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(8 AUGUST 2006)**

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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 25 July 2006, commencing at 6.00pm.

**1. DECLARATION OF OPENING**

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

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

**(a) Apologies:**

Cr Maddalena Torre                      South Ward

**(b) Present:**

Mayor Nick Catania, JP                      Presiding Member  
Cr Steed Farrell (*Deputy Mayor*)              North Ward  
Cr Simon Chester                              North Ward  
Cr Helen Doran-Wu                              North Ward  
Cr Ian Ker    South Ward  
Cr Sally Lake                                      South Ward  
Cr Dudley Maier                                  North Ward

John Giorgi, JP                                  Chief Executive Officer  
Rob Boardman                                    Executive Manager, Environmental and  
Development Services  
Craig Wilson                                      Acting Executive Manager, Technical  
Services  
Mike Rootsey                                      Executive Manager, Corporate Services  
Annie Smith                                        Minutes Secretary  
Bee Choo Tan                                      Manager Financial Services (Employee of  
the Month Recipient (until 6.15pm)

Lindsay McPhee                                  Journalist - Guardian Express (until  
7.15pm)  
Giovanni Torre                                    Journalist – Perth Voice (from 6.08pm until  
7.15pm)

Cr Jan Gillingham                                  Town of Port Hedland (until 7.15pm)  
Cr George Dacacche                              Town of Port Hedland (from 6.25pm until  
7.15pm)

Approximately 6 Members of the Public

**Mayor Catania welcomed Cr Jan Gillingham from the Town of Port Hedland to the meeting.**

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

Cr Izzi Messina                                  South Ward

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

1. Mr Bruce Arnold of 3A Coogee Street, Mt Hawthorn – Item 10.1.2 - Advised that in the initial application they requested reduction in the lot area of the new dwellings as the existing house occupied 34% of the site and also the wall heights on the west and east boundary. Advised that the wall height has been significantly lowered in the new proposal and there is no overshadowing to the neighbours next door. Requested that the Council support the application.

**Journalist Giovanni Torre entered the meeting at 6.08pm.**

2. Mr Simon Angelov of 150 Carr Street, West Perth - Item 10.1.2 - Stated that he objects to the current proposal as the north west boundary wall is still non-conforming. Believes that the excessive height of the wall will contribute to an overwhelming sense of confinement and the nature of the tilt-up concrete panel will give the feeling of living in a cold industrial complex. Advised that he supports the preservation and renovation of the existing house. Questioned what guarantees can be given that the house will be maintained and renovated to gain the density bonus. Requested that Council refuse the application.

There being no further questions from the public, the Presiding Member, Mayor Nick Catania, JP closed Public Question Time at 6.10pm.

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

Nil.

**4. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil.

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

Nil.

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

**Moved Cr Farrell, Seconded Cr Chester**

*That the Minutes of the Ordinary Meeting of Council held on 25 July 2006 be confirmed as a true and correct record.*

**CARRIED (7-0)**

**(Cr Messina on leave of absence. Cr Torre was an apology.)**

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

**7.1 Employee of the Month Award for the Town of Vincent for August 2006**

As members of the public will know, the Council recognises its employees by giving a monthly award for outstanding service to the Ratepayers and Residents of the Town. The recipients receive a \$75 voucher and a Certificate. Also their photograph is displayed in the Town's Administration Centre Foyer, in the Library and at Beatty Park Leisure Centre.

For AUGUST 2006, the award is presented to Bee Choo Tan, Manager Financial Services. Bee Choo has been jointly nominated by the Chief Executive Officer, John Giorgi and Executive Manager Corporate Services, Mike Rootsey, for the following reasons;

Bee Choo has overseen a number of business improvements in the last financial year. These include the automatic upload of general ledger journals and the system upload of the annual budget, both these improvements have resulted in significant time saving in the respective procedures.

She has also been responsible for a major savings in the Town's Fringe Benefit Tax liability, notably on the Motor Vehicle Liability.

A comparison of the two assessment methods available for this category resulted in the Town being able to select the cheaper option resulting, in a \$45,000 saving for the Town

This financial year has also seen both the outstanding sundry and rates debtors at its lowest levels since the inception of the Town. As of 30 June 2006, there were only three outstanding Sundry Debts of \$13,036 and outstanding rates of \$311,000, which is approximately 2.4%.

Bee Choo was instrumental in proposing that the charity donations for the "Casual Dress Day" each Friday be collected through a payroll deduction, rather than the previous method of the social club committee members going through the office asking for donations. This has resulted in a guaranteed collection amount for the nominated charity and also the donating employees are now entitled to a tax deduction for the donation, as they are able to receive a receipt from the charity

In addition, the Town was again nominated as a finalist in the Minister for Local Government and Regional Development's Financial Management Awards. Whilst the Town did not win the Award, being a finalist is an achievement in itself, as only the top 20 local governments out of 144 are selected as meeting the strict assessment criteria for this Award.

Bee Choo is always looking at ways to improve the systems and procedures in the Financial Services area and is to be complimented for the actions to date.

Congratulations Bee Choo and well done!!

7.2 Item 10.1.8 - Amendment to the Town of Vincent Local Law Relating to Parking Facilities

Pursuant to Section 3.12 of the Local Government Act 1995, the Town intends to amend the Town of Vincent Local Law Relating to Parking Facilities.

The purpose of the amendment is to:

- introduce ticket machines in Forbes Road, Perth, between William Street and Wellman Street;
- extend the current operating times of paid parking restrictions in William Street; and
- amend the relevant schedules, to accommodate these changes.

7.3 Australian Government's Regulation Reduction Incentive Fund for the 'National Electronic Development Assessment' Project

The Town of Vincent has recently received a commemoration Certificate from the Honourable Fran Bailey, Federal Minister for Small Business and Tourism, that the Town has been recognised as one of the participating Councils within Australia as part of the Australian Government's Regulation Reduction Incentive Fund which relates to the implementation of the National Electronic Development Assessment Project (NeDA).

The National Electronic Development Assessment Project is a nationally funded program of \$7,090,000 which will involve the adaptation of the Town's current development processing software (Authority) to result in a more standardised and streamlined process and interface for end users, such as the general public and Council staff in finding out the progress of an application for development.

7.4 Local Government Week

Mayor Catania advised that he had attended Local Government Week. Advised that there were a number of matters raised during the Annual General Meeting which will come up for discussion during the second half of this year.

## 8. DECLARATION OF INTERESTS

8.1 Cr Chester declared an interest affecting impartiality in the following Items:

- 10.1.5 – East Perth Redevelopment Authority – Lindsay Street Precinct, Northbridge – Proposed Re-configuration of the Existing 12 Lots on the 'Auto Masters' Site on the corner of Newcastle, William and Money Streets, Northbridge
- 10.1.6– East Perth Redevelopment Authority – Lake Street Precinct, Precinct, Northbridge - Proposed Amalgamation of Lots 9020 and 9504 Newcastle Street, Northbridge into Lot 306 and Subdivision of Site to Create Lots 370 and 371
- 10.2.1 - Proposed Northbridge Landscape Restoration

The nature of his interest being that he is an EPRA Board Member.

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

Nil.

**10. REPORTS**

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

The Agenda Items were categorised as follows:

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

Item 10.1.2

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

Item 10.1.3 and 10.1.8

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

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

Cr Farrell	Nil
Cr Chester	Items 10.1.1, 10.1.4, 10.1.5 and 10.4.2
Cr Ker	Item 10.2.1
Cr Doran-Wu	Nil.
Cr Lake	Nil.
Cr Maier	Items 10.1.9, 10.3.1 and 10.3.3

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

**10.4 Items which members/officers have declared a financial or proximity interest and the following was advised:**

Nil.

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

Items 10.1.6, 10.1.7, 10.2.2, 10.2.3, 10.2.4, 10.2.5, 10.3.2 and 10.4.1

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

Item 14.1



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

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

Items 10.1.6, 10.1.7, 10.2.2, 10.2.3, 10.2.4, 10.2.5, 10.3.2 and 10.4.1

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

Item 10.1.2

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 moved en bloc;*

*Items 10.1.6, 10.1.7, 10.2.2, 10.2.3, 10.2.4, 10.2.5, 10.3.2 and 10.4.1*

**CARRIED (7-0)**

**(Cr Messina on leave of absence. Cr Torre was an apology.)**

**10.1.6 East Perth Redevelopment Authority – Lake Street Precinct, Northbridge – Proposed Amalgamation of Lots 9020 and 9504 Newcastle Street, Northbridge into Lot 306 and Subdivision of Site to Create Lots 370 and 371**

<b>Ward:</b>	South (Adjacent)	<b>Date:</b>	31 July 2006
<b>Precinct:</b>	Beaufort, P13 (Adjacent)	<b>File Ref:</b>	PLA0022
<b>Attachments:</b>	<a href="#">001 002</a>		
<b>Reporting Officer(s):</b>	A Denford		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the letter dated 14 July 2006 and associated documentation from the East Perth Redevelopment Authority (EPRA) in relation to the proposed amalgamation of Lots 9020 and 9504 Newcastle Street, Northbridge within the Lake Street Precinct, into Lot 306, and the subdivision of Lot 306 into two (2) green title lots (Lots 370 and 371), as shown in Attachment 10.1.6; and*
- (ii) *ADVISES the East Perth Redevelopment Authority (EPRA) that the Council has NO OBJECTION to the proposed amalgamation of Lots 9020 and 9504 Newcastle Street, Northbridge within the Lake Street Precinct, and subsequent subdivision of the site (Lot 306) into Lots 370 and 371 Newcastle Street, Northbridge.*

**COUNCIL DECISION ITEM 10.1.6**

**Moved Cr Farrell, Seconded Cr Ker**

*That the recommendation be adopted.*

**CARRIED (7-0)**

**(Cr Messina on leave of absence. Cr Torre was an apology.)**

**PURPOSE OF REPORT:**

The purpose of this report is to outline to the Council the proposed amalgamation of Lots 9020 and 9504 Newcastle Street, Northbridge located within the EPRA's Lake Street Precinct, to create Lot 306. It is then proposed to subdivide Lot 306 to create two (2) green title lots that will be known as Lots 370 and 371 Newcastle Street, Northbridge.

**DETAILS:**

The Town has received a letter dated 14 July 2006 and associated documentation advising of the recent endorsement of the East Perth Redevelopment Authority (EPRA) Board for the advertising of a proposed amalgamation of Lots 9020 and 9504 Newcastle Street, Northbridge within the Lake Street Precinct, to create Lot 306. EPRA advise that it is then proposed to subdivide Lot 306 to create two (2) green title lots that will be known as Lots 370 and 371 Newcastle Street, Northbridge.

EPRA is now seeking comments on the proposed amalgamation and subdivision, with the public comment period closing on 25 August 2006.

It is intended that the subdivided lots will be developed as follows:

- Lot 370 - to be developed for Women's Health Care House (Inc); and
- Lot 371 - to be developed as a mixed-use development with emphasis on affordable and social housing.

**CONSULTATION/ADVERTISING:**

Not Applicable.

**LEGAL/POLICY:**

Town Planning Scheme No. 1 and associated Policies.

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2005 – 2010 Key Result Area One: Environment and Infrastructure:

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

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

In order for proposed Lots 370 and 371 Newcastle Street, Northbridge to accommodate the nominated land uses of a Women's Health Care House and mixed-use development (with emphasis on affordable and social housing) respectively, it was necessary for EPRA to modify the Design Guidelines relating to the Lake Street Precinct, which forms part of *'The Village Northbridge Design Guidelines'*.

The proposed modifications were referred to the Town of Vincent for comment on 30 June 2006 as part of EPRA's public consultation requirements. The specific changes to the Design Guidelines are detailed in the attachment to this report.

The aforementioned report recommends that the Council receives the documentation regarding the proposed modifications to the Design Guidelines relating to Lots 370 and 371 Newcastle Street, and given the minimal implications, that the Town advises EPRA that it has no objection to the proposed Design Guidelines modifications.

In light of the above, it is recommended that the Council receives the documentation regarding the proposed amalgamation of Lots 9020 and 9504 Newcastle Street, Northbridge to create Lot 306 and subsequent subdivision of Lot 306 to create two (2) green title lots to be known as Lots 370 and 371 Newcastle Street, Northbridge, and that the Town advises EPRA that it has no objection to the proposal.

**10.1.7 No. 103A (Lot 2 on Strata Plan 40295) Grosvenor Road, North Perth -  
Unauthorised "Car Park"**

<b>Ward:</b>	South	<b>Date:</b>	2 August 2006
<b>Precinct:</b>	Norfolk; P10	<b>File Ref:</b>	PRO1602
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	N Wellington		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the determination of the State Administrative Tribunal dated 8 June 2006 to dismiss the review application submitted in relation to the unauthorised "Car Park" at No. 103A (Lot 2 on Strata Plan 40295) Grosvenor Road, North Perth;*
- (ii) *WRITES to the owners of No. 103A (Lot 2 on Strata Plan 40295) Grosvenor Road, North Perth to comply with the requirements of the Written Direction issued under [former] Section 10 (3) of the Town Planning and Development Act 1928 to stop and not recommence the use of the property as a "Car Park" within 28 days of notification; and*
- (iii) *AUTHORISES the Chief Executive Officer to proceed with legal proceedings against the owners of No. 103A (Lot 2 on Strata Plan 40295) Grosvenor Road, North Perth, should the above unauthorised use not cease within the above twenty-eight (28) days period.*

**COUNCIL DECISION ITEM 10.1.7**

**Moved Cr Farrell, Seconded Cr Ker**

*That the recommendation be adopted.*

**CARRIED (7-0)**

(Cr Messina on leave of absence. Cr Torre was an apology.)

**PURPOSE OF REPORT:**

In accordance with the Town's Prosecution Policy No. 4.1.22, the Council is required to determine and/or direct the Chief Executive Officer to initiate legal proceedings.

**BACKGROUND:**

5 December 2000 At its Ordinary Meeting, the Council refused an application for proposed conversion of existing single storey garage into an additional two-storey grouped dwelling to an existing dwelling at No. 103 (Lot 94) Grosvenor Road, Mount Lawley.

- 19 December 2000 At its Ordinary Meeting, the Council conditionally approved an application for proposed conversion of existing single storey garage into an additional two-storey grouped dwelling to an existing dwelling at No. 103 (Lot 94) Grosvenor Road, Mount Lawley (Serial No. 00/33/0424).
- 6 February 2001 The Western Australian Planning Commission (WAPC) granted conditional approval for the survey-strata subdivision of No. 103 (Lot 94) Grosvenor Road, Mount Lawley.
- 9 February 2005 Written enquiry received by the Town relating to the approved use of the subject property, alleged car repairing, vehicle engine revving, and noise from machinery associated with the owners' racing car at all hours of the night, day and weekends.
- 13 April 2005 The Town wrote to the owners of the subject property advising that an inspection revealed that the development had not been completed in accordance with the above approval and as the lot had been strata titled, the existing garage at the rear of Strata Lot 2 was considered as a "Car Park". A "Car Park" under Town Planning Scheme No. 1 (TPS No. 1), is an "X" use, which means that it is not permitted by TPS No. 1. The owners were requested to advise the Town of their intentions to comply with the approval within 14 days.
- 19 May 2005 Written Direction under Section 10 (2) of the Town Planning and Development Act 1928 issued to the owners of No. 103A (Lot 2 on Strata Plan 40295) Grosvenor Road, North Perth to stop and not recommence the use undertaken on the land.
- 15 June 2005 The owners' representative submitted an application for review against the requirements of the Written Direction issued by the Town to the State Administrative Tribunal (SAT), reference DR471 of 2005.
- 11 October 2005 Confidential Report considered at the Ordinary Meeting of Council relating to the SAT review application.
- 8 June 2006 The State Administrative Tribunal Order '*Dismissed*' the application for review DR471 of 2005 of the Written Direction issued by the Town under Section 10 of the Town Planning and Development Act 1928. The Tribunal's Reasons and Orders determined in the review matter are "*Laid on the Table*".

**DETAILS:**

The conclusion and Orders of the Tribunal's determination dated 8 June 2006 states as follows:

***"Conclusion***

*For the reasons given above, the Tribunal has come to the conclusion that the law and the facts as viewed by the Tribunal effectively sustain the decision to issue the Direction under review. There is an existing use which contravenes TPS 1. This is so whether or not the use is actually a "car park" under TPS 1, although it seems likely that it is. No case is put forward to show that the enforcement of TPS 1 in these particular circumstances by way of the issue of the Direction under review is inappropriate. On the contrary, the history of the matter set out above tends to justify the issue of the Direction.*

*The decision to issue the Direction ought to be affirmed and the application for review consequently dismissed. The consequence for the applicants is that the Direction must be complied with.*

**Orders**

*The orders of the Tribunal are:*

1. *The application is dismissed.*
2. *The decision under review is affirmed."*

As a result of the decision of the State Administrative Tribunal to dismiss the application for review of the Written Direction issued by the Town under Section 10 of the [then] Town Planning and Development Act 1928 to stop and not recommence the use of the land as a "car park", the Town is now required to ensure the requirements of the subject Written Direction are fulfilled.

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

The Town's Prosecution Policy No. 4.1.22 requires consideration to be given in taking prosecution action, instead of, or in addition to applying alternative enforcement actions, in circumstances including alleged failure to comply with a notice (written direction) within a reasonable period of time.

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

In light of the above, it is recommended that the owners be given a further twenty eight (28) days to satisfy the requirements of the Written Direction issued under Section 10 of the former Town Planning and Development Act 1928. Should the requirements not be fulfilled within the given timeframe, it is recommended that the Chief Executive Officer be authorised to proceed with legal proceedings.

**10.2.2 2006/2007 Slab Footpath Replacement Program**

<b>Ward:</b>	Both	<b>Date:</b>	1 August 2006
<b>Precinct:</b>	All	<b>File Ref:</b>	TES0174
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	R Lotznicher, C Economo		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *ADOPTS the first year, 2006/2007, of the five (5) year (2006/2007 to 2010/2011) Footpath Replacement Program as outlined in Attachment 10.2.2; and*
- (ii) *NOTES that the remaining four (4) years (2007/2008 to 2010/2011) of the above program is "preliminary only" and will be subject to change.*

**COUNCIL DECISION ITEM 10.2.2**

**Moved Cr Farrell, Seconded Cr Ker**

*That the recommendation be adopted.*

**CARRIED (7-0)**

**(Cr Messina on leave of absence. Cr Torre was an apology.)**

**PURPOSE OF REPORT:**

The purpose of this report is to obtain the Council's approval for the allocation of funds allowed for in the 2006/2007 budget to specific projects and adoption of the "first year" of the 2006/2007 Slab Footpath Replacement Program.

**BACKGROUND:**

The Council, in 1996, resolved to adopt a long term Slab Footpath Replacement Program to ensure the Town's footpath infrastructure is maintained at an acceptable level of service and safety.

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

**DETAILS:**

The first year of the program, as outlined in this report, relates to the 2006/2007 financial year.

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

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

A substantial allocation in the proposed 2006/2007 slab replacement program is for Beaufort Street between Parry and Brisbane Streets. This project will be undertaken in conjunction with the Rehabilitation of this section of Beaufort Street. Conduits will be installed to allow for the future planting of street verge trees.

It should be noted that the Town's administration has not included paths for upgrading in the proposed underground power area, due to this project requiring works in the road reserve.

The Five (5) Year Footpath Replacement Program is outlined in attachment 10.2.2.

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

Residents are advised by means of an information bulletin prior to works proceeding in their street.

#### **LEGAL/POLICY**

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

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

Since 1996/1997 the Council has expended approximately \$3.0m on the footpath program (the annual allocation has gradually increased from \$250,000 per annum to \$450,000 per annum).

The total cost of the slab replacement program was estimated at between \$6.5m and \$7m (*depending on footpath construction tender rates and annual budget allocation over the life of the program*). There is still approximately \$3.5m to \$4.0m to expend on the program.

The 2006/2007 Capital Works Budget includes funds of \$450,000 for year 10 of the program. At \$450,000 per annum it will take approximately another 7 to 9 years to complete the program.

#### **STRATEGIC IMPLICATIONS:**

In accordance with Key Result Area One of Strategic Plan 2005-2010 – 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *"b) Continue to develop annual footpath upgrade programs."*

#### **COMMENTS:**

At the special meeting of Council held on 11 July 2006, Council adopted the 2006/2007 budget. The purpose of this report is to obtain Council's approval for the allocation of funds allowed for in the 2006/2007 budget to specific projects in the 2006/2007 Footpath Replacement Program.



