326	Green St	Fairfield St	\$50,000	2066-RP.01
TES0345	Ellesmere St	Dunedin St	\$39,000	2070-RP.01 *
TES0369	Wilberforce Rd	Oxford St	\$33,000	2073-RP.01 *
TES0134	Stuart St	Palmerston St	\$5,000	2069-RP.01
TES0182	Elma St	Lawler St	\$41,000	2068-RP.01
TES0190	Hilda St	Lawler St	\$37,000	2041-RP.01
TES0107	Redfern St	Charles St	\$32,000	2071-RP.01 *
TES0224	Raglan Rd	Leake St	\$38,000	2072-RP.01 *
TES0412	Scarborough Bch Rd	Loftus St	\$16,000	2075-RP.01
TES0202	Alma St	Fitzgerald St	\$9,000	2076-RP.01
			\$300,000	

It is proposed that a selected number of the remainder of the Town's unimproved ROWs be re-surveyed within the next six months, and a report outlining a revised upgrade schedule (also taking into account the Town's responsibility to improve those newly acquired), be presented to the Council once the assessment has been completed.

CONSULTATION / ADVERTISING:

N/A

FINANCIAL/BUDGET IMPLICATIONS:

The total cost involved to complete the upgrading of all current unsealed ROWs in the Town, is approximately \$3.7 million.

The Council has allocated \$300,000 in the 2002/2003 budget for ROW upgrades and based on this allocation, it will take about thirteen (13) years to complete the upgrade program.

In addition, \$30,000 has been allocated annually as the Town's one third contribution to ROW upgrades.

STRATEGIC IMPLICATIONS:

This proposal is in keeping with the Town's Strategic Plan 2000-2002. Key Result Area 33 - *"Identify and implement innovative ways of funding physical infrastructure"*.

COMMENTS:

At its Ordinary Meeting on 25 June 2002, the Council resolved that a separate report on the proposed 2002/2003 Right of Way upgrades be submitted as soon as the 2002/2003 budget had been adopted.

The 2002/2003 budget was adopted at a special Council meeting held on 9 July 2002 and a revised 2002/2003 Rights of Way Upgrade and Acquisition Program has been prepared incorporating the factors outlined in this current report.

It is therefore recommended that the Council adopts the revised 2002/2003 Rights of Way Upgrade and Acquisition Program as outlined the report and as resolved at its Ordinary Meeting on 25 June 2002 [clause (iii)(a)] that the Council receives a further report outlining a revised schedule for the Right of Way Acquisition and Upgrade Program commencing with the 2003/2004 Right of Way upgrades.

10.2.3 2002 / 2003 Road Rehabilitation and Upgrade Program and 2002 / 2003 Footpath Replacement Program

Ward:	Both	Date:	9 July 2002
Precinct:	All	File Ref:	TES0174
Reporting Officer(s):	R Lotznicher		
Checked/Endorsed by:	-		
Amended by:	-		

OFFICER RECOMMENDATION:

That the Council;

- (i) adopts year one of the 2002/2003 to 2006/2007 Road Rehabilitation and Upgrade Program as outlined in Attachment A;*
- (ii) adopts year one of the 2002/2003 to 2006/2007 Footpath Replacement Program as outlined in Attachment B; and*
- (iii) notes that the remaining four years of the above programs are preliminary only and may be subject to change.*

BACKGROUND:

The Council in 1996 and 1997, respectively, resolved to adopt a long term Footpath Replacement Program and Road Rehabilitation and Upgrade Program.

The above two programs were developed to ensure the Town's existing road and footpath infrastructure is maintained at an acceptable level of service and safety.

To ensure that the two programs are dynamic in reflecting changing circumstances, including development activity, other capital improvement projects, residents' requests and changing conditions, it was considered appropriate (Ordinary Meetings of Council 10 August 1998, 25 August 1999 and 25 July 2000) to review and update both programs annually and request that only the first year of each respective program be adopted by the Council.

DETAILS:

The first year of both programs, as outlined in this report, relates to the 2002/2003 financial year.

Road Rehabilitation and Upgrade Program

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

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.

The road program has been updated and revised to include projects funded from the State Metropolitan Regional Road Program, projects reprioritised according to road condition, and projects associated with other capital works.

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

Footpath Replacement Program

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.

As with the roads program, 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 B**.

CONSULTATION/ADVERTISING:

N/A

FINANCIAL/BUDGET IMPLICATIONS:

The 2002/2003 Capital Works Budget includes funds of \$400,000 for road rehabilitation and upgrade and \$350,000 for footpath replacement.

STRATEGIC IMPLICATIONS:

Strategic Plan 2000-2002 - Key Result Area 3: Physical Infrastructure "*3.1 Review and update Council's programs for physical infrastructure (linking to the budget process).*"

COMMENTS:

At the special meeting of Council held on 9 July 2002, Council adopted the 2002/2003 budget. The purpose of this report is to obtain Council's approval for the allocation of funds allowed for in the 2002/2003 budget to specific projects in the 2002/2003 Road Rehabilitation and Upgrade Program and the 2002/2003 Footpath Replacement Program.

10.2.4 2002/2003 Capital Works Schedule

Ward:	Both	Date:	15 July 2001
Precinct:	All	File Ref:	FIN0025
Reporting Officer(s):	R Lotznicher, R Boardman, M Rootsey		
Checked/Endorsed by:	J Giorgi		
Amended by:	-		

OFFICERS RECOMMENDATION:

That the Council APPROVES the attached 2002/2003 Capital Works Schedule.

BACKGROUND:

At the Special Meeting of Council held on 9 July 2002, Council adopted the 2002/2003 budget.

DETAILS:

Executive Managers and Managers from the three Divisions have formulated the attached Capital Works Schedule.

The Schedule comprises \$13.8 million of Capital Works.

CONSULTATION/ADVERTISING:

N/A

FINANCIAL/BUDGET IMPLICATIONS:

The Capital Works Schedule is based on the adopted 2002/2003 budget.

STRATEGIC IMPLICATIONS:

The Capital Works Schedule is in line with the key result areas, strategies and actions as outlined in the Town's Strategic Plan.

COMMENTS:

While the scheduling of some projects may change during the course of the year due to various factors an attempt will be made to implement the majority of the works in accordance with the attached Capital Works Schedule.

The various projects listed will ensure the Town's infrastructure continues to be upgraded, resulting in an improved amenity for the Town's community and its visitors.

10.2.5 Mindarie Regional Council - Secondary Waste Treatment Planning Progress Report

Ward:	Both	Date:	12 July 2002
Precinct:	All	File Ref:	ENS0016
Reporting Officer(s):	R Lotznicher		
Checked/Endorsed by:	-		
Amended by:	-		

OFFICER RECOMMENDATION:

That the Council;

- (i) *receives the report on the Mindarie Regional Council's Secondary Waste Treatment Planning Progress Report; and*
- (ii) *notes that further reports will be submitted on the Mindarie Regional Council's Regional Waste Management Plan, Secondary Waste Treatment Planning and Secondary Waste Treatment Siting issues, as matters progress.*

BACKGROUND:

At the Mindarie Regional Council's (MRC) Ordinary Meeting held on 4 July 2002, the Council considered the following agenda items relating to secondary waste treatment planning and related issues:

- Item 9.2.2 - Regional Waste Management Plan
- Item 9.2.4 - Secondary Treatment Planning
- Item 9.2.5 - Secondary Waste Treatment - Siting Issues

The purpose of this report is to inform the Town of Vincent Council on the outcome of the meeting with regard to the above items.

DETAILS:

Regional Waste Management Plan (Item 9.2.2)

The MRC, at its meeting held on 23 September 1999, endorsed a Regional Waste Management Plan, comprising a series of strategies

Progress against particular strategies has been as follows:

Maximisation of leased land available for waste management

Council conducted a workshop on future land requirements for the business in January 2002. A land requirements plan was endorsed by the MRC at its February meeting. To date the plan has been endorsed by six (6) of the seven (7) members. Still waiting on the City of Stirling.

Minimisation of the impact of Perth's Bush Plan on leased area

A copy of the latest version of Bush Plan - "Bush Forever" - has been received. Development of Stage Two landfill is proceeding with due respect to Bush Forever restrictions.

Development of Stage Two Landfill

The MRC's appointed consultants, Sinclair Knight Merz, have completed an initial design of Stage One final cap and Stage Two landfill. Key elements of this design, including the final level of Stage One and the concept for Stage Two lining and leachate management, have been endorsed by officers from member Councils. A suggested improvement to the Stage Two development, i.e. the excavation of those northern cells of Stage 2A and Stage 2B as an initial phase of this work, is currently being investigated by the MRC administration and Sinclair Knight Merz.

Development of Site Master Plan

The MRC had previously developed a Master Plan for Tamala Park. This was subsequently endorsed and communicated to participating Councils for comment.

Revision to the Master Plan is proposed, following endorsement by participating Councils to the land requirements plan which, in essence, deletes any plan for the establishment of a secondary waste treatment facility at Tamala Park.

Security of Tenure of Land

The MRC's administration has progressed the issue of validation of the existing lease, in conjunction with owner Council representatives, to the point where the Ministry for Planning endorsement and approval has progressed to the point where the lease has been approved subject to the removal of the option for an extension beyond 2011. This matter is being further investigated and a subsequent report will be provided.

Diversion of Class 1

Diversion of Class 1 (inert waste) is continuing.

Co-ordination of Greenwaste Management

Greenwaste processing is continuing.

Monitor of Trial Activities (ongoing)

Nil activity.

Waste Classification Trials (ongoing)

No work has been conducted against this Strategy during the reporting period.

Waste Management Plans (ongoing)

No work has been conducted against this Strategy during the reporting period.

Alternative Waste Reduction Methods

Work has been conducted by the Secondary Treatment Committee in regard to alternative sites and community liaison.

The following resolution was subsequently adopted by the MRC.

"That the Council receive this progress report on the implementation of the Regional Waste Management Plan for information."

Secondary Treatment Planning (Item 9.2.4)

The MRC's revised Strategic Plan 2002/2007 has, as Objective Two (Waste Minimisation to Landfill), an Objective as follows:

"To reduce waste to landfill by implementation of appropriate waste treatment methods, for at least that domestic waste generated within the region."

No further work has been conducted on this matter. Further work is dependent on site selection.

Siting Issues

The MRC, at its meeting in February 2000, agreed on a land requirements plan for future business activities. This involved the siting of any secondary waste treatment facility elsewhere to Tamala Park. Work has been conducted on the commercial options for this siting.

Community Engagement

Further work has been conducted on the plan for a Community Engagement Program with respect to secondary treatment of waste.

This work has been as follows:

- Development of a compatible State wide program, in conjunction with others, for delivery in late 2002.
- Liaison with Eastern Metropolitan Regional Council concerning a joint venture for delivery of community education progress in both regions. A proposal from Eastern Metropolitan Regional Council in this regard is currently under investigation by the SWTF WG.

Atlas Developments

A City of Stirling proposal for disposal of baled residue is being delivered to Tamala Park. Atlas commenced the processing of all City of Stirling treatable domestic waste in mid November 2001. The data from these exercises is currently being collected and analysed.

Southern Metropolitan Regional, Council Projects

The Southern Metropolitan Regional Council has progressed contracts for work associated with the establishment of a Regional Waste Management Park located at Canningvale. This Council has resolved to accept a tender from Bedminster, and implementation is in progress. Operation of the recycling facility commenced in June 2001. The facility was officially opened in December 2001.

Global Olivine Process

The Global Olivine group has obtained environmental approval for the establishment of a facility at Kwinana. The Town of Kwinana has resolved to dispose of waste at the proposed Global Olivine facility.

City of Gosnells

The City of Gosnells has contracted with Brightstar for the provision of a waste disposal capability utilising SWERF technology. Brightstar are currently progressing the appropriate environmental approvals. Discussions between all parties on the sale of energy from the process to Western Power are continuing.

The MRC continues to progress its implementation of a Secondary Treatment capacity in the region. In addition, the Council is monitoring developments in other organisations on this matter.

At the MRC meeting, additional information was sought on the availability of a Gantt chart, or similar, which demonstrates the progress of the Council's secondary waste treatment project, including key milestones. The MRC agreed that an expanded suite of information, including a project chart, should be included in future reports.

Representatives of the BSD/Meinhardt Joint Venture provided information on estimated project milestones.

This information is as follows:

- Community Consultation (July – October 2002)
- Land Acquisition (by end October 2002)
- Environmental Approvals (by September 2003)
- Submission of Tenders (January 2004)
- Contract Award (April 2004)
- Commence Construction (May 2004)
- Complete Construction (June 2005)
- Operation (July 2005)

The Chief Executive Officer of the MRC was requested to provide a copy of the Eastern Metropolitan Regional Council community consultation proposal to all MRC Councillors.

The following resolution was subsequently adopted by the MRC

"That the Council;

- (i) receive this progress report on Secondary Treatment Planning for information;*
- (ii) obtain expanded information, including a project chart demonstrating milestones, in subsequent reports on this project."*

Secondary Waste Treatment – Siting Issues (9.2.5)

The MRC, at its meeting held on 18 April 2002, resolved as follows:

"That the Council;

- (i) approve further investigation including appropriate community liaison for the purchase of land for the purpose of establishment of a secondary waste treatment facility, subject to satisfactory endorsement to the Council's future land requirements by member Councils.*
- (ii) approve further investigation of sites at Wangara then Neerabup and then Malaga, as second and third priority sites respectively, if a purchase at Wangara is not able to be progressed;*
- (iii) authorise a contract variation for the BSD Consultants/Meinhardt Joint Venture to facilitate further activities for the purchase of 8-10 ha of land at Wangara and other sites, if necessary, on behalf of the Council;*
- (iv) authorise the SWTF WG to develop a purchasing strategy for the purchase of this land;*
- (v) authorise a group consisting of Chairman, Deputy Chairman, Chair SWTF WG and Chief Executive Officer to place on offer on land, subject to Council approval, and all relevant formal State and local government approvals;*
- (vi) authorise the commencement of administrative action, in accordance with the Local Government Act 1995, for a major land transaction;*
- (vii) authorise the classification of the content of this item in regard to specific sites as CONFIDENTIAL until any land purchase is completed."*

Further work has been conducted by the Council's "Secondary Waste Treatment Facility Working Group" (SWTFWG) and the BSD Consultants/Meinhardt Joint Venture with respect to identification of preferred land in Wangara.

A Land Purchasing Strategy

Representatives of the Joint Venture briefed the Council's SWTF WG and attached personnel (Mr Terry Neale, City of Wanneroo), at a meeting on 9 May 2002, on the results of investigations into potential sites.

The meeting agreed a land purchasing strategy as follows:

- A meeting between representatives of Mindarie Regional Council BSD/Meinhardt and the City of Wanneroo (Mr Terry Neale, Roman Zagwocki) to identify potential issues associated with purchase and use of Lots 13, 256 and 257 for a secondary waste treatment facility.
 - A meeting between representatives of Mindarie Regional Council, the consultants and the City of Wanneroo with Land Corp to discuss the purchase of up to 10 hectares of land within these Lots, including the identification of a preferred parcel.
 - The submission by the consultants of a further report to Mindarie Regional Council by Tuesday, 4 June 2002, which describes the preferred parcel of land for purchase, and associated purchasing issues, including conditions.
 - The consideration of this report by the Council's Secondary Waste Treatment Facility Working Group, with additional personnel, i.e. Terry Neale and Rod Constantine, on 11 June 2002.
 - The consideration of a Technical Working Group report, plus the consultant report, by the Council's Technical Working Group on 21 June 2002.
-

- The consideration of recommendations for the purchase of particular land, by the Council, at its meeting on 4 July 2002.
- The provision of a progress report on this matter by letter to the Minister for the Environment and the Chair of the Waste Board.

This strategy targets preferred Lots of land as Lots 12, 256 and 257 for the following reasons.

- Adequate size for potential 10 ha parcel to be identified.
- Suitable zoning (industrial).
- Appropriate access for transport of input and output products from the plant.
- No known contamination of the land.
- Proximity to existing waste management sites i.e. City of Wanneroo MRF.
- Current land ownership, i.e. Land Corp. City of Wanneroo conducive to satisfactory timeframe and process for purchase.

Discussion 12 June 2002

A meeting of the Council's SWTFWG, plus additional personnel, and representatives of the BSD/Meinhardt Joint Venture was conducted on 12 June 2002. This meeting discussed the content of the subsequent report from the Joint Venture on investigations into land, and a copy of this report is tabled.

Representatives of the Joint Venture briefed the meeting on key elements of further investigation as follows:

- The meeting held with Land Corp representatives was extremely positive.
- Two potential sites within Wangara were identified.
- Land Corp was keen to sell these sites to the Mindarie Regional Council.
- The preferred Land Corp sale method was by use of the option arrangement, whereby the price for purchase is set now, and a fee is paid for the privilege to buy the land at a later date.
- The approval process for purchase of land from land Corp involves, inter alia, approval from the appropriate Minister.

The meeting agreed on the need to collect further information, including the results of negotiations with Land Corp on both sites, and presentation of this information to Council for its meeting in August 2002. The meeting further agreed on a need for community engagement commencing after the July 2002 Council meeting, on the relative merits of each of these sites.

