



## TOWN OF VINCENT

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*"Enhancing and celebrating our diverse community"*

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# MINUTES

<p>22 SEPTEMBER 2009</p>
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## INDEX (22 SEPTEMBER 2009)

ITEM	REPORT DESCRIPTION	PAGE
<b>9.1 DEVELOPMENT SERVICES</b>		
9.1.1	No. 26 (Lot 13 and 14 D/P: 1306) Farmer Street, Corner Mignonette Street, North Perth - Proposed Removal of Existing Fence, and Construction of Additional Synthetic Tennis Courts, Fence and Lighting to Existing Recreational Facility (North Perth Tennis Club) – Amended Planning Approval (PRO4558; 5.2009.374.1)	7
9.1.2	No. 297 (Lot 5 D/P: 2406) Vincent Street, Leederville - Proposed Demolition of Existing Single House and Construction of Four-Storey Building comprising Five (5) Offices and Three (3) Multiple Dwellings (PRO3537; 5.2009.36.1)	47
9.1.3	Nos. 95-97 (Lot 3 D/P: 18) Brisbane Street, corner Lindsay Street, Perth - Proposed Change of Use from Residential to Commercial (Office) (PRO2939; 5.2009.287.1)	59
9.1.4	City of Perth City Planning Scheme No. 2 – Amendment No. 13 (Revised) and Revised Amendments to West Perth – Precinct Plan No. 10 (ORG0016)	9
9.1.5	Research into Engaging with the Community to Establish Views on Streetscape Management and to Develop Policies to Support those Views – Progress Report No. 1 (PLA0197)	38
9.1.6	Review of the Town of Vincent Town Planning Scheme No. 1 (PLA0140)	14
9.1.7	Nos. 332 and 325 Charles Street, North Perth – Health Act 1911 (as amended) – Take Down and Remove (Demolition) (PRO4074; PRO3222)	19
<b>9.2 TECHNICAL SERVICES</b>		
9.2.1	Parking Restrictions – Bruce Street, Leicester Street, Hayley Avenue, Ragen Alley, Leederville - Further Report (PKG0070) Leederville Precinct	23
9.2.2	Traffic Management Matter - Pennant Street, North Perth – Further Report (TES0275) Smith's Lake Precinct	25
<b>9.3 CORPORATE SERVICES</b>		
9.3.1	Investment Report as at 31 August 2009 (FIN0033)	63
9.3.2	Authorisation of Expenditure for the Period 1 – 31 August 2009 (FIN0032)	28
9.3.3	Financial Statements as at 31 August 2009 (FIN0026)	31
9.3.4	Art Award/Exhibition 2009/10 (CVC0016)	65
9.3.5	Italian Club 75 <sup>th</sup> Anniversary Booklet – Funding Grant (FIN0155)	36
<b>9.4 CHIEF EXECUTIVE OFFICER</b>		
9.4.1	Information Bulletin	69

---

- 10. COUNCIL MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 10.1 Notice of Motion – Councillor Izzi Messina – Investigation of a proposal to provide a “Tea Room” at Hyde Park 71
- 11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN (Without Discussion)**
- Nil. 72
- 12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES**
- Nil. 72
- 13. URGENT BUSINESS**
- Nil. 72
- 14. CONFIDENTIAL ITEMS / MATTERS FOR WHICH THE MEETING MAY BE CLOSED ("*Behind Closed Doors*")**
- 14.1 CONFIDENTIAL REPORT - No. 125 (Lot 311 D/P: 2001) Joel Terrace, Mount Lawley - Proposed Demolition of Existing Single House and associated Removal of Existing Single House from the Town's Municipal Heritage Inventory and State Administrative Tribunal (SAT) Review Matter No. CC615 of 2009 and DR 313 of 2009 (PRO0011; 5.2009.185.1) 93
- 14.2 CONFIDENTIAL REPORT - Nos. 103–105 (Lot 100 D/P: 75367) Oxford Street, Leederville - Proposed Demolition of Existing Temporary Car Park and Construction of Seven (7) Storey Commercial Development Comprising Four (4) Shops, Three (3) Offices and Associated Car Parking - State Administrative Tribunal (SAT) Review Matter No. DR 251 of 2009 (PRO0452; 5.2008.580.1) 95
- 14.3 CONFIDENTIAL REPORT – Independent Legal Advice – Alleged Subsidence in Residences Built on Unstable Ground along Charles Street, North Perth (FIN0170) 96
- 14.4 CONFIDENTIAL REPORT: Local Government Structural Reform 2009 – Approval of Town of Vincent Submission to Minister for Local Government and Progress Report No. 5 (ORG0031) - ***This report released for public information by the Chief Executive Officer on 6 October 2009*** 98
- 14.5 CONFIDENTIAL REPORT: Approval of Deed of Licence with Western Australian Rugby Union (Inc) (Rugby WA), Alterations and Additions to existing Sports Stadium including Demolition of Existing Caretakers Cottage Interim Upgrade and Temporary Works/Repairs of ME Bank Stadium and Receiving of Unconfirmed Minutes of the Stadium Management Committee Special Meeting (RES0082/RES0092/RES0097) - ***This report released for public information (except for financial/costings information) by the Chief Executive Officer*** 73
- 15. CLOSURE** 138
-

Minutes of the Ordinary Meeting of Council of the Town of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 22 September 2009, commencing at 6.00pm.

**1. DECLARATION OF OPENING**

The Presiding Member, Mayor Nick Catania, declared the meeting open at 6.07pm.

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

**(a) Apologies:**

Nil.

**(b) Present:**

Mayor Nick Catania, JP	Presiding Member
Cr Anka Burns	South Ward
Cr Doran-Wu	North Ward
Cr Steed Farrell ( <i>Deputy Mayor</i> )	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Anita Radici	Executive Assistant (Minutes Secretary)
Giovanni Torre	Journalist – “ <i>The Perth Voice</i> ” (until approximately 7.05pm)

Approximately 11 Members of the Public

**(c) Members on Approved Leave of Absence:**

Nil.

**(d)** Cr Noel Youngman tendered his resignation as a Councillor at the Town of Vincent effective from Friday 21 August 2009.

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

The following submissions were made by persons in the Public Gallery:

1. Beth Kraemer of 45 Redfern Street, North Perth. Stated because there isn't very much for seniors in Vincent, she and her friends have joined Morley Vincent and they have bus trips every month and they go to fabulous places. Advised that she would like to pass some information onto the Director of Corporate Services about the bus trips that Morley supplies to all their ratepayers and seniors group. Stated hopefully the bus trips in the Town can be resumed as many Vincent seniors now go to Morley.

**The Presiding Member, Mayor Nick Catania advised that very shortly the Town will have its own 22 seater bus that is being donated to the Town of Vincent by the North Perth Community Bank and when the bus is delivered it of course can be used for seniors outings, albeit outings for enjoyment, shopping etc.**

2. Marie Slyth of 89 Carr Street, West Perth – Item 9.1.5. Read out the following:  
*“I would like to ask Council just where it thinks ratepayers who presently are residing in the precious character streetscapes already known to Council and live there for the very reason they love the ambience of their streets as well as for newcomers who bought into these streetscapes for that very same reason, (believing such streetscape would be treasured by TOV), stand while Council draws up its new policy.  
To suggest a cooling off period will defeat the very goals of such ratepayers to save their streetscapes as well as council itself in its new efforts to protect our character streetscapes. There are so few left.  
Any extended delay now, should developers started charging ahead in this limbo period, can mean the destruction of these valuable streetscapes and end up costing Council a big waste of money because these streetscapes then will no longer exist to have policies invented to protect them.  
It is not right for ratepayers who live in these streets to be forced to have to live in continuous fear of losing their streetscapes – another whole year has gone by and still there is no protection policy.  
It is essential that the new streetscape policy be developed expeditiously and given priority over other issues, since less than a year ago, the ratepayers living in these streetscapes had been led to believe and even categorized by council as Character streetscape in final stages of being approved.  
I am also concerned that Council proposes to focus future consultation around the five town centres, again ignoring the needs and wishes of ratepayers outside the Actual town centres.  
If Council really cares about ALL of its ratepayers, then it will pay attention to those now critically under threat by developers who have no regard for the communities that exist in the town and especially those communities which treasure their village like atmosphere.  
Again I reiterate, there are many ratepayers who are upset that Council has no proper policy right now to protect their character streetscapes.  
I ask that Council does not delay the implementation of its new critical streetscape Policy until June next year, but rather have all finalised very, very early next year.”*
3. Carina May, Senior Town Planner with the design group who prepared and lodged the application of 139 Labouchere Road, South Perth – Item 9.1.2. Stated the development was designed in consideration with the Town’s own vision and objectives as express in the Leederville Masterplan and the Built Form Design Guidelines. Advised that they have worked closely with the Town’s staff to address their requests throughout the process including modifying both the land use and build form for compliances. Stated the application was advertised and no objections were received. Requested the Council’s support to conditionally approve the development application as per the Officer’s Recommendation.
4. Vern Reid, Chief Executive Officer of Rugby WA – Item 14.5. Stated when they were fortunate to secure a team in the Super 14 competition 4 years ago it was seen as a great “boon” for the State as they were able to bring one of the few international competitions to the City/State. Advised that Rugby WA is a non profit organisation owned by clubs and affiliated bodies of the WA Rugby Union. Stated Rugby WA has had a long history at Britannia Reserve in the Town and the children of many ratepayers are involved in the game and many ratepayers are members of the Emirates Western Force. Believed the arrival of Rugby at ME Stadium in the future will have a very positive economic impact on the Town and will be a boost to local businesses and the community in terms of those that are able to service the crowds. Stated the plans being considered tonight will see the Town receive nearly \$800,000 worth of permanent improvements to the Stadium which is over and above the proposed \$175,000 which the Town will invest from the Stadium’s reserve fund. Stated all assets that are being brought and installed by Rugby WA at its expense

will be handed over to the infrastructure of the Town in the context of the future development of the Stadium. Advised that they are also seeking the indulgence of the Council to waive any development fees in this application. Advised that they have worked very closely with the Town over the past 6 months and acknowledged efforts of Kon Bilyk the Projects Officer, teams of parks, health and rangers of the Town and especially the Mayor and Deputy Mayor as well as the CEO who has very ably assisted them. Advised that they are very excited about bringing Rugby to ME Stadium as Subiaco Oval has not been the best hunting ground for them as it is not a purpose built rectangular stadium. Stated the Rugby community of WA are very pleased that it is coming to what will hopefully be their home in WA.

5. Cecily Gilbert of 23 Anzac Road, Leederville – Item 9.1.5. Pleased that Officer’s have began looking at how other municipalities have organised their policies on streetscape management and, although up to this point it has been a long and quite disappointing outcome she hopes that good things may come from this further review. Referred to the process suggested on page 24. Stated the idea of the focused community consultation raised is a healthy one however, it is disappointing that this is only going to be based on the 5 Town Centres name in the report. Advised that her experience in door knocking 100 houses near Anzac Road, Wilberforce Street and associated streets listed for the register of streetscapes was that many residents who wanted to talk actually had an interest in their streetscape and were keen to talk and discuss what they thought was the way to go. Stated that they were not necessarily interested in a spousing a view that would apply across the entire Town Centre. Urged Council to take this message on board and when people are given the chance to talk, consider their neighbours and locality, that they would therefore make use of that and express their views. Urged Council to expand its vision for the consultation process so that it takes a “locality focus” rather than a “broad brush” approach. Stated in discussion with many people it become clear that their answers were not clearly black and white. Believed it to be misleading in any consultation process to say you have Option A or B but none other. Stated many people are appreciative that there are many subtleties and it is probably good for a consultation process to allow for people to say in this circumstances yes but perhaps if other things apply, then perhaps no. Looks forward to seeing the Officer’s review. Asked Council to also think about using additional methods of collecting feedback i.e. commenting via website and not relying solely on distribution of printed material.

There being no further speakers, public question time closed at approx. 6.20pm.

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

Nil.

**4. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil.

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

Nil.

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

Minutes of the Ordinary Meeting of Council held on 8 September 2009.

**Moved Cr Farrell, Seconded Cr Maier**

*That the Minutes of the Ordinary Meeting of Council held 8 September 2009 be confirmed as a true and correct record.*

**CARRIED (8-0)**

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

**7.1 Funding for the Town's Festivals**

Several Council Meetings ago, the Council considered a report for Festivals in the Town. I am now pleased to advise that the Town has received \$20,000 towards the Angove Street Festival to be held on Sunday 29 November 2009 and \$5,000 towards a Festival to be held in Leederville on Sunday 28 March 2010.

Many thanks to our Community Development staff for pursuing the Funding.

**7.2 Leederville Early Childhood Centre**

I attended the Leederville Early Childhood Centre's Annual General Meeting held on Tuesday 15 September 2009. As some of you may be aware, this will be Barbara Wood's (the Centre's Supervising Officer) last year at the Centre and following the meeting, I received a letter from the Chairperson of the Management Committee as follows;

*"On behalf of the Management Committee of Leederville Early Childhood Centre Management Committee, our sincere thanks for taking the time out of your busy schedule to once again attend our Annual General Meeting on Tuesday.*

*The Committee sincerely appreciates your longstanding support of our Centre as Mayor of the Town of Vincent and the good working relationship that the Centre continues to hold with Council and its Officers. In particular, it demonstrates to the Committee the strong esteem in which Barb [Barbara Wood - Supervising Officer] is held by senior members of the community through her long history at the helm of LECC. Thank you once again for taking time from you busy schedule to formally thank Barb for her service..."*

**8. DECLARATIONS OF INTERESTS**

- 8.1 Mayor Catania declared a Financial interest in Item 9.3.1 – Investment Report. The extent of his interest being that he is the chairperson of the North Perth Community Bank in which the Town has investment shares.
- 8.2 Cr Burns declared a Financial interest in Item 9.3.1 – Investment Report. The extent of her interest being that she is a shareholder and her father is a director in the North Perth Community Bank in which the Town has investment shares.
- 8.3 Cr Messina declared a Financial interest in Item 9.3.1 – Investment Report. The extent of his interest being that he is a director and shareholder of the North Perth Community Bendigo Bank in which the Town has investment shares.
- 8.4 Cr Ker declared an interest affecting Impartiality in Item 10.1 – Notice of Motion – Councillor Izzi Messina – Investigation of a proposal to provide a “Tea Room” at Hyde Park. The extent of his interest being that he resides opposite Hyde Park. As a consequence, there may be a perception that his impartiality on the matter may be affected. He declared that he would consider this matter on its merits and vote accordingly.

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

Nil.

**10. REPORTS**

The Presiding Member, Mayor Nick Catania, requested that the Chief Executive Officer advise the meeting of:

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

Items 9.1.5, 9.1.2 and 14.5.

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

Item 14.5.

**10.3 Items which Council Members/Officers have declared a financial or proximity interest and the following was advised:**

Item 9.3.1.

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

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

Cr Farrell	Nil.
Cr Messina	Item 9.3.4.
Cr Ker	Items 9.1.3 and 9.4.1.
Cr Doran-Wu	Nil.
Cr Lake	Nil.
Cr Burns	Nil.
Cr Maier	Nil.
Mayor Catania	Nil.

The Presiding Member, Mayor Nick Catania, requested that the Chief Executive Officer advise the meeting of:

**10.5 Unopposed items which will be moved "En Bloc" and the following was advised:**

Items 9.1.1, 9.1.4, 9.1.6, 9.1.7, 9.2.1, 9.2.2, 9.3.2, 9.3.3 and 9.3.5.

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

Items 14.1, 14.2, 14.3, 14.4 and 14.5.



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

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

Items 9.1.1, 9.1.4, 9.1.6, 9.1.7, 9.2.1, 9.2.2, 9.3.2, 9.3.3 and 9.3.5.

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

Items 9.1.5, 9.1.2 and 14.5.

The remaining Items identified for discussion were considered in numerical order in which they appeared in the Agenda.

**Moved Cr Farrell, Seconded Cr Ker**

***That the following unopposed items be approved "En Bloc", as recommended;***

***Items 9.1.1, 9.1.4, 9.1.6, 9.1.7, 9.2.1, 9.2.2, 9.3.2, 9.3.3 and 9.3.5.***

**CARRIED (8-0)**

**9.1.1 No. 26 (Lot 13 and 14 D/P: 1306) Farmer Street, Corner Mignonette Street, North Perth - Proposed Removal of Existing Fence, and Construction of Additional Synthetic Tennis Courts, Fence and Lighting to Existing Recreational Facility (North Perth Tennis Club) – Amended Planning Approval**

<b>Ward:</b>	North	<b>Date:</b>	15 September 2009
<b>Precinct:</b>	North Perth; P8	<b>File Ref:</b>	PRO4558; 5.2009.374.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	D Pirone		
<b>Checked/Endorsed by:</b>	H Smith, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by North Perth Tennis Club on behalf of the owner Town of Vincent for proposed Removal of Existing Fence, and Construction of Additional Synthetic Tennis Courts, Fence and Lighting to Existing Recreational Facility (North Perth Tennis Club) – Amended Planning Approval, at No. 26 (Lot: 13 and 14 D/P: 1306) Farmer Street, corner Mignonette Street, North Perth, and as shown on plans stamp-dated 9 September 2009, subject to the following conditions:*

- (i) all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (ii) the proposed lighting for the tennis courts shall be compliant with AS 1158.1 Public Lighting Code - Part 1: Performance and Installation Design Requirements; and*
- (iii) the lighting for the proposed tennis courts shall be switched off no later than 10:00 pm Monday to Sunday inclusive.*

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**COUNCIL DECISION ITEM 9.1.1**

**Moved Cr Farrell, Seconded Cr Ker**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (8-0)**

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<b>Landowner:</b>	Town of Vincent
<b>Applicant:</b>	North Perth Tennis Club
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Town of Vincent Scheme Reserve – Parks and Recreation
<b>Existing Land Use:</b>	Recreational Facilities
<b>Use Class:</b>	Recreational Facilities
<b>Use Classification:</b>	Not Applicable
<b>Lot Area:</b>	1,275 square metres
<b>Access to Right of Way</b>	Not Applicable

**BACKGROUND:**

18 November 2008                      The Council at its Ordinary Meeting conditionally approved the removal of Existing Fence, and Construction of Additional Synthetic Tennis Courts, Fence and Lighting to Existing Recreational Facility (North Perth Tennis Club).

**DETAILS:**

The proposal involves an amendment to the plans approved by the Council at its Ordinary Meeting held on 18 November 2008, for the installation of two synthetic tennis courts and the installation of new floodlights for night play on the two tennis courts, and associated works at the subject site.

The amendments relate to two additional lighting towers on the eastern and western sides of the courts. In addition, all approved and proposed lighting towers are to increase in height from 7.2 metres to 8 metres.

The amendments are proposed as a result of a condition being placed on the approval granted by the Council on 18 November 2008 that states:

*“(iii) the proposed lighting for the tennis courts shall be compliant with AS 1158.1 Public Lighting Code - Part 1: Performance and Installation Design Requirements;”*

The proposed amendments are not required to be advertised as they are the result of a planning condition imposed by the Council.

**COMMENTS:**

**Floodlighting**

The light spill design diagram submitted for the proposed floodlighting indicates that the average lux level (at ground level), at the front boundary of the Mignonette Street properties, and the northern adjacent property at No. 8 Mignonette Street, complies with the accepted criteria, and the additional lighting towers will not result in any increase of lux spillover onto neighbouring properties.

Due to the close proximity of No. 8 Mignonette Street however, it is considered reasonable to restrict the light usage until 10:00pm of each night, to provide some relief from the lighting.

**Conclusion**

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

**9.1.4 City of Perth City Planning Scheme No. 2 – Amendment No. 13 (Revised) and Revised Amendments to West Perth – Precinct Plan No. 10**

<b>Ward:</b>	N/A	<b>Date:</b>	14 September 2009
<b>Precinct:</b>	N/A	<b>File Ref:</b>	ORG0016
<b>Attachments:</b>	<a href="#">001</a> , <a href="#">002</a>		
<b>Reporting Officer(s):</b>	E Lebbos		
<b>Checked/Endorsed by:</b>	H Smith, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report relating to the City of Perth City Planning Scheme No. 2 Amendment No. 13 (Revised) and Revised Amendments to West Perth – Precinct Plan No. 10; and*
- (ii) *ADVISES the City of Perth that the Town of Vincent SUPPORTS IN PRINCIPLE the intent and content of the City Planning Scheme No. 2 Amendment No. 13 (Revised) and Revised Amendments to West Perth – Precinct Plan No. 10 as “Laid on the Table”.*

**COUNCIL DECISION ITEM 9.1.4**

**Moved Cr Farrell, Seconded Cr Ker**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (8-0)**

**PURPOSE OF REPORT:**

The purpose of this report is to inform the Council of the City of Perth’s *City Planning Scheme No. 2 Amendment No. 13 (Revised)* and revised amendments to *West Perth – Precinct Plan No. 10* currently being advertised for public comment, and to provide a summary of the amendment to the Council.

**BACKGROUND:**

The City of Perth envisage that initiating the revised amendments to the *City Planning Scheme No. 2* and *West Perth – Precinct Plan No. 10*, will rationalise inconsistencies and reduce variations to the *City Planning Scheme No. 2*, thus providing clarity of direction and development consistency in West Perth.

The *City Planning Scheme No. 2 Amendment No. 13*, along with revised amendments to *West Perth – Precinct Plan No. 10*, have been released for public comment with submissions closing on 7 October 2009, to ensure that the community has the opportunity to provide feedback on the amendments prior to it being finalised by the City of Perth.

**DETAILS:**

The objective of revised *Amendment No. 13* is to facilitate clarity of direction for consistent development decisions for the future growth of West Perth.

The development standards relevant to West Perth that require amending, relate specifically to building height, statement of intent, landscaping, setbacks, front fencing and the construction of basements within the front setback areas, and ensuring car parks are not visible from streets and public places. The City of Perth has addressed these issues through a Scheme amendment as well as subsequent Precinct Plan amendments.

As these changes must be integrated into both the Scheme text as well as the Precinct Plans, the City of Perth has proposed that these be considered together to ensure a holistic picture is provided.

### **Scheme Amendments**

The Scheme Amendments proposed include:

- *Amend the Building Heights Plan by deleting:*

*'The height of the building used solely for non-residential purposes shall not exceed a height of 18 metres'.*

*'The height of the building used solely for residential purposes shall not exceed a height of 27 metres'.*

*'A building which is used for both residential and non-residential purposes may exceed 18 metres in height if the height of that portion of the building used for non-residential purposes does not exceed 18 metres, however the height of such a building will not exceed 27 metres'.*

*and replace with:*

*'The height of a building shall not exceed 29 metres'.*

- *Amend the definition of 'landscaped area' in Schedule 4 by deleting reference to:*

*'swimming pools, barbeque areas or children's playgrounds'*

- *Amend section P10 West Perth of Schedule 6 - Variations to Residential Design Codes, to read as follows:*

*'In the Residential Scheme Use Area, fifty per cent of the site shall be designed, developed and maintained as open space, of which at least twenty five percent of the site should be landscaped area.'*

### **Precinct Plan Amendments**

While the Precinct Plan changes are determined under a different process, the City of Perth considered it appropriate that they be included to provide a complete picture of the changes proposed.

The Precinct Plan Amendments proposed include:

- *Building Height*

*In order to provide a more logical sequence and more consistency in the Precinct Plan No. 10, in the provisions related to "Residential/Commercial Area" and "Residential Area", development standards, are proposed to be refined to consistently read –*

*"Building Height. In addition to the Mount Street Design Policy, the Parliament House Precinct Policy should also be consulted in regard to building height controls in this area."*

- *Setbacks*

*An assessment of previous approvals and the work undertaken by the consultants revealed that narrow lots, especially those around 12 to 14 metres wide, would experience difficulties achieving a setback of four metres on each side. It is therefore proposed to provide a smaller side setback standard for lots under 16 metres. The principle is that the side setback is correlated with the width of the lot. As the lot gets narrower the side setback decreases. On lots with a frontage of 12 metres wide or less, the side setback shall be a minimum of 2 metres. It is proposed to include the table below to illustrate what is the side setback for a designated width.*

Width of the lot in metres	≤ 12	13	14	15	≥ 16
Setback on each side in metres	2	2.5	3	3.5	4

- *Landscaping*

*It is proposed to modify the landscape provisions to state that the predominant portion of the landscaped area is to be provided between the street site boundary and the building, and not between any site boundary and the building. This modification will ensure that the “Precinct will continue to develop as a living and working environment set in spacious landscaped surrounds, reflecting the original concept for this area of a garden office/residential district” as stated in the Statement of Intent.*

*To make the landscape requirement achievable and equitable on narrow lots where sole access is from the front, it is proposed to include 25m<sup>2</sup> of paved area in the calculation of the 25% of landscaped area requirements. This provides for the fact that the crossover and pedestrian access must be located within the preferred landscaped area, and is particularly applicable to narrow sites.*

- *Fencing*

*It is considered that a maximum solid fence height of 600mm would provide a seamless interface between public and private realm promoting pedestrian safety, visual amenity and continuity in the landscaping. This provision provides clarity in the maximum height allowed for a fence, as well as providing some flexibility for the various gradients evident in West Perth.*

- *Basement*

*The previous wording:-*

*“Any basements constructed between the front property boundary and the front setback must be totally below ground level”.*

*The revised proposed change reads as follows:-*

*“Any basements constructed between any street boundary and the setback should be below the mean natural level of the relevant boundary.”*

- *West Perth – Precinct 10 Statement of Intent*

*The Statement of Intent in the West Perth Precinct Plan needs refining to reflect that Wellington Street – East of Havelock Street has a similar character to Hay Street; to clarify that the areas west of Havelock Street (other than Wellington Street) are in the Office/Residential area; and to ensure that it is clear that off-street car parking should be effectively screened from public view.’*

### **Relevance to the Town of Vincent**

A review of the amendments was undertaken by the Town's Officers. The review revealed that the proposed amendments, particularly those relating to the *West Perth – Precinct Plan No. 10*, are an appropriate planning outcome that do not conflict with the Town of Vincent's Draft *West Perth Regeneration Masterplan*, and as shown in Appendices 9.1.4, notably, the Freeway serves as a significant barrier between both areas.

Precinct 10, that forms the West Perth area under the jurisdiction of the City of Perth, is within close proximity to the Central Business District (CBD). Therefore, it is considered that the intensification of development proposed, is in line with development in inner city areas, as the area is well serviced by public transport, particularly given its close proximity to the West Perth train station.

It is envisaged therefore, that rather than conflicting with each other, the proposed intensification in the City of Perth will serve to support and encourage the development in the CBD area, whilst the Draft *West Perth Regeneration Masterplan* under the jurisdiction of the Town of Vincent, will serve to support and encourage development in the existing commercial and employment centre of Leederville.

### **CONSULTATION/ADVERTISING:**

The City of Perth is currently advertising the *City Planning Scheme No. 2 Amendment No. 13 (Revised)* and revised amendments to *West Perth – Precinct Plan No. 10* for public comment, which closes on 7 October 2009.

### **LEGAL/POLICY:**

Nil.

### **STRATEGIC IMPLICATIONS:**

The Town of Vincent Strategic Plan 2009-2014 states;

#### *Natural and Built Environment*

*Objective 1.1 Improve and maintain the environment and infrastructure*

*1.1.1 Capitalise on the Town's strategic location, its centres and commercial areas.*

#### *Economic Development*

*2.1 Progress economic development with adequate financial resources*

*2.1.7 Implement the Leederville Masterplan and the West Perth Regeneration Project."*

### **SUSTAINABILITY IMPLICATIONS:**

Although *Amendment No. 13* to the Planning Scheme No. 2 does not address aspects of sustainability, proposed amendments to *West Perth - Precinct Plan No. 10* refer to aspects of social sustainability. This is particularly evident in the proposed amendments relating to landscaping and fencing.

The modification to landscaping will ensure that the "*Precinct will continue to develop as a living and working environment set in spacious landscaped surrounds, reflecting the original concept for this area of a garden office/residential district.*"

The modification to fencing will promote pedestrian safety, visual amenity and continuity in the landscaping.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

Initiating these revised amendments to the City Planning Scheme and *West Perth – Precinct Plan No. 10* will rationalise inconsistencies, and reduce variations to the *City Planning Scheme No. 2*, providing clarity of direction and development consistency in West Perth. The information contained within the document confirms that the proposed amendments are an appropriate planning outcome for the City of Perth, that support the Town of Vincent's Draft *West Perth Regeneration Masterplan*.

In light of the above, it is considered that the Council receive the report and support the Officer's Recommendation to advise the City of Perth that the Town of Vincent supports the proposed amendments to the *City Planning Scheme No. 2 Amendment No. 13* and proposed amendments to *West Perth – Precinct Plan No. 10*.



**9.1.6 Review of the Town of Vincent Town Planning Scheme No. 1**

<b>Ward:</b>	N/A	<b>Date:</b>	14 September 2009
<b>Precinct:</b>	N/A	<b>File Ref:</b>	PLA0140
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	A Fox		
<b>Checked/Endorsed by:</b>	H Smith, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report relating to the preparation of the Town's Town Planning Scheme No. 2 addressing the Town's requirements in relation to Town Planning Regulations 1967 (Regulation 4);*
- (ii) *PURSUANT to Town Planning Regulations 1967 (Regulation 4) formally resolves to prepare a new Town Planning Scheme including the new areas of land acquired by the Town through the boundary changes of July 2007; and*
- (iii) *AUTHORISES the Chief Executive Officer to resubmit information to the Western Australian Planning Commission (WAPC) in accordance with Regulation 4 of the Town Planning Regulations 1967, including the following :*
  - (a) *a copy of the resolution certified by the Chief Executive Officer;*
  - (b) *a map marked "Scheme Area Map", signed by the Chief Executive Officer, on which is delineated the area of land proposed to be included in the Scheme; and*
  - (c) *a statement setting forth –*
    - (1) *the objects and intentions of the Scheme; and*
    - (2) *the anticipated format of the Scheme.*

**COUNCIL DECISION ITEM 9.1.6**

**Moved Cr Farrell, Seconded Cr Ker**

*That the recommendation be adopted.*

**CARRIED "EN BLOC" (8-0)**

**PURPOSE OF REPORT:**

The purpose of this report is to provide the Council with information pertaining to the legal requirements in the preparation of a new Town Planning Scheme and to ensure that the Town has satisfied the requirements as set out in the *Town Planning Regulations 1967* (Regulation 4) that apply in the initial stages prior to the detailed formulation of the Scheme.

**BACKGROUND:**

Where a local government decides to review its scheme by means of preparing a new scheme, the following steps which are set out in the *Town Planning Regulations 1967* apply:

- (a) The local government adopts a formal resolution (set out in Regulation 4) and forwards to the WAPC, a copy of the resolution and a copy of the map delineating the scheme area (both certified by the Chief Executive Officer), together with a statement of the objectives and intentions of the scheme and its proposed format;
- (b) The WAPC notifies the local government of receipt of the documents, advises of any necessary adjustments to the scheme area, and makes relevant comments in relation to the preparation of the new scheme; and
- (c) Following notification from the WAPC, the local government publishes in the Government Gazette and a local newspaper a notice of the resolution, and forwards a copy to any adjoining local government, specified public authorities, and any other public authority likely to be affected by the scheme.

The Town of Vincent sent an initial letter to the Department for Planning and Infrastructure (DPI) dated 11 July 2003, to request approval to commence preparation of a Scheme review process following a Council resolution on 24 June 2003. A Scheme Examination Report was enclosed with the letter, which requested that approval be granted for the preparation of a new Town Planning Scheme alongside a community visioning process.

Subsequent letters were sent to the Commission dated 24 September 2004, 16 December 2004, 14 March 2005, and 5 August 2005 and to the Minister for Planning and Infrastructure dated 5 August 2005 and 12 September 2006, requesting approval to initiate the scheme review process.

A letter of response was received from the Western Australian Planning Commission dated 13 October 2006 which stated the following advice;

*“Unlike the provisions under the previous Town Planning and Development Act, the new Act does not require a local government, where it resolves to prepare a new scheme in substitution of a current scheme, to seek the consent of the Western Australian Planning Commission; section 88(3) of the act refers.*

*Therefore, as the Town proposes to prepare a new scheme, the Commission’s consent is not now needed.*

*With regard to the provisions of Regulation 4 (6) of the Town Planning Regulations 1967, I hereby confirm receipt of the relevant documents, and advise that no adjustment is required and that the Commission has no comment to make at this point.”*

In accordance with the above, the Town is of the opinion that it has submitted the relevant documents and received confirmation from the Western Australian Planning Commission, as per Regulation 4(6) of the *Town Planning Regulations 1967*.

Over a considerable period of time, the Town’s review of Town Planning Scheme No. 1 has been progressing in conjunction with the preparation of the Local Planning Strategy (LPS). The LPS was adopted by the Council on 14 April 2009 and was recently forwarded to the WAPC for its consideration.

The Town has recently been asked to comment on the Town of Victoria Park's proposed Town Planning Scheme No. 2 and whether there were any particular matters that the Town wished to be considered in the preparation of their new Scheme. It has been noted that the Town of Vincent and the Town of Victoria Park are at similar stages of their Town Planning Scheme reviews. In light of this, the Town determined it necessary to seek clarification from the WAPC on the review process.

On 4 June 2009, the Town sought clarification on the Scheme Review Process from the WAPC in regards to the *Planning and Development Act 2005* and the *Town Planning Regulations 1967* to ascertain whether the Town is following the correct procedures. In particular, clarification was sought as to whether the Town was required by the WAPC to resubmit information in accordance to Regulation 4 of the *Town Planning Regulations 1967*, given the time lapse between the Town's resolution to prepare a new scheme in June 2003 and the boundary changes of July 2007.

On 24 August 2009, the WAPC wrote to the Town advising of the following:

*'The Town Planning Regulations 1967 set out the procedures for the scheme review process, Regulation 4 requires that a local government make a resolution to prepare a Scheme for land within its district (in the Form No. 1 in Appendix A) and that within 28 days after passing that resolution forward to the Western Australian Planning Commission (the Commission) –*

- (a) *a copy of the resolution certified by the Chief Executive Officer;*
- (b) *a map marked "Scheme Area Map", signed by the Chief Executive Officer, on which is delineated the area of land proposed to be included in the Scheme; and*
- (c) *a statement setting forth –*
  - (i) *the objects and intentions of the Scheme; and*
  - (ii) *the anticipated format of the Scheme.*

*The Commission has previously advised the Town on 13 October 2006 that in regard to the provisions of Regulation 4, the relevant documents had been received, that no adjustment was required and the Commission had no comment to make at that point.*

*Notwithstanding this earlier advice, given the intent of the Town to modify the Scheme Area map to include new area within its jurisdiction it is considered necessary for the Town to resubmit the information required by Regulation 4."*

#### **DETAILS:**

In accordance with *Town Planning Regulations 1967* to formally initiate the TPS Review process, the Council must adopt a resolution and forward the WAPC a copy of the resolution and a copy of the map delineating the scheme area (both certified by the Chief Executive Officer), together with a statement setting out the objects and intention of the scheme and its proposed format.