**10.2.3 2006/2007 Road Rehabilitation and Upgrade Program**

<b>Ward:</b>	Both	<b>Date:</b>	1 August 2006
<b>Precinct:</b>	All	<b>File Ref:</b>	TES0174
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	R Lotznicher, C Economo		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *ADOPTS the first year, 2006/2007, of the five (5) year (2006/2007 to 2010/2011) Road Rehabilitation and Upgrade Program as outlined in Attachment 10.2.3; and*
- (ii) *NOTES that the remaining four (4) years (2007/2008 to 2010/2011) of the program is "preliminary only" and will be subject to change.*

**COUNCIL DECISION ITEM 10.2.3**

**Moved Cr Farrell, Seconded Cr Ker**

*That the recommendation be adopted.*

**CARRIED (7-0)**

(Cr Messina on leave of absence. Cr Torre was an apology.)

**PURPOSE OF REPORT:**

The purpose of this report is to obtain the Council's approval for the allocation of funds allowed for in the 2006/2007 budget to specific projects in the 2006/2007 Road Rehabilitation and Upgrade Program.

**BACKGROUND:**

In 1997 the Council resolved to adopt a long term Road Rehabilitation and Upgrade Program. The program was developed to ensure the Town's road infrastructure is maintained at an acceptable level of service and safety.

To ensure that the program is dynamic in reflecting changing circumstances, including development activity, other capital improvement projects, residents' requests, changing conditions and State Funding for roads through the Metropolitan Regional Road Program, it was considered appropriate to review and update the program annually and request that only the first year of the five (5) year program be adopted annually.

**DETAILS:**

**Metropolitan Regional Road Funding**

A letter from Main Roads WA was received in March 2006, advising of the approved Metropolitan Local Road Project Grants for 2006/2007:

Note: The Town's 2006/2007 budget indicates three projects as follows.

Road	Section	Estimated Cost \$	Grant \$	TOV contribution \$
Oxford St	Vincent St - Leederville Pde	120,000	80,000	40,000
Fitzgerald St	Newcastle St - Carr St	90,000	60,000	30,000
Bulwer St	William St - Beaufort St	152,000	101,333	50,667
Beaufort St	Parry St - Brisbane St	110,000	73,333	36,667 *
	<b>Total:</b>	<b>\$ 472,000</b>	<b>\$ 314,666</b>	<b>\$ 157,334</b>

Therefore, \$157,334, comprising Municipal funds, has been allocated in the 2006/2007 Budget for the Road Rehabilitation and Upgrade program.

Note\*: An additional \$26,000 has been allocated for Beaufort Street (road program) for red asphalt parking bays.

### **Five Year Road Rehabilitation and Upgrade Program**

In addition, \$312,666 has been allocated in the 2006/2007 budget for the road rehabilitation and upgrade program. Therefore, the total funds available for the program in 2006/2007 are \$470,000 (*i.e.* \$157,334 + \$312,666).

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

The major purpose of ROMAN is to:

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

At the 28 April 1997 meeting, the Council was advised as follows:

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

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

The Council subsequently allocated only \$400,000 in the 1997/1998 financial year and this level of annual funding was maintained until 2004/2005.

The first year (2006/2007) and the next four years (2007/2008 to 2010/2011) of the five year road rehabilitation and upgrade program as presented in this report has been updated and revised to include future possible projects to be funded from the State Metropolitan Regional Road Program, projects reprioritised according to road condition, projects associated with other capital works and requests received.

The projected required level of funding has also been revised to ensure the road asset is continually improved relative to its deterioration.

The five (5) year Road Rehabilitation and Upgrade Program is outlined in attachment 10.2.3.

**CONSULTATION/ADVERTISING:**

N/A

**LEGAL/POLICY**

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

**FINANCIAL/BUDGET IMPLICATIONS:**

The 2006/2007 Capital Works Budget includes funds of \$470,000 for the road rehabilitation and upgrade program.

Results obtained from ROMAN in 1997 indicated the Town was required to spend in the order \$560,000 per annum on its roads.

The draft program attached to this report includes an increased projected level of funding to ensure the road network asset is better maintained to an acceptable standard.

**STRATEGIC IMPLICATIONS:**

In accordance with Key Result Area One of Strategic Plan 2005-2010 – 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *"b) Continue to develop, enhance and implement annual footpath, rights of way, road rehabilitation and upgrade programs."*

**COMMENTS:**

At the special meeting of Council held on 11 July 2006, the Council adopted the 2006/2007 budget. The purpose of this report is to obtain the Council's approval for the allocation of funds allowed for in the 2006/2007 budget to specific projects in the 2006/2007 Road Rehabilitation and Upgrade Program.

**10.2.4 Roads to Recovery Program - Supplementary AUSLINK funding**

<b>Ward:</b>	Both	<b>Date:</b>	24 July 2006
<b>Precinct:</b>	All	<b>File Ref:</b>	TES0174
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	R Lotznicher		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) **RECEIVES** the report on the supplementary funding made by the Australian Government under the Roads to Recovery Program;
- (ii) **NOTES** that the additional funds of \$153,113.50 received have been incorporated in the Town's Roads to Recovery Program;
- (iii) **ENDORSES** the revised 2006/2007 (year two) of the Roads to Recovery Program to the value of \$306,227, as outlined in the report; and
- (iv) **RECEIVES** further reports on an annual basis on the remaining Roads to Recovery program i.e. years three (3), 2007/2008 and four (4) 2008/2009.

**COUNCIL DECISION ITEM 10.2.4**

**Moved** Cr Farrell, **Seconded** Cr Ker

*That the recommendation be adopted.*

**CARRIED (7-0)**

(Cr Messina on leave of absence. Cr Torre was an apology.)

**PURPOSE OF REPORT:**

The purpose of this report is to advise and update the Council on the information regarding the Supplementary Auslink Funding made by the Australian Government under the Roads to Recovery (R2R) Program.

**BACKGROUND:**

At its Ordinary Meeting held on 28 June 2005, the Council received a report on the new R2R Program - 2005/2006 to 2008/2009 (*refer attached*). At its Ordinary Meeting held on 23 August 2005 the Council subsequently endorsed changes to 2005/2006 (*year one*) of the program due to the possible undergrounding of power in the eastern sector of the Town.

**DETAILS:**

**Extension of Roads to Recovery Program to June 2009**

On 22 January 2004, the Town was advised that the R2R Program would continue under expanded guidelines to 30 June 2009 and that all local governments would be eligible for additional funds from the program until that date.

**Roads to Recovery Program - 2005/2006 to 2008/2009**

The Council previously endorsed a four (4) year program (2005/2006 to 2008/2009), which was subsequently revised. Year one (2005/2006) of the revised program has now been completed.

**Supplementary AUSLINK funding**

With the provision of Supplementary Auslink Funding of \$153,113, it is recommended that 2006/2007 (*year two*) of the R2R be revised and ultimately years three and four will be revised for the following reasons:

- Additional funds received
- Undergrounding of power not commenced
- Requests/priority changes
- Project costs revised due to scope and material cost increases

**Revised 2006/2007 Program**

The following revised and expanded program for 2006/2007 has been developed as a result of the additional funding and the above factors. The total value of the revised R2R Program for 2006/2007 is \$306,227.

<b>Road</b>	<b>Section</b>	<b>L m</b>	<b>W m</b>	<b>Description</b>	<b>Revised 2006-2007</b>
Egina St	Purslowe St- Scarb Bch Rd	270	8	Resurfacing with SMA and kerb repairs	\$24,500.00
Kalgoorlie St	Berryman St - Ashby St	250	10	Resurfacing with SMA replace kerb	\$42,613.50
Shakespeare St	Hobart St - Scarb Bch Rd	200	6	Resurfacing with SMA and kerb repairs	\$14,500.00
Chelmsford Rd	Fitzgerald St - Leake St	140	7	Resurfacing with SMA and kerb repairs	\$12,000.00
Shakespeare St	Woodstock St - Hobart St	390	7.3	Resurfacing with SMA and kerb repairs	\$31,500.00
Vine St	View - Alma	130	6.2	Resurfacing with SMA and kerb repairs	\$11,000.00
Seldon St	Ellesmere St - Eton St	200	7.5	Resurfacing with SMA and kerb repairs	\$17,000.00

**Subtotal \$153,113.50**

<b>Road</b>	<b>Section</b>	<b>L m</b>	<b>W m</b>	<b>Description</b>	<b>Additional 2006-2007</b>
Burt St	Norfolk St - Fitzgerald St	320	9	Resurfacing with SMA and kerb repairs	\$52,500.00
Hunter St	Waugh St - Redfern St	400	7	Resurfacing with SMA replace kerb	\$36,225.00
Edinboro St	Green St - Ellesemere St	250	10	Resurfacing with SMA and kerb repairs	\$26,500.00
Camelia St	Alma Rd- Calverton St	140	6.2	Resurfacing with SMA replace kerb	\$21,000.00
Stamford St	Melrose St - End	180	6.3	Resurfacing with SMA and kerb repairs	\$16,888.50

**Subtotal \$153,113.50**

**TOTAL \$306,227.00**

Note\*: The above projects have already been entered as a "works schedule" onto the R2R secure web site and submitted to Auslink as part of the funding requirement.

**CONSULTATION/ADVERTISING:**

The works, which include mainly road resurfacing /upgrades, will be listed in the Capital Works Schedule (*yet to be endorsed by the Council*). Residents in each street will be advised of the infrastructure upgrade proposal via a works bulletin.

**LEGAL/POLICY:**

The roads listed in the program are under the care, control and management of the Town.

**STRATEGIC IMPLICATIONS:**

In accordance with Key Result Area One of Strategic Plan 2005-2010 – 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. "*b) Continue to develop, enhance and implement annual footpath, rights of way, road rehabilitation and upgrade programs.*"

**FINANCIAL/BUDGET IMPLICATIONS:**

The Town's initial allocation for the life of the program was \$612,450, with an annual allocation of \$153,112.50. With the Supplementary AUSLINK funding received of \$153,112.50, the Town's allocation for the life of the program will be \$765,562.50.

An amount of \$153,113 has been allocated in the 2006/07 Annual Budget for the R2R Program. Supplementary AUSLINK funding for the R2R Program were received in late June 2006. The additional amount of \$153,113 has been accrued on the annual financial statements for 2005/06 and will be available for use in 2006/2007.

**COMMENTS:**

Given the variable nature of the R2R Program, it is considered that the Council endorse the program on an annual basis.

Therefore, it is recommended that the Council endorses the revised 2006/2007 R2R Program, as outlined in the report, and receives further reports on an annual basis on the remaining R2R Program i.e. years three (3), 2007/2008 and four (4) 2008/2009.

**10.2.5 St Michael Association - 2006 Street Procession**

<b>Ward:</b>	North Perth	<b>Date:</b>	2 August 2006
<b>Precinct:</b>	Hyde Park P2, Mt Lawley Centre P11	<b>File Ref:</b>	CVC0006
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	C Wilson, J Greenwood		
<b>Checked/Endorsed by:</b>	R Lotznicker	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *APPROVES the annual St Michael Association street procession, to be held on Sunday, 24 September 2006; and*
- (ii) *REQUESTS the organisers of the procession to ensure that all emergency services and Main Roads WA Operations Centre, are notified and all relevant approvals have been obtained prior to holding the procession.*

**COUNCIL DECISION ITEM 10.2.5**

**Moved Cr Farrell, Seconded Cr Ker**

*That the recommendation be adopted.*

**CARRIED (7-0)**

**(Cr Messina on leave of absence. Cr Torre was an apology.)**

**PURPOSE OF REPORT:**

The purpose of this report is to seek Council approval for the annual St Michael Association street procession, to be held on Sunday, 24 September 2006.

**BACKGROUND:**

The St Michael Association is seeking the Council's approval to conduct its annual *Feast Day Celebration* street procession on Sunday, 24 September 2006, in honour of its patron saint, St Michael.

**DETAILS:**

The procession will commence at 3.30 pm on Sunday, 24 September 2006, from Sacred Heart Church in Mary Street, Highgate. It will travel, under Police escort, west via Mary Street turning left into William Street. From William Street the procession will turn left into Lincoln Street east bound and left again into Beaufort Street north bound. From Beaufort Street the procession will turn left into Mary Street, with proceedings concluding at approximately 4.15pm at Sacred Heart Church.

The procession will be under Police escort and no actual road closures are involved. The parade is scheduled for a Sunday and does not conflict with any other major events, however, there may be a short duration impact upon traffic in Beaufort Street.

**CONSULTATION/ADVERTISING:**

Given that the procession causes minimal disruption to residents or businesses and that the cost to advertise the procession would be an additional impost upon the applicants as a voluntary organisation, it is recommended that the applicants not be required to advertise this event.

**LEGAL/POLICY**

The WA Police will be responsible for traffic control in accordance with the relevant Australian Standards and Main Roads WA Code of Practice.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil

**STRATEGIC IMPLICATIONS:**

In accordance with Key Result Area Two of Strategic Plan 2005-2010 – 2.1 Celebrate and acknowledge the Town's cultural diversity. *"(b) Develop and organise community events that engage the community and celebrate the cultural diversity of the Town."*

**COMMENTS:**

The annual street procession of the St Michael Association is a colourful Catholic celebration that draws many regular and first time visitors to the Town. The nearby cafes and restaurants will also gain from increased patronage as a result of the event, suggesting that the Town not only benefits in a cultural sense but also a commercial sense.



**10.3.2 Authorisation of Expenditure for the period 1 June - 30 June 2006**

<b>Ward:</b>	Both	<b>Date:</b>	26 July 2006
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0005
<b>Attachments:</b>	<a href="#">001;</a>		
<b>Reporting Officer(s):</b>	Melike Orchard		
<b>Checked/Endorsed by:</b>	Bee Choo Tan	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council CONFIRMS the;*

- (i) *Schedule of Accounts for the period 1 June - 30 June 2006 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 10.3.2*

**COUNCIL DECISION ITEM 10.3.2**

**Moved Cr Farrell, Seconded Cr Ker**

*That the recommendation be adopted.*

**CARRIED (7-0)**

(Cr Messina on leave of absence. Cr Torre was an apology.)

**DECLARATION OF INTEREST**

<b>Members/ Officers</b>	<b>Voucher</b>	<b>Extent of Interest</b>
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Nil.

**PURPOSE OF REPORT:**

To seek authorisation of expenditure for the period 1- 30 June 2006.

**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	\$1,537,972.13
	EFT	\$1,712,920.88
<b>Total Municipal Account</b>		<b>\$3,250,893.01</b>
<b>Advance Account</b>		
Automatic Cheques		
	55579-55592, 55594-55659, 55661-55822, 55824-55945, 55947-56013	\$948,285.54
Trust Account Cheques		0
Transfer of Creditors by EFT Batch 530-532, 534, 536, 538, 540, 544-546, 548-549		\$1,569,475.87
Transfer of PAYG Tax by EFT	June 2006	\$329,041.80
Transfer of GST by EFT	June 2006	
Transfer of Child Support by EFT	June 2006	\$1,512.27
Transfer of Superannuation by EFT City of Perth	June 2006	\$101,168.66
Local Government	June 2006	\$297,451.51
<b>Total Advance Account</b>		<b>\$3,246,935.65</b>
<b>Bank Charges &amp; Other Direct Debits</b>		
Bank Charges – CBA		\$2,651.21
Lease Fees		\$2,203.27
Corporate Master Cards		\$2,611.49
Australia Post Lease Equipment		\$0.00
2 Way Rental		\$0.00
Loan Repayment		\$64,664.31
Rejection Fees		\$32.80
ATM Rebate		\$0.00
Beatty Park - miscellaneous deposit		\$0.00
<b>Total Bank Charges &amp; Other Direct Debits</b>		<b>\$72,163.08</b>
<b>Less GST effect on Advance Account</b>		<b>-\$35,357.00</b>
<b>Total Payments</b>		<b>\$6,534,634.74</b>

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2005-2010 – 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:**

Nil.

**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.

**10.4.1 Use of the Council's Common Seal**

<b>Ward:</b>	-	<b>Date:</b>	2 August 2006
<b>Precinct:</b>	-	<b>File Ref:</b>	ADM0042
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	M McKahey		
<b>Checked/Endorsed by:</b>	John Giorgi	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

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

**COUNCIL DECISION ITEM 10.4.1**

**Moved Cr Farrell, Seconded Cr Ker**

*That the recommendation be adopted.*

**CARRIED (7-0)**

**(Cr Messina on leave of absence. Cr Torre was an apology.)**

**BACKGROUND:**

The Chief Executive Officer is responsible for the day-to-day management of the Town and other responsibilities and functions in accordance with Section 5.41 of the Local Government Act. This includes the signing of documents and use of the Council's Common Seal for legal documents. The Town of Vincent Local Law relating to Standing Orders Clause 5.8 prescribes the use of the Council's Common Seal. The CEO is to record in a register and report to Council the details of the use of the Common Seal.

At the Ordinary Meeting of Council held on 14 May 2002, the Council authorised the Chief Executive Officer to use the Common Seal, in accordance with Clause 5.8 of the Town of Vincent Local Law relating to Standing Orders, subject to a report being submitted to Council each month (or bi-monthly if necessary) detailing the documents which have been affixed with the Council's Common Seal.

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

<b>Date</b>	<b>Document</b>	<b>No of copies</b>	<b>Details</b>
25/07/06	Statutory Declaration	1	Town of Vincent regarding replacement Duplicate Certificate of Title for piece of land being Lot 11 on Diagram 11538 being the whole of the land comprised in Certificate of Title Volume 39 Folio 265A (Reserve in Shakespeare Street)
25/07/06	Application	1	Town of Vincent regarding the issuing of the duplicate Certificate of Title for piece of land being Lot 11 on Diagram 11538 being the whole of the land comprised in Certificate of Title Volume 39 Folio 265A (Reserve in Shakespeare Street)

Date	Document	No of copies	Details
28/07/06	Sponsorship Agreement	4	Town of Vincent and Medibank Private Ltd of 16/108 St Georges Terrace, Perth and East Perth Football Club Inc of 246 Vincent Street, Leederville and Subiaco Football Club Inc of 246 Vincent Street, Leederville re: Granting of Naming Rights for Leederville Oval to Medibank Private
31/07/06	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta 6021 and Football Federation Australia Ltd, Level 7, 26 College Street, Sydney NSW 2000 re: FFA Training Sessions - 1, 2, 3, 4, 8, 9, 11 and 12 August 2006 (Change Rooms 1 and 2 and Pitch, plus Cantona & Cruyff Suites - 1 August 2006 only)

**10.1.2 Further Report - No. 148 (Lot 64 D/P: 2360) Carr Street, West Perth - Proposed Additional Five (5) Two-Storey Single Bedroom Grouped Dwellings with Studios to Existing Single House**

<b>Ward:</b>	South	<b>Date:</b>	1 August 2006
<b>Precinct:</b>	Cleaver; P05	<b>File Ref:</b>	PRO3362; 5.2005.3247.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	B McKean		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

***FURTHER OFFICER RECOMMENDATION:***

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by Bruce Arnold Architects on behalf of the owner A Burns, A Dragojevich & J Dragojevich for proposed Additional Five (5) Two-Storey Single Bedroom Grouped Dwellings with Studios to Existing Single House, at No. 148 (Lot 64 D/P: 2360) Carr Street, West Perth, and as shown on plans stamp-dated 27 June 2006, for the following reasons:*

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with the upper floor building on boundary and upper floor setback requirements of the Residential Design Codes; and*
- (iii) consideration of the objections received.*

**COUNCIL DECISION ITEM 10.1.2**

**Moved Cr Farrell, Seconded Cr Ker**

*That the recommendation be adopted.*

Debate ensued.

**CARRIED (6-1)**

<b><u>For</u></b>	<b><u>Against</u></b>
Cr Chester	Mayor Catania
Cr Doran-Wu	
Cr Farrell	
Cr Ker	
Cr Lake	
Cr Maier	

**(Cr Messina on leave of absence. Cr Torre was an apology.)**

**FURTHER REPORT:**

A copy of the elevations plan stamp-dated 27 June 2006 was inadvertently not included in the Agenda for the Ordinary Meeting of Council held on 25 July 2006 and was subsequently tabled at the meeting. The subject plan has now been included in this Agenda.

The additional plan does not alter the Officer's Recommendation.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 25 July 2006.

