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(7 NOVEMBER 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 7 November 2006, commencing at 6.00pm.

1. DECLARATION OF OPENING

The Presiding Member, Mayor Nick Catania, JP, declared the meeting open at 6.15pm and apologised for the late start.

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Rob Boardman	Executive Manager, Environmental & Development Services - <i>attendance at Conference</i>
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(b) Present:

Mayor Nick Catania, JP	Presiding Member
Cr Steed Farrell (<i>Deputy Mayor</i>)	North Ward
Cr Simon Chester	North Ward
Cr Helen Doran-Wu	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward (Until 9.51pm)
Cr Dudley Maier	North Ward (Until 9.51pm)
Cr Izzi Messina	South Ward
Cr Maddalena Torre	South Ward
John Giorgi, JP	Chief Executive Officer
Des Abel	A/Executive Manager, Environmental and Development Services
Rick Lotznicker	Executive Manager, Technical Services
Mike Rootsey	Executive Manager, Corporate Services
Brendan Foster	Journalist – Perth Voice (until 9.50pm)

Approximately 26 Members of the Public

(c) Members on Leave of Absence:

Nil.

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

1. Mr Ken Johnson, representing Mr Roworth, regarding Item 14.8. Mr Roworth owns 11 properties on Cowle Street and they are currently subject to a heritage assessment. Has had a number of vigorous consultation meetings with the Town's Officers. Mr Johnson stated that the Elected Members had copies of his objections. He referred to the Mayor's statements at the Public Meeting held in June 2006, where an invitation was introduced to be heritage listed. It was stated that any ratepayer or property owner who could demonstrate solid financial and other sound reasons as to why they should not be included on the MHI, the Council would not list those properties.

Mr Johnson stated that he believes that he has solid and sound financial and other reasons why the properties should not be listed. He also advised that the State Administrative Tribunal is upholding the prohibition of development of Category A listed properties. He believes that the site is a homogeneous site and a listing of several of the properties substantially constrains the development of this site. Mr Johnson believes that the Council still does not understand the full consequences of heritage listings and the pros and cons of this. He would like to have more consultation about this matter and understand fully the pros and cons of listing of properties.

Mr Johnson requested deferral of consideration of the matter to a subsequent meeting so that there can be more discussion with the Town's Officers.

2. Mr Paul De Lanzo regarding Item 10.1.3. Mr De Lanzo wanted to make the public aware that he is not a developer, but is building the two homes on the site for his brother and himself to live in. He has lived in the current house since 1991. Mr De Lanzo included some sketches and photos of how they intended to upgrade the facades, as he wants to make the houses presentable in the street. He has investigated the use of the access of the Right of Way and since this privately owned, unsealed and not trafficable, he stated he had no option but to access the garages from the primary street front. Mr De Lanzo stated that the Town's Officers had advised him that there was an item in tonight's agenda regarding sealing of right of ways and acquiring them and he advised that he had made a statement saying that he was willing to change the proposal and design if the right of way was upgraded. He commented that they would have liked to put their garage at the back, but now that the house has been designed it is too late to change it as it would be too costly.

Mr De Lanzo was concerned about a new condition (f) that had been added without his knowledge about reducing garage size. Mr De Lanzo requested the Councillors to consider either deleting that clause or negotiating the clause.

Mr De Lanzo was also concerned about another condition in which they were required to screen the upper floor balconies. His concern was if he was to put a large screen up, from the street it will appear as a large area of opaque glass or a brick wall which he believes will upset the design and streetscape. He would prefer an open balcony. The balconies overlook the front setbacks of both houses either side and he believes he can walk down the street and look at the same setbacks either way, so the balcony is not overlooking any windows or backyards.

3. Dr Jenny Faye of 6 Waugh Street North Perth - President of the Kyilla Primary School P&C - Item 10.2.3. Stated that it has been requested that the Council look at some improvement in the kerb parking on Lawler Street adjacent to Kyilla Primary School. They have issues with haphazard parking on the current verge and with traffic flow which causes concern for the safety of the children. It has been noted that an improvement in parking has been made to other schools in the district. The other issue in the street is the condition of the current verge, which is very sandy and part of the kerb has been eroded which is causing damage to cars as they cross to park.

Dr Faye stated she met with the Town's Officers on site and supports the proposals that have been submitted in the Agenda report, in particular the preference is to adopt the 90 degree parking so that the two way access on the street continues. Dr Faye also commented that she was pleased this matter was being referred to the Town's Local Area Traffic Management Advisory Group.

4. Mr James Hall of 90 Angove Street North Perth - Item 14.18. Stated that his home was listed on the draft Municipal Heritage Inventory with no prior consultation to him as the property owner. Mr Hall queried why the item on the Agenda was said to contain sensitive personal information and therefore require it to be dealt with behind closed doors. He asked if Council would agree to release this report in the interest of open and accountable government, deleting any sensitive information. Mr Hall stated he has received correspondence from the Town, from which he understands that the Administration is seeking direction from Council as to the method of completing the review of the Municipal Heritage Inventory. He queried why Council didn't consider its methodology in its entirety when it first considered undertaking such a review. He commented that he believes that the Council would have predicted that it would receive a number of objections, given the significant number of properties that it is reviewing on this occasion. He has been informed that Council will be considering two options proposed by the Town's Officers. He strongly urged Council to adopt the option not to list Category B properties, where the owners have objected for the following reason; Council has already admitted that Category B properties are of less significance in preserving the Town's cultural and historical significance. He stated that he also wanted Council to include on the MHI the properties of those owners who have not objected. He stated that if there was public benefit in heritage preservations and enhancement, then it should not come at the personal and financial disadvantage of private owners who have objected.

Mr Hall advised that he has had a Heritage Architect conduct an assessment of his property, who has assessed that it is of no heritage significance and that it would be erroneous to place it on the inventory. He queried why Council would want to spend further time, money and resources having its own Officers undertake further assessments. Mr Hall stated that to include his property on the inventory would have disastrous personal, financial and emotional costs. He said that it would take away his property development rights and would raise a significant issue of compensation to him by Council.

Mr Hall advised that he has received recent legal advice and it is questionable as to whether Council has the authority to place certain properties on the inventory and if it does, whether it has gone about it in the appropriate manner.

Mr Hall stated that it had been 5 months since receiving a letter from the Chief Executive Officer inviting him to place his property on the inventory, and 2 months since he had lodged a detailed submission declining the invitation. Mr Hall asked that his property be removed immediately and that this request be dealt with urgently, due to his personal and financial circumstances.

5. Mr Hank Ekamper of 11 Robin Street Menora - regarding properties at 56-58 Angove Street and 60-66 Angove Street. He stated that in response to the Chief Executive Officer's letter of 30 October 2006, he supports the decision not to include the Category B properties in the heritage list. Mr Ekamper fully supports Option 2, which he believes is a just and rightful option. He believes the option takes into consideration the democratic rights of property owners to be able to decide if they want to have their properties, which fall into the lesser category, included in the heritage list.

Mr Ekamper thanked the Council for taking into consideration his previous submissions regarding his properties. He hoped that the support for Option 2 would also receive favourable consideration. He submitted a letter detailing his concerns.

6. Ms Louise Thomas, 76 Buxton Street Mount Hawthorn - Item 14.18. Ms Thomas stated that her property was listed as a Category B property. She also urged Council to take up Option 2. She believed that this is a simple and effective policy that is appropriate for a category B type policy. Ms Thomas believes that it would set a powerful (common sense) precedent for the Town of Vincent moving forward and respecting individual property rights. Ms Thomas also stated that the Town should listen to the residents who attended the July workshop, where 26 out of 29 people voted yes for a resolution that is effectively the same as option 2. Ms Thomas stated that this option would avoid further delays and avoid property owners having to undertake individual property heritage assessments and commission consultants.

Ms Thomas was concerned that a set of unsafe stairs at the front of her house were included in the listing of the heritage description of the façade of the property. She was not clear on the fact that if they changed the stairs, would this be a partial demolition of the heritage value.