#### **Scheme Map**

In order to satisfy the requirements of Regulation 4, a map has been prepared as attached which delineates the scheme area and covers the entire local authority area, as the current and proposed scheme apply to the whole municipality.

It should be noted the map does not include the area acquired by the Town that is currently under the control of the East Perth Redevelopment Authority. Section 71 of the *Town Planning and Development Act 2005* prohibits a local planning scheme from being made on any land that is in the development area as defined in the *East Perth Redevelopment Act 1994*, so long as there is in operation in respect of that land a redevelopment scheme under Part 4 of any of those Acts. Accordingly, land now within the Town but under the planning control of the East Perth Redevelopment Authority, and subject to the East Perth Redevelopment Scheme, should not be included in the Town's Scheme Area until normalisation has occurred.

### **Object and Intention of the Scheme**

The following statement setting forth the objects and intentions of the Scheme is based upon the Vision and Objectives contained in the Town's Local Planning Strategy.

The Scheme seeks to pursue the Town of Vincent's vision of...'*A Community of Communities*'...where...'*In 2024, Vincent is a place of colour and immense personality, a rich cosmopolitan melting pot of cultures from every part of the globe. With our warm and open attitude, people from all walks of life choose to live here. Abundantly endowed with memorable places, intriguing and fascinating elements, and every imaginable convenience, Vincent has an outstanding residential quality of life. We are a community that knows how to come together in safeguarding this quality and in making our community an even better place to live. Vincent celebrates its rich past, but also knows where its future is. Regenerating and reinventing itself over time, Vincent has remained inherently connected to the foundation of its heritage patterns, whilst creating the emerging human and cultural footprint of its future. Development has not only been compatible with this shared community vision, but has also enriched the lives of people here, placing Vincent at the very centre of the best in building design, urban planning and town centre transformation. Recognising that Vincent is a place of unique and contrasting communities, development has been shaped in a way that preserves and enhances the individual character and unique identity of each community. Interconnected, vibrant and thriving urban hubs are the economic, social and cultural heartbeat of our community. In Vincent, there is much to celebrate*'.

The following objectives for the Local Planning Strategy and Town Planning Scheme No. 2 have been derived from the outcomes and visions created by the Town of Vincent community through *Vincent Vision 2024*. The objectives are:

- (a) *To maintain and preserve the unique village atmosphere of each of the town centres through effective planning and design guidelines.*
- (b) *To encourage a compatible mix of older and contemporary buildings in the Town that offers diverse housing and respects sustainability principles.*
- (c) *To create appropriate high-density development in town centres and along main roads that complements the existing streetscape, setbacks and scale.*
- (d) *To preserve both the built and natural environment in order to maintain the Town's sense of place and history.*
- (e) *To ensure that the character and heritage of the Town is valued through the preservation of streetscapes.*
- (f) *To promote the use of sustainable transport within the Town.*
- (g) *To create streetscapes that enhance interaction and visibility, fostering a friendly village environment and making the Town of Vincent a much safer place to be.*
- (h) *To promote best practice in environmental and sustainable building design.*
- (i) *To cater for the diversity of demands, interests and lifestyles by facilitating and encouraging the provision of a wide range of choices in housing, business, transport and access opportunities.*
- (j) *To co-ordinate and ensure that development is carried out in an efficient and sustainable responsible manner.*

- (k) *To facilitate the provision of affordable housing for the Town's present and future populations.*
- (l) *To ensure planning at the local level is consistent with the Metropolitan Region Scheme.*
- (m) *To promote and safeguard the economic well-being and functions of the Town."*

**Format of the Scheme**

The philosophy behind the new Scheme is to establish a simple scheme text and maps developed from a comprehensive Local Planning Strategy. The format of the Scheme text will be based on the Model Scheme Text as provided in Appendix B contained in the *Town Planning Regulations 1967*.

**CONSULTATION/ADVERTISING:**

No advertising is required at this stage. Following notification from the WAPC, the Town will publish in the Government Gazette, and a local newspaper, a notice of the resolution, and forward a copy to any adjoining local government, specified public authorities, and any other public authority likely to be affected by the scheme.

**LEGAL/POLICY:**

The *Town Planning Regulations 1967* set out the procedures for the scheme review process. Regulation 4 requires that a local government make a resolution to prepare a Scheme for land within its district and that within 28 days after passing that resolution forward relevant information to the Western Australian Planning Commission.

**STRATEGIC IMPLICATIONS:**

The Town of Vincent Strategic Plan 2009-2014 states;

*"Natural and Built Environment*

*Objective 1.1.2      Develop and Implement a Town Planning Scheme and associated policies, guidelines and initiatives that deliver the community vision."*

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

In light of the above, it is considered that the Council receive this report and support the Officer's Recommendation to satisfy the requirements of the *Town Planning Regulations 1967* to resolve to prepare a new Scheme and to submit the following to the WAPC:

- (a) a copy of the resolution certified by the Chief Executive Officer;
- (b) a map marked "Scheme Area Map", signed by the Chief Executive Officer, on which is delineated the area of land proposed to be included in the Scheme; and
- (c) a statement setting forth –
  - (i) the objects and intentions of the Scheme; and
  - (ii) the anticipated format of the Scheme.

**9.1.7 Nos. 332 and 325 Charles Street, North Perth – Health Act 1911 (as amended) – Take Down and Remove (Demolition)**

<b>Ward:</b>	North	<b>Date:</b>	14 September 2009
<b>Precinct:</b>	Charles Centre; P07	<b>File Ref:</b>	PRO4074; PRO3222
<b>Attachments:</b>	<a href="#">001</a> , <a href="#">002</a>		
<b>Reporting Officer(s):</b>	A Giles; S Kendall		
<b>Checked/Endorsed by:</b>	R Boardman; John Giorgi	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report relating to the Section 135, 137 and 138 Notices issued by the Town in accordance with the Health Act 1911 (as amended), requiring the take down and removal of the dwellings and clean-up of the properties located at Nos. 332 and 325 Charles Street, North Perth;*
- (ii) *AUTHORISES the Chief Executive Officer to proceed with the demolition of the dwellings at Nos. 332 and 325 Charles Street, North Perth, in accordance with Section 140(1) of the Health Act 1911 (as amended), as a result of the owners defaulting with the requirements of the Section 135, 137 and 138 Notices dated 2 April 2009;*
- (iii) *NOTES that the Town will seek full cost recovery from the property owners in accordance with Section 140 of the Health Act 1911 (as amended), and will apply caveats to the respective properties (if necessary), to ensure cost recovery; and*
- (iv) *DELETES the property at No. 332 (Lot Y105 D/P: 1823) Charles Street, North Perth from the Town's Municipal Heritage Inventory for the following reasons:*
  - (a) *A full heritage assessment updated on 30 July 2009 indicates that the place neither has sufficient original detail, functionality, structural references nor relates clearly to its historic associations as a result of its low integrity and low authenticity; and*
  - (b) *The Structural Engineer's Report submitted by Structerre dated 27 August 2008 suggested that the structural integrity of the subject place has failed and the demolition of the entire building is recommended.*

**COUNCIL DECISION ITEM 9.1.7**

**Moved Cr Farrell, Seconded Cr Ker**

*That the recommendation be adopted.*

**CARRIED "EN BLOC" (8-0)**

**PURPOSE OF REPORT:**

The purpose of this report to inform the Council that the owners of Nos. 332 and 325 Charles Street, North Perth did not comply with the Section 135, 137 and 138 Notices issued in accordance with the *Health Act 1911* (as amended), dated 2 April 2009, requiring the take down and removal of the dwellings within the specified timeframes.

**BACKGROUND:**

The Town has received frequent complaints regarding both properties over a number of years, relating to rodent and vermin infestation (including termites), and the general state of disrepair of the dwellings.

Due to the advanced state of disrepair and structural inadequacy, formal notices were issued to the owners of Nos. 332 and 325 Charles Streets, North Perth on 2 April 2009 in accordance with Sections 135, 137 and 138 of the *Health Act 1911* (as amended). The Notices deemed the dwelling unfit for human habitation, and requiring the dwelling to be taken down and removed within the timeframes stipulated, specifically within the Section 137 Notice.

**DETAILS:**

Following non-compliance with the statutory notices, and subsequent correspondence to both property owners inviting them to advise the Town of their current position (both unanswered), the Town sought to 'Act in Default' of the owners due to the advanced state of disrepair and structural inadequacy of both properties. Section 140 of the *Health Act 1911* (as amended) provides the Town with the authority to "carry out the terms of the notice and recover all expenses from the owner". This authority is delegated to the Town's Chief Executive Officer in accordance with Delegation No. 19, of the Delegated Authority Register 2009-2010.

Quotations were subsequently sought, for the demolition of the dwellings and clean-up of the properties located at Nos. 332 and 325 Charles Street, North Perth. Details of the quotations received are as follows, with the contractors' with the cheapest quotations being appointed to undertake the required works (as highlighted with an asterisk):

<b>Contractor</b>	<b>No. 332 Charles Street, North Perth</b>	<b>No. 325 Charles Street, North Perth</b>
Groundworks Demolition	\$31,768 (GST incl)	\$22,000 (GST incl)
Statewide Group	\$16,900 (GST incl)	\$15,800 (GST incl)
JAG Demolition	-	\$10,837 (GST incl)
<b>Capital Demolition</b>	<b>\$11,700 (GST incl)*</b>	\$11,440 (GST incl)
<b>Brajkovich Demolition and Salvage</b>	-	<b>\$8,580 (GST incl)*</b>

**CONSULTATION/ADVERTISING:**

Quotations were sought for demolition of the properties from a number of reputable demolition contractors. Both property owners have been consulted throughout the process and provided ample opportunity to comply with the works as detailed in the Notices.

**LEGAL/POLICY:**

- Health Act 1911 (as amended);and
- Delegation No. 19 – Delegated Authority Register 2009-2010.

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2009-2014 - Key Result Area One

*"Natural and Built Environment:*

*1.1.4 Minimise negative impacts on the community and environment."*

### **SUSTAINABILITY IMPLICATIONS:**

The current (and future) sustainability criteria for energy consumption and building design should encourage sustainable future use of the properties and help improve amenity of the immediate area, thus promoting regeneration of other properties within the vicinity.

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

The estimated cost to demolish the dwellings at Nos. 332 and 325 Charles Street, North Perth, is \$11,700 and \$8,580 respectively. The Town's Officers will lodge a caveat against the title of the property following completion of demolition and clean-up works at the property, should cost recovery not be successful through normal debt collection processes.

### **COMMENTS:**

#### **Heritage Services**

The subject place at No. 332 Charles Street, North Perth, was entered onto the Town's Municipal Heritage Inventory (MHI) as a Management Category B - Conservation Recommended, as part of the Town's MHI review on 12 September 2006. In accordance with the Town's Heritage Management Policy No. 3.6.2 an updated Heritage Assessment was undertaken in July 2009 to inform the future management of the site and is contained as an attachment to this report.

The updated assessment revealed that, whilst the presentation of the dwelling and attached shop to the street continues to demonstrate its intent as an Inter-war Stripped Classical shop with attached dwelling, its poor condition and the changes and deterioration to internal spaces and detailing have served to diminish its authenticity. It is considered that the place neither has sufficient original detail, functionality, structural references nor relates clearly to its historic associations as a result of its low integrity and low authenticity.

In accordance with good conservation practice *'the poor state of a place listed on the MHI should not in itself be a reason for removal from the Inventory'*. However, as per the Town's Heritage Management Policy No. 3.6.5 relating to Adding/Deleting/Amending Places listed on the MHI, if structural failure is cited as a justification for the demolition of a place, evidence should be provided from a registered structural engineer that the structural integrity of the building has failed to the point where it cannot be rectified without removal of the majority of its significant fabric and/or prohibitive costs.

In this instance, the Structural Engineer's Report submitted by Structerre dated 27 August 2008 suggested that the structural integrity of the subject place has failed, to the point where it cannot be rectified without the removal of a majority of its significant fabric and the demolition of the entire building is recommended. The Structural Engineer's Report is contained as an attachment in this report.

#### **Due Process for Deletion**

In accordance with the Town's Heritage Management Policy No. 3.6.5 relating to Adding/Deleting/Amending Places listed on the MHI, if the place at No. 332 Charles Street, North Perth, is requested to be deleted from the MHI, then the 'Application for Deletion Form' is to be presented to the Council.



Through consultation with the owner of the subject place, attempts were made by the Town's Officers to go through the due process as per the Policy. However, as the Town issued a Notice declaring the subject place as '*Unfit for Human Habitation*' on 9 January 2009 and subsequently resolved to issue a '*Take Down and Remove*' Notice on 24 March 2009 for the subject place, the full process of submitting the 'Application for Deletion Form' was therefore unable to be completed in accordance with the Policy.

Whilst not following the full process of deleting places listed on the MHI is not generally supported, given the circumstances relating to the condition of the place and the subsequent notices issued in accordance with the *Health Act 1911*, it is recommended that the subject place at No. 332 Charles Street, North Perth, be removed from the MHI.

### **Summary**

In view of the above details confirming the Town's legal obligations to proceed with undertaking the take down and removal works at Nos. 332 and 325 Charles Street, North Perth, in default of the property owners, it is considered essential for the Town to proceed without delay with the works (stipulated in the Section 135, 137 and 138 Notices issued under the *Health Act 1911* on 2 April 2009).

**9.2.1 Parking Restrictions – Bruce Street, Leicester Street, Hayley Avenue, Ragen Alley, Leederville - Further Report**

<b>Ward:</b>	South	<b>Date:</b>	11 September 2009
<b>Precinct:</b>	Leederville (P3)	<b>File Ref:</b>	PKG0070
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	T Blankenburg		
<b>Checked/Endorsed by:</b>	R Lotznicker	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the further report on the introduction of parking restrictions in Bruce Street; Leicester Street, Hayley Avenue and Ragen Alley;*
- (ii) *APPROVES the introduction of the proposed parking restrictions as illustrated on attached Plan No. 2661-PP-2;*
- (iii) *PLACES a moratorium on issuing infringement notices for a period of two (2) weeks from the installation of the new parking restriction signs; and*
- (iv) *INFORMS the Residents of the Council’s decision.*

**COUNCIL DECISION ITEM 9.2.1**

**Moved Cr Farrell, Seconded Cr Ker**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (8-0)**

**PURPOSE OF REPORT:**

The purpose of this report is to inform the Council of the outcome of further consultation with residents of Bruce Street and Leicester Street to determine their support for the introduction of a two (2) hour parking restriction on the south side of Bruce Street and the west side of Leicester street, and implementing a “No Parking” restriction on the opposite side of the street in conjunction with the proposed parking restrictions in Ragen Alley and Hayley Avenue.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 28 July 2009, a report recommending the introduction of parking restrictions in Bruce Street, Leicester Street, Hayley Ave and Ragen Alley was presented for consideration. The Council decided to defer the matter pending further consultation with the residents of Bruce and Leicester Streets regarding the removal of the parking amenity from one side of these streets due to these streets being 6.1m wide, creating a situation whereby if people park carelessly, the street may become obstructed.

**DETAILS:**

On 7 August 2009, 54 letters were distributed to residents with properties adjacent to Bruce Street or Leicester Street, requesting them to provide further comments over a 14 day period, regarding the removal of parking from one side of their street and restricting parking to two (2) hours on the opposite side. The original consultation asked for comments on restricting the parking on both sides of the street during business hours and leaving the streets unrestricted outside these times.

The consultation letter also included details of the Town's policy on eligibility for exemption from the time restrictions through Residential and visitor parking permits.

At the close of the consultation period, twenty (20) responses were received (37% response) with thirteen (13) in favour of limiting parking to one side of the street and restricting the parking to two (2) hours during business hours, three (3) in favour of allowing parking on both sides of the street but restricting it to two (2) hours during business hours, and four (4) against the introduction of any parking restrictions in the street. A summary of comments received is attached at appendix 9.2.1.

**CONSULTATION/ADVERTISING:**

Residents were consulted via a letter drop in relation to the proposed parking restriction in the affected streets.

**LEGAL/POLICY:**

There is no legal consequence of the recommendation.

**STRATEGIC IMPLICATIONS:**

In accordance with the objective of Strategic Plan 2009-2014 – Key Result Area One: 1.1.6 Enhance and maintain the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *“(a) implement adopted annual infrastructure upgrade programs, including streetscape enhancements, footpaths, rights of way, car parking and roads.”*

**FINANCIAL/BUDGET IMPLICATIONS:**

Implementing parking restrictions in Bruce Street, Leicester Street, Haley Avenue and Ragen Alley will require the manufacture and installation of twenty (20) new signs and will cost approximately \$2,000.

**COMMENTS:**

The majority of respondents (65%) were in favour of the revised proposed introduction of parking restrictions in Bruce Street, Leicester Street, Haley Avenue and Ragen Alley. It is therefore recommended that the Council proceed with the introduction of the proposed parking restrictions as shown on attached Plan No 2661-PP-2.

**9.2.2 Traffic Management Matter - Pennant Street, North Perth – Further Report**

<b>Ward:</b>	North	<b>Date:</b>	16 September 2009
<b>Precinct:</b>	Smith's Lake P6	<b>File Ref:</b>	TES0275
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	R Lotznicker; C Wilson		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) **RECEIVES** the further report on Pennant Street, North Perth, Traffic Management Matter;
- (ii) **NOTES** the comments received from the respondents;
- (iii) **APPROVES** the implementation of a pedestrian refuge/splitter island at the intersection of Pennant Street and Scarborough Beach Road estimated to cost \$7,500, as outlined on attached Plan No. 2657-CP-01A;
- (iv) **MONITORS** the street to determine whether the proposal has improved the amenity of the street in terms of traffic speed; and
- (v) **ADVISES** the respondents of its decision.

**COUNCIL DECISION ITEM 9.2.2**

**Moved Cr Farrell, Seconded Cr Ker**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (8-0)**

**PURPOSE OF REPORT:**

The purpose of this report is to advise Council of the outcome of community consultation regarding proposed traffic management in Pennant Street and to seek Council's approval to implement the proposal.

**BACKGROUND:**

As the Council is aware, Pennant Street was discussed at the LATM Advisory Group meeting held on 4 June 2009 and a report on the matter was presented to the Ordinary Meeting of Council held on 23 June 2009, where the following decision was made.

*"That the Council;*

- (i) **RECEIVES** the report on Traffic Management Matter ‘Pennant Street, North Perth’ considered by the Local Area Traffic Management Advisory Group;
- (ii) **APPROVES IN PRINCIPLE** the concept plan for the proposed trial of a pedestrian refuge/splitter island at the intersection of Pennant Street and Scarborough Beach Road as a road safety and traffic calming improvement as outlined on attached Plan No. 2657-CP-01, at an estimated cost of \$1,000;

- (iii) *CONSULTS with residents of Pennant Street for a period of twenty-one (21) days; and*
- (iv) *NOTES that a further report on the matter will be submitted to the Council at the conclusion of the consultation period."*

**DETAILS:**

Pennant Street runs north south between Scarborough Beach Road and Kadina Street, is classified as an Access Road in accordance with the Metropolitan Functional Road Hierarchy, and has a posted speed limit of 50 kph. It has been a residential only parking zone since 2000 and, as a consequence, very few cars, residents or their visitors park in the street. Pennant Street also has a direct link to Loftus Street via Chamberlain Street.

At the LATM Advisory Group meeting held on 4 June 2009, it was agreed that the 'trial' intersection modifications at Pennant Street and Scarborough Beach Road should proceed as a first stage and that the impact be assessed before considering additional measures. This was supported by the Council and formed the basis of the consultation.

**Community Consultation:**

In accordance with the Council's decision on 19 August 2009, 48 letters were distributed to residents in Pennant Street. At the close of consultation on 11 September 2009, 23 responses had been received, representing a 48% response.

Of the responses received, seventeen (17) or 74% were in favour, with six (6) or 26% partially in favour (refer attached).

As can be seen from the responses received, all were in favour of something happening, however, some considered the proposal did not go far enough. Some indicated they would not like to see speed humps in the future and several respondents suggested more substantial measures. One resident suggested changing the designation of Pennant Street, however, with its 'Access Road' status it is already at the lowest end of the Metropolitan Functional Hierarchy.

**Comments/Conclusions:**

As previously reported to the Council, there is data supporting the residents' concerns that there is a speed issue in their street. However, the data showed that the problem was more pronounced for south bound traffic travelling between Scarborough Beach Road and Howlett Street.

It was considered that this could be (in part) attributed to the geometry of the Scarborough Beach Road/Pennant Street intersection as the current configuration does not force drivers to significantly reduce their speed when turning into the street, particularly for the "right turn in" movement.

As residents are in favour of the proposal, and given that what is proposed is possibly the first stage with the impact to be further assessed before considering additional measures, it is considered that the island should be installed as a permanent feature and not simply as a trial.

The proposed island would not only improve pedestrian safety but also force drivers to slow down when entering the street, reinforce the give-way control and ensure that vehicles are on the correct side of the road.

**CONSULTATION/ADVERTISING:**

Consultation with the residents of Pennant Street was undertaken. The respondents will be advised of the Council's decision

**LEGAL/POLICY:**

N/A

**STRATEGIC IMPLICATIONS:**

In accordance with the objective of the Plan for the Future - Strategic Plan 2009-2014 – Key Result Area One: 1.1.6 “(d) *Implement Local Area Traffic Management matters referred to the Local Area Traffic Management Advisory Group by Council*”.

**SUSTAINABILITY IMPLICATIONS:**

The Council adopted a long term program to ensure its road infrastructure is maintained to an acceptable level of service. Funds are allocated annually to ensure this program is sustainable.

**FINANCIAL/BUDGET IMPLICATIONS:**

The 2009/2010 budget includes \$20,000 for traffic management in Pennant Street. The estimated cost to install a permanent island as recommended is \$7,500.

**COMMENTS:**

The Town receives many requests for Traffic Management from time to time. Most requests received are addressed by the officers as vehicle classifier results usually indicate that there is a perceived problem rather than an actual problem. Other matters are referred to the Police Services for enforcement of the legal speed limit.

The Traffic data indicates that there is a speed issue in Pennant Street, however, the data also indicates that the problem is more pronounced for south bound traffic travelling between Scarborough Beach Road and Howlett Street.

This is in part attributed to the geometry of the Scarborough Beach Road/Pennant Street intersection, as it does not force drivers to significantly reduce their speed when turning into the street, particularly for the "right turn in" movement.

It was therefore recommended that the Council undertakes minor modifications at this intersection and monitor to determine the effectiveness of the changes to determine whether additional measures are required.

**9.3.2 Authorisation of Expenditure for the Period 1 – 31 August 2009**

<b>Ward:</b>	Both	<b>Date:</b>	10 September 2009
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0032
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	K Ball		
<b>Checked/Endorsed by:</b>	B Tan	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council CONFIRMS the;*

- (i) *Schedule of Accounts for the period 1 August – 31 August 2009 and the list of payments;*
- (ii) *direct lodgement of payroll payments to the personal bank account of employees;*
- (iii) *direct lodgement of PAYG taxes to the Australian Taxation Office;*
- (iv) *direct lodgement of Child Support to the Australian Taxation Office;*
- (v) *direct lodgement of creditors payments to the individual bank accounts of creditors; and*
- (vi) *direct lodgement of Superannuation to Local Government and City of Perth superannuation plans.*

*as shown in Appendix 9.3.2.*

**COUNCIL DECISION ITEM 9.3.2**

**Moved Cr Farrell, Seconded Cr Ker**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (8-0)**

**DECLARATION OF INTEREST**

Members/Officers	Voucher	Extent of Interest
------------------	---------	--------------------

Nil.

**PURPOSE OF REPORT:**

To seek authorisation of expenditure for the period 1 – 31 August 2009.

**BACKGROUND:**

The Local Government Act provides for all payments to be approved by the Council. In addition the attached Schedules are submitted in accordance with Item 13 of the Local Government (Finance Management) Regulations 1996.

**DETAILS:**

The Schedule of Accounts to be passed for payment, cover the following:

<b>FUND</b>	<b>CHEQUE NUMBERS/ PAY PERIOD</b>	<b>AMOUNT</b>
<b>Municipal Account</b>		
Town of Vincent Advance Account	EFT	\$395,293.34
<b>Total Municipal Account</b>		<b>\$395,293.34</b>
<b>Advance Account</b>		
Automatic Cheques	66608-66758	\$276,222.08
EFT Batch		\$0.00
<b>Municipal Account</b>		
Transfer of Creditors by EFT Batch	950, 952-954, 956, 959-960	\$1,589,815.86
Transfer of PAYG Tax by EFT	August 2009	\$177,943.78
Transfer of GST by EFT	August 2009	
Transfer of Child Support by EFT	August 2009	\$1,046.02
Transfer of Superannuation by EFT:		
• City of Perth	August 2009	\$30,399.67
• Local Government	August 2009	\$106,831.30
<b>Total</b>		<b>\$2,182,258.71</b>
<b>Bank Charges &amp; Other Direct Debits</b>		
Bank Charges – CBA		\$9,968.95
Lease Fees		\$2,919.63
Corporate Master Cards		\$6,654.43
Folding Machine Lease Equipment		\$0.00
Trace Fees – Audit Certificate		
Loan Repayment		\$59,208.28
Rejection Fees		\$10.00
System Disk Fee		\$0.00
Beatty Park - miscellaneous deposit		\$0.00
<b>Total Bank Charges &amp; Other Direct Debits</b>		<b>\$78,761.29</b>
<b>Less GST effect on Advance Account</b>		<b>0.00</b>
<b>Total Payments</b>		<b>\$2,656,313.34</b>



**STRATEGIC IMPLICATIONS:**

Strategic Plan 2006-2011 – Key Result Area 4.2 – Governance and Management

*“Deliver services, effective communication and public relations in ways that accord with the expectations of the community, whilst maintaining statutory compliance and introduce processes to ensure continuous improvement in the service delivery and management of the Town.”*

**ADVERTISING/CONSULTATION:**

N/A.

**COMMENT:**

Vouchers, supporting invoices and other relevant documentation are available for inspection by Councillors at any time following the date of payment and are laid on the table.

**9.3.3 Financial Statements as at 31 August 2009**

<b>Ward:</b>	Both	<b>Date:</b>	4 September 2009
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0026
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	B Wong		
<b>Checked/Endorsed by:</b>	M Rootsey	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council RECEIVES the Financial Statements for the month ended 31 August 2009 as shown in Appendix 9.3.3.*

**COUNCIL DECISION ITEM 9.3.3**

**Moved Cr Farrell, Seconded Cr Ker**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (8-0)**

**PURPOSE OF REPORT:**

The purpose of this report is to present the provisional financial statements for the month ended 31 August 2009.

**BACKGROUND:**

Regulation 34(1) of the Local Government (Financial Management) Regulations 1996 requires a local government to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the budget.

A financial activity statements report is to be in a form that sets out:

- the annual budget estimates;
- budget estimates to the end of the month to which the statement relates;
- actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
- material variances between the year-to-date income and expenditure and totals and the relevant annual budget provisions for those totals from 1 July to the end of the period;
- includes such other supporting notes and other information as the local government considers will assist in the interpretation of the report.

A statement of financial activity and any accompanying documents are to be presented to the Council at the next Ordinary Meeting of the Council following the end of the month to which the statement relates, or to the next ordinary meeting of council after that meeting.

In addition to the above, under Regulation 34(5) of the Local Government (Financial Management) Regulations 1996, each financial year a local government is to adopt a percentage of value, calculated in accordance with AAS 5, to be used in statements of financial activity for reporting material variances.

**DETAILS:**

The following documents represent the Statement of Financial Activity for the period ending 31 August 2009:

- Income Statement;
- Summary of Programmes/Activities ( pages 1-17);
- Income Statement by Nature & Type Report ( page 18)
- Capital Works Schedule (pages 19-25);
- Balance Sheet and Statement of Changes in Equity (pages 26-27);
- Reserve Schedule (page 28);
- Debtor Report (page 29);
- Rate Report (page 30);
- Statement of Financial Activity (page 31);
- Net Current Asset Position (page 32);
- Beatty Park Report – Financial Position (page 33);
- Variance Comment Report (page 34-40); and
- Monthly Financial Positions Graph (page 41-43).

Comments on the financial performance are set out below:

**Income Statement and Detailed Summary of Programmes/Activities****Net Result**

The net result is Operating Revenue less Operating Expenses plus Capital Revenue and Profit/(Loss) of Disposal of Assets.

YTD Actual	-	\$16.5 million
YTD Budget	-	\$18.7 million
Variance	-	-\$2.2 million
Full Year Budget	-	\$12.9 million

**Summary Comments:**

The current unfavourable variance is due to a timing difference on the receipt of revenue from Capital Grants and Contributions.

**Operating Revenue**

YTD Actual	-	\$22.5 million
YTD Budget	-	\$22.3 million
YTD Variance	-	\$0.2 million
Full Year Budget	-	\$34.7 million

**Summary Comments:**

The total operating revenue is currently on budget.

Major variances are to be found in the following programmes:

Governance – 838% over budget;

Law Order and Public Safety – 1,110% over budget;

Education and Welfare – 15% below budget;

Community Amenities – 33% over budget;

Other Property and Services – 158% over budget;

Administration General – 56% over budget; and

More details variance comments are included on the page 34 – 39 of this report.

**Operating Expenditure**

YTD Actual	-	\$6.0 million
YTD Budget	-	\$5.9 million
YTD Variance	-	\$0.1 million
Full Year Budget	-	\$36.2 million

**Summary Comments:**

The operating expenditure is currently on budget.

The major variance for expenditure is located in the following programmes:

General Purpose Funding – 15% over budget;  
Law Order and Public Safety – 13% over budget;  
Other Property and Services – 116% over budget; and  
Administration General – 88% below budget.

Detailed variance comments are included on the page 34 – 39 of this report.

**Income Statement by Nature and Type Report**

This income statement shows operating revenue and expenditure are classified by nature and type.

**Capital Expenditure Summary**

The Capital Expenditure summary details projects included in the 2009/10 budget and reports the original budget and compares actual expenditure to date against these.

Capital Works shows total expenditure including commitment for year to date at the 31 August 2009 of \$544,768 which represents 3 % of the budget of \$21,592,265.

	<b>Budget</b>	<b>Actual to Date (Include commitment)</b>	<b>%</b>
Furniture & Equipment	132,900	5,950	4%
Plant & Equipment	1,229,450	47,850	4%
Land & Building	12,659,500	126,629	1%
Infrastructure	7,570,415	364,340	5%
<b>Total</b>	<b>21,592,265</b>	<b>544,768</b>	<b>3%</b>

**Balance Sheet and Statement of Changes in Equity**

The statement shows the current assets of \$34,059,602 and non current assets of \$139,709,027 for total assets of \$173,768,629.

The current liabilities amount to \$9,874,881 and non current liabilities of \$13,039,006 for the total liabilities of \$22,913,886. The net asset of the Town or Equity is \$150,854,742.

**Restricted Cash Reserves**

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

The balance as at 31 August 2009 is \$9.3m. The balance as at 30 June 2009 was \$7.3m.

### **General Debtors**

Other Sundry Debtors are raised from time to time as services are provided or debts incurred. Late payment interest of 11% per annum may be charged on overdue accounts. Sundry Debtors of \$346,494 is outstanding at the end of August 2009.

Of the total debt \$120,929 (35%) relates to debts outstanding for over 60 days, of which \$120,846 is related to Cash in lieu Parking.

The Debtor Report identifies significant balances that are well overdue.

Finance has been following up outstanding items with debt recovery by issuing reminders when it is overdue and formal debt collection if reminders are ignored.

### **Rate Debtors**

The notices for rates and charges levied for 2009/10 were issued on the 14 July 2009.

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

First Instalment	18 August 2009
Second Instalment	20 October 2009
Third Instalment	5 January 2010
Fourth Instalment	9 March 2010

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

Instalment Administration Charge	\$7.00
(to apply to second, third, and fourth instalment)	
Instalment Interest Rate	5.5% per annum
Late Payment Penalty Interest	11% per annum

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

Rates outstanding as at 31 August 2009 including deferred rates was \$8,149,024 which represents 40.69% of the outstanding collectable income compared to 42.4% at the same time last year.

### Summary Comments:

The reduced percentage amount outstanding in comparison to last year is due to the fact that the Rates Notices were distributed one week earlier than last year.

### **Statement of Financial Activity**

The closing surplus carry forward for the year to date 31 August 2009 was \$15,773,874.

### **Net Current Asset Position**

The net current asset position as at 31 August 2009 is \$25,109,834.

### **Beatty Park – Financial Position Report**

As at 31 August 2009 the operating deficit for the Centre was \$247,338 in comparison to the annual budgeted deficit of \$179,219.

The cash position showed a current cash deficit of \$170,453 in comparison annual budget estimate of a cash deficit of \$83,309. The cash position is calculated by adding back depreciation to the operating position.

### **Variance Comment Report**

The comments will be for the favourable or unfavourable variance of greater than 10% of the year to date budgeted.

**9.3.5 Italian Club 75<sup>th</sup> Anniversary Booklet – Funding Grant**

<b>Ward:</b>	Both	<b>Date:</b>	10 September 2009
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0155
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	J Bennett		
<b>Checked/Endorsed by:</b>	J Anthony/ M Rootsey	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That Council APPROVES the application from the WA Italian Club for a funding grant of \$800 to assist with production of the WA Italian Club 75<sup>th</sup> Anniversary booklet, subject to the Town being acknowledged as a sponsor.*

**COUNCIL DECISION ITEM 9.3.5**

**Moved Cr Farrell, Seconded Cr Ker**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (8-0)**

**PURPOSE OF REPORT:**

To seek approval for funding to assist the Italian Club in the publication of a booklet outlining a brief history of the WA Italian Club to commemorate its 75<sup>th</sup> anniversary.

**BACKGROUND:**

An application has been received from the WA Italian Club for a Cultural Development Seeding Grant. The guidelines for the grant have not been met, however the project’s objectives have been identified as being of significance to the Italian community and the Town of Vincent, as the club is located in the Town and the Italian community has contributed significantly to the cultural history of the Town. The Town is therefore proposing a grant towards printing and advertising costs for this project.

**DETAILS:**

The WA Italian Club is situated at 217 – 225 Fitzgerald Street and has been in operation since 1934. The club produces an annual report booklet each year and this year is intending to compile a booklet outlining a brief history of the club over the past 75 years. The booklet will mainly be a pictorial record drawn from the club’s own resources along with recollections and photographs from club members.

The club has indicated that an important aim of the booklet will be to show through pictures and records, the WA Italian Club during the years 1934 to 2009. This information is primarily for its members past, present and future, but also needs to be chronicled to show how the WA Italian Club stands proud of its position in the development of multiculturalism in Western Australia.

In particular the funding will assist with costs related with printing the commemorative booklet. Copies will be produced for all members of the Italian Club and additional copies will be made available to the Town's Library and Local History Centre.

The total budget submitted for printing of the publication is \$16,000. Project funding will come from WA Italian Club members and advertising in the booklet.