*"FURTHER OFFICER RECOMMENDATION:*

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by Bruce Arnold Architects on behalf of the owner A Burns, A Dragojevich & J Dragojevich for proposed Additional Five (5) Two-Storey Single Bedroom Grouped Dwellings with Studios to Existing Single House, at No. 148 (Lot 64 D/P: 2360) Carr Street, West Perth, and as shown on plans stamp-dated 27 June 2006, for the following reasons:*

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with the upper floor building on boundary and upper floor setback requirements of the Residential Design Codes; and*
- (iii) consideration of the objections received.*

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COUNCIL DECISION ITEM 10.1.2

Moved Cr Torre, Seconded Cr Messina

*That the recommendation be adopted.*

Moved Cr Maier, Seconded Cr Lake

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

*"(ii) the non-compliance with the upper floor building on boundary, upper floor setback requirements and the minimum lot size requirements of the Residential Design Codes; and"*

*Debate ensued.*

AMENDMENT LOST (3-5)

For

Cr Farrell

Cr Lake

Cr Maier

Against

Mayor Catania

Cr Chester

Cr Doran-Wu

Cr Messina

Cr Torre

*(Cr Ker on leave of absence.)*

Moved Cr Lake, Seconded Cr Messina

*That the Item be DEFERRED as requested by the applicant.*

CARRIED (7-1)

<i>For</i>	<i>Against</i>
<i>Mayor Catania</i>	<i>Cr Chester</i>
<i>Cr Doran-Wu</i>	
<i>Cr Farrell</i>	
<i>Cr Lake</i>	
<i>Cr Maier</i>	
<i>Cr Messina</i>	
<i>Cr Torre</i>	

*(Cr Ker on leave of absence.)"*

**FURTHER REPORT:**

The Council at its Ordinary Meeting held on 26 April 2006 considered the subject proposal and resolved the following:

*"That the Item be DEFERRED for further investigation."*

The applicant has since submitted amended plans stamp-dated 27 June 2006 and a written submission for the Council's consideration.

The applicant's submission addresses the Council's concerns regarding the proposed single bedroom dwellings, the potential a loft may accommodate a third storey, the building height of the proposed development and the density bonus.

The applicant's further submission is *"Laid on the Table"*.

In light of the above, the Assessment Table is amended as follows:

**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	8 single bedroom grouped dwellings Or 5 multi-bedroom grouped dwellings or single houses Or 5 single bedroom grouped dwellings and 2 multi-bedroom grouped dwellings or single houses  R60 (Note: all standards for grouped dwellings and single houses within R80-R160 areas are as for the R60 Code)	1 single house and 5 single bedroom grouped dwellings with studio.          R42.5	Noted - no variation.



<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>
Minimum Site Area: Single House	160 square metres	335.20 square metres	Noted - no variation.
Unit 2	106 square metres	96.56 square metres	Supported - as the existing dwelling is proposed to be retained, and the Town's Heritage Officer has stated that the building is considered to contribute to the historic character of the area and a density bonus is considered acceptable under Clause 20 of the Town's Town Planning Scheme No. 1.
Unit 3	106 square metres	96.56 square metres	Supported - as above.
Unit 4	106 square metres	90.66 square metres	Supported - as above.
Unit 5	106 square metres	89.14 square metres	Supported - as above.
Unit 6	106 square metres	90.66 square metres	Supported - as above.
Setbacks: Ground Floor- West Unit 3	1.5 metres	Nil	Supported - as boundary wall is compliant in terms of height and length (for the ground floor) and not considered to have an undue impact on affected neighbour.
Unit 4	1.5 metres	Nil	Supported - as above.
<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>
Upper Floor- West Unit 3	1.2 metres	Nil	Not supported - as it results in undue impact on affected neighbour and creates a feeling of confinement for adjacent properties outdoor living area and an objection was received to that effect.

<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>
Unit 4	1.8 metres	Nil	Not supported - as above.
North Units 4,5, and 6	1.8 metres	1.5 metres	Supported - variation is considered minor and do not have an undue impact on affected neighbour.
Building on Boundary: West-Unit 3	Walls not higher than 3.5 metres with average of 3 metres for 2/3 the length of the balance of the boundary behind the front setback, to one side boundary.	Height - 5.1 metres - 5.4 metres.  Two boundary walls.	Not supported - as building wall height is considered excessive, it will cause undue impact on affected neighbour, and it creates a feeling of confinement for adjacent properties outdoor living area whereby an objection was received to that effect.
Unit 4	As above	4.4 metres - 5.2 metres.  Two boundary walls.	Not supported - as above.
East-Unit 6	As above	4.5 metres - 5.3 metres.  Two boundary walls.	Supported - boundary wall is to a right of way and is not considered to have an undue impact on the affected neighbour.
Unit 2	As above.	5.8 metres - 6 metres.  Two boundary walls.	Supported - as above.
Outdoor Living Area Existing House Vehicular Access	Behind the street setback.  No closer than 0.5 metre to side boundary.	Located within the street setback.  On boundary.	Supported- due to site constraints as a result of retention of existing dwelling.  Supported - due to site constraints as compliance with this matter would require demolition of the existing dwelling.

	Driveways with a minimum width of 4 metres, which may be reduced to 3 metres where necessary to retain an existing dwelling.	2.8 metres	Supported- Technical Services has advised that this variation is not supported. However, due to site constraints, compliance with this matter would require demolition of existing dwelling. It is to be noted that a 2.42 metres wide driveway at (Nos.134-136 Summers Street) has been previously approved.
Essential Facilities: Unit 2	An enclosed lockable storage area, constructed in a design and material matching the dwelling, accessible from outside the dwelling, with a minimum dimension of 1.5 metres with an internal area of at least 4 square metres	4 metres by 1 metre (4 square metres)	Supported – due to site constraints as a result of the retention of the existing dwelling. The units vary in size from 94.7m <sup>2</sup> - 98.7m <sup>2</sup> . The proposed store size is considered adequate to the needs of the occupant/owner and would not detract from the amenity of the locality.
Unit 3	As above	4 metres by 1 metre (4 square metres) and accessed from studio	Supported - as above.
Unit 4	As above	3.7 metres by 1 metre (3.7 square metres) and accessed from garage	Supported - as above
Unit 5	As above	As above	Supported - as above.
Unit 6	As above	As above	Supported - as above.

### Heritage

The Town's Heritage Officers have provided additional comments in relation to the heritage value of the existing single house being retained at the subject property.

The place at No. 148 Carr Street, West Perth is not currently listed on the Town of Vincent's Municipal Heritage Inventory (MHI) or the Town's Interim Heritage Data Base.

Carr Street, formerly known as Leeder Street, was one of the early residential areas established in Perth. The majority of residential development along the street took place during the first two decades of the twentieth century. The certificate of title for the place documents that Mrs Mary Hartree purchased the subject property from Mrs Mary Beatty, of Cottesloe in 1906. However, it is not until 1917, that the Wise Post Office Directories first list the subject place. The Hartrees lived at the place until 1920 when Mr George Lowe, a potato inspector purchased the place. In 1950, Mr Rooke a carrier, purchased the place and lived there for twelve years until Antony Colossi, a stonemason and his wife, Domenica purchased the place.

The brick and tile dwelling at No.148 Carr Street was built circa 1906 in the Federation Georgian style. Since its construction the place has undergone alterations to the front verandah and has had additions constructed to its rear. The place maintains some of its original features including four small, unusual recessed arches, two string courses and brick arch lintels over the front window and door arrangements. Whilst these features are of interest it is considered that the place does not have any particular qualities that would make it eligible for entry on the Town's Municipal Heritage Inventory.

However, the provision of density bonuses is not restricted to places that are on or meet the threshold for inclusion into the MHI. As stipulated in the Florence Locality Plan No.22 *'the retention and/or restoration of existing housing contributing to the historic character of the area will be encouraged.'* The Town's Heritage Officers encourage the retention of the place at No.148 Carr Street as it has *value* in the evolution of history in the locality as part of the late nineteenth and early twentieth century building stock and as it contributes to the character of the area. Therefore, the density of the proposed development is supported.

### Summary

The main changes to the current plans stamp-dated 27 June 2006 to the previously deferred plans stamp-dated 12 April 2006 are summarised as follows:

- The pitch roofs have been replaced with concealed rooves.
- The boundary wall heights have been reduced.
- The overall building heights and wall heights have been reduced and are now compliant with the R Codes.

The proposed western boundary wall heights remain non-compliant with the requirements of the R Codes and the affected neighbour has objected due to a feeling of confinement, therefore, the Officer Recommendation remains unchanged.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 26 April 2006.

#### *"OFFICER RECOMMENDATION:*

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by Bruce Arnold Architects on behalf of the owners A Burns, A Dragojevich & J Dragojevich for proposed Additional Five (5) Two-Storey Single Bedroom Grouped Dwellings with Studios to Existing Single House, at No. 148 (Lot 64 D/P: 2360) Carr Street, West Perth, and as shown on amended plans stamp-dated 12 April 2006, for the following reasons:*

- the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- the non-compliance with the upper floor building on boundary, upper floor setback and height requirements of the Residential Design Codes; and*
- consideration of the objections received.*

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#### COUNCIL DECISION ITEM 10.1.12

Moved Cr Farrell, Seconded Cr Ker

*That the recommendation be adopted.*

Moved Cr Ker, Seconded Cr Lake

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

“(iv) the proposed additional grouped dwelling does not meet the requirement for single bedroom dwellings.”

Debate ensued.

AMENDMENT CARRIED (8-0)

(Cr Messina on leave of absence.)

Debate ensued.

Moved Cr Maier, Seconded Cr Ker

That clause (ii) be amended as follows:

“(ii) the non-compliance with the upper floor building on boundary, open space, upper floor setback and height requirements of the Residential Design Codes; and”

AMENDMENT CARRIED (8-0)

(Cr Messina on leave of absence.)

Moved Cr Maier, Seconded Cr Lake

That a new clause (v) is added to the recommendation as follows:

“(v) the non-compliance with the minimum lot size requirements of the Residential Design Codes as the units are not considered to be single bedroom units and retention of the front house is not worthy of attracting a sufficient density bonus.”

Debate ensued.

AMENDMENT LOST (2-6)

<u>For</u>	<u>Against</u>
Cr Lake	Mayor Catania
Cr Maier	Cr Chester
	Cr Doran-Wu
	Cr Farrell
	Cr Ker
	Cr Torre

(Cr Messina on leave of absence.)

Moved Cr Doran-Wu, Seconded Cr Torre

That the Item be DEFERRED for further investigation.

CARRIED ON THE  
CASTING VOTE OF THE  
PRESIDING MEMBER (5-4)

<u>For</u>	<u>Against</u>
Mayor Catania - 2 votes	Cr Chester
Cr Doran-Wu	Cr Ker
Cr Farrell	Cr Lake
Cr Torre	Cr Maier

(Cr Messina on leave of absence.)

Landowner:	A Burns, A Dragojevich & J Dragojevich
Applicant:	Bruce Arnold Architects
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R80
Existing Land Use:	Single House
Use Class:	Single House, Grouped Dwelling
Use Classification:	"P"
Lot Area:	1017 square metres
Access to Right of Way	N/A

**BACKGROUND:**

No specific background directly relates to the proposal.

**DETAILS:**

The proposal involves additional five (5) two-storey single bedroom grouped dwellings with studios to existing dwelling at the subject property.

The applicant's submission is "Laid on the Table".

**ASSESSMENT:**

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	8 single bedroom grouped dwellings Or 5 multi-bedroom grouped dwellings or single houses Or 5 single bedroom grouped dwellings and 2 multi-bedroom grouped dwellings or single houses  R60 (Note: all standards for grouped dwellings and single houses within R80-R160 areas are as for the R60 Code)	1 single house and 5 single bedroom grouped dwellings with studio.  R42.5	Noted.

<i>Minimum Site Area: Single House</i>	<i>160 square metres</i>	<i>335.20 square metres</i>	<i>Noted.</i>
<i>Unit 2</i>	<i>106 square metres</i>	<i>96.56 square metres</i>	<i>Supported - as the existing dwelling is proposed to be retained, and the Town's Heritage Officer has stated that the building is considered to contribute to the historic character of the area and a density bonus is considered acceptable under Clause 20 of the Town's Town Planning Scheme No. 1.</i>
<i>Unit 3</i>	<i>106 square metres</i>	<i>96.56 square metres</i>	<i>Supported - as above.</i>
<i>Unit 4</i>	<i>106 square metres</i>	<i>90.66 square metres</i>	<i>Supported - as above.</i>
<i>Unit 5</i>	<i>106 square metres</i>	<i>89.14 square metres.</i>	<i>Supported - as above.</i>
<i>Unit 6</i>	<i>106 square metres</i>	<i>90.66 square metres</i>	<i>Supported - as above.</i>
<i>Setbacks: Ground Floor- West Unit 3</i>	<i>1.5 metres</i>	<i>Nil</i>	<i>Supported - as boundary wall is compliant in terms of height and length (for the ground floor) and not considered to have an undue impact on affected neighbour.</i>
<i>Unit 4</i>	<i>1.5 metres</i>	<i>Nil</i>	<i>Supported - as above.</i>
<i>Upper Floor- West Unit 3</i>	<i>2.1 metres</i>	<i>Nil</i>	<i>Not supported - as it results in undue impact on affected neighbour and creates a feeling of confinement for adjacent properties outdoor living area and an objection was received to that effect.</i>
<i>Unit 4</i>	<i>2.2 metres</i>	<i>Nil</i>	<i>Not supported - as above.</i>

<i>Building on Boundary West- Unit 3</i>	<i>Walls not higher than 3.5 metres with average of 3 metres for 2/3 the length of the balance of the boundary behind the front setback, to one side boundary.</i>	<i>Height - 6.73 metres - 7.3 metres.  Two boundary walls.</i>	<i>Not supported - as building wall height is considered excessive, it will cause undue impact on affected neighbour, and it creates a feeling of confinement for adjacent properties outdoor living area whereby an objection was received to that effect.</i>
<i>Unit 4</i>	<i>As above</i>	<i>6.3 metres - 6.9 metres. Two boundary walls.</i>	<i>Not supported - as above.</i>
<i>East- Unit 6</i>	<i>As above</i>	<i>6.26 metres - 7.06 metres.  Two boundary walls.</i>	<i>Not supported - despite being on the boundary to a right of way and the adjacent neighbours having a similar type gable wall, the building wall height is considered excessive.</i>
<i>Building Height Unit 3: West -Wall height</i>	<i>6 metres</i>	<i>6.73 metres - 7.3 metres.</i>	<i>Not supported - as building wall height is considered excessive, undue impact on affected neighbour, the wall creates a feeling of confinement for adjacent properties outdoor living area, an objection was received and a variation is sought relating to the Town's Policy 'Non-Variation of Specific Development Standards and Requirements'.</i>
<i>-Pitch Height</i>	<i>9 metres</i>	<i>9.3 metres</i>	<i>Not supported - as pitch height is considered excessive and proposes variation outlined in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements.</i>
<i>North -Pitch height</i>	<i>9 metres</i>	<i>9.2 metres</i>	<i>Not supported - as above.</i>



<i>South -Pitch height</i>	<i>9 metres</i>	<i>9.2 metres</i>	<i>Not supported - as above.</i>
<i>Unit 4: West -Wall height</i>	<i>6 metres</i>	<i>6.3 metres - 6.9 metres</i>	<i>Not supported - as building wall height is considered excessive, undue impact on affected neighbour, creates a feeling of confinement for adjacent properties outdoor living area, objection received and proposed variation as outlined in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements.</i>
<i>-Pitch Height</i>	<i>9 metres</i>	<i>9.1 metres</i>	<i>Not supported - as pitch height is considered excessive and proposed variation outlined in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements.</i>
<i>South -Pitch height</i>	<i>9 metres</i>	<i>9.3 metres</i>	<i>Not supported - as above.</i>
<i>Unit 5 South -Pitch height</i>	<i>9 metres</i>	<i>9.4 metres</i>	<i>Not supported - as above</i>
<i>Unit 6: East -Wall Height</i>	<i>6 metres</i>	<i>6.26 metres - 7.06 metres.</i>	<i>Not supported - despite being on the boundary to a right of way and the adjacent neighbours having a similar type gable wall as the building wall height is considered excessive and proposed variation as outlined in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements.</i>
<i>South -Pitch height</i>	<i>9 metres</i>	<i>9.3 metres</i>	<i>Not supported - as pitch height is considered excessive and proposed variation as outlined in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements.</i>

<i>Unit 2: East -Wall height</i>	<i>6 metres</i>	<i>6.6 metres - 7.1 metres</i>	<i>Not supported - despite being on the boundary to a right of way and the adjacent neighbours having a similar type gable walls as the building wall height is considered excessive and proposed variation as outlined in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements.</i>
<i>-Pitch height</i>	<i>9 metres</i>	<i>9.3 metres</i>	<i>Not supported - as pitch height is considered excessive and proposed variation as outlined in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements.</i>
<i>South -Pitch height</i>	<i>9 metres</i>	<i>9.2 metres</i>	<i>Not supported - as above.</i>
<i>North -Pitch height</i>	<i>9 metres</i>	<i>9.2 metres</i>	<i>Not supported - as above.</i>
<i>Outdoor Living Area Existing House</i>	<i>Behind the street setback.</i>	<i>Located within the street setback.</i>	<i>Supported- as site constraints as a result of retention of existing dwelling.</i>
<i>Vehicular Access</i>	<i>No closer than 0.5 metre to side boundary.</i>	<i>On boundary.</i>	<i>Supported - due to site constraints as compliance with this matter would require demolition of the existing dwelling.</i>
	<i>Driveways with a minimum width of 4 metres, which may be reduced to 3 metres where necessary to retain an existing dwelling.</i>	<i>2.8 metres</i>	<i>Supported- Technical Services has advised that this variation is not supported. However, due to site constraints, compliance with this matter would require demolition of existing dwelling. It is to be noted that a 2.42 metres wide driveway at (Nos.134-136 Summers Street) has been previously approved with an under-width access way.</i>

<i>Essential Facilities</i>			
<i>Unit 2</i>	<i>An enclosed lockable storage area, constructed in a design and material matching the dwelling, accessible from outside the dwelling, with a minimum dimension of 1.5 metres with an internal area of at least 4 square metres</i>	<i>4 metres by 1 metre (4 square metres)</i>	<i>Supported – due to site constraints as a result of the retention of the existing dwelling. The units vary in size from 94.7m<sup>2</sup> - 98.7m<sup>2</sup>. The proposed store size is considered adequate to the needs of the occupant/owner and would not detract from the amenity of the locality.</i>
<i>Unit 3</i>	<i>As above.</i>	<i>4 metres by 1 metre (4 square metres) and accessed from studio.</i>	<i>Supported - as above.</i>
<i>Unit 4</i>	<i>As above</i>	<i>3.7 metres by 1 metre (3.7 square metres) and accessed from garage.</i>	<i>Supported - as above</i>
<i>Unit 5</i>	<i>As above</i>	<i>As above</i>	<i>Supported - as above.</i>
<i>Unit 6</i>	<i>As above</i>	<i>As above</i>	<i>Supported - as above.</i>
<i>Consultation Submissions</i>			
<i>Support</i>	<i>Nil</i>		<i>Noted</i>
<i>Objection Three (3)</i>	<ul style="list-style-type: none"> <li><i>Concern the development may result in more street parking.</i></li> </ul>		<i>Not supported - proposal is compliant with car parking requirements of the Residential Design Codes (R Codes).</i>
	<ul style="list-style-type: none"> <li><i>Many non-compliance components which do not constitute orderly and proper planning within the Cleaver Precinct.</i></li> </ul>		<i>Partly not supported - as most non compliance issues are a result of the existing dwelling being retained and the Town's Heritage Officer has stated that the building is considered to contribute to the historic character of the area and a density bonus is considered acceptable under Clause 20 of the Town's Town Planning Scheme No. 1. In light of the above, some of the proposed variations to the requirements are considered acceptable.</i>

	<ul style="list-style-type: none"> <li>Density - would like to see more landscaping to soften the overdevelopment of the site.</li> </ul>	Not supported - addressed in Assessment Table.
	<ul style="list-style-type: none"> <li>Feeling of confinement due to height of boundary wall (visual impact of great concern)</li> </ul>	Supported - building height is considered to have an undue impact on affected neighbour's amenity such as outdoor living area.
	<ul style="list-style-type: none"> <li>Overshadowing</li> </ul>	Not supported - as the development is compliant with the overshadowing requirements of the R Codes and is, therefore, not considered to have an undue impact on affected neighbour.
	<ul style="list-style-type: none"> <li>Noise</li> </ul>	Not supported - as the development is purely residential and as such the issue is not a valid planning consideration.
	<ul style="list-style-type: none"> <li>Privacy/overlooking</li> </ul>	Not supported - as the development complies with the privacy requirements of the R Codes and is, therefore, not considered to have an undue impact of affected neighbours.
<i>Other Implications</i>		
<i>Legal/Policy</i>		<i>TPS 1 and associated Policies, and Residential Design Codes (R Codes).</i>
<i>Strategic Implications</i>		<i>Nil</i>
<i>Financial/Budget Implications</i>		<i>Nil</i>