The MRC's administration has coordinated further work in relation to options for purchase of land for establishment of a SWTF. Council consideration is now appropriate.

Working Group Meeting 21 June 2002

The Working Group, of which the Executive Manager Technical Services is a member, agreed a "way ahead" which had three thrusts as follows:

- Demonstrable progress in negotiations with land owners of the two preferred sites.
- Community engagement on criteria for site selection, and appropriate weighing.
- Progress on any preliminary approvals, e.g. Business Plan.

The following resolution was subsequently adopted by the MRC

"That the Council;

- (i) note the additional work conducted with respect to the purchase of an appropriate site for the establishment of a secondary waste treatment facility within the region, as described at Attachment One;*
- (ii) endorse further work on preferred sites as follows:*
 - (a) Site A – Land located in vicinity of Calloway Street Wangara (part Lot 2,13,256,257)*
 - (b) Site B – Land located in vicinity of Calloway Street Wangara (part Lot 2,3,4)*
- (iii) Approve further work with respect to these sites as follows:*
 - (a) Negotiation with Land Corp on purchase arrangements;*
 - (b) Placement of purchase option, or similar, in conjunction with Council's solicitor, subject to full Council approval, by the previously authorised group ie Chair, Deputy Chair, Chair SWTF WG, Chief Executive Officer, on the preferred site;*
- (iv) authorise the commencement of processes for legislative approvals, including compliance with Local Government Act, 1995 (3.58, 3 59 – Business Plan)*
- (v) authorises the commencement of community engagement concerning these sites, including*
 - (a) The formation of a community focus group to discuss and advise on the relative merits of each site*
 - (b) The distribution of information within adjoining localities on secondary waste treatment in general and siting issues in particular*
 - (c) Liaison with the City of Wanneroo with respect to progress on these site exercises*
 - (d) The broad marketing of the Council's intentions*
- (vi) authorise the declassification of this item from CONFIDENTIAL to UNRESTRICTED"*

CONSULTATION/ADVERTISING:

N/A

STRATEGIC IMPLICATIONS:

It is too early to predict the strategic implication for the Town's strategic plan, but this would probably fall in the general category in the Town's Draft Strategic Plan 2000-2002 - Key Result Area 3.4(a) "*Develop a waste management strategy that has positive environmental and financial outcomes*".

FINANCIAL/BUDGET IMPLICATIONS:

Future waste handling systems will be required to meet the requirements of the SWTF. The cost of secondary waste treatment will obviously mean an increase in the disposal costs for the member Councils.

COMMENTS:

At the Ordinary Meeting of Council held on 14 May 2002 it was resolved

That the Council advises the Mindarie Regional Council that it supports the Land Requirements Plan, as detailed in this report.

The report concluded that landfill would continue at Tamala Park and a SWTF would be located at a site other than Tamala Park as follows:

- The continued use of Tamala Park for landfill up to and beyond 2001 for that waste not treatable via SWTF and residue from SWTF processes; and
- The development of plant for SWTF processing at one or more locations, other than Tamala Park, i.e. in three stages, for implementation in 2005, 2010 and 2015 respectively.

It was also reported (14 May 2002) that in November 2000, comments on a Mindarie Regional Council 'Draft Master Plan for Tamala Park' were invited from member Councils and a report on the matter was presented to the Ordinary Meeting of Council held on 7 November 2000. The report concluded as follows:

"The development of a Master Plan for Tamala Park landfill site is a vital stage in waste management planning for the region. It hopes to elevate any uncertainty associated with the life expectancy of the site as a result of the various issues previously mentioned and enables the Regional Council to plan and progress important strategic issues. The Plan mainly allows for future waste management options available to the MRC including landfill disposal options and secondary waste treatment alternatives."

The Council subsequently advised the Metropolitan Regional Council that it supported the Tamala Park Draft Master Plan.

The MRC items (9.2.2, 9.2.4 and 9.2.5) discussed in this report are in line with this Council's previous resolutions.

10.2.6 Tamala Park Land – Lot 118 Mindarie - Progress Report No. 1

Ward:	-	Date:	17 July 2002
Precinct:	-	File Ref:	PRO0739
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-		
Amended by:	-		

OFFICER RECOMMENDATION:

That the Council;

- (i) *receives the Progress Report No. 1 on the Tamala Park Land, Lot 118 Mindarie;*
- (ii) *authorises the Chief Executive Officer to;*
 - (a) *represent the Town on the Chief Executive Officer's Working Group; and*
 - (b) *make routine decisions in accordance with the Town's approved Budget, Council decisions and Strategic Plan associated with the land;*

relating to Tamala Park land, Lot 118 Mindarie; and
- (iii) *notes that further reports will be submitted to the Council as the matter progresses.*

BACKGROUND:

On 28 August 2001 a report entitled "Tamala Park Land - Lot 17 Mindarie" was presented to Council. The report provided a history of the Tamala Park land and advised the Council on the process which finally resulted in The Tamala Park Land Transfer Bill 2001 which was introduced into the Western Australian State Parliament in June 2001. The bill was subsequently passed by Parliament and gazetted on 28 August 2001. As a result of the passing of the Bill the Town's of Vincent, Cambridge and Victoria Park were each granted a quarter of the City of Perth's share of the Tamala Park land holding.

The Council resolved inter-alia to;

"That the Council;

- (i) *notes that the Tamala Park Land Transfer Bill 2001 (as shown in Appendix 10.4.3) was passed in the Legislative Assembly on 21 August 2001, which transfers a quarter of the City of Perth's share of the Tamala Park land to each of the Towns of Vincent, Cambridge and Victoria Park; and ..."*

A further report on the Tamala Park Land was presented to Council at its ordinary meeting held on 23 October 2001 entitled "Lot 118 Mindarie/Tamala Park - Management Plan".

The report outlined a proposal by the owners of Lot 118 (formerly Lot 117), the Cities of Joondalup, Perth, Stirling, Wanneroo and the Towns of Vincent, Cambridge and Victoria Park to develop Lot 118.

It was also reported that as the scope and length of the project would take many years to enable the project to proceed on a sound basis it was proposed that a Memorandum of Understanding (MOU) be entered into. The MOU included principles that, would allow the preparation of a Joint Venture Agreement to proceed with confidence.

At the meeting, the following resolution was adopted:

"That the Council APPROVES BY AN ABSOLUTE MAJORITY to;

- (i) enter into the Lot 118 Joint Venture Memorandum of Understanding which establishes principles for the development of a Joint Venture Agreement with the Cities of Joondalup, Perth, Stirling and Wanneroo and the Towns of Cambridge, Victoria Park and Vincent;*
- (ii) authorise the signing and sealing of the Memorandum of Understanding;*
- (iii) rename the "Waste Management Reserve Fund" to "Waste Management Plant and Equipment Reserve Fund" and to authorise the Chief Executive Officer to give one (1) month's local public notice of the Council's intention to change this Reserve Fund in accordance with section 6.11 of Division 4 of PART 6 of the Local Government Act;*
- (iv) create a new "Strategic Waste Management Reserve Fund" for the following purposes;*

investigation and implementation of integrated waste management strategies/programs and initiatives (including secondary waste treatment) and costs associated with the redevelopment of Lot 118 Tamala Park";

and to authorise the Chief Executive Officer to give one (1) month's local public notice of the Council's intention to create this Reserve Fund in accordance with section 6.11 of Division 4 of PART 6 of the Local Government Act; and
- (v) place all future lease monies which will be received from the Mindarie Regional Council into the newly created "Strategic Waste Management Reserve Fund".*

DETAILS:

In accordance with clause (ii) of the above resolution the MOU was signed by the Chief Executive officer (CEO), however agreement between all the other member Councils could not be reached as the City of Wanneroo imposed a number of conditions relating to a Secondary Waste Treatment Facility (SWTF) on the site which were unacceptable to other Council members. To date this matter has not substantially proceeded and the issue of the SWTF is being progressed (as outlined in Item 10.2.5 in this Agenda).

The CEO is a member of the CEO's working Group comprises CEOs and other key officers from the member Council's . The group meets on a monthly basis, usually at the City of Stirling. At times, the various Mayors are invited to meetings to be updated on the subject.

Land Details

Tamala Park is a 432 hectare land holding known as Lot 118 which is bordered by Clarkson and Mindarie to the north, Kinross and Burns Beach to the south, Neerabup National Park to the east, and coastal reserve to the west. It is located about 30 kilometres from the Perth CBD and some 6 kilometres northwest of Joondalup. It is divided by Marmion Ave and Connolly Drive, and is comprised of a mixture of bushland, degraded farmland and land used for the regional waste treatment facility. A plan of the site is shown at Appendix 10.2.6.

Property Ownership

The Cities of Perth, Stirling and Wanneroo (now Wanneroo and Joondalup) acquired Tamala Park (also called Lot 118) in 1984. The land is situated within the City of Wanneroo, 31 km north of the Perth Central Area. Subsequent events, has seen the ownership extend and it now comprises the Cities of Stirling, Wanneroo, Joondalup, Perth and the Towns of Cambridge, Victoria Park and Vincent.

In 1990, the original owner Councils leased 252 hectares of the land to the Mindarie Regional Council (MRC) for use as a regional waste facility. The waste facility is contained on approximately 22 hectares of the 252 hectare lease, with the remaining land acting as a buffer zone around the tip. The Town currently delivers its waste to this site, as it is a member of the MRC.

Zoning

Under the Metropolitan Region Scheme, the land is predominantly “Rural” with the exception of the northern portion of the land on the west side of Marmion Avenue, which is zoned “Urban”. In addition, there are two small pockets of the site located at the western extremity of the western moiety of the land, which are designated as “Parks and Recreation”.

Under the City of Wanneroo DPS number 2, the northern moiety of the land west of Marmion Ave is zoned “Urban Development” with the exception of two small pockets in this moiety, which are designated “Parks and Recreation”. The remainder of the site is zoned “General Rural” except for the tip site operating area, which is within the “Local Reserve-Public Use” zone.

Proposed major MRS amendment 992/33 Clarkson/Butler, recommends that the upper “half” of the land East of Marmion Ave be rezoned “Urban Deferred”, the Tamala Park Waste Facility be zoned “Public Purposes” and the remainder (excluding the existing urban section west of Marmion Ave) zoned “Parks and Recreation”.

Leases

Approximately 252 hectares of the land is leased to the Mindarie Regional Council for a refuse disposal facility. This matter was previously reported to the Council Meeting of 23 October 2001. Smaller sections of the site are leased to Vodaphone and Telstra, while the Water Corporation has an easement over part of the land for access to the Neerabup GWTP. The Vodaphone lease is for 5 years plus 5 year option from May 1999.

Subdivision Potential

Proposals prepared for the member Councils by the Planning Group in year 2000, indicate that the land could be developed in 10 stages over the next two decades, providing as many as 2,658 residential lots.

The proposal identified two distinct residential precincts – west of Marmion Avenue and east of Marmion Avenue.

West: the land west of Marmion Avenue incorporated three separate residential nodes containing a total of 677 lots.

East: the land east of Marmion Avenue incorporated two separate residential nodes, split by Connolly Drive, and a small node on the southern extreme. These areas contain a total of 1974 lots.

West of Marmion Avenue

This area comprises 120 hectares of land. Approximately half of this area is proposed to be reserved for Parks and Recreation purposes in the Clarkson Butler MRS Amendment.

Total land area	120 hectares	100%
Proposed Residential	63.5 hectares (includes a 4.8ha of Public Open Space)	53%
Total Lots	677 home sites	
Retained Bushland	56.5 hectares	47%

East of Marmion Avenue

This area comprises 312 hectares of land, including the Tamala Park Waste Facility and extensive buffer zone.

Total land area	312 hectares	100%
Proposed Residential	149 hectares (includes 15.5ha of public Open Space)	48%
Total Lots	1,974 home sites	
Unaffected land	163 hectares	52%

Proposed Golf Course

The Tamala Park development will not disrupt long term plans to develop an 18-hole public golf course utilising some of the land in the south-eastern portion of Tamala Park, east of Connolly Drive. The golf course will be a feature of the adjoining residential community and provide an additional recreation opportunity for the region.

Bush Forever

A portion of the land on the site may be affected by "Bush Forever" and may have to be retained as bush land. "Bush Forever" is a State Government initiative administered by the Department of Planning and Infrastructure to preserve significant bush land in the metropolitan area. It also involves discussion with the Department of Environment. Progress with this matter has been slow as there appears to be conflicting requirements emanating from the various Government departments involved.

It should be noted that the greater the land required for "Bush Forever" means that less land will be available for subdivision and disposal.

Discussions with the former Government revealed that approximately 2,658 lots would be available for subdivision, however recent discussions with the Government departments have reduced this to 2,086. This significant reduction has not been accepted by the member Councils as it will significantly reduce the potential income from this asset.

Resourcing of CEO's Working Group

The City of Stirling provides all the secretarial support for the group and technical support is provided by the other Local Governments.

The redevelopment of the Tamala Park land could take up to 12-20 years to fully develop. The option to employ a full-time Project Manager is currently being investigated. The role of the Project Manager will be to;

- (a) progress matters on a full-time basis;
- (b) provide advice (legal, commercial and technical) to the group;
- (c) coordinate communication between the CEOs;
- (d) action any decisions made by the CEOs or member Councils; and
- (e) liaise with the CEO of the Mindarie Regional Council.

The scope of works required will include some of the following;

- Determining and agreeing the scope of works with the owners representatives;
- Ensure compliance with legislative requirements – i.e. preparation of business plan;
- Researching matters and making recommendations;
- Establishing annual budgets and financial plans.
- Preparing project briefs, calling quotes or tenders, selection and appointment of consultants/partners;
- Supervising the works of consultants;
- Ensure the project progress meets timetable milestones;
- Negotiating with government and related agencies;
- Assisting in the preparation of the development works program for each development stage;
- Represent the owners as required;

Land Development Options

This matter is currently being investigated by the CEOs Working Group. Options include;

- (i) redevelopment by member Councils;
- (ii) redevelopment by member Councils with State Government (e.g. Landcorp);
- (iii) redevelopment by member Councils with Private Enterprise - joint venture;
- (iv) sale of land in its entirety without redevelopment;
- (v) sale of land, excluding the refuse disposal site; and
- (vi) a combination of all of the above.

Some feasibility options have been the subject of consultation reports. However, at this stage these are not fully progressed to be presented to the respective member Councils.

FINANCIAL IMPLICATIONS:

Land Value

As previously reported to the Council, the Mindarie/Tamala Park Land has been estimated to be valued up to \$200 million. The Tamala Park Land Transfer Act 2001 gave the Town a 1/12th ownership of this asset with the Town of Vincent's share being in the vicinity of \$16.5 million to \$20 million. However, this amount could be reduced to a nett amount of \$7 million to \$10 million, depending upon the impact of "Bush Forever" and the final subdivision layout. The timing of the land sales would also have an impact.

Ownership Ratio

The land ownership is as follows;

Town of Cambridge	One twelfth
City of Joondalup	Two twelfths
City of Perth	One twelfth
City of Stirling	Four twelfths
Town of Victoria Park	One twelfth
Town of Vincent	One twelfth
City of Wanneroo	Two twelfths.

While the Town will not receive any significant amounts of money at this stage, it will reap the long term benefits when the land is ultimately redeveloped and disposed of.

As previously mentioned, the Mindarie Regional Council receives an amount of \$16,000 per year for the leasing of a portion of land for telecommunication towers. The Town's portion is approximately \$1,300 per annum. In addition, the Mindarie Regional Council pays a lease of \$200,000 per annum to the landowners. The Town's portion is approximately \$16,000 per annum and this is received quarterly. It was previously resolved that these lease monies be placed into the "*Strategic Waste Management Reserve Fund*".

An amount of \$50,000 has been included in the Town's Budget 2002/2003 to progress the redevelopment of the land.

LEGAL/POLICY IMPLICATIONS:

The Council previously resolved to create a Reserve Fund entitled "*Strategic Waste Management*", for the purposes of "*investigation and implementation of integrated waste management strategies/programs and initiatives (including secondary waste treatment) and costs associated with the redevelopment of Lot 118 Tamala Park*".

STRATEGIC IMPLICATIONS:

It is in keeping with the Town's Strategic Plan 2000-2002, Key Result Area 3.4 "*Increase participation in recycling and waste minimisation by residents and businesses*" and 3.4(a) "*Develop a waste management strategy that has positive environmental and financial outcomes*".

COMMENT:

The scale and magnitude of the development of Lot 118 is strategically and financially important to all member Councils. It will require goodwill and cooperation from all to successfully progress the matter to ensure the most optimum benefits and financial returns are achieved. Accordingly, it is recommended that the CEO's participation and role in the CEO's Working Group be approved.