**CONSULTATION/ADVERTISING:**

The Town will be acknowledged for its contribution of funds with a full page advertisement within the publication.

**LEGAL/POLICY:**

N/A.

**STRATEGIC IMPLICATIONS:**

The submitted application addresses the following strategic objective of the Town's Strategic Plan 2009–14:

*“3.1.1 Celebrate and acknowledge the Town's cultural and social diversity  
(a) Organise and promote community events and initiatives that engage the community and celebrate cultural and social diversity of the Town.”*

**SUSTAINABILITY IMPLICATIONS:**

The Italian Club publication will serve as a lasting public reminder of the cultural diversity of the Town of Vincent and the contributions that the Italian community has made to the life of the Town.

**FINANCIAL/BUDGET IMPLICATIONS:**

Funds will be drawn from the Donations Account.

**COMMENTS:**

Acknowledgement of the Town's contribution in supporting this cultural publication will be via a full page advertisement.

The project is supported as the publication produced celebrates an important cultural group within the Town of Vincent. The Local History staff have indicated that this publication would be made a part of the Library's Local History Collection.



**9.1.5 Research into Engaging with the Community to Establish Views on Streetscape Management and to Develop Policies to Support those Views – Progress Report No. 1**

<b>Ward:</b>	Both	<b>Date:</b>	14 September 2009
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	PLA0197
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	E Lebbos		
<b>Checked/Endorsed by:</b>	H Smith, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES Progress Report No. 1 relating to research into engaging the community to establish views on streetscape management and to develop policies to support those views;*
- (ii) *NOTES that the Town’s Officers;*
  - (a) *have undertaken preliminary research into appropriate policies relating to streetscape management currently operational in Local Authorities both within Western Australia and interstate;*
  - (b) *have undertaken preliminary research into appropriate processes to engage the community in order to establish views on streetscape management; and*
  - (c) *are in the process of reviewing the consultation letter and guidelines to accurately reflect how comments are to be considered, as part of the review of the Town’s Community Consultation Policy No. 4.1.5; and*
- (iii) *ADOPTS the following indicative timeline relating to streetscape management;*
  - (a) *further research to be undertaken by the Town’s Officers between September 2009 and June 2010 into the development of appropriate policies to support the community’s views on streetscape management; and*
  - (b) *report back to the Council regarding the research undertaken by no later than July 2010.*

**Moved Cr Farrell, Seconded Cr Ker**

*That the recommendation be adopted.*

Debate ensued.

**AMENDMENT NO 1**

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

*That clause (iii)(a) be amended to read as follows:*

*“(iii)(a) further research including consultation focused on residential localities to be undertaken by the Town’s Officers between September 2009 and June 2010 into the development of appropriate policies to support the community’s views on streetscape management; and”*

**AMENDMENT NO 1 PUT AND CARRIED (8-0)**

**Debate ensued.**

**AMENDMENT NO 2**

**Moved Cr Ker, Seconded Cr Messina**

*That clause (iii)(b) be amended to read as follows:*

*“(iii)(b) report back to the Council regarding the research undertaken by no later than July 2010, with progress reports in February and April 2010.”*

**AMENDMENT NO 2 PUT AND CARRIED (8-0)**

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

**COUNCIL DECISION ITEM 9.1.5**

*That the Council;*

- (i) RECEIVES Progress Report No. 1 relating to research into engaging the community to establish views on streetscape management and to develop policies to support those views;*
  - (ii) NOTES that the Town’s Officers;*
    - (a) have undertaken preliminary research into appropriate policies relating to streetscape management currently operational in Local Authorities both within Western Australia and interstate;*
    - (b) have undertaken preliminary research into appropriate processes to engage the community in order to establish views on streetscape management; and*
    - (c) are in the process of reviewing the consultation letter and guidelines to accurately reflect how comments are to be considered, as part of the review of the Town’s Community Consultation Policy No. 4.1.5; and*
  - (iii) ADOPTS the following indicative timeline relating to streetscape management;*
    - (a) further research including consultation focused on residential localities to be undertaken by the Town’s Officers between September 2009 and June 2010 into the development of appropriate policies to support the community’s views on streetscape management; and*
    - (b) report back to the Council regarding the research undertaken by no later than July 2010, with progress reports in February and April 2010.*
- 

**PURPOSE OF REPORT:**

The purpose of this report is to inform the Council of the preliminary research into methods of engaging the community in order to develop appropriate policies on streetscape management. An appropriate process and timeline concerning this community engagement and development of appropriate policies will also be outlined in this report.

Research into reviewing the consultation letter and guidelines to accurately reflect how comments are to be considered will also be examined; however, it should be noted that the Town's Officers are working towards reviewing the Community Consultation Policy No. 4.1.5, along with the associated guidelines, consultation letters, and submission forms, which is scheduled to be presented to the Council at its Ordinary Meeting to be held on 20 October 2009.

**BACKGROUND:**

23 January 2007           The Council at its Ordinary Meeting resolved the following:

*"That the Council;*

(ii) *ADOPTS the following actions in relation to the future development and progression of the draft Residential Design Elements Policy;*

(c) *a new Policy relating to Streetscapes, independent but inherently linked to the draft Residential Design Elements Policy and future Town Planning Scheme, be prepared, and that a report and draft Policy be referred to the Council no later than February 2007;*

*..."*

25 August 2009           The Council at its Ordinary Meeting resolved the following:

*"That the Council;*

(ii) *Does NOT PROCEED with the Draft Residential Streetscapes Policy in accordance with Clause 47 (5) (b) of the Town's Town Planning Scheme No. 1;*

*..."*

At this same meeting, a Procedural Motion was put and carried as follows:

*"That the Council:*

(a) *ENGAGE with the community to establish views on streetscape management and to develop appropriate policies to support those views;*

(b) *REQUESTS the Chief Executive Officer to provide a report to the Council on an appropriate process and timeline by September 2009; and*

(c) *REVIEW the format of the consultation letter and guidelines to accurately reflect how comments are to be considered."*

**DETAILS:**

The Draft Amended Policy relating to Residential Streetscapes was advertised between 19 May 2009 and 16 June 2009. Following the completion of the advertising period, the Policy was further considered in light of the submissions received. Since the Draft Residential Streetscapes Policy was first considered by the Council on 27 May 2008, and comments being received as a result of the advertising period in 2008, and the Council Members consideration at the Council Members Forum held on 19 August 2008, the Policy was amended significantly.

In light of the submissions received from the amended Policy considered by the Council on 28 April 2009 during the advertising period from 19 May 2009 to 16 June 2009, and further review by the Town's Officers, a report was considered at the Ordinary Meeting of the Council held on 25 August 2009, recommending that the Council not proceed with the adoption of the Policy. The Council adopted the Officer Recommendation; however, a Procedural Motion was passed as outlined in the Background Section above. Research undertaken by the Town's Officers relating to the Motion is summarised below:

### **1. Appropriate Policies to Support Community views on Streetscape Management**

The Town's Officers commenced research into policies relating to streetscape management so as to obtain an understanding of appropriate policies currently operational in local authorities both within Western Australia and interstate. This is so as to develop successful policies specific to streetscape management within the Town of Vincent in order to act upon some of the themes that arose from the *Vincent Vision 2024* community visioning project.

In particular, the City of Subiaco and Town of Victoria Park in Western Australia, as well as Bayside City Council in Victoria, were examined in relation to how these local authorities manage important streetscapes within their municipalities.

#### *City of Subiaco*

The City of Subiaco Streetscape Policy and Residential Car Parking Policy are two of the major urban design policies the City's Officers utilise in assessing residential development. In addition to this however, the City also has a number of Precinct Policies (adopted in 1999) developed under the City's Town Planning Scheme No. 3, and adopted under their Town Planning Scheme No. 4.

When assessing development applications, the City's Officers make comment according to the Precinct Policies; however, all residential applications are assessed according to the Streetscape Policy and Residential Car Parking Policy.

The Streetscape Policy aims to protect and reinforce the existing development patterns identified in different parts of Subiaco through appropriate design whilst encouraging innovative housing design. The Policy is divided into three sections. The first deals with streetscape standards for all residential zones; the second deals with development in Residential R15 and R20 zones; and the third development in R50 and R80 zones. The following key planning instruments provide a statutory basis for the City to prepare a local planning policy to ensure the protection and enhancement of streetscape and neighbourhood character:

- Town Planning Scheme No. 4 - The protection and enhancement of streetscape and neighbourhood character are key initiatives of Town Planning Scheme No. 4 (the Scheme). The concept of "character" is identified as an intrinsic component of the definition of amenity contained within the Scheme.

The Scheme definition clearly compels the City to consider the implications of proposed development upon the character of a given area.

In comparison to the town planning schemes of most other local authorities, the Scheme is unusual in that it limits the as-of-right height of new development to effectively single storey within the low density Residential zones. The primary objective of this height limit is the protection and enhancement of the existing character of residential areas; and

- Residential Design Codes - The Codes encourage local governments to prepare local planning policies that specifically address the issues of streetscape and neighbourhood character.

The purpose of the Residential Car Parking Policy is to complement the provisions of the City's Town Planning Scheme No. 4 and the Residential Design Codes in relation to streetscape, vehicular access and car parking. The City recognises the need for owners and occupiers to have reasonable access to onsite car parking, but intends to minimise the detrimental impact of inappropriately located onsite car parking areas and structures on existing streetscapes, whilst protecting the safety of the public.

Following discussion with a Strategic Planning Officer from the City, it was revealed that the stringent provisions in both Policies have been successful in protecting a single storey frontage (as viewed from the primary street) where the surrounding development is predominantly single storey, as well as ensuring that any upper storeys do not impact on the amenity of adjoining properties.

#### *Town of Victoria Park*

The Town of Victoria Park commissioned Consultants to carry out a Residential Character Study (September 2003). This argued for the sustainability of traditional character for the area generally between the Railway Line and Berwick Street.

Traditional residential character was examined in terms of subdivision patterns, urban built form, existing traditional built fabric, material and stylistic characteristics of areas, planning and building codes and their influence on development and built form, from the setting and context provided by the public domain and the influences of traffic and accommodating a motor car. Traditional character was identified as being the surviving residential development that occurred in an estate or neighbourhood prior to World War II.

The Study found that the extent of original fabric throughout the study area demonstrated that there was sufficient fabric for traditional character to be sustained throughout most of the study area and made a number of recommendations in relation to sustaining the traditional residential character of the Study Area. In relation to the private domain, it made the following recommendations:

- *“To encourage the retention of places of traditional residential character. Where there are concentrated aggregations of places of traditional residential character to recognise these as special control areas.*
- *To address subdivision practices to encourage forms of subdivision that sustain traditional residential character, particularly where rear access is available.*
- *To limit the need for changes in development potential, other than to provide incentives for sustaining traditional residential character.*
- *To illustrate compatible approaches to design issues.”*

Therefore, arising from this Study, the Local Planning Policy – Streetscape was developed. This Policy was simply a consolidation of eleven individual policies managing development in the Town. In introducing and implementing this Policy, there was not any resistance from the community as it did not introduce any new provisions relating to residential development in the Town.

The Policy is clearly set out, with a general section at the beginning addressing streetscape requirements throughout the Town. The second section, setting out specific requirements for certain Precincts within the Town, is colour coded, and outlines requirements for the following Precincts:

- Building Design – Outside Specified Areas;
- Development Relating to Weatherboard Houses and Within Weatherboard Precincts and Weatherboard Streetscapes;

- Development within the Residential Character Study Area but not within Weatherboard Precincts, Weatherboard Streetscapes or the Raphael Residential Precinct;
- Development in the Raphael Residential Precinct; and
- Development Abutting Rights-of-Way.

Although the General Provisions addressing streetscape requirements throughout the Town also apply to development within these Precincts, the specific provisions in this second section overrides the General Provisions.

However, after discussion with the Senior Strategic Planning Officer at the Town of Victoria Park, it was revealed that the Local Planning Policy – Streetscape is not effective at controlling and managing streetscapes as there currently is not any sufficient legal support to enforce the Policy. Therefore, the Town's Officers are now in the process of incorporating provisions for streetscape management in their preparation of Town Planning Scheme No. 2.

#### *Bayside City Council*

Bayside City Council in Victoria have undertaken a Neighbourhood Character Review in order to develop guidelines and controls to ensure residential development in Bayside respects and enhances the neighbourhood character of the area.

Stage 1 of the Review, now complete, introduced a new neighbourhood Character Policy into the Bayside Planning Scheme. The Policy identifies twenty seven Neighbourhood Character Precincts across Bayside. Preferred future character statements and guidelines are included in the Policy for each Precinct. The Precincts include only the residentially zoned land within each. Properties within Heritage Overlays are also excluded from the Character Precincts, as separate Policy applies to these areas. The Guidelines and Policy are used in formulating and assessing development proposals where planning approval or variation (report and consent) to sitting under the Building Regulations is required.

Stage 2 of the Review has identified areas across Bayside that are considered to have a high or moderate degree of neighbourhood character significance. The Council has sought the community's views on these areas, and has resolved to pursue further planning scheme protection over 10 areas together with amendments to the Neighbourhood Character Policy in the Bayside Planning Scheme.

The Bayside Neighbourhood Character Review builds on several studies completed with community input in recent years for Bayside. The Review documents and defines the particular characteristics of each residential area of the City that make it distinctive and valued by the local community.

Character Precinct brochures have been published for each Character Precinct, in order to provide guidelines for the design of new dwellings (including medium density housing), and dwelling extensions, where a planning or building permit is required, to ensure that proposals assist in achieving the preferred neighbourhood character for the area.

A summary of the contents of the Brochures is as follows:

- **Description** is a summary of the elements of the Precinct that make it different or distinctive;
- **Valued Characteristics** is a dot point list of key elements of the existing neighbourhood character, covering aspects such as vegetation density and type, era and style of development, setbacks, front fence style and notable public domain treatments such as street trees and kerb materials;

- **Preferred Future Character** is a statement describing the desired appearance of the Precinct in the future. It is followed by a list of the key components in achieving that preferred future. These are reflected in the Precinct Guidelines; and
- **Issues/Threats** to the achievement of the preferred neighbourhood character are also listed.

The Precinct Guidelines are presented as a table of Objectives, Design Responses and 'Avoid' statements for each listed Character Element. The columns of the table are explained below:

- **Character Elements** include relevant aspects of the neighbourhood character such as vegetation, sitting, height and form and front boundary treatment;
- **Objectives** state the intention and desired outcome for that character element;
- **Design Responses** are the preferred method to satisfy the relevant character element objective(s). Other methods of achieving the relevant objective may be demonstrated to the Council's satisfaction;
- **Avoid** statements specify inappropriate design responses; and
- **Illustrations** demonstrate the Design Response or Avoid statements.

## 2. **Appropriate Processes and Timeline**

Engaging the community so as to establish views on streetscape management consists of a twofold consultation process. The first part of this process has been carried out through the *Vincent Vision 2024* community visioning project that comprised contribution from a diverse section of the community. Through this, the community's desire to see the preservation and enhancement of the residential character of the Town was strongly resonated, resulting in the initiation of the Draft Residential Streetscapes Policy.

Given the time lapse since the *Vincent Vision 2024* workshops, it is envisaged that the second part of this consultation process entails focused community consultation based on the five town centres within the Town: Mount Lawley/Highgate, Mount Hawthorn, Perth, North Perth, and Leederville. This is so as to ensure the success of any future attempt at developing policies relating to the management of significant streetscapes within the Town.

However, it is recommended that the development of appropriate policies to support community views relating to streetscape management be reconsidered in the next financial year (2010/2011) for the following reasons:

- Currently, the Town's Officers are working on finalising the Town's Draft Town Planning Scheme No. 2, which is a priority, following on from the referral of the Local Planning Strategy (LPS) to the Western Australian Planning Commission (WAPC) on 12 May 2009 for consideration and certification;
- Research into how relevant policies can be implemented needs to be undertaken by the Town's Officers before the community is engaged any further; and
- It is necessary that the community be given sufficient 'cooling-off' time in order to achieve the best possible planning outcome for any future policies regarding streetscape management.

### **3. Format of the Consultation Letter and Guidelines**

There have been some issues in relation to the effectiveness of the Community Consultation Policy No. 4.1.5. As a result of general feedback received from the public and internal staff, especially concerning the consultation letters, the Town's Planning Officers are currently streamlining the Policy. This is being reviewed particularly in relation to matters dealing with planning; that is development applications, in an effort to make consultation letters and forms more customer friendly and informative.

The objective is to review and amend the Town's Community Consultation Policy, Community Consultation Submission Guidelines, and Community Consultation Letters and attached Community Consultation Submission Form, as well as decide whether too much information is being sent out, in order to confer with the community in a more clear, simplified, concise, understandable, efficient and effective manner.

These documents, along with a survey were circulated to the Planning and Heritage Officers for comment. A report outlining the issues raised, along with the amended letters and submission forms, is scheduled to be presented to the Council at its Ordinary Meeting to be held on 20 October 2009.

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

Nil.

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

The Town of Vincent Town Planning Scheme No. 1 (TPS No. 1) and associated Policies.

#### **STRATEGIC IMPLICATIONS:**

Strategic Plan 2009-2014 – Strategic Objectives: Natural and Built Environment:

*"1.1.2 Develop and implement a Town Planning Scheme and associated policies, guidelines and initiatives that deliver the community vision; ...*

*1.1.4 Minimise negative impacts on the community and environment".*

#### **SUSTAINABILITY IMPLICATIONS:**

It is anticipated that by engaging the community in order to establish views on streetscape management, utilising a community instigated approach combined with developing appropriate policies to support the community views; this will direct future development to occur in a manner that meets the community's changing needs in a sustainable manner.

It is envisaged this will occur through the provision of appropriate housing and the retention and enhancement of character and heritage in the Town, whilst minimising undue negative impacts on the community and environment.

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

The current 2009/2010 Budget allocates \$66,000 for Town Planning Scheme Amendments and Policies.



**COMMENTS:**

The preliminary research undertaken into the various local authorities approaches to engaging the community to establish views on streetscape management, has indicated that the Town of Vincent needs to take a community instigated approach in the development of policies relating to streetscape management.

The Town's Officers will continue to examine methods of engaging the community in order to develop appropriate policies relating to streetscape management; however, at this time, it is not considered a matter of priority for the Town's Officers as they are working towards finalising the Town's Town Planning Scheme No. 2.

Regarding reviewing the consultation letter and guidelines to accurately reflect how comments are to be considered, the Town's Officers acknowledge that the letters are confusing and unclear, and are working towards reviewing the Community Consultation Policy No. 4.1.5, along with the associated guidelines, consultation letters, and submission forms. These are scheduled to be presented to the Council at its Ordinary Meeting to be held on 20 October 2009.

In light of the above, it is recommended that the Council receives the progress report relating to research into engaging the community to establish views on streetscape management, and supports the Officer Recommendation and timeline proposed.

**9.1.2 No. 297 (Lot 5 D/P: 2406) Vincent Street, Leederville - Proposed Demolition of Existing Single House and Construction of Four-Storey Building comprising Five (5) Offices and Three (3) Multiple Dwellings**

<b>Ward:</b>	South	<b>Date:</b>	14 September 2009
<b>Precinct:</b>	Oxford Centre; P04	<b>File Ref:</b>	PRO3537; 5.2009.36.1
<b>Attachments:</b>	<a href="#">001</a> , <a href="#">002</a>		
<b>Reporting Officer(s):</b>	R Narroo, H Au		
<b>Checked/Endorsed by:</b>	H Smith, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Evoke Developments Pty Ltd on behalf of the owner City Leeders Pty Ltd for proposed Demolition of Existing Single House and Construction of Four-Storey Building comprising Five (5) Offices and Three (3) Multiple Dwellings, at No. 297 (Lot 5 D/P: 2406) Vincent Street, Leederville, and as shown on plans stamp-dated 26 August 2009 , subject to the following conditions:*

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Vincent Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verges shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (iii) *the owner(s), or the applicant on behalf of the owner(s), shall comply with the Town of Vincent Percent for Public Art Policy No. 3.5.13 and the Percent for Public Art Guidelines for Developers, including:*
  - (a) *within twenty eight (28) days of the issue date of this 'Approval to Commence Development', elect to either obtain approval from the Town for an Artist to undertake a Public Art Project (Option 1) or pay the Cash-in-Lieu Percent for Public Art Contribution, of \$19,300 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$ 1,930,000); and*
  - (b) *in conjunction with the above chosen option;*
    - (1) *Option 1 –  
prior to the approval and subsequent issue of a Building Licence for the development, obtain approval for the Public Art Project and associated Artist; and  
prior to the first occupation of the development, install the approved public art project, and thereafter maintain the art work;*

**OR**

- (2) *Option 2 –  
prior to the approval and subsequent issue of a Building Licence for the development or prior to the due date specified in the invoice issued by the Town for the payment (whichever occurs first), pay the above cash-in-lieu contribution amount;*
- (iv) *within twenty-eight (28) days of the issue date of this ‘Approval to Commence Development’, the owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements:*
- (a) *pay a cash-in-lieu contribution of \$12,104 for the equivalent value of 4.323 car parking spaces, based on the cost of \$2,800 per bay as set out in the Town’s 2009/2010 Budget; OR*
- (b) *lodge an appropriate assurance bond/bank guarantee of a value of \$12,104 to the satisfaction of the Town. This assurance bond/bank guarantee will only be released in the following circumstances:*
- (1) *to the Town at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or*
- (2) *to the owner(s)/applicant following receipt by the Town of a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject ‘Approval to Commence Development’; or*
- (3) *to the owner(s)/applicant where the subject ‘Approval to Commence Development’ did not commence and subsequently expired;*
- (v) *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;*
- (vi) *first obtaining the consent of the owners of No. 297A and No. 295 Vincent Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 297A and No. 295 Vincent Street in a good and clean condition;*
- (vii) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (viii) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, parking of trade person vehicles, footpath access, traffic and heavy vehicle access via the Rights of Way, dust and any other appropriate matters (such as notifying all affected landowners/occupiers of the commencement of construction works), shall be submitted to and approved by the Town;*
- (ix) *prior to the first occupation of the development, four (4) class one or two, bicycle parking facilities including four lockers, shall be provided at a location convenient to the entrance and within the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*

- (x) *the on-site car parking area for the non-residential component shall be available for the occupiers of the residential component outside normal business hours;*
- (xi) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:*
- (a) *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities; and*
- (b) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units or office. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.*

*This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;*

- (xii) *prior to the issue of a Building Licence, an acoustic report prepared in accordance with the Town's Policy relating to Sound Attenuation shall be submitted and approved by the Town. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report;*
- (xiii) *doors, windows and adjacent floor areas of the office component on the ground floor fronting Vincent Street shall maintain an active and interactive relationship with this street;*
- (xiv) *prior to the first occupation of the development, 3 car parking spaces for the residential component of the development shall be clearly marked and signposted for the exclusive use of the residents of the development;*
- (xv) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (xvi) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (xvii) *the maximum gross floor area of the non-residential component shall be limited to 787 square metres of offices, and further increase or decrease in the number of office tenancies is allowed. Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the Town;*
- (xviii) *the car parking area for the office components shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*

- (xix) *any new street wall, fence and gate within the Vincent Street setback area, including along the side boundaries within this street setback area, shall comply with the Town's Policy provisions relating to Street Walls and Fences;*
- (xx) *prior to the first occupation of the development, each multiple dwelling shall be provided with a screened outdoor area for clothes drying or clothes tumbler dryer;*
- (xxi) *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;*
- (xxii) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (xxiii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) (1) *windows to the offices 2, 3, 4 and 5 on the eastern elevation;*
- (2) *balconies to apartments No. 1 and No. 2 on the eastern elevation;*
- (3) *balconies to apartments No. 2 and No. 3 on the southern elevation;*
- (4) *bedrooms 1 and 2 to apartment No. 3 on southern and northern elevations respectively;*
- within the cone of vision of 4.5 metres (bedrooms windows), 6.0 metres (offices windows) and 7.5 metres (balconies) respectively to the lot boundaries, being screened with a permanent obscure glazing and be non-openable to a minimum of 1.6 metres above the respective finished floor levels; OR alternatively, the provision of on-site effective permanent horizontal screening or equivalent preventing direct sight within the cone of vision to ground level of adjoining properties. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2008. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the affected owners of properties along eastern, western and southern sides, respectively, stating no objections to the respective proposed privacy encroachment;*
- (b) *the third floor being setback a minimum of 5 metres from Vincent Street; and*
- (c) *the subject plans shall be submitted to and approved by Western Power, and a copy of Western Power's letter of endorsement and associated stamped plans shall be submitted to the Town. This shall not result in any greater variation to the requirements of the Town's Policies.*

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

(xxiv) *the car park shall be used only by employees, tenants, and visitors directly associated with the development; and*

(xxv) *the undergrounding of standard voltage powerlines for the subject development site along Vincent Street at the applicant's/owner's cost.*

**\*Note: The above Officer Recommendation was corrected and distributed prior to the meeting. Changes are indicated by strike through and underline.**

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**Moved Cr Farrell, Seconded Cr Messina**

*That the recommendation be adopted.*

Debate ensued.

AMENDMENT

**Moved Cr Maier, Seconded Cr Ker**

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

*“(xxvi) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating a minimum of two (2) appropriate significant design features using colour and/or relief being incorporated on the visible portions of the western elevation to reduce the visual impact of that wall. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town’s Policies.”*

Debate ensued.

**AMENDMENT PUT AND CARRIED (8-0)**

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

**COUNCIL DECISION ITEM 9.1.2**

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Evoke Developments Pty Ltd on behalf of the owner City Leaders Pty Ltd for proposed Demolition of Existing Single House and Construction of Four-Storey Building comprising Five (5) Offices and Three (3) Multiple Dwellings, at No. 297 (Lot 5 D/P: 2406) Vincent Street, Leederville, and as shown on plans stamp-dated 26 August 2009 , subject to the following conditions:*

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Vincent Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verges shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

- (iii) *the owner(s), or the applicant on behalf of the owner(s), shall comply with the Town of Vincent Percent for Public Art Policy No. 3.5.13 and the Percent for Public Art Guidelines for Developers, including:*
- (a) *within twenty eight (28) days of the issue date of this 'Approval to Commence Development', elect to either obtain approval from the Town for an Artist to undertake a Public Art Project (Option 1) or pay the Cash-in-Lieu Percent for Public Art Contribution, of \$19,300 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$ 1,930,000); and*
  - (b) *in conjunction with the above chosen option;*
    - (1) *Option 1 –  
prior to the approval and subsequent issue of a Building Licence for the development, obtain approval for the Public Art Project and associated Artist; and  
prior to the first occupation of the development, install the approved public art project, and thereafter maintain the art work;*  
*OR*
    - (2) *Option 2 –  
prior to the approval and subsequent issue of a Building Licence for the development or prior to the due date specified in the invoice issued by the Town for the payment (whichever occurs first), pay the above cash-in-lieu contribution amount;*
- (iv) *within twenty-eight (28) days of the issue date of this 'Approval to Commence Development', the owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements:*
- (a) *pay a cash-in-lieu contribution of \$12,104 for the equivalent value of 4.323 car parking spaces, based on the cost of \$2,800 per bay as set out in the Town's 2009/2010 Budget; OR*
  - (b) *lodge an appropriate assurance bond/bank guarantee of a value of \$12,104 to the satisfaction of the Town. This assurance bond/bank guarantee will only be released in the following circumstances:*
    - (1) *to the Town at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or*
    - (2) *to the owner(s)/applicant following receipt by the Town of a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development'; or*
    - (3) *to the owner(s)/applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired;*
- (v) *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;*
- (vi) *first obtaining the consent of the owners of No. 297A and No. 295 Vincent Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 297A and No. 295 Vincent Street in a good and clean condition;*

- (vii) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
  - (viii) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, parking of trade person vehicles, footpath access, traffic and heavy vehicle access via the Rights of Way, dust and any other appropriate matters (such as notifying all affected landowners/occupiers of the commencement of construction works), shall be submitted to and approved by the Town;*
  - (ix) *prior to the first occupation of the development, four (4) class one or two, bicycle parking facilities including four lockers, shall be provided at a location convenient to the entrance and within the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
  - (x) *the on-site car parking area for the non-residential component shall be available for the occupiers of the residential component outside normal business hours;*
  - (xi) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:*
    - (a) *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities; and*
    - (b) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units or office. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.*
- This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;*
- (xii) *prior to the issue of a Building Licence, an acoustic report prepared in accordance with the Town's Policy relating to Sound Attenuation shall be submitted and approved by the Town. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report;*
  - (xiii) *doors, windows and adjacent floor areas of the office component on the ground floor fronting Vincent Street shall maintain an active and interactive relationship with this street;*
  - (xiv) *prior to the first occupation of the development, 3 car parking spaces for the residential component of the development shall be clearly marked and signposted for the exclusive use of the residents of the development;*



- (xv) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (xvi) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (xvii) *the maximum gross floor area of the non-residential component shall be limited to 787 square metres of offices, and further increase or decrease in the number of office tenancies is allowed. Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the Town;*
- (xviii) *the car parking area for the office components shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
- (xix) *any new street wall, fence and gate within the Vincent Street setback area, including along the side boundaries within this street setback area, shall comply with the Town's Policy provisions relating to Street Walls and Fences;*
- (xx) *prior to the first occupation of the development, each multiple dwelling shall be provided with a screened outdoor area for clothes drying or clothes tumbler dryer;*
- (xxi) *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;*
- (xxii) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (xxiii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) (1) *windows to the offices 2, 3, 4 and 5 on the eastern elevation;*
  - (2) *balconies to apartments No. 1 and No. 2 on the eastern elevation;*
  - (3) *balconies to apartments No. 2 and No. 3 on the southern elevation;*
  - (4) *bedrooms 1 and 2 to apartment No. 3 on southern and northern elevations respectively;*

*within the cone of vision of 4.5 metres (bedrooms windows), 6.0 metres (offices windows) and 7.5 metres (balconies) respectively to the lot boundaries, being screened with a permanent obscure glazing and be non-openable to a minimum of 1.6 metres above the respective finished floor levels; OR alternatively, the provision of on-site effective permanent horizontal screening or equivalent preventing direct sight within the cone of vision to ground level of adjoining properties. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not*

*considered to be major openings as defined in the Residential Design Codes 2008. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the affected owners of properties along eastern, western and southern sides, respectively, stating no objections to the respective proposed privacy encroachment;*

- (b) the third floor being setback a minimum of 5 metres from Vincent Street; and*
- (c) the subject plans shall be submitted to and approved by Western Power, and a copy of Western Power's letter of endorsement and associated stamped plans shall be submitted to the Town. This shall not result in any greater variation to the requirements of the Town's Policies.*

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

- (xxiv) the car park shall be used only by employees, tenants, and visitors directly associated with the development;*
- (xxv) the undergrounding of standard voltage powerlines for the subject development site along Vincent Street at the applicant's/owner's cost; and*
- (xxvi) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating a minimum of two (2) appropriate significant design features using colour and/or relief being incorporated on the visible portions of the western elevation to reduce the visual impact of that wall. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies.*

<b>Landowner:</b>	City Leeders Pty Ltd
<b>Applicant:</b>	Evoke Developments Pty Ltd
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R80
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Shop, Office, Multiple Dwellings
<b>Use Classification:</b>	“SA”, “SA”, “P”
<b>Lot Area:</b>	524 square metres
<b>Access to Right of Way</b>	Southern side, 5 metres wide, sealed, private owned.

**BACKGROUND:**

11 April 2006                      The Council at its Ordinary Meeting considered a confidential report relating to the forthcoming land sale for Nos. 297 and 297A Vincent Street, Leederville.

9 May 2006                        The Council at its Ordinary Meeting received a report concerning the land sale of Nos. 297 (Lot 5) and 297A (Lot 10) Vincent Street, Leederville.

**DETAILS:**

The proposal involves demolition of the existing single house and construction of a four-storey building, comprising shop, office, and three multiple dwellings.

The site is located within Precinct 5-Entertainment Precinct of the Leederville Town Centre Masterplan.

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Density	N/A	N/A	Noted.
Plot Ratio	N/A	N/A	Noted.
Setback	Developments are to have nil setbacks to Vincent Street.  Any floors above the third storey are to be setback a minimum of 5 metres from Vincent Street.	Ground= 4.1 metres First , Second Floors= 4 metres  Balcony and Planter Box= 3.6 metres	Supported- refer to "Comments" below.  Not supported. The balcony and planter box are to be setback 5 metres from Vincent Street.
Privacy	Bedroom-= 4.5 metres  Office-= 6 metres  Balcony=7.5 metres	Windows to bedrooms 1 and 2 of Apartment No. 3 = 0.4 metre to the western boundary  Windows to offices= 2 metres and 2.3 metres to the eastern boundary  Balconies to Apartments No.1 and No. 2 = 2.3 metres to the eastern boundary  Balconies to Apartments No. 2 and No. 3 = 6 metres including the right of way	Not supported. A condition of planning approval has been applied to ensure the balconies comply with the privacy requirements.  Not supported. A condition of planning approval has been applied to ensure the balconies comply with the privacy requirements.  Not supported. A condition of planning approval has been applied to ensure the balconies comply with the privacy requirements.
<b>Consultation Submissions</b>			
<p>The first proposal was for demolition of existing single house and construction of a four-storey office building which was advertised. The applicant was advised by the Town's Officers that the proposal would not be supported as it was not a mixed use development as specified in the Leederville Town Centre Built Form Guidelines. There were four letters of support as detailed below.</p> <p>The applicant amended the plans to shop, office and multiple dwellings which is in line with the Leederville Town Centre Built Form Guidelines. It was considered that these changes would not have any additional impact on the surrounding area and the new proposal was not re-advertised. However, given that the shop would cause a greater parking variation (refer to "Comments") the shop was changed back to office.</p>			
Support (4)	The scale and nature of the proposal is consistent with the Draft Leederville Town Centre Built Form Guidelines.		Noted.

Objection	Nil.	Noted.
Department of Planning	The Department of Planning (Urban Transport Systems) have no objection to the proposal.	Noted.
<b>Other Implications</b>		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Sustainability Implications		Nil
Financial/Budget Implications		Nil

\* The representative R Coding and density bonus calculations are provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

\* The plot ratio calculation is provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

## COMMENTS:

### Demolition

The place at No. 297 Vincent Street, Leederville is a brick and tile dwelling constructed circa 1920 in the Interwar Bungalow style of architecture.

A full heritage assessment was undertaken for No. 297 Vincent Street, Leederville, which indicates that the place has little aesthetic, historic, scientific or social heritage significance. In accordance with the Town's Policy relating to Heritage Management – Assessment, the place does not meet the threshold for entry on the Town's Municipal Heritage Inventory. Therefore, approval can be granted subject to standard conditions.

### Car Parking

Eight car bays have been provided for the proposed development. The car bay next to the bicycle locker does not comply with the Australian Standards and, as such, only 7 car bays can be considered as compliant.

In accordance with the Residential Design Codes requirements for mixed-use development, on-site car parking for multiple dwellings may be reduced to one car bay per dwelling where on-site parking required for other users is available outside normal business hours. Therefore, three car bays are allocated for the residential component. The balance of car bays available for the shop and office components in this instance is 4 car bays.