\* 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:**

*Heritage*

*The place at No.148 Carr Street, West Perth is not currently listed on the Town of Vincent Municipal Heritage Inventory or the Town's Interim Heritage Inventory.*

*The place was built circa 1917 in the Federation Georgian style. Since its construction, the place has undergone alterations to the front verandah and has had additions constructed to its rear. The place has an interesting and unusual symmetrical façade, which features four small, uncommon recessed arches and intact fenestration.*

*Florence Locality Plan 22 encourages the retention of original dwellings relating to the early development of the Locality. The existing place contributes to the historic character of the area and, therefore, consideration of a density bonus for the proposed new development is considered acceptable.*

*Summary*

*While the variations sought by the applicant are generally acceptable due to the retention of the existing dwelling, the variations sought to the upper floor setback, upper floor boundary wall and building height are considered to have an undue impact on the affected neighbour. In light of this, the planning application is recommended for refusal."*

**10.1.1 Further Report - Nos. 566-570 (Lot: 6 D/P: 692) Beaufort Street, Corner Clarence Street, Mount Lawley - Proposed Change of Use from Shop and Take Away Food Outlet to Shop, Take Away Food Outlet and Eating House and Associated Alterations and Additions**

<b>Ward:</b>	South	<b>Date:</b>	31 July 2006
<b>Precinct:</b>	Mount Lawley Centre; P11	<b>File Ref:</b>	PRO0816; 5.2005.3246.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	E Saraceni		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Developwise Pty Ltd on behalf of the owner Austgold Holdings Pty Ltd for proposed Change of Use from Shop and Take Away Food Outlet to Shop, Take Away Food Outlet and Eating House and Associated Alterations and Additions, at Nos. 566-570 (Lot 6 D/P: 692) Beaufort Street, corner Clarence Street, Mount Lawley, and as shown on plans stamped 19 December 2005, subject to the following conditions:*

- (i) *doors, windows and adjacent floor areas fronting Beaufort Street and Clarence Streets shall maintain an active and interactive relationship with these streets;*
- (ii) *prior to the issue of the Building Licence or first occupation of this development, whichever occurs first, the applicant/owner shall pay a cash-in-lieu contribution of \$44,772 for the equivalent value of 17.22 car parking spaces, based on the construction cost of \$2,600 per bay as set out in the Town's 2006/2007 Budget. Alternatively, if the car parking shortfall is reduced as a result of a greater number of car bays being provided, the cash in lieu amount can be reduced to reflect the new changes in car parking requirements;*
- (iii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, 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;*
- (iv) *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;*
- (v) *the floor areas to be limited as follows:*
  - (a) *158 square metres of public floor area for the eating house; and*
  - (b) *32 square metres of queuing area and no seating area for the take away food outlet; and*

- (vi) *prior to the first occupation of the development 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.*

**COUNCIL DECISION ITEM 10.1.1**

**Moved Cr Farrell, Seconded Cr Ker**

*That the recommendation be adopted.*

Debate ensued.

Mayor Catania welcomed Cr George Dacache from the Town of Port Hedland to the meeting.

**CARRIED (5-2)**

<b><u>For</u></b>	<b><u>Against</u></b>
Mayor Catania	Cr Ker
Cr Chester	Cr Maier
Cr Doran-Wu	
Cr Farrell	
Cr Lake	

(Cr Messina on leave of absence. Cr Torre was an apology.)

**FURTHER REPORT:**

The Council at its Ordinary Meeting held on 27 June 2006 resolved that "*the Item be DEFERRED as requested by the applicant*".

The Town's Officers have re-calculated the car parking requirement and shortfall. Below is the resultant Car Parking Table.

<b>Car Parking</b>	
Car parking requirement (nearest whole number) <ul style="list-style-type: none"> <li>Existing Eating House (No. 566)- 1 car bay per 4.5 square metres of public area (70 square metres) - 15.55 car bays</li> <li>Proposed Take Away Food Outlet- 1 car bay per 2.5 square metres of queuing area (31.4 square metres of queuing area) - 12.56 car bays</li> <li>Proposed Eating House- 1 car bay per 4.5 square metres of public area (87.48 square metres) - 19.44 car bays</li> </ul> Total = 47.55 car bays	48 car bays
Apply the adjustment factors. <ul style="list-style-type: none"> <li>0.85 (within 400 metres of a bus stop)</li> <li>0.90 (within 400 metres of one or more existing public car parking place(s) in excess of 50 car parking spaces)</li> </ul>	(0.765)  36.72 car bays
Minus the car parking provided on-site (as shown on plans)	4 car bays

<b>Car Parking</b>	
Minus the most recently approved on-site car parking shortfall (after taking into account the relevant adjustment factors); that is, 25.5 car bays (15.5 car bays required for eating house at No. 566 as specified at OMC on 22 August 2000 and 10 car bays required for additional shop to existing Pizza Bar Shop at Nos. 568-570 as specified at OMC on 11 December 1995) x 0.765 = 19.5 car bays, minus 4 car bays on-site (previously 8 car bays provided). Therefore, 15.5 car bays is the approved on-site parking shortfall.	15.5 car bays
Resultant Shortfall	17.22 car bays
<b>Bicycle Parking</b>	
N/A	Noted

In accordance with the Town's Policy relating to Parking and Access, as the subject site is one lot (Lot 6) and not strata-titled, the car parking calculation is based on the different land uses on Nos. 566, 568 and 570 and their subsequent floor space allocation and car parking provision and requirement for the entire lot. In accordance with the Town's Policy, the existing car parking shortfall calculation reflects the previously approved car parking shortfall for the different tenancies on the entire lot. The above Car Parking Table reflects these car parking calculations.

Investigation of the Town's records has also revealed that the previous cash-in-lieu contribution required as part of the 11 December 1995 approval has not been paid.

In light of the above, the previous Officer Recommendation remains unchanged, except for changes to the floor areas limits for each of the uses on Lot 6 to reflect the above car parking requirements. The following is a verbatim copy of the Minutes for the item placed before the Council at its Ordinary Meeting held on 27 June 2006.

**"FURTHER OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Developwise Pty Ltd on behalf of the owner Austgold Holdings Pty Ltd for proposed Change of Use from Shop and Take Away Food Outlet to Shop, Take Away Food Outlet and Eating House and Associated Alterations and Additions, at Nos. 566-570 (Lot: 6 D/P: 692) Beaufort Street, corner Clarence Street, Mount Lawley, and as shown on plans stamp-dated 19 December 2005, subject to the following conditions:*

- (i) doors, windows and adjacent floor areas fronting Beaufort Street and Clarence Streets shall maintain an active and interactive relationship with these streets;*
- (ii) prior to the issue of the Building Licence or first occupation of this development, whichever occurs first, the applicant/owner shall pay a cash-in-lieu contribution of \$44,772 for the equivalent value of 17.22 car parking spaces, based on the construction cost of \$2,600 per bay as set out in the Town's 2005/2006 Budget. Alternatively, if the car parking shortfall is reduced as a result of a greater number of car bays being provided, the cash in lieu amount can be reduced to reflect the new changes in car parking requirements;*



- (iii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, 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;*
- (iv) *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;*
- (v) *the floor areas to be limited as follows:*
  - (a) *163 square metres of eating house; and*
  - (b) *32 square metres of shop/take away food outlet; and*
- (vi) *prior to the first occupation of the development 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.*

**FURTHER REPORT:**

*The Council at its Ordinary Meeting held on 9 May 2006 resolved that "the Item be DEFERRED to recalculate the cash in lieu contribution figures".*

*The Town's Officers have recalculated the car parking shortfall. Below is the amended Car Parking table.*

<i>Car Parking</i>	
<i>Car parking requirement (nearest whole number)</i>	48
<ul style="list-style-type: none"> <li>• <i>Existing Eating House- 1 car bay per 4.5 square metres of public area (70 square metres) - 15.55 car bays</i></li> <li>• <i>Proposed Take Away Food Outlet- 1 car bay per 2.5 square metres of queuing area (31.4 square metres of queuing area) - 12.56 car bays</i></li> <li>• <i>Proposed Eating House- 1 car bay per 4.5 square metres of public area (87.48 square metres) - 19.44 car bays</i></li> <li>• <i>Total = 47.55 car bays</i></li> </ul>	
<i>Apply the adjustment factors.</i>	(0.765)
<ul style="list-style-type: none"> <li>• <i>0.85 (within 400 metres of a bus stop)</i></li> <li>• <i>0.90 (within 400 metres of one or more existing public car parking place(s) in excess of 50 car parking spaces)</i></li> </ul>	36.72
<i>Minus the car parking provided on-site (as shown on plans)</i>	4 car bays
<i>Minus the most recently approved on-site car parking shortfall (after taking into account the relevant adjustment factors); that is, 25.5 car bays (15.5 car bays required at No. 566 as specified at OMC on 22 August 2000 and 10 car bays required at Nos. 568-570 as specified at OMC on 11 December 1995) x 0.765 = 19.5 car bays, minus 4 car bays on-site (previously 8 provided). Therefore, 15.5 car bays is the approved on-site parking shortfall.</i>	15.5
<i>Resultant Shortfall</i>	17.22 car bays

<i>Bicycle Parking</i>	
<i>N/A</i>	<i>Noted</i>

*The previous Officer Recommendation and cash in lieu contribution have been amended accordingly, taking into consideration the increase in the car parking shortfall. The following is a verbatim copy of the Minutes for the item placed before the Council at its Ordinary Meeting held on 9 May 2006.*

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*COUNCIL DECISION ITEM 10.1.1*

*Moved Cr Ker, Seconded Cr Farrell*

*That the recommendation be adopted.*

*Moved Cr Ker, Seconded Cr Farrell*

*That the Item be DEFERRED as requested by the applicant.*

*CARRIED (8-0)*

*(Cr Torre was an apology.)*

---

*“OFFICER RECOMMENDATION:*

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Developwise Pty Ltd on behalf of the owner Austgold Holdings Pty Ltd for proposed Change of Use from Shop and Take Away Food Outlet to Shop, Take Away Food Outlet and Eating House and Associated Alterations and Additions, at Nos. 566-570 (Lot: 6 D/P: 692) Beaufort Street, Corner Clarence Street, Mount Lawley, and as shown on plans stamp-dated 19 December 2005, subject to the following conditions:*

- (i) doors, windows and adjacent floor areas fronting Beaufort Street and Clarence Streets shall maintain an active and interactive relationship with these streets;*
- (ii) prior to the issue of the Building Licence or first occupation of this development, whichever occurs first, the applicant/owner shall pay a cash-in-lieu contribution of \$18,655 for the equivalent value of 7.175 car parking spaces, based on the construction cost of \$2,600 per bay as set out in the Town's 2005/2006 Budget. Alternatively, if the car parking shortfall is reduced as a result of a greater number of car bays being provided, the cash in lieu amount can be reduced to reflect the new changes in car parking requirements;*
- (iii) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, 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;*

- (iv) *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; and*
- (v) *the floor areas to be limited as follows:*
  - (a) *163 square metres of eating house; and*
  - (b) *32 square metres of shop/take away food outlet.*

*COUNCIL DECISION ITEM 10.1.10*

*Moved Cr Ker, Seconded Cr Messina*

*That the recommendation be adopted.*

*Debate ensued.*

*Moved Cr Ker, Seconded Cr Torre*

*That the Item be DEFERRED to recalculate the cash-in-lieu contribution figures.*

*CARRIED (8-0)*

*(Cr Doran-Wu on leave of absence.)*

<i>Landowner:</i>	<i>Austgold Holdings Pty Ltd</i>
<i>Applicant:</i>	<i>Developwise Pty Ltd</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial</i>
<i>Existing Land Use:</i>	<i>Shop and Take Away Food Outlet</i>
<i>Use Class:</i>	<i>Shop and Take Away Food Outlet and Eating House</i>
<i>Use Classification:</i>	<i>"P" &amp; "P"</i>
<i>Lot Area:</i>	<i>594 square metres</i>
<i>Access to Right of Way</i>	<i>East/rear, 3.02 metres wide, sealed and vested in the Town</i>

**BACKGROUND:**

- 27 November 1995                      The Council at its Ordinary Meeting approved an additional use of a local shop to an existing pizza bar shop/take away food outlet at No. 570 Beaufort Street.*
- 26 May 1997                              The Council at its Ordinary Meeting approved a change of use from an eating house to shop at No. 566 Beaufort Street.*
- 22 August 2000                         The Council at its Ordinary Meeting approved a change of use from a shop to an eating house at No.566 Beaufort Street.*

**DETAILS:**

*The proposal involves an application for a change of use from a shop and take away food outlet to shop, take away food outlet and eating house (87.48 square metres) and associated alterations and additions to an eating house at No. 570 Beaufort Street. The proposed alterations involve the rear part of the existing tenancy at No. 568 Beaufort Street being included in the tenancy at No. 570 Beaufort Street (58.5 square metres).*

The alterations and additions also include, the addition of a 19.32 metre long wall on the north-east side of the property and the addition of 2 female toilets, 2 male toilets, 1 disabled toilet, one staff toilet and associated storage at the rear of the property.

ASSESSMENT:

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Plot Ratio</i>	<i>N/A</i>	<i>N/A</i>	<i>Noted</i>
<i>Consultation Submissions</i>			
<i>Support(1)</i>	<ul style="list-style-type: none"> <li><i>No additional comments were stated in the form received.</i></li> </ul>		<i>Noted.</i>
<i>Consultation Submissions</i>			
<i>Objection (1)</i>	<ul style="list-style-type: none"> <li><i>Objection to the effects that the proposed land use will have on car parking. Car parking within the immediate vicinity of the development is a problem at present.</i></li> <li><i>Objection to the present waste disposal situation. In the past, the occupiers of the property have disposed of their waste in the right of way and there is concern that this practice may continue and worsen with the increase in floor space.</i></li> </ul>		<p><i>Not supported- as the car parking shortfall does not greatly differ from that previously approved by the Council.</i></p> <p><i>Not supported- as this is not a planning consideration. This matter has been referred to the Town's Health Services for further action.</i></p>
<i>Other Implications</i>			
<i>Legal/Policy</i>			<i>TPS 1 and associated Policies.</i>
<i>Strategic Implications</i>			<i>Nil</i>
<i>Financial/Budget Implications</i>			<i>Nil</i>
<i>Car Parking</i>			
<i>Car parking requirement (nearest whole number)</i>			<i>49</i>
<ul style="list-style-type: none"> <li><i>Existing Eating House- 1 car bay per 4.5 square metres of public area (74.7 square metres) - 16.6 car bays</i></li> <li><i>Existing Take Away Food Outlet- 1 car bay per 2.5 square metres of queuing area (31.4 square metres of queuing area) - 12.56 car bays</i></li> <li><i>Proposed Eating House- 1 car bay per 4.5 square metres of public area (87.48 square metres) - 19.44 car bays</i></li> </ul>			
<i>Apply the adjustment factors.</i>			<i>(0.765)</i>
<ul style="list-style-type: none"> <li><i>0.85 (within 400 metres of a bus stop)</i></li> <li><i>0.90 (within 400 metres of one or more existing public car parking place(s) in excess of 50 car parking spaces)</i></li> </ul>			<i>37.485</i>
<i>Minus the car parking provided on-site</i>			<i>4 car bays</i>
<i>Minus the most recently approved on-site car parking shortfall (after taking into account the relevant adjustment factors); that is, 29.16 car bays (74.7 square metres of public floor area for eating house at No. 566 and 31.4 square metres of queuing area for Take Away Food Outlet at No. 568) x 0.765 = 22.31 car bays, plus 4 car bays on-site.</i>			<i>26.31</i>
<i>Therefore, 26.31 car bays is the approved on-site parking shortfall.</i>			
<i>Resultant Shortfall</i>			<i>7.175 car bays</i>

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<i>Bicycle Parking</i>	
<i>N/A</i>	<i>Noted</i>

*\* 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:**

*In light of the above and the proposed alterations and additions will improve the streetscape along Clarence Street, the proposal is recommended for approval.”*

**10.1.3 No. 355 (Lot 270 D/P:1237) Fitzgerald Street, North Perth - Unauthorised Alterations and Two-Storey Additions to Existing Single House - Request for Reconsideration of Condition**

<b>Ward:</b>	South	<b>Date:</b>	1 August 2006
<b>Precinct:</b>	Smith's Lake; P06	<b>File Ref:</b>	PRO1605; 00/33/0468; 00/33/2883
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	N Wellington		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

*That Council;*

(i) *CONSIDERS the request from the owner's representative, Brett Shulman Architects, to change a previous Council decision as follows:*

*"(ii) (a) submit a new detailed and complete Planning Application to the Town with relevant fees within 28 days of ~~notification by the Town~~ the date the site survey plan is to be submitted to the Town as referred to in clause (ii) (d) and in no case later than 6 September 2006;" and*

(ii) *NOTES in the event that the Council is inclined to approve the request, the support of three (3) Elected Members to move a Motion to Change the previous decision by an Absolute Majority is required.*

**COUNCIL DECISION ITEM 10.1.3**

**Moved Cr Farrell, Seconded Cr Lake**

*That;*

(i) *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to Section 5.25(e) of the Local Government Act 1995, the Council resolves to CHANGE clause (ii) (a) of the resolution adopted by the Council at its Ordinary Meeting held on 27 June 2006 (Item 10.1.19);*

(ii) *Councillor Farrell MOVES a motion to CHANGE the decision by amending the following clause:*

*"(a) submit a new detailed and complete Planning Application to the Town with relevant fees within 28 days of notification by the Town;"*

(iii) *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, three Elected Members, namely Mayor Catania, Councillor Lake and Councillor Maier, being one third of the number of offices of members of the Council, SUPPORT this motion; and*

(iv) *the Council RESOLVES BY AN ABSOLUTE MAJORITY to CHANGE the decision by amending the subject clause to read as follows:*

*"(a) submit a new detailed and complete Planning Application to the Town with relevant fees within 28 days of ~~notification by the Town~~ the date the site survey plan is to be submitted to the Town as referred to in clause (ii) (d) and in no case later than 6 September 2006;"*

**CARRIED BY AN ABSOLUTE MAJORITY (7-0)**

(Cr Messina on leave of absence. Cr Torre was an apology.)

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**PURPOSE OF REPORT:**

The owner's representative, Brent Shulman Architects has requested the Council to reconsider clause (ii) (a) of the Council resolution at the Ordinary Meeting held on 27 June 2006, due to the implications of clause (ii) (d) which was added at that Ordinary Meeting.

**BACKGROUND:**

13 February 2001      The Council at its Ordinary Meeting approved an application alterations and two storey alterations and additions to existing dwelling, subject to the following conditions:

- (i) compliance with all relevant Environmental Health, Building and Engineering requirements;
- (ii) any filling placed on the site shall not exceed a height of 300 millimetres above the established natural ground level of any adjoining lot. A height in excess of 300 millimetres to a maximum of 600 millimetres above the established natural ground level of any adjoining lot may be permitted, subject to the written consent of the owners of all adjoining properties to the proposed depth of filling;
- (iii) all front fences and gates shall comply with the Town's Policy relating to Front Fences and Screen Walls, and full details shall be submitted to and approved prior to the erection of such fences and gates;
- (iv) subject to first obtaining the consent of the owners of No.359 (Lot 2) Fitzgerald Street North Perth for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No.359 (Lot 2) Fitzgerald Street North Perth, in a good and clean condition; and

- (v) prior to the issue of a Building Licence either, signed certification from a practising structural engineer stating that the proposed development will not have an adverse effect on the existing southern side retaining wall, OR signed plans from a practising structural engineer that details the necessary works to be taken out to ensure the structural adequacy of the southern side retaining wall, shall be submitted to and approved by the Town. All necessary works shall be undertaken prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s);

26 February 2001 Approval to Commence Development 00/33/0468 for proposed alterations and two storey additions to existing dwelling was issued.