7. Vincent Sammut of 14 Franklin Street Leederville - Item 14.9. Mr Sammut stated that he has submitted two long submissions to Council in the past. He has read the Productivity Commissions report which stresses and recommends that where a property owner suffers financial hardship, this is evidence for a home to be removed from the heritage list. He believes that his property falls into that category. Mr Sammut urged all Councillors to take that one point, if not all the others, into consideration.
8. Lucy McDonald, on behalf of her mother who has a property at 244 Stirling Street. Ms McDonald believes that the people who had spoken before her had stressed the emotional and financial impact of having a property listed on the Municipal Heritage Inventory. She stated that her mother would prefer to decline the invitation offered and does not require her house to be put onto the Heritage List.

There being no further questions from the public, the Presiding Member, Mayor Nick Catania, JP closed Public Question Time at 6.35pm.

(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

- 5.1 The Chief Executive Officer advised that a petition had been received from Ms C Scafe of Moir Street, Perth with 62 signatories relating to the proposed improvements for Brookman Street, Moir Street, Robinson Avenue and Forbes Road.

The Chief Executive Officer advised that the petition would be forwarded to the Executive Technical Services for investigation and report.

Moved Cr Farrell, Seconded Cr Torre

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

CARRIED (9-0)

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 Minutes of the Ordinary Meeting of Council held on 24 October 2006

Moved Cr Farrell, Seconded Cr Messina

That the Minutes of the Ordinary Meeting of Council held on 24 October 2006 be confirmed as a true and correct record.

CARRIED (9-0)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

Nil

8. DECLARATION OF INTERESTS

- 8.1 Mayor Catania declared a financial interest in Items 14.3, 14.4, 14.5, 14.6, 14.7, 14.8, 14.9, 14.10, 14.11, 14.12, 14.13, 14.14, 14.15, 14.16, 14.17, 14.18 - Municipal Heritage Inventory. The nature of his interest being that he is the owner of a property that may be listed on the Town's Municipal Heritage Inventory. Mayor Catania advised that he has approval from the Minister for Local Government to fully participate in discussion and vote on the matter, and also preside at meetings where these matters are discussed.

- 8.2 Cr Chester declared a financial interest in Item 14.18 – Municipal Heritage Inventory Review - Methodology to Consider Submissions for Proposed Category B Places. The nature of his interest being that he is a co-owner of a property that may be considered for listing on the Town of Vincent's Municipal Heritage Inventory. Cr Chester advised that he has Ministerial permission to participate and vote on the matter.

- 8.3 Cr Ker declared a financial interest in Item 14.18 – Municipal Heritage Inventory Review - Methodology to Consider Submissions for Proposed Category B Places. The nature of his interest being that he is the owner of a property that is listed on the Town of Vincent’s Municipal Heritage Inventory. Cr Ker advised that he has previous Ministerial permission to participate, debate and vote on the matter.
- 8.4 Cr Lake declared a financial interest in Item 14.16 - Municipal Heritage Inventory Review - Consideration of Nos. 47-53 (Lots 107, 104, 103 & 100) Chatsworth Road, Highgate. The nature of her interest being that she owns the property that is the subject of this Item.
- 8.5 Cr Lake declared a financial interest in Item 14.18 - Municipal Heritage Inventory Review - Methodology to Consider Submissions for Proposed Category B Places. The nature of her interest being that she owns a property that is the subject of this Item. Cr Lake requested Council approval to remain in the Chamber during discussion and decision making on this Item but not participate.
- 8.6 Cr Maier declared a financial interest in Item 14.16 - Municipal Heritage Inventory Review - Consideration of Nos. 47-53 (Lots 107, 104, 103 & 100) Chatsworth Road, Highgate. The nature of his interest being that he owns the property that is the subject of this Item.
- 8.7 Cr Maier declared a financial interest in Item 14.18 - Municipal Heritage Inventory Review - Methodology to Consider Submissions for Proposed Category B Places. The nature of his interest being that he owns a property that is the subject of this Item. Cr Maier requested Council approval to remain in the Chamber during discussion and decision making on this Item but not participate.
- 8.8 Cr Chester declared an interest affecting impartiality in Item 10.1.4 - East Perth Redevelopment Authority – Lindsay Street Precinct, Northbridge. The nature of his interest is that he is a board member of the East Perth Redevelopment Authority. Cr Chester declared that there may be a perception that his impartiality on the matter may be affected and would consider the matter on its merits and would vote accordingly.
- 8.9 Cr Chester declared an interest affecting impartiality in Item 10.2.4 - Further Report - Proposed Northbridge Landscape Restoration Plan. The nature of his interest is that he is a board member of the East Perth Redevelopment Authority. Cr Chester declared that there may be a perception that his impartiality on the matter may be affected and would consider the matter on its merits and would vote accordingly.
- 8.10 Cr Maier declared an interest affecting impartiality in Item 11.2 - Notice of Motion - Councillor Dudley Maier – Public Apology. He declared that he intended to speak on this Item, but not vote.
- 8.11 Cr Lake declared an interest affecting impartiality in Item 11.2 - Notice of Motion - Councillor Dudley Maier – Public Apology. The nature of her interest is that the Motion concerns her partner.

- 8.12 Cr Ker declared an interest affecting impartiality in Items 14.3, 14.4, 14.5, 14.6, 14.7, 14.8, 14.9, 14.10, 14.11, 14.12, 14.13, 14.14, 14.15, 14.16 and 14.17 - Municipal Heritage Inventory. The nature of his interest being that he is the owner of a property already listed on the Town's Municipal Heritage Inventory. He stated that as a consequence there may be a perception that his impartiality on the matter may be affected. Cr Ker declared that he would consider this matter on its merits and vote accordingly.
- 8.13 Chief Executive Officer John Giorgi declared a financial interest in Item 14.1 - Chief Executive Officer's Annual Performance Review 2006. The nature of his interest being that this relates to his contract of employment.

The Presiding Member advised that Cr Lake and Cr Maier's request to remain in the Chamber during discussion and decision making on Items 14.16 and 14.18 but not participate would now be considered.

Cr Lake and Cr Maier departed the Chamber at 6.47pm.

Moved Cr Ker, Seconded Cr Chester

That Cr Lake and Cr Maier request to be permitted to remain in the Chamber but not participate in discussion on Items 14.16 and 14.18 be approved.

Cr Ker requested that the vote on Items 14.16 and 14.18 be considered separately and the Presiding member agreed to this.

Item 14.16

MOTION LOST (0-7)

Item 14.18

MOTION LOST (2-5)

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

(Cr Lake and Cr Maier were absent from the Chamber and did not vote.)

Cr Lake and Cr Maier returned to the Chamber at 6.48pm.

The Presiding Member advised Cr Lake and Cr Maier that their request had not been approved.

**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:**

Items 10.1.3 and 10.2.3

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:**

Items 10.4.3 and 10.4.4

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	10.4.2
Cr Ker	10.4.3
Cr Doran-Wu	Nil.
Cr Torre	Nil.
Cr Lake	10.1.2, 10.1.3, 10.2.4 and 10.2.5
Cr Messina	10.2.6 and 10.3.4
Cr Maier	10.1.4, 10.1.5, 10.3.3 and 10.4.1
Mayor Catania	Nil.

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:**

Item 14.1, 14.3, 14.4, 14.5, 14.6, 14.7, 14.8, 14.9, 14.10, 14.11, 14.12, 14.13, 14.14, 14.15, 14.16, 14.17 and 14.18

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

Items 10.1.1, 10.2.1, 10.2.2, 10.3.1, 10.3.2 and 10.4.5

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

Items 14.1, 14.2, 14.3, 14.4, 14.5, 14.6, 14.7, 14.8, 14.9, 14.10, 14.11, 14.12, 14.13, 14.14, 14.15, 14.16, 14.17 and 14.18

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 10.1.1, 10.2.1, 10.2.2, 10.3.1, 10.3.2 and 10.4.5

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

Items 10.1.3 and 10.2.3

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

Moved Cr Farrell, Seconded Cr Torre

That the following unopposed items be moved en bloc;

Items 10.1.1, 10.2.1, 10.2.2, 10.3.1, 10.3.2 and 10.4.5

CARRIED (9-0)

Cr Maier moved the following Procedural Motion

Moved Cr Maier; Seconded Cr Ker

That Confidential Item 14.18 be discussed after Items 10.1.3 and 10.2.3 in an open meeting.