<b>Requirements as per Parking and Access Policy</b>	<b>Required</b>
Total car parking required before adjustment factor (nearest whole car number)	
Office-1 car bay per 50 square metres gross floor area (proposed 787 square metres) = 15.74 car bays= 16 car bays	16 car bays
Apply the parking adjustment factors:	(0.5202)
<ul style="list-style-type: none"> <li>▪ 0.80(the proposed development is within 400 metres of a rail station)</li> <li>▪ 0.85 (within 400 metres of a bus stop)</li> <li>▪ 0.85 (within 400 metres of an existing public car parking place(s) with in excess of a total of 75 car parking spaces)</li> <li>▪ 0.9 (proposed development provides end-of-trip facilities)</li> </ul>	8.323 car bays
Car parking provided on-site	4 car bays
Minus the most recently approved on-site parking shortfall	Nil
Resultant shortfall	4.323 bays

The Town's Policy relating to Parking and Access suggests that the Council may determine to accept a cash-in-lieu payment where the shortfall is greater than 0.5 car bay to provide and/or upgrade parking in other car parking areas. In this instance, the resultant car parking shortfall of 4.323 car bays would equate to a payment of \$ 12,104. The parking shortfall is not considered excessive given its locational context, and is therefore supported subject to a cash-in-lieu payment.

**Bicycle Parking**

Requirements	Required	Provided
Office  1 per 200 (proposed 787 square metres) square metres gross floor area for employees (class 1 or 2).	3.935= 4 spaces	Bicycle Parking shown on the ground floor.

**Use**

The site is located within a transitional area between a residential zone and the District Centre and, as such, a mixed use development is suitable for this site. To maintain interaction with the street, a shop on the ground floor, is considered the most appropriate use as opposed to an office. A shop use on the ground floor on this particular site, coupled with the unique constraints of the site, will result in a significant shortfall in car parking, which is difficult to support at Officer level.

**Built Form Guidelines**

Vincent Street accommodates both standard and high voltage high transmission lines. Most often, the Town requires the undergrounding of powerlines, as denoted by clause (xxv) of the Officer Recommendation; however, this does not include the high voltage transmission lines as outlined further below.

The Leederville Town Centre Built Form Guidelines require developments to have nil setbacks to Vincent Street. The applicant has stated that they have liaised with Western Power prior to submitting plans to the Town. They were advised that the building had to be setback at least 4 metres from the existing transmission line along Vincent Street.

A 132kV transmission line is extant along the southern portion of Vincent Street from Loftus Street to the Mitchell Freeway Underpass. The poles of the transmission line are on average situated on a 2.7m alignment from the lot boundaries. As part of the finalisation of the Leederville Masterplan Built Form Guidelines, the Town is currently liaising with Western Power to obtain written advice with regard to recommended indicative setbacks along this portion of Vincent Street, as they relate to proposed height. Prior to the Town receiving formal advice from Western Power, and the information being incorporated into the Leederville Masterplan Built Form Guidelines, it is recommended that prospective applicants of developments along this portion of Vincent Street consult with Western Power prior to submitting a Development Application.

In light of the above, whilst the applicant of the subject proposal has provided verbal notification of consultation with Western Power, it is considered appropriate that the condition of planning approval detailed within clause (xxiii) (c) of the Officer Recommendation above is adhered to, to ensure formal written endorsement from Western Power, prior to the issuing of a Building Licence.

In view of the above, the application is supportable as it is not considered that the development will result in any undue impact on the amenity of the surrounding area, and will contribute to the development of the Leederville Town Centre.

**9.1.3 Nos. 95-97 (Lot 3 D/P: 18) Brisbane Street, corner Lindsay Street, Perth - Proposed Change of Use from Residential to Commercial (Office)**

<b>Ward:</b>	South	<b>Date:</b>	14 September 2009
<b>Precinct:</b>	Beaufort Precinct; P13	<b>File Ref:</b>	PRO2939; 5.2009.287.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	S Kendall		
<b>Checked/Endorsed by:</b>	H Smith, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by Davis Langdon Australia Pty Ltd on behalf of the owner National Stone Co Pty Ltd for proposed Change of Use from Residential to Commercial (Office), at Nos. 95-97 (LOT: 3 D/P: 18) Brisbane Street, corner Lindsay Street, Perth and as shown on floor plans stamp-dated 31 July 2009 and site plans stamp-dated 4 September 2009, for the following reasons:*

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
- (ii) the non-compliance with the Mixed Residential/Commercial area requirements of the Town's Policy No. 3.1.13 relating to the Beaufort Precinct.*

**Moved Cr Farrell, Seconded Cr Ker**

*That the recommendation be adopted.*

Debate ensued.

**MOTION PUT AND LOST (0-8)**

**Reasons:**

- 1. Located amongst other commercial properties.**
- 2. Low level of residential amenity.**
- 3. Located on a busy street.**

**ALTERNATIVE RECOMMENDATION - COUNCIL DECISION ITEM 9.1.3**

**Moved Cr Ker, Seconded Cr Messina**

*That the Council;*

*(i) in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Davis Langdon Australia Pty Ltd on behalf of the owner National Stone Co Pty Ltd for proposed Change of Use from Residential to Commercial (Office), at Nos. 95-97 (LOT: 3 D/P: 18) Brisbane Street, corner Lindsay Street, Perth, and as shown on floor plans stamp-dated 31 July 2009 and site plans stamp-dated 4 September 2009, subject to the following conditions:*

- (a) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*

- (b) *any new street/front wall, fence and gate within the Brisbane Street setback area, including along the side boundaries within this street setback area, shall comply with the Town's Policy provisions relating to Street Walls and Fences;*
- (c) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (d) *the windows, doors and adjacent floor areas fronting Brisbane Street shall maintain an active and interactive relationship with this street;*
- (e) *the tandem car parking bays shall be for the exclusive use of the staff of the two-offices. Appropriate signage, which shall be submitted and approved as part of the Building Licence application, shall be provided at a location convenient to the entry of the tandem bays stating this requirement;*
- (f) *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;*
- (g) *a detailed landscaping plan, including a list of trees being planted in the car parking area, prepared in consultation with the Town's Parks Services, shall be submitted and approved prior to the issue of a Building Licence. The landscaping plan shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); and*
- (h) *prior to the issue of the Building Licence, or first occupation of the development, which ever occurs first, revised plans shall be submitted and approved demonstrating the following:*
  - (1) *the provision of a bin enclosure, to accommodate a minimum of 4 bins;*
  - (2) *the provision of one (1) class 1 bicycle parking facility shall be provided at a location convenient to the entrances of the approved development; and*
  - (3) *the compliance of both buildings with the Building Code of Australia requirements for a class 5 (Office) Building.*

*The revised plans shall not result in any greater variation to the requirements of the Town's Policies; and*
- (ii) **ADVISES** *the applicant that this approval does not negate the requirement for any subsequent redevelopment of the subject property to comply with the Mixed Residential/Commercial area requirements of the Town's Policy No. 3.1.13 relating to the Beaufort Precinct.*

**MOTION PUT AND CARRIED (8-0)**

<b>Landowner:</b>	National Stone Co Pty Ltd
<b>Applicant:</b>	Davis Langdon Australia Pty Ltd
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential/Commercial R80
<b>Existing Land Use:</b>	Grouped Dwellings
<b>Use Class:</b>	Office Building
<b>Use Classification:</b>	"AA"
<b>Lot Area:</b>	508 square metres
<b>Access to Right of Way</b>	N/A

**BACKGROUND:**

16 December 1991 The City of Perth approved an application for Change of Use from Residential to Commercial (Office) at No. 97 Brisbane Street, Perth. At this time the area was zoned General Commercial and an 'office' was a 'P' Use. It is not known whether this office use was ever taken up.

11 October 2004 The Town under delegated authority from the Council conditionally approved an application for Home Occupation (Advertising Design Business) at No. 97 Brisbane Street, Perth.

**DETAILS:**

The proposal involves the change of use of the existing residential dwellings to offices.

The applicant's submission is "*Laid on the Table*" and partially summarised below:

- There is no intention of altering the residential character of the existing building. If the change of use is supported, the buildings will be upgraded to enhance the appeal of the buildings as they are currently uninhabited.
- The owners of the property intend to maintain the commercial use of the property for approximately 6 years and then propose to develop the site into residential and commercial compartments.
- It should be noted in the direct surrounding area there is existing commercial buildings which are currently operating.

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Density	N/A	N/A	Noted.
Plot Ratio	N/A	N/A	Noted.
Beaufort Precinct Policy:	To contain a residential component of no less than 66 per cent of the existing or approved floor space	No residential component.	Not supported - refer to comments section below.
<b>Consultation Submissions</b>			
Support	Nil		Noted.
Objection	Nil		Noted.



<b>Other Implications</b>	
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications	Nil
Sustainability Implications	Nil
Financial/Budget Implications	Nil
<b>Car Parking Requirements</b>	
Car parking requirement (nearest whole number) Office: 1 car bay per 50 square metres gross office floor area Proposed - 212 square metres = 4.24	5 car bays
Apply the parking adjustment factors. <ul style="list-style-type: none"> <li>• 0.85 (within 400 metres of a bus stop)</li> <li>• 0.85 (within 400 metres of a public car park within excess of a total of 75 car parking spaces)</li> </ul>	(0.7225)  3.6 car bays
Minus the car parking provided on-site (not including tandem car parking bays as these are not considered readily accessible).	4 car bays
Minus the most recently approved on-site car parking shortfall	N/A
Resultant surplus	0.4 car bay
<b>Bicycle Parking Facilities</b>	
Offices: <ul style="list-style-type: none"> <li>• 1 space per 200 (proposed 212 square metres) square metres gross floor area (class 1 or 2) - 1.06 spaces.</li> <li>• 1 space per 750 (proposed 212) square metres over 1000 square metres for visitors (class 3) - No spaces.</li> </ul>	Nil  Nil

\* The representative R Coding and density bonus calculations are provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

**COMMENTS:**

**Building Services**

The proposal does not comply with many provisions of the Building Code of Australia, which may require changes to the external detailing of the building in the event that planning approval is granted.

**Planning Services**

The proposal is considered to be contrary to the Town's Policy No. 3.1.13 relating to the Beaufort Precinct, which states that this area is to be *'transformed from a predominantly commercial area into an area of compatible residential and commercial uses and that commercial uses are not to be permitted to develop independently of residential uses'*. The Brisbane Street area has evolved over a period of time and in particular, its character and activity is evidenced by the Asian grocers, the refurbished federation shops on the corner of Lake and Brisbane Streets, the Hotel Northbridge and a number of non-conforming uses. While it is noted that these other commercial uses are in the immediate vicinity of the subject site, it is not considered appropriate to further endorse the historical pattern whereby commercial uses have developed independently of residential uses.

Furthermore, it is noted in the Town's Local Planning Strategy that *'properties on the southern side of Brisbane Street between Lake and Beaufort Streets and on the northern side between Lake and William Streets are considered suitable to be developed for residential and commercial uses at a mix of 50/50... Commercial uses are not to be permitted to develop independently of residential uses.'*

The proposal is therefore considered unacceptable and is not supported by the Town's Officers.

The Chief Executive Officer advised that Mayor Catania, Cr Burns and Cr Messina declared a financial interest in Item 9.3.1. They departed the Chamber at 6.37pm. They did not speak or vote on this matter.

Deputy Mayor, Cr Steed Farrell assumed the chair at 6.37pm.

**9.3.1 Investment Report as at 31 August 2009**

<b>Ward:</b>	Both	<b>Date:</b>	1 September 2009
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0033
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	B Wong		
<b>Checked/Endorsed by:</b>	B C Tan	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council RECEIVES the Investment Report for the month ended 31 August 2009 as detailed in Appendix 9.3.1.*

**COUNCIL DECISION ITEM 9.3.1**

**Moved Cr Ker, Seconded Cr Maier**

*That the recommendation be adopted.*

**MOTION PUT AND CARRIED (5-0)**

(Mayor Catania, Cr Burns and Cr Messina were absent from the Chamber and did not vote on this matter.)

Mayor Catania, Cr Burns Cr Messina returned to the Chamber at 6.38pm. The Chief Executive Officer advised that the item was carried.

Mayor Catania, assumed the Chair.

**PURPOSE OF REPORT:**

The purpose of this report is to advise the Council of the level of funds available, the distribution of surplus funds in the short term money market and the interest earned to date.

**BACKGROUND:**

Interest from investments is a significant source of funds for the Town, where surplus funds are deposited in the short term money market for various terms. Details are attached in Appendix 9.3.1.

Council's Investment Portfolio is spread across several Financial Institutions in accordance with Policy Number 1.2.4.

**DETAILS:**

Total Investments for the period ended 31 August 2009 were \$21,773,889 compared with \$12,782,999 at 31 July 2009. At 31 August 2008, \$18,632,734 was invested.

Total accrued interest earned on Investments as at 31 August 2009:

	<b>Budget</b>	<b>Actual</b>	<b>%</b>
	\$	\$	
Municipal	350,000	50,313	14.38
Reserve	300,000	49,026	16.34

**COMMENT:**

As the Town performs only a custodial role in respect of monies held in Trust Fund Investments these monies cannot be used for Council purposes, and are excluded from the Financial Statements.

Rates revenue has been received during this month as a result of the earlier distribution of the rate notices this year. This has resulted in surplus monies be available for investment.

The report comprises of:

- Investment Report;
- Investment Fund Summary;
- Investment Earnings Performance;
- Percentage of Funds Invested;
- Graphs.

**9.3.4 Art Award/Exhibition 2009/10**

<b>Ward:</b>	Both	<b>Date:</b>	10 September 2009
<b>Precinct:</b>	All	<b>File Ref:</b>	CVC0016
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	R. Gunning/J Anthony		
<b>Checked/Endorsed by:</b>	M Rootsey	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That Council;*

- (i) *RECEIVES the report on the Art Award/Exhibition for 2009/10;*
- (ii) *REQUESTS the Town's Art Advisory Group to:*
  - (a) *further consider the options for the Town's Art Award/Exhibition 2009/10; and*
  - (b) *provide a report on the matter no later than the end of November 2009.*

**COUNCIL DECISION ITEM 9.3.4**

**Moved Cr Messina, Seconded Cr Farrell**

*That the recommendation be adopted.*

**Debate ensued.**

**MOTION PUT AND CARRIED (8-0)**

**PURPOSE OF REPORT:**

To seek approval to organise a suitable arts project in line with the overall objective of maximising the benefits to the community.

**BACKGROUND:**

The Town of Vincent Art Award is an annual art exhibition held at the Town's Administration and Civic Centre that is open to all artists. Since its inception in 1995, the exhibition has provided the opportunity for emerging artists from all over Western Australia to exhibit while also attracting many established artists.

The Art Award/Exhibition has successfully run for over 10 years, however as a result of the increasing costs associated with this event and the relatively low portion of the Town of Vincent residents that actually participate. It is considered time to re-evaluate the delivery of this type of event to the Community.

The Town is currently involved in an extensive Arts programme comprising of the Percent for Art scheme, Community Art such as entry for "Banners in the Terrace", Christmas Banners and Bus Shelter Art, Arts Scholarship targeted at the schools to encourage potential young artists, and the Wetlands Heritage Trail which includes a series of public artworks that reflect the heritage and history of the former wetlands.

The Town annually commissions drawings from high profile West Australian artists such as Hans Arkveld and Robert Juniper. These works can be classed as cultural assets in terms of the financial and cultural return on investment of the works that are exhibited for public viewing at the Library.

#### **DETAILS:**

Over the last few years, the Town's Art Award/Exhibition has been extremely successful in attracting a large number of entrants beyond the capacity of the exhibition space. The exhibitions are open to the public for about ten (10) days and feature approximately 200 to 250 works dependent on type and size of entries for the year.

Whilst the exhibition has been popular with artists throughout Western Australia, only a small number of entrants (10%) are residents of the Town (see table below).

<b>Year</b>	<b>Number of entries</b>	<b>TOV resident entries</b>	<b>Cost of Exhibition</b>	<b>Entry Fees received</b>	<b>Commission</b>
2004	250	24	\$33,637	\$2,900	\$1,564
2005	224	25	\$30,000	\$5,440	\$1,693
2006	209	28	\$35,000	\$5,150	\$3,476
2007	249	25	\$35,000	\$5,619	\$4,135
2008	232	22	\$35,000	\$4,830	\$3,212

This year's budget for this event as with others was reduced following the outcome of the Organisational Review and was the catalyst to review the future direction of this event. This was already being considered due to the fact that there was an opinion that the event was being run for people outside the Town of Vincent Community.

#### Other Councils:

It should be noted that the Cities of Stirling and Perth and the Town of Cambridge no longer hold art award/competitions, citing a questionable "value for money" as the main reason.

#### Option 1 – Exhibition of Town of Vincent Artworks:

As the Town of Vincent has a reduced budget for the Art Award/Exhibition, it is recommended for 2010 the Town considers conducting an exhibition of the highlights of its own collection which is currently not seen by the general public. It is suggested that exhibition would be held in an art gallery that is located in the Town. A suitable venue would be Spectrum Gallery, located on Beaufort Street and close to the corner of Monger Street.

The exhibition would be seen as an opportunity to showcase and promote the collection to the community (in particular the residents of the Town of Vincent), as well as making the residents and community aware of other related activities in the Town, such as the Percent for Art scheme.

It is envisaged that:

- The exhibition would run for three weeks (normal gallery exhibition duration);
- The exhibition would display approximately forty works from the collection;
- The exhibition would be well publicised;
- An opening night would be organised, Councillors, community groups, represented artists, selected art representatives to be invited;
- There would be an artist's talk evening, along the lines of a '5x 6' format, five artists (with the aid of a data projector) talk about their work for approximately six minutes, with special focus on the work in the collection. Each talk will be followed by a few minutes of question time. The Arts Officer or Curator will also take one time slot to talk about the collection generally. This will allow time for audience and artists to view the exhibition mingle and continue to converse;

- The artists talk evening will be open to all and well publicised;
- The exhibition could also show case the drawing commissions (by that stage we should have three); and
- An opportunity to promote art projects in the Town, i.e. public art., possibly through a display or a brochure.

Option 2 – Community Art Award/Exhibition:

It has been suggested that in light of the smaller budget that for this year consideration be given to holding a Community Art Award for the participation of Town of Vincent residents only. The officers have considered this suggestion and advise that to their opinion, are insufficient artists in the Town to justify such an event.

It is evident from the past history of the Town's Art Award/Exhibition that in the last few years, the highest number of entries from Town of Vincent residents was 28. It is therefore considered that given these numbers, there would be insufficient entrants to provide a viable award/exhibition project.

Option 3 – Investment in Public Artwork

Several members of the Town's Art Advisory Group have suggested that the funds be directed to a quality piece of public artwork that is accessible for viewing by the community at large. The notion of investing a large amount of money on a quality piece of public artwork is that it would draw community attention and last for at least ten (10) years. Whilst the amount of \$15,000 would not be enough to commission a large piece of public artwork, there is the capacity to utilise the funds to "value-add" the cash-in-lieu "Percent for Art" projects that the Art Advisory Group will be overseeing.

**CONSULTATION/ADVERTISING:**

Feedback from artists and patrons of the exhibitions over the years have been compiled to assist with quality improvements for the following year.

The Town's Art Advisory Group, at the meeting held on 20 July 2009, which has six community representatives considered the proposal by officers to hold a "Collections" exhibition. A couple of the members supported this idea, however the majority of members expressed preference for the budget amount of \$15,000 to be spent on artwork that is available for viewing and appreciation by the general public in an outdoor setting.

**LEGAL/POLICY:**

N/A

**STRATEGIC IMPLICATIONS:**

Town of Vincent Strategic Plan 2009-2014 – Key Result Area Three - Community Development:

*“3.1.2 Provide and develop a range of community programs and community safety initiatives:*

- (j) Deliver a coordinated program plan to promote public and community art in the Town; and*
- (k) Review the Town's Annual Art and Photographic exhibitions, including policies. strategies to encourage/promote greater community participation and for lending artwork for public display.*

**SUSTAINABILITY IMPLICATIONS:**

Investing in public artwork can be seen to be a sustainable investment by the Town in exposing its residents and ratepayers to quality works that reflect the cultural values of the community.

**FINANCIAL/BUDGET IMPLICATIONS:**

There is \$15,000 currently listed in the 2009/10 under 'Art Competition' (Page 6.77). (In the last two years, the Art Awards had \$35,000 listed in the budget).

The proposed budget breakdown for the proposed "5x6" exhibition format is as follows;

Publicity/Promotion	\$3,000
Wages for Gallery attendant	\$2,000
Hire of venue (three weeks)	\$1,500
Assistant Curator (one week)	\$1,500
Artist/curators talk (evening event)	\$1,500
Catalogue booklet	\$1,500
Opening night	\$1,000
Transport of work	\$400
<b>TOTAL</b>	<b>\$12,400</b>

**COMMENTS:**

The recommendation is to maximise the reduced budget allocation for the art exhibition as an opportunity to present an innovative project for the community.

This would be in the form of a "Collections" exhibition where residents will have an opportunity to view and appreciate the artwork that the Town has accumulated over the years. The "5x6" format will be a diverse and unique presentation to the patrons and as well as providing artists the prospect to talk about their work.

The alternative recommendation is for the budget to be used towards commissioning a piece of public art that reflects the values and heritage of the Town's community in a public domain that is accessible to all for a longer tenure than an exhibition.

Public artwork provides employment, free culture and records and reflects the values of the community. The process of developing public artwork in the Town has involved consultation with the community, thereby producing a piece of work in keeping with the community's expectations.

It is a commonly held opinion that the resident layperson may not necessarily venture into a gallery or exhibition to view artwork. However, therefore having public art in public places provides for the community with something free and interesting to view at and is also accessible for appreciation by all levels of the community.

**9.4.1 Information Bulletin**

<b>Ward:</b>	-	<b>Date:</b>	15 September 2009
<b>Precinct:</b>	-	<b>File Ref:</b>	-
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	A Radici		
<b>Checked/Endorsed by:</b>	John Giorgi	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Information Bulletin dated 22 September 2009, as distributed with the Agenda, be received.*

**Moved Cr Ker, Seconded Cr Messina**

*That the recommendation be adopted.*

Debate ensued.

Cr Messina departed the Chamber at 6.51pm.

Debate ensued.

Cr Messina returned to the Chamber at 6.53pm.

Debate ensued.

**AMENDMENT**

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

*That the Officer Recommendation be amended, and new clauses (i) and (ii) inserted as follows:*

*“That the Council;*

- (i) RECEIVES the Information Bulletin dated 22 September 2009, as distributed with the Agenda, ~~be received~~; and*
- (ii) AUTHORISES the Chief Executive Officer, in relation to Item IB02, to write to the Chair of the Western Australian Planning Commission (WAPC) (and copied to other Council Members of the North West District Planning Committee (NWDPC)) requesting clarification of the following:*
  - (a) what consultation was there with Local Governments in the WAPC process that has lead to the reduction in the status of the District Planning Committees to Advisory Committees;*
  - (b) how the WAPC proposes to assist Local Governments to fulfil their statutory planning roles with an appropriate strategic focus without the forums represented by the District Planning Committees; and*
  - (c) what opportunities will there be under the proposed Advisory Committee structure for member Local Governments to raise issues of strategic significance.”*

**AMENDMENT PUT AND CARRIED (8-0)**

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



**COUNCIL DECISION ITEM 9.4.1**

*That the Council;*

- (i) *RECEIVES the Information Bulletin dated 22 September 2009, as distributed with the Agenda; and*
- (ii) *AUTHORISES the Chief Executive Officer, in relation to Item IB02, to write to the Chair of the Western Australian Planning Commission (WAPC) (and copied to other Council Members of the North West District Planning Committee (NWDPC)) requesting clarification of the following:*
  - (a) *what consultation was there with Local Governments in the WAPC process that has lead to the reduction in the status of the District Planning Committees to Advisory Committees;*
  - (b) *how the WAPC proposes to assist Local Governments to fulfil their statutory planning roles with an appropriate strategic focus without the forums represented by the District Planning Committees; and*
  - (c) *what opportunities will there be under the proposed Advisory Committee structure for member Local Governments to raise issues of strategic significance.”*

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**DETAILS:**

The items included in the Information Bulletin dated 22 September 2009 are as follows:

<b>ITEM</b>	<b>DESCRIPTION</b>
IB01	Letter from the Water Corporation regarding Restoration of Hyde Park Lakes
IB02	Letter from the Western Australian Planning Commission regarding the North West District Planning Committee and “Building a Better Planning System” consultation paper.
IB03	Letter from the Minister for Environment; Youth regarding Environmental Community Grant for the Wild Wetlands Nature Appreciation Program
IB04	Letter from Healthway regarding Healthway Sponsorship for the Leederville Street Festival
IB05	Letter of Appreciation from the Minister for Disability Services regarding Disability Access and Inclusion Plans
IB06	Letter of Appreciation from the Catholic Women’s League Australia Inc. regarding the recent National Conference Opening Mass at the Redemptorist Monastery Church

## 10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

### 10.1 Notice of Motion - Councillor Izzi Messina – Investigation of a Proposal to Provide a "Tea Room" at Hyde Park

*That;*

- (i) *the Council REQUESTS the Chief Executive Officer to investigate the possibility of providing a "Tea Room" at Hyde Park, Perth;*
- (ii) *a report be prepared and submitted to the Council in November 2009, and include (but not be limited to) the following information;*
  - (a) *identification of a suitable location(s);*
  - (b) *planning and heritage requirements;*
  - (c) *operational and logistical matters (e.g. hours of operation, types of foods/produce to be sold, etc);*
  - (d) *preferred method for operators (e.g. private use, public operator);*
  - (e) *lease and legal requirements;*
  - (f) *community interest and public opinion;*
  - (g) *any potential impact on existing businesses providing a similar service in the area; and*
  - (h) *any other relevant matters.*

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**Moved Cr Messina, Seconded Cr Farrell**

*That the MOTION be adopted.*

**Debate ensued.**

**MOTION PUT AND CARRIED (8-0)**

**Cr Burns departed the Chamber at 7.04pm.**

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#### **BACKGROUND:**

Hyde Park is one of the most popular parks in the metropolitan area and it is used on most weekends by a wide range of people. It is a very popular location for wedding photos, family picnics and general recreational purposes.

The possibility of a "Tea Room" on Hyde Park has been raised informally over previous years by the former City of Perth and by the late Town of Vincent Mayor Jack Marks in the mid-1990s. These options have never been progressed by the Town's Administration as no formal Council position has been previously adopted.

**11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

Nil.

**12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES**

Nil.

**13. URGENT BUSINESS**

Nil.

The Mayor suggested that it may be beneficial if the Chief Executive Officer of Rugby WA, Vern Reid and the General Manager, Commercial Services, Rugby WA, Sean Lee remain in the Chamber for Confidential Item 14.5 so as to answer any queries Council Members may have.

**PROCEDURAL MOTION**

At 7.05pm **Moved Cr Farrell, Seconded Cr Ker**

*That Council proceed "behind closed doors" to consider confidential items:*

*14.1, 14.2 and 14.3 – as the matters contain information concerning legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;*

*14.4 – as the matter contains information concerning affecting an employee or employees and a matter that, if disclosed, could be reasonably expected to reveal information that has a commercial value to a person; and*

*14.5 – as the matter contains information concerning:*

- a contract to be entered into;*
- legal advice obtained, or which maybe obtained by the local government and relates to a matter to be discussed at the meeting;*
- a matter that if discussed would reveal information that has a commercial value to a person; and*
- a matter about the business, professional, commercial or financial affairs of a person/business.*

**PROCEDURAL MOTION PUT AND CARRIED (7-0)**

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

**PROCEDURAL MOTION**

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

*That the Chief Executive Officer of Rugby WA, Vern Reid and the General Manager, Commercial Services, Rugby WA, Sean Lee remain in the Chamber for Confidential Item 14.5.*

**PROCEDURAL MOTION PUT AND CARRIED (7-0)**

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

There were three members of the public and one journalist present who departed the Chamber. The Chief Executive Officer of Rugby WA, Vern Reid and the General Manager, Commercial Services, Rugby WA, Sean Lee remained in the Chamber.

At 7.06pm the Council proceeded "Behind Closed Doors" to consider the following items:

Cr Burns returned to the Chamber at 7.07pm.

**14. CONFIDENTIAL ITEMS/MATTERS FOR WHICH THE MEETING MAY BE CLOSED ("BEHIND CLOSED DOORS")**

**14.5 CONFIDENTIAL REPORT: Approval of Deed of Licence with Western Australian Rugby Union (Inc) (Rugby WA), Alterations and Additions to existing Sports Stadium including Demolition of Existing Caretakers Cottage Interim Upgrade and Temporary Works/Repairs of ME Bank Stadium and Receiving of Unconfirmed Minutes of the Stadium Management Committee Special Meeting**

<b>Ward:</b>	South	<b>Date:</b>	16 September 2009
<b>Precinct:</b>	Beaufort, P13	<b>File Ref:</b>	RES0082/RES0092/ RES0097
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) **RECEIVES;**
  - (a) *the report in relation to the interim upgrade and temporary works/repairs at ME Bank Stadium, in order to comply with the minimum requirements specified by the Western Australian Rugby Union (Inc) (Rugby WA); and*
  - (b) *the Unconfirmed Minutes of the Stadium Management Committee Special Meeting held on Tuesday 15 September 2009 (see Appendix 14.5);*
- (ii) **APPROVES of;**
  - (a) *the Deed of Licence between the Town and Rugby WA to allow Super 14 matches to be played at the Stadium, subject to the following;*
    - 1. *Rugby WA entering into a Legal Agreement to assign all new lighting and permanent fixtures and fittings installed at ME Bank Stadium by Rugby WA to the Town, free of cost;*
    - 2. *deletion of the following Clauses from the Deed of Licence;*
      - (a) *Schedule Clause 5(b) and (c) Page 36 - House Suites;*

- (b) *Schedule Clause 7.1(c) Page 36 - Early Termination of Licence-Government failing to provide loan;*
        - (c) *Schedule Clause 11(a) Page 38 - Temporary Corporate Facilities; and*
        - (d) *Schedule Clause 11(b) Page 38 - Temporary Corporate Facilities - Marquee on Loton Park;*
    - 3. *rewording of Clauses 10(a) "Minimum Works", Clause 10(b) "Other Works" and 10(c) "Redevelopment Works" to accurately reflect what is being proposed, as detailed in this report and for the Town's Chief Executive Officer/Solicitor to redraft the wording; and*
    - 4. *the Chief Executive Officer, in liaison with the Mayor be authorised to make further changes to the Deed of Licence, if required, and for it to be signed and affixed with the Council's Common Seal;*
  - (b) *the interim upgrade and temporary works/repairs at ME Bank Stadium, as shown in Plan Nos. A10, 11, 12, 13, 14, 15, 16, 17, 18 and 19 (see attached) and for such works to be carried out by Rugby WA at an estimated cost of \$1,877,000, subject to Rugby WA entering into a Legal Agreement with the Town, accepting full responsibility for the works and any associated costs (and shortfall, if any) and indemnifying the Town against any claims, liability, actions or requests which may arise;*
  - (c) *the upgrade of the Stadium lighting and for such works to be carried out by Rugby WA, at an estimated cost of \$445,000, as shown in Plan No. E.01 (see attached);*
  - (d) *the upgrade and other "minor works" and for such works to be carried out by the Town of Vincent, at an estimated cost of \$25,000;*
  - (e) *the upgrade of the playing surface, sub-soil and drainage to be carried out by the Town of Vincent (Contractor), at an estimated cost of \$28,000, as shown in Plan No. A20 (see attached); and*
  - (f) *demolition of the former Caretaker's Cottage on the Bulwer Street frontage of Loton Park and new landscape works to be carried out by the Town of Vincent, at an estimated cost of \$25,000, as shown in Plan No. 2668-LS-01 and photographs (see attached);*
- (iii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, RECOMMENDS APPROVAL to the Western Australian Planning Commission for the application submitted by the applicant and landowner (Town of Vincent) for Alterations and Additions to existing Stadium and Loton Park including:*
  - (a) *an improvement and upgrade of existing fixtures and fittings;*
  - (b) *upgrade of lighting;*
  - (c) *installation of interim/temporary facilities;*
  - (d) *upgrade of the playing surface, sub-soil and drainage; and*
  - (e) *demolition of the Caretaker's Cottage on the Brewer Street frontage of Loton Park and new landscape works;*

*as shown on Plan Nos. A10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20, E.01 and 2668-LS-01 (refer attached) dated 16 September 2009, at No. 310 (Swan Loc 114) Pier Street, corner Bulwer/Lord/Brewer Streets, Perth, subject to:*

- (a) *compliance with all relevant Engineering, Environmental Health and Building requirements, including the relevant Australian Standards and noise regulations; and*
  - (b) *the support/approval of the Heritage Council of Western Australia is to be obtained prior to the commencement of the works, and compliance with its comments and conditions;*
- (iv) **APPROVES BY AN ABSOLUTE MAJORITY to fund from the Perth Oval Reserve Fund No. 1 the following;**
- (a) *a contribution of \$175,000 to Rugby WA to be used towards the interim upgrade and repairs (not temporary works) to the Stadium carried out by Rugby WA; and*
  - (b) *interim upgrade and temporary works/repairs to be carried out by the Town, as follows;*
    - 1. *General Upgrade, Repairs and Maintenance (Minor Works) \$25,000;*
    - 2. *Upgrade of Playing Surface, Sub-Soil and Drainage \$28,000;*
    - 3. *Demolition of the Caretaker's Cottage and landscape works on Loton Park \$25,000;*
- (v) **REFUSES the request from Allia Venue Management Pty Ltd (Allia) for four (4) PERMANENT SITES (as defined by the Heads of Agreement (HOA)) around the perimeter fence, in the following locations;**
- (a) *1m x 6m (1 of) signage area on the northern pitch perimeter fence;*
  - (b) *1m x 6m (1 of) signage area on the southern pitch perimeter fence; and*
  - (c) *two (2) signs (1m x 6m) on the eastern perimeter fence;*
- (vi) **APPROVES the request from Allia for "Additional Signage" around the perimeter fence, in the following locations;**
- (a) *1m x 6m (1 of) signage area on the northern pitch perimeter fence;*
  - (b) *1m x 6m (1 of) signage area on the southern pitch perimeter fence; and*
  - (c) *two (2) signs (1m x 6m) on the eastern perimeter fence;*
- as shown on Appendix 14.5A attached, in accordance with the Heads of Agreement (HOA) Clause 8.1(b)(i), subject to;*
- 1. *the approval of such "Additional Signage" shall only be concurrent for the term of each Naming Rights Agreement;*
  - 2. *the prior approval of the Town (which shall not be unreasonably withheld);*

3. *the Town's Chief Executive Officer being authorised to approve the specific signage locations, in liaison with the Stadium Manager, Rugby WA, Perth Glory Football Club (PGFC), Western Australian Rugby League (WARL) and the Naming Rights holder at the time (currently Members Equity Bank); and*
  4. *the approved signs being removed (or covered) to the satisfaction of the Town's Chief Executive Officer, in the event that there is a "Significant Event", as defined by the HOA or other significant conflict (as deemed by the Town's Chief Executive Officer) with the requirements of a Stadium User;*
- (vii) *APPROVES of the application from Spotless Services (Stadium Caterers) for a variation to the Stadium's Liquor Licence by reducing the "alcohol free" seating in the southern stand from 1,922 seats to 144 seats (approximately) and this matter be reviewed by the Town's Chief Executive Officer on or before 30 June 2010;*
- (viii) *NOTES that;*
- (i) *the interim/temporary upgrade works, as proposed by Rugby WA exceed their State Government loan funding of \$2,000,000; and*
  - (ii) *an estimated short fall of \$225,000 is envisaged and a funding source for these monies is to be identified by the other parties; and*
- (ix) *AUTHORISES;*
- (a) *the Chief Executive Officer to implement the above interim upgrade and temporary works/repairs and make minor changes which may arise (if required); and*
  - (b) *the Chief Executive Officer to vary the Stadium's Liquor Licence "Alcohol Free" seating ratio in the southern stand, should it be necessary.*

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

*That the recommendation be adopted.*

Debate ensued.