26 February 2001 Change of Use from Residential to Residential and Office was approved under delegated authority.

7 March 2001 The Town sent a letter sent to the owners requesting the following information in order for the Building Licence to be issued:

1. Two (2) copies of suitable specifications of the proposed building work.
2. The plans to be endorsed by a qualified practising Structural Engineer, stating the adequacy of all the proposed structural elements of the construction work, including confirmation that the existing structure is structurally adequate to support the proposed second storey additions.

The applicant was also advised *"If you wish to proceed with the proposal, please ensure that you submit the abovementioned information within thirty five (35) days of the date of this letter, ie, by no later than 12 April 2001. If the required information has not been received by this date, it will be assumed that you wish to withdraw your application. In that event the relevant file will be closed, and your application returned."*

13 January 2005 The Town received a letter of enquiry from a member of the public with regard to the works at the subject property.

7 February 2005 Investigations revealed that a Building Licence had not been issued for the works and Notices under Section 401 (1) (c) of the Local Government (Miscellaneous Provisions) Act 1960 and Section 10 (3) of the former Town Planning and Development Act 1928 were issued requiring the removal of the subject unauthorised building works.

25 February 2005 The applicant submitted an application for review against the requirements of the Notices issued by the Town to the State Administrative Tribunal (SAT), references CC2056 of 2005 and DR361 of 2005.

25 May 2005 The applicant submitted an application for retrospective approval for alterations and two-storey additions to existing single house, reference 00/33/2883.



- 5 August 2005            The Town requested the applicant to provide additional information and accurate plans in order to proceed with the application. The information was required within 14 days (that is, by 19 August 2005) or the application would be deemed refused.
- 20 October 2005        The applicant requested, in writing, that application reference 00/33/2883 be withdrawn.
- 7 April 2006            The State Administrative Tribunal Order 'Dismissed' the application for review CC2056 of 2005, of the Notice issued by the Town under Section 401 (1) (c) of the Local Government (Miscellaneous Provisions) Act 1960. The stay of the S10(3) directions and the stay of S401 notices, issued under S25 (2) of the SAT Act 2004 (LA) be lifted.
- 26 April 2006         SAT Order and Reasons included in the Information Bulletin to Council.
- 13 June 2006          Report on the SAT determination and authorisation of legal proceedings deferred at the Ordinary Meeting of Council at the request of the applicant.
- 27 June 2006          The Council at its Ordinary Meeting resolved as follows:
- "That the Council;*
- (i)     *RECEIVES the determination of the State Administrative Tribunal dated 7 April 2006 to dismiss the review submitted in relation to the unauthorised building structure at No. 355 (Lot 270 D/P:1237) Fitzgerald Street, North Perth;*
- (ii)    *in respect to the proposed alterations and two-storey additions to existing single house at No. 355 (Lot 270) Fitzgerald Street, North Perth, the owner/applicant is required to undertake the following:*
- (a)     *submit a new detailed and complete Planning Application to the Town with relevant fees within 28 days of notification by the Town;*
- (b)     *submit a Building Licence Application to the Town within 28 days of being issued an Approval to Commence Development;*
- (c)     *commence construction works in accordance with the abovementioned approvals within 60 days of issue of the Building Licence; and*
- (d)     *submit to the Town a site survey plan certified by a licensed land surveyor confirming whether the subject building works is contained entirely within the boundaries of No. 355 (Lot 270) Fitzgerald Street, North Perth within 28 days of notification by the Town; and*

- (iii) *AUTHORISES the Chief Executive Officer to proceed with legal proceedings against the owners of No. 355 (Lot 270) Fitzgerald Street, North Perth, in relation to the requirements of the Notices issued under Section 401 (1) (c) of the Local Government (Miscellaneous Provisions) Act 1960 and [former] Section 10 (3) of the Town Planning and Development Act 1928 to demolish and remove the unauthorised building structures to the satisfaction of the Town of Vincent should clause (ii) above not be satisfied.."*

**DETAILS:**

The following correspondence was received by the owner's representative, Brent Shulman Architects on 17 July 2006, requesting the Council to reconsider clause (ii) (a) of the 27 June 2006 Council resolution:

*"Further to correspondence received from Council 12/7/06 (Council letter dated 11/7/06) regarding the above property and same Council resolutions we advise the following :*

*We require that item (ii) (a) :*

*"submit a new detailed and complete Planning Application to the Town with relevant fees within 28 days of notification by Town "*

*be reconsidered and reworded as follows :*

*"submit a new detailed and complete Planning Application to the Town with relevant fees within 28 days of notification to the Town that the site survey outlined in item (d) confirms that the existing subject building works is contained entirely within the boundaries of No. 355 ( Lot 270 ) Fitzgerald Street North Perth "*

*We consider this a logical and required revision due to*

- *the requirement by Council that all existing works is located within all boundaries (Item ii(d) )*
- *we cannot commence any rationale design of a proposal until we*
  - *are aware of the current location of all existing walls on the site*
  - *know the exact location of an existing main sewer line which runs North/South through the property near the existing built walls*

*Each of the above can be determined by a licensed survey of the property and no design work for a Planning Application can be progressed until this information has been finalised . To commence any design work prior is illogical and at present Items ii (a) and (d) represent concurrent Works which is unattainable given the potential legal ramifications if a design is concluded and approved only to find that the proposal is non compliant and built partially on adjacent property.*

*We trust Planning Department can see the necessity to evaluate this process as a critical path ongoing process , not a concurrent process i.e.*

- *survey confirmation ( by 9th August - 28 days from 12/7/06 - date letter received)*
- *design proposal submitted for Planning Approval ( by 6 September - 28 days from 9 August )*
- *Planning Assessment*

- *Building Licence Application - within 28 days of Planning Approval*
- *construction commencement within 60 days of issue of Building Licence*

*We reiterate as in previous correspondence that this is not an attempt to delay proceedings rather to get certainty prior to proceeding , all as requested and resolved by Council at its meeting 27 June 2006."*

**CONSULTATION/ADVERTISING:**

Not required.

**LEGAL/POLICY:**

Town Planning Scheme No. 1 and associated policies and Residential Design Codes.

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The Town's Officers support the change of date requiring a new detailed and complete Planning Application to be submitted to the Town, being 28 days after the date the site survey plan confirming whether the subject building works is contained entirely within the boundaries of No. 355 (Lot 270) Fitzgerald Street, North Perth, is to be submitted to the Town.

**10.1.4 Nos. 596-598 (Lot 116) Newcastle Street, Corner Loftus Street, West Perth - Proposed Renewal of Planning Approval for Existing Signage and Associated Retaining Walls with Modified Gardens and Landscaping**

<b>Ward:</b>	South	<b>Date:</b>	31 July 2006
<b>Precinct:</b>	Cleaver, P5	<b>File Ref:</b>	PRO0799; 5.2006.194.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	B Phillis		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by WA Billboards on behalf of the owner G Cerini for Proposed Renewal of Planning Approval for Existing Signage and Associated Retaining Walls with Modified Gardens and Landscaping, at Nos. 596-598 (Lot 116) Newcastle Street, corner Loftus Street, West Perth, and as shown on plans stamp-dated 27 April 2006 , subject to the following conditions:*

- (i) the application is considered a special case and approval should not be considered a precedent for allowing billboards within the Town of Vincent;*
- (ii) the signage shall not have flashing or intermittent lighting;*
- (iii) six to ten specimens of Cushion Bush (Calocephalus brownii) shall be inter planted with the "Dianella Cassa Blue" within the proposed landscaping area on the western side of the lot, adjacent to the dual use path along Loftus Street as shown on the plans stamp-dated 27 April 2006 and maintained thereafter by the owner(s)/applicant(s);*
- (iv) WA Billboards shall remove within 2 working days any sign or message affixed to the signs on receipt of written notice from the Town of Vincent when the Town or Council determines that a message displayed is offensive or not in the best interests of the residents of the Town;*
- (v) the applicant/owner shall provide adequate setback from the motorists' line of sight through the traffic signals to the nearest edge of the billboards to the satisfaction of Main Roads Western Australia and the Town;*
- (vi) the billboards shall not display advertising which by virtue of colour or content may confuse the motorist or imitate the traffic signals or road signs to the satisfaction of Main Roads Western Australia and the Town;*
- (vii) advertising content shall not contain material (by reasonable definition) that may be offensive to the public or cause unacceptable levels of distraction to the satisfaction of Main Roads Western Australia and the Town;*
- (viii) billboard sizes shall be in keeping with standard industry sizes and are found by Main Roads and the Town to be suitable for this site to the satisfaction of Main Roads Western Australia and the Town;*

- (ix) *prior to the first commencement of this approval, details of the access arrangements to and from the subject site for the maintenance of the development and change of signage, shall be submitted to and approved by the Town, Main Roads Western Australia (if required), and any other land owner where their property is used to access the site; and*
- (x) *this approval for billboards (signage) is for a period of 3 years only and should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the Town prior to the continuation of use.*

**COUNCIL DECISION ITEM 10.1.4**

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

*That the recommendation be adopted.*

**CARRIED (6-1)**

<b><u>For</u></b>	<b><u>Against</u></b>
Mayor Catania	Cr Chester
Cr Doran-Wu	
Cr Farrell	
Cr Ker	
Cr Lake	
Cr Maier	

(Cr Messina on leave of absence. Cr Torre was an apology.)

<b>Landowner:</b>	G Cerini
<b>Applicant:</b>	WA Billboards
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
<b>Existing Land Use:</b>	Billboards
<b>Use Class:</b>	Signage
<b>Use Classification:</b>	"Unlisted"
<b>Lot Area:</b>	641 square metres
<b>Access to Right of Way</b>	N/A

**BACKGROUND:**

- 24 February 1997      A Health Notice was served on the subject property declaring the house unfit for human habitation.
- 19 November 2002      The Council at its Ordinary Meeting resolved to grant conditional Planning Approval for the demolition of the existing house and refused the Planning Application for signage (billboards) and associated retaining walls and landscaping on the subject property.
- 26 November 2002      The applicant submitted a new application for the proposed retaining walls, landscaping and signage. The proposal was similar to the previous application refused by the Council on 19 November 2002, however, the applicant submitted an addendum to the application.

- 17 December 2002      The Council resolved to refuse the abovementioned proposal for the same reasons as the previous application.
- 24 June 2003          Applicant submitted an application for signage (billboards) and associated retaining walls and landscaping. The Council resolved to defer the application to investigate alternative access options to the site.
- 26 August 2003        The Council resolved to conditionally approve the application for signage and associated retaining walls and landscaping.
- 21 January 2004       The application was considered under delegated authority and the Chief Executive Officer resolved to refer the application to an Ordinary Meeting of Council.
- 10 February 2004     The Council resolved to refuse an amended application to increase the size of the previously approved billboard, to include an identification plaque on the billboards and to delete condition (v) of the previous approval.
- 9 March 2004          The Council resolved to conditionally approve an application for signage (billboards) and associated retaining walls and landscaping subject to conditions (including that the approval is for a period of 3 years only and the applicant would need to reapply for the continuation of use).
- 4 April 2006           Current application lodged for the continuation of use for billboards.

**DETAILS:**

The proposal involves renewal of Planning Approval for existing signage and associated retaining walls with modified gardens and landscaping. The application is identical to the works previously approved by the Council on 9 March 2004, with the exception that the landscaping is proposed to change.

The applicant has liaised with the Town's Manger Parks Services and the Officer's comments are outlined in the report below.

The applicant's submission is "*Laid on the Table*".

**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>
Plot Ratio	N/A	N/A	Noted - no floor space.
<b>Consultation Submissions</b>			
The proposal was advertised to adjoining property owners whereby one 'no comment' submission was received.			
Support (1)	No comment to offer on the proposal.		Noted.
Objection (0)	Nil		Noted.

<b>Other Implications</b>	
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications	Nil
Financial/Budget Implications	Nil

\* 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:**

### **Parks Services**

The Town's Parks Services support the changes to the landscaping concept plan attached subject to one addition.

The garden area adjacent to the dual use path running along Loftus Street and proposed to be planted with Dianella "Cassa Blue" is to be inter planted with 6 - 10 specimens of Cushion Bush (*Calocephalus brownii*). The addition of this species will assist in tying this landscape in with the existing landscape completed as part of the Loftus Street Duplication Project.

The new landscape concept provides for the use of plants that have a history of being successful within the local area; they are vigorous, easy to maintain and replaced if and when required. The species selection around the advertising signs contains species with blue / grey foliage which will again complement the existing landscape along Loftus Street.

### **Signage**

The subject signage is utilised by the general public / businesses and is not in any way related to the use of the subject site. The sign constitutes a billboard and is considered to be a form of bill posting. The signage does not comply with the Town's Policy relating to 'Signs and Advertising' as billboards/bill posting is not permitted and it exceeds more than 10 per cent of the total area of the wall in which that signage is located. The Policy states that "*no signage is permitted on fences, walls or the like structures which do not form an integral part of the building*". It follows that signage is not permitted as the predominant use of the land, and should be associated with and be ancillary and incidental to, the predominant use of the land.

It is acknowledged that the development possibilities of the site are limited and that any future development on the site would require some form of excavation in order to improve vehicular sight lines. However, the site forms an effective 'gateway' into the Town and there is a concern that the presence of such signage within the Town and in particular, on a prominent entry point into the Town, continues to impose an undesirable and inaccurate image of the Town.

Given the above, any renewal of approval for the signage should be limited to a further 3 years only. This time limit will allow the opportunity for a more appropriate development of the site in the longer term.

In light of the above report, it is recommended that the application be approved subject to appropriate conditions.

**10.1.5 East Perth Redevelopment Authority – Lindsay Street Precinct, Northbridge – Proposed Re-configuration of the Existing 12 Lots on the 'Auto Masters' Site on the corner of Newcastle, William and Money Streets, Northbridge**

<b>Ward:</b>	South	<b>Date:</b>	31 July 2006
<b>Precinct:</b>	Beaufort, P13	<b>File Ref:</b>	PRO2980
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	A Denford		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the letter dated 21 July 2006 and associated documentation from the East Perth Redevelopment Authority (EPRA) in relation to the proposed re-configuration of the existing 12 lots on the 'Auto Masters' site on the corner of Newcastle, William and Money Streets, Northbridge as shown in Attachment 10.1.5; and*
- (ii) *ADVISES the East Perth Redevelopment Authority (EPRA) that the Council has NO OBJECTION to the proposed re-configuration of the existing 12 lots on the 'Auto Masters' site on the corner of Newcastle, William and Money Streets, Northbridge.*

**Moved Cr Farrell, Seconded Cr Ker**

*That the recommendation be adopted.*

The Chief Executive Officer advised that Cr Chester had declared an interest affecting impartiality in the following Items:

- **10.1.5 – East Perth Redevelopment Authority – Lindsay Street Precinct, Northbridge – Proposed Re-configuration of the Existing 12 Lots on the 'Auto Masters' Site on the corner of Newcastle, William and Money Streets, Northbridge**
- **10.1.6– East Perth Redevelopment Authority – Lake Street Precinct, Precinct, Northbridge - Proposed Amalgamation of Lots 9020 and 9504 Newcastle Street, Northbridge into Lot 306 and Subdivision of Site to Create Lots 370 and 371**
- **10.2.1 - Proposed Northbridge Landscape Restoration**

The nature of his interest being that he is an EPRA Board Member.

Debate ensued.



**Moved Cr Ker, Seconded Cr Farrell**

*That;*

1. *clause (ii) be amended to read as follows:*

*"(ii) ADVISES the East Perth Redevelopment Authority (EPRA) that the Council has NO OBJECTION to the proposed re-configuration of the existing 12 lots on the 'Auto Masters' site on the corner of Newcastle, William and Money Streets, Northbridge, as it facilitates the retention of the existing places at No. 186 (Lot 227 D/P 32600) and No. 192 (Lot 81 D/P: 613) Newcastle Street, and No. 1 (Lot 2 D/P: 6409), No.3 (Lot 1 D/P 6409), No. 5 (Lot 4 D/P: 6520) and No.7 (Lot 3 D/P:6520) Money Street, Perth, which have been identified as having cultural heritage significance in the Heritage Assessment for the Money/Lindsay Street Study Group, prepared by Laura Gray and Irene Sauman for the Town of Vincent's in 2002; and"*

2. *a new clause (iii) be added as follows:*

*"(iii) ADVISES the East Perth Redevelopment Authority (EPRA) that the Council SUPPORTS the inclusion of the places at No. 186 (Lot 227 D/P 32600) and No.192 (Lot 81 D/P: 613) Newcastle Street, and No. 1 (Lot 2 D/P: 6409), No. 3 (Lot 1 D/P 6409), No.5 (Lot 4 D/P: 6520) and No. 7 (Lot 3 D/P:6520) Money Street, Perth, onto the East Perth Redevelopment Authority's Heritage Inventory/Heritage List."*

Debate ensued.

**AMENDMENT CARRIED (7-0)**

(Cr Messina on leave of absence. Cr Torre was an apology.)

**Moved Cr Maier, Seconded Cr Ker**

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

*"(ii) ADVISES the East Perth Redevelopment Authority (EPRA) that the Council has NO OBJECTION to the proposed re-configuration of the existing 12 lots on the 'Auto Masters' site on the corner of Newcastle, William and Money Streets, Northbridge subject to all stormwater falling on the lots being retained on site or being disposed of in a manner approved by the Town's Chief Executive Officer, as it facilitates the retention of the existing places at No. 186 (Lot 227 D/P 32600) and No. 192 (Lot 81 D/P: 613) Newcastle Street, and No. 1 (Lot 2 D/P: 6409), No.3 (Lot 1 D/P 6409), No. 5 (Lot 4 D/P: 6520) and No.7 (Lot 3 D/P:6520) Money Street, Perth, which have been identified as having cultural heritage significance in the Heritage Assessment for the Money/Lindsay Street Study Group, prepared by Laura Gray and Irene Sauman for the Town of Vincent's in 2002; and"*

Debate ensued.

**AMENDMENT CARRIED (7-0)**

(Cr Messina on leave of absence. Cr Torre was an apology.)

**MOTION AS AMENDED CARRIED (7-0)**

(Cr Messina on leave of absence. Cr Torre was an apology.)

**COUNCIL DECISION ITEM 10.1.5**

*That the Council;*

- (i) *RECEIVES the letter dated 21 July 2006 and associated documentation from the East Perth Redevelopment Authority (EPRA) in relation to the proposed re-configuration of the existing 12 lots on the 'Auto Masters' site on the corner of Newcastle, William and Money Streets, Northbridge as shown in Attachment 10.1.5;*
- (ii) *ADVISES the East Perth Redevelopment Authority (EPRA) that the Council has NO OBJECTION to the proposed re-configuration of the existing 12 lots on the 'Auto Masters' site on the corner of Newcastle, William and Money Streets, Northbridge subject to all stormwater falling on the lots being retained on site or being disposed of in a manner approved by the Town's Chief Executive Officer, as it facilitates the retention of the existing places at No. 186 (Lot 227 D/P 32600) and No. 192 (Lot 81 D/P: 613) Newcastle Street, and No. 1 (Lot 2 D/P: 6409), No.3 (Lot 1 D/P 6409), No. 5 (Lot 4 D/P: 6520) and No.7 (Lot 3 D/P:6520) Money Street, Perth, which have been identified as having cultural heritage significance in the Heritage Assessment for the Money/Lindsay Street Study Group, prepared by Laura Gray and Irene Sauman for the Town of Vincent's in 2002; and*
- (iii) *ADVISES the East Perth Redevelopment Authority (EPRA) that the Council SUPPORTS the inclusion of the places at No. 186 (Lot 227 D/P 32600) and No.192 (Lot 81 D/P: 613) Newcastle Street, and No. 1 (Lot 2 D/P: 6409), No. 3 (Lot 1 D/P 6409), No.5 (Lot 4 D/P: 6520) and No. 7 (Lot 3 D/P:6520) Money Street, Perth, onto the East Perth Redevelopment Authority's Heritage Inventory/Heritage List."*

---

**PURPOSE OF REPORT:**

The purpose of this report is to outline to the Council the proposed re-configuration of the existing 12 lots on the 'Auto Masters' site on the corner of Newcastle, William and Money Streets, Northbridge located within the EPRA's Lindsay Street Precinct.

**DETAILS:**

The Town has received a letter dated 21 July 2006 and associated documentation advising of the recent endorsement of the East Perth Redevelopment Authority (EPRA) Board for the advertising of a proposed re-configuration of the existing 12 lots on the 'Auto Masters' site on the corner of Newcastle, William and Money Streets, Northbridge.

EPRA is now seeking comments on the proposed lot re-configuration, with the public comment period closing on 1 September 2006.