10.2.7 Waste Management and Recycling Fund & Recycling Brochure

Ward:	Both	Date:	12 July 2002
Precinct:	All	File Ref:	ENS0071
Reporting Officer(s):	N Piner		
Checked/Endorsed by:	R Lotznicher		
Amended by:	R Lotznicher		

OFFICER RECOMMENDATION:

That the Council;

- (i) *receives the report on the Town's successful application for a rebate of \$13,294.94 from the Waste Management Recycling Fund;*
- (ii) *notes that the funds have been included in revenue in 2002/2003 Recycling Operating budget;*
- (iii) *continues to promote its current recycling service to the Town's residents pending the outcome of the Mindarie Regional Council's Secondary Waste Treatment investigations; and*
- (iv) **APPROVES** *the distribution of the attached recycling brochure to the Town's residents/businesses with the 2002/2003 rates notices.*

BACKGROUND:

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

The State Government determined that the levy funds raised will:

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

In addition, the Council allocates \$10,000 in the 2002/2003 budget for the preparation/distribution of a recycling brochure.

DETAILS:

The objectives of the Waste Management and Recycling Fund are to:

- Encourage the conservation of resources and energy through waste reduction and recycling.
- Promote, support and encourage viable alternatives to landfill disposal of waste.

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

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

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

Town of Vincent Submission

On 30 June 2001, the Technical Services division submitted an application for a rebate from the Waste Management and Recycling Fund for the period January 2001 to June 2001, claiming 1,080.7 tonnes of recyclable material. The material also included the recycling of metals and greenwaste during the bulk verge collections.

In July 2002, the Minister for the Environment and Heritage advised that the Town had received a grant of \$13,294.94, this is approximately doubled from the previous period (\$6,653.49).

STRATEGIC IMPLICATIONS:

In line with Strategic Plan 2000-2002 Key Result Area 3.4 *"Increased participation in recycling and waste minimisation by residents and business."*

FINANCIAL/BUDGET IMPLICATIONS:

The grant funds have been recorded as revenue in the 2002/2003 Recycling Operating Budget. Funds for the preparation/distribution of a recycling brochure of \$10,000 have been included in the 2002/2003 budget.

COMMENTS:

In the Town's application for a rebate from the Recycling fund, the Municipal Waste Advisory Council was advised that the grant monies received would be used to subsidise the Town's recycling operating budget. It is also recommended that the Council continues to promote its current recycling service to the Town's residents pending the outcome of the Mindarie Regional Council's Secondary Waste Treatment investigations and approves the distribution of the attached recycling brochure to the Town's residents/businesses with the 2002/2003 rates notices.

10.2.8 Town of Vincent 2002 Garden Competition

Ward:	Both	Date:	17 July 2002
Precinct:	All	File Ref:	CVC0007
Reporting Officer(s):	J van den Bok		
Checked/Endorsed by:	R Lotznicher		
Amended by:			

OFFICER RECOMMENDATION:

That the Council receives the report on the 2002 Garden Competition and APPROVES;

- (i) *the 2002 Garden Competition, with final judging to be carried out on Saturday, 5 October 2002;*
- (ii) *the inclusion of an additional category – "Catchment Friendly Garden" – to be sponsored by the Claisebrook Catchment Group Inc;*
- (iii) *the Mayor, Councillors Franchina and Hall, to form part of the judging panel which will also include the Manager Parks Services and the winner of the 2001 "Best Residential Front Garden High Maintenance/Waterwise" category, Lyn Oliver; and*
- (iv) *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 6 November 2002, commencing at 6.00 pm.*

BACKGROUND:

Over the past seven (7) years, the Town has conducted a Spring Garden Competition during the months of September/October.

The Garden Competition is a very popular event at the Town of Vincent and regularly attracts in excess of seventy (70) entries per annum.

Last year's event was assisted with the aid of sponsorship from many of the Town's contractors and local businesses. This proved to be successful and will be progressed further for the 2002 competition.

The Garden Competition encourages residents to enhance their own streetscape and fosters a great community spirit throughout the Town.

The categories for last year's 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 Street/Part Street
- Best Kept Verge
- Mayors Encouragement Award

Prizes were awarded in all categories excluding Best Kept Street/Part Street and Best Landscaped Commercial/Grouped Housing Property due to lack of entries received (minimum of six [6] required).

DETAILS:

The changes to the categories last year, being the addition of the “waterwise” element to the High and Low Maintenance Front Gardens was well received and in view of our current water crisis should be continued.

In addition, the Claisebrook Catchment Group (CBCG) has approached the Town and requested that an additional category be included – Catchment Friendly Garden – sponsored by the CBCG.

The CBCG was formed in 1997 in response to community concerns over loss of wetland habitat in Perth and algal blooms in wetlands and the Swan River. A major component of the Group’s strategy is to raise community awareness of the issues associated with pollution and nutrient enrichment of the catchment, through a variety of public education programs. The CBCG is involved in a number of community education programs relating to these practices, including displays, the Yellow Fish Drain Marking Project, and the Ribbons of Blue Groundwater Monitoring Programs.

One way of reducing the pollution entering the catchment is to promote catchment friendly household practices, including catchment friendly gardening, which includes being waterwise, low nutrient use and planting local native plants.

A Catchment Friendly Garden is one that fits in with its environment, it takes notice of the soil and the climate and uses plants that are well adapted to the environment, preferably local native species which proved habitat for all manner of native animals from invertebrates to reptiles and birds.

It is a garden which is managed in such a way as not to harm the environment. It follows sustainable fertiliser and watering practices, avoids the use of harmful chemicals and avoids plants which may escape to become a weeds.

The CBCG has confirmed that sponsorship has been successfully sought from the Water Corporation to cover the prize money allocated for first, second and third winners. Also several gift vouchers from Lullfitz Nursery have been received which may be presented as encouragement awards.

Therefore it is recommended that the following categories be included in the 2002 Town of Vincent Garden Competition: -

- 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 Street/Part Street
 - Best Kept Verge
 - Mayors Encouragement Award
 - Catchment Friendly Garden (new category)
-

As in previous years, in the category of "Best Kept Street/Part Street" the prize will consist of the erection of a specialised street sign in the street while all other categories excluding the Mayor's Encouragement Award will have a First, Second and Third Prize as follows: -

- First Prize cash prize of \$300 plus trophy/certificate
- Second Prize cash prize of \$200 plus certificate
- Third Prize cash prize of \$150 plus certificate

A quality pair of "Felco" secateurs will again be presented as the Mayor's Encouragement Award to an entrant who has entered the competition for a number of years without any success.

It is proposed that as in previous years, preliminary judging be undertaken by the Manager Parks Services in consultation with the Town's horticulturalists, before final judging on the morning of Saturday, 5 October 2002 and it is proposed that the final judging committee consist of the following:

- Mayor Nick Catania
- Councillor Basil Franchina (Mount Hawthorn Ward)
- Councillor Kate Hall (North Perth Ward)
- Manager Parks Services
- Ms Lyn Oliver (Winner Best Residential Front Garden – Low Maintenance/Waterwise Category 2001)

Councillors Franchina and Hall, together with the Manager Parks Services, are part of the Town's "Garden Awards Advisory Group".

CONSULTATION/ADVERTISING

Advertisements will be placed in the local community papers during August/September 2002, in addition to an entry form being distributed with all rates notices as in previous years.

Should the inclusion of the additional category "Catchment Friendly Garden" be approved the CBCG is intending to get the message out to the community via stories in the local press, displays and activities such as a visit to a "Catchment Friendly Garden".

STRATEGIC IMPLICATIONS:

Nil

FINANCIAL/BUDGET IMPLICATIONS:

An estimate of the costs associated with the 2002 Town of Vincent Garden Competition are as follows: -

- Cash prizes \$ 3,250
- Function \$ 1,850
- Trophies \$ 500
- Photography \$ 900
- Certificates \$ 60
- Advertising \$ 400
- Administration \$ 250
- Street Sign \$ 120
- \$ 7,280

An amount of \$7,000.00 has been included in the 2002/2003 Budget for the competition.

A total amount of \$450.00 cash was received in sponsorship for last year's competition. It is expected that in excess of \$450.00 will be received in monetary contributions this year and these will be added to the above Garden Competition budget.

As indicated above all prize money/awards being presented in the new category "Catchment Friendly Garden" will be provided by the CBCG.

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.

Please note 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 2002 Garden Competition, with entries closing on Friday 27 September 2002.

Further to the above, it is recommended that the Council includes the additional category "Catchment Friendly Garden" to be sponsored by the Claisebrook Catchment Group Inc.

10.2.9 Recommended Introduction of Embayed Right Angled Parking, Controlled by Ticket Issuing Machines, on the South Side of Richmond Street, Leederville

Ward:	North Perth	Date:	17 July 2002
Precinct:	Oxford Centre, P4	File Ref:	PKG0079
Reporting Officer(s):	J MacLean		
Checked/Endorsed by:	R Boardman, R Lotznicher		
Amended by:	-		

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES the installation of embayed right-angled parking on the south side of Richmond Street, Leederville, between Loftus Street and Oxford Street, estimated to cost \$150,000, as shown on attached Plan Numbers 1107-PP.01 and 1107-PP.02;*
- (ii) *APPROVES the installation of seven (7) Ticket Issuing Machines on the south side of Richmond Street, Leederville, between Oxford Street and Loftus Street, as shown on attached Plan Numbers 1107-PP.01 and 1107-PP.02;*
- (iii) *APPROVES BY AN ABSOLUTE MAJORITY the re-allocation of \$50,000 from a source to be determined, for the purchase and installation of four (4) additional Ticket Issuing Machines and associated signage and linemarking;*
- (iv) *APPROVES BY A SPECIAL MAJORITY the amendment of the First Schedule of the Town of Vincent Local Law Relating to Parking Facilities to include Richmond Street, Leederville as a Ticket Machine Zone, within the Town of Vincent;*

In accordance with the provisions of Section 3.12 of the Local Government Act 1995 as amended, the Council gives a Statewide advertisement, indicating where the proposed amendment may be viewed and seeking public comment on the following amendments to the Town of Vincent Parking Facilities Local Law.

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

In pursuance of the powers conferred upon it by Section 3.12 of the Local Government Act 1995, the above-mentioned Local Law and all other powers enabling it, the Council of the Town of Vincent HEREBY RECORDS having resolved on 23 July 2002 to make the following amendments to the Town of Vincent Parking Facilities Local Law published in the Government Gazette on 23 May 2000.

That the existing First Schedule relating to Ticket Machine Zones – Periods and Fees, be amended as follows:

- (a) *by inserting in column 1 “South side of Richmond Street”;*
- (b) *by inserting in column 2 “Between Oxford Street and Loftus Street”;* and
- (c) *by inserting in column 3 “8.00 am to 8.00pm Mon – Fri and 8am to 12 noon Sat”;*

- (v) *receives a further report from the Chief Executive Officer, after the expiry of the statutory consultation period listing any comments from the public and providing any further recommendations considered appropriate; and*
- (vi) *consults with Leederville TAFE and the residents of Richmond Street , Fleet Street, Scott Street and Burgess Street, between Richmond Street and Bourke Street, Leederville requesting them to provide suggestions and comments on the proposal, in addition to the statutory advertising requirements;*

to the satisfaction of the Chief Executive Officer.

BACKGROUND:

As the Loftus Centre Car Park is now time restricted to a maximum period of three hours (3P parking), there have been numerous complaints from Leederville TAFE, both staff and students. They complain that they are no longer able to make use of the Loftus Centre Car Park, because their classes last for a minimum time of three hours and it is almost impossible for them to move their vehicles in time to avoid an Infringement Notice.

In recent months, Frame Court Car Park and the long-term sections of The Avenue Car Park are "filling up", early every morning and, since students start college at around 9.00am, they are unable to find a parking space. Even when The Avenue Car Park re-configuration has been completed, there is unlikely to be sufficient parking facilities to accommodate the increasing volume of vehicles, seeking parking.

DETAILS:

Item 10.8.1 of the Town of Vincent Car parking Strategy states that :

"A plan has been prepared to provide additional angled parking bays along Richmond Street, Leederville. This should significantly improve the availability of parking in the area, particularly for TAFE users....."

In view of the above, and the current situation it is considered appropriate for the Council to consider the introduction of long-term parking facilities, controlled by parking Ticket Issuing Machines, on the south side of Richmond Street, Leederville.

The proposal shown on Plan Nos 1107-PP.01 and 1107-PP.02 includes approximately 120 embayed right-angled parking bays, which would greatly increase the availability of long-term parking in the area. Currently, the south side of Richmond Street is used almost exclusively by students attending Leederville TAFE and, if embayment parking is to be introduced, parking fees would offset the capital outlay and on-going maintenance.

The south side of Richmond Street, between Oxford Street and Loftus Street, currently has no time restrictions and allows vehicles to park for the whole day, free of charge. Commuters to the City are also possibly making use of this free facility and catching a bus to their workplaces and, since these people usually park early each day, they take up spaces which could be used by students.

The north side of Richmond Street, along with both sides of Scott Street, Burgess Street and Fleet Street has two hours (2P) parking time restrictions applied with a prohibition on verge parking by everyone, including residents.

The recently installed Ticket Issuing Machines in Oxford Street attract a fee of 80 cents per hour to a maximum daily fee of \$4.40 and the Richmond Street machines could be programmed to accept a similar hourly and daily rate. If the times, during which the ticket machines are operating, is standardised on 8.00am to 8.00pm Monday to Sunday, embayed parking bays would also allow people attending Leederville Oval games to park there. Students traditionally have limited financial resources and it is suggested that, if Students provide evidence of full-time study at Leederville TAFE, concessional parking of perhaps \$1.50-\$2.00 per day could be offered. It is anticipated that, even with student concessions, a revenue of approximately \$40,000 per year, for Richmond Street, Leederville, would be achievable.

While there is a statutory consultation and advertising process for an amendment to a Local Law, the Town would generally consult local residents for any change in parking restrictions, which may impact on them. It is therefore considered appropriate for residents in Richmond Street, Fleet Street, Scott Street and Burgess Street, as well as those businesses, situated close by on Oxford Street, along with Leederville TAFE, to be made aware of the proposal, to enable them to formulate comments and suggestions about their concerns.

In the 2000/2001 Budget, the Town purchased four Ticket Issuing Machines for Loftus Centre Car Park and these are currently situated in the Works Depot at Osborne Park and three (3) would be available for installation as soon as the proposal has been approved. The additional four (4) Ticket Issuing Machines would need to be purchased at an estimated cost of \$8,500 each.

LEGAL/POLICY:

The Town of Vincent Parking Facilities Local Law will need to be amended to incorporate Richmond Street into the First Schedule. Once this has been done, Rangers can enforce the ticket parking restrictions, in the same way as they currently do in William Street, Perth.

STRATEGIC IMPLICATIONS:

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

CONSULTATION / ADVERTISING:

There will be a need to advertise the proposed Local law amendment but, since the parties who are likely to be most affected have already been notified, there will be no need to further advertise the proposal.

FINANCIAL/BUDGET IMPLICATIONS:

The costs associated with this proposal includes the purchase of four Ticket Issuing Machines, and the installation of seven (machines) including signage, linemarking and lighting and is estimated to cost \$50,000. Given the projected revenue from the Ticket Issuing Machines, this amount would be recouped over a two (2) year period.

In addition sufficient funds have been allocated in the 2002/2003 budget (Leederville Oval Works) for the construction of 120 Angled parking bays estimated to cost \$150,000.

COMMENTS:

Richmond Street is currently being used as a free all-day car parking facility by people who commute into the City as well as students who attend TAFE. When the Loftus Centre Car Park became time restricted, a number of all-day parked vehicles moved into Richmond Street to enable them to park all-day at no cost. This has created problems for students and it is therefore recommended that Parking Time Restrictions, in the form of Ticket Issuing Machines be introduced into Richmond Street, to prevent this from occurring.

To facilitate the introduction of parking fees, there is a need for the Local Law Relating to Parking Facilities to be amended to include Richmond Street into the First Schedule. It is considered appropriate to consult with local residents, businesses and Leederville TAFE, to obtain an accurate assessment of public support.

Under the Local Government Act 1995, there is a requirement for any proposed amendment to a Local law to be advertised Statewide, for a period of not less than 6 weeks and that, after this consultation period, a further report, listing any objections or comments should be presented to the Council.

10.3 CORPORATE SERVICES

10.3.1 Rotary Club of West Perth – Request for a Donation

Ward:	Both	Date:	2 July 2002
Precinct:	All	File Ref:	FIN0008
Reporting Officer(s):	A Hope		
Checked/Endorsed by:	J Anthony/M Rootsey		
Amended by:			

OFFICER RECOMMENDATION:

That Council APPROVES a donation of \$500 to the Rotary Club of West Perth to enable ten (10) disadvantaged children from the Town of Vincent to attend the Association's annual "World Music Festival" which will be held in November 2002.

DETAILS:

The above organisation has requested financial assistance to enable less fortunate and disadvantaged children to attend its annual "World Music Festival" which will be held in November 2002.

The organisation is hosting the festival at the Regal Theatre in Subiaco as its major fundraising project. The proceeds will be donated to Children's Cancer Research projects, Neuromuscular Diseases Research and other community projects supported by Rotary.

Tickets are \$50.00 inclusive of GST.

The organisation was last given a donation of \$385 in August 2000 to assist disadvantaged children living in the Town to take part in a world music festival.