**PROCEDURAL MOTION**

**Moved Cr Farrell, Seconded Cr Ker**

*That Standing Orders be suspended to enable the representatives from Rugby WA to clarify any queries which may arise.*

**PROCEDURAL MOTION PUT AND CARRIED (8-0)**

Debate ensued.

General Manager, Commercial Services, Rugby WA, Sean Lee answered queries that arose from the Councillors.

**PROCEDURAL MOTION**

**Moved Cr Ker, Seconded Cr Messina**

*That Standing Orders be resumed.*

**PROCEDURAL MOTION PUT AND CARRIED (8-0)**

Debate ensued.

**AMENDMENT**

**Moved Cr Ker, Seconded Cr Maier**

*That clause (vii) be amended by inserting the words "and annually thereafter" after "30 June 2010".*

Debate ensued.

**AMENDMENT PUT AND CARRIED (8-0)**

Debate ensued.

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

The Chief Executive Officer of Rugby WA, Vern Reid and the General Manager, Commercial Services, Rugby WA, Sean Lee departed the Chamber at approximately 7.25pm.

**COUNCIL DECISION ITEM 14.5**

*That the Council;*

(i) **RECEIVES;**

- (a) *the report in relation to the interim upgrade and temporary works/repairs at ME Bank Stadium, in order to comply with the minimum requirements specified by the Western Australian Rugby Union (Inc) (Rugby WA); and*
- (b) *the Unconfirmed Minutes of the Stadium Management Committee Special Meeting held on Tuesday 15 September 2009 (see Appendix 14.5);*

(ii) **APPROVES of;**

- (a) *the Deed of Licence between the Town and Rugby WA to allow Super 14 matches to be played at the Stadium, subject to the following;*
  - 1. *Rugby WA entering into a Legal Agreement to assign all new lighting and permanent fixtures and fittings installed at ME Bank Stadium by Rugby WA to the Town, free of cost;*
  - 2. *deletion of the following Clauses from the Deed of Licence;*
    - (a) *Schedule Clause 5(b) and (c) Page 36 - House Suites;*





*as shown on Plan Nos. A10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20, E.01 and 2668-LS-01 (refer attached) dated 16 September 2009, at No. 310 (Swan Loc 114) Pier Street, corner Bulwer/Lord/Brewer Streets, Perth, subject to:*

- (a) *compliance with all relevant Engineering, Environmental Health and Building requirements, including the relevant Australian Standards and noise regulations; and*
  - (b) *the support/approval of the Heritage Council of Western Australia is to be obtained prior to the commencement of the works, and compliance with its comments and conditions;*
- (iv) **APPROVES BY AN ABSOLUTE MAJORITY to fund from the Perth Oval Reserve Fund No. 1 the following;**
- (a) *a contribution of \$175,000 to Rugby WA to be used towards the interim upgrade and repairs (not temporary works) to the Stadium carried out by Rugby WA; and*
  - (b) *interim upgrade and temporary works/repairs to be carried out by the Town, as follows;*
    - 1. *General Upgrade, Repairs and Maintenance (Minor Works) \$25,000;*
    - 2. *Upgrade of Playing Surface, Sub-Soil and Drainage \$28,000;*
    - 3. *Demolition of the Caretaker's Cottage and landscape works on Loton Park \$25,000;*
- (v) **REFUSES the request from Allia Venue Management Pty Ltd (Allia) for four (4) PERMANENT SITES (as defined by the Heads of Agreement (HOA)) around the perimeter fence, in the following locations;**
- (a) *1m x 6m (1 of) signage area on the northern pitch perimeter fence;*
  - (b) *1m x 6m (1 of) signage area on the southern pitch perimeter fence; and*
  - (c) *two (2) signs (1m x 6m) on the eastern perimeter fence;*
- (vi) **APPROVES the request from Allia for "Additional Signage" around the perimeter fence, in the following locations;**
- (a) *1m x 6m (1 of) signage area on the northern pitch perimeter fence;*
  - (b) *1m x 6m (1 of) signage area on the southern pitch perimeter fence; and*
  - (c) *two (2) signs (1m x 6m) on the eastern perimeter fence;*
- as shown on Appendix 14.5A attached, in accordance with the Heads of Agreement (HOA) Clause 8.1(b)(i), subject to;*
- 1. *the approval of such "Additional Signage" shall only be concurrent for the term of each Naming Rights Agreement;*
  - 2. *the prior approval of the Town (which shall not be unreasonably withheld);*

3. *the Town's Chief Executive Officer being authorised to approve the specific signage locations, in liaison with the Stadium Manager, Rugby WA, Perth Glory Football Club (PGFC), Western Australian Rugby League (WARL) and the Naming Rights holder at the time (currently Members Equity Bank); and*
  4. *the approved signs being removed (or covered) to the satisfaction of the Town's Chief Executive Officer, in the event that there is a "Significant Event", as defined by the HOA or other significant conflict (as deemed by the Town's Chief Executive Officer) with the requirements of a Stadium User;*
- (vii) *APPROVES of the application from Spotless Services (Stadium Caterers) for a variation to the Stadium's Liquor Licence by reducing the "alcohol free" seating in the southern stand from 1,922 seats to 144 seats (approximately) and this matter be reviewed by the Town's Chief Executive Officer on or before 30 June 2010 and annually thereafter;*
- (viii) *NOTES that;*
- (i) *the interim/temporary upgrade works, as proposed by Rugby WA exceed their State Government loan funding of \$2,000,000; and*
  - (ii) *an estimated short fall of \$225,000 is envisaged and a funding source for these monies is to be identified by the other parties; and*
- (ix) *AUTHORISES;*
- (a) *the Chief Executive Officer to implement the above interim upgrade and temporary works/repairs and make minor changes which may arise (if required); and*
  - (b) *the Chief Executive Officer to vary the Stadium's Liquor Licence "Alcohol Free" seating ratio in the southern stand, should it be necessary.*

*Note: The Chief Executive Officer advised that as the Council has determined the matter this report is now released to the public – except for financial/costings information.*

#### **PURPOSE OF REPORT:**

The purpose of this report is to obtain Council approval of interim upgrade and temporary works/repairs required at ME Bank Stadium, Town funding and "minor works" and to approve of a Deed of Licence with Western Australian Rugby Union (Inc) (Rugby WA) for the purpose of playing Super 14 Rugby Union games and to receive the Unconfirmed Minutes of the Stadium Management Committee Special Meeting held on 15 September 2009.

#### **BACKGROUND:**

At the Ordinary Meeting of Council held on 9 June 2009, the Council considered an Urgent Business Item in relation to Urgent Repairs and Upgrade Works at Members Equity Stadium (now ME Bank Stadium) and resolved as follows;

*"That the Council;*

- (i) *RECEIVES the report in relation to the urgent repairs and upgrade works required at Members Equity Stadium, in order to comply with the Heads of Agreement and also to minimise the Town's liability and risk in relation to health and safety matters;*

- (ii) *APPROVES BY AN ABSOLUTE MAJORITY to undertake the following works estimated to cost \$30,145.00 and this to be funded from the Perth Oval Reserve Fund;*
- (a) *Siren (Upgrade and installation);*
  - (b) *Paving (Replacement and relaying);*
  - (c) *Dugout weather covers (Supply & install);*
  - (d) *Plumbing (Supply & install shower fixtures and fittings);*
  - (e) *Painting (change rooms & doors);*
  - (f) *Players races/dug outs (non slip surface);*
  - (g) *Creation of storage for Perth Glory Office Equipment (stud wall partitioning); and*
  - (h) *Change rooms (upgrade & modifications); and*
- (iii) *AUTHORISES the Chief Executive Officer to implement the above works as a matter of urgency."*

### **DEED OF LICENCE - WESTERN AUSTRALIAN RUGBY UNION (INC)**

In June 2009, Rugby WA advised the Town that it was relocating its Super 14 games to ME Bank Stadium.

On 10 July 2009, a Deed of Licence was received from Rugby WA. This Deed was negotiated between the Stadium Manger (Allia Venue Management Pty Ltd (Allia)) and Rugby WA, in accordance with the Heads of Agreement (HOA).

Pursuant to the HOA, Allia and Rugby WA finalised negotiations of a three (3) year plus three (3) year option licence agreement to fixture Super 14 matches at ME Bank Stadium. Initial Term: 9 July 2009 to 31 December 2012.

Extended Term: 1 January 2012 to 31 December 2015.

### **Clauses to be Amended**

Included in the Deed are a number of conditions which bind the Town and have funding implications. These mainly relate to the interim and upgrade works. In addition, another Clause relates to the \$2 million loan between the State Government and Rugby WA. It is recommended that the following Clauses be re-worded;

- (a) *Schedule Clause 10(a) Page 37- "Minimum Works" to be completed by Town:*

#### Chief Executive Officer's Comment:

This Clause requires the Town to undertake works required by SANZAR to meet the Super 14 minimum conditions and that these works are to be completed by the commencement of the Super 14 Season in February 2010.

As stated above, the Deed of Licence was negotiated between Allia and Rugby WA and this matter was not prior discussed with the Town. It is the Council's decision as to whether it approves of any expenditure for works to be carried out and therefore, it is recommended that this Clause be amended. (The Council may of course approve of a contribution towards the "minimum works".)

- (b) *Clause 10(b) - "Other Works" to be completed by Town:*

Chief Executive Officer's Comment:

This Clause requires the Town to acknowledge that "other works" will be undertaken to improve the quality and comfort of patrons (e.g. Corporate Suites, Seating and the like).

As stated above, the Deed of Licence was negotiated between Allia and Rugby WA and this matter was not prior discussed with the Town. It is the Council's decision as to whether it approves of any expenditure for works to be carried out and therefore, it is recommended that this Clause be amended. It is noted that these works will be undertaken by Rugby WA. (The Council may of course approve of a contribution towards these "other works".)

- (c) *Clause 10(c) - "Redevelopment Works" to be completed:*

Chief Executive Officer's Comment:

This Clause requires the Town to acknowledge that "redevelopment works" will be undertaken to improve the Stadium and that a minimum capacity of 18,150 persons will be retained during such works. Subsequent to the signing of this Deed, the State Government has announced that it will not approve of the redevelopment of the eastern stand as proposed by the Town, as it will carry out its own investigations for a possible redevelopment of the Stadium. Accordingly, the Town cannot agree to this Clause and it is recommended that it be re-worded.

- (d) *Schedule Clause 11(a) Page 38 - Temporary Corporate Facilities:*

Chief Executive Officer's Comment:

This Clause specifies that the Stadium Manager and Rugby WA payment of a fee for the use of the temporary Corporate Suites and facilities. A fee would be charged to other sporting codes if they wish to use such facilities. However, no fee is proposed for a concert event.

As it is recommended that the Town make a contribution, it does not support the charging of a fee as proposed, as this would be recouped from Stadium Users. Accordingly, it is recommended that this Clause be amended to allow for a fee to be charged, only if the temporary suites/marquee are used.

**Clauses to be Deleted**

It is recommended that the following Clauses be deleted;

- (a) *Schedule Clause 5(b) and (c) Pages 35-36 - House Suites:*

Chief Executive Officer's Comment:

Clause 5(b) states during the construction phase, that the Manager's/Town's Suite be used by Rugby WA (subject to the Town's prior approval). This matter was not discussed with the Town and the request is not supported as the Town currently uses the Suite (on occasions) for various events. Accordingly, it should be deleted.

Clause 5(c) states that in the event of a new Grandstand being completed, the Manager will retain an additional two Executive Suites. (In addition to current arrangements.) This matter was not prior discussed with the Town and no reason has been provided for the additional Suites. It is questionable why the Town's Manager would require the two additional Suites. Furthermore, there is no commitment to build the additional Grandstand. Accordingly, it is recommended that this Clause be deleted.

- (b) *Schedule Clause 7.1(c) Page 36 - Early Termination of Licence - Government failing to provide loan:*

Chief Executive Officer's Comment:

This Clause states that the Deed can be terminated if the State Government does not provide by 31 July 2009, a loan of up to \$2 million to Rugby WA. Rugby WA have advised that the loan has been approved and accordingly, this Clause is superfluous and should be deleted.

- (c) *Schedule Clause 11(b) Page 38 - Temporary Corporate Facilities - Marquee on Loton Park:*

Chief Executive Officer's Comment:

This Clause proposed that a 750 patron marquee would be located on Loton Park for the duration of the Super 14 Season. The original location was in an area which is currently used on event days for parking and on non-event days, by the general public. The Stadium Manager would be permitted to use the marquee, subject to a payment of a reasonable charge. This matter was not prior discussed with the Town and the suggested location is totally unacceptable. Furthermore, the use of Loton Park is outside the jurisdiction of the Stadium Manager and is not bound by the requirements of a Deed of Licence. The use of Loton Park is at the sole discretion of the Town. Accordingly, this Clause should be deleted.

The Town's Solicitor has been requested to peruse the Deed and make changes to ensure it meets the Town's requirements.

**South African, New Zealand and Australian Rugby Union (SANZAR)**

SANZAR is an abbreviation of the South African Rugby Union, the New Zealand Rugby Union and the Australian Rugby Union. The three unions own joint rights to the Super 14 and Tri-Nations Event. In accordance with the SANZAR facility requirements, Rugby WA have identified a series of minimum standards that would have to be improved/rectified at ME Bank Stadium to facilitate Super 14 fixtures. Rugby WA have also tabled additional items that require consideration and improvement/rectification at ME Bank Stadium to facilitate their match day operational requirements. Perth Glory have also recommended a range of infrastructure improvements, most of which are encapsulated in the SANZAR minimum standards.

**Upgrade Works**

A Project Management Group comprising of the Town, Rugby WA, Allia, Project Manager (appointed by Rugby WA) and Project Architect has been formed to progress the Stadium upgrade. Weekly meetings are being held.

The upgrade works are summarised in six broad areas, as follows;

1. Lighting Upgrade (Foxtel requirement) (*Rugby WA to carry out works*)

*Estimated Cost: \$\*\*\*\*\**

*\* Information Confidential*

The current lighting level is approximately 1,000 lux and it is necessary to increase this to a minimum of 1,400 lux. In addition, the television rights' holder (Foxtel) have also requested an improvement to the lighting (to remove shadowing on the "tri-line" and "dead ball" line and to remove vertical shadowing from the players).

The lighting upgrade involves increasing the number of light fixtures on existing poles, two new additional 20 metre poles on the northern and southern ends and re-lamping of existing light fittings.

2. SANZAR Minimum Facilities (*Rugby WA to carry out works*)

*Estimated Cost: \$\*\*\*\*\**

*\* Information Confidential*

The following is a summary of the SANZAR Minimum Requirements as compared to what is actually in place.

<b>SANZAR MINIMUM CONDITIONS</b>		<b>ME BANK STADIUM</b>	
Change Rooms	2	Change Rooms*	4
Referee/Ball Persons Rooms	2	Referee/Ball Persons Rooms*	2
Enclosed coaches boxes	2	Enclosed boxes various use	4
Open Media bench (20 people)	1	Open Media bench (10 people)*	1
Separate match day medical room	1	First aid room*	1
Enclosed TMO working area	1	Nil	
Enclosed Citing Commissioner working area	1	Nil	
Secure room for ASADA	1	Nil	
Enclosed media area (10 people)	1	Nil	
Enclosed radio broadcast area	3	Nil	
Dedicated room for 20 photographers	1	Nil	

*\* Non-compliant*

(a) Facilities in Change Rooms:

All four (4) change rooms do not meet minimum SANZAR requirements to varying degrees. There are four player change rooms in the Stadium. During Stage 1, only minimal works were carried out due to insufficient funding. The following is required;

- For 2 change rooms – Seating for 28 persons, lockers or shelves for 28 persons, 8 shower, 3 GPO's, 2 toilets and 3 urinals, 3 wash basins, communications lines, television, fridge and physio table.

(b) Change Room – Match Officials and Ball Boys:

Referee Rooms 1 and 2 do not meet minimum SANZAR requirements. The following is required;

- 2 showers, lockers or shelves for minimum of 7 persons, 1 GPO, physio table, table for communications equipment.

(c) Seating - Coaches:

Separate Coaches boxes with individual access. The following is required;

- Separate coaches' cubicle (between 22m line and halfway line) with seating for a minimum of 4 persons, monitor, communications line for analysis equipment.

(d) Medical Facilities:\*

No dedicated working space is available for the common use medical room. The following is required;

- Separate room or screened off area in larger room (min 4m x 4m), 2 examination tables with dividing screen, clock, lockable cabinet, telephone line, 3 GPO's, oxygen bottle and mask, hot and cold running water, sharps box and 2 mobile table for suturing equipment.

Note:

*Western Force advise that the current physiotherapy room attached to change room 1 is required for Western Force specific team medical use.*

(e) Drug Testing Room:\*

No dedicated working space available. The following is required;

- Dedicated room, seating for 4 people, toilet/urinal next to room, fridge, desk and chair, telephone line.

\* *The location of these facilities is proposed to be incorporated into the existing First Aid Room or other areas - yet to be identified.*

(f) Media Facilities:

Insufficient dedicated media working space available. The following is required;

- Commentary position with room for 2 commentators and 1 camera, press area for 30 people – 10 indoor and 20 outdoor, dedicated room for 20 photographers with tables, chairs and telephone lines, 3 separate areas to accommodate radio broadcasts.

(g) Television Match Official (TMO) Seating Standards:

The following is required;

- A room with space for 3 to 4 people plus equipment. Room should be elevated, close to halfway line with view of entire field. Must also be able to run cables, have easy access as equipment weighs 160kg, power, reverse cycle air-con, control of siren, separate from spectators, coaches and technical staff.

(h) Seating Citing Commissioner:

Insufficient working space available. A seat in room equipped with monitor and playback facility with recording, telephone, tea and coffee facility, is required. This will be provided in the existing grandstand.



(i) Match Day Presentation Operations Area:

No area in the venue is large enough to accommodate sports presentation requirements. An enclosed area large enough to accommodate 8 working staff and their equipment is required.

3. Interim/Temporary Facilities (*Rugby WA to carry out*)

The interim/temporary facilities comprise of additional seating, marquee, temporary corporate suites on the north stand and a "Force 15" Suite in the south west corner. These facilities are essential to ensure the Stadium has a minimum capacity of 19,355 and sufficient suites to meet the demand of their Corporate Sponsors.

Item	Initial Cost Estimate	Comments	Indicative Upfront Payment
Lighting Upgrade	\$*****	Includes two (2) new 20m poles, additional lights, re-lamp of existing associated cables, metre boxes.	\$*****
North Stand Corporate Suites <i>(based on 11 No. 3m x 6.5m Suites, plus one large 9m x 6.5m Suite)</i>	\$*****	To provide eleven (11) temporary suites and increase standing capacity. Includes plumbing and services.	\$*****
Seating	\$*****	Temporary seating to provide a capacity of 21,165.	\$*****
Marquee <i>(excluding Furniture, Stage, Audio Visual)</i>	\$*****	To allow pre and post game (and half time) hospitality, including plumbing and services.	\$*****
Media Boxes*	\$*****	Builders' works, cabling, air conditioning.	\$*****
Changing Room Upgrade	\$*****	Additional showers, toilets, GPOs.	\$*****
Professional Fees:	\$*****		\$*****
• Architect and Structural Engineer	\$*****		
• Other (Project Manager, Hydraulic, Electrical, Mechanical)	\$*****		
Force 15 Suite <i>(based on 10m x 15m Suite)</i>	\$*****		\$*****
North Stand - Retaining Wall Ground Works, Plumbing, Handrails	\$*****	Includes retaining wall, earth works, hand rails, plumbing and electrical to Suites.	\$*****
Other Works	\$*****	Relocation of Screen, Scoreboard, alterations to existing east stand seating. New stand for screen and scoreboard/clock.	\$*****

Item	Initial Cost Estimate	Comments	Indicative Upfront Payment
Contingency	\$*****		\$*****
<b>Sub-Total</b>	<b>\$2,400,000</b>		<b>\$*****</b>

- \* *Final layout still being finalised, at the time of writing this report.*
- \* *Information Confidential*

4. General Upgrade, Repairs and Maintenance "Minor Works" (*Town's Contractors to carry out*)

The Town's Asset Management and Maintenance program for the Stadium requires certain "Minor Works" to be carried out as detailed below. A number of these are for safety reasons in order to minimise the Town's liability.

(a)	Upgrade of Brewer Street Toilets (replace cisterns in WCs)	\$*****
(b)	Improved Lighting - Main Grandstand/Stairway*	\$*****
(c)	Replacement and improvement of directional Signage*	\$*****
(d)	Additional Stormwater Soak Wells (north east)	\$*****
(e)	Reseal Floor in Fridge and minor repairs to Ceiling - Change Room 2	\$*****
(f)	ME Bank Stadium Lounge - Replacement of fire exit door*	\$*****
(g)	Electrical and data cabling for new Box Offices - Gate 1	\$*****
(h)	Light Tower electrical cabinets - Install ventilation grills*	\$*****
(i)	Minor repairs to Gate No. 3/Ticket Box (Replace rusty sections of fence and staff gate)	\$*****
(j)	Repairs to area under perimeter fence	\$*****
(k)	Demountable toilets (new plumbing housing)	\$*****
(l)	Repairs to walkway - Rear of "The Shed"*	\$*****
	<b>Sub-Total</b>	<b>\$25,000</b>

- \* *Identified for safety reasons.*
- \* *Information Confidential*

5. Upgrade of Playing Surface Sub-Soil Drainage (*Town's Contractor to carry out work*)

The Town is aware that the playing surface and sub-soil drainage requires upgrade and remediation, as it becomes very soft and unstable after watering or prolonged rainfall. The sub-soil contains a layer of organic material which acts as a "sponge" and this requires remediation. This work can only be carried out from 27 December 2009 to 9 January 2010 due to game fixtures and other events. A cost has been provided by the Stadium Contractor (Turfmaster), as follows;

(a)	Remove approximately 650m <sup>2</sup> of turf and 500mm of sub-soil in selected areas and relay Kikuyu turf ( <i>Contractor to carry out works</i> )	\$*****
(b)	Install spoon drain at bottom of concrete driveway (leading to playing surface) and connect to perimeter drain ( <i>Town to carry out works</i> )	\$*****
	<b>Sub-Total</b>	<b>\$28,000</b>

- \* *Information Confidential*

6. Demolition of Caretaker's Cottage and Landscape Works (*Town's Contractors to carry out*)

The former Caretaker's Cottage located on the Bulwer Street frontage of Loton Park has not been in use for over twenty (20) years (apart from a 12 month period, when it was leased by Western Power contractors carrying out the undergrounding of power in the area). The house is in poor condition and requires either extensive repairs or more appropriately, demolition - demolition is supported by the Town's Planning, Building and Heritage Services and further information is contained under the heading "Heritage" in this report.

The Town's Technical Services Section have obtained quotations for the demolition and new landscaping of the area, as shown in Plan No. 2668-LS-01.

(a)	Demolish Caretaker's Cottage	\$*****
(b)	Turfing	\$*****
(c)	Reticulation	\$*****
(d)	Supply/battering of filling sand (Vincent Street frontage)	\$*****
(e)	Planting/Mulching	\$*****
	<b>Sub-Total</b>	<b>\$25,000</b>

\* *Information Confidential*

**Planning, Building and Heritage Considerations**

The subject site is located on land zoned "*Parks and Recreation*" under the Metropolitan Region Scheme. Any new development requires the submission of a planning application, which is referred to the Western Australian Planning Commission (WAPC) for determination. The Town will be required to provide its recommendation to the WAPC, the final determining authority for development on a Regional Reserve. Once planning approval is obtained, the applicant will be required to obtain a Building Licence and/or Sign Licence prior to the commencement of works.

**Heritage**

Both Loton Park and Perth Oval are listed on the State Register of Heritage Places. Accordingly, any alterations and/or additions to these places require referral to the Heritage Council of Western Australia for comment. The Caretaker's residence proposed to be demolished was constructed in 1964 and is identified as an "intrusive" item in the Perth Oval Conservation Plan, which was prepared by Kelly Aris for the Town in 1999. In relation to "intrusive" items, the Conservation Plan states; "*intrusive spaces or elements have been identified as detracting from the significant of the place and their removal and/or replacement with more appropriate detailing is to be encouraged.*"

It is therefore recommended that the proposed demolition of the former caretaker's cottage is supported, subject to a condition requiring the written consent of the Heritage Council of Western Australia prior to the commencement of the various schedules of works, including the demolition of the caretaker's residence. (Refer to attached photographs.)

Application fees payable in respect of the proposed works, based on an estimated cost of construction of \$2,400,000, are detailed as follows:

Planning Fees:

Not applicable given the Western Australian Planning Commission (WAPC), not the Town of Vincent, are the determining authority.

Building Fees:

- Builders Registration Board Levy \$40.00
- Building Construction Industry Training Fund \$4,800
- Building Licence Fee \$4,363.20
- Demolition Licence Fee \$50.00

**Liquor Licensing**

A recent application was received by the Town from Spotless Services requesting approval to reduce the number of 'alcohol free; spectator seats in the Southern (Family) Stand from nine (9) blocks (or 1,922 seats) to one (1) block (or 144 seats).

In their application to the Department of Racing, Gaming and Liquor, Spotless Services, cites the move of Rugby WA from the larger Subiaco Oval to Perth Oval (ME Bank Stadium) as the basis of the application. From discussions between Rugby WA, Allia, Spotless Services and the Town's Health Services, it is understood that Rugby WA wish to provide Western Force members with similar arrangements to those at Subiaco Oval. Further details are being submitted to the Town in relation to statistical use of the 'Family Stand' for other sporting events (i.e. Perth Glory matches) by 11 September 2009.

Rugby WA have advised that; *"In our inaugural season (at Subiaco Oval) we had no designated alcohol free seating blocks. In our second season (2007), we introduced a trial of having 2 designated alcohol-free seating blocks for home games – with a total of 661 seats. As there was almost no take-up of this seating in 2007 and 2008, we expanded the range of seating available in 2009 – adding an extra 1010 seats, with lower cost options. Despite the extra seats being added and the consistent promotion to our members of the alcohol-free seating option available, we currently only have 20 members (in 2009) who elect to sit in these areas... For emirates Western Force games in 2010 at ME Bank Stadium, we would make the balance of the alcohol free seats not taken up by members available for public sale, rather than keep them as exclusive to members-only"*.

The following table provides a comparison in 'alcohol free' seating between the two venues:

Venue	Spectator Capacity	Dedicated Alcohol Free Seat Numbers	Percentage of Venue Dedicated to Alcohol Free Seating
Subiaco Oval	42,000	1600	4%
Perth Oval (ME Bank Stadium)	19,355	1922	10%

The dedication of alcohol free areas within ME Bank Stadium is considered to be part of progressive public health initiatives, however user/customer demand and expectations should also be given consideration when assessing the application. Western Force membership figures currently have just 20 members wishing to obtain 'alcohol free' seating (just over 1% of the total alcohol free area in the 'Family Stand'). In addition, Spotless Services have advised that there were minimal liquor related issues associated with Western Force games at Subiaco Oval in the previous season. Historically, alcohol related issues have been managed well by Spotless Services and the venue management. This demonstrates that there is both an insignificant user/customer demand, and unjustifiable basis from a harm minimisation perspective, to warrant imposing a dedicated alcohol free seated area significantly surplus to demand.

The Drug and Alcohol Office and Liquor Enforcement Unit (LEU) have both expressed concern regarding the application, with LEU recommending that the Town requests that a security ratio condition be applied to the Liquor Licence. To date, the Town's Officers have not identified, nor been notified of any concerns regarding security, with the ratios applied to sporting and concert events seeming to be effective.

The ME Bank Stadium is a member of the Vincent Accord, and embraces the strategies of the Accord in the interests of harm minimisation.

It is recommended that the Town advise the applicant and the Department of Racing, Gaming and Liquor of conditional support for the above on a trial basis only – to be reviewed upon receipt of complaints/concerns raised during inspections, mid season and at the end of season.

### **Stadium Redevelopment - Proposed Discussions with Department of Sport and Recreation (DSR)**

The Town has received an email from the DSR advising that they wish to commence discussions in late September 2009.

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

Nil.

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

The Town has a legal responsibility and a “duty of care” to ensure that Town properties are maintained in a satisfactory and safe condition.

The Town has a Heads of Agreement with its Manager, Allia Venue Management. The Heads of Agreement require the Stadium to comply with various sporting code requirements.

The Heads of Agreement specify the requirements of the Town and its Manager.

Perth Oval and Loton Park are listed on the State Register of Heritage Places. Accordingly, any alterations and/or additions to these places require referral to the Heritage Council of Western Australia for comment prior to the commencement of the various schedules of works, including the demolition of the caretaker's residence.

The request from Rugby WA was received on 10 July 2009 and was after the adoption of the Town's Budget 2009/2010. As such, upgrade works were not known and therefore, were not included in the Budget. Accordingly, an Absolute Majority decision of the Council is required to expend funds and approve of works.

#### **STRATEGIC IMPLICATIONS:**

In accordance with the Town's Strategic Plan (Plan for the Future) 2009-2014 – 1.1.6 *"Enhance and maintain the Town's infrastructure to provide a safe, healthy, sustainable and functional environment."*

#### **SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

	<b>Indicative Costing</b>	<b>Funding Source</b>
<b>REVENUE</b>		
1. Rugby WA Loan	\$2,000,000	State Govt
2. Town Contribution	\$175,000	Reserve Fund
3. Other Sources <i>(yet to be identified by the other parties)</i>	\$225,000	TBA
<b>Total</b>	<b>\$2,400,000</b>	
<b>EXPENDITURE</b>		
1. Lighting Upgrade	\$*****	Rugby WA
2. SANZAR Minimum Facilities	\$*****	Rugby WA
3. Interim/Temporary Facilities	\$*****	Rugby WA
4. General Upgrade, Repairs, Maintenance - "Minor Works"	\$*****	Reserve Fund
5. Upgrade of Playing Surface Sub-Soil Drainage	\$*****	Reserve Fund
6. Demolition of Caretaker's Cottage/New Landscape Works	\$*****	Reserve Fund
<b>Total</b>	<b>\$2,400,000</b>	

\* *Information Confidential*

**Perth Oval Reserve Fund No. 1**

The Town of Vincent Perth Oval Reserve Fund No. 1 contains an amount of approximately \$362,839 as of 31 August 2009. The Town's contribution is recommended to be funded from this Reserve Fund.

**Rugby WA Loan and Scope of Works**

Rugby WA have received a \$2 million loan from the State Government to assist in their relocation from Subiaco Oval, to provide upgrade/temporary facilities and upgrade the lighting at ME Bank Stadium.

<i>Financial Information Confidential</i>
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**Proposed Legal Agreement - Indemnification of the Town**

As the Deed of Licence was negotiated directly between the Stadium Manager and Rugby WA, the Town was not involved in the terms and conditions. The vast majority of works and hire contracts will be carried out by Rugby WA. As such, it is important for Rugby WA to enter into a Legal Agreement with the Town accepting full responsibility for the works and any associated costs (and shortfall, if any) and indemnifying the Town against any claims, liability, actions or requests which may arise. This will be drafted by the Town's Solicitor.

**Ownership of Upgrade Works**

The Town is the owner of the Stadium and as such, any permanent fixtures, fittings, facilities and improvements will become the property of the Town, e.g. lighting upgrade. Rugby WA have agreed to this requirement and it is appropriate for this to be contained in a Legal Agreement to formalise this matter. This will be drafted by the Town's Solicitor.

### **Anticipated Increased Revenue**

Rugby WA will play seven (7) games at ME Bank Stadium during 2010, attracting in excess of 21,000 patrons per event. As per all major sporting events of this nature an increase in parking infringement notices is anticipated and increased revenue from each game would result. This income could be as high as \$\*\*\*\*\* per game, resulting in additional income of \$\*\*\*\*\* for the 2009/2010 Financial Year.

\* *Information Confidential*

### **COMMENTS:**

As the Council is aware, ME Bank Stadium will be the venue for the forthcoming Super 14 Rugby Union matches, which were previously played at Subiaco Oval.

The Town has participated in a Working Group to facilitate changes to the Stadium to meet the minimum requirement requested by Rugby WA, however this has been on the basis that the Town has not committed to any funding and that Council approval is required. It will be a very tight timeframe to carry out the required upgrade works in time for the first game on 4 February 2010 (due to existing game fixtures and several concert events) and it is important that a decision be made as soon as possible.

It is recommended that the Council approve these works and the costs are charged to the Perth Oval Reserve Fund No. 1.