Debate ensued.

MOTION PUT AND LOST (3-6)

For
Cr Ker
Cr Lake
Cr Maier

Against
Mayor Catania
Cr Chester
Cr Doran-Wu
Cr Farrell
Cr Messina
Cr Torre

10.1.1 Further Report - Proposed Memorandum of Understanding for the provision of Child Health Facilities and Services in WA between Department of Health, Department of Local Government and Regional Development and WA Local Government Association

Ward:	Both	Date:	31 October 2006
Precinct:	All	File Ref:	ENS0025
Attachments:	001 ; 002		
Reporting Officer(s):	D Brits, A Bosworth		
Checked/Endorsed by:	R Boardman	Amended by:	-

FURTHER OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to the Proposed Memorandum of Understanding with general principles that should be negotiated for the provision of Child Health Facilities and Services in WA between the Department of Health (DOH), Department of Local Government and Regional Development (DLGRD) and WA Local Government Association (WALGA);*
- (ii) *ADVISES the parties to the proposed Memorandum of Understanding (MoU) that the Town STRONGLY SUPPORTS a formal local agreement and SUPPORTS IN PRINCIPLE the proposed draft MoU to clarify responsibilities and formalise the financial and service partnership within the Town, as attached to this report;*
- (iii) *AUTHORISES the Chief Executive Officer to review the current Child Health and Immunisation facilities and services after a benchmarking exercise, negotiate and put in place a Vincent Child Health and Facilities Agreement (including a facilities lease agreement) based on the proposed MoU general principles by 1 July 2007; and*
- (iv) *NOTES that the Agreement will be reported to the Council as soon as practicable for ratification.*

COUNCIL DECISION ITEM 10.1.1

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (9-0)

FURTHER REPORT:

The Council at its Ordinary Meeting held on 24 October 2006 resolved that *'the Item be DEFERRED to allow further consideration of the MoU.'* The entire draft MoU is attached and the previous Officer Recommendation has been slightly amended.

The amended Officer Recommendation is underlined and the purpose is to emphasise the fact that it is a draft document with general principles and to include benchmarking as follows:

- Clause '(i) ... *Proposed Memorandum of Understanding with general principles that should be negotiated...*'

- Clause '(iii)... *facilities and services after a benchmarking exercise...*' and '*... based on the proposed MoU general principles...*'; and
- Clause '(iv) ...*for ratification.*' (by the Council).

The Shalom Coleman Dental Clinic (former Haynes Street Child Health Centre) was included under Financial/Budget Implications in the original deferred report of 24 October 2006 as this premises is historically listed with the Child Health Centres in the Operating Budget. It can be anticipated that the financial expenditure listing of this premises will also be reviewed in the next financial year.

For the Council's information, the report was provided to the relevant WALGA Manager who commented that they were keen to receive feedback.

The following is a verbatim copy of the Minutes for the Item placed before the Council at its Ordinary Meeting held on 24 October 2006: -

'OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to the Proposed Memorandum of Understanding for the provision of Child Health Facilities and Services in WA between the Department of Health (DOH), Department of Local Government and Regional Development (DLGRD) and WA Local Government Association (WALGA);*
- (ii) *ADVISES the parties to the proposed Memorandum of Understanding (MoU) that the Town SUPPORTS a formal local agreement and SUPPORTS IN PRINCIPLE the proposed draft MoU to clarify responsibilities and formalise the financial and service partnership within the Town, as attached to this report;*
- (iii) *AUTHORISES the Chief Executive Officer to review the current Child Health and Immunisation facilities and services, negotiate and implement a Vincent Child Health and Facilities Agreement (including a facilities lease agreement) based on the proposed MoU by 1 July 2007; and*
- (iv) *NOTES that the Agreement will be reported to the Council as soon as practicable.*

COUNCIL DECISION ITEM 10.1.3

Moved Cr Torre, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

Moved Cr Torre, Seconded Cr Messina

That the Item be DEFERRED to allow further consideration of the MOU.

CARRIED (8-0)

(Cr Farrell was an apology.)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council that WALGA has been instrumental in developing a proposed or draft MoU between Local Government and the Department of Health (Government of WA) for the provision of Child Health Facilities. The purpose of the MoU is to confirm in generic terms a set of principles and respective responsibilities of the relevant stakeholders that should be formalised in a local service, funding and lease agreement.

BACKGROUND:

Children and young people in general, but their health status and well-being in particular, have been identified as priority public policy aims at National and State Level. Intersectoral partnerships in addressing the burden of disease and the determinants of health are crucial in achieving world-class public health outcomes.

Currently, the only State policy instrument in place is a 1953 WA Cabinet Minute 'Policy of Government on Infant Health Centre' condoning a joint responsibility in this regard between the Department of Health, individual Local Governments and the WALGA.

Child Health Centres are staffed by registered nurses with qualifications in child and family health and they are employed by the Department of Health. They provide a range of free services in partnership with parents and carers of babies and young children up to the age of 4 years.

Community Child Health Nurses assess children's health and development as well as provide information about many aspects of parenting, maternal and family health and healthy lifestyles.

There are 310 Child Health Centres across Western Australia. Most child health centres operate an appointment system Monday to Friday, but some are only open part time. You will usually need to make an appointment for your visit. All services are free.

From a Local Government perspective, some concern has been raised with WALGA regarding the expectation by Department of Health for Local Governments to support Child Health Centres without sufficient Council involvement in local Child Health planning. In return, the Department of Health expressed concern at the lack of facility leases provided by Local Governments. Some Councils have also expressed general concern about potential cost-shifting by stealth. The draft MoU has been facilitated by WALGA to establish the broad principles to guide local agreements regarding Child Health Services.

DETAILS:

Vincent currently has the following Child Health Centres:

- *Mount Hawthorn Child Health Centre - Mount Hawthorn Community Centre, No. 197 Scarborough Beach Road (corner The Boulevard), Mount Hawthorn. Telephone: 9444 3603;*
- *Leederville Child Health Centre - Loftus Community Centre, No. 99 Loftus Street, Leederville. Telephone: 9328 5443;*
- *Highgate Child Health Centre - Harold Street Child Health Centre, corner Harold and Curtis Streets, Highgate. Telephone: 9328 7270;*
- *North Perth Child Health Centre - View Street Child Health Centre, No. 20 View Street, North Perth. Telephone: 9328 6420.*

In addition to the Community Child Health services provided by the Department of Health, the above centres are also utilised to provide free immunisation services. The full range of National Health and Medical Research Council standard childhood vaccinations are available as per the National Immunisation Schedule. Parents are requested to ensure that they bring their child's immunisation record and Medicare card with them.

In general terms, Children should be immunised at 2 months, 4 months, 6 months, 12 months and 4 years against fatal diseases such as whooping cough, poliomyelitis, and meningitis. The Town of Vincent provides free child immunisation on the first Wednesday of each month (the times at the above Vincent Centres are in descending order respectively 8.30am – 9.45am, 10am – 10.45am, 11am – 11.45am, and 12 noon – 12.45pm). Alternatively, parents could visit a General Medical Practitioner or the Department of Health's Central Immunisation Clinic, which is located at No. 16 Rheola Street, West Perth, and is open Monday to Friday from 8.30am to 5.00pm (contact telephone: 9321 1312). A Medical Officer and a Council Officer attend the clinics once a month.

STRATEGIC IMPLICATIONS:

- *Town of Vincent Strategic Plan 2005 – 2010:
'We will continue to be a safe and healthy inner city area, rich in heritage and cultural diversity' and 'sustainability guides our decision making.'*

CONSULTATION/ADVERTISING:

The closing date for a Council response to WALGA is 17 November 2006. It can be anticipated that the Council decision, together with the Fax-Back document, will be submitted to WALGA as the Council's position on the MoU.