STRATEGIC IMPLICATIONS:

Key Result Area 2.1: *"Publicly celebrate and promote the Town's diversity"*.

and

Key Result Area 2.4: *"Review the range of community services provided to the people of the Town of Vincent"*

2.4.a: To facilitate the provision of services and programs which are relevant to the needs of our community.

2.4.c: Provide opportunities for people in our community to enhance their quality of life.

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$500 would be drawn from the donations account.

COMMENTS:

The Rotary Club of West Perth undertakes many activities that benefit members of the Vincent community. The Club's members have assisted Town of Vincent Officers with various projects in the past.

10.3.2 Beatty Park Leisure Centre - PoolWatch Program

Ward:	Both	Date:	16 July 2002
Precinct:	All	File Ref:	CMS0014
Reporting Officer(s):	Deb Vanallen		
Checked/Endorsed by:	M Rootsey, John Giorgi		
Amended by:	-		

OFFICER RECOMMENDATION:

That the Council ENDORSES a “PoolWatch” program at Beatty Park Leisure Centre, as outlined in the report.

BACKGROUND:

The impact of the two major incidents at Beatty Park Leisure Centre in January and February 2002 remains fresh in the minds of all those involved, despite the Centre’s resolve that levels of staff training and qualifications exceed industry standard, good systems and procedures are in place at the Centre and staff followed these procedures on the day of the two incidents.

At the Ordinary Meeting of Council held on 12 February 2002, the Chief Executive Officer reported on these incidents. An investigation into these has been carried out and this report is almost finalised.

DETAILS:

It is recommended that the Centre adopts a communications strategy to reinforce a positive message about the Centre.

A public relations company was engaged and worked with Centre staff to develop a draft communications plan with the aim of communicating to regular users and the general public, the Centre’s dedication and commitment to safety. This strategy centres around the launch of an educational, informative program called “PoolWatch” – the aim of which is to encourage all pool users and staff to make the safety of others a number one priority.

Strategy

The key strategy of PoolWatch is to reposition and promote to the general public and users of the Centre that Beatty Park Leisure Centre is a fun, safe and friendly environment. Positioning the Centre as a place where users can not only feel safe, but part of a community, will serve to strengthen the positive perception of the Centre, which employs the highest level of safety measures and qualified Lifeguards in WA.

The PoolWatch Program

Similar to the concept of Neighbourhood Watch, PoolWatch encourages all pool users to keep an eye on other swimmers, ensuring their safety in the pool. With Neighbourhood Watch, the police cannot be everywhere at once, so they encourage the community to contact them if they notice anything suspicious.

In the same way, the PoolWatch program will encourage everyone who makes use of the Centre to become the ‘guardians’ of Beatty Park. This can also extend to broader issues, such as security at the Centre, by encouraging people to keep an eye on any suspicious behaviour at the pool.

The program will encourage pool users to keep a lookout for other Centre users and emphasise individual and collective responsibility at the pool, without losing the fun aspect of the Centre's activities. Frequent users of the pool will effectively become extensions of the Lifeguards, with the option of loyalty programs being developed to reward and encourage pool users to participate. The program aims to reinforce, not undermine, the excellence and training of the Lifeguards employed at Beatty Park.

PoolWatch Ambassador

In much the same way that West Coast Eagles footballer Glen Jakovich is the face of WorkSafe, it is recommended that Christina Morrissy will be the face of the PoolWatch campaign. As a high profile media identity, she will act as an ambassador for the Centre and the PoolWatch program.

A former Channel 10 newsreader, now with Channel 7 and Access TV, Christina will lend her profile, credibility and third-party endorsement to the program. Christina is also a former Lifeguard, having performed the role at the public pool. She is a past and present user of Beatty Park Leisure Centre and participates in several of the activities offered at the Centre.

PoolWatch Program Launch

The PoolWatch program is proposed to be launched at a major media event, scheduled for the first week of the October 2002 school holiday period. The official launch of the PoolWatch program will incorporate the following:

- *An ambassador* – the launch of the program itself will be a media event, with Christina Morrissy again the face and ambassador for the program.
- *Buddy system* – one of the key messages behind the program is the emphasis on everyone keeping an eye on each other. An extension of the program will be stepping up the current process of making sure users, and in particular youth groups, understand the policies and safety procedures adopted by the Centre.
- Adoption of the PoolWatch brochure, posters and adjunct safety messages.

STRATEGIC IMPLICATIONS:

Strategic Plan 2000-2002 - Key Result Area 2.5 – “*Consolidate Beatty Park as a premier Leisure Centre.*”

FINANCIAL/BUDGET IMPLICATIONS:

The cost of the launch and adoption of the PoolWatch program have been incorporated into the 2002/2003 Beatty Park Leisure Centre operating budget. This program will form the basis of this year's corporate advertising for the Centre.

COMMENTS:

In line with Beatty Park Leisure Centre's Management Plan, the launch of PoolWatch will prove to impact positively on the marketing strategy for the year ahead. In regard to staff development, this program will ensure a boost to the credibility of the Lifeguards at the Centre. Existing and recently enhanced training programs will be brought under the PoolWatch banner.

It is deemed essential that relevant stakeholders such as the Department for Sport and Recreation, the Education Department, Royal Life Saving Society and the Department for Local Government endorse the program. These key stakeholders will be briefed on the program. It is anticipated that one or more of these organisations will offer to adopt the program and initiate a state-wide launch throughout metropolitan and country pools. Beatty Park Leisure Centre and the Town of Vincent will continue to be associated with the program and credited for creating the program.

10.3.3 Donation to The Returned and Services League of Australia (Mt Hawthorn Sub-Branch)

Ward:	Both	Date:	17 July 2002
Precinct:	All	File Ref:	FIN008
Reporting Officer(s):	J. Anthony		
Checked/Endorsed by:	M. Rootsey		
Amended by:			

OFFICER RECOMMENDATION:

That the Council APPROVES a donation of \$1000 (one thousand dollars) to The Returned Services League of Australia (Mt Hawthorn sub-branch) to assist with their recruitment programme.

DETAILS:

A request has been received from the Returned Services League of Australia (Mt Hawthorn sub-branch) to contribute funds to assist with the promotion of their organisation through a recruitment programme, in an effort to recruit more members and volunteers.

The Returned Services League of Australia (RSL) was formed primarily to represent the interests of returned servicemen and has developed into one of the most successful veteran organisations in the world.

The Mount Hawthorn RSL has provided much assistance to the Town to organise ANZAC Day celebrations in the last three years. Members of the organisation have actively supported the Town in erecting its first war memorial and provided valuable information towards the order of proceedings for ANZAC Day since April 2000, which has been a significant annual event for the local community.

CONSULTATION/ADVERTISING:

Nil

LEGAL/POLICY:

This request will be an adhoc donation.

STRATEGIC IMPLICATIONS:

Strategic Plan 2000 – 2002 - Key Result Area 2.4 - “Review the range of community services provided to the people of the Town of Vincent”, 2.4a - “To facilitate the provision of services and programs which are relevant to the needs of our community” and 2.4c – “Provide opportunities for people in our community to enhance their quality of life”.

FINANCIAL/BUDGET IMPLICATIONS:

\$1000.00 would be allocated from the Donations account.

COMMENTS:

The Returned Services League of Australia (Mt Hawthorn sub-branch) will be required to submit a report about the recruitment programme at the end of the financial year, 2002/2003. The Town of Vincent will be acknowledged in any media coverage, newsletters and to all members of the organisation.

10.4 CHIEF EXECUTIVE OFFICER

10.4.1 Proposed Policy – Legal Representation and Costs Indemnification

Ward:	Both	Date:	18 July 2002
Precinct:	All	File Ref:	ORG0023
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-		
Amended by:	-		

OFFICER RECOMMENDATION:

That the Council;

- (i) *receives the report and considers the submissions received from the public concerning the proposed policy;*
- (ii) *notes the advice of the Town’s solicitors and Department of Local Government relating to the proposed policy No 4.1.2 – Legal Representation and Costs Indemnification; and*
- (iii) **APPROVES** *Policy 4.1.2 “Legal Representation and Costs Indemnification” as shown at Appendix 10.4.1, subject to the following amendments:*
 - (a) *deleting the word “will” and inserting the word “may” in its place where it appears in:*
 - *Objective – line three*
 - *clause 1(i) – line one*
 - *clause 1(ii) – line one*
 - *clause 1(iv) – line four;*
 - (b) *inserting the following words to policy clause 1(i):*

“provided that the member or employee has not acted unreasonably, illegally, dishonestly, in bad faith or against the interests of the Town.”
 - (c) *deleting the words “where an application is not covered by the Town’s indemnity policy” in clauses 3(i) and 3(iii);*
 - (d) *inserting the following words to policy clause 4(i) and renumbering the subsequent sub-clauses:*

“A successful applicant for financial assistance may be required to enter into a legal agreement which contains relevant terms and conditions and particularly addressing the matter of repayment of financial assistance in accordance with the policy”.

BACKGROUND:

At its meeting held on 9 April 2002 the Council adopted a draft policy relating to “Legal Representation and Costs Indemnification”.

CONSULTATION/ADVERTISING:

The proposed policy was advertised in a local newspaper on 23 April 2002 and on the Town's website and public noticeboard. In addition, a copy of the proposed policy was sent to all Precinct and Business Groups in the Town.

Three (3) submissions were received. These are as follows:

1. Hyde Park Precinct Group

"The Hyde Park Precinct Group would like to make the following submission on Policy 4.1.2.

We believe that the policy should be framed based on the following principles:

- members and employees should be protected from unwarranted legal action if they have *"acted in good faith and have not acted unreasonably, illegally or dishonestly"*.
- The Town should provide assistance in meeting reasonable costs if, and only if, the person was performing their official duties.
- That members and employees are entitled to natural justice and the presumption of innocence until shown otherwise.
- The Town should be entitled to recover any expenditure if it is subsequently found that the person acted unreasonably, illegally or dishonestly.
- The Town should protect the financial interests of its ratepayers by obtaining and maintaining appropriate insurance coverage.

Below please find our suggestions re the Policy. I have underlined our suggestions.

1) General Principles

- (i) The Town will provide financial assistance to members and employees in connection with the performance of their duties, unless it has been proven that the member or employee has acted unreasonably, illegally, dishonestly, in bad faith or against the interests of the Town.-

3) Application for Financial Assistance

- (i) Decisions as to whether financial assistance be provided under this policy are to be made by the Council where an application is not covered by the Town's indemnity policy. Assistance will not be provided if it has been proven that the member or employee has acted unreasonably, illegally, dishonestly, in bad faith or against the interests of the Town.
-

4) Repayment of Assistance

- (i) A successful applicant for financial assistance under this policy may be required to enter into a legal agreement which contains relevant terms and conditions and particularly addressing the matter of repayment of financial assistance in accordance with this policy.

CEO's Comment

The comments are supported and the draft policy has been amended to reflect this. These comments are consistent with the legal advice and the advice provided by the Department of Local Government.

2. Dudley Maier – 51 Chatsworth Road, Highgate

“I wish to make the following submission with regards to the draft policy.

I agree with the principles proposed by the Hyde Park Precinct Group in their submission. That is:

- members and employees should be protected from unwarranted legal action if they have acted in good faith and have not acted unreasonably, illegally or dishonestly.
- The Town should provide assistance in meeting reasonable costs if, and only if, the person was performing their official duties.
- That members and employees are entitled to natural justice and the presumption of innocence until shown otherwise.
- The Town should be entitled to recover any expenditure if it is subsequently found that the person acted unreasonably, illegally or dishonestly.
- The Town should protect the financial interests of its ratepayers by obtaining and maintaining appropriate insurance coverage.

I believe that the Town's interests can only be adequately protected if all applicants are required to enter into a legal agreement with the Town before an application is passed to the Town's solicitors. This agreement should include provision for repayment of all expenditure incurred by the Town if it is found that the person acted unreasonably, unlawfully etc.

Unless this is done the Town may find it impossible to recover such costs. It is possible that the Town's solicitors, or the Town itself, may take on a case because the prima face evidence presented by the applicant indicates that they are 'innocent', yet it is subsequently found that, when all evidence is available, that this is not the case. A prior legal agreement would strengthen the Town's chances of recovering costs. Any applicant who has a strong belief in their 'innocence' should have no trouble with this.

Based on these principles, and to remove some ambiguity with regards to 'policies', I believe that the following amendments should be made to the draft policy

1 (i) should be:

The Town will provide financial assistance to members and employees in connection with the performance of their duties. Assistance will not be provided where it has been shown that the member or employee has acted unreasonably, illegally, dishonestly, in bad faith or against the interests of the Town.

3 (i) should be:

Decisions as to financial assistance under this policy are to be made by the Council where an application is not covered by the Town's insurance policies.

3 (ii) should be

A member or employee requesting financial support for legal services under this policy is to make an application in writing, where possible in advance, to the CEO providing full details of the circumstances of the matter and the legal services required.

The applicant will be required to enter into a legal agreement with the Town, as defined in section 4 (i) of this policy, before any action will be taken.

The CEO will present the application for legal services to the Town's insurer as a matter of urgency.

3 (iii) should be

An application to the Council is to be accompanied by an assessment of the request and with a recommendation which has been prepared by, or on behalf of, the Chief Executive Officer (CEO), where the application is not covered by the Town's insurance policies.

A new 4 (i) should be inserted and the remaining items renumbered.

All applicants for financial assistance under this policy will be required to enter into a legal agreement which contains relevant terms and conditions and particularly addressing the matter of repayment of financial assistance. Applicants will be required to reimburse the Town for any expenditure incurred by the Town if it is found that they have acted unreasonably, illegally, dishonestly, in bad faith or against the interests of the Town."

CEO's Comment

The comments are supported and the draft policy has been amended to reflect this. These comments are consistent with the legal advice and the advice provided by the Department of Local Government.

3. Forrest Precinct Group

The Forrest Precinct Group would like to make the following comments:

“Policy Statement

1) General Principles

- (i) The Town will provide financial assistance to members and employees in connection with the performance of their duties.

Agree, but recommend the following be reinstated (from the initial draft):

"unless it has been proven that the member or employee has acted unreasonably, illegally, dishonestly, in bad faith or against the interests of the Town." (We believe it would be a huge waste of resources and finances for it to be established at the end of the process that the matter should not have proceeded in the first instance.)

3) Application for Financial Assistance

Recommend the inclusion of the (italicised) wording:

- (i) Decisions as to *whether* financial assistance *be provided* under this policy are to be made by the Council where an application is not covered by the Town's indemnity policy. *Assistance will not be provided if it has been proven that the member or employee has acted unreasonably, illegally, dishonestly, in bad faith or against the interests of the Town.*

4) Repayment of Assistance

Recommend initial draft point (i) be reinstated.

- (i) *A successful applicant for financial assistance under this policy may be required to enter into a legal agreement which contains relevant terms and conditions and particularly addressing the matter of repayment of financial assistance in accordance with this policy*

Current points (i), (ii) & (iii): It is important these points be included in the policy in order to protect the Town and thereby the Ratepayers.

CEO's Comment

The comments are supported and the draft policy has been amended to reflect this. These comments are consistent with the legal advice and the advice provided by the Department of Local Government.

As this policy involves legal representation, advice was sought from the Town's solicitors. In addition, as the Department of Local Government have produced a model policy, further advice was obtained from them.

The Town's solicitor's letter dated 11 June 2002 is shown below:

“Draft Policy - Legal Representation : Costs Indemnification

Thank you for your letter of 6 June 2002.

At its meeting on 9 April 2002, Council considered a draft policy entitled 'Legal Representation : Costs Indemnification' (the 'Original Draft Policy'). Various changes were made to that draft which, in its amended form, has now been advertised for community consultation (the 'Amended Draft Policy'). You state that 'a number of comments have been received expressing concern' about the changes.

You have sought our advice on the legal implications of the changes made to the Original Draft Policy.

Should funding be discretionary?

Most of the changes relate to one critical issue – the question of whether funding by the Town of its elected members and employees for legal action should be mandatory or discretionary. Under the Original Draft Policy, funding was discretionary. Under the Amended Draft Policy, the Council would have little discretion and the Town would be required to provide financial assistance.

The Original Draft Policy was based on the Department of Local Government's 'Model Policy on Legal Representation – Costs Indemnification' (the 'Model Policy'). Underpinning that policy is the principle that, under the Local Government Act 1995, the use of a local government's funds to provide financial assistance for members and employees is lawful only where the expenditure will 'provide for the good government of persons in its district' in accordance with the general functions provision in section 3.1(1) of the Act.

One illustration of this principle is reflected in the Department's legal advice, as recorded in the report to the Council, that:

' ... there could be no justification for local government funding legal action such as defamation that is initiated by members or employees. If members and employees wish to take such action, they must finance it themselves'.

Consistent with this, the Department advised that while it was prudent for all local governments to assist their members and employees to fund the cost of providing protection against legal action where functions are being performed in good faith, it was important to ensure that this assistance was not given in inappropriate situations.

For these reasons, it is central to the Model Policy that each case for funding needs to be considered on its merits – with the local government to exercise its discretion in reviewing each case.

A similar approach was taken in the Original Draft Policy.

The Amended Draft Policy departs from this approach. For example, the Objective now provides that the Town 'will' (instead of 'may') provide financial assistance for members and employees where they have become involved in civil proceedings because of their official functions.