EPRA proposes to amend the configuration of the existing 12 lots on the 'Auto Masters' site as follows:

- Create six (6) lots along Newcastle Street ranging in size from 211 square metres - 913 square metres;
- Create one (1) lot along William Street with an area of 490 square metres;
- Create four (4) lots along Money Street ranging in size from 176 square metres - 188 square metres;

- Create new road (laneway), between Money and William Streets, parallel with Newcastle Street; and
- Create One (1) lot with access from the new road 236 square metres in size.

**CONSULTATION/ADVERTISING:**

Not Applicable.

**LEGAL/POLICY:**

Town Planning Scheme No. 1 and associated Policies.

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2005 – 2010 Key Result Area One: Environment and Infrastructure:

*“1.3 Develop, implement and promote sustainable urban design”.*

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The 'Auto Masters' site is located within the Town of Vincent, however, in September 2003 the East Perth Redevelopment Authority (EPRA) was extended under the *East Perth Redevelopment Act 1991* to include a group of lots including the 'Auto Masters' outlet, at the corner of Newcastle, William and Money Streets.

The 'Auto Masters' site is presently developed with a mix of commercial and residential buildings, including an 'Auto Masters' outlet on the corner of Newcastle and William Streets, in addition to six (6) potential heritage buildings (predominantly residential), located along Newcastle and Money Streets. These heritage buildings are currently being considered for inclusion on the Authority's Heritage Inventory. No alterations to these buildings are proposed as part of this application.

The scope of works for the proposed subdivision will comprise the following services and installations:

Earthworks

Subdivision works will include minor earthworks to match new road works, verge treatments and preparation of building sites.

Sewer

Sewer services to the newly created lots will be connected to an existing manhole in Newcastle Street. A connection is to be provided for each of the new lots.

Water

The engineers, in consultation with the Water Corporation, will design the water reticulation services.

Stormwater

A system of central gully pits will collect runoff from the subdivision and direct it via a piped network into the existing drainage line.

The 'Auto Masters' site abuts lots to the north that are zoned 'Commercial' under Town Planning Scheme No 1. On the eastern side of Money Street (and slightly to the north of the subject site) the lots are zoned 'Residential R80'. The four (4) proposed lots with frontages to Money Street (and therefore closest to the 'Residential-Commercial' zone) suggest a residential density of approximately R60. This is considered to be an appropriate density for the locality that will not compromise the integrity of the residential amenity that is currently enjoyed by nearby residents.

It is recommended that the Council receives the documentation regarding the proposed re-configuration of the existing 12 lots on the 'Auto Masters' site on the corner of Newcastle, William and Money Streets, Northbridge, and that the Town advises the EPRA that it has no objection to the proposal.

**10.1.8 Results of Public Consultation Process for the Introduction of Ticket Issuing Machines and Proposed Amendment to the Town of Vincent Local Law Relating to Parking Facilities**

<b>Ward:</b>	South	<b>Date:</b>	1 August 2006
<b>Precinct:</b>	Beaufort Precinct, P13	<b>File Ref:</b>	LEG0047
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	J MacLean		
<b>Checked/Endorsed by:</b>	R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council:*

- (i) *APPROVES the introduction of Ticket Issuing Machines on the north side of Forbes Road, between William Street and Wellman Street, Perth;*
- (ii) *APPROVES an amendment to the operating times for the ticket issuing machines in William Street, between Brisbane Street and Newcastle Street, from “9.00am to 5.30pm Monday to Friday and 9.00am and 12 noon on Saturday” to “9.00am to 8.00pm Monday to Sunday”;*
- (iii) *DOES NOT APPROVE the introduction of Ticket Issuing Machines in Wasley Street Car Park and View Street Car Park, North Perth;*
- (iv) *APPROVES the strict enforcement of the current three hour (3P) parking time restriction in Wasley Street Car Park and View Street Car Park, North Perth;*
- (v) *pursuant to Sections 3.12 of the Local Government Act 1995, the Council APPROVES BY AN ABSOLUTE MAJORITY to amend the Town of Vincent Local Law Relating to Parking Facilities as follows:*

**"LOCAL GOVERNMENT ACT 1995 (as amended)  
TOWN OF VINCENT PARKING FACILITIES LOCAL LAW  
AMENDMENT NO 1, 2006**

*Under the powers conferred by the Local Government Act 1995 as amended from time to time and under all other powers enabling it, the Council of the Town of Vincent resolved on the ..... day of ..... 2006 to make the “Town of Vincent Local Law Relating to Parking Facilities Amendment Local Law 2006”.*

*In this local law, the Town of Vincent Local Law Relating to Parking Facilities as published in the Government Gazette on 23 May 2000 and amended as published in the Government Gazette on 30 May 2000, 5 December 2000 and 24 August 2001, 4 January 2002, 20 June 2003, 2 December 2003, 24 August 2004, 14 January 2005 and 19 August 2005 is referred to as the principal local law and is amended as follows:*

**1. First Schedule Amended**

*The existing First Schedule is deleted and replaced by the following First Schedule:*

*“FIRST SCHEDULE*

*TICKET MACHINES ZONES*

*PERIOD AND FEES*

<i>LOCATION</i>	<i>BETWEEN</i>	<i>PERIOD OF OPERATION</i>
<i>1 William Street</i>	<i>Brisbane Street and Newcastle Street</i>	<i>9.00am to 8.00pm Mon-Sun</i>
<i>2 Oxford Street</i>	<i>Between Frame Court Car Park entry and Leederville Parade</i>	<i>8.00am to 8.00pm Mon-Fri and 8am to 12 noon Sat; and 8.00pm to 8.00am Mon-Sun</i>
<i>3 Frame Court</i>	<i>Between Frame Court Car Park entry and Leederville Parade</i>	<i>8.00am to 8.00pm Mon-Fri and 8am to 12 noon Sat; and 8.00pm to 8.00am Mon-Sun</i>
<i>4 East and West sides of Pier Street, Perth</i>	<i>Between Parry Street and Brisbane Street</i>	<i>8.00am to 10.00pm Mon-Sun</i>
<i>5 North side of Brewer Street, Perth</i>	<i>Between Lord Street and Stirling Street</i>	<i>8.00am to 10.00pm Mon-Sun</i>
<i>6 Median Parking in Stirling Street, Perth</i>	<i>Between Parry Street and Brisbane Street</i>	<i>8.00am to 10.00pm Mon-Sun</i>
<i>7 North side of Stuart Street, Perth</i>	<i>Between Palmerston Street and Fitzgerald Street</i>	<i>8.00am to 8.00pm Mon-Fri; and 8.00am to 12 noon Sat</i>
<i>8 North and south sides of Newcastle Street, Leederville</i>	<i>Between Carr Place and Loftus Street</i>	<i>8.00am to 8.00pm Mon-Sun</i>
<i>9 North side of Forbes Road, Perth</i>	<i>Between William Street and Wellman Street</i>	<i>9.00am to 8.00pm Mon-Sun</i>
<i>10 North and south sides of Forbes Road, Perth</i>	<i>Between Wellman Street and Forbes Lane</i>	<i>8.00am to 10.00pm Mon-Sun”</i>

(vi) *in accordance with the provisions of Section 3.12 of the Local Government Act 1995 as amended, the Council gives a Statewide advertisement, indicating where and when the proposed amendment may be viewed and seeking public comment on the proposed amendments to the Town of Vincent Parking Facilities Local Law; and*

(vii) *the Chief Executive Officer, after the expiry of the statutory consultation period, again reports to the Council listing any comments from the public and providing any further recommendations considered appropriate.*

**Note:** *The above Officer Recommendation was corrected and distributed prior to the meeting. Changes are indicated by strikethrough, italic font and underline*

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**Moved Cr Ker, Seconded Cr Farrell**

*That the recommendation be adopted.*

**CARRIED BY AN ABSOLUTE MAJORITY (7-0)**

(Cr Messina on leave of absence. Cr Torre was an apology.)

**COUNCIL DECISION ITEM 10.1.8**

*That the Council:*

- (i) *APPROVES the introduction of Ticket Issuing Machines on the north side of Forbes Road, between William Street and Wellman Street, Perth;*
- (ii) *APPROVES an amendment to the operating times for the ticket issuing machines in William Street, between Brisbane Street and Newcastle Street, from “9.00am to 5.30pm Monday to Friday and 9.00am and 12 noon on Saturday” to “9.00am to 8.00pm Monday to Sunday”;*
- (iii) *DOES NOT APPROVE the introduction of Ticket Issuing Machines in Wasley Street Car Park and View Street Car Park, North Perth;*
- (iv) *APPROVES the strict enforcement of the current three hour (3P) parking time restriction in Wasley Street Car Park and View Street Car Park, North Perth;*
- (v) *pursuant to Sections 3.12 of the Local Government Act 1995, the Council APPROVES BY AN ABSOLUTE MAJORITY to amend the Town of Vincent Local Law Relating to Parking Facilities as follows:*

***"LOCAL GOVERNMENT ACT 1995 (as amended)  
TOWN OF VINCENT PARKING FACILITIES LOCAL LAW  
AMENDMENT NO 1, 2006***

*Under the powers conferred by the Local Government Act 1995 as amended from time to time and under all other powers enabling it, the Council of the Town of Vincent resolved on the ..... day of ..... 2006 to make the “Town of Vincent Local Law Relating to Parking Facilities Amendment Local Law 2006”.*

*In this local law, the Town of Vincent Local Law Relating to Parking Facilities as published in the Government Gazette on 23 May 2000 and amended as published in the Government Gazette on 30 May 2000, 5 December 2000 and 24 August 2001, 4 January 2002, 20 June 2003, 2 December 2003, 24 August 2004, 14 January 2005 and 19 August 2005 is referred to as the principal local law and is amended as follows:*

***1. First Schedule Amended***

*The existing First Schedule is deleted and replaced by the following First Schedule:*

***“FIRST SCHEDULE***

***TICKET MACHINES ZONES***

***PERIOD AND FEES***

<b><i>LOCATION</i></b>	<b><i>BETWEEN</i></b>	<b><i>PERIOD OF OPERATION</i></b>
<b><i>1 William Street</i></b>	<b><i>Brisbane Street and Newcastle Street</i></b>	<b><i>9.00am to 8.00pm Mon-Sun</i></b>
<b><i>2 Oxford Street</i></b>	<b><i>Between Frame Court Car Park entry and Leederville Parade</i></b>	<b><i>8.00am to 8.00pm Mon-Fri and 8am to 12 noon Sat; and 8.00pm to 8.00am Mon-Sun</i></b>
<b><i>3 Frame Court</i></b>	<b><i>Between Frame Court Car Park entry and Leederville Parade</i></b>	<b><i>8.00am to 8.00pm Mon-Fri and 8am to 12 noon Sat; and 8.00pm to 8.00am Mon-Sun</i></b>

	<i>LOCATION</i>	<i>BETWEEN</i>	<i>PERIOD OF OPERATION</i>
4	<i>East and West sides of Pier Street, Perth</i>	<i>Between Parry Street and Brisbane Street</i>	<i>8.00am to 10.00pm Mon-Sun</i>
5	<i>North side of Brewer Street, Perth</i>	<i>Between Lord Street and Stirling Street</i>	<i>8.00am to 10.00pm Mon-Sun</i>
6	<i>Median Parking in Stirling Street, Perth</i>	<i>Between Parry Street and Brisbane Street</i>	<i>8.00am to 10.00pm Mon-Sun</i>
7	<i>North side of Stuart Street, Perth</i>	<i>Between Palmerston Street and Fitzgerald Street</i>	<i>8.00am to 8.00pm Mon-Fri; and 8.00am to 12 noon Sat</i>
8	<i>North and south sides of Newcastle Street, Leederville</i>	<i>Between Carr Place and Loftus Street</i>	<i>8.00am to 8.00pm Mon-Sun</i>
9	<i>North side of Forbes Road, Perth</i>	<i>Between William Street and Wellman Street</i>	<i>9.00am to 8.00pm Mon-Sun</i>
10	<i>North and south sides of Forbes Road, Perth</i>	<i>Between Wellman Street and Forbes Lane</i>	<i>8.00am to 10.00pm Mon-Sun"</i>

- (vi) *in accordance with the provisions of Section 3.12 of the Local Government Act 1995 as amended, the Council gives a Statewide advertisement, indicating where and when the proposed amendment may be viewed and seeking public comment on the proposed amendments to the Town of Vincent Parking Facilities Local Law; and*
- (vii) *the Chief Executive Officer, after the expiry of the statutory consultation period, again reports to the Council listing any comments from the public and providing any further recommendations considered appropriate.*

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**PURPOSE OF REPORT:**

To obtain Council approval to introduce ticket machines in Forbes Road, Perth and amend the relevant local law.

**BACKGROUND:**

On 23 May 2006, the Council considered a report on the installation of ticket issuing machines in Forbes Road, Perth and View Street, North Perth. The Council decided that it was not appropriate to consider the introduction of ticket issuing machines in View Street, North Perth, but agreed that the Town should undertake a public consultation process, with regard to their introduction in Forbes Road, Perth.

It had previously been suggested that paid parking should be introduced into Wasley Street and View Street Car Parks, because of the inconvenience of the existing three-hour (3P) parking time restrictions. At the same time as this report was being considered by the Council, a number of complaints were received by the Town, about Rangers failing to enforce the time restrictions in Wasley Street and View Street Car Parks. It was explained to the complainants that, because of the shortage of all-day parking facilities in the North Perth area, Rangers had been asked to enforce the restrictions, only on complaint. However, it was considered to be an opportune time to undertake a public consultation process in the North Perth area, at the same time as this was being undertaken in the area around Forbes Road.

**DETAILS:**

On 6 June 2006, letters were delivered to all properties in Forbes Road and the immediately surrounding properties, in William Street, along with letters delivered to properties in the area around Fitzgerald Street, between Angove Street and Forrest Street. This consultation was concluded on 30 June 2006, with five (5) responses being received for the Forbes Road survey and twelve (12) being received from the areas surrounding Wasley Street and View Street Car Parks.



As can be seen on attachment at Appendix 10.1.8A, with regard to the consultation with properties in the vicinity of Forbes Road, Perth, of the five (5) responses, all agreed that the introduction of ticket issuing machines would be acceptable and beneficial. Also, on attachment at Appendix 10.1.8B, with regard to the consultation with properties in the vicinity of Fitzgerald Street, North Perth, the Town received twelve responses, eleven of which opposed the introduction of ticket issuing machines in Wasley Street and View Street Car Parks.

As a result, it has been recommended that machines be installed in Forbes Road, Perth, but that, rather than introducing machines into these car parks, Rangers should strictly enforce the three hour (3P) restrictions. It is anticipated, however, that there may be further complaints from local businesses, that their employees are being disadvantaged.

It is considered appropriate to change the current operating times for the restrictions in William Street, Perth, to bring them into line with most other kerbside locations, in the Town. Because William Street, Perth has become more and more popular as a hospitality area, there are increasing numbers of vehicles seeking parking space in the vicinity. Currently, from noon on Saturday to 7.30am on Monday morning, vehicles may park in William Street, without attracting a parking fee. Because "Clearway" restrictions are in force, from 7.30am to 9.00am, Monday to Friday, and, because the bays are rarely used before 9.00am on weekends, the paid parking fees should not come into operation until 9.00am on these days.

Anecdotally, because the City of Perth charges a parking fee for kerbside parking, throughout the week, a number of vehicles regularly park in William Street, north of Newcastle Street, on Friday, Saturday and Sunday nights and walk the short distance to the restaurants, south of Newcastle Street (City of Perth). This tends to place pressure on the existing parking facilities, in the Town of Vincent and may discourage patrons from using Town of Vincent restaurants. The Town of Vincent parking fees are lower than those in the City of Perth, so many of those people are likely to continue to use the kerbside facilities and will pay the appropriate fees, but some may decide to park elsewhere, thereby freeing up kerbside bays for others.

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

The Town has already undertaken the required public consultation process, so there will be no need to further consult. However, the proposed local law amendment will need to be advertised on a Statewide basis for six weeks.

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

When the Council approves the above proposal, it will be necessary to amend the Parking Facilities Local Law, to incorporate the new restriction areas into the First and Second Schedules and, to comply with the Local Government Act 1995. An advertisement must be placed in a newspaper with a Statewide publication, seeking public comment and explaining where and when the proposed amendment may be inspected.

At the completion of a statutory 6-week period, a further report must be provided to the Council, outlining any public objections, comments and suggestions and seeking a final approval for the proposed amendment. When the Council gives this approval, the amendment must be advertised in the Government Gazette for 14 days before becoming enforceable.

#### **STRATEGIC IMPLICATIONS:**

This proposal is in keeping with the Town's Strategic Plan 2005-2010 Key Result Area 1.4(i) *"Develop a strategy for parking management in business, residential and mixed use precincts."*

**FINANCIAL/BUDGET IMPLICATIONS:**

There will be a small cost associated with advertising the local law Amendment, and there will be costs associated with the installation of the machines and the erection of appropriate signage.

**COMMENTS:**

There is general support for the installation of ticket issuing machines in Forbes Road, so it is recommended that the Council approves this. However, there is general opposition to the installation of ticket issuing machines into Wasley Street and View Street Car Parks, so rather than installing ticket issuing machines in this location, it is recommended that the Council approve the strict enforcement of the existing time restrictions.

**10.1.9 2006 Australian Institute of Environmental Health 33<sup>rd</sup> National Conference**

<b>Ward:</b>	-	<b>Date:</b>	31 July 2006
<b>Precinct:</b>	-	<b>File Ref:</b>	ADM0031
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	R Boardman		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council AUTHORISES the Executive Manager Environmental and Development Services and up to one (1) Elected Member, ....., to attend the 2006 Australian Institute of Environmental Health 33<sup>rd</sup> National Conference to be held in Sydney from 8 to 10 November 2006, at an estimated cost of \$2,478 for Members and \$2,703 for Non-Members.*

Mayor Catania call for nominations to attend the conference. No nominations were received.

Moved Cr Farrell, Seconded Cr Maier

*That the recommendation be adopted.*

Debate ensued.

Moved Cr Maier, Seconded Cr Ker

*That the recommendation be amended to read as follows:*

*“That the Council AUTHORISES the Executive Manager Environmental and Development Services and ~~up to one (1) Elected Member, .....~~ the Manager Health Services to attend the 2006 Australian Institute of Environmental Health 33<sup>rd</sup> National Conference to be held in Sydney from 8 to 10 November 2006, at an estimated cost of \$2,478 for Members and \$2,703 for Non-Members.”*

Debate ensued.

**AMENDMENT CARRIED (4-3)**

<u>For</u>	<u>Against</u>
Cr Chester	Mayor Catania
Cr Ker	Cr Doran-Wu
Cr Lake	Cr Farrell
Cr Maier	

(Cr Messina on leave of absence. Cr Torre was an apology.)

Debate ensued.

Cr Maier requested that it be recorded in the Minutes that he disagrees with the CEO's advice to the Council that an absolute majority decision is required.

**MOTION AS AMENDED LOST**  
**AS AN ABSOLUTE MAJORITY WAS NOT ACHIEVED (4-3)**

<b><u>For</u></b>	<b><u>Against</u></b>
Cr Chester	Mayor Catania
Cr Ker	Cr Doran-Wu
Cr Lake	Cr Farrell
Cr Maier	

(Cr Messina on leave of absence. Cr Torre was an apology.)

**ALTERNATIVE RECOMMENDATION**

**Moved Cr Chester, Seconded Cr Farrell**

*That the following alternative recommendation be adopted:*

*“That the Council AUTHORISES the Executive Manager Environmental and Development Services to attend the 2006 Australian Institute of Environmental Health 33<sup>rd</sup> National Conference to be held in Sydney from 8 to 10 November 2006, at an estimated cost of \$2,478.”*

Debate ensued.

**CARRIED (7-0)**

(Cr Messina on leave of absence. Cr Torre was an apology.)

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**PURPOSE OF THE REPORT:**

The purpose of this report is to request the Council’s approval for the Executive Manager Environmental and Development Services and up to one (1) Elected Member to attend the 2006 Australian Institute of Environmental Health 33<sup>rd</sup> National Conference.

**BACKGROUND:**

The 2006 Australian Institute of Environmental Health 33<sup>rd</sup> National Conference is to be held in Sydney from Wednesday 8 November until Friday 10 November 2006. The Conference will provide an opportunity for practitioners to increase their knowledge, exchange ideas and develop professional networks.

**DETAILS:**

The Conference theme “*What Lies Beneath?*” will examine Public Health, dealing with pandemics such as bird flu and communicable and notifiable diseases (that is measles), Occupational Hygiene, health impacts of dioxin, Aboriginal health., sustainability, BASIX, wastewater and sustainable environment.