LEGAL POLICY:

- *Health Act 1911 (as amended) - Section 27 authorises an agreement with local government regarding health centres;*
- *Local Government Act 1995 (as amended) to provide good local governance; and*
- *Occupational Health and Safety Act 1984 in relation to workplace matters.*

FINANCIAL/BUDGET IMPLICATIONS:

The current annual Child Health Centre expenditure is as follows:

1. *Highgate Child Health Centre: \$13,519;*
2. *Shalom Coleman Dental Clinic (former Haynes Street Child Health Centre): \$31,482;*
3. *Leederville (Loftus) Child Health Centre: \$9,318;*
4. *Mount Hawthorn Child Health Centre: \$9,422;*
5. *North Perth (View Street) Child Health Centre: \$13,013; and*
6. *Administration of Clinics (Salaries, etcetera): \$71,742.*

The current Immunisation Expenditure is \$56,530.

COMMENTS:

The proposed MoU is deemed necessary to formalise in particular the financial responsibilities of both levels of government to make the Child Health service funding more transparent and accountable and to ensure services and facilities are reviewed every five (5) years according to changing circumstances.'

10.2.1 Further Report – Local Plant Sales and associated Projects

Ward:	Both	Date:	20 September 2006
Precinct:	All	File Ref:	CMS0096
Attachments:	-		
Reporting Officer(s):	K Godfrey		
Checked/Endorsed by:	J van den Bok R Lotznicker	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the Local Plant Sales held at the Town of Vincent Administration and Civic Centre during 2006;*
- (ii) *APPROVES the following Local Plants Projects for 2007(as outlined in the report):*
 - (a) *Two (2) Local Plant Sales to be held at the Town’s Administration & Civic Centre on Saturday 28 April 2007 and 25 August 2007 commencing at 8.00am;*
 - (d) *Leederville Spring Walk to commence from the Town’s Administration & Civic Centre on Saturday 20 October 2007commencing at 2.00pm;*
 - (b) *Native Plant Workshop to be held at the Town’s Administration & Civic Centre on Saturday 17 March 2007commencing at 9.00am;*
- (iii) *AUTHORISES the Chief Executive officer to review the frequency of the Local Plant Sales following the August 2007 sale, as outlined in clause (ii)(a), and prepares a further progress report in November 2007; and*
- (iii) *ADVISES the Town's Precinct Groups and the Claise brook Catchment Group of its decision.*

COUNCIL DECISION ITEM 10.2.1

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (9-0)

PURPOSE OF REPORT:

The purpose of this report is to advise Council of the success of the three (3) Local Plant Sales held in 2006 and to seek approval to conduct a Native Plant Workshop including two (2) Local Plant Sales and a Leederville Spring Walk in 2007.

BACKGROUND:

At its Ordinary Meeting held on the 23 August 2005, a Further Report was presented to Council regarding the Local Plants Sales where it was decided:

That the Council;

- (i) *RECEIVES the report on the successful Local Plant Sale held at the Town of Vincent Administration & Civic Centre on Saturday 6 August 2005;*
- (ii) *NOTES that due to the popularity of the event, a further Local Plant Sale is planned to be held in September 2005; and*
- (iii) *CONSIDERS listing funds in future budgets (amount to be determined) to allow for the undertaking of up to three (3) Local Plant Sales per year.*

The Town's inaugural Local Plant Sale was held in August 2005 and was very well received by the community. Three (3) plant sales were held in 2006 and were generally well attended, however, following an assessment of the 2006 events, the Town's officer are of the opinion that there is a requirement for only two (2) plant sales per annum.

DETAILS:

Local Plant Sales

Three (3) Local Plant Sales were held in conjunction with members of the Claise Brook Catchment Group this year (2006). Attendance at the first sale, which was held on 29 April 2006, attracted 146 residents and was by far the most successful sale undertaken so far. The second sale was held on 24 June 2006, with the final plant sale held on the 19 August 2006.

There was an obvious drop off in attendance at the remaining two (2) sales held 2006 as outlined below:

Date	Attendance	Plant Stock Available	Plant Stock Remaining	Total (\$)
06/08/05	107	1,200	220	No record
17/09/05	103	1,420	85	2,233.00
29/04/06	146	2,200	340	2,510.10
24/06/06	64	1,550	550	1,858.00
19/08/06	63	1,675	520	2,399.15

Whilst the weather was reasonable during the sales it was considered that three (3) sales were too many and that most residents who were planting natives or changing their gardens had already done so earlier in the year.

The Town's Parks Services officers received many positive comments from residents during the sales, with many indicating what a great initiative the sale were.

There is an increasing demand for native plants and with the Town's recently planted native gardens throughout the Leederville area looking spectacular during Spring, a large number of enquiries are received regarding information on a particular plant identified in the Town's native gardens.

Officer Recommendation

It is recommended that given the interest in the plant sales that they be continued and that the number of sales be reduced from three (3) to two (2) per annum for 2007 be held at the Town's Administration & Civic Centre on Saturday 28 April 2007 and 25 August 2007 commencing at 8.00am and that this be reviewed in twelve (12) months time.

Leederville Spring Walk

In November 2005, the Town's Parks Services officers conducted a guided 'Spring Walk.' The walk commenced at the Town's Administration & Civic Centre and proceeded around the Leederville area, showcasing areas that featured landscaping with local plants.

The purpose of this walk was to demonstrate to residents what could be achieved in terms of planting with water wise local plant species.

Feedback from the residents who attended the 'Spring Walk' was encouraging and this was also evident from some comments received from attendees at the local plant sale held in April 2006.

Unfortunately, due to current work loads and other commitments, the Town's Parks Services Officers were unable to conduct a 'Spring Walk' this season (2006) and by November 2006 many of the 'showy' plants will have finished flowering.

Officer Recommendation

It is recommended that the 2007 Leederville Spring Walk be scheduled to commence from the Town's Administration & Civic Centre on Saturday 20 October at 2.00pm.

Native Plant Workshop

At the Ordinary Meeting of Council held on 12 July 2005 a report was presented updating the Council on the Landscaping with Local Plants Project. As part of the overall project it was proposed to hold a Garden Workshop for residents at the Town.

This did not eventuate in 2005/06 however the officers consider that a project of this nature would receive much interest. The Town's Horticultural staff have some very good ideas and a vast amount of local knowledge and experience that would be able to be conveyed to the local community.

It is therefore proposed that a session be held at the Town's Administration & Civic Centre in 2007 where technical advice regarding the establishment of native gardens including soil, plant requirements, pruning, dripline reticulation systems and pest/disease control can be passed onto attendees.

Officer Recommendation

It is recommended that a Native Plant Workshop be held at the Town's Administration & Civic Centre on Saturday 17 March 2007 commencing at 9.30am.

CONSULTATION/ADVERTISING:

The Local Plant Sales, Leederville Spring Walk and Native Plants Workshop will all be advertised through the local papers and the Town's website and newsletters during 2007.

LEGAL/POLICY:

Nil

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2005 - 2010 - 1.1 Protect and enhance the environment and biodiversity. *"c) Enhance and protect our natural environment, improve natural habitats, increase biodiversity in parks, reserves, wetlands and river foreshore areas, link Greenways of vegetation, enhance the Significant Trees Inventory to encourage their protection and increase and promote use of local vegetation, by Council and residents"*.

FINANCIAL/BUDGET IMPLICATIONS:

A total budget of \$10,000 including \$5,000 received via the W.A. State Water Strategy Office, was allocated to the Local Plants Project in 2005.

From the above budget, funds were used for the production of the Local Plants brochure and plant purchases etc. for the five (5) plant sales held to date.

As indicated in previous reports, the plant sales provide residents with local native plants at a subsidised rate. Therefore the budget is slightly reduced after the expenditure and revenue components of each respective sale are taken into account.

An additional \$5,000 was allocated in the 2005/06 budget and a balance of \$8,256.46 now exists.

COMMENTS:

The above events are likely to be well attended and there is a demand for information pertaining to local native plants, particularly with the climate change and water shortage issues across the nation.