*Paragraph 1(ii)(b) (as it has been amended) would bind the Town to provide financial assistance in **all** 'proceedings brought against members or employees'. However, there may be cases where it would not be in the Town's interest, and may be contrary to the Town's interest, to provide financial assistance. Most significantly, expenditure in some cases – although in accordance with the proposed amendments - may be unlawful because it fails to satisfy the requirements of the Local Government Act of being 'for the good government of persons in its district'.*

For example, there have been recent instances in this State where local government employees have been the subject of defamatory comments by elected members. An employee would have the right to take civil action against an elected member to recover damages for the defamation and to obtain an order that the member desist from continuing to make defamatory comments. Such an action would appear to meet the description in paragraph 1(ii)(a) of the Amended Draft Policy as 'proceedings brought by [an employee] to enable [him or her] to carry out their local government functions'. In respect of the defendant (the elected member) in such an action, the proceedings would also answer the description in paragraph 1(ii)(b) of 'proceedings brought against [a member]'.

Thus, in circumstances such as these, under the Amended Draft Policy the Town would be obliged to pay the legal expenses of both the plaintiff and the defendant. (Under the Original Draft Policy, there would be no obligation to provide funding for either party.) Even if the legal expenses of both sides were covered by the Town's insurance policies, the Town would still be liable for the two \$5,000 excess payments. Furthermore, one or both of the Town's payments of the excess under the Amended Draft Policy may well be unlawful as not satisfying the 'good government' requirement.

In my view, it is essential – for legal and policy reasons – that the Town's policy has a discretion whether to provide financial assistance to members and officers engaged in litigation.

Other proposed amendments

Under paragraph 1(i) of the Original Draft Policy, the Town had no power to provide financial assistance to any elected member or employee who had acted:

'unreasonably, illegally, dishonestly, in bad faith or against the interests of the Town'.

*The Amended Draft Policy deletes these words and, instead, **requires** the Town to provide financial assistance to members and employees in connection with the performance of their duties – without any qualification relating to the situation where the member or employee has acted*

'unreasonably, illegally, dishonestly, in bad faith or against the interests of the Town'.

There is no apparent legal or policy justification for requiring – or even enabling – the Town to pay the legal expenses of a member or employee who has acted 'unreasonably, illegally, dishonestly, in bad faith or against the interest of the Town'. Indeed, on the basis that such expenditure would not 'provide for the good government of persons in its district', the expenditure would be unlawful.

The Amended Draft Policy retains the Council's power (in paragraph 4(ii)) to determine that:

'a person has acted unreasonably, illegally, dishonestly, in bad faith or against the interest of the Town; or where information given to the town from the person is shown to have been false or misleading'.

Where such a determination is made, assistance is to be withdrawn and the person who obtained assistance is to repay the money.

The Town's ability to recover money in these circumstances would be facilitated if a legal agreement was in place. The Original Draft Policy enabled the Town to enter into a legal agreement with a successful applicant for financial assistance (paragraph 4(i)). This provision has been deleted.

In my advice to you of 20 March 2002, I set out reasons for recommending inclusion of this provision, similar to the one included in the policy adopted by the Shire of Swan:

'In my view there are advantages for a local government in including a provision of this type which allows – but does not require – a local government to protect its position by enabling the issue of possible repayment to be addressed in a way that deals with the specific circumstances of an individual case. In particular, it would enable a local government to better ensure that repayment occurs where, following payment, it is determined that the person to whom payment has been made has acted unreasonably, illegally, dishonestly in bad faith, or against the interest of local government'.

Finally, the Amended Draft Policy contains a number of references to matters relating to the Town's indemnity insurance cover for members and employees. It is important that the issue of insurance is addressed. Council may, however, wish to reconsider its proposed changes to paragraph 3(i). Under the amendments, decisions as to financial assistance under the Policy are to be made by the Council only 'where an application is not covered by the Town's indemnity policy'. It seems that the Council would have no power to consider an application for assistance where the circumstances were covered by the Town's indemnity policy (see also the amendments made to paragraph 3(iii)).

The accompanying report to the Council concluded that under each insurance policy, the excess payable by the Town would be \$5,000. This payment by the Town must comply with the expenditure requirements and

limitations of the Local Government Act. It does not follow that merely because a claim is covered by an insurance policy, the Town's expenditure of \$5,000 for the excess relating to that claim would be 'for the good government of people in its district'. For these reasons, I recommend that the proposed amendments to paragraphs 3(i) and 3(iii) be deleted.

Conclusions

- ***In its current terms, the Amended Draft Policy would require the Town to provide financial assistance in circumstances where it may be inappropriate or unlawful to do so.***
- ***For legal and policy reasons, the Amended Draft Policy should –***
 - (a) ***ensure that the payment of legal expenses by the Town for its members and employees is discretionary, with each case to be considered on its merits, so that payments are made by the Town only where the requirements of the Local Government Act have been met;***
 - (b) ***include a provision allowing the Town to enter into a legal agreement with a successful applicant; and***
 - (c) ***ensure that the grant of financial assistance is discretionary, whether or not a particular claim is covered by the Town's insurance policies.”***

(underlining added)

The Department of Local Government's letter dated 12 July 2002 is shown below:

“I refer to your letter of 6 June 2002 regarding Council's proposed policy relating to indemnification of costs for legal representation.

While I have sympathy with what the council is trying to achieve in terms of the policy I am concerned as to what Council is committing to. I interpret that there is an attempt to bring certainty into the commitment to support the elected members and staff if they are subject to legal challenge of trying to fulfil their responsibilities.

This is reflected in the changing of the word “may” to “will” in a number of clauses. I submit that the use of the word “will” and the removal of the ensuing phrases should be implemented with caution. An area of significant concern is in (i) of 1) “General Principles”.

If council insists that the word “will” is included in then the level of financial support should be limited before it is again subject to review by the Council. I know a number of councils have placed a limit of \$5,000 before the matter again returns to Council for consideration. Council must satisfy itself that it is being responsible if it were to have an open-ended financial support any person. What would be the reaction of ratepayers if Council incurred a large legal bill for an employee who was found to have behaved illegally.

It is eminently feasible that an elected member or employee may act unreasonably, illegally, dishonestly, in bad faith or against the interest of the Town. A number of inquiries into local governments in the past few years have demonstrated that this can happen.

Therefore, Council should be well aware of the problems it may create if it is to remove this phrase from its policy.

Under the current policy wording Council would have no right to pursue payment of the money it had paid out for legal expenses even though the person had done the wrong thing.

In this context, removing 4)(i) is also of concern. I submit it would be irresponsible for a Council to commit to providing uncapped financial support for a legal defence without the person being prepared to enter a legal agreement with the Council.

The inclusion of the above does not weaken the Council's support for its elected members or staff but gives notice that support must be limited (or at least subject to review) and conditional on repayment if the person has done the wrong thing.

I trust the above assists the Council in establishing the policy that best meets its needs."

(underling added)

LEGAL/POLICY IMPLICATIONS:

The Town's solicitors have reviewed the Town's draft policy and have expressed concern as outlined in their letter. As the Department of Local Government have a model policy which was originally considered by this Council, the matter was also referred to them for their opinion of the changes (to the model policy). Concern has also been expressed by the Department of Local Government as outlined in their letter.

FINANCIAL IMPLICATIONS:

Nil. Any applications for assistance would need to be considered on an individual basis and each application determined on its merits.

COMMENTS:

In view of the concerns expressed by the Town's solicitors regarding the lawfulness of the draft policy and the concerns expressed by the Department of Local Government (together with similar comments from three of the Town's precinct groups), it is strongly recommended that the recommended policy changes be approved by the Council. It is considered that the draft policy as shown in Appendix 10.4.1 does not diminish or detract from the Council's support for its members and employees.

APPENDIX 10.4.1

DRAFT POLICY NO: 4.1.2

**LEGAL REPRESENTATION
COSTS INDEMNIFICATION**

OBJECTIVE

This policy is designed to protect the interests of council members and employees (including past members and former employees) where they become involved in civil legal proceedings because of their official functions. In these situations the Town ~~will~~ may assist the individual in meeting reasonable expenses and any liabilities incurred in relation to those proceedings.

This policy is necessary to ensure security, equity and consistency for members and employees to work for the good government of the district. This policy applies in that respect.

POLICY STATEMENT

1) General Principles

- (i) The Town ~~will~~ may provide financial assistance to members and employees in connection with the performance of their duties, provided that the member or employee has acted reasonably and has not acted unreasonably, illegally, dishonestly, in bad faith or against the interest of the Town.
 - (ii) The Town ~~will~~ may provide such assistance in the following types of legal proceedings:
 - (a) proceedings brought by members and employees to enable them to carry out their local government functions (eg where a member or employee seeks a restraining order against a person using threatening behaviour);
 - (b) proceedings brought against members or employees [this could be in relation to a decision of Council or an employee which aggrieves another person (eg refusing a development application) or where the conduct of a member or employee in carrying out his or her functions is considered detrimental to the person (eg defending defamation actions); and
 - (c) statutory or other inquiries where representation of members or employees is justified.
-

APPENDIX 10.4.1

- (iii) The Town will not provide financial assistance for any defamation actions seeking the payment of damages for individual members or employees in regard to comments or criticisms levelled at their conduct in their respective roles. Members or employees are not precluded, however from taking their own private action. Further, the Town may seek its own advice on any aspect relating to such comments and criticisms of relevance to it.
- (iv) The legal services that are the subject of assistance under this policy will usually be provided by the Town's solicitors. Where this is not appropriate for practical reasons or because of a conflict of interest then the service ~~will~~ may be provided by other solicitors approved by the Town.
- (v) The Town will always maintain its insurance coverage for members' and employees' protection to cover actions of litigation in the course of their duties.

3) Application for Financial Assistance

- (i) Decisions as to financial assistance under this policy are to be made by the Council. ~~where an application is not covered by the Town's indemnity policy.~~
- (ii) A member or employee requesting financial support for legal services under this policy is to make an application in writing, where possible in advance, to the CEO providing full details of the circumstances of the matter and the legal services required.

The CEO will present the application for legal services to the Town's insurer as a matter of urgency.

- (iii) An application to the Council is to be accompanied by an assessment of the request and with a recommendation which has been prepared by, or on behalf of, the Chief Executive Officer (CEO). ~~where the application is not covered by the Town's indemnity policy.~~
 - (iv) A member or employee requesting financial support for legal services, or any other person who might have a financial interest in the matter, should take care to ensure compliance with the financial interest provisions of the Local Government Act 1995.
 - (v) Where it is the CEO who is seeking financial support for legal services the Council shall deal with the application.
-

APPENDIX 10.4.1

4) Repayment of Assistance

(i) A successful applicant for financial assistance under this policy may be required to enter into a legal agreement which contains relevant terms and conditions and particularly addressing the matter of repayment of financial assistance in accordance with this policy.

~~(i)~~(ii) Any amount recovered by a member or employee in proceedings, whether for costs or damages, will be off set against any moneys paid or payable by the Town.

~~(ii)~~(iii) Assistance will be withdrawn where the Council determines, upon legal advice, that a person has acted unreasonably, illegally, dishonestly, in bad faith or against the interest of the Town; or where information given to the Town from the person is shown to have been false or misleading.

~~(iii)~~(iv) Where assistance is so withdrawn, the person who obtained financial support is to repay any moneys already provided. The Town may take action to recover any such moneys in a court of competent jurisdiction.

Date of Adoption:

10.4.2 Proposed Policy – Elected Member Allowances, Fees and Reimbursement of Expenses

Ward:	Both	Date:	16 July 2002
Precinct:	All	File Ref:	ADM0051/ORG0023
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-		
Amended by:	-		

OFFICER RECOMMENDATION:

That the Council APPROVES Policy 4.1.16 “Elected Member Allowances, Fees and Reimbursement of Expenses” as shown at Appendix 10.4.2 subject to the following amendments:

- (a) *clause 2.3(a) being reworded to read "the rental cost of one telephone/facsimile line....";*
- (b) *clause 2.3(b) being reworded by adding "to a maximum of \$300 per annum);*
- (c) *clause 3.6 being reworded to read as follows:*

"Elected Members are authorised to use Cab Charge vouchers for travelling to any occasion referred to in clause 3.1"; and
- (d) *clause 8 be amended to include the following words:*

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

BACKGROUND:

At a Special Meeting of the Council held on 21 May 2002 the Council considered, as part of the 2002-03 Draft Budget deliberations, a proposed Policy relating to Elected Member Allowances, Fees and Reimbursement of Expenses.

CONSULTATION/ADVERTISING:

The proposed policy was advertised in a local newspaper on 4 June 2002, on the Town’s website and public noticeboard. In addition, a copy of the proposed policy was sent to all Precinct and Business Groups in the Town.

Two (2) submissions were received. These are as follows:

Sally Lake of 51 Chatsworth Road, Highgate

Believes that elected members deserve to be fairly reimbursed for the expenses incurred as an elected member, however has been concerned in the past at the ad hoc manner in which allowances and reimbursements have been increased.

1.3 Deputy-Mayoral Allowance

Does not support increasing the Deputy Mayor’s Allowance to the maximum allowed under the act. The Deputy Mayor’s duties only slightly exceed those of the other Councillors. Feels that this increase is not justified. In addition, a majority of the Councillors, including the current Deputy Mayor recently expressed their preference for a Council elected Mayor and Deputy Mayor. This would imply that these positions are just slightly above that of the other elected members. Increasing the allowance is inconsistent with this.

CEO's Comment

The Local Government Act, Section 5.98A allows for the maximum allowance to be paid..

4. Child Care

Believes \$10 per hour for childcare seems too low. Does not know what is the current hourly rate for childcare, but Councillors have a right to leave their children in the care of trusted carers, and doubts that many reliable childcare workers would be prepared to work for \$10 per hour.

CEO's Comment

The Local Government Act (Administration) Regulations prescribe a maximum of \$10 per hour to be reimbursed for child care.

8. Reimbursement of "Miscellaneous" expenses of up to \$2,500 per Councillor

Seems to be to be far too high. The wording limits reimbursement to clothing, drycleaning and personal presentation. While Councillors are entitled to be reimbursed for the cost of having to wear "special" outfits for "special" events, in general, at Council meetings etc, the Councillors wear standard work clothing, and it is reasonable to expect that a Councillor should be able to provide this themselves. Suggests an upper limit of \$1,000.

CEO's Comment

This was reduced to \$1,500 per Councillor (the policy excludes the Deputy Mayor).

Dudley Maier of 51 Chatsworth Road, Highgate

1.3 Deputy Mayoral Allowance:

Does not believe there has been any justification for paying the Deputy any more than other Councillors. In the last year the Deputy has chaired one complete meeting for a total time of one hour and twenty two minutes; chaired half a meeting for one hour and twenty five minutes; plus briefly assumed the chair on a handful of occasions. Believes that the Deputy has not been required to represent the Mayor at any functions since May last year. This does not seem to justify paying the Deputy some \$9,000 more than the other Councillors.

Does not believe that the first three Deputy Mayors received any extra allowance and that the role has changed since then.

CEO's Comment

The Local Government Act, Section 5.98A allows for the maximum allowance to be paid..

2.3 (a) Telecommunication Rental Cost:

In section 2.1 (a) it states that the Town will provide a facsimile/telephone/answering machine. Therefore believes that the wording of 2.3 (a) should refer to the rental of the telephone line. It should therefore be amended to read:

the rental cost of one telephone line and monthly mobile net access

CEO's Comment

This amendment is supported as it is clearer and has been inserted into the draft policy.

2.3(b) Internet Connection:

There are a large number of domestic connection schemes available. These can range from \$10 per month to \$150 per month or more. There seem to be a large number of schemes that are priced about \$25 per month that should be suitable for Elected Members. The clause should be amended to:

the cost, on production of receipts, for internet connection fees up to 80 percent of the actual fee to a maximum of \$300 per annum;

CEO's Comment

This amendment is supported as it is clearer and has been inserted into the draft policy.

2.3(c) Limit of Costs:

Does not believe that the limit on costs should be applied to the aggregated amount for all members. It should be applied to each individual member. The wording should therefore be amended to:

costs incurred in (a) and (b) above be limited to \$2,000 per member per annum and where costs exceed these limits they are to be referred to Council for approval.

CEO's Comment

The CEO recommended an option in the original policy to introduce a Telecommunications allowance. The Council resolved not to accept this option.

new 2.3(e) Pro-rata limits:

The limits on reimbursements are listed 'per annum'. Elected Members typically commence and finish their term of office in May, however this is not always the case. There should be a clause that makes it clear that any limits will apply on a pro-rata basis. Suggested wording:

the annual limits listed in (b) and (c) above will be applied on a pro-rata basis.

CEO's Comment:

For Councillors elected in May It is appropriate to qualify the reimbursement for the remainder of that financial year (ie May and June). It is therefore appropriate for the reimbursement to apply on a pro rata basis (the total amount divided by 12 for these Councillors). Unless this limitation occurs insufficient funds may be available if there is a high number of newly elected Councillors.