The Environmental Health profession has changed significantly over time and will continue to take on new responsibilities in the future. Environmental Health practitioners are required to constantly renew their knowledge and skills in order to meet the day-to-day requirements of their jobs.

A copy of the Conference Program is “*Laid on the Table.*”

**CONSULTATION/ADVERTISING:**

Nil.

**LEGAL POLICY:**

Council's Policy 4.1.15 – “*Conferences & Training – Attendance, Representation, Travel & Accommodation Expenses and Related Matters*” – Clause 1.1 (i) states;

“(i) *When it is considered desirable that the Council be represented at an interstate conference, up to a maximum of one Elected Member and one Officer may attend;*”

**STRATEGIC IMPLICATIONS:**

In accordance with Key Result Area Four of Strategic Plan 2005-2010 – 1.4 (c) “*Actively participate in community, Local, State and Federal Government forums and professional seminars.*”

**FINANCIAL/BUDGET IMPLICATIONS:**

	<b>Member</b>	<b>Non-Member</b>
Conference Registration	\$975.00	\$1200.00
Accommodation (3 nights) (\$243 per night)	\$729.00	\$729.00
Airfare (economy class) *	\$524.00	\$524.00
Expenses allowance	\$250.00	\$250.00
<b>Total</b>	<b>\$2478.00</b>	<b>\$2703.00</b>

\* *Economy Fare - approximate and subject to flight availability*

**COMMENT:**

It is recommended that approval be granted for the Executive Manager Environmental and Development Services and up to one Elected Member, to attend the 2006 Australian Institute of Environmental Health 33<sup>rd</sup> National Conference.

**10.2.1 Proposed Northbridge Landscape Restoration Plan**

<b>Ward:</b>	South	<b>Date:</b>	31 July 2006
<b>Precinct:</b>	Beaufort P13	<b>File Ref:</b>	TES0234
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	J van den Bok		
<b>Checked/Endorsed by:</b>	R Lotznicker	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report in relation to the Proposed Northbridge Landscape Restoration Plan;*
- (ii) *APPROVES IN PRINCIPLE the proposal, as outlined in the report and as outlined in appendix 10.2.7, for the Town to maintain the landscape of the various areas, to the standard as requested by the East Perth Redevelopment Authority, when the care, control and management of these areas are formally handed back to the Town;*
- (iii) *NOTES that;*
  - (a) *the estimated total annual cost of maintaining the streetscape in these areas, as outlined in the report to the standard as requested by the East Perth Redevelopment Authority, will be in the order of \$35,570 per annum;*
  - (b) *should the proposal be adopted, the cost to maintain the areas in 2006/2007 would be approximately \$17,800 as the areas in question are not likely to be formally handed back to the Town until early 2007 and the expenditure as indicated in clause (ii)(a) would only be required for six (6) months of the financial year;*
  - (c) *should the proposal be adopted, costs associated with the maintenance could be absorbed into various existing maintenance accounts for the six (6) months from January 2007 to June 2007 including the Street Tree Maintenance and Verge Maintenance budget accounts; and*
  - (d) *should the proposal be adopted, a new operating budget allocation comprising \$35,570 would need to be included in the 2007/2008 budget;*
- (iv) *ADVISES the East Perth Redevelopment Authority that it supports the proposal 'IN PRINCIPLE' subject to the areas in question being formally handed over to the Town in a condition which is satisfactory to the Town's Chief Executive Officer; and*
- (v) *RECEIVES a further report, for the formal adoption of the proposal, once a formal takeover date of the areas outlined in the report has been determined.*

**COUNCIL DECISION ITEM 10.2.1**

**Moved Cr Farrell, Seconded Cr Ker**

*That the recommendation be adopted.*

**Debate ensued.**

**Moved Cr Lake, Seconded Cr Maier**

*That existing clauses (ii) to (v) be deleted and new clauses (ii) and (iii) added as follows:*

- “(ii) *REQUESTS the Town’s Officers liaise with EPRA to reduce the reliance of the landscaping on scheme water and reduce the cost of maintenance while retaining as much as possible the amount of landscaping to provide a welcome “green” relief in the urban landscape; and*
- (iii) *RECEIVES a further report which details the proposed landscape, the watering requirements and the annual cost of maintenance prior to the Town agreeing to the takeover of the care, control and maintenance of these areas.”*

Debate ensued.

**Moved Cr Farrell, Seconded Cr Chester**

*That the Item be DEFERRED to allow for discussions with EPRA and additional conditions to be determined.*

**CARRIED (7-0)**

(Cr Messina on leave of absence. Cr Torre was an apology.)

**SUBSEQUENT MOTION**

**Moved Cr Ker, Seconded Cr Farrell**

*That the Town’s Policy relating to Verges Maintenance and Use of Verges be reviewed.*

**CARRIED (7-0)**

(Cr Messina on leave of absence. Cr Torre was an apology.)

---

**PURPOSE OF REPORT:**

The purpose of this report is to advise the Council of the East Perth Redevelopment Authority (EPRA) proposal for the restoration of the Northbridge landscape and seek approval to maintain these areas to the standard as outlined within the report.

**BACKGROUND:**

EPRA has been progressively redeveloping over 27 hectares of land on top of and adjacent to the Graham Farmer Freeway Tunnel. The redevelopment projects that EPRA have undertaken over the years have included several areas within the Town of Vincent including two (2) streets, Newcastle and Parry, which currently form the boundary between the Town and the City of Perth.

The redevelopment of the above areas has included the addition of street trees, small gardens and returfing of street verges. The entire landscape treatment including verges has been connected to a scheme watered reticulation system.

Other streets within the Town that have been recently upgraded by EPRA include the verges of Money and Lindsay Streets where again verges were returfed and reticulated and, where required, additional street trees were planted to tie in with the existing street verge tree species.

Since the completion of the above works a maintenance program has been implemented and undertaken by contractors engaged by EPRA. Generally the landscaping in all of the above streets has performed satisfactorily and been maintained to a high standard.

Several of the existing street verge trees, particularly in Newcastle Street, have required replacement due to the relatively high incidences of vandalism and the small garden areas around the street trees have now been removed due to ongoing maintenance issues.

## **DETAILS:**

### **East Perth Redevelopment Authority proposal**

EPRA representatives recently contacted the Town and City of Perth in view that the landscaping/reticulation be fully restored in all streets to the level acceptable by both local governments prior to being handed over for ongoing care and maintenance. EPRA indicated that they would prefer that the level of maintenance be kept at the existing level i.e. where verges are currently reticulated / maintained that they would continue to be maintained to that standard.

In addition, with landscapes that jointly affect both local governments, such as Newcastle and Parry Streets, EPRA has insisted that existing landscape treatments (i.e. turf areas) be maintained to a similar standard on both sides of the road/street to ensure aesthetic continuity.

### **Newcastle Street**

#### Landscape

The landscaping along Newcastle Street includes (*Angophora costata* – Apple Gum) with shrubs consisting of waterwise species such as *Gazania* and *Diets* previously planted at the base of each tree. The small planted areas, as indicated previously, have since been removed due to difficulties experienced maintaining these areas.

Small sections of turf were also planted along the verge areas. The Town's staff indicated prior to the commencement of works that it was the Town's preference to have the sections of turf, which in some instances comprised only two square metres, in places removed and either paved or maintained as native garden beds. EPRA, however decided that the turf areas should remain.

The entire landscape, including all turf areas are reticulated from a scheme operated automatic irrigation system.

#### Maintenance

The turf areas along Newcastle Street are very small and will be very labour intensive to maintain. The turf itself will require mowing every fortnight for approximately six (6) months of the year and will require watering twice per week.

Given that this area is close to Northbridge, vandalism has been a problem with trees and reticulation regularly vandalised and requiring repair/replacement. Rubbish is also an issue that requires regular attention in areas adjacent to the "Bog" nightclub.



The existing trees (Apple Gums) have matured rapidly and will require minor tree maintenance to ensure their form is maintained.

Costs for maintaining Newcastle Street to the existing standard are relatively high, however, the majority of expenditure relates to water consumption and reticulation maintenance component.

### **Parry Street**

#### Landscape

The landscaping of Parry Street consists predominantly of Jacarandas down the centre of the Street and Weeping Peppermints along the verges to tie in with the original planting theme.

In addition, all the verges have been returfed and reticulated from a scheme operated irrigation system.

The Town was originally handed this section of the Northbridge landscape in 2002, however, EPRA approached the Town in February 2004 to 'take over' the maintenance as the Town's officers were not prepared to maintain the private verges to the standard required by EPRA i.e reticulation, mowing.

#### Maintenance

The majority of maintenance in relation to Parry Street comprises the maintenance of the existing verges, particularly mowing, which is required on a fortnightly basis for around six (6) months of the year.

The majority of expenditure would be incurred with mowing costs and water consumption given the area involved. It is expected that minor reticulation maintenance would also be required.

The existing trees have matured and will require very little maintenance and it is not expected that a lot rubbish clearing will be required in this area.

### **Money & Lindsay Streets**

#### Landscape

The landscaping of Money and Lindsay Streets included the returfing of verges which were in turn reticulated. No additional street trees were planted in Lindsay Street, however, several semi-mature London Plane trees were planted in Money Street to tie in with the existing street verge tree species.

#### Maintenance

The majority of maintenance in relation to Money and Lindsay Streets comprises the maintenance of the existing verges, particularly mowing which is required on a fortnightly basis for around six (6) months of the year.

The majority of expenditure would be incurred with mowing and water consumption given the area involved. It is also expected that minor reticulation maintenance will be required also.

New trees (2) have only been planted in Money Street and these will not incur any significant costs.

### **CONSULTATION/ADVERTISING:**

Nil.

**LEGAL/POLICY:**

Nil.

**STRATEGIC IMPLICATIONS:**

In accordance with Key Result Area One of Strategic Plan 2005-2010 – 1.4 Maintain and enhance the Town’s infrastructure to provide a safe, healthy, sustainable and functional environment. *“c) Continue to develop, enhance and implement streetscape enhancements and develop a program for appropriate treatment of wider streets.”*

**FINANCIAL/BUDGET IMPLICATIONS:**

It is estimated that the total annual cost of maintaining the above streetscapes to the standard as requested by EPRA will be \$35,570 as follows:

**Newcastle Street (north side only)**

Turfed areas	\$1,010.00
Trees	\$2,500.00
Reticulation maintenance/water consumption	\$5,500.00
Rubbish Clearing	<u>\$2,500.00</u>
<b>Subtotal</b>	<b>\$11,510.00</b>

**Parry Street**

Turfed areas	\$5,400.00
Trees	\$1,650.00
Reticulation maintenance/water consumption	\$5,000.00
Rubbish Clearing	<u>\$500.00</u>
<b>Subtotal</b>	<b>\$12,550.00</b>

**Money & Lindsay Street**

Turfed areas	\$3,375.00
Trees	\$200.00
Reticulation maintenance/water consumption	\$1,000.00
Rubbish Clearing	<u>\$2,500.00</u>
<b>Subtotal</b>	<b>\$11,510.00</b>
<b>TOTAL</b>	<b>\$35,570.00</b>

As these areas are not likely to be formally handed over to the Town (subject to approval) until early in 2007, the above expenditure will only be required for six (6) months of the financial year and amount to approximately \$17,800 for the 2006/2007 financial year.

Costs associated with the maintenance can be absorbed into various other maintenance accounts for the six (6) months January 2007 to June 2007, such as the Street Tree Maintenance and Verge Maintenance accounts.

A separate streetscape account will then be allocated for each of the above areas in the draft 2007/08 budget.

**COMMENTS:**

EPRA have expended considerable funds in the areas outlined in the report to improve the road reserve infrastructure. Given the unique location of these areas and their proximity to the Perth CBD and the high level of landscaping currently in place, it is considered that these areas should continue to be maintained to the current standard.

The City of Perth has indicated they will continue to maintain the areas under their care, control and management of the areas affected by this proposal and it is considered prudent that the Town does likewise.

It is therefore requested that the Council adopts the officer recommendation

**10.2.6 Proposed Amendments to Changes in Time Restricted Parking and Loading Bay Locations in Lake Street, Perth, Previously Approved Subject to Results of Public Consultation**

<b>Ward:</b>	South	<b>Date:</b>	1 August 2006
<b>Precinct:</b>	Hyde Park Precinct (P12)	<b>File Ref:</b>	PKG0007
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	A Munyard		
<b>Checked/Endorsed by:</b>	R Lotznicker	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report on revised amendments to time restrictions and Loading Zone locations in Lake Street;*
- (ii) *APPROVES the implementation of the following measures as shown on attached plan No 2425-PP-2:*
  - (a) *introduction of a two (2) hour time restriction on both sides of Lake Street between Newcastle and Stuart Streets;*
  - (b) *the restoration of the Loading Zone on the south side of Lake Street, near the intersection of Newcastle Street;*
  - (c) *the introduction of a new Loading Zone on the south side of Lake Street, adjacent to the vehicle holding yard;*
- (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) *ADVISES the respondents of its decision.*

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**COUNCIL DECISION ITEM 10.2.6**

**Moved Cr Farrell, Seconded Cr Ker**

*That the recommendation be adopted.*

**CARRIED (7-0)**

(Cr Messina on leave of absence. Cr Torre was an apology.)

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**PURPOSE OF REPORT:**

The purpose of this report is to inform the Council of the outcome of the public consultation regarding amendments to parking restrictions in Lake Street between Stuart and Newcastle Streets and to seek the Council's approval of the amended Officer's recommendation.

**BACKGROUND:**

At its Ordinary Meeting held on 9 May 2006, the Council approved the following:

*"That the Council;*

- (i) *RECEIVES the report on the proposed parking restriction changes in Lake Street between Stuart Street and Newcastle Street, Perth;*
- (ii) *APPROVES IN PRINCIPLE the introduction of the new 1 hour time restriction on the west side of Lake Street, the formalisation of the extension of the existing 1 hour time restriction on the east side of Lake Street, and the relocation of the existing Loading Zone on the east side of Lake Street as illustrated on attached Plan 2425-PP-1;*
- (iii) *CONSULTS with all stakeholders in Lake Street between Newcastle Street and Stuart/Forbes Road giving them 21 days in which to provide a response; and*
- (iv) *RECEIVES a further report at the conclusion of the consultation period."*

Feedback from the consultation suggests alternative restrictions may be more useful to business proprietors and residents.

**DETAILS:**

**Community Consultation**

Following the Council's decision, stakeholders in Lake Street were asked to comment on the following statements, which were illustrated on Plan 2425-PP-1:

*Q1. I agree with the proposed extension of the one (1) hour restriction on the west side of Lake Street (between Church Street and Stuart Street).*

*Q2 I agree with the proposed relocation of the "Loading Zone".*

One hundred and twenty one (121) letters were distributed, drawing a total of sixteen (16) responses. This represents a return rate of approximately fourteen (14) percent.

Question 1

Ten (10) respondents where *in favour* of the proposal:

- Suggest Monday to Friday would be sufficient for the restrictions
- Fine idea as long as it's enforced
- Eight (8) respondents were *in favour* with no comment.

Six (6) respondents where *against* the proposal:

- Four (4) hour would be preferable
- Two (2) hour would be preferable
- I have clients who require two (2) hours per session
- Because of the five businesses conducted from "Parklane Apartments", 120 Lake Street, the five commercial units in the recently completed development "Caledonia Apartments", the Underground Backpackers, a mix of 30 minute, one (1) hour and two (2) hour parking is required
- Two (2) respondents were *against* with no comment.

Question 2

Nine (9) respondents were *in favour* of the proposal:

- No specific comments were received.

Six (6) respondents were *against* the proposal:

- Lake Street does not need a loading zone. It is a residential Street. Stop servicing Centre Ford and start taking care of people who live here
- The Loading Zone is best situated where the commercial business premises are, which is where it is currently located. It would be a grave inconvenience to have it further away
- The Loading Zone located for many years adjacent to Parkland Apartments - the signs for which were recently removed, should be re-instated because this location ideally services the many businesses referred to, whereas the proposed re-location will only service the holding yard for Centre Ford.
- At the intersection of Newcastle and Lake Street are a restaurant, a backpackers, a five storey building, shops etc. A loading zone close to this intersection is more useful than if it is moved away along Lake Street
- Two (2) respondents were *against* with no comment.

**Officer's Comments**

Careful consideration has been given to the comments tendered by the respondents, together with the current mix of commercial and residential usage.

A number of different criteria is considered when applying time restrictions. Wherever possible, a consistent pattern of restrictions is applied in order to avoid any confusion for motorists. Residents, provided they meet the Town's criteria for eligibility, may apply for exemptions from time restrictions for themselves and their visitors. Businesses are not eligible for exemption from time restrictions.

Bearing in mind that a one (1) hour restriction does not appear to serve the needs of the businesses in the vicinity, or their clients, it is now recommended that the entire section of Lake Street, on both sides, be amended to carry a two (2) hour time restriction. Furthermore, it is recommended that the Loading Zone on the south side of Lake Street, at the intersection of Newcastle Street, be reinstated and that the Town proceed with the introduction of an additional Loading Zone adjacent to Centre Ford as previously approved.

**CONSULTATION/ADVERTISING:**

These amendments of the previously approved proposal are responsive to the requests of businesses which have been recently established in this vicinity, while recognising residents' requests as well. A two (2) hour restriction will often meet the needs of residents' visitors without the need of a visitor's permit.

**LEGAL/POLICY:**

The Town's Rangers will enforce the restrictions once implemented.

**STRATEGIC IMPLICATIONS:**

In accordance with Key Result Area One of Strategic Plan 2005-2010 – 1.4 Maintain and enhance the Town’s infrastructure to provide a safe, healthy, sustainable and functional environment. “*p*) *Develop a strategy for parking management in business, residential and mixed use precincts, that includes - parking facilities that are appropriate to public needs;*

**FINANCIAL/BUDGET IMPLICATIONS:**

Existing poles can be utilised and the cost of implementing the measures is estimated to be approximately \$250.00.

**COMMENTS:**

The Council has previously recognised the need to introduce restrictions in that section of Lake Street previously unrestricted, and to make the restriction consistent with the rest of the street. The response from consultation with stakeholders has prompted the amendment of the proposal to extend the restriction in the entire section of Lake Street between Stuart and Newcastle Streets from one (1) hour to two (2) hours, to reinstate the signage for the existing Loading Zone, and to proceed with the introduction of the new Loading Zone adjacent to Centre Ford.

**10.3.1 Financial Statements as at 30 June 2006**

<b>Ward:</b>	Both	<b>Date:</b>	18 July 2006
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0026
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	Bee Choo Tan		
<b>Checked/Endorsed by:</b>	M Rootsey	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council RECEIVE the Provisional Financial Reports for the year ended 30 June 2006 as shown in Appendix 10.3.1.*

**COUNCIL DECISION ITEM 10.3.1**

**Moved Cr Ker, Seconded Cr Maier**

*That the recommendation be adopted.*

**Debate ensued.**

**CARRIED (7-0)**

**(Cr Messina on leave of absence. Cr Torre was an apology.)**

**PURPOSE OF REPORT:**

To present the provisional financial reports for the year ended 30 June 2006.

**BACKGROUND:**

The Local Government Act and Local Government (Financial Management) Regulations 1996 require monthly reports financial reports to be submitted to Council. The Financial Statements attached are for the month ended 30 June 2006.

As stated above the financial reports as presented are provisional copies to provide an estimate of the year end position. There are still a number of year end transactions, and adjustments that need to be prepared before the year end accounts can be finalised.

It is anticipated that the final accounts will be available at the first council meeting in October.

**DETAILS:**

The Financial Statements comprise:

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



- Beatty Park Report – Financial Position
- Statement of Financial Activity
- Net Current Asset Position

### **Operating Statement and Detailed Summary of Programmes/Activities**

The Operating Statement shows revenue and expenditure by Programme whereas the Summary of Programmes/Activities provides detail to Programme/Sub Programme level. Both reports compare actual results for the period with the Budget. The Operating Statement and the Summary of the Programmes Activities reports are in a new format providing a comparison between the year to date actual revenue and expenditure with the year to date budget.

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

#### **Operating Revenue**

Operating revenue is currently 104% of the year Budget estimate.

#### **General Purpose Funding (Page 1)**

General Purpose Funding is showing 103% of the budget levied to date. This is due to rates being levied for the financial year; the rates revenue represents 101% of the budgeted amount for the rates income. In addition interim rates for the year are 30% over the budgeted expectations.