It is therefore recommended that the Council approve the above projects and advertise the dates of the Local Plant sales, Leederville "Spring" walk and Native Plant workshop on the Town's website and in the local papers as required.

The local plants sales in particular could not be conducted without the many volunteers from the Claise Brook Catchment Group. The Town thanks them for their efforts and looks forward to their continuing involvement at future events.

10.2.2 Stuart Street Reserve – Wetlands Heritage Trail/Greenway link

Ward:	South	Date:	27 October 2006
Precinct:	Hyde Park	File Ref:	CMS0071
Attachments:	001		
Reporting Officer(s):	J van den Bok		
Checked/Endorsed by:	R Lotznicker	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the report on the consultation undertaken for the proposal to construct a path through Stuart Street Reserve as part of the Town's Wetlands Heritage / Greenway Trail;
- (ii) **NOTES** the comments received by the respondent/s and the officers comments regarding the proposed removal of the perimeter existing pine log fencing;
- (iii) **APPROVES** the works as outlined on attached Plan No. 2469-CP-1A estimated to cost \$39,000; and
- (iv) **EXPRESSES** its appreciation to the respondent/s for their input towards this project.

COUNCIL DECISION ITEM 10.2.2

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (9-0)

PURPOSE OF REPORT:

The purpose of this report is to advise the council of the results of the recent community consultation regarding the construction of a portion of Wetlands Heritage/Greenway Trail through Stuart Street Reserve and seek the Council's approval to implement the works as shown on the attached Plan No. 2469-CP-1.

BACKGROUND:

At its Ordinary Meeting of held on 26 September 2006, the Council considered a report on a proposal to construct a path through Stuart Street Reserve as part of the Wetlands Heritage/Greenway Trail where it was decided:

"That the Council;

- (i) **RECEIVES** the report in relation to the proposal to complete the Wetlands Heritage Trail link through Stuart Street Reserve;

- (ii) *NOTES that the Town's application to the Department for Planning and Infrastructure for funding of \$15,838.00 to construct a Dual Use Path through Stuart Street Reserve as part of the Wetlands Heritage Trail / Greenway was successful;*
- (iii) *APPROVES the design concept as shown on attached Plan No. 2469-CP-1A;*
- (iv) *CONSULTS with residents in Stuart Street (between Lake and Palmerston Streets) and the Precinct Group regarding the proposal, providing them with 21 days to provide comments; and*
- (v) *RECEIVES a further report should any adverse comments in regard to the project be received."*

DETAILS:

Community Consultation

In accordance with clause (iv) of the Council's decision on 26 September 2006, twenty (20) letters and attached plans were distributed to adjacent residents advising of the proposed works and requesting comments.

At the close of the consultation period on 27 October 2006, two (2) submissions were received and both were in favour of the proposal.

Comments In Favour of proposal

- The bicycle path is a fine proposal however disagree that the bollards serve no useful purpose. Regularly witness cars driving on parks at night and I'm concerned that the turf/gardens will be damaged.
- One form returned with no comment.

Officer's Comments

Since the Town's inception, the various park upgrades that have occurred in 'passive' parks have involved the removal of the barrier fencing eg Robertson Park, Royal Park etc.

Where, however, a park is directly adjacent to a main road and/or a children's playground is nearby the fencing has been retained/replaced.

While the removal of the pine log fencing caused some initial concern amongst Parks Services Officers, over the years little or no damage to the infrastructure has occurred.

In this instance it was considered that the removal of the pine log fencing and the path constructed in the road verge on the northern perimeter of the Park, would result in the appearance of a larger park space (the pine log fence is currently constructed on the road reserve boundary)

It is therefore considered that the pine bollards should be removed and stored at the Town's Works Depot. The situation would be monitored and should any problems be experienced and the park damaged, the bollard fencing could be reinstalled in a alternative location (i.e. on the northern edge of the path).

CONSULTATION/ADVERTISING:

Should the implementation of the works be approved, the respondents will be advised of the Council's decision prior to the commencement of works.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Areas One & Two of Strategic Plan 2005-2010

- 1.1 Protect and enhance the environment and biodiversity; (c) *“Enhance and protect our natural environment, improve natural habitats, increase biodiversity in parks, reserves, wetlands and river foreshore areas, link Greenways of vegetation, enhance the Significant Trees Inventory to encourage their protection and increase and promote the use of local native vegetation, by Council and residents”*.
- 1.4 Maintain and enhance the Town’s infrastructure to provide a safe, healthy, sustainable and functional environment; (f) *“Ensure the current and future efficient use of the Town’s parks, reserves and facilities and continue to design and implement infrastructure improvements for public open space. Develop Greenways to link together parks with ecology, arts, recreation and culture”*.

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$39,000 has been included in the 2006/07 budget to undertake the above works. This amount includes the total grant received from the Department for Planning and Infrastructure of \$15,838.00.

COMMENTS:

As indicated in the recent report presented to the Council, the completion of this section of the path through Stuart Street Reserve will provide an additional accessible link through the Town and be a step further to completing the Greenway / Wetlands heritage Trail project.

10.3.1 Financial Statements as at 30 September 2006

Ward:	Both	Date:	17 October 2006
Precinct:	All	File Ref:	FIN0026
Attachments:	001		
Reporting Officer(s):	Bee Choo Tan		
Checked/Endorsed by:	M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVE the Financial Reports for the month ended 30 September 2006 as shown in Appendix 10.3.1.

COUNCIL DECISION ITEM 10.3.1

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (9-0)

PURPOSE OF REPORT:

The purpose of this report is to present the financial statements for the month ended 30 September 2006.

BACKGROUND:

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

DETAILS:

The Financial Statements comprise:

- Operating Statement
- Summary of Programmes/Activities
- Capital Works Schedule
- Balance Sheet (Statement of Financial position) and Statement of Changes in Equity
- Reserve Schedule
- Debtor Report
- Rate Report
- Beatty Park Report – Financial Position
- Statement of Financial Activity
- Net Current Asset Position
- Variance Comment Report

Operating Statement and Detailed Summary of Programmes/Activities

The Operating Statement shows revenue and expenditure by Programme whereas the Summary of Programmes/Activities provides detail to Programme/Sub Programme level. Both reports compare actual results for the period with the Budget. The 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 101 % of the month of September Budget estimate.

General Purpose Funding (Page 1)

General Purpose Funding is showing 100 % of the budget levied to date. This is due to rates being levied for the financial year; the rates revenue represents 100% of the budgeted amount for the rates income.

Governance (Page 2)

Governance is showing 322 % of the budget received to date; this is due the sale of electoral rolls.

Law Order & Public Safety (Page 3)

Revenue is showing a favourable variance of 231 % due to grants received.

Health (Page 4)

Health is showing 92 %, this is due to 278 Health Licences being issued for Lodging Houses, Eating Houses and Alfresco dining.

Education & Welfare (Page 5)

Education and Welfare is showing 70 % of the budget, the \$25,000 operating surplus budget expected from Leederville Garden has not yet been determined.

Community Amenities (Page 6)

Community Amenities is 173 % of the year to date budget, this is as a result of 197 planning applications have been processed in September and the issue of non rateable properties for their refuse charges

Recreation & Culture (Page 9)

The total revenue for Recreation and Culture shows a favourable variance of 94.7 % of their revenue budget. Beatty Park Leisure Centre revenue is 15 % of the total Recreation and Culture revenue budget and tracking along with the centre year to date budget of 87%.

Economic Services (Page 12)

Economic Services is 92 % under budget which is the 146 building licences issued to the month of September.

Operating Expenditure

Operating expenditure for the month of September is under budget at 86.8%

Capital Expenditure Summary (Pages 18 to 24)

The Capital Expenditure summary details projects included in the 2006/07 budget and reports the original budget and compares actual expenditure to date against these. Capital works show total expenditure for September amount of \$886,541 which is 2% of the budget of \$54,482,388.