**14.1 CONFIDENTIAL REPORT - No. 125 (Lot 311 D/P: 2001) Joel Terrace, Mount Lawley - Proposed Demolition of Existing Single House and associated Removal of Existing Single House from the Town's Municipal Heritage Inventory and State Administrative Tribunal (SAT) Review Matter No. CC615 of 2009 and DR 313 of 2009**

<b>Ward:</b>	South	<b>Date:</b>	14 September 2009
<b>Precinct:</b>	Banks; P15	<b>File Ref:</b>	PRO0011; 5.2009.185.1
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	S Kendall		
<b>Checked/Endorsed by:</b>	H Smith, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report relating to No. 125 (Lot 311 D/P: 2001) Joel Terrace, Mount Lawley - Proposed Demolition of Existing Single House and associated Removal of Existing Single House from the Town's Municipal Heritage Inventory and State Administrative Tribunal (SAT) Review Matter No. CC615 of 2009 and DR 313 of 2009;*
- (ii) *FILES and SERVES the following draft "without prejudice" conditions to the SAT in response to the SAT Orders;*
  - (a) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
  - (b) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
  - (c) *a development proposal for the redevelopment of the subject property shall be submitted to and approved by the Town prior to the issue of a Demolition Licence;*
  - (d) *support of the demolition application is not to be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property;*
  - (e) *demolition of the existing dwelling may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No. 1 and associated Policies for the retention of existing dwellings valued by the community;*
  - (f) *prior to the issue of a Demolition Licence, details shall be submitted and approved demonstrating the provision of a plaque or interpretive piece of artwork visible to the public domain that recognises the social and aesthetic values associated with the site, in accordance with the Town's Policy No. 3.6.4 relating to Heritage Management - Interpretive Signage. The approved plaque or interpretive piece of artwork shall be installed prior to the first occupation of any future redevelopment of the property and maintained thereafter by the owner(s)/occupier(s); and*



- (g) *any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Town Planning Scheme No. 1 and associated Policies;*
- (iii) *INVITES Cr Ian Ker (with Cr Sally Lake as Deputy) to submit a written submission (witness statement) by 12 October 2009, on behalf of the Council on the Review (appeal), which is to be determined by way of a "Final Hearing" on 10 and 11 November 2009 and is to commence at 10 am on both days. As a witness, the nominated Councillor is to attend the Final Hearing; and*
- (iv) *INVITES the objectors to submit a written submission (witness statement) on behalf of the Council on the Review (appeal), which is to be determined by way of a "Papers" (written submissions).*
- 

**COUNCIL DECISION ITEM 14.1**

**Moved Cr Farrell, Seconded Cr Ker**

*That the recommendation be adopted.*

**MOTION PUT AND CARRIED (8-0)**

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**DETAILS:**

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it relates to the Town's position regarding a review application to the State Administrative Tribunal, contains information concerning:

- legal advice obtained, or which may be obtained by the local government and which relates to a matter to be discussed at this meeting.
-

**14.2 CONFIDENTIAL REPORT - Nos. 103–105 (Lot: 100 D/P: 75367) Oxford Street, Leederville - Proposed Demolition of Existing Temporary Car Park and Construction of Seven (7) Storey Commercial Development Comprising Four (4) Shops, Three (3) Offices and Associated Car Parking - State Administrative Tribunal (SAT) Review Matter No. DR 251 of 2009**

<b>Ward:</b>	South	<b>Date:</b>	15 September 2009
<b>Precinct:</b>	Oxford Centre; P04	<b>File Ref:</b>	PRO0452; 5.2008.580.1
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	R Rasiah		
<b>Checked/Endorsed by:</b>	H Smith; R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report relating to Nos. 103–105 (Lot: 100 D/P: 75367) Oxford Street, Leederville - Demolition of an Existing Temporary Car Park and the Construction of a Seven (7) Storey Commercial Development Comprising Four (4) Shops, Three (3) Offices and Associated Car Parking at the above site - State Administrative Tribunal (SAT) Review Matter No. DR 251 of 2009; and*
- (ii) *NOTES that the appeal lodged to the State Administrative Tribunal by GNTM Pty Ltd against the decision of the Council at its Ordinary Meeting held on 26 May 2009 relating to Nos. 103–105 (Lot: 100 D/P: 75367) Oxford Street, Leederville - Demolition of an Existing Temporary Car Park and the Construction of a Seven (7) Storey Commercial Development Comprising Four (4) Shops, Three (3) Offices and Associated Car Parking at the above site - State Administrative Tribunal (SAT) Review Matter No. DR 251 of 2009 has been withdrawn by the owners.*

**COUNCIL DECISION ITEM 14.2**

**Moved Cr Farrell, Seconded Cr Messina**

*That the recommendation be adopted.*

**MOTION PUT AND CARRIED (8-0)**

**DETAILS:**

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it relates to the Town's position regarding a review application to the State Administrative Tribunal, contains information concerning:

- legal advice obtained, or which may be obtained by the local government and which relates to a matter to be discussed at this meeting.

**14.3 CONFIDENTIAL REPORT – Independent Legal Advice – Alleged Subsidence in Residences Built on Unstable Ground along Charles Street, North Perth**

<b>Ward:</b>	South	<b>Date:</b>	15 September 2009
<b>Precinct:</b>	Smith's Lake; P6	<b>File Ref:</b>	FIN0170
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	B Tran		
<b>Checked/Endorsed by:</b>	H Smith, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report and legal advice dated 25 August 2009, provided by Downings Legal, formally setting out the legal parameters and recommendations to be taken by the Town, relating to the alleged subsidence in residences built on alleged unstable ground along Charles Street, North Perth, as 'Laid on the Table';*
- (ii) *ACCEPTS the Town's independent legal advice provided by Downings Legal on 25 August 2009 as follows:*
  - (a) *the Owners may be statute barred from commencing an action with respect to the damage to the Properties against both the Town of Vincent and the City of Perth;*
  - (b) *the Town of Vincent is not responsible for the filling and preparation of the land or the granting of the building approval for the Properties because:*
    - (1) *the Town of Vincent did not exist until 1 July 1994; and*
    - (2) *the City of Perth retained liability upon creation of the Town;*
  - (c) *the Town of Vincent is unlikely to be liable, in negligence, or otherwise, for the damage to the Properties;*
  - (d) *as the Town has notified the Local Government Insurance Services (WA), and the Owners have not issued proceedings, it is not necessary for the Town of Vincent to take any further steps at this stage;*
  - (e) *the Town of Vincent, does not continue to offer guidance/administrative assistance to the Owners in pursuing a claim against the City of Perth; and*
  - (f) *it is not advisable for the Town to act in a manner that could appear contrary or prejudicial to the interests of Local Government Insurance Services;*
- (iii) *APPROVES the following:*
  - (a) *that the Town does not continue to offer guidance/administrative assistance to the Owners in pursuing a claim against the City; and*
  - (b) *that the Town not act in a manner that could appear contrary or prejudicial to the interests of the Local Government Insurance Services; and*
- (iv) *AUTHORISES the Chief Executive Officer to write to the various affected property owners advising of the Town's independent legal advice and the Council decision.*

**COUNCIL DECISION ITEM 14.3**

**Moved Cr Farrell, Seconded Cr Burns**

*That the recommendation be adopted.*

**Debate ensued.**

**MOTION PUT AND CARRIED (7-1)**

**For:** Cr Burns, Cr Doran-Wu, Cr Farrell, Cr Ker, Cr Lake, Cr Maier, Cr Messina  
**Against:** Mayor Catania

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**DETAILS:**

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains legal advice and relates to consideration of a course of action to be taken in relation to the alleged subsidence in residences built on unstable ground along Charles Street, North Perth. It contains potential financial and legal implications to the Town.

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**LEGAL:**

The Local Government Act 1995, Section 5.23(2) prescribes that a meeting or any part of a meeting may be closed to the public when it deals with a range of matters.

Section 5.94 of the Act provides the public is entitled to inspect a wide range of information about the Town. Section 5.95(6) excludes information that has been prescribed as confidential from this entitlement.

The Town of Vincent Local Law Relating to Standing Orders states the following:

*“2.15 Confidential business*

*(1) All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is to be treated in accordance with the Local Government (Rules of Conduct) Regulations 2007.*

The confidential report is provided separately to Council Members, the Chief Executive Officer and Directors.

In accordance with Section 5.23 of the Local Government Act, the report is to be kept confidential until determined by the Council to be released for public information.

At the conclusion of these matters, the Chief Executive Officer may wish to make some details available to the public.

**14.4 CONFIDENTIAL REPORT: Local Government Structural Reform 2009 – Approval of Town of Vincent Submission to Minister for Local Government and Progress Report No. 5**

<b>Ward:</b>	-	<b>Date:</b>	16 September 2009
<b>Precinct:</b>	-	<b>File Ref:</b>	ORG0031
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**REVISED OFFICER RECOMMENDATION:**

*That the Council;*

- (i) **RECEIVES:**
  - (a) *the Progress Report No. 5 as at 16 September 2009 concerning Local Government Structural Reform 2009 and the Town’s Submission to the Minister for Local Government; and*
  - (b) *the Minutes of the Town of Vincent Structural Reform Project Team Meetings as “Laid on the Table”;*
- (ii) **APPROVES** *of the Town of Vincent Submission to the Minister for Local Government as shown in Appendix 14.4 attached to this report;*
- (iii) **NOTES that:**
  - (a) *the Town’s Local Government Structural Reform Checklist received a Category 1 ranking by the Department of Local Government; and*
  - (b) *the results of the Community Consultation were taken into account in compiling the Town’s Final Reform Submission;*
- (iv) **RESOLVES** *to retain its status as a independently sustainable local government, based on the assessment by the Department of Local Government (noting that the Town is sustainable in it current form), together with the results of the Community Consultation;*
- (v) **RECOMMENDS** *to the Minister for Local Government, Heritage, Citizenship and Multicultural Interest that:*
  - (a) *the Town of Vincent DOES NOT SUPPORT amalgamation with any neighbouring local government authority including the Cities of Stirling, Perth, Bayswater or Town of Cambridge;*
  - (b) *the Town of Vincent REQUESTS THAT ALTERATIONS BE MADE TO ITS BOUNDARIES in the following order of preference:*
    - 1. *Option 1 – Acquire Mt Lawley (only);*
    - 2. *Option 2 – Acquire Mt Lawley and part of Menora (south of Alexander Drive);*
    - 3. *Option 3 – Acquire Mt Lawley, Menora and Coolbinia;*
    - 4. *Option 4 – Acquire Joondanna; and*
    - 5. *Option 5 – Acquire Mt Lawley, Menora, Coolbinia and Joondanna;*

- (c) *the number of Elected Members for the Town of Vincent NOT BE REDUCED, as the current number of nine Elected Members is within the prescribed range of between six and nine as recommended by the Minister;*
- (d) *the present arrangements for the Town's regional groupings of local government is considered appropriate, and NOTES that the Town will continue to work collaboratively with other relevant local governments and Regional Councils; and*
- (e) *the City of Perth Submission BE REJECTED; and*
- (vi) **AUTHORISES:**
  - (a) *the Chief Executive Officer, in liaison with the Mayor, to finalise and submit the Town's Submission to the Minister for Local Government;*
  - (b) *the Mayor and Chief Executive Officer to meet the Minister for Local Government, other local governments and other relevant persons, concerning local government structural reform; and*
  - (c) *the Mayor and Chief Executive Officer to formally advise the Cities of Stirling, Bayswater and Perth and the Town of Cambridge of the Council's decision.*

**\*Note: The above Officer Recommendation was revised and distributed prior to the meeting.**

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**Moved Cr Farrell, Seconded Cr Burns**

*That the revised recommendation be adopted.*

Debate ensued.

AMENDMENT NO 1

**Moved Cr Ker, Seconded Cr Maier**

*That clause (v)(b) be amended to read as follows:*

*“(v)(b) the Town of Vincent REQUESTS THAT ALTERATIONS ~~BE MADE~~ TO ITS BOUNDARIES be considered in the following order of preference:”*

Debate ensued.

**AMENDMENT NO 1 PUT AND CARRIED (5-3)**

**For:** Cr Burns, Cr Ker, Cr Lake, Cr Maier, Cr Messina

**Against:** Mayor Catania, Cr Doran-Wu, Cr Farrell

Debate ensued.

**AMENDMENT NO 2**

**Moved Cr Burns, Seconded Cr Farrell**

*That a new subclause (vi)(d) be inserted as follows:*

*“(vi)(d) the Chief Executive Officer to make public the Council Report and Submission after 30 September 2009.”*

**AMENDMENT NO 2 PUT AND CARRIED (8-0)**

Debate ensued.

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

**COUNCIL DECISION ITEM 14.4**

*That the Council;*

- (i) **RECEIVES:**
  - (a) *the Progress Report No. 5 as at 16 September 2009 concerning Local Government Structural Reform 2009 and the Town’s Submission to the Minister for Local Government; and*
  - (b) *the Minutes of the Town of Vincent Structural Reform Project Team Meetings as “Laid on the Table”;*
- (ii) **APPROVES** *of the Town of Vincent Submission to the Minister for Local Government as shown in Appendix 14.4 attached to this report;*
- (iii) **NOTES that:**
  - (a) *the Town’s Local Government Structural Reform Checklist received a Category 1 ranking by the Department of Local Government; and*
  - (b) *the results of the Community Consultation were taken into account in compiling the Town’s Final Reform Submission;*
- (iv) **RESOLVES** *to retain its status as a independently sustainable local government, based on the assessment by the Department of Local Government (noting that the Town is sustainable in its current form), together with the results of the Community Consultation;*
- (v) **RECOMMENDS** *to the Minister for Local Government, Heritage, Citizenship and Multicultural Interest that:*
  - (a) *the Town of Vincent DOES NOT SUPPORT amalgamation with any neighbouring local government authority including the Cities of Stirling, Perth, Bayswater or Town of Cambridge;*
  - (b) *the Town of Vincent REQUESTS THAT ALTERATIONS TO ITS BOUNDARIES be considered in the following order of preference:*
    - 1. *Option 1 – Acquire Mt Lawley (only);*
    - 2. *Option 2 – Acquire Mt Lawley and part of Menora (south of Alexander Drive);*

3. *Option 3 – Acquire Mt Lawley, Menora and Coolbinia;*
  4. *Option 4 – Acquire Joondanna; and*
  5. *Option 5 – Acquire Mt Lawley, Menora, Coolbinia and Joondanna;*
- (c) *the number of Elected Members for the Town of Vincent NOT BE REDUCED, as the current number of nine Elected Members is within the prescribed range of between six and nine as recommended by the Minister;*
- (d) *the present arrangements for the Town’s regional groupings of local government is considered appropriate, and NOTES that the Town will continue to work collaboratively with other relevant local governments and Regional Councils; and*
- (e) *the City of Perth Submission BE REJECTED; and*
- (vi) **AUTHORISES:**
- (a) *the Chief Executive Officer, in liaison with the Mayor, to finalise and submit the Town’s Submission to the Minister for Local Government;*
  - (b) *the Mayor and Chief Executive Officer to meet the Minister for Local Government, other local governments and other relevant persons, concerning local government structural reform;*
  - (c) *the Mayor and Chief Executive Officer to formally advise the Cities of Stirling, Bayswater and Perth and the Town of Cambridge of the Council’s decision; and*
  - (d) *the Chief Executive Officer to make public the Council Report and Submission after 30 September 2009.*

**Note: The Chief Executive Officer advised that this report is now released to the public as the Council has determined the matter.**

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#### **PURPOSE OF REPORT:**

The purpose of this report is to advise the Council of the progress concerning the Minister for Local Government's announcement concerning his strategies for local government structural reform by calling for voluntary Council amalgamations and a reduction in the number of Council elected members and approve of the Town’s Submission.

#### **BACKGROUND:**

The Council previously considered the matter of local government reform at the Ordinary Meetings of Council held on 7 September 2005, 20 December 2005, 16 March 2009, 28 April 2009, 7 July 2009 and 25 August 2009.

#### **DETAILS:**

On 5 February 2009, the Minister for Local Government; Heritage; Citizenship and Multicultural Interests, the Hon G M (John) Castrilli, MLA issued Circular No. 1 - 2009 which provided the following information in relation to the State Government's package of Local Government reform strategies.



The Minister required that all Local Governments forward their final Reform Submission by 31 August 2009 (subsequently extended to 30 September 2009). Such submissions are to include the following items:

- Voluntary amalgamation;
- The number of Elected Members required( with a range of six (6) to nine (9));
- Regional Groupings; and
- A transition timeline.

### **Local Government Reform Steering Committee**

On 10 February 2009, the Minister for Local Government announced the creation of the Local Government Reform Steering Committee which is responsible for facilitating the reform process. The Steering Committee's role is to develop guidelines to assist Councils to consider amalgamations and to reduce elected member numbers. The Steering Committee will also oversee the following four Working Groups:

- Corporate and Strategic Planning
- Commercial Enterprises and Urban Development
- Training and Capacity Building
- Legislative Reform

### **Local Government - Brief Overview**

In Western Australia, there are 139 local governments, of which 85 have a population less than 2,000 and with a ratio of electors to each elected member of less than 1 per 100. These local governments are almost all country councils (the only notable exception in Perth is the Shire of Peppermint Grove). There are 30 local governments in the metropolitan area.

### **Town of Vincent Structural Reform Project Team Meetings**

The Council's Structural Reform Project Team (comprising Mayor Catania, Cr Farrell, Cr Burns and the Chief Executive Officer) had its first meeting on 26 June 2009 to progress the matter of Structural Reform and has subsequently met on nine (9) occasions, on 26 June 2009, 10 July 2009, 16 July 2009, 24 July 2009, 3 August 2009, 10 August 2009, 17 August 2009, 31 August 2009 and 7 September 2009.

The Project Team considered the following items:

#### **1. Town of Vincent Reform Checklist – Timeline for Stages 2-5**

##### Chief Executive Officer's Comment:

The Town's progress in this matter has been in accordance with the adopted Checklist Timeline for Stages 2-5. **It should be noted that on 18 August 2009 the Minister for Local Government granted an extension of time for submissions to be submitted by 30 September 2009.**

#### **2. Role of the Project Team**

##### **2.1 Checklist No. 1**

##### Chief Executive Officer's Comment:

Stage 1 of the Reform Agenda required the completion of a Local Government Reform Checklist. The Town's submitted its Checklist on 30 April 2009 and this was subsequently amended on several occasions by providing additional information to the Department of Local Government. The Checklist was then assessed by the Local Government Reform Steering

Committee. On 21 July 2009 the Town received a letter from the Department of Local Government which advised as follows:

*'Thank you for providing the Local Government Reform Steering Committee with your completed Reform Checklist. This is an important part of the reform process and we thank you for the effort which your local government has invested in this exercise.*

*The Steering Committee has developed a standardised methodology for assessing the information provided in the checklists against objective criteria. The purpose of this methodology is to assess the current operations of each local government and to identify capacity gaps which might impact on its ability to meet current and future community needs.*

*This assessment identifies particular strengths and weaknesses and includes recommendations relating to structural reform where this might address the capacity gaps identified to assist local governments with progressing reform.*

*Whilst the Checklist and attached documents demonstrate the Town's capacity to implement long term strategic and financial planning processes, areas where improvements are required were identified in relation to;*

- *delays with processing building and development applications; and*
- *limited demonstrable evidence of an overarching corporate staff attraction and retention policy; and training and development program."*

The Town's Chief Executive Officer subsequently provided additional information and on Thursday 23 July 2009, the Town received an amended letter. This amended letter stated;

*"The assessment places local governments into one of three categories:*

***Category One:** evidence indicates that there is existing organisational and financial capacity to meet current and future community needs. Local governments should still consider reform opportunities which enhance service provision to local and regional communities.*

***Category Two:** structural reform including amalgamation/boundary adjustments and formalisation of regional groupings should be considered to enhance organisational and financial capacity to meet current and future community needs.*

***Category Three:** significant structural reform including amalgamation and formalisation of regional groupings is required to ensure long term community and organisational benefit in order that the needs of the current and future generations are met.*

***On the basis of the checklists assessment, the Town of Vincent was placed in Category One: "evidence indicates that there is existing organisational and financial capacity to meet current and future community needs. Local governments should still consider reform opportunities which enhance service provision to local and regional communities.***

*Please refer to the attached table for specific comments recorded relevant to the first 12 questions of the Local Government Reform Checklist.*

*The assessment of the Town of Vincent's checklist and associated documents identified some key strengths, in particular:*

- *comprehensive strategic planning in place with identified funding strategies;*
- *progress towards a structured asset and infrastructure management framework;*
- *demonstrated evidence of a long term financial management plan in place with clear links to the Town's operations and strategic planning;*
- *community participation in standing at local government elections;*

- *demonstrated ability to efficiently process building applications and meet statutory reporting timeframes;*
- *demonstrable evidence of a strategic policy approach to attract investment and business development to the district;*
- *demonstrable evidence of significant funding partnerships in place with the State Government and the private sector to attract investment and increase community service provision;*
- *demonstrable evidence of a formal consultation policy in place to effectively engage with the community in future planning processes;*
- *demonstrable evidence of planning for demographic change and population growth incorporated into key corporate documents;*
- *demonstrable evidence of comprehensive environmental management planning undertaken across a range of environmental issues;*
- *demonstrable planning and finance strategies in place to provide optimal service delivery in response to community expectations; and*
- *demonstrable evidence of partnerships in place to address regional issues.*

*Whilst the checklist and attached documents demonstrate the Town's capacity to implement long term strategic and financial planning processes, areas where improvements are required were identified in relation to;*

- *noted delays with processing development applications."*

### **Development Approval Process**

It should be noted that many metropolitan Council governments received similar comments concerning delays with processing development applications.

### **2.2 Consideration of community consultation submissions**

#### Chief Executive Officer's Comment:

The Town's community consultation commenced on 14 July 2009 and closed on 14 August 2009. Approximately 18,500 special additional newsletters were delivered to all residences and businesses in the Town including a reply-paid survey. In addition, newsletters were available at the Town's Centres and a dedicated webpage was developed including an on-line survey. Public meetings were also held with an invitation to present to community groups extended.

At the close of the consultation period 344 submissions had been received. This represents a **1.85%** response rate, which is considered very low. The following is a statistical summary of the submissions:

The following is a summary of submission:

	<b>Total</b>
<b>Elected Members</b>	
How many elected members do you think Vincent should have (there are currently 9 – 8 x Councillors and 1 x Mayor)?	
<u>Responses:</u>	
6 = 67                  7 = 59                  8 = 34                  9 = 150                  Not Specified = 34	<b>344</b>

<b>Amalgamations</b>	
Do you think that Vincent should amalgamate with a neighbouring Council?	
<u>Responses:</u> Yes = 127*    No = 190    Undecided = 19    Not Specified = 8	<b>344</b>
<b>If yes, please indicate your preference</b>	
<u>Responses:</u> Bayswater =    Cambridge =    Perth =    Stirling = 10                    51                    71                    22	<b>154*</b>
<b>Boundaries</b>	
Do you think that Vincent should propose alterations to its current boundaries to acquire adjoining suburbs?	
<u>Responses:</u> Yes = 115    No = 168    Undecided = 50    Not specified = 11	<b>344</b>
<b>Regional Groupings</b>	
Do you think Vincent should form regional groups for the delivery of services?	
<u>Responses:</u> Yes = 182    No = 62    Undecided = 73    Not specified = 27	<b>344</b>

\* A number of respondents provided more than one preference; hence the figure is greater than the number of responses received.

### **Amalgamations**

The Town of Vincent has determined that voluntary amalgamations should not be pursued with contiguous local governments, given that any proposed amalgamation is unlikely to achieve improved outcomes for the local governments in question, and in particular, their respective communities and therefore offers minimal prospects for identifiable or measurable sector improvement. This position has been affirmed mutually by the neighbouring local governments of the Cities of Stirling and Bayswater and Town of Cambridge. The City of Perth has made its own submission for an increase in area, which potentially affects nine local governments.

#### Discussions with Adjoining Local Governments

##### (i) City of Bayswater

The Town of Vincent and City of Bayswater met on 7 April 2009. Both Local Government's considered that amalgamation should not be pursued for the following reasons:

- (a) the Town's boundary with the City of Bayswater is only approximately 500m south of Guildford Road towards the Swan River, which would provide for a very illogical connection with the City of Bayswater; and
- (b) the suburb of Menora and part of Mt Lawley, which are currently in the City of Stirling are between the Town of Vincent and the City of Bayswater.

(ii) City of Perth

The Town of Vincent and the City of Perth met on 23 April 2009. Both Local Government's considered that amalgamation should be not pursued for the following reasons:

- (a) the Town considers the prime function of the City of Perth to focus on business, commerce and tourism and therefore, the Town of Vincent would become "of lesser importance";
- (b) there is very little community of interest between the Town of Vincent and the City of Perth; and
- (c) the Town of Vincent community opposition to amalgamation with the City of Perth.

(iii) City of Stirling

The Town of Vincent and the City of Stirling met on 30 April 2009. Both Local Government's considered that amalgamation should be not pursued for the following reasons:

- (a) the City of Stirling is already very large with a population exceeding 188,881 residents and any amalgamation would result in the Town becoming "just another suburb of a large local government"; and
- (b) the City of Stirling elected member ration is 1:12,633 and any additional residents would result in a loss of representation to the Town of Vincent.

(iv) Town of Cambridge

The Town of Vincent and the Town of Cambridge met on 17 April 2009. Both Local Government's considered that amalgamation should be not pursued for the following reasons:

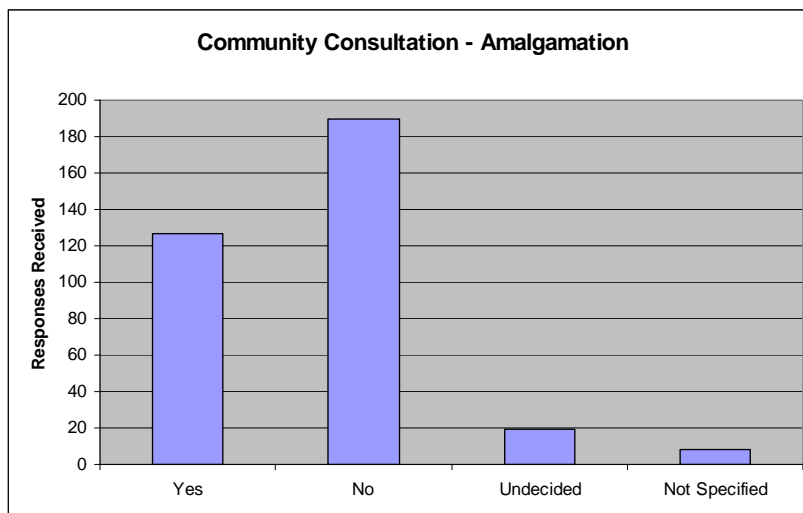
- (a) the Mitchell Freeway is currently the boundary between the two Towns and this is a major artificial barrier; and
- (b) there being little community of interest between the Town of Vincent and the Town of Cambridge.

Community Consultation Submissions – Amalgamations

The Town's community consultation commenced on 14 July 2009 and closed on 14 August 2009 (refer 4.7 Community Consultation). At the close of the consultation period 344 submissions were received. With over 18,500 surveys distributed, 344 submissions equates to a response rate of only 1.85%, whilst this considered very low, outlined below are the findings from the survey in relation to Amalgamations:

<b>Amalgamations</b>	
Do you think that Vincent should amalgamate with a neighbouring Council?	
<u>Responses:</u> Yes = 127*    No = 190    Undecided = 19    Not Specified = 8	<b>344</b>
<b>If yes, please indicate your preference</b>	
<u>Responses:</u> Bayswater =    Cambridge =    Perth =    Stirling = 10                    51                    71                    22	<b>154*</b>

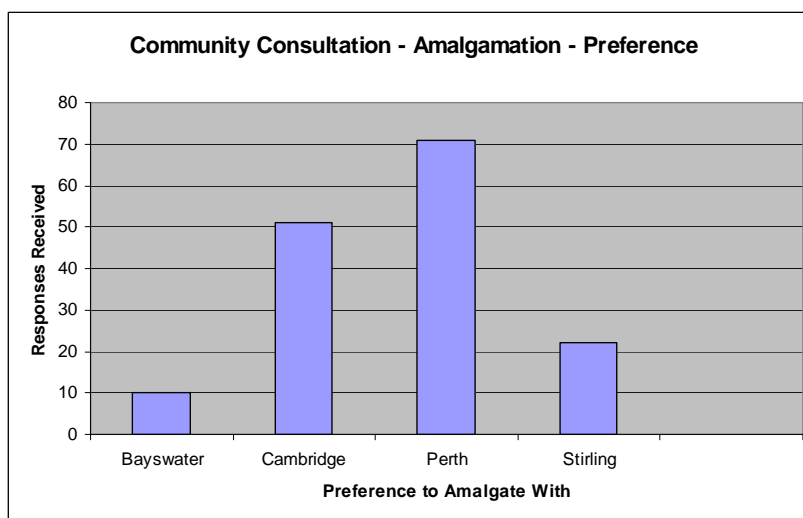
\* A number of respondents provided more than one preference; hence the figure representing preferences is greater than the number of responses received.



**Comment:**

A total of **190** submissions (**55.23%**) were received opposing amalgamation with a neighbouring local government, as opposed to **127** (**36.92%**) in favour. A further **19** submissions (**5.52%**) were undecided and **8** submissions (**2.33%**) did not specify a response.

**The clear majority of submissions were therefore opposed to amalgamation.**



**Comment:**

Of the 344 respondents, **127** indicated that the Town should amalgamate with a neighbouring local government. The majority (**190**) of submissions opposed amalgamation.

Within the 127 submissions in favour of amalgamation, a number of respondents indicated a number of options, therefore the total number of respondents upon which the statistics are based is 154.

The City of Perth was the favoured local government with which to consider amalgamation with **71** submissions (**46.10%**) nominating this option. The Town of Cambridge was nominated in **51** submissions (**33.12%**), followed by the City of Stirling with **22** submissions (**14.29%**) and lastly the City of Bayswater with **10** submissions (**6.49%**).

It should be noted that the clear majority of respondents (**55.23%**) did not support amalgamation.

## **CONCLUSION – AMALGAMATIONS**

*The Town of Vincent DOES NOT SUPPORT amalgamation with any neighbouring local government authority including the Cities of Stirling, Perth, Bayswater or Town of Cambridge for the following reasons:*

- (a) the Town of Vincent received a Category Number 1 Ranking and is considered sustainable;*
- (b) the Town of Vincent considers that it is unlikely to gain any substantial benefits from amalgamating with another local government;*
- (c) the Town of Vincent's adjoining local governments being the Cities of Stirling, Perth and Bayswater and Town of Cambridge all received a Category Number 1 Ranking and are all considered sustainable in their own right;*
- (d) specifically the Town of Vincent does not consider the relatively short boundary between itself and the City of Bayswater as being appropriate and would result in a geographically inappropriate shape and size;*
- (e) specifically the Town of Vincent considers that the current size and number of Council Members at the City of Stirling will result in a loss of community identity and a significant loss of Council Member representation – which would be to the detriment of Vincent residents and ratepayers;*
- (f) specifically the Town of Vincent does not consider amalgamation with the City of Perth to be appropriate as the prime function of the City of Perth is to concentrate on business, commerce and tourism for the Capital City; and*
- (g) specifically the Town of Vincent considers the Mitchell Freeway, which divides it and the Town of Cambridge, a major artificial barrier, which would preclude a successful amalgamation.*

### **Elected Member representation**

#### **The Number of Elected Members**

##### *The Town of Vincent Council – Current Composition*

The Minister has requested that the number of Council Members be reduced to a number between six (6) and a maximum of nine (9). The Town already complies with this requirement. (The Mayor is elected by the electors. This will remain unchanged.)

At the Special Meeting of Council held on 7 July 2009 the Council resolved (inter alia) as follows:

- “...  
2. *the number of Council Members at the Town of Vincent not be reduced (if the current boundaries remain unaltered);*  
3. *the current method of election of the Mayor remain unchanged and continue to be carried out by the Electors; and*  
4. *it be noted that the matter is to be further revisited if alterations to the Town's current boundaries occurs;*  
...”

In considering what a maximum number of elected members to govern a Council is it is important to first consider what is the prescribed role of a Council, the Mayor or President, Deputy Mayor/President and the role of a Councillor.

The Local Government Act Section 2.7 defines the role of a council as:

### **The Role of the Council**

- LGA S2.7**
- (1) “The Council –
    - (a) directs and controls the local government’s affairs; and
    - (b) is responsible for the performance of the local government’s functions.
  - (2) Without limiting subsection (1), the Council is to –
    - (a) oversee the allocation of the local government’s finances and resources; and
    - (b) determine the local government’s policies.”

### **The role of the mayor or president:**

- LGA S2.8**
- (1) The Mayor or President –
    - (a) presides at meetings in accordance with this Act;
    - (b) provides leadership and guidance to the community in the district;
    - (c) carries out civic and ceremonial duties on behalf of the local government;
    - (d) speaks on behalf of the local government;
    - (e) performs such other functions as are given to the mayor or president by this Act or any other written law; and
    - (f) liaises with the Chief Executive Officer on the local government’s affairs and the performance of its functions.
  - (2) Section 2.10 applies to a councillor who is also the mayor or president and extends to a mayor or president who is not a councillor.

### **The Role of the Deputy Mayor/President**

- LGA S2.9** The Deputy Mayor or Deputy President performs the functions of the Mayor or President when authorised to do so under S5.34 of the Act.

### **The Role of the Councillors**

- LGA S2.10**
- (1) A councillor –
    - (a) represents the interests of electors, ratepayers and residents of the district;
    - (b) provides leadership and guidance to the community in the district;
    - (c) facilitates communication between the community and the council;
    - (d) participates in the local government’s decision-making processes at council and committee meetings; and
    - (e) performs such other functions as are given to a councillor by this Act or any other written law.



Statistical Information

The following information is provided in relation to the Town's identified boundary adjustment options.