Section 3 Travelling Expenses:

This needs some restructuring. The introductory sentence refers to use of private vehicles. This is covered in Sections 3.1, 3.2 and 3.3. Sections 3.4, 3.5 and 3.6 cover other issues and do not follow on from the introductory sentence. Also the wording of 3.6 is not consistent with other sections. The structure needs review and suggests that 3.6 be amended to:

Elected members are authorised to use Cab Charge vouchers for travelling to any occasion referred to in Clause 3.1.

CEO's Comment

This amendment is supported as it is clearer and has been inserted into the draft policy.

4. Child Care Costs:

The maximum limit of \$10 per hour seems too low. While he agree that a maximum limit should be mentioned, believes it should consistent with market rates and should be reviewed regularly.

CEO's Comment

As per previous comment relating to child care.

8. Miscellaneous expenses:

This does not seem to be well thought out. Agrees that Councillors should be paid more, does not think that having an allowance related to clothing and personal presentation is the way to achieve this. If there is to be a 'clothing and presentation' allowance it should be restricted to a much smaller amount – say \$500 per annum.

CEO's Comment

At the Special Meeting of the Council, it was resolved to provide an amount up to \$1,500 per Councillor (excluding the Deputy Mayor).

(new) 9 Computer Support:

The use of a computer for Council business is to be expected. While some Councillors may not have such a need, those that choose to use a computer should have one provided by Council. Each Elected Member should be provided with a notebook computer of a standard comparable to those provided to Executive Managers. This should be for the use of the elected member only.

CEO's Comment

The Council has resolved not to allow for expenses for laptop computers for Elected Members. Appropriate secretarial support is available at the Town's administration centre if required.

LEGAL/POLICY IMPLICATIONS:

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

The Act also allows for specific allowances to be paid and also for details to be prescribed by the Council. Section 5.98 allows Councils to prescribe the kind of expenses to be reimbursed.

The Local Government (Administration) Regulations also provide:

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

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

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

In view of the advice from the Department of Local Government, it is recommended that the Council adopt a policy relating to "Elected Members Allowances, Fees and Reimbursement of Expenses". This will provide guidance to the Council and allow for continuity in future years.

Adoption of Budget

The Council is required under Section 6.2(1) of the Local Government Act 1995 to prepare and adopt an Annual Budget, no later than 31 August in each financial year.

STRATEGIC IMPLICATIONS:

The Council's budget process is in accordance with the Council's Strategic Plan, Key Result Area 4.3 – "*Strategic Plan - Continue to improve financial management*", 4.3(a) – "*Develop short-medium term financial plan.*"

FINANCIAL/BUDGET IMPLICATIONS:

The Council adopted the Budget 2002/2003 at the Special Meeting of the Council held on 9 July 2002.

COMMENTS:

It is recommended that the Council approve the policy together with the recommended amendments.

APPENDIX 10.4.2

DRAFT POLICY NO: 4.1.16

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

OBJECTIVES

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

POLICY STATEMENT

1. ALLOWANCES

1.1 Meeting Attendance Fees

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

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

1.2 Mayoral Allowance

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

1.3 Deputy Mayoral Allowance

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

1.4 Payment

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

APPENDIX 10.4.2

2. TELECOMMUNICATIONS

2.1 Facsimile/Telephone/Answering Machine

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

2.2 Maintenance of Equipment

- (a) Where necessary Council shall provide and make provision for the ongoing maintenance of equipment referred to in 1.5.1 above, with all maintenance costs being met by the Town.
- (b) In the event of a malfunction of the equipment, the Elected Member is to contact, during business hours, the Chief Executive Officer's Division staff, who will coordinate the attendance of maintenance personnel.

2.3 Reimbursement of Telecommunication Expenses

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

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

2.4 Mobile Phones

- (a) Elected Members shall be entitled to the use of a mobile phone, accessories and carkit for the term of their office.

APPENDIX 10.4.2

- (b) Elected Members are to make a written request to the Chief Executive Officer if they choose to use a mobile phone as shown in 2.4(a).
- (c) The mobile phone model selected is to be determined by the Chief Executive Officer from the range of models available to the Town detailed in its telecommunications contract which exists at the time, and such model is to be of a similar standard to the model which is used by the Chief Executive Officer.

3. Travelling Expenses

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

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

APPENDIX 10.4.2

- 3.3. The rate of reimbursement being as prescribed from time to time by the Local Government Officer's Award.

3.4 Public Transport

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

3.5 Parking Fees

Parking fees incurred as a result of travel to any occasion referred to in clause 3.1 above shall be reimbursed upon lodgment of receipts accompanying the associated travel claim form.

The cost of valet parking will not be reimbursed.

3.6 Cab Charge Vouchers

~~To authorise~~ Elected Members *are authorised* to use Cab Charge vouchers for travelling to any occasion referred to in Clause 3.1.

4. Child Care Costs

Elected Members shall be entitled to reimbursement upon presentation of a receipt and certified statement detailing dates, costs and relevant information of meeting of the lesser amount of actual child care costs or to a maximum of \$10 per hour for care of children, of which they are parent or legal guardian, whilst attending any occasion referred to in clause 3.1 of Travelling Expenses above.

5. Conferences and Seminars

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

6. Insurance

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

- 6.1 Personal accident whilst engaged in the performance of the official duties of their office, however, the cover does not include medical expenses.
- 6.2 Professional indemnity for matters arising out of the performance of the official duties of their office, provided the performance or exercise of the official duty is in the opinion of Council, not illegal, dishonest, unreasonable, in bad faith or against the interests of the Town.
- 6.3 Public liability for matters arising out of the performance of the official duties of their office but subject to any limitations set out in the insurance policy.
-

APPENDIX 10.4.2

- 6.4 Motor vehicle at the particular time owned or driven by the Elected Member or driven by another person on behalf of the Elected Member whilst the Elected Member is proceeding as a Member to and from;
- (a) Council Meetings, Civic functions, Citizenship Ceremonies or briefings called by either Council, the Mayor and or the Chief Executive Officer.
 - (b) Committees to which the Elected Member is appointed by Council or in the role as a deputy in the event the member is not available to attend.
 - (c) Meetings and functions scheduled by the Chief Executive Officer.
 - (d) Conferences, community organisations, industry groups and local government associations to which the Elected Member has been appointed by Council as its delegate.
 - (e) Functions and presentations as a representative of the Mayor.
 - (f) Any other occasion while performing the functions of an Elected Member or as a result of an act under the express authority of Council.

7. Letterheads and Business Cards

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

**8. Miscellaneous Councillor Expenses
(Decision – Special Meeting of Council 7 May 2002)**

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

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

(Note: This clause amended at the Special Council Meeting held on 9 July 2002)

10.4.3 Community Consultation - Proposed Redevelopment of Leederville Oval, 246 Vincent Street, Leederville and Loftus Centre Land, 99 Loftus Street, Leederville and Progress Report No. 2

Ward:	North Perth	Date:	15 July 2002
Precinct:	Oxford Centre, P4	File Ref:	RES0052/RES0061
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-		
Amended by:	-		

RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the report and considers the submissions on the proposed redevelopment of Leederville Oval, 246 Vincent Street, Leederville and Loftus Centre Land, 99 Loftus Street, Leederville; and
- (ii) **RECEIVES** the proposed redevelopment timetable as detailed in this report.

BACKGROUND:

At a Special Meeting of the Council held on 30 October 2001, it was resolved inter-alia as follows;

"That the Council APPROVES BY AN ABSOLUTE MAJORITY;

- (1) *to enter into a partnership with the State Government of Western Australia to;*
 - (a) *redevelop Leederville Oval into a West Australian "Football Centre of Excellence", (... Appendix 1) at an estimated cost of \$2,450,000; ...*
 - (c) *construct a State Indoor Multi-Use Sports Centre on the Loftus Centre land (as shown in Plan SK07A - Appendix 1), at an estimated cost of \$3,500,000;*
 - (d) *construct an office administration building for the Department of Sport and Recreation on the Vincent Street frontage of Leederville Oval (as shown in Plan SK07A – Appendix 1), at an estimated cost of \$3,000,000; and*
 - (e) *construct approximately 10,650m² of public open space (including plants, lawn, paths, lighting, fencing, street furniture, public art and bore upgrade and reticulation), upgrade of footpaths, street lighting and infrastructure, the construction of a new 60 bay carpark adjoining the Loftus Centre Carpark, construction of approximately 120 new embayed carbays on Richmond Street and associated street enhancements and the upgrade and lighting of the carpark at the western side of the Reserve; ...*
- (3) *to agree to the funding arrangements and to contribute to the partnership proposals as follows;*
 - (a) *Leederville Oval - a West Australian "Football Centre of Excellence", at an estimated cost of \$2,450,000;*

<i>Others</i>	<i>State Govt.</i>	<i>Town</i>
\$750,000	\$350,000	\$1,350,000

and the \$1 million from the Leederville Oval Reserve Fund to be used for the upgrade of the existing buildings and infrastructure, subject to the approval of the Department of Sport and Recreation being granted and the other monies be funded from the Capital Reserve Fund; and ...

- (c) *construction of a State Indoor Multi-Use Sports Centre on the Loftus Centre land, at an estimated cost of \$3,500,000;*

<i>Others</i>	<i>State Govt.</i>	<i>Town</i>
\$500,000	\$1,700,000	\$1,300,000

and the \$1,300,000 to be funded from the future proceeds from the sale of the proposed Elven Street subdivision and portion of the Len Fletcher Pavilion Reserve Fund and Capital Reserve Fund (if required); and

- (d) *construction of an office administration building for the Department of Sport and Recreation on the Vincent Street frontage of Leederville Oval, at an estimated cost of \$3,000,000, and this to be funded from loan borrowings; and*
- (e) *construction of approximately 10,650m² of public open space (including plants, lawn, paths, lighting, fencing, street furniture, public art and bore upgrade and reticulation), upgrade of footpaths, street lighting and infrastructure, the construction of a new 60 bay carpark adjoining the Loftus Centre Carpark, construction of approximately 120 new embayed carparks on Richmond Street and associated street enhancements and the upgrade and lighting of the carpark at the western side of the Reserve, at an estimated cost of \$850,000, to be funded from the Capital Reserve Fund; ...*
- (12) *to authorise the Chief Executive Officer to investigate and report back to Council on the most appropriate manner/model for the;*
- (i) *financing and redevelopment of Leederville and Perth Ovals, including construction of the Multi-Purpose Rectangular Sports Stadium and associated works, including the continued operation of sporting activities associated with Leederville and Perth Ovals (including East Perth Football Club, West Australian Football League and National Soccer League fixtures) during the redevelopment period; and*
- (ii) *management options for the proposed Multi-Purpose Rectangular Sports Stadium;...*
- (14) *to advertise on a local public basis the following proposals;*
- (i) *the redevelopment of Leederville Oval into a WA “Football Centre of Excellence” and leasing part thereof to East Perth Football Club and Subiaco Football Club;*
- (ii) *the construction of a State Indoor Multi-Use Sports Centre on the Loftus Centre land; and*
- (iii) *the creation of approximately 10,650m² of public open space (including plants, lawn, paths, paving, lighting, fencing, street furniture, public art*

and bore upgrade and reticulation), upgrade of footpaths, street lighting and infrastructure, the construction of a new 60 bay carpark adjoining the Loftus Centre Carpark, construction of approximately 120 new embayed carbays on Richmond Street and associated street enhancements and the upgrade and lighting of the carpark at the western side of the Reserve;

for a period of not less than six (6) weeks and invite written submissions on the proposed undertakings and for the Council to consider any submissions received at the conclusion of this period;

(15) to authorise the Chief Executive Officer to investigate, negotiate and further report on the possible future alterations and/or extension of the Loftus Centre (Recreation Centre, Community Centre, Library), to liaise with the various landowners and occupiers adjoining Leederville Oval and the Loftus Centre site and the proposed date for the demolition of the Len Fletcher Pavilion and two (2) dwelling houses, located on Smith's Lake Reserve;

(20) for a further report be submitted to Council on the most suitable timetable to carry out these works."

Land Details

Leederville Oval is a C-Class Reserve, located on Reserve 3839. In a notice published in the Government Gazette on 6 July 1900, the Governor gazetted that "...Reserve 3839 ("Park Lands," Leederville) should vest in and be held by the Council and Burgesses of the Town of Leederville."

Therefore, any lease that the Council may resolve to enter into will first require the approval of the Minister for Planning and Infrastructure.

Leederville Oval has been used as a football ground since 1915 as a home ground for the West Perth Football Club. It has therefore been used as an Australian Rules Football venue for almost 84 years.

Current Use of Leederville Oval:

At the Council Meeting held on 26 March 2002, it was resolved as follows;

"That the Council;

- (1) (i) receives the Progress Report No. 1 as at 22 March 2002 relating to the redevelopment of Leederville Oval;*
 - (ii) notes that Perth Glory Soccer Club (PGSC) have terminated their Licence Agreement for the use of Perth Oval with EPFC (due to expire on 21 May 2002), effective from 31 March 2002;*
 - (iii) APPROVES the use of Leederville Oval by East Perth Football Club (EPFC) on a monthly basis for the period 31 March 2002 to 1 February 2003, or until their proposed offices and clubrooms at Leederville Oval are completed, for use as West Australian Football League games, training purposes and temporary clubrooms;*
-

- (iv) ensure that EPFC incur no interim period occupancy costs at Leederville Oval (other than providing public liability insurance for an amount of \$10 million);
 - (v) authorises the Chief Executive Officer to engage the services of a Turf Maintenance Contractor at an estimated cost of \$5,500 per month for the period 1 April 2002 to 30 June 2002 and to call tenders for turf maintenance of Leederville Oval for the period 1 July 2002 to 1 February 2003, or until their proposed offices and clubrooms at Leederville Oval are completed; and
 - (vi) lists an amount of \$50,000 for consideration in the 2002-2003 Draft Budget for the maintenance of Leederville Oval for the period 1 July 2002 to 1 February 2003, or until their proposed offices and clubrooms at Leederville Oval are completed;
- (2) APPROVES BY AN ABSOLUTE MAJORITY to re-allocate \$16,500 for the turf maintenance and watering of Leederville Oval for the period 1 April 2002 to 30 June 2002 and a source of funds for this expenditure being identified;
- (3) APPROVES the concept plans as shown in Appendix 10.4.3(a), (b) and (c) (Plan Nos. SK01/B, SK03, SK10/B dated 6 February 2002) and notes that;
- (i) additional funding of \$710,000 will be obtained from other sources (including private sponsorship); and
 - (ii) the stakeholders of the Leederville Oval Steering Committee (West Australian Football Commission (WAFC), EPFC and SFC) will independently pursue these funds (which will be used for building works and installation of ground lights at 500 lux level);
- (4) applies to the Department of Sport and Recreation Community Sport and Recreation Facilities Funding (CSRFF) jointly with Subiaco Football Club (SFC) for their proposed clubrooms and administration, estimated to cost \$1,200,000, subject to SFC contributing \$600,000 (plus fitout costs estimated to be \$200,000);
- (5) 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 the members, resolves to REVOKE OR CHANGE the following resolution adopted by the Council at its Special Meeting held on 30 October 2001 (Item No. 5.2 Clause (3)(a) namely;
- "(a) Leederville Oval - a West Australian "Football Centre of Excellence", at an estimated cost of \$2,450,000;

Others	State Govt.	Town
\$750,000	\$350,000	\$1,350,000"

- (6) in the event that (5) above is resolved, the Council APPROVES BY AN ABSOLUTE MAJORITY the following;
- (i) Leederville Oval - a West Australian "Football Centre of Excellence", at an estimated cost of \$2,310,000; and

Others	State Govt.	Town
\$710,000	\$300,000	\$1,300,000

- (ii) increases its proposed contribution from \$250,000 to \$300,000, as part of SFC's proposed clubrooms and administration; and

- (7) *requests SFC to confirm its commitment in writing to relocating its administration and clubrooms to Leederville Oval as soon as possible.”*

Architect

At the Council Meeting held on 14 May 2002, it was resolved that Oldfield Knot Architects Pty Ltd be appointed as architects for the Leederville Oval redevelopment and that Peter Hunt Architects be appointed as architects for the State Indoor Multi-Use Sports Centre and Administration Building on Leederville Oval.

PUBLIC CONSULTATION

Business Plan

The Town advertised the proposed redevelopment of Leederville Oval and Loftus Centre land on a local basis in April 2002 and submissions closed on 22 May 2002. Approximately 1,500 copies were delivered to all properties within a 500 metre radius of Leederville Oval.

Responses

At the close of submissions, 15 responses from the public were received. Letters received numbered 6. “Have your Say” numbered 7, e-mails received numbered 2.

Summary

	For	Against	Within Vincent	Outside Vincent	Unknown Address
Letters	5	1	5	1	0
Have Your Say	6	1	6	0	1
Email	1	1	1	0	1
Total	12	3	12	1	2

Summary

There have been 15 responses from the public and all responses were acknowledged in writing.

The submissions were as follows;

1. Mr John Percudani, Newcastle Street, Leederville

Good project. Supports in principle subject to the issues on carparking being addressed.