	Budget	Actual to Date	%
Furniture & Equipment	101,800	5,241	5%
Plant & Equipment	905,925	373,513	41%
Land & Building	43,623,350	51,861	1%
Infrastructure	9,851,313	455,926	5%
Total	54,482,388	886,541	2%

Balance Sheet (Statement of Financial Position) and Statement of Changes in Equity (Pages 25 & 26)

The statement shows the current assets of \$27,211,123 and non current assets of \$113,897,063 for total assets of \$141,108,187.

The current liabilities amount to \$4,491,781 and non current liabilities of \$10,843,286 for the total liabilities of \$15,334,066. The net asset of the Town or Equity is \$125,774,120.

Restricted Cash Reserves (Page 27)

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 28)

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 \$236,115 are outstanding at the end of September. Of the total debt \$17,139 (30%) 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 29)

The notices for rates and charges levied for 2006/07 were issued on the 1 August 2006.

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

The due dates for each instalment are:

First Instalment	5 September 2006
Second Instalment	6 November 2006
Third Instalment	4 January 2007
Fourth Instalment	6 March 2007

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

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

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

Rates outstanding are \$5,717,370 which represents 37 % of the outstanding collectable income.

Beatty Park – Financial Position Report (Page 30)

As at 30 September 2006 the operating deficit for the Centre was \$35,290 in comparison to the budgeted year to date deficit of \$168,966 and annual deficit of \$639,155.

The cash position showed a current cash surplus of \$81,410 in comparison to the year to date budget of cash deficit of \$20,274 and an annual budget estimate of a cash deficit of \$81,056. The cash position is calculated by adding back depreciation to the operating position.

Statement of Financial Activity (Page 31)

The amount raised from rates for the year to date 30 September 2006 was \$15,057,816.

Net Current Asset Position (Page 32)

**10.3.2 Capital Works Programme 2006/2007
Progress Report No 1 as at 30 September 2006**

Ward:	Both	Date:	25 October 2006
Precinct:	All	File Ref:	FIN0025
Attachments:	001		
Reporting Officer(s):	M Rootsey, R Lotznicker, R Boardman		
Checked/Endorsed by:	J Giorgi	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES Progress Report No 1 for the period 1 July - 30 September 2006, for the Capital Works Programme 2006/2007, as detailed in Appendix 10.3.2.

COUNCIL DECISION ITEM 10.3.2

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (9-0)

PURPOSE OF REPORT:

The purpose of this report is to provide a quarterly progress report of the Council's Capital Works Programme 2006/2007 for the period 1 July 2006 to 30 September 2006.

BACKGROUND:

The Council adopted the Capital Works Programme at the Ordinary Meeting of Council held on 8 August 2006. Quarterly reports will be presented to Council to advise of the schedule and progress of the Capital Works Programme. This is the first Progress Report for this financial year covering the period ending 30 September 2006.

DETAILS:

The report focuses on the work that was due to be completed up to the end of the first quarter. Comments on the report relate only to works scheduled to be carried out in the period up to 30 September 2006.

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

Nil

STRATEGIC IMPLICATIONS:

Strategic Plan 2005-2010 - Key Result Area One - Environment and Infrastructure

- 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment.

FINANCIAL/BUDGET IMPLICATIONS:

The progress is currently proceeding according to funding in the Annual Budget 2006/2007.

COMMENTS:

The Capital Works Programme is currently progressing according to the Council approved schedule.

10.4.5 Information Bulletin

Ward:	-	Date:	31 October 2006
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer(s):	A Smith		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Information Bulletin dated 7 November 2006, as distributed with the Agenda, be received.

COUNCIL DECISION ITEM 10.4.5

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (9-0)

DETAILS:

The items included in the Information Bulletin dated 7 November 2006 are as follows:

ITEM	DESCRIPTION
IB01	Letter from Western Australian Planning Commission - Review of Town of Vincent Town Planning Scheme No. 1.
IB02	Letter from Western Australian Planning Commission - Council Planning and Building Policies.
IB03	Minutes of Sustainability Advisory Group Meeting held on Wednesday 27 September 2006 at the Town of Vincent Administration and Civic Centre, 244 Vincent Street, Leederville.
IB04	Progress Report No.1 - Heritage Plaque Scheme - Proposal for Partnership with North Perth Community Financial Services Limited
IB05	Letter from the State Administrative Tribunal attaching Orders made on 30 October 2006. Tran & Anor v Town of Vincent DR 81 of 2006
IB06	Letter of Thanks - Active Vincent Day and Pets in the Park
IB07	Notice of Forum - 14 November 2006

10.1.3 No. 12 (Lot 118 D/P: 1223) Franklin Street, Leederville- Proposed Two (2) Two-Storey Single Houses

Ward:	North	Date:	27 October 2006
Precinct:	Leederville; P3	File Ref:	PRO3471; 5.2006.303.1
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner Topat Nominees for proposed Two (2) Two-Storey Single Houses, at No.12 (Lot 118 D/P: 1223) Franklin Street, Leederville, and as shown on plans stamp-dated 22 June 2006 , subject to:

- (i) 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;*
- (ii) any new street/front wall, fence and gate between the Franklin Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*

- (iii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *the balcony of Unit 1 on the western elevation on the upper floor and the balcony of Unit 2 on the eastern elevation on the upper floor, being screened with a permanent obscure material and non openable to a minimum of 2.4 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*
 - (b) *the wall height being a maximum of 6.0 metres from the natural ground level as projected above the eaves;*
 - (c) *the driveway width being a maximum of 40 per cent of the property frontage;*
 - (d) *the maximum average height of the eastern boundary wall of Unit 2 being 3.0 metres;*
 - (e) *the front setback area being adequately landscaped to reduce the visual impact of the driveways to the satisfaction of the Town; and*
 - (f) *the overall width of the garages being reduced to 5.9 metres with the internal width of each of the garages being 5.4 metres and each entry porch being widened accordingly.*

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

- (iv) *first obtaining the consent of the owners of Nos. 10 and 14 Franklin Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing Nos. 10 and 14 Franklin Street in a good and clean condition; and*
- (v) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Franklin Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s).*

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

Debate ensued.

Cr Torre departed the Chamber at 7.06pm

Debate ensued.

Cr Torre returned to the Chamber at 7.10pm

Moved Cr Maier, Seconded Cr Messina

That clause (iii)(a) be deleted.

Debate ensued.

AMENDMENT CARRIED (7-2)

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

Debate ensued.

Moved Cr Torre, Seconded Cr Farrell

That clause (iii)(f) be deleted.

Debate ensued.

AMENDMENT CARRIED (7-2)

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

Moved Cr Maier, Seconded Cr Lake

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

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

- (a) the wall height being a maximum of 6.0 metres from the natural ground level as projected above the eaves;*
- ~~(b) the driveway width being a maximum of 40 per cent of the property frontage;~~*
- (e) the maximum average height of the eastern boundary wall of Unit 2 being 3.0 metres; and*
- ~~(d) the front setback area being adequately landscaped to reduce the visual impact of the driveways to the satisfaction of the Town; and~~*

~~(e) the overall width of the garages being reduced to 5.9 metres with the internal width of each of the garages being 5.4 metres and each entry porch being widened accordingly.~~

(f) the garages of both Units 1 and 2 being relocated to the rear of the main dwellings with vehicular access being directly from the rear/northern right of way.

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

Debate ensued.