#### **Governance (Page 2)**

Governance is showing 230% of the budget received to date. This can be attributed to the receipt of higher than expected revenue from vehicle contributions and sale of electoral rolls.

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

Revenue is showing an unfavourable variance of 55%. This is due to the purchase of Graffiti Software of \$10,000 which will be corrected and the \$30,000 worth of grants expected this financial year have been carried forward.

#### **Health (Page 4)**

Health has a favourable variance of 104%. The budget had been reviewed to reflect in the increased in health licences and fees charges. There were 343 Health Licences issued for Lodging Houses, Eating Houses and Alfresco

#### **Education & Welfare (Page 5)**

Education & Welfare revenue is below the budget amount at 72% as the budgeted \$40,000 surplus did not eventuate this financial year due to the accumulated funds at the village not meeting the criteria for a surplus to be distributed.

#### **Community Amenities (Page 6)**

Community Amenities is 104% of the year budget. There was a budget review to correct the surplus in revenue where the Refuse Charges for non-rated properties being higher than original budget. There were over 673 planning applications have been processed for the year which contributes towards the increased revenue.

#### **Recreation & Culture (Page 9)**

The total revenue for Recreation and Culture has met of their revenue budget. Beatty Park Leisure Centre operating revenue this year met its target being 101% against budget projections.

**Transport (Page 10)**

Total Transport revenue is a favourable 124% against the year revenue budget. Budget review was completed however there remains a favourable increase in parking income as well as modified penalties being higher due to vigilant enforcement action.

**Economic Services (Page 12)**

Economic Services is 128% over budget expectations which is mainly due to more than 487 building licences issued to the end of June which has resulted in a higher than estimated revenue being received.

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

Other Property & Services revenue is operating above budget projections at 115% due to increased revenue on insurance claims.

**Operating Expenditure**

Operating expenditure for the month of June is just over budget at 103%.

**Health (Page 4)**

The expenditure is currently 109% over budget attributable to the employment of a temporary Health Officer required for the increased work load and leave cover. There has also been an increase in after hour attendances which attract overtime payments. Budget review reduced the variance by 8% from the increase in revenue.

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

This program is 164% over budget because of the lower than anticipated recovery rate for the plant charges in this section and increased plant operating costs due in the main to increasing fuel costs.

**Capital Expenditure Summary (Pages 18 to 25)**

The Capital Expenditure summary details projects included in the 2005/06 budget and reports the original budget and compares actual expenditure to date against these. Capital works show total expenditure and commitment for June amount of \$3,881,000 which is 10% of the revised budget of \$40,318,456.

	<b>Revised Budget</b>	<b>Actual to Date</b>	<b>%</b>
Furniture & Equipment	164,774	124,584	76%
Plant & Equipment	1,265,855	839,095	74%
Land & Building	32,653,960	156,514	1%
Infrastructure	6,233,867	3,313,299	53%
<b>Total</b>	<b>40,318,456</b>	<b>4,433,492</b>	<b>11%</b>

**Capital Expenditure - Variance Comments**

A number of significant Capital Works projects were not undertaken as anticipated in this financial year and have been carried forward to the next financial year.

**Land and Building Assets**

State Indoor Sports Centre	\$7,300,000
Members Equity Stadium	\$25,000,000

**Infrastructure**

Commercial Precinct Upgrade		
William Street Upgrade	\$750,000	
Mt Hawthorn Precinct	\$327,000	
Scarborough Beach Road		
Federation St to Kearney St	\$173,000	
Rehabilitation		
Walcott St - Redfern to Wanneroo	\$104,994	
Park Development		
Leederville Oval		
Completion of POS	\$357,000	

Comments have been made on completed work with a variance greater than 10%.

**Plant and Equipment**

	<b>Budget</b>	<b>Actual to Date</b>	<b>%</b>
<b>Major Plant Replacement Program</b>			
Rough cutter	9,500	16,244	171%

The rough cutter tractor implement was purchased in the year 2000 and was the basic model. The model traded was the galvanised version. However there has been a significant price increase and in hindsight the budget allocation of the Plant Replacement Program should have been reviewed.

**Beatty Park Leisure Centre**

	<b>Budget</b>	<b>Actual to Date</b>	<b>%</b>
Inflatable feature	7,200	14,700	204%

The difference in cost of item was sponsored by Schweppes.

Lane Rope Reel	1,600	1,890	118%
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The original quote was supplied by a supplier in March 2005 but they will not hold the prices as material cost are subject to significant change due to the building industry boom and other external influences

**Land and Building Assets**

	<b>Budget</b>	<b>Actual to Date</b>	<b>%</b>
<b>Administration Building</b>			
Council Chamber Toilet	0	8,822	8822%

Completion of the council chamber toilet, amount should have been carried forward from previous financial year.

**Beatty Park Leisure Centre**

Handrail for café seating garden	2,300	2,700	117%
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Cost of stainless steel had increased from the original quote obtained a year ago.

Upgrade of family disabled change room	9,500	11,013	116%
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\$4000 grant was received last year from the Leederville Lions Club to partly finance the upgrade.

### **Infrastructure Assets**

	<b>Budget</b>	<b>Actual to Date</b>	<b>%</b>
<b>Right of Ways (ROW)</b>			
Scarborough Beach Road-			
Faraday Street	18,000	24,203	134%
Anzac Road - Matlock Street	20,000	24,213	121%
Elma Street - Doris Street	40,000	46,949	117%

The funds allocated in the budget is estimated on a per linear metre rate. An estimate is not prepared for each individual ROW. In the construction of ROW's there can be a number of variables, e.g. adjustment for services retaining and additional drainage. While two of the ROW line items are over budget estimates, the ROW programme overall is within budget.

### **Footpath Programme**

Hunter Street –			
Clieveden to Waugh	11,899	13,866	117%

Expenditure is slightly over budget due to increased scope of work.

### **Parks Services**

	<b>Budget</b>	<b>Actual to Date</b>	<b>%</b>
<b>Reticulation</b>			
Woodville Reserve	33,000	41,407	125%

Original budget estimates did not allow for the increased in cost of PVC pipes. There was returfing of trenches of \$2,800 not budgeted for and additional \$2,900 to treat the tree roots affected.

### **Fencing**

Britannia Road Reserve	20,000	22,673	113%
Ellesmere Street Reserve	7,000	10,240	146%

Original budget estimates did not allow for the extension of the new fencing to the apex of the park where Selden and Eton Streets meet. The community has previously requested that this section be fenced. The new fence was removed just after installation by contractors replacing the existing slab footpath, the bollards had then to be replaced, this contributed to the over expenditure.

	<b>Budget</b>	<b>Actual to Date</b>	<b>%</b>
<b>Drainage</b>			
Drainage Upgrade	30,000	36,704	122%

Cost of upgrade is greater than the budgeted due to increased cost of material and high on cost.

	<b>Budget</b>	<b>Actual to Date</b>	<b>%</b>
<b>Car Parking</b>			
Mary Street angle parking	30,000	37,618	125%

The presence of an existing cast iron water main required a sensitive approach to the box out and compaction which took longer. Also additional service relocation and reticulation costs were incurred. Furthermore this was a difficult site involving weekend work as local businesses were complaining about the effect on their trade.

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

The statement shows the current assets of \$13,721,902 less current liabilities of \$3,352,110 for a current position of \$10,369,792. The total non current assets amount to \$114,558,048 less non current liabilities of \$10,940,211 with the total net assets of \$113,987,629.

### **Restricted Cash Reserves (Page 28)**

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

### **Debtors and Rates Financial Summary**

#### **General Debtors (Page 29)**

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

Sundry Debtors of \$362,734 are outstanding at the end of June. Of the total debt \$27,424 (8%) relates to debts outstanding for over 60 days. The Debtor Report identifies significant balances that are well overdue.

Finance has been following up with debt recovery by issuing reminder when it is overdue.

#### **Rate Debtors (Page 30)**

The notices for rates and charges levied for 2005/06 were issued on the 2 August 2005.

The Local Government Act 1995 provides for ratepayers to pay rates by four instalments.

The due dates for each instalment are:

First Instalment	6 September 2005
Second Instalment	7 November 2005
Third Instalment	5 January 2006
Fourth Instalment	7 March 2006

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

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

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

CEO's Comment:

Rates outstanding are \$311,829 which represents 2.16% of the outstanding collectable income. This is the lowest amount outstanding since the creation of the Town and is primarily due to the Town's administration actively pursuing the outstanding rates.

**Beatty Park – Financial Position Report (Page 31)**

As at 30 June 2006 the operating deficit for the Centre was \$515,547 in comparison to the revised budgeted year deficit of \$584,824 and annual budget deficit of \$581,324.

The cash position showed a current cash deficit of \$48,929 in comparison to the annual budget of cash deficit of \$129,558 and a revised annual budget estimate of a cash deficit of \$133,058. The cash position is calculated by adding back depreciation to the operating position.

The Swim School has exceeded budgeted expectation with classes at capacity resulting in revenue being 9% over budget. The Swim School at the Centre has a good reputation, notably the quality of the teachers, this has resulted in the Centre attracting higher than estimated numbers. The overall financial position shows as 77% improvement on budget estimates.

The Centre membership's have increased resulting in a 21% increase in allocated income to the Health and Fitness Centre. In addition Personal Training fees showed a 49% increase over budget expectations together with a 16% increase in massage revenue have contributed to an overall 22.6% increase in budgeted revenue. Expenditure was marginally over budget 1%.

Aquarobics have performed higher than expected as a result of some very popular instructors being engaged which have increased attendance. In addition because of increased memberships this area has received an increase in reallocated revenue.

The Café has an improved result from the previous financial year. However revenue is 5% below expectations and revenue from birthday parties is lower than budgeted. The Acting Manager has reviewed the café hours and rosters and has implemented changes to a more realistic and better service. The Town is still reviewing the operations and has engaged consultants. Further improvements are expected.

The Group Fitness area revenue is lower than budgeted; this is due to the reduced attendances at both the Yoga classes and the Pilates programme. A Body Balance programme is to be introduced next month to increase revenue in this area.

The Crèche has improved its financial performance this year with the new supervisor managing the hours of opening to reflect attendances notably in the afternoons, this has impacted on the labour costs incurred. The overall result is a 20% improvement on budgeted estimates.

CEO's Comment:

It is pleasing to note the significant improvement in the financial performance of the Centre from the previous financial year. The Acting Centre Manager, Centre staff and Executive Manager Corporate Services are to be commended on their diligent efforts to achieve this result.

**Statement of Financial Activity (Page 32)**

The amount raised from rates for the year to date 30 June 2006 was \$14,576,948.

**Net Current Asset Position (Page 33)**

**10.3.3 Annual Plan - Capital Works Programme 2006/2007**

<b>Ward:</b>	Both	<b>Date:</b>	31 July 2006
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0025
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	M Rootsey, R Lotznicher, R Boardman		
<b>Checked/Endorsed by:</b>	J Giorgi	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council APPROVES the 2006/2007 Capital Works Programme as shown in Appendix 10.3.3.*

**COUNCIL DECISION ITEM 10.3.2**

**Moved Cr Farrell, Seconded Cr Chester**

*That the recommendation be adopted.*

Debate ensued.

**CARRIED (7-0)**

(Cr Messina on leave of absence. Cr Torre was an apology.)

Cr Farrell requested that it be recorded in the Minutes that he objected to Cr Maier's comments about the Council's decision relating to the Elven Street land sale as he believes Cr Maier's comments adversely reflect on a Council decision.

**PURPOSE OF REPORT:**

To present the Annual Plan and Schedule for the Capital Works Programme 2006/07 for Council approval.

**BACKGROUND:**

At the Special Meeting of Council held on 11 July 2006, Council adopted the Annual Budget 2006/2007.

**DETAILS:**

The Capital Works Programme now forms part of the Annual Plan for the Town of Vincent. Executive Managers and Managers from the three Divisions have formulated the attached Capital Works Programme. The Programme comprises \$54.4 million of Capital Works.

The programme takes into consideration the following factors:

1. budget/funding;
2. existing workload commitments of the workforce;
3. consultation requirements;
4. liaison with other agencies/service areas;
5. employee leave periods;
6. festive season leave period.



**CONSULTATION/ADVERTISING:**

N/A

**LEGAL/POLICY:**

The Capital Works Programme has been prepared based on the adopted 2006/2007 Annual Budget.

**STRATEGIC IMPLICATIONS:**

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

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil

**COMMENTS:**

The scheduling of some projects may change during the year due to a variety of factors. However, the Capital Works Program will be initially implemented on the basis of the timing as outlined in the attached program.

Quarterly reports on the progress of the Capital Works Program will be prepared for Council during the year.

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

**10.4.2 Information Bulletin**

<b>Ward:</b>	-	<b>Date:</b>	2 August 2006
<b>Precinct:</b>	-	<b>File Ref:</b>	-
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	A Smith		
<b>Checked/Endorsed by:</b>	John Giorgi	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Information Bulletin dated 8 August 2006, as distributed with the Agenda, be received.*

**COUNCIL DECISION ITEM 10.4.2**

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

*That the recommendation be adopted.*

**Debate ensued.**

**CARRIED (7-0)**

**(Cr Messina on leave of absence. Cr Torre was an apology.)**

**DETAILS:**

The items included in the Information Bulletin dated 8 August 2006 are as follows:

ITEM	DESCRIPTION
IB01	Progress report on Local Studies and History Collection Jan- June 2006 (All Precincts) CMS0002
IB02	Birdwood Square, Perth – Itinerant Park Dwellers and Antisocial Behaviour
IB03	Letter from Hon Mark McGowan MLA – Waste Management and Recycling Fund – Resource Recovery Rebate Scheme – Period 15
IB04	Letter from Department of Local Government and Regional Development – Local Government Structural and Electoral Reform in Western Australia – Ensuring the Future Sustainability of Communities
IB05	Letter from Department for Community Development – Park People Project Working Group
IB06	Register of Petitions - Progress Report - August 2006
IB07	Register of Notices of Motion - Progress Report - August 2006
IB08	Register of Reports to be Actioned - Progress Report - August 2006

<b>ITEM</b>	<b>DESCRIPTION</b>
IB09	Register of Legal Action
IB10	Register of State Administrative Tribunal Appeals
IB11	Forum Notes - 18 July 2006
IB12	Notice of Forum - 15 August 2006

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

Nil.

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

Nil.

**13. URGENT BUSINESS**

Nil.

At 7.15pm Moved Cr Farrell, Seconded Cr Ker

*That the meeting proceed “behind closed doors” to consider the confidential report, in accordance with:*

- *Section 5.23(d) of the Local Government Act 1995 – “legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting”.*

**CARRIED (6-1)**

**For**

Mayor Catania  
Cr Chester  
Cr Doran-Wu  
Cr Farrell  
Cr Ker  
Cr Lake

**Against**

Cr Maier

(Cr Messina on leave of absence. Cr Torre was an apology.)

Journalists Lindsay McPhee and Giovanni Torre and 2 members of the public departed the Chamber.

**14. CONFIDENTIAL ITEMS (*Behind Closed Doors*)**

**14.1 CONFIDENTIAL REPORT – No. 73 (Lot 58) Angove Street, North Perth - Consideration for Removal from the Draft Municipal Heritage Inventory**

<b>Ward:</b>	North	<b>Date:</b>	31 July 2006
<b>Precinct:</b>	Smith's Lake; P06 North Perth Centre; P09	<b>File Ref:</b>	PRO0966
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	S Kendall; H Eames		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

***OFFICER RECOMMENDATION:***

*That pursuant to section 5.95(2) of the Local Government Act 1995 and clause 2.15 of the Town of Vincent Local Law relating to Standing Orders, the Council PROCEEDS “behind closed doors” at the conclusion of the items, to consider the confidential report, circulated separately to Elected Members for proposed deletion of property/place from the Draft Municipal Heritage Inventory, as the matter contains sensitive personal and/or financial information.*

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

*That the recommendation be adopted.*

Debate ensued.

Cr Lake departed the Chamber at 7.35pm.  
Cr Lake returned to the Chamber at 7.36pm.

**CARRIED (6-1)**

<b><u>For</u></b>	<b><u>Against</u></b>
Mayor Catania	Cr Chester
Cr Doran-Wu	
Cr Farrell	
Cr Ker	
Cr Lake	
Cr Maier	

(Cr Messina on leave of absence. Cr Torre was an apology.)

**COUNCIL DECISION ITEM 14.1**

*That the Council APPROVES the removal of the property at No. 73 (Lot 58) Angove Street, North Perth from the Draft Municipal Heritage Inventory.*

**This report was considered as a Confidential Item. The Chief Executive Officer is of the opinion that part of this report is of a confidential nature as it relates to the Town’s position concerning the review of the Municipal Heritage Inventory and contains sensitive personal and financial details relating to property ownership. The confidential information has not been included in the public minutes and remains confidential.**

**PURPOSE OF REPORT:**

This report has been prepared in relation to the property owner's objections to the entry of No. 73 (Lot 58) Angove Street, North Perth, on the draft Municipal Heritage Inventory (MHI).

**BACKGROUND:**

<b>Landowner:</b>	Noahs Ark Toy Library
<b>Applicant:</b>	M Yuncken of Noahs Ark Toy Library
<b>Zoning:</b>	Metropolitan Region Scheme: Commercial Town Planning Scheme No.1 (TPS 1): Commercial
<b>Existing Land Use:</b>	Library
<b>Use Class:</b>	"Unlisted"
<b>Use Classification:</b>	"Unlisted"
<b>Lot Area:</b>	508 square metres
<b>Access to Right of Way</b>	N/A

The subject property was nominated for inclusion on the draft MHI. The Place Record Form drafted by the Heritage Consultant, on behalf of the Town, is shown as an attachment to this report.

The draft MHI has recently been released for owner and public consultation.

**DETAILS:**

The owners of the above property have requested that the above property be removed from the draft Municipal Heritage Inventory. The owners have requested urgent attention to this matter as they are intending to put the place on the market due to the company's financial difficulties and an impending strategic restructure of the company. The owners are concerned that the property's status on the draft Municipal Heritage Inventory may inhibit potential purchasers and delay the swift sale of the property. The owners of the place have stated that the Place Record Form '*overstates its heritage value*' and does not acknowledge several changes to the original fabric of the place.

In response to the above aggrievement, and at the owner's request, the Town's Heritage Officers prepared a full Heritage Assessment. The Heritage Assessment, which was prepared by the Town's Heritage Officers, is shown as a confidential attachment to this report.

The owners of the subject property have provided the Town with a submission, which outlines their situation and concerns. This submission dated 12 July 2006, is shown as a confidential attachment. The owners have also commissioned an independent consultant to review the information provided in the draft MHI Place Record Form. This submission by Reid Mac Consulting Services is also shown as a confidential attachment.

**ASSESSMENT:**

In order to clarify the cultural heritage significance of the place in relation to the Town's Policy 3.6.2: Heritage Management - Assessment, a Heritage Assessment was prepared by the Town's Heritage Officers. The Heritage Assessment found that the place has representative and limited historic value. Whilst the place has a pleasant presentation to the street it has been modified over the years and has structural damp problems. The property is considered to be an anomaly as it is isolated away from other commercial premises and is surrounded by predominantly residential dwellings. The place has a low degree of integrity as it is used as a library and office. In addition to this, the place is not considered rare or endangered as there are many other intact Interwar retail shops, with attached residences within the locality.

**COMMENTS:**

The place at No. 73 Angove Street, North Perth is not considered to meet the criterion for cultural heritage significance as stated in the Town's Heritage Management Policy 3.6.2 - Assessment. The place does not warrant the protection or intended planning provisions of the Heritage List under the Town of Vincent Town Planning Scheme No.1.

It is therefore recommended that the place be removed from the draft Municipal Heritage Inventory and that the relevant historical information be provided to the Local Studies Collection for archival and research purposes.

At 7.43pm **Moved Cr Ker, Seconded Cr Farrell**

*That an open meeting be resumed.*

**CARRIED (7-0)**

(Cr Messina on leave of absence. Cr Torre was an apology.)

**15. CLOSURE**

**The Presiding Member, Mayor Catania JP, declared the meeting closed at 7.43pm with the following persons present:**

Cr Simon Chester	North Ward
Cr Helen Doran-Wu	North Ward
Cr Steed Farrell	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental and Development Services
Craig Wilson	Acting Executive Manager Technical Services
Mike Rootsey	Executive Manager, Corporate Services
Annie Smith	Minutes Secretary

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 8 August 2006.

Signed: .....Presiding Member  
Mayor Nick Catania, JP

Dated this ..... day of ..... 2006