Chief Executive Officer’s Comments

This comment is noted. Average attendances at WAFL games will be approximately 2000. Therefore, large crowds will not be expected. Additional carbays will be provided in Richmond Street (80 bays extra) and The Avenue Carpark (80 bays extra). Residential Only parking has been introduced on the north side of Richmond Street and weekend day restrictions introduced in The Avenue Carpark. Further monitoring will be carried out and the necessary action will be taken to address any parking concerns that may arise.

2. Ms Tiffany Gzik, Carr Place, Leederville

Concerns about parking in vacant block behind her property – cannot access her property when matches are played currently. Would like to support the development and growth of Leederville but concerned that parking problem would increase if Oval used on a regular basis. Requests Council to look at this issue when considering redevelopment.

Chief Executive Officer's Comments

This comment is noted. See previous CEO comments.

3. Mr Bernt Gewerth, Vincent Street, West Perth

Very beneficial for everyone, businesses as well as private.

Chief Executive Officer's Comments

This comment is noted.

4. Unknown Name/Address

Many residents around Leederville Oval are/were supporters and members of the West Perth Football Club. With the redevelopment of Leederville Oval, believes that the West Perth Football Club should be given an opportunity and support to relocate back to Leederville. Would like Town to consider possible relocation.

Chief Executive Officer's Comments

West Perth Football Club is currently negotiating with City of Wanneroo. The Town has made an offer to East Perth Football Club and Subiaco Football Club and this is still in place.

5. Mr Wayne Bradshaw, CEO, West Australian Football Commission (WAFC)

- WAFC endorses the strategy to develop a Centre of Excellence with two WAFL Clubs sharing facilities, subject to clubs concerned developing acceptable management plans for joint use of facilities.
- Establishment of lights is a key element. WAFC enthusiastic about establishment of a venue suitable for hosting night games. WAFL would fixture games to Leederville Oval accordingly.
- WAFC developing pilot program that would see night junior football being conducted – Leederville Oval would be ideal location.
- WAFC not in position to commit funds for project.
- For project to proceed, necessary to examine other sources of funding.

Chief Executive Officer's Comments

It is pleasing to receive the endorsement of the WAFC. The funding aspects will need to be finalised to ensure that the redevelopment meets its objectives of a "Football Centre of Excellence".

6. Mr Colin Scott, Deague Court, North Perth

Would like to see a small portion of perimeter retained for picnic and light leisure facilities – feels there is the opportunity to make new family areas within the development plans.

Chief Executive Officer's Comments

This comment is supported and will be incorporated into the landscape design, if possible.

7. Mr Brett Woodgush, Cleaver Street, West Perth

Fully supportive of soccer option and of the plan. Would like to see an area set aside for an events plaza (parking during week). Believes Council has consulted enough and should not waste more time and money. Trusts the Council's decisions on the details of the plan.

Chief Executive Officer's Comments

This comment is supported and noted.

8. Mr D. Gemelli, Egina Street, Mount Hawthorn

Asking why a "minor world sport" such as AFL can be played at Leederville Oval but the "world game" being soccer is refused access to it. Stated that it could add more life and atmosphere to the Oxford Street Café strip. Believes that the Town should give soccer a chance.

Chief Executive Officer's Comments

The proposal to construct a Multi Purpose Rectangular Sports Stadium on Perth Oval is currently being progressed, as part of the State Sporting Facilities Plan.

9. Ms Margaret Hansen (via e-mail)

Opposing development of Leederville Oval as a super sports venue for the following reasons;

- there are already numerous venues used for sporting activities including football in district;
- these venues are limited and for selective public usage;
- no thought given towards population as a whole;
- current site is an eyesore and it appears residents will be faced with an additional eyesore of another ugly stadium, noise and traffic pollution;

- proposal is backward and shows no foresight in redeveloping another “footy” venue;
- negotiations with the State Govt to promote an arts complex to add ambience and excitement of a different mode would bring much to the Town.

Chief Executive Officer’s Comments

At the Special Electors’ meeting held on 10 June 2001, the meeting resolved that Leederville Oval should remain as a sporting facility – these facilities are an integral part of the WAFC plan for football. The request to convert these premises for an arts complex cannot be supported.

10. Ms Lorili Jacobs, Barnet Street, North Perth

- Hopes that the State Indoor Multi Use Sports Centre will include space for indoor hockey.
- Supports the WAFL plans for Leederville Oval and hopes that some use could be made of the Oval in the summer season.
- Asks Council to look again at Bourke Street traffic flow from Charles to Oxford Street, esp. to the lights at Loftus. 50 kph is not being observed.
- Asks Council to consider a traffic barrier island to stop cars crossing Bourke Street at Barnet Street intersection.

Chief Executive Officer’s Comments

The WA Hockey Association will be consulted for indoor hockey. Uses of a low impact nature will be considered in summer. Local area traffic will be investigated. The Executive Manager Technical Services will investigate the impact of a traffic barrier on the surrounding streets.

11. Mr Phil Cain, President, Loftus Community Centre, Loftus Street, Leederville

- Concerns that on the Leederville Oval plans out for community consultation, there is no alternative position for the Loftus Community Centre if the Indoor Sports Stadium is rotated - alternative proposal that Loftus Community Centre would be extended as part of a two storey complex is acceptable, if proposed alternative location for Stadium goes ahead.
- Large proportion of clients have special access needs with strollers, walking sticks, wheel chairs, etc. Would like to ensure that they will be catered for in future planning discussions.

Chief Executive Officer’s Comments

The comments are noted. Consultation will be carried out to ensure the needs of the Centre are met.

12. M.W. Wells, Senior Sergeant, Leederville Police Station

- All staff at Leederville Police station are supportive of any initiative to enhance area.
- Currently police are not rostered solely for duties at WAFL games – unless crowd levels significantly increase, police will continue to visit ground periodically or if specifically called, as at present.
- Proposed public open space and paths open at all times to public in line within the concept of Community Policing through community design – appears to be adequate lighting.
- Proposal of approx 120 car bays at right angles to the road on the southern side of Richmond Street causes some concern - have the potential to cause confusion and dangerous situations – requests consideration be given to 45% angle parking on the south side of Richmond Street which would result in a more organised egress.

Chief Executive Officer's Comments

It is pleasing to receive the support of the local Police Service. Design aspects of the public open space will include safety designs. The traffic calming devices in Richmond Street will be designed to slow traffic.

13. Ms Sally Lake on behalf of Hyde Park Precinct Group Inc

The Hyde Park Precinct Group:

- Supports provision of public open space between Leederville Oval and Council buildings, however strongly urges that the Loftus Recreation Centre and the proposed Multi-Use Sports Centre should have windows from active spaces overlooking the public open space to enhance safety.
- Suggests that the garden within the public open space be as low-maintenance, water wise, fauna attracting native garden, which can act as a demonstration garden for residents, with signs naming the plans and briefly describing their benefits – possible scented garden which would be of interest to sight-impaired.
- Believes that many trees around the Oval are of great value – all efforts should be made to retain and protect these.
- Believes that tenancies should be guaranteed before office building is proceeded with, at a rate that will offset the construction of the building. Town should not be involved in risky speculative ventures.
- Believes the local community should be able to use the State Indoor Multi-Use Sports Centre – not be monopolised by elite sporting bodies. Would love the idea of a circus using the facility.
- Suggests that the opportunity should be taken to improve facilities in the Loftus Community Centre at the same time.
- Lighting at Leederville Oval is focussed into the ground and not shining into adjacent properties.
- Very important that a sensible parking plan is prepared to address issues of residents, particularly those without off-street parking. Public transport tickets should be included in the cost of tickets to any major events held at the Oval.

Chief Executive Officer's Comments

The design of the State Indoor Multi Use Sports Centre will incorporate windows over Leederville Oval, if possible. The public open space will incorporate "water wise" plants. It is envisaged that some lawn will be planted to accommodate the needs of persons for picnics and also for recreation. Significant trees will be protected.

The financial arrangements will be prepared so that ratepayer funds are not exposed. The use of the Centre will be available to as many users as possible.

14. Mr Alf Parolo, Cleaver Street, West Perth

- Traffic and parking management should be a main criteria. Supports the proposal of having a 100 bay below ground carpark.
- Believes community representatives from the surrounding precincts should be involved in assessing the effectiveness of this facility (with respect to traffic and parking issues). – perhaps in the form of working groups meeting with the Town of Vincent and representatives of the complex.
- Believes any trees of major significance should be retained and incorporated with the open pathway plans proposed between Oval and the Loftus Centre. Would prefer to see this area as an "open" area with regular patrols rather than closed-off area.
- Should the Department of Sport and Recreation proposal proceed, suggests this should be "blended" in with the abutting education centre – so parking spaces can be shared or consolidated so that it can be used by the sporting complex on weekends.

Chief Executive Officer's Comments

The parking will be closely monitored. The inclusion of an underground carpark at the Loftus site is considered important. Close liaison will be maintained with the residents, business proprietors and clubs to monitor traffic and parking.

15. Mr Vincent Carboni, Oxford Spares, Oxford Street, Leederville

- Ratepayers must ensure they and their businesses do not bear the brunt of "bad, inconsiderate decisions by so-called councillors".
- Does not believe 100 extra parking bays will solve the parking problems on a sporting day. Parking will be the only downturn for such an area and one of the "necessary evils".

Chief Executive Officer's Comments

The parking requirements of the area will be closely monitored. It should be noted that WAFC games have been played at Leederville Oval for three seasons, with minimal problems.

Objections

The main issues raised in the submissions included;

Parking

- Parking problems (insufficient parking for patrons).
- Insufficient resident parking.
- Richmond Street traffic and parking to be for residents only.

Traffic

- Pre and post game traffic congestion - management plan recommended.
- Richmond Street traffic and parking to be for residents only.
- Bourke Street traffic flow from Charles to Oxford Street to be reviewed.
- Traffic barrier at Bourke/Barnet Street to prevent traffic crossing from Barnet Street suggested.

Landscape Issues

- Significant trees to be retained.
- Public open space to be designed to encourage families and allow for picnics.
- Public open space to be low maintenance, water efficient and possible scented gardens.
- Public open space to be designed with emphasis on safety and security.

Design Issues

- Loftus Centre facilities to be upgraded.
- Loftus Community Centre needs to be accommodated.
- Loftus Centre to have windows onto Leederville/Public Open Space.
- Leederville Oval area to be upgraded.

Amenity

- Lights for night games should not affect residential areas.

Management Issues

- Leases to be finalised and financial arrangements to be determined before the redevelopment commences.

Process

- Enough community consultation has been carried out.

Alternative Uses

- An Arts complex should be explored instead of a sporting facility.
 - Venue should be used for soccer.
 - Venue should be used by West Perth Football Club (currently located at Joondalup Arena).
-

In Support

- Leederville Oval is suitable as a stadium and should remain a sports facility.
- WA needs a soccer home – PGSC needs a home ground.
- Leederville Oval redevelopment will provide pre and post match patronage to Leederville businesses.
- Oval/ground is deteriorating and will be a financial burden to the ratepayers.
- Leederville Oval is currently under-utilised.
- Object to Leederville Oval being used for housing.
- Soccer needs a stadium, either Leederville or Perth Oval.
- Proposal would add to Oxford Café Strip.
- Will bring people into Leederville.
- Close to public transport.
- Multi-level carpark must be built, which will benefit other businesses.
- PGSC will be able to use facilities in close proximity to the Oval.
- There have been no patron problems at Perth Oval.
- Too much procrastination - a decision needs to be made.

In general, the majority of the responses provide overwhelming support for the proposal.

PROPOSED TIMETABLE

The following is an indicative timetable;

Project	Weeks Duration	Start Date	Finish Date
Preliminary Sketch Design	16	15 April 2002	14 August 2002
Approval to proceed with working drawings		14 August 2002	
Prepare working drawings	12	14 August 2002	14 November 2002
Tender Period	3	15 November 2002	4 December 2002
Tender Assessment/Award Contract	1	6 December 2002	10 December 2002
Construction Period:			
• Complete East Perth Clubroom and Grandstand Works	20	11 December 2002	14 April 2003
• Complete Subiaco Clubrooms	36	11 December 2002	21 August 2003

Note:

In order to meet the above timeframe, a decision of the Council is required on or before 14 August 2002.

FINANCIAL IMPLICATIONS

The proposed redevelopment of Leederville Oval is estimated to cost \$3,610,000. A further report will be submitted to Council, once the Quantity Surveyor and Architect have completed the task of finalising costs and concept drawings. At this stage, the final costs and funding arrangements have yet to be finalised. Finalisation of the funding arrangements may necessitate a variation to the indicative timetable.

LEGAL/POLICY:

Nil.

PRINCIPAL ACTIVITIES PLAN

The upgrade of Leederville and Perth Ovals is listed in the Town's Principal Activities Plan.

STRATEGIC IMPLICATIONS:

Leederville and Perth Ovals and the Loftus Centre are very important sporting facilities in the Town. Their use will benefit a large number of sports and meet the needs of the community.

This proposal is in accordance with the Town's Strategic Plan 2000/2002 Key Result Area 3.6 "*Develop and Implement Strategies to improve the Town's Parks and Reserves*", in particular, Key Result Area 3.6(a) – "*Investigate and Develop the future of Leederville Oval*".

COMMENT:

The proposed redevelopment of Leederville Oval and the Loftus Centre land will be one of the largest and most significant projects undertaken by the Town. It will have a significant impact on the amenity and character of the area.

The opportunity to enter into a partnership proposal with the State Government of Western Australia to provide a number of major sports facilities, including;

- multi-purpose rectangular stadium;
- redevelopment of Leederville Oval into a "Football Centre of Excellence";
- construction of a State Indoor Multi-Use Sports Centre on the Loftus Centre Land;
- construction of a 35,000m² new park on Perth Oval; and
- construction of 10,350m² of new public open space on Leederville Oval;

will provide many potential benefits for the Town, the State Government of Western Australia and the many sports organisations involved.

10.4.4 Proposed Office Building - Leederville Oval, 246 Vincent Street, Leederville – Progress Report No. 1

Ward:	North Perth	Date:	17 July 2002
Precinct:	Oxford Centre, P4	File Ref:	RES0062
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-		
Amended by:	-		

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Progress Report No. 1 as at 17 July 2002, relating to the proposed Office Building, Leederville Oval, 246 Vincent Street, Leederville;*
- (ii) *NOTES the indicative timetable for this project; and*
- (iii) *AUTHORISES the Chief Executive Officer to submit an Expression of Interest (EOI) or tender for the Department of Sport and Recreation office accommodation, subject to;*
 - (a) *the final approval of EOI/tender by the Council; and*
 - (b) *the Council approving of the major land transaction in accordance with Sections 3.58 and 3.59 of the Local Government Act.*

BACKGROUND:

At the Special Council Meeting held on 30 October 2001, the Council approved of entering into a partnership with the State Government of Western Australia to redevelop and construct a number of sporting facilities, including a Multi-Purpose Rectangular Sports Stadium on Perth Oval, State Indoor Multi-Use Sports Centre on Loftus Centre land and the redevelopment of Leederville Oval into a “Football Centre of Excellence” for joint use by EPFC and SFC. It also approved to construct an office building on Leederville Oval.

At the Council Meeting held on 26 March 2002, Council received a preliminary update on these projects.

Preliminary discussions have been held with the Department of Sport and Recreation (DSR), Central TAFE, the Schools for Isolated and Distance Education (SIDE) and all stakeholders. Central TAFE are interested in taking up some accommodation and are currently investigating their needs.

Architect

At the Ordinary Meeting of Council held on 14 May 2002, the Council considered the tenders received for architectural services and resolved as follows;

“That the Council accepts the following tenders and alternative tenders, as being the most acceptable to the Town for the provision of architectural services for the following projects;

- (i) *Oldfield Knott Architects Pty Ltd for the Leederville Oval Redevelopment for \$135,300;*

- (ii) *Peter Hunt Architect for the Multi-Purpose Rectangular Sports Stadium and redevelopment of Perth Oval for \$439,945;*
- (iii) *Peter Hunt Architect for the Office Building on Leederville Oval for \$103,141; and*
- (iv) *Peter Hunt Architect for the State Indoor Multi-Use Sports Centre for \$131,570.”*

PROPOSED TIMETABLE

The following is an indicative timetable for this project;

Project	Weeks Duration	Start Date	Finish Date
Planning	20	April 2002	September 2002
Prepare EOI/Tender	4	14 August 2002	16 September 2002
Await Tender Decision	12	16 September 2002	16 December 2002
Prepare Working Drawings	12	16 September 2002	16 March 2003
Advertise Tender	3	16 March 2003	7 April 2003
Tender Assessment/Award Tender	1	7 April 2003	14 April 2003
Construction Period	52	1 May 2003	1 May 2004

Expression of Interest/Tender

Discussions with DSR reveal that they are required to advertise for EOIs/tenders for their office accommodation and the Town will need to compete with other interested parties. It may be necessary to prepare this submission at short notice and there may be insufficient time for the Council to consider the EOI prior to it being submitted.

It should be noted that the Town's proposal will be on the basis that potential rent will cover borrowings for the construction of the office building and this will be included in the EOI.