AMENDMENT LOST (3-6)

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

MOTION AS AMENDED CARRIED (6-3)

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

COUNCIL DECISION ITEM 10.1.3

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner Topat Nominees for proposed Two (2) Two-Storey Single Houses, at No.12 (Lot 118 D/P: 1223) Franklin Street, Leederville, and as shown on plans stamp-dated 22 June 2006 , subject to:

- (i) *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;*
- (ii) *any new street/front wall, fence and gate between the Franklin Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*

- (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (iii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *the wall height being a maximum of 6.0 metres from the natural ground level as projected above the eaves;*
 - (b) *the driveway width being a maximum of 40 per cent of the property frontage;*
 - (c) *the maximum average height of the eastern boundary wall of Unit 2 being 3.0 metres;*
 - (d) *the front setback area being adequately landscaped to reduce the visual impact of the driveways to the satisfaction of the Town; and*
- The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (iv) *first obtaining the consent of the owners of Nos. 10 and 14 Franklin Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing Nos. 10 and 14 Franklin Street in a good and clean condition; and*
- (v) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Franklin Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s).*
-

CORRECTED ASSESSMENT TABLE:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	2 dwellings R 30	2 dwellings R 30	Noted- no variation sought.
Plot Ratio	N/A	N/A	Noted.
R Codes: <u>Setbacks</u>			
Ground Floor - East	1.5 metres	Nil-2.2 metres	Supported- staggering of setbacks, no undue impact and refer to "Buildings on Boundary". Supported- as above.
- West	1.5 metres	Nil-2.2 metres	
First Floor - East	5.7 metres (or 2.4 metres if balcony is screened to full height)	1.22-1.52 metres	Supported in part- balcony has been conditioned to be screened to full height, therefore, minor variation <u>and no undue impact</u> . Supported- as above.
- West	5.7 metres (or 2.4 metres if balcony is screened to full height)	1.22-1.52 metres	
Buildings on Boundaries	One boundary wall is permitted with an average height of 3 metres and a maximum height of 3.5 metres, for 66.6% length of boundary.	Two external boundary walls proposed: Eastern boundary wall has an average height of 3.3 metres.	Supported in part- no undue impact on neighbours and height of wall has been conditioned to comply.
Driveways	Not to occupy more than 40 per cent of property's frontage	Approximately 60 per cent	Not supported- undue impact on streetscape and has been conditioned to comply.
Wall Height	6.0 metres	Up to 6.2 metres	Not supported- undue impact on amenity and has been conditioned to comply.
Vehicular Access	To be from right of way where legally available	From Franklin Street	Supported- access acceptable given rear right of way is unsealed, untrafficable and is not programmed to be sealed this or next financial year.
Privacy Setbacks	Balconies -7.5 metres	2.9 metres to east and west boundary (front setback area).	Supported- overlooks front setback area and no undue impact.

Landowner:	Topat Nominees
Applicant:	Topat Nominees
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	880 square metres
Access to Right of Way	North side, 5.0 metres wide, partially sealed, privately owned.

BACKGROUND:

The Council at its Ordinary Meeting held on 11 July 2006 conditionally approved an application for demolition of existing single house at the subject property.

DETAILS:

The proposal involves two (2) two-storey single houses 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	2 dwellings R 30	2 dwellings R 30	Noted- no variation sought.
Plot Ratio	N/A	N/A	Noted.
R Codes: <u>Setbacks</u>			
Ground Floor - East	1.5 metres	Nil-2.2 metres	Supported- staggering of setbacks, no undue impact and refer to "Buildings on Boundary". Supported- as above.
- West	1.5 metres	Nil-2.2 metres	
First Floor - East	5.7 metres (or 2.4 metres if balcony is screened to full height)	1.22-1.52 metres	Supported in part- balcony has been conditioned to be screened to full height, therefore, minor variation. Supported- as above.
- West	5.7 metres (or 2.4 metres if balcony is screened to full height)	1.22-1.52 metres	

Buildings on Boundaries	One boundary wall is permitted with an average height of 3 metres and a maximum height of 3.5 metres, for 66.6% length of boundary.	Two external boundary walls proposed: Eastern boundary wall has an average height of 3.3 metres.	Supported in part- no undue impact on neighbours and height of wall has been conditioned to comply.
Driveways	Not to occupy more than 40 per cent of property's frontage	Approximately 60 per cent	Not supported- undue impact on streetscape and has been conditioned to comply.
Wall Height	6.0 metres	Up to 6.2 metres	Not supported- undue impact on amenity and has been conditioned to comply.
Vehicular Access	To be from right of way where legally available	From Franklin Street	Supported- access acceptable given rear right of way is unsealed, untrafficable and is not programmed to be sealed this or next financial year.
Privacy Setbacks	Balconies -7.5 metres	2.9 metres to east and west boundary (front setback area).	Supported- overlooks front setback area and no undue impact.
Consultation Submissions			
Support	Nil		Noted.
Objection (2)	<ul style="list-style-type: none"> • Setbacks • Building on Boundary • Wall Height • Privacy • Driveway • Vehicular Access • Loss of amenity a united streetscape • Overshadowing • 'Front and back' development would be preferable 		<p>Not supported- refer to above.</p> <p>Supported in part- refer to above.</p> <p>Supported- - refer to above.</p> <p>Not supported- refer to above.</p> <p>Supported- refer to above.</p> <p>Not supported- refer to above.</p> <p>Supported in part - refer to comments.</p> <p>Not supported- proposal is compliant with the relevant requirements of the R-Codes.</p> <p>Noted- however, Town's Policies requirements does not preclude the current design.</p>

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

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

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

COMMENTS:

Council Determination

The new Delegated Authority No. 110 recently adopted by the Council at its Ordinary Meeting held on 22 August 2006 allows for the subject application to be determined under delegated authority. However, in this particular instance, given the nature of the proposed development, streetscape and rear right of way, the application is being referred to an Ordinary Meeting of Council for consideration and determination by the Council.

Planning Considerations

A site inspection undertaken by the Town's Officer indicate the streetscape of the subject portion of Franklin Street to be intact, predominately consisting of original dwellings of a single storey nature and with no garages and carports within the front setback area (with the exception of two single carports of a light weight material). As such, the proposed garages and vehicular access is considered to have an undue impact on the streetscape. Notwithstanding this, given the interim practice as resolved by the Council, the rear right-of-way being unsealed and untrafficable, and the garages setback complying with relevant policies, this matter is generally considered to be compliant.

The applicants have indicated a willingness to change the proposal with regard to this matter if the Town was willing to pay for the upgrading of the right of way as the current right of way is in a poor state and unable to feasibly accommodate vehicular access. The Town's Technical Services have advised that the subject right of way is privately owned and not programmed to sealed this or next financial year.

In light of the above, it is considered that the Town Officers are not in a position to refuse the development based on the above grounds and approval is therefore, recommended subject to standard and appropriate conditions to address above matters, including conditions to assist in minimising the visual impact of the proposed vehicular access on the Franklin Street streetscape.

10.2.3 Request for Traffic and Parking Improvements - Lawler Street, North Perth, outside the Kyilla Primary School

Ward:	North	Date:	25 October 2006
Precinct:	North Perth P8	File Ref:	TES0158
Attachments:	001		
Reporting Officer(s):	R Lotznicker		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the request for Traffic and parking improvements in Lawler Street, North Perth, outside the Kyilla Primary School;*
- (ii) *NOTES;*
 - (a) *the possible five (5) 'draft' improvement options as outlined on attached plans Nos 2478-CP-1 and 2478-CP-2;*
 - (b) *that no funds have been allocated in the 2006/2007 financial year for improvement works along Lawler Street;*
- (iii) *REFERS the matter to the Town's Local Area Traffic Management Advisory Group and invites representative/s from the Kyilla Primary school and representative/s from the adjoining residents to attend the meeting; and*
- (iv) *RECEIVES a further report once the matter has been discussed by the LATM Advisory Group.*

COUNCIL DECISION ITEM 10.2.3

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Debate Ensued

CARRIED (9-0)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of a request received from the Kyilla Primary School for Traffic and Parking Improvements in Lawler Street adjacent to the northern boundary of the school.

BACKGROUND:

The Council has over the years carried out various improvements within the road reserves to improve traffic safety and parking adjacent to some schools in the Town as follows:

- Aranmore Primary School (Brenham Street) - Road widening to accommodate student set down, parallel parking both sides of the road, traffic calming and traffic management.
- Mount Hawthorn Primary School (Killarney Street) - 45 degree angled parking, conversion to one way, traffic calming, infrastructure upgrade.
- Aranmore College - (Shakespeare Street) - 90 degree angle parking outside school and church.
- Highgate Primary School (Lincoln Street) - Funds allocated in 2006/2007 for parking and traffic improvements (on hold pending completion of main sewer upgrade works). Previously installed some traffic calming in the street.