*Elected Member Ratio Per Population:*

<b>Vincent</b>	<b>Cambridge</b>	<b>Perth</b>	<b>Bayswater</b>	<b>Stirling</b>
1:2986	1:2639	1:1446	1:5072	1:12633

**Town of Vincent - Current**

<b>Town of Vincent</b>	<b>No. of Electors</b>	<b>No. of Councillors</b>	<b>Councillor/Elector Ratio</b>	<b>Mayor</b>
North Ward	9,423	4	1:2355	
South Ward	9,829	4	1:2457	
<b>Total</b>	<b>19,252</b>	<b>8</b>		<b>1</b>

**Option 1 - Mount Lawley (3.08km<sup>2</sup>)**

	<u>Electors</u>	<u>Population</u>
Mount Lawley	5,422	6,417
Town of Vincent Existing	19,252	26,878
<b>Total</b>	<b>24,674</b>	<b>33,295</b>

<b>Town of Vincent</b>	<b>No. of Electors</b>	<b>No. of Councillors</b>	<b>Councillor/Elector Ratio</b>	<b>Mayor#</b>
Total	24,674	8	1:3084	1

**Option 2 - Mount Lawley and Part of Menora (14.88km<sup>2</sup>)**

	<u>Electors</u>	<u>Population</u>
Mount Lawley	5,422	= 9,214
Menora (part of)	2,347	
Town of Vincent	19,252	26,878
<b>Total</b>	<b>27,021</b>	<b>36,092</b>

<b>Town of Vincent</b>	<b>No. of Electors</b>	<b>No. of Councillors</b>	<b>Councillor/Elector Ratio</b>	<b>Mayor#</b>
Total	27,021	8	1:3377	1

**Option 3 - Mount Lawley, Menora and Coolbinia (16.38km<sup>2</sup>)**

	<u>Electors</u>	<u>Population</u>
Mount Lawley	5,442	= 10,649
Coolbinia	1,220	
Menora	2,347	
Town of Vincent Existing	19,252	26,878
<b>Total</b>	<b>28,261</b>	<b>37,527</b>

<b>Town of Vincent</b>	<b>No. of Electors</b>	<b>No. of Councillors</b>	<b>Councillor/Elector Ratio</b>	<b>Mayor#</b>
Total	28,261	8	1:3532	1

**Option 4 - Joondanna (12.87km<sup>2</sup>)**

	<u>Electors</u>	<u>Population</u>
Joondanna	3,559	4,187
Town of Vincent	19,252	26,878
<b><u>Total</u></b>	<b><u>22,811</u></b>	<b><u>31,065</u></b>

Town of Vincent	No. of Electors	No. of Councillors	Councillor/Elector Ratio	Mayor#
Total	22,811	8	1:2851	1

**Option 5 - Mount Lawley, Menora, Coolbinia, Joondanna (16.85km<sup>2</sup>)**

	<u>Electors</u>	<u>Population</u>
Mount Lawley	5,422	= 14,836
Coolbinia (1km <sup>2</sup> )	1,220	
Menora (1km <sup>2</sup> )	2,367	
Joondanna (1.57km <sup>2</sup> )	3,559	
Town of Vincent	19,252	
<b><u>Total</u></b>	<b><u>31,820</u></b>	<b><u>41,714</u></b>

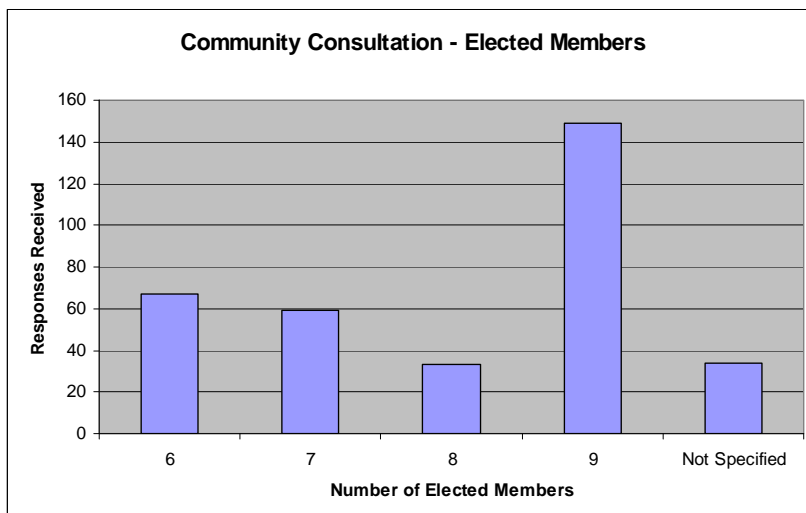
Town of Vincent	No. of Electors	No. of Councillors	Councillor/Elector Ratio	Mayor#
Total	31,820	8	1:3977	1

# Mayor - Elected by Electors

Community Consultation Submissions - Number of Elected Members

The Town's community consultation commenced on 14 July 2009 and closed on 14 August 2009. At the close of the consultation period 344 submissions were received. With over 18,500 surveys distributed, 344 submissions equates to a response rate of only 1.85%, whilst this considered very low, outlined below are the findings from the survey in relation to Elected Member Representation:

<b>Elected Members</b>					
How many elected members do you think Vincent should have (there are currently 9-8 x Councillors and 1 x mayor)					
<u>Responses:</u>					
6 = 67	7 = 59	8 = 34	9 = 150	Not Specified = 34	<b>344</b>



**Comments:**

A total of **150** submissions (**43.60%**) were received to retain the current nine Elected Members. Six Elected Members was favoured in **67** submissions (**19.48%**), followed by **59** submissions (**17.15%**) favouring a reduction to seven Elected Members and **34** submissions (**9.885%**) favouring a reduction to eight Elected Members. There were **34** submissions (**9.885%**) which did not specify a response to this question.

The clear majority of submissions favoured retaining the existing nine Elected Members.

Rationale for the Retention of Eight Offices of Councillor and One Mayor Elected by the Electors at the Town of Vincent

(i) *The Existing Number of Elected Member Representation – Project Team Preliminary View*

The Council currently operates with nine Elected Members. The Project Team has considered a reduction in the number of Elected Members but this is not supported for the following reasons:

- the current number complies with the Minister’s requirements of being between six and nine;
- the number of electors and community members served by each Elected Member is considered manageable;
- any reduction in numbers will result in an increase in Elected Member workloads;
- the diversity of the Town of Vincent community;
- if there is a reduction it will be easier for ‘decisions’ to be made outside of formal meeting procedures;
- a reduction would increase the potential by a small interest group to control the Council;
- consideration of the community submissions favouring ‘no change’; and
- the miniscule cost savings in a reduction from nine.

Detailed below is supporting information to justify no change to the number of Elected Members.

(ii) *The number of electors and community members served by each elected member*

There are 19,252 electors within the Town of Vincent. With 8 councillor positions and 1 mayor, this creates a ratio of 1:2139 (where one elected member represents 2,139 electors).

When compared to either electors or total population (1: 2986), the ratio for elected members at the Town is considered appropriate.

(iii) *An increase in elected member workloads*

Many elected members are engaged in either full-time employment or private business activities. Therefore, their availability to fulfil community expectations is limited.

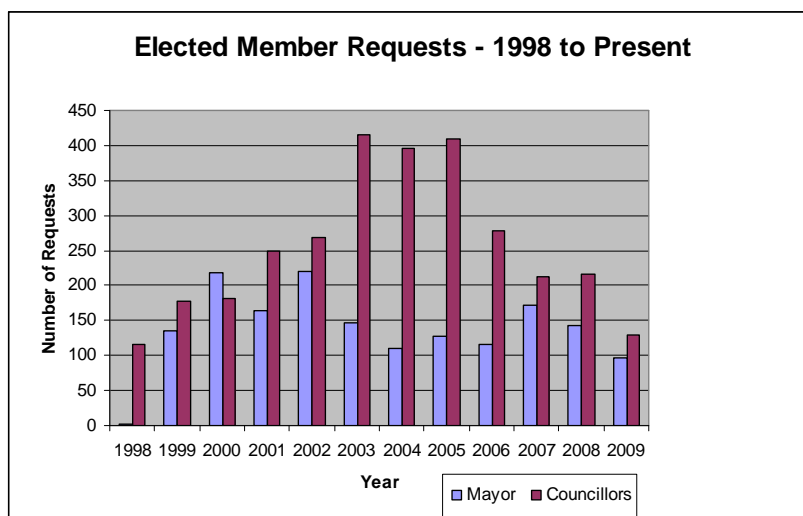
The Town of Vincent encourages its elected members to become involved in a wide range of groups and bodies outside of participation at Council meetings. This ensures effective representation and visible leadership for the community and provides a significant 'value adding' outcome.

If the number of elected members is to be reduced, more work will be placed on the remaining elected members. This may be acceptable if the elected members are retired or otherwise able to withdraw from the workforce. However, such an elected membership would not reflect the diversity of the community and would be considered a negative step.

The other alternative is for elected members to reduce their involvement with community activities, advisory groups and committees. This would certainly bring about two results. The first being greater pressure on Town Officers to attend a variety of external functions and meetings. This would either require staff to reduce current activities to take on the extra work or require additional staff. Further, as such meetings often occur in the evenings, overtime payments would be necessary which could equate to additional cost to the ratepayers.

The second outcome would be that elected members would have less of an influence within the community. This would reduce the value of local government at a time when pressure is being placed on all levels of government to assist communities through the global financial crisis.

Elected Member Requests



As can be seen by the graph above, the Town's Elected Members personally deal with enquiries on behalf of the ratepayers. If there is a reduction in the number of Elected Members, it would result in an increased workload for each Elected Member.

*(iv) The disparity in the ratio of elected members to electors/population between large metropolitan local governments and large regional local governments*

Some disparity in the ratio of elected members to electors can be expected between some regional and metropolitan local governments – regional elected members service larger land areas with lower population densities, which arguably require more work.

However, it is also argued that elected members engage directly with community members rather than geographical areas and the ability to communicate electronically significantly reduces the constraints imposed by geographical distance.

On this basis, it is considered relevant to compare elected member ratios between the Town and other adjoining local governments.

The table below identifies the number of elected members in Vincent and other local governments, and then establishes ratios for both elected members to electors and elected members to total population. Comparisons are made with larger regional local governments and those which have experienced recent amalgamations and are therefore less likely to amalgamate further in the near future.

Metropolitan Area - Various Local Government Comparisons								
Item	Vincent	Cambridge	Victoria Park	South Perth	Perth	Belmont	Bayswater	Stirling
Budget (\$m)	42.2	39.0	28.1	43.3	123.0	36.3	42.3	156.1
Rates (\$m)	16.75	11.7	20.6	19.4	47.7	23.5	22.6	78.4
FTEs	196	160	114	192	550	237	365	884
Population	26,878	25,400	28,738	41,000	13,486	32,794	55,801	188,881
No. of Electors	19,252	17,065	18,105	23,522	10,514	17,015	40,646	125,692
No: of Dwellings	15,852	10,333	15,277	19,341	7,498	14,994	26,280	88,575
Area km <sup>2</sup>	11.3	22	17.9	20	8.75	40	32.7	100
No. of Elected Members	9	9	9	13	8	11	11	14
Elected Member Ratio per Elector	1:2149	1:1896	1:2012	1:1809	1:1314	1:1547	1:3695	1:6327
Elected Member Ratio per Population	1:2986	1:2822	1:3193	1:3153	1:1685	1:2981	1:5072	1:13491

Census 2006

*(v) The potential savings from a reduction in the number of Elected Members*

It could be argued that reducing the number of elected members will potentially save a local government money. This argument is rejected as insignificant as the amount of savings will be miniscule. With each elected member receiving a sitting fee of \$7,000 per annum, reducing the number of elected members in the Town of Vincent from nine to six will save \$21,000 plus incidental reimbursements. With an operating budget of approximately \$43 million, this equates to a very minor saving. However, these savings are likely to be offset by increased costs in other areas.

(vi) *The diversity of the Town of Vincent community*

The Town of Vincent currently covers ten suburbs (or part suburbs) and is one of the most diverse local governments in the metropolitan area.

To achieve direct representation for the diverse interest groups and communities within Vincent, it is important that the elected member number remains at nine. This enables commercial and residential representation, representation for sporting groups, young people and older people, as well as people from the wide range of ethnic communities within the Town.

A larger number of positions would also offer more opportunities for women to be elected. In this respect, the Town of Vincent is pleased that three of its nine elected members are women.

(vii) *It will be easier for decisions to be made outside of formal meeting procedures*

To obtain a majority in a council of nine, an individual elected member needs to achieve the support of five other members. If this number is reduced to four, support from only three other elected members is required. In this regard, it would be easier for elected members to caucus outside of the formal decision-making process of council and determine an approach to a matter without transparency public scrutiny. This is contrary to the *Local Government Act* philosophy.

(viii) *An increased potential for control of a Council by a small interest group*

Currently, support from five elected members is required for decision-making at the Town of Vincent. If the number of elected members was reduced from nine it is, obviously, easier to get a smaller number of people elected to a council than a larger number. As such, a reduction in elected member numbers would increase the potential for control by a small interest group, which would be to the detriment of the whole community.

**CONCLUSION – NUMBER OF ELECTED MEMBERS**

***The Town of Vincent DOES NOT SUPPORT a reduction in the number of Elected Members for the following reasons:***

- (a) *the current number of nine Elected Members is within the prescribed range of between six and nine as recommended by the Minister;*
- (b) *the number of electors and community members served by each Elected Member is considered appropriate and manageable;*
- (c) *any reduction in the current number of Elected Members would result in an unreasonable increase in workload for individual Elected Members;*
- (d) *the current number of nine allows for a greater diversity of Elected Members from the Town of Vincent community;*
- (e) *a reduction in Elected Members would make it easier for ‘decisions’ to be made outside of the formal meeting process;*
- (f) *a reduction in Elected Members would increase the potential for a small interest group to control the Council;*
- (g) *consideration of the community submissions favouring ‘no change’; and*
- (h) *the miniscule cost savings which would be achieved in a reduction from nine.*

### **2.3 Membership of regional groupings**

*Chief Executive Officer's Comment:*

Vincent is a member of Mindarie Regional Council and Tamala Park Regional Council, comprising the Cities of Perth, Joondalup, Stirling and Wanneroo and Towns of Cambridge, Victoria Park and Vincent.

The purpose of the Regional Councils is as follows;

- Mindarie Regional Council is formed to provide for waste disposal.
- Tamala Park Regional Council is formed to redevelop land in Tamala Park, owned by the Member Councils. (Estimated net value to the Town - \$25 million.)

The Town has an exemption from the Mindarie Regional Council concerning its disposal of waste.

The Town is currently negotiating to commence disposal of its waste at the Western Metropolitan Regional Council (possibly as early as 1 July 2009.)

Vincent is a member of Mindarie Regional Council and Tamala Park Regional Council, comprising the Cities of Perth, Joondalup, Stirling and Wanneroo and Towns of Cambridge, Victoria Park and Vincent.

The Town is currently investigating the possibility of becoming a member of the Western Metropolitan Regional Council.

The Town is a member of the WALGA Central Metropolitan Zone which comprises of the following local governments:

- Town of Cambridge
- Town of Claremont
- Town of Cottesloe
- Town of Mosman Park
- City of Nedlands
- Shire of Peppermint Grove
- City of Perth
- City of Subiaco
- Town of Vincent

The Chief Executive Officer has held several meetings with the Chief Executive Officer of the Town of Cambridge to explore working collaboratively on matters of mutual interest (e.g. Leederville Masterplan, West Leederville Masterplan).

This matter is covered in more detail in the Town's Submission.

### **2.4 Town Boundaries - Consideration of Options**

*Chief Executive Officer's Comment:*

The Town has four (4) adjoining local governments. At the Special Meeting of Council held on 7 July 2009 the Council resolved that the Chief Executive Officer provide further information on the following options:

- Option 1 Remain the same size as at present.
- Option 2 Acquire Mt Lawley, Menora and Coolbinia.
- Option 3 Acquire Mt Lawley (only).
- Option 4 Acquire Mt Lawley and Menora (south of Alexander Drive).
- Option 5 Acquire Joondanna.

Considerable work has been carried out on the options requested by the Council at the Special Meeting of Council held on 7 July 2009. At the time of writing this report, these options are still being finalised.

The Town's Mayor and Chief Executive Officer have held meetings with the Town's four (4) adjoining local governments, as follows:

- City of Bayswater 7 April 2009
- Town of Cambridge 17 April 2009
- City of Perth 23 April 2009
- City of Stirling 30 April 2009

### Background

The Town of Vincent, along with the Towns of Cambridge and Victoria Park, were established as local governments in their own right on 1 July 1994, as a result of the *City of Perth Restructuring Act*. The Town of Vincent encompasses the suburbs of North Perth, Leederville, Highgate, Mount Hawthorn and parts of East Perth, West Perth, Perth City and Mount Lawley, and has a current population of 26,878.

The Town of Vincent is classified as "Small, Metropolitan Developed", in accordance with the Australian Classification of Local Governments.

The City of Perth is now predominantly a central business district Council.

*"That the Council;*

1. *RECOMMENDS to the Minister for Local Government, Heritage, Citizenship and Multicultural Interest that:*
  - (ii) *the Town of Vincent requests that alterations be made to its boundaries in the following order of preference:*
    - (a) *Option 1 – Acquire Mt Lawley (only);*
    - (b) *Option 2 – Acquire Mt Lawley and part of Menora (south of Alexander Drive);*
    - (c) *Option 3 – Acquire Mt Lawley, Menora and Coolbinia;*
    - (d) *Option 4 – Acquire Joondanna; and*
    - (e) *Option 5 – Acquire Mt Lawley, Menora, Coolbinia and Joondanna."*

### Option 1 – Acquire Mount Lawley (only)

Option 1 includes a part of the City of Stirling, as follows:

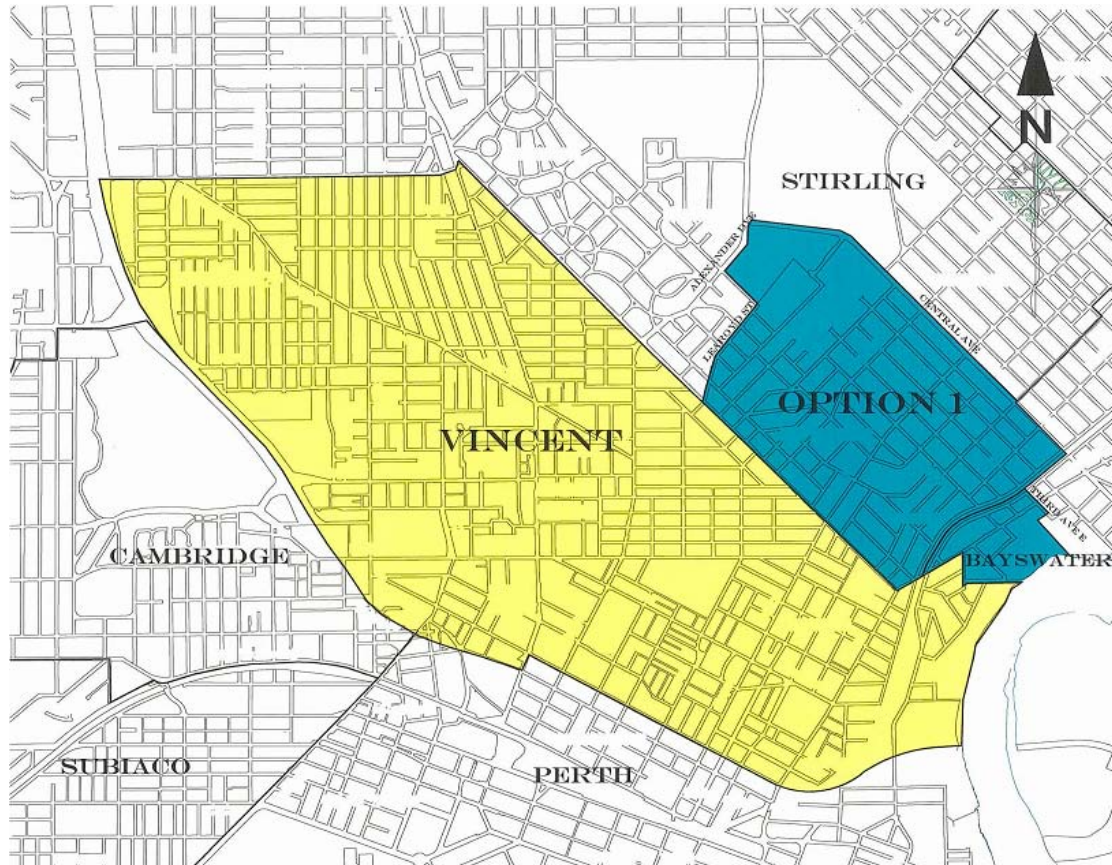
- For the suburb of Mount Lawley bounded by Walcott Street, Learoyd Street, Bradford Street, Alexander Drive, Central Avenue, Railway Parade, Third Avenue East and its prolongation southwards (on the suburb boundary of Mount Lawley) to where it meets the Swan River;



and a very small part of the City of Bayswater, as follows:

- For the area bounded by the Swan River, Mitchell Street, Stanley Street, Guildford Road, Railway Parade, suburb boundary of Mount Lawley from the Swan River until it meets the railway line and its junction with Central Avenue;

to be transferred into the Town of Vincent.



Option 2 – Acquire Mount Lawley and part of Menora (south of Alexander Drive)

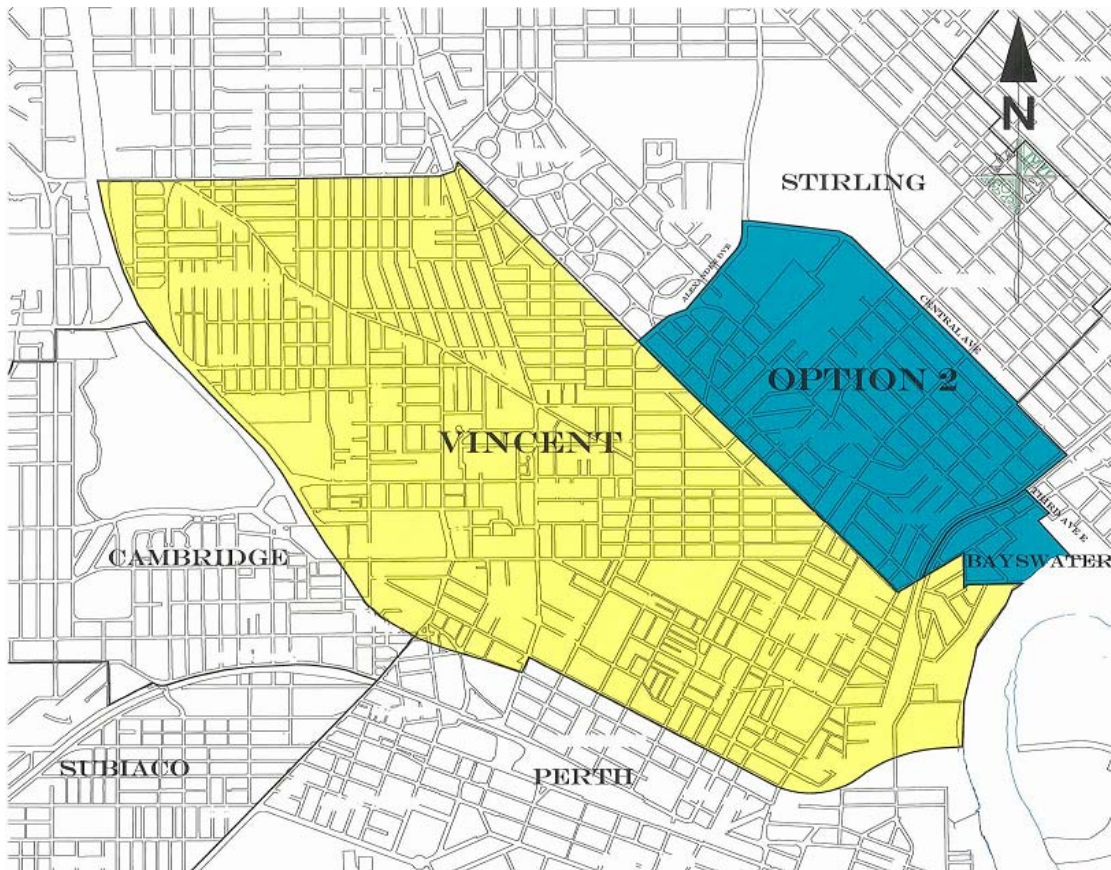
Option 2 includes a part of the City of Stirling, as follows:

- For the suburb of Mount Lawley bounded by Walcott Street, Learoyd Street, Bradford Street, Alexander Drive, Central Avenue, Railway Parade, Third Avenue east and its prolongation southwards (on the suburb boundary of Mount Lawley) to where it meets the Swan River; and
- A small part of Menora bounded by Walcott Street, Alexander Drive, Bradford Street and Learoyd Street;

and a very small part of the City of Bayswater, as follows:

- For the area bounded by the Swan River, Mitchell Street, Stanley Street, Guildford Road, Railway Parade, suburb boundary of Mount Lawley from the Swan River until it meets the railway line and its junction with Central Avenue;

to be transferred into the Town of Vincent.



Option 3 – Acquire Mount Lawley, Menora and Coolbinia

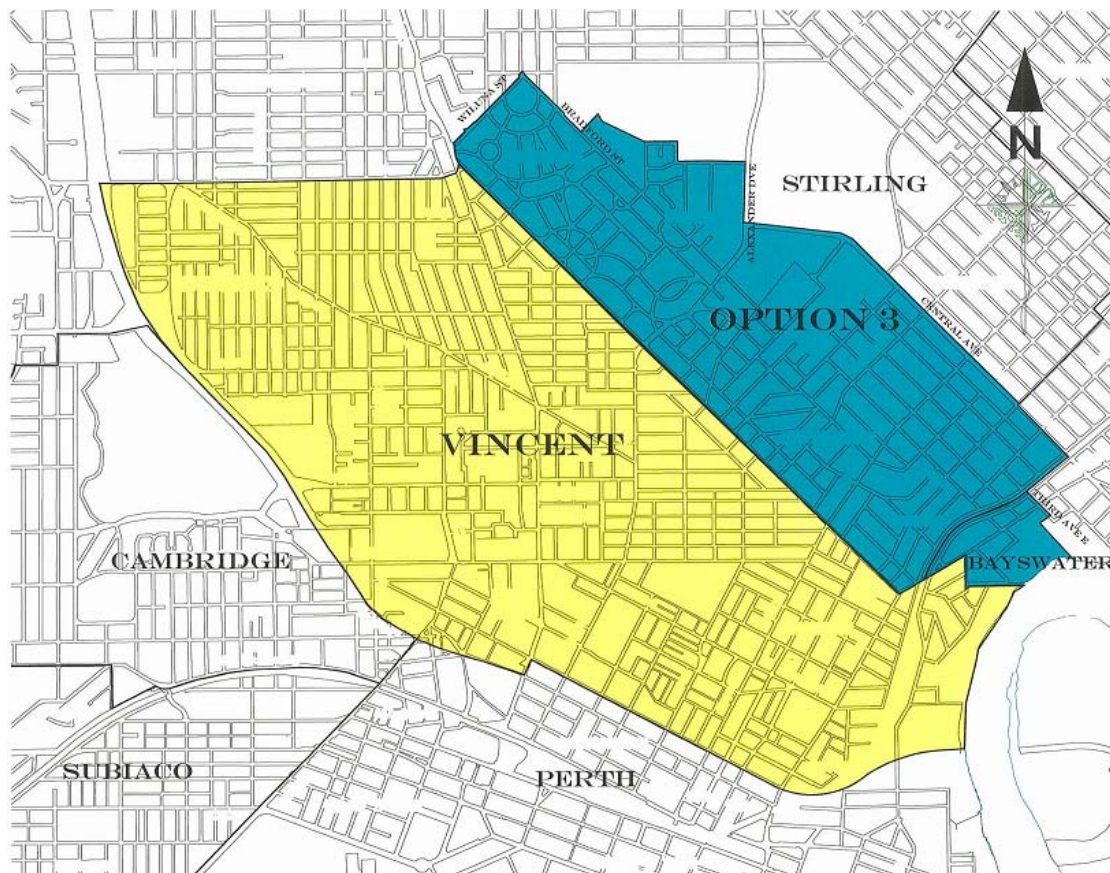
Option 3 includes a part of the City of Stirling, as follows:

- For the suburbs of Mount Lawley, Menora and Coolbinia bounded by Walcott Street, Charles Street, Wiluna Street, Bradford Street, the southern boundary of Yokine Reserve, Alexander Drive, Central Avenue, Railway Parade, Third Avenue East and its prolongation southwards (on the suburb boundary of Mount Lawley) to where it meets the Swan River;

and a very small part of the City of Bayswater, as follows:

- For the area bounded by the Swan River, Mitchell Street, Stanley Street, Guildford Road, Railway Parade, suburb boundary of Mount Lawley from the Swan River until it meets the railway line and its junction with Central Avenue;

to be transferred into the Town of Vincent.

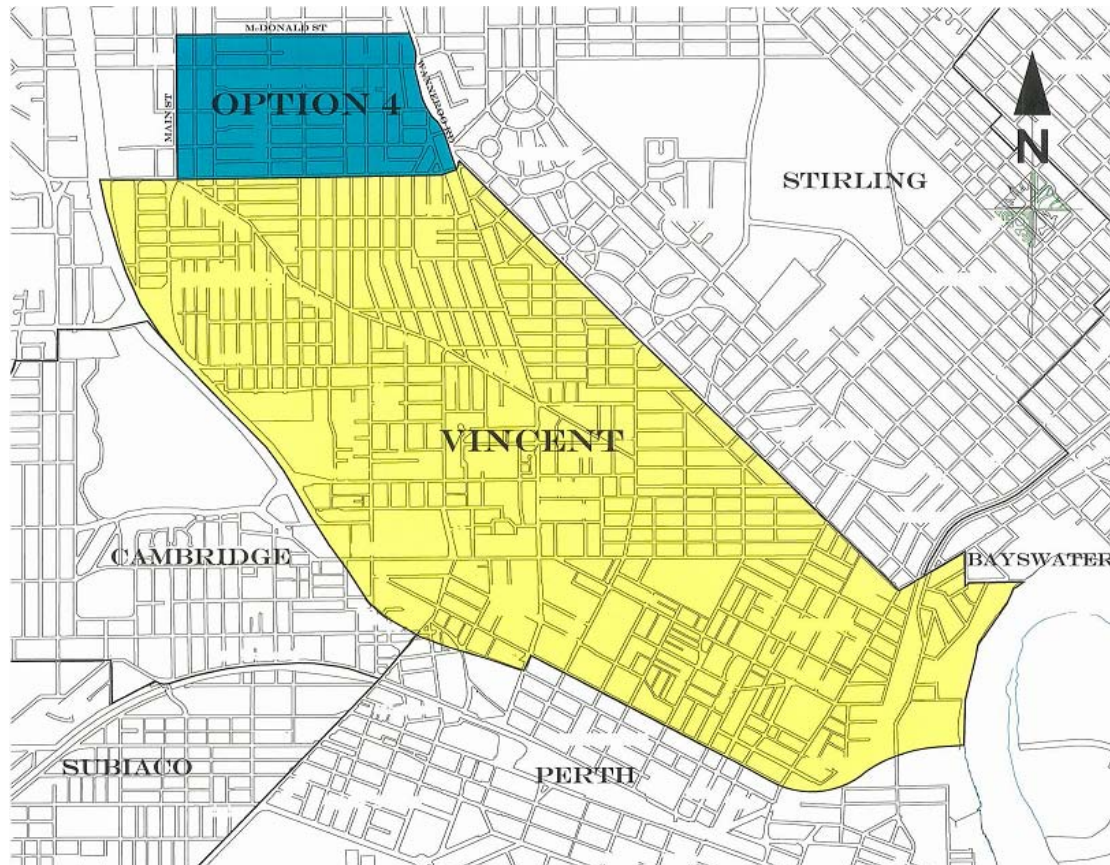


Option 4 – Acquire Joondanna

Option 4 includes a part of the City of Stirling, as follows:

- For the suburb of Joondanna bounded by McDonald Street, Main Street, Green Street, London Street and Wanneroo Road;

to be transferred into the Town of Vincent.



Option 5 – Acquire Mount Lawley, Menora, Coolbinia and Joondanna

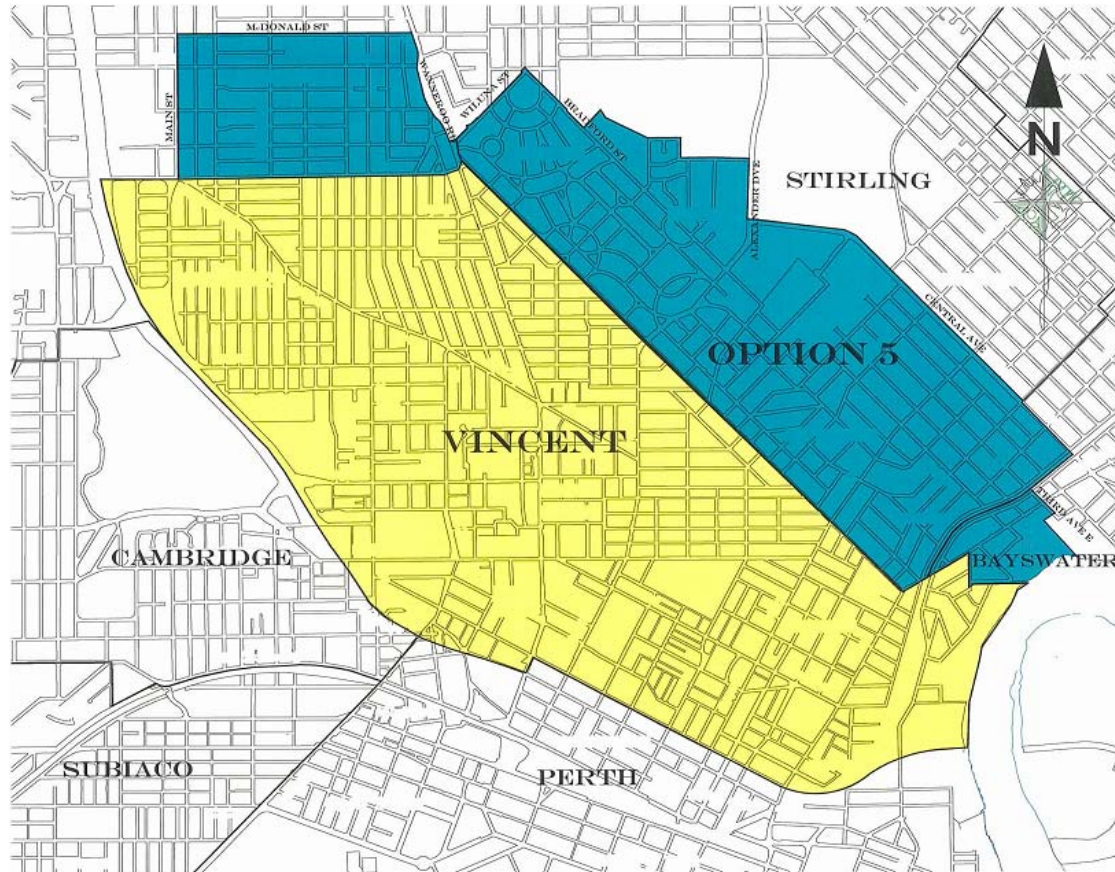
Option 5 includes a part of the City of Stirling, as follows:

- For the suburbs of Joondanna bounded by McDonald Street, Main Street, Green Street, London Street and Wanneroo Road; and
- Mount Lawley, Menora and Coolbinia bounded by Walcott Street, Charles Street, Wiluna Street, Bradford Street, the southern boundary of Yokine Reserve and its prolongation southwards (on the suburb boundary of Mount Lawley) to where it meets the Swan River;

and a very small part of the City of Bayswater, as follows:

- For the area bounded by the Swan River, Mitchell Street, Stanley Street, Guildford Road, Railway Parade, suburb boundary of Mount Lawley from the Swan River until it meets the railway line and its junction with Central Avenue;

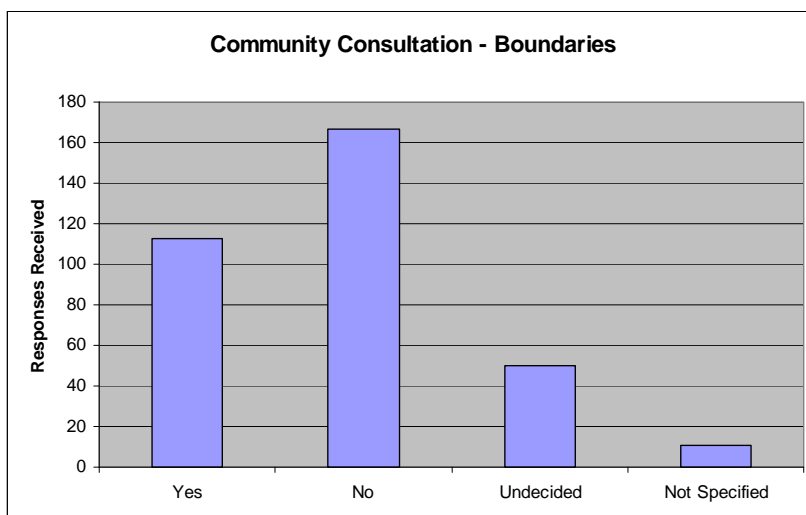
to be transferred into the Town of Vincent.