FINANCIAL/BUDGET IMPLICATIONS:

The Budget 2002-2003 includes an amount of \$1.5 million for this financial year. The preliminary total project cost is estimated to be \$3 million to \$3.5 million. This project will be funded from rents from tenants and therefore no rates will be involved.

LEGAL/POLICY IMPLICATIONS:

Nil at this stage. However, there may be a requirement to advertise a major land transaction in accordance with Sections 3.58 and 3.59 of the Local Government Act.

ADVERTISING/COMMUNITY CONSULTATION:

The Town advertised the proposed redevelopment of Leederville Oval and the Loftus Centre land on a local basis and twelve (12) submissions were received on the closing date of 22 May 2002. No comments were made about the proposed administration building. This information is contained in a separate report on this Agenda at Item No. 10.4.3.

PRINCIPAL ACTIVITIES PLAN:

This is included in the Town's Principal Activities Plan, Page 42 – “*Major Capital Works – Land and Buildings*”.

STRATEGIC IMPLICATIONS:

This project is in keeping with the Town's Strategic Plan 2000-2002, Key Result Area 3 - The Physical Infrastructure - "*3.5 - Develop and implement strategies to improve the Town's physical infrastructure, including buildings and land*"; and "*3.6 - Develop and implement strategies to improve the Town's Parks and Reserves*".

The construction of an office building on Leederville Oval to accommodate the DSR (and possibly some Central TAFE staff) will provide a focus for the numerous sporting facilities within the Town. Furthermore, it will bring an additional 110-150 employees into the area and this will result in increased patronage to the Leederville and surrounding areas business proprietors.

COMMENT:

The Town's partnership with the State Government of Western Australia to provide upgraded and new sporting facilities within the Town of Vincent, as part of the State Sporting Facilities Plan will be a major benefit to the Town, its residents and taxpayers. The Town will receive contributions estimated to be in the vicinity of \$9 million for these projects. It is considered that this project will complement the Leederville Oval and Loftus Land redevelopment projects.

Accordingly, it is recommended that the Council approves the recommendation.

10.4.5 Proposed State Indoor Multi-Use Sports Centre - Loftus Land - Progress Report No. 1

Ward:	North Perth	Date:	17 July 2002
Precinct:	Oxford Centre, P4	File Ref:	RES0061
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-		
Amended by:	-		

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the Progress Report No. 1 as at 17 July 2002, relating to the proposed State Indoor Multi-Use Sports Centre - Loftus Land;
- (ii) **NOTES** the proposed timetable for the implementation of this project; and
- (iii) **APPROVES** of a new Reserve Fund, "State Indoor Multi-Use Sports Centre", in accordance with Section 6.11 of Division 4 of Part 6 of the Local Government Act for works associated with the maintenance, repairs, alterations, upgrade and replacement of the proposed State Indoor Multi Use Sports Centre buildings, major plant and equipment, fixtures, fittings and associated land.

BACKGROUND:

At the Special Council Meeting held on 30 October 2001, the Council approved of entering into a partnership with the State Government of Western Australia to redevelop and construct a number of sporting facilities, including a Multi-Purpose Rectangular Sports Stadium on Perth Oval, State Indoor Multi-Use Sports Centre on Loftus Centre land and the redevelopment of Leederville Oval into a "Football Centre of Excellence" for joint use by EPFC and SFC.

Architect

At the Ordinary Meeting of Council held on 14 May 2002, the Council considered the tenders received for architectural services and resolved as follows;

"That the Council accepts the following tenders and alternative tenders, as being the most acceptable to the Town for the provision of architectural services for the following projects;

- (i) *Oldfield Knott Architects Pty Ltd for the Leederville Oval Redevelopment for \$135,300;*
- (ii) *Peter Hunt Architect for the Multi-Purpose Rectangular Sports Stadium and redevelopment of Perth Oval for \$439,945;*
- (iii) *Peter Hunt Architect for the Office Building on Leederville Oval for \$103,141; and*
- (iv) *Peter Hunt Architect for the State Indoor Multi-Use Sports Centre for \$131,570."*

Stakeholder Meeting

A meeting of representatives from the Department of Sport and Recreation and prospective stakeholders was held on Thursday 23 May 2002 at the Town of Vincent Administration and Civic Centre. The prospective stakeholders are listed below;

- Billiards and Snooker Association of WA
- Royal Western Australian Bowling Association
- WA Ladies Bowling Association
- WA Indoor Bias Bowls Association
- Dancesport Australia
- WA Eight Ball Federation
- Western Australian Fencing Assn
- Western Australian Gymnastics Association
- Callisthenics Association of WA
- Australian Karate Federation
- Judo Western Australia
- Taekwondo Western Australia
- WA Amateur Powerlifting Association
- WA Squash
- WA Table Tennis Association
- Western Australian Volleyball Association
- Weightlifting WA
- WA Boxing Commission
- Jishukan Ryu Australia
- Rhythmic Gymnastics High Performance Centre of WA
- LeisureCo

Further consultation will be carried out with the WA Netball Association and the Hockey Association of WA, who represent indoor hockey.

PROPOSED TIMETABLE

At this stage, it is too early to prepare a detailed timetable and a more defined timetable will be submitted as the project progresses. However, the following is an indicative timetable;

Project	Timeframe
Consultation	April 2002 - November 2002
Planning	November 2002 – March 2003
Preparation of Design Brief	March 2003 – June 2003
Preparation of Working Drawings	June 2003 – September 2003
Advertising of Tender	October 2003
Tender Assessment and Award of Contract	October/November 2003
Construction	January 2004 – December 2004

FINANCIAL/BUDGET IMPLICATIONS:

This project is estimated to cost \$3 million to \$3.5 million. The State Government of Western Australia will contribute \$1.7 million in the 2004/2005 financial year. The Town has previously resolved to contribute \$1.3 million and \$0.5 million will be obtained from other sources, such as sporting groups, private sponsorship, lotteries. A significant portion of the Town's funding is expected to be from the proceeds of the Smith's Lake subdivision which is estimated to receive \$1 million to \$1.15 million.

To plan for this facility, it is prudent to establish a Reserve Fund. This is in keeping with best practice financial management. Reserve Funds have been created for the other sports facilities.

LEGAL/POLICY IMPLICATIONS:

Nil at this stage.

ADVERTISING/COMMUNITY CONSULTATION:

The Town advertised the proposed redevelopment of Leederville Oval and the Loftus Centre land on a local basis and twelve (12) submissions were received on the closing date of 22 May 2002. This information is contained in a separate report on this Agenda at Item No. 10.4.3.

PRINCIPAL ACTIVITIES PLAN:

This is included in the Town's Principal Activities Plan, Page 42 – *“Major Capital Works – Land and Buildings”*.

STRATEGIC IMPLICATIONS:

This project is in keeping with the Town's Strategic Plan 2000-2002, Key Result Area 3 - The Physical Infrastructure - "3.5 - *Develop and implement strategies to improve the Town's physical infrastructure, including buildings and land*" and "3.6 - *Develop and implement strategies to improve the Town's Parks and Reserves*" and "3.6(c) - *Investigate and upgrade Smith's Lake Reserve, including the future of Len Fletcher Pavilion*".

COMMENT:

The Town's partnership with the State Government of Western Australia to provide upgraded and new sporting facilities within the Town of Vincent, as part of the State Sporting Facilities Plan will be a major benefit to the Town, its residents and taxpayers. The Town will receive contributions estimated to be in the vicinity of \$1.7 million for this project.

Accordingly, it is recommended that the Council approves the recommendation.

10.4.6 Proposed Multi Purpose Rectangular Sports Stadium and Redevelopment of Perth Oval, Pier Street, Perth – Progress Report No. 2

Ward:	North Perth	Date:	17 July 2002
Precinct:	Beaufort, P13	File Ref:	RES0051
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-		
Amended by:	-		

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Progress Report No. 2 as at 17 July 2002, relating to the proposed Multi Purpose Rectangular Sports Stadium and Redevelopment of Perth Oval, Pier Street, Perth;*
- (ii) *NOTES the proposed timetable for the implementation of this project; and*
- (iii) *NOTES that a further report will be submitted to the Council in August/September 2002 relating to the financial and funding implications for this project.*

BACKGROUND:

At the Special Council Meeting held on 30 October 2001, the Council approved of entering into a partnership with the State Government of Western Australia to redevelop and construct a number of sporting facilities, including a Multi-Purpose Rectangular Sports Stadium on Perth Oval, State Indoor Multi-Use Sports Centre on Loftus Centre land and the redevelopment of Leederville Oval into a “Football Centre of Excellence” for joint use by EPFC and SFC. It also approved to construct an office building on Leederville Oval.

At the Ordinary Meeting of Council held on 26 March 2002, it was resolved as follows;

"That the Council;

- (i) *receives the Progress Report No. 1 as at 22 March 2002 relating to the redevelopment and temporary use of Perth Oval;*
- (ii) *notes that Perth Glory Soccer Club (PGSC) have terminated their Licence Agreement for the use of Perth Oval with East Perth Football Club (EPFC) (due to expire on 21 May 2002), effective from 31 March 2002;*
- (iii) *APPROVES of the continuation of the use of a part of the Perth Oval Grandstand by EPFC for the area used for their offices and former caretaker’s house until 1 February 2003, or until their proposed offices and clubrooms at Leederville Oval are completed;*
- (iv) *ensure that EPFC incur no “interim period” occupancy costs at Perth Oval (other than providing public liability insurance for an amount of \$5 million);*
- (v) *in accordance with the “Holding Over (Clause 6(f) of the expired lease between EPFC and City of Perth (now Town of Vincent)”, terminates the EPFC’s monthly tenancy of Perth Oval (other than that specified in Clause (iii)), effective from 1 April 2002, and authorises the Chief Executive Officer to implement this matter,*

- (vi) *APPROVES the use of Perth Oval by Perth Glory Soccer Club (PGSC) (other than the areas used by EPFC's office and the former caretaker's house and an area in the upper grandstand which is to be set aside specifically for use by the Town) on a monthly basis from 1 April 2002 until 1 October 2003, for use for soccer games, training and other associated purposes, subject to;*
- (a) *PGSC paying rent of \$150,000 per annum (paid monthly in advance), plus all statutory rates and charges and variable outgoings; and*
- (b) *PGSC providing public liability insurance for an amount of \$10 million; and*
- (vii) *APPROVES of the Aspire Fitness and Embassy Caterers to continue as monthly tenants at Perth Oval, until 1 February 2003, subject to the following minimum rent being paid to the Town;*
- (a) *Embassy Caterers \$ 8,000 per year (paid pro rata monthly); and*
- (b) *Aspire Fitness \$14,472 per year (paid pro rata monthly)."*

Architect

At the Ordinary Meeting of Council held on 14 May 2002, the Council considered the tenders received for architectural services and resolved as follows;

"That the Council accepts the following tenders and alternative tenders, as being the most acceptable to the Town for the provision of architectural services for the following projects;

- (i) *Oldfield Knott Architects Pty Ltd for the Leederville Oval Redevelopment for \$135,300;*
- (ii) *Peter Hunt Architect for the Multi-Purpose Rectangular Sports Stadium and redevelopment of Perth Oval for \$439,945;*
- (iii) *Peter Hunt Architect for the Office Building on Leederville Oval for \$103,141; and*
- (iv) *Peter Hunt Architect for the State Indoor Multi-Use Sports Centre for \$131,570."*

Stakeholder Meeting

A meeting of representatives from the Department of Sport and Recreation and prospective stakeholders was held on Thursday 16 May 2002 at the Town of Vincent Administration and Civic Centre. The prospective stakeholders are listed below;

- Soccer Administration of Western Australia
- Perth Glory Soccer Club
- Western Australian Rugby Union
- Western Australian Rugby League
- WA Lacrosse Association
- Women's Lacrosse
- Gaelic Athletic Association of WA
- Grid Iron

All stakeholders have now submitted their requirements for the proposed stadium and these are currently being assessed by Peter Hunt Architect. This will be considered in the preparation of the project design brief.

PROPOSED TIMETABLE

At this stage, it is too early to prepare a detailed timetable and a more defined timetable will be submitted as the project progresses. However, the following is an indicative timetable;

Project	Timeframe
Consultation	April 2002 - August 2002
Planning	August 2002 - September 2002
Preparation of Design Brief	September/October 2002
Preparation of Working Drawings	November 2002 - February 2003
Advertising of Tender	March 2003
Tender Assessment and Award of Contract	March/April 2003
Construction - Stage 1	April 2003 - October 2003
Construction - Stage 2	April 2004 - October 2004
Construction - Stage 3 (if required)	April 2005 - October 2005
Construction - Stage 4 (if required)	April 2006 - October 2006

Perth Oval Lease

On 30 April 2002, the Town terminated East Perth Football Club's monthly tenancy under the 1992 former lease for Perth Oval.

Perth Oval Catering

Perth Glory Soccer Club have advised the Town that it has changed caterers for their NSL games. The successful tender is "Total Corporation". The Town is not involved in this matter.

Discussions are currently being held with Embassy Caterers (who have a lease on a monthly basis at Perth Oval) and Perth Glory Soccer Club, to facilitate a smooth handover.

FINANCIAL/BUDGET IMPLICATIONS:

This project is estimated to cost \$11.8 million. The State Government of Western Australia will contribute \$4.5 million in the 2003/2004 financial year and \$2.3 million in the 2004/2005 financial year. The Town has previously resolved to contribute \$3 million. The State Government of Western Australia has requested that the Town contributes up to \$5 million. Negotiations are currently being held with interested parties and in particular, Perth Glory Soccer Club who have indicated that they are prepared to relocate their clubrooms and administration to this stadium.

It is envisaged that the Town can successfully negotiate with the potential stakeholders to cover the costs associated with either \$3 million or \$5 million, at no cost to the Town. This can be achieved through rent, income from the sale of catering (food and beverage) rights, sale of sponsorship (including venue naming rights) and casual hire fees.

LEGAL/POLICY IMPLICATIONS:

This proposal will need to be advertised to comply with the major land transaction requirements of Sections 3.58 and 3.59 of the Local Government Act.

In addition, the Council will be required to enter into a legal agreement with the State Government of Western Australia and a draft "Financial Assistance and Usage Agreement" has been prepared by the Crown Solicitor's office. This draft agreement is currently being reviewed and discussions have been held with the Department of Sport and Recreation (who are the Government's representative).

A report will be submitted to the Council in August/September 2002 when these and other financial negotiations have been finalised.

ADVERTISING/COMMUNITY CONSULTATION:

It is envisaged that the Town will advertise this proposal to the community for a period of six weeks in September/October 2002.

On 15 July 2002, the Chief Executive Officer, Manager Law and Order Services and Manager Engineering Design Services made a presentation to the Forrest Precinct Group concerning parking arrangements around Perth Oval and also the proposed Multi Purpose Rectangular Sports Stadium. This was positively received by the Precinct Group.

It should be noted that a further report will be submitted to the Council in August 2002 relating to the parking arrangements for the 2002/2003 NSL season.

The National Soccer League have advised that the 2002/2003 NSL season will be as follows;

- September - November 2002 - Sunday afternoons - 4pm start
- December 2002 - Sunday afternoons - 5pm start
- January - March/April 2003 - Saturday evening - 7pm start

PRINCIPAL ACTIVITIES PLAN:

This is included in the Town's Principal Activities Plan, Page 42 – "*Major Capital Works – Land and Buildings*".

STRATEGIC IMPLICATIONS:

This project is in keeping with the Town's Strategic Plan 2000-2002, Key Result Area 3 - The Physical Infrastructure - "3.5 - *Develop and implement strategies to improve the Town's physical infrastructure, including buildings and land*" and "3.6 - *Develop and implement strategies to improve the Town's Parks and Reserves*".

COMMENT:

The Town's partnership with the State Government of Western Australia to provide upgraded and new sporting facilities within the Town of Vincent, as part of the State Sporting Facilities Plan will be a major benefit to the Town, its residents and taxpayers. The Town will receive contributions estimated to be in the vicinity of \$6.8 million for this project.

Accordingly, it is recommended that the Council approves the recommendation.

10.4.7 Information Bulletin

Ward:	-	Date:	17 July 2002
Precinct:	-	File Ref:	-
Reporting Officer(s):	A Smith		
Checked/Endorsed by:	J Giorgi		
Amended by:	-		

RECOMMENDATION:

That the Information Bulletin dated 23 July 2002 and distributed to Elected Members with the Agenda be received.

DETAILS:

The items included in the Information Bulletin dated 23 July 2002 are as follows:

ITEM	DESCRIPTION
IB01	Letter from Western Australian Planning Commission – Revision of Public Open Space in Residential Areas Policy (DC2.3)
IB02	Unit 2, No. 111 Richmond Street, Leederville – Determination of Minister for Local Government and Regional Development on Building Notice Appeal
IB03	Progress Report on the Local Studies and History Collection – January to June 2002
IB04	Rangers’ Statistical Report for April, May and June 2002
IB05	286 Beaufort Street, Perth – Funding Update
IB06	Implementation of new Corporate System
IB07	Mindarie Regional Council – Strategic Plan 2002-2007
IB08	Response to Questions from Ms Lucia Dedear – Special Council Meeting 16 July 2002

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

Nil.

14. CLOSURE