DETAILS:

The Kyilla Primary School is bounded by Selkirk, Bedford and Lawler Streets. A bus set down embayment was installed by the Town in Bedford Street a number of years ago.

Following a request from the school for the Town to consider parking and safety improvements in the road reserve adjacent to the school in Lawler Street, the Town's Executive Manager Technical Services met with a school representative on site on Monday 23 October 2006.

The school representative requested that consideration be given to providing improved parking on Lawler Street adjacent to the school. The verge area at this location is sandy and unkept and vehicles park in a 'haphazard fashion' on the verge and on the north side of the street during drop off and pick up times, often creating manoeuvring and some safety issues.

The school representative requested that the installation of angle parking (preferred option) be investigated on the north side of Lawley Street or alternatively parallel embayed parking.

The north side of Lawley Street currently comprises single unit residential properties with all having off road parking and wide verges to accommodate 'on verge' parking.

At the meeting, the school representative was advised that there were no funds on the current (2006/2007) budget to carry out any works in the street, however, the matter would be further investigated. The representative was also advised that with these types of proposals a process would be followed including:

- Conceptual design/s prepared.
- Initial report to the Council recommending referral to the Town's Local Area Traffic Management (LATM) Advisory Group where the school would be invited to attend.
- Further report to the Council with one or more recommended solution/s and costs.
- Community consultation (residents in the street including the school).
- Further report to Council with a final recommendation.
- The proposal being listed for consideration for funding in next year's budget or, depending on the estimated cost, considered during a budget review (however it was advised this option would possibly be unlikely this financial year).

Possible Options

Following the meeting with the school, five (5) 'possible' options have been developed for discussion by the LATM Advisory Group (refer attached plans No. 2478-CP.1 & 2478-CP.2).

In addition, the existing road surface is in relatively poor condition and it is proposed that should the proposal be ultimately adopted by the Council, the road would be resurfaced as part of the road resurfacing program.

CONSULTATION/ADVERTISING:

Recommended that the matter be referred to the LATM Advisory Group meeting, and representatives from the school and the street will be invited to attend.

LEGAL/POLICY:

N/A

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. "o) *Investigate and implement traffic management improvements in liaison with the Local Area Traffic Management (LATM) Advisory Group.*"

FINANCIAL/BUDGET IMPLICATIONS:

No funds are currently allocated in the 2006/2007 budget for this proposal

COMMENTS:

The Town has been requested to investigate parking and traffic improvements along Lawler Street outside the Kyilla Primary School. The Town's officers have developed five (5) possible options for further discussion.

It is recommended that the matter be referred to the Town's LATM Advisory Group and that the school and a representative/s from the adjoining residents be invited to attend the meeting.

Once the matter has been discussed by the group, a further report will be presented to the Council with the group's recommendations including financial implications etc.

10.1.2 No. 36 (Lot 633 D/P: 29903) Sydney Street, North Perth - Proposed Demolition of Existing Single House and Construction of Three (3) Two-Storey Grouped Dwellings

Ward:	North	Date:	31 October 2006
Precinct:	North Perth; P08	File Ref:	PRO3572: 5.2006.237.1
Attachments:	001		
Reporting Officer(s):	B McKean		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by P Novatscou on behalf of the owner T Andreou and D Novatscou for proposed Demolition of Existing Single House and Construction of Three (3) Two-Storey Grouped Dwellings, at No. 36 (Lot 633 D/P: 29903) Sydney Street, North Perth, and as shown on plans stamp-dated 17 May 2006, subject to the following conditions:

- (i) *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.*
- (ii) *first obtaining the consent of the owners of No. 38 Sydney Street and No. 4 Haynes Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 38 Sydney Street and No. 4 Haynes Street in a good and clean condition;*
- (iii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating any new street/front wall, fence and gate between the Sydney Street boundary and the main building, including along the side boundaries within this front setback area, complying with the following:*
 - (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*

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

- (iv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *the crossover for Units 2 and 3 being 5.5 metres wide and the crossover for Unit 1 being 3 metres wide;*
 - (b) *the windows to bedroom 2 on the northern elevation on the first floor of Unit 3, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No. 38 Sydney 405 Charles Street, North Perth stating no objections to the proposed privacy encroachment; and*
 - (c) *the stores for Units 1 and 2 having a minimum dimension of 1.5 metres with an internal area of at least 4 square metres.*

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

- (v) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (vi) *an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence; and*
- (vii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Sydney Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s).*

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

Cr Doran-Wu departed the chamber at 7.23pm.

Debate ensued.

Cr Doran-Wu returned to the Chamber at 7.25pm.

Debate ensued.

Moved Cr Maier, Seconded Cr Messina

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

"(iv) (d) the garage for Unit 1 being located at the rear of the main building of Unit 1, and vehicular access to all three (3) dwellings being from a single shared driveway."

Debate ensued

AMENDMENT LOST (4-5)

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

Debate ensued.

Moved Cr Lake, Seconded Cr Messina

That clause (iv)(a) be amended by deleting 5.5 and inserting 3.0 in line one.

Debate ensued.

AMENDMENT CARRIED (8-1)

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

Debate ensued.

MOTION AS AMENDED CARRIED (8-1)

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

COUNCIL DECISION ITEM 10.1.2

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by P Novatscou on behalf of the owner T Andreou and D Novatscou for proposed Demolition of Existing Single House and Construction of Three (3) Two-Storey Grouped Dwellings, at No. 36 (Lot 633 D/P: 29903) Sydney Street, North Perth, and as shown on plans stamp-dated 17 May 2006, subject to the following conditions:

- (i) 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.*
- (ii) first obtaining the consent of the owners of No. 38 Sydney Street and No. 4 Haynes Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 38 Sydney Street and No. 4 Haynes Street in a good and clean condition;*
- (iii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating any new street/front wall, fence and gate between the Sydney Street boundary and the main building, including along the side boundaries within this front setback area, complying with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*

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

- (iv) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) the crossover for Units 2 and 3 being 3.0 metres wide and the crossover for Unit 1 being 3 metres wide;*

- (b) *the windows to bedroom 2 on the northern elevation on the first floor of Unit 3, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No. 405 Charles Street, North Perth stating no objections to the proposed privacy encroachment; and*
- (c) *the stores for Units 1 and 2 having a minimum dimension of 1.5 metres with an internal area of at least 4 square metres.*

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

- (v) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (vi) *an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence; and*
- (vii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Sydney Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s).*

CORRECTED ASSESSMENT TABLE:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Vehicular Access: Driveways	Minimum width 4 metres	3 metres	Not supported - <u>The Town's Technical Services have advised that 3 metres is considered acceptable in terms of vehicular manoeuvrability and safety. has been addressed in the Officer Recommendation.</u>

Landowner:	T Andreou & D Novatscou
Applicant:	P Novatscou
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30/40
Existing Land Use:	Single House
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	1019 square metres
Access to Right of Way	N/A

BACKGROUND:

4 September 2003 The Western Australian Planning Commission conditionally approved the subdivision of the subject property into three (3) survey strata lots.

DETAILS:

The proposal involves the demolition of existing single house and construction of three (3) two-storey grouped dwellings.

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	3.4 dwellings R30	3 dwellings R29	Noted - no variation.
Plot Ratio	N/A	N/A	Noted.
Setbacks: Ground Floor- North -Unit 1 - Garage - verandah	1.5 metres	Nil - 1 metre	Supported - not considered to have an undue impact on affected neighbour and no objections received.
-Units 2 and 3 - Pergola - kitchen	1.5 metres	1 metre - 1.9 metres	Supported - as above.
East -Unit 3 - Kitchen, WC, study and garage	1.5 metres	1.245 metres - 3.569 metres	Supported - as above.

South -Unit 3 - Garage	1 metre	Nil	Supported - as above.
Upper Floor- North -Unit 2	3.1 metres	2.8 metres - 5 metres	Supported - as above.
East -Unit 3	1.5 metres	1.94 metres - 1.94 metres - 3.569 metres	Supported - as above