Community Consultation Submissions – Alterations to Town’s Boundary

The Town’s community consultation commenced on 14 July 2009 and closed on 14 August 2009 (refer 4.7 Community Consultation). At the close of the consultation period 344 submissions were received. With over 18,500 surveys distributed, 344 submissions equates to a response rate of only 1.85%, whilst this considered very low, outlined below are the findings from the survey in relation to Boundary Alterations:

<b>Boundaries</b>					
Do you think that Vincent should propose alterations to its current boundaries to acquire adjoining suburbs?					
<u>Responses:</u>					
Yes = 115	No = 168	Undecided = 50	Not specified = 11		<b>344</b>



**Comments:**

A total of **168** submissions (**48.84%**) were received to retain the current boundaries, whilst **115** submissions (**33.43%**) favoured altering the current boundaries to acquire adjoining suburbs. A total of **50** submissions (**14.53%**) were undecided and **11** submissions (**3.20%**) did not specify a response.

**CONCLUSION – ALTERATION TO THE TOWN’S BOUNDARIES**

*The Town of Vincent PROPOSES that alterations be made to its boundaries in the following order of preference:*

- (i) *Option 1 – Acquire Mt Lawley (only)*
- (ii) *Option 2 – Acquire Mt Lawley and part of Menora (south of Alexander Drive)*
- (iii) *Option 3 – Acquire Mt Lawley, Menora and Coolbinia*
- (iv) *Option 4 – Acquire Joondanna and*
- (v) *Option 5 – Acquire Mt Lawley, Menora, Coolbinia and Joondanna.*

*In the event that the Minister for Local Government supports the Town’s proposal, Town of Vincent will prepare full proposals in accordance with the Local Government Act requirements.*

**2.5 Review of the Local Government Reform Steering Group's findings and recommendations regarding reform matters (when it is received).**

Chief Executive Officer’s Comment:

The Department of Local Government has provided the following comment:

*Whilst the checklist and attached documents demonstrate the Town's capacity to implement long term strategic and financial planning processes, areas where improvements are required were identified in relation to;*

- *noted delays with processing development applications."*

The matter of the Town's Development Approval Process was a Term of Reference for the Chief Executive Officer's internal Organisational Review which was carried out from 12 March to 30 April 2009 (reported to Ordinary Meeting of Council held on 24 March 2009). The Terms of Reference read as follows:

***Review – Terms of Reference***

1. *Review the current Organisational Structure to ascertain if it best meets the needs of our organisation to achieve our current and future objectives, as outlined in our Strategic Plan 2009-2014 and Plan for the Future 2009-2014.*
2. *Identify better efficiencies and improvements which can be achieved in our internal and external service delivery.*
3. ***Review our;***
  - (a) ***processes, procedures and Council Policies/Guidelines (and other relevant documentation) to;***
    - (i) ***improve the processing of development applications, subdivisions to ensure they are issued within the statutory timeframes;***
    - (ii) ***and the issuing of building licences within 20 working days; and***
  - (b) ***processes and procedures with the view to improving our internal customer service and external customer focus and delivery and focus.***
4. *Review our employee resources, including remuneration levels and performance expectations, when benchmarked against other similar local governments and organisations.*
5. *Review and reassess the organisation and its service delivery and practises to;*
  - (a) *achieve a minimum of 3% cost savings against the Draft Operating Budget 2009-10, without impacting or reducing our front line services or levels delivered to the community;*
  - (b) *identify other improvements and efficiencies;*
  - (c) *identify whether any current services could be discontinued, modified and/or reduced; and*
  - (d) *identify additional sources of revenue/income.*

**Action Taken to Review the Town's Development Approval Process.**

Work commenced on this matter in May 2009 as it is deemed to be of a high priority. The Director of Development Services has provided a comprehensive report to the Chief Executive Officer together with numerous recommendations which are to be progressively implemented on a priority basis of *short* – within 1 month, *medium* – within 3 month and *long* term – within 12 month basis.

A report was submitted to the Ordinary Meeting of Council held on 8 September 2009 concerning the findings of the Chief Executive Officer's Internal Organisational Review. This report included detailed progress about the review of the Town's Development Approval Process. It is considered that significant progress is being made with this review and benefits are already being achieved.

## **A Rebuttal of the City of Perth Submission**

### Background:

The Towns of Vincent Cambridge and Victoria Park (formerly Shepperton) were established as local governments in their own right on 1 July 1994 as a result of the *City of Perth Restructuring Act*. The restructure also created a smaller City of Perth.

The City of Perth was restructured as the then-Liberal Government, having considered a number of reports, determined that the City of Perth Council should be reduced in size and concentrate on promoting business, commerce and tourism for the Capital City.

All three new local governments are classified as 'Small, Metropolitan Developed', in accordance with the *Australian Classification of Local Governments*.

The City of Perth is predominantly a central business district Council.

### City of Perth Council Decision

As part of the Local Government Structural Reform process, in September 2009 the City of Perth made a submission to the Minister for Local Government.

The City of Perth resolved:

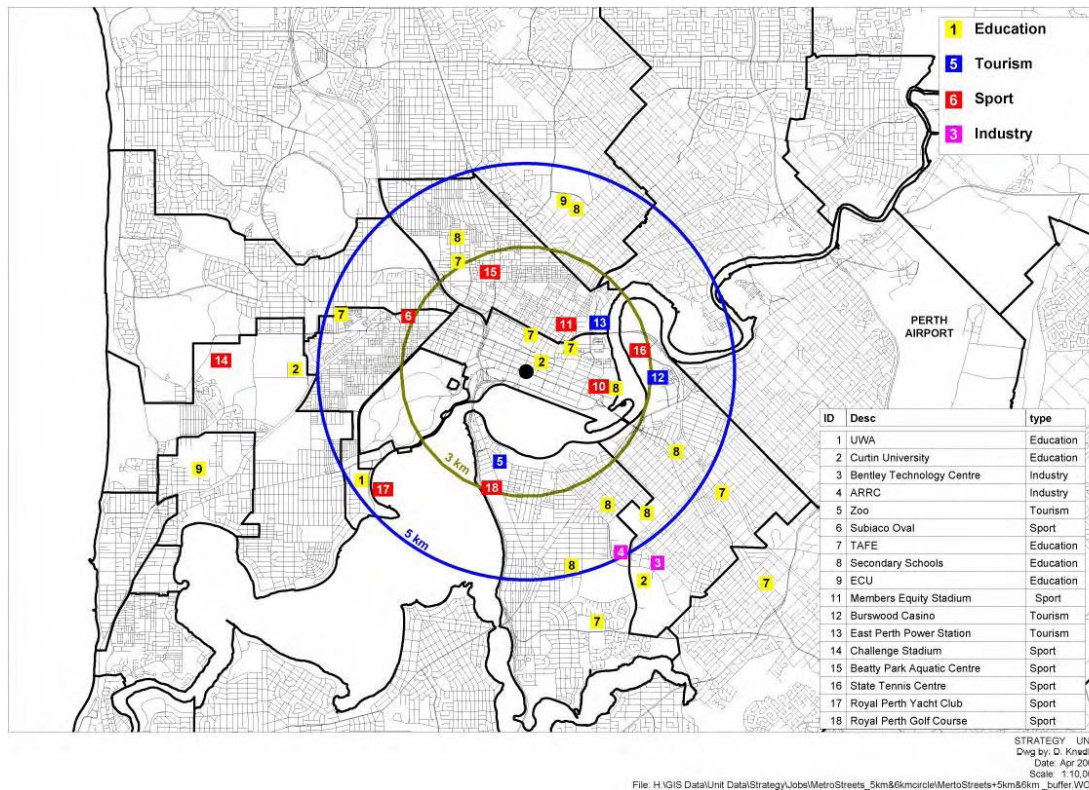
*"That the Council:*

1. *recommends to the Minister for Local Government, Heritage Citizenship and Multicultural Interests that:*
  - 1.1 *the current City of Perth boundary will constrain the growth of the city and its ability to become a world-class city;*
  - 1.2 *the boundary of the City of Perth should encompass an area of an appropriate radius from the city centre that can contain the range of facilities expected in a capital city considering its role as a centre for commerce, government, culture, and education, noting that the previous submission to the Local Government Advisory Board on 1 May 2006 recommended that the City of Perth extend its northern boundary to Bulwer Street;*
  - 1.3 *ad hoc amalgamation of local governments in the metropolitan area can compound existing problems within appropriate boundaries and any proposed changes should be based on the criteria used by the Local Government Advisory Board when considering changes to the boundaries of a district and be part of a comprehensive review of the number of local governments in the metropolitan area;*
  - 1.4 *consideration of the needs of the City of Perth as a capital city be given due attention when consideration reform of local government in the metropolitan area;*
  - 1.5 *support is required for the formal recognition of the capital city status of the City of Perth and the establishment of a suitable governance framework through the signing of the proposed Capital City Charter;*



- 1.6 *the number of Elected Members in the City of Perth Council is appropriate for its functions as a capital city;*
- 1.7 *Present arrangements for regional groupings of local government are appropriate.”*

*(Adopted at Ordinary Meeting of Council 25 August 2009).*



Map showing areas that fall within a 3km and 5km radius of the City Centre (Source: City of Perth)

### Grounds for Rejecting the City of Perth Submission

The City of Perth has put forth its far-reaching boundary adjustment submission without consulting the local governments which would be impacted. Incorporating all areas within a 3km radius of the city centre would impact upon the Town of Vincent, City of Subiaco, City of South Perth and Town of Victoria Park.

In addition, an expansion to a jurisdiction incorporating all areas within a 5km radius of the city centre would also impact the Town of Cambridge, City of Bayswater, City of Stirling, City of Belmont and City of Nedlands.

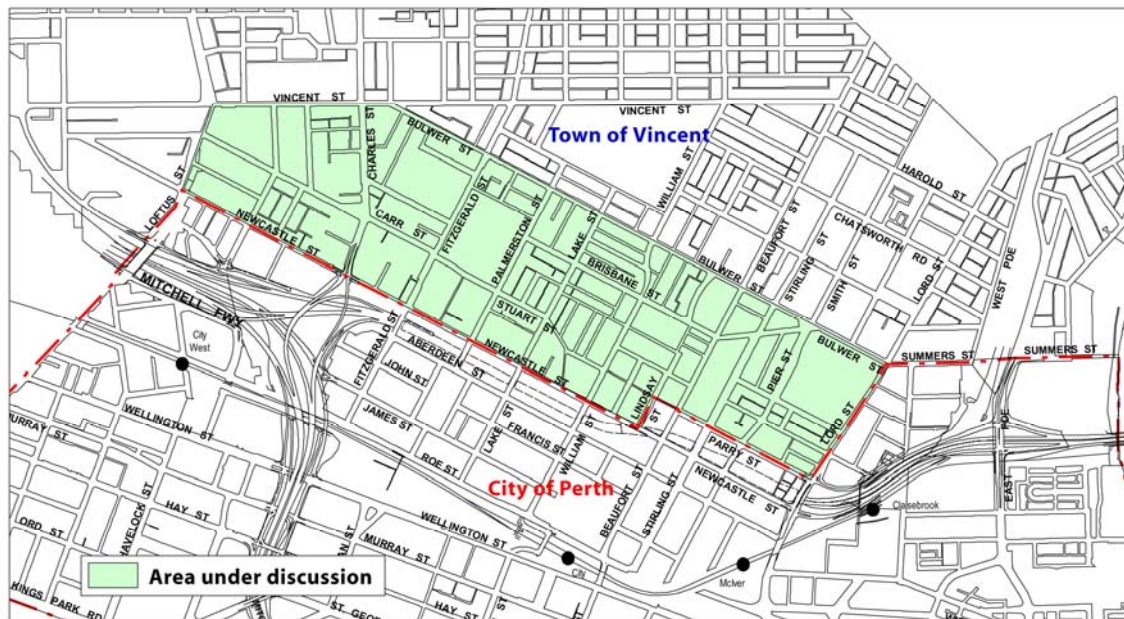
The proposal outlining a bit to annex ‘South Vincent’ (i.e. extend boundary to Bulwer Street), if supported, would have a significant detrimental economic and financial affect on the Town. It would remove 4,000 residents, **14%** of the Town’s land and over **\$3.5 million** in revenue from Vincent. **It will render Vincent (and possibly a number of other local governments) unsustainable in the longer term.**

The Town is of the strong opinion that the City of Perth submission is seriously flawed, lacks substance, lacks community support, does not comply with a number of criteria specified in the *Local Government Act* and totally disregards the future viability and sustainability of the Town of Vincent and other local governments. Furthermore, the City of Perth Submission is contrary to many of the main reasons why the former City of Perth was split by the Liberal government in 1994. Accordingly, it should therefore be **REJECTED**.

The following are grounds to support the Town's request for the Minister for Local Government to REJECT the City of Perth Submission.

Previous Recommendation of Local Government Advisory Board

In 2006 the City of Perth put forward a proposal to acquire part of the Town of Vincent. The City of Perth has referenced the former proposal in its current Local Government Structural Reform Submission. The implication is that the City is seeking to acquire the area often referred to as 'South Vincent' (refer to the map).



City of Perth Map Showing Proposal Boundary Adjustment in 2006

On 9 February 2007 the former Minister for Local Government, the Hon. John Bowler JP MLA accepted the Local Government Advisory Board Recommendation, which stated in part:

*“The Board has completed its Assessment Report on the proposals and made the following recommendations to me:*

- ...
- “5. In accordance with clause 6 of Schedule 2.1 of Local Government Act 1995, the Local Government Advisory Board recommends to the Minister for Local Government that the proposal submitted by the City of Perth to transfer the area currently in the Town of Vincent, bounded by Newcastle St, Loftus St, Vincent St, Bulwer St, Lord St, Parry St and Lindsay St (Area 3) be **REJECTED** on the basis of community of interests and matters affecting the viability of local governments.”

Community of Interest

*What is Community of Interest?*

The Local Government Advisory Board describes community of interest as follows:

*For example, sporting, leisure and library facilities create a focus for the community. The use of shopping areas and the location of schools also act to draw people together with similar interests. This can also give indications about the direction that people travel to*

*access services and facilities. The external boundaries of a local government need to reflect distinct communities of interest wherever possible. Neighbourhoods, suburbs and towns are important units in the physical, historical and social infrastructure and often generate a feeling community and belonging. The Board believes that wherever possible, it is inappropriate to divide these units between local governments.*

The term “*Community of Interest*” can include a sense of community identity and belonging, similarities in the characteristics of the residents, and similarities in the economic activities. It can also include dependence on shared facilities such as catchment areas for schools, shopping centres, sporting teams and other facilities.

- (a) The Town’s residents have previously strongly opposed the City of Perth’s proposal lodged in 2006 to annex ‘South Vincent’ as they firmly believe that Perth City does NOT have a community of interest with the Town and it would destroy the Town’s community spirit and identity. A total of 305 submissions were received at the time.
- (b) A large number of the residents in the area affected by the City of Perth submission have lived in the area for many years, they have worked in the community and have contributed to the facilities, and have an attachment and belonging to the area and a degree of ‘ownership’ of the facilities. Many residents currently use the Town’s facilities, including the Vincent Library, Loftus Recreation Centre, Beatty Park Leisure Centre and Hyde Park. They also use the nearby shops and facilities in North Perth, Leederville, Mount Hawthorn and Mount Lawley. Many residents “feel” they belong to the local community, due to its close proximity. They do NOT have any affinity or “sense of belonging” to the City of Perth.
- (c) The Town’s residents are strongly opposed the City of Perth submission as they believe it would destroy the Town’s close-knit Precinct Group system, which covers most of the Town.

The affected areas of the Town are very isolated from central Perth, which is primarily a central business district Council. It is considered that these areas would achieve and maintain a greater sense of identity by remaining a part of the local Vincent community.

- (d) The area is more identifiable with the Town of Vincent. The area is physically isolated from Perth by the Graham Farmer Freeway and railway line, which are major barriers to establishing a community of interest.
- (e) Vincent is predominantly residential, the City of Perth is central business district and capital city focussed. Residents object to their suburban homes being categorised by the City of Perth as the ‘*new Northbridge*’, which is the entertainment district.

#### Physical and Topographical Features

- (a) The Town’s previous proposal to use the Graham Farmer Freeway as the new boundary follows a major artificial feature – and meets the requirements of the Local Government Advisory Board. The Freeway is a Primary Distributor Road and carries in excess of 85,000 vehicles per day. It is above ground from Loftus Street to the Charles Street–Mitchell Freeway on-ramp and from Lord Street to the Swan River. Aerial photographs clearly show the distinctive and formidable barrier that exists. It is precisely for this reason that the Town’s proposal of October 2005 was submitted.

By contrast, the City of Perth submission does not follow distinctive features or major roads. Bulwer Street, Vincent Street (between Bulwer and Loftus) and Lord Streets are classified as District Distributor A roads - **NOT** ‘*arterial roads*’.

- (b) The boundaries proposed by the City of Perth would be totally illogical as it would be within very close proximity to the Town's Administration and Civic Centre, at the corner of Loftus and Vincent Streets in Leederville if the 3km radius boundary is used or encompass the majority of the Town if the 5km radius is used. As previously stated, the Freeway provides an impenetrable barrier between the areas in question and the rest of the City of Perth at both the western and eastern ends.
- (c) The City of Perth submission makes reference to the suburb of Northbridge. **Currently NO part of Northbridge is in the Town.** The suburb of Northbridge is bounded by Newcastle Street to the north, William Street to the east, the Mitchell Freeway to the west and Roe Street to the south. **It is therefore erroneous to refer to Northbridge in the context of the Perth submission and attempt to link it to the Town.**
- (d) Newcastle Street provides a significant and artificial boundary between the western and eastern ends of the area. The Vincent area to the north of Newcastle Street in this section is predominantly medium density residential in nature, compared to the mix of high density residential and entertainment to the south (in the City of Perth).

#### Demographic Trends

- (a) The demographic trends for this part of Vincent are distinctly different from the business-focussed City of Perth. *The Town is of the opinion that the City of Perth should continue with its primary function as a central city business district local government.*
- (b) When comparing the area under consideration with the two local governments it is evident that they are not similar. The Town's residential suburbs of Perth and West Perth are *vastly different in character and amenity* to the businesses of nearby Northbridge.
- (c) Population demographics are also different. West Perth is an older, established residential area with heritage value and character. Residents are a mix of ages and socio-economic backgrounds. Northbridge caters to, and markets itself as, an entertainment precinct attracting a predominantly young residential/investor base. Extending the Northbridge Urban Village development into the area will impact on current and future residents, along with implications for the cultural heritage significance and residential amenity of West Perth.

#### Economic and Financial Impact

- (a) The City of Perth proposal to encompass all areas within a 3km radius of the city centre would have a significant detrimental economic and financial affect on the Town. It would remove **14%** of the Town's land and over **\$3.5 million** in revenue from Vincent. **It would render Vincent unsustainable in the longer term.**  
  
The Local Government Advisory Board has an obligation to ensure that this does not occur.
- (b) The City of Perth proposal would remove significant major assets from the Town, a number which are owned freehold by the Town (e.g. Brisbane Street Car Park is valued at \$3 million).
- (c) In April 2005 the Town adopted an Economic Development Strategy. It identified William Street (north of Newcastle Street) as a commercial precinct. The Town has recently upgraded this precinct.

### History of the Area

- (a) The City of Perth was split on 1 July 1994 by a specific Act of Parliament, the *City of Perth Restructuring Act 1993*. The government at the time, in response to strong support from central city businesses, decreed that the primary function of the City of Perth was to concentrate on the Capital City functions and to service the Central City Business District.
- (b) Many residents still remember that prior to July 1994 the area was largely ignored by the business-focussed and controlled City of Perth Council. There is a strong likelihood that this will occur again and it would not be in the best interests of the Town's ratepayers and residents.

### Transport and Communication

- (a) Both the Town of Vincent and the area under consideration are well serviced by public transport provided by the Perth Transport Authority. Bus services provide residents with direct access to the city centre and routes throughout the area provide a network of transport options to and from civic and community facilities.
- (b) The City of Perth's apparent preoccupation with parking is contrary to encouraging better use of public transport. The concept of a greater use of public transport is strongly supported by the Town.
- (c) A more concise and co-ordinated approach will be applied to local area traffic management issues if the area remains within the Town.
- (d) The extension of a bus service such as the CAT system would be beneficial; however, this can be achieved without the need to alter the City's boundaries.
- (e) The Town has improved the streetscape along William Street between Brisbane Street and Newcastle Street. A collaborative approach with the East Perth Redevelopment Authority (EPRA) and the City of Perth has resulted in a project design which has complemented the requirements of the other two authorities, while allowing for future traffic flow changes.

In addition, Newcastle Street, which currently forms the southern boundary with the City of Perth, was collaboratively upgraded by EPRA in close liaison with the Town.

It is considered that this collaborative approach has worked well given the current local government boundary along Newcastle Street.

### Matters Affecting the Viability of Local Governments

**The City of Perth boundary adjustment proposal is totally contrary to many of the Guiding Principles prescribed by the *Local Government Act 1995*. It totally disregards the future viability and sustainability of the Town. For example, the proposal to annex 'South Vincent' would have a significant detrimental affect upon the Town.**

(a) Economies of Scale

The proposal would remove in excess of \$3-4 million of rates revenue from the Town of Vincent. **This could make the Town of Vincent UNSUSTAINABLE in the future.**

(b) Assets

The proposal would remove several million dollars worth of assets from the Town.

(i) Brisbane Street Car Park: valued at approx \$3-4 million. It generates net annual income of \$280,000 for the Town.

(ii) Property at 286 Beaufort Street is owned freehold by the Town and is valued at approx \$3.5 million. It is currently leased to a community-based organisation.

Transfer of those assets would alter the financial stability of the Town and could contribute to the unsustainability of the Town in the future.

(c) Reduction in Population

The proposal would **remove approximately 4,000 residents** from the Town, thereby reducing Vincent's population to approximately 23,000.

The Effective Delivery of Local Government Services

*Town of Vincent*

- (a) The current high level of service will be maintained (independent survey 2004: 87% satisfaction rating). By contrast, the City of Perth has not demonstrated a better or more efficient delivery of services.
- (b) A more consistent approach will be provided to planning matters for the areas.
- (c) Vincent has a more comprehensive community consultation policy and process.
- (d) The Town will provide a more holistic and consistent approach to the Power Station site, with the resulting benefit to the future redevelopment of the site and ultimately the Town's residents. Any decision with respect to this site will significantly affect the Town of Vincent and not Perth, as the Graham Farmer Freeway provides a major barrier.
- (e) Vincent's philosophy and approach to heritage is more reflective of local community attitudes and opinions.
- (f) The Town of Vincent also has extremely well qualified, experienced and specialist employees to deliver the full range of services delivered by a local government.
- (g) The Town of Vincent inherited a very rundown infrastructure from the former City of Perth. Since its creation the Town has developed many programs (which were virtually non-existent in the former City of Perth) to progressively upgrade the infrastructure.

These programs include (but not limited to):

- Footpath Slab Replacement Program
- Road Rehabilitation and Resurfacing Program
- Streetscape Enhancement Programs
- Rights of Way Acquisition and Upgrade Program
- Local Area Traffic Management Improvement Programs

*City of Perth*

The City of Perth (page 58 of their Submission) acknowledges that they will need to expand and improve services:

*“However, the City of Perth is aware that it will need to improve and expand some existing services and consider providing new services as the population increases.”*

By contrast, the Town of Vincent provides excellent services to its ratepayers and residents.

Non-Compliance with the Guiding Principles

The City of Perth boundary adjustment proposal contained within its Local Government Structural Reform Submission fails to meet the principles of the Local Government Advisory Board:

1. *The external boundaries of a local government entity should facilitate the planning and development of its area and the efficient and effective provision of facilities and services.*

Under the City of Perth proposal, the residential areas of the Town would be changed into a Northbridge-style development. This is not the desire of the local residents. The City of Perth has not demonstrated that it would deliver services more efficiently than Vincent.

2. *The external boundaries of a local government should have regard to existing and expected population growth, with jurisdiction over sufficient urban land for adequate planning, development control and future urban expansion.*

The objective of the proposed changes to the existing local governments is to provide more reasonable population sizes. The City of Perth proposal would remove approximately 4,000 residents from Vincent, which would decrease the Town's population to approximately 23,000.

3. *The external boundaries of a local government should as much as possible be clearly identifiable, following natural geographic features, and relate to distinctive natural geographic regions or reflect distinct communities of interest.*

The City of Perth submission does NOT comply with this principle, as it does not use major roads. The logical boundary is the Graham Farmer Freeway.

4. *The external boundaries of a local government should recognise the economic and social interdependence of town and country, and have regard to other boundaries (e.g. regional and electoral boundaries) and areas of regional cooperation.*

This principle is not applicable.

5. *Boundaries should not divide a local community such as a neighbourhood, suburb or country town.*

The City of Perth proposal divides the local residential community of the Town of Vincent.

6. *The external boundaries of a local government should have regard to communities of interest.*

Community of interest can be reflected in many ways. In respect to demographic characteristics, there is a strong response by the Vincent residents to remain in Vincent. They do not feel that they are a part of the City of Perth, which has a central city business focus.

7. *A local government area should generally:*
- *reflect local communities, for example the geographical pattern of human activities (where people live, work and engaged in leisure activities), and the various linkages between local communities;*
  - *have a centre, or centres, of administration and service easily accessible to its population; and*
  - *ensure effective elected representation for residents and ratepayers; and*
  - *have external boundaries which integrate land use, environmental and transport systems and water catchment areas.*

The geographical pattern of human activities across the metropolitan area is complex, and no one set of boundaries will accommodate the complete pattern of social and functional interactions.

The ratepayers and residents in the proposal areas would have greater access to Elected Members under Vincent.

The residents in the area are physically closer to the Town of Vincent Administration and Civic Centre. Residents have the ability to attend Council Meetings, join Precinct and Advisory Groups and have access to Elected Members. Free parking is available at the Town and access is easier via main roads (not in the City centre).

#### **CONCLUSION – REBUTTAL OF CITY OF PERTH SUBMISSION**

***The Town of Vincent DOES NOT SUPPORT the City of Perth’s boundary adjustment proposals as contained within its Local Governmental Structural reform Submission for the following reasons:***

- (a) it is contrary to the Local Government Advisory Board and Minister for Local Government’s Principles for Boundary Reform;***
- (b) it is contrary to many of the main reasons why the former City of Perth was split in 1994 by the Liberal government;***
- (c) any significant change to the Town of Vincent boundary as proposed in the City of Perth Submission will seriously affect the future viability and sustainability of the Town of Vincent;***
- (d) the City of Perth boundary proposals do not follow identifiable boundaries;***
- (e) there is not a strong “community of interest” between the Town of Vincent and the City of Perth;***
- (f) consideration of the previous recommendation of the Local Government Advisory Board and decision of the former Minister of Local Government to reject a similar previous proposal to annex Vincent south of Bulwer Street in 2007; and***
- (g) the prime focus for the City of Perth should be to meet the needs of the business, commerce and tourism sector of the Capital City.***

#### **Transition Timelines**

##### *Amalgamations*

As no amalgamation is proposed, a transition timeline is not required.



### *Boundary Alterations*

As the Town has resolved to pursue a number of boundary proposals, an Indicative Timeline is as follows:

<b>Time Period</b>	<b>Item</b>
October 2009 – December 2009	Consideration by the Local Government Structural Reform Steering Committee
January 2010 – June 2010	Consideration by Local Government Advisory Board
June 2010 – December 2010	Community Consultation
December 2010	Decision by Minister for Local Government
1 July 2011	Boundary changes (if any) to take effect

### **CONSULTATION/ADVERTISING:**

The Town of Vincent Community Consultation Policy No 4.1.5 at clause 2 states:

#### **“2. When we will Consult?**

*The Council will consult with residents when:*

- (i) the future use of a significant area of land within the Town is being decided.*
- (ii) there is, or is likely to be, strong community concern or interest in the issue.*
- (iii) the proposals before the Council are anticipated to have a significant impact on the economy, lifestyle, amenity and/or environment of the Town or its residents.*
- (iv) government agencies, other than the Council, have a stated interest in any policy or plans being considered.*
- (v) the resolution of an issue or implementation of a proposal is likely to require a substantial redirection of ratepayer funds either by up front or ongoing costs.*
- (vi) information is needed by Elected Members or officers about community needs, priorities or values to ensure planning is appropriate and responsive.*
- (vii) the Council has statutory obligations to consult with the community.*
- (viii) the Council wishes to ensure that minority or disadvantaged groups have information about, and access to, the Council's services and programs.”*

### **Community Consultation**

The following consultation was carried out from 14 July until 14 August 2009:

1. Special Edition Newsletter were delivered to all residences and businesses in the Town, at an estimated cost of \$16,430;
2. Posters were displayed in Town owned buildings, at an estimated cost of \$100;
3. A Public Meeting was held at the Town of Vincent Administration and Civic Centre on 29 July 2009 attend by approx. 10 public;
4. A Town of Vincent Web-page – on-line survey – work done by Town’s IT Officers and costs absorbed by the Town’s IT Operating Budget; and
5. Presentation to the Cleaver Precinct Group Meeting held on Monday 10 August 2009, attended by 12 public.

### **LEGAL/POLICY:**

Any local government boundary amendment is subject to the provisions of Schedule 2.1 of the Local Government Act 1995, relating to creating, changing the boundaries of, and abolishing districts.

Current legislation requires a structural reform proposal to be made to the Local Government Advisory Board which will then hold a formal inquiry on the proposal. The Advisory Board will then make recommendations on the proposal and electors of each Local Government are then provided with an opportunity to demand a poll.

The Schedule provides that electors may demand a poll be conducted on any recommended amalgamation. It provides that the request for a poll is to be signed by at least 250, or at least 10% of electors of one of the affected districts. To be considered valid, at least 50% of the electors of one of the affected districts must vote and of those electors who vote, should a majority vote against the recommendation, the Minister is to reject the recommendation.

Should a poll be requested and at least 50% of the electors of one of the districts vote; and of those electors of that district who vote, a majority vote against the recommendation, the Minister is to reject the recommendation.

Based on previous experience, the structural reform process would normally take 18 months to two years, following a Council resolution to formally proceed with a proposal.

The Local Government Advisory Board is required to consider the following criteria when looking into structural reform changes:

- Community of interest
- Physical and topographic factors
- Demographic factors
- Economic matters
- History of the area
- Transport and communication
- Matters affecting viability of the Local Government(s) involved
- Delivery of Local Government services

Additionally, Schedule 2.1 provides that the employment of staff is not to be terminated or varied as a result of amalgamation unless compensation acceptable to the person is made, or a period of at least two years has elapsed since the order for amalgamation had effect.

### **STRATEGIC IMPLICATIONS:**

The Town's Strategic Plan 2009-2014 provides various stated objectives of financial sustainability, sustainable community infrastructure and best management practices.

### **SUSTAINABILITY IMPLICATIONS:**

**The Town has been independently assessed in a statewide survey by Access Economics, in 2006, as being viable and sustainable.** However, the survey highlights that 83 local governments are not sustainable in the long term. The majority are in country areas, but 10% (3) metropolitan local governments have also been identified. These serve 21% of the State's population.

The Town is in a strong financial position, with considerable funds in reserve, debts covered by money-back guarantees, considerable future revenue from its share of the Tamala Park land and with potential income from the future redevelopment in Leederville.

Over previous years, the Town has been active in its asset management replacement and this will continue.

During 2009, the Town's Administration will be developing a policy and strategy for the Town's assets together with asset management plans for specific classes of assets. This project is conducted in conjunction with the Western Australian Local Government Association (WALGA) and reflects the importance of asset management in the sustainability of the Town.

The desired outcome of Structural Reform is a strong sustainable local government in Western Australia.

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

The Town's Budget 2008/09 (and 2009/10) does not include any funds to cover any costs associated with the structural reform review.

The Checklist No. 1 has been completed by the Chief Executive Officer and Directors, in addition to their normal duties and costs have been absorbed in the current operating budget. Work for Stage 1 involved approximately 32 hours (to research and prepare current information concerning local government amalgamation/reform). Work on Stage 2 7 July 2009-16 September 2009 has taken approximately 120 hours of the Chief Executive Officer's time (much of which was outside normal working hours).

The Town's Submission was prepared "in-house" by the Town's Chief Executive Officer, with the Town's Directors providing relevant information pertaining to their field of responsibility and expertise.

Monies for community consultation are included in the Town's Operating Budget. There are no specific funds for this specific matter included in the 2009/10 Budget (other than the \$10,000 grant received from the Department of Local Government).

The following is the indicative expenditure for Stage 2-5;

(a) Special Edition Newsletter to all Ratepayers

*Indicative Costing based on 20,000 Newsletters: (approx. \$16,430)*

(b) Public Meeting

*Indicative Costing (approx. \$100). Cost absorbed by the Town's Operating Budget.*

(c) Posters

*The display of Posters in the Administration and Civic Centre, Library and Local History Centre and Beatty Park Leisure Centre, was prepared and copied in house. (approx. \$100).*

(d) Town of Vincent Webpage - Online Survey

*An online survey - work to be done by Town's IT Officers and costs absorbed by the Town's IT Operating Budget.*

**TOTAL** **\$16,630**

### **Funding Grant**

The Town's Application for a \$10,000 grant to the Department of Local Government was approved.

### **COMMENTS:**

The Minister for Local Government's announcement in February 2009 has caused considerable angst and debate amongst many local governments, Council Members and their employees. As previously reported, the timeframe specified has caused considerable pressure on the Town's Administration, as this work is being carried out in-house. Many local governments are endeavouring to finalise their submissions, whilst at the same time continuing to provide their normal services. A number of local governments have engaged consultants to assist them with this matter. The Town's submission has been prepared "in-house" by the Town's Chief Executive Officer, with input by the Directors, as required.

The Minister's extension of time until 30 September 2009 is most beneficial and is a more realistic timeframe to complete the task.

The Town's Submission comprehensively covers the Minister's requested items of:

- Voluntary amalgamation;
- The number of Elected Members required (with a range of six (6) to nine (9));
- Regional Groupings; and
- A transition timeline.

The Council's approval of the Chief Executive Officer's recommendation is requested.

### **PROCEDURAL MOTION**

At 7.49pm **Moved Cr Ker, Seconded Cr Farrell**

*That Council resume an "open meeting".*

**PROCEDURAL MOTION PUT AND CARRIED (8-0)**

**15. CLOSURE**

**The Presiding Member, Mayor Nick Catania, declared the meeting closed at 7.50pm with the following persons present:**

Mayor Nick Catania, JP	Presiding Member
Cr Anka Burns	South Ward
Cr Doran-Wu	North Ward
Cr Steed Farrell ( <i>Deputy Mayor</i> )	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Anita Radici	Executive Assistant (Minutes Secretary)

No Members of the Public or journalists present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 22 September 2009.

Signed: .....Presiding Member  
Mayor Nick Catania

Dated this ..... day of ..... 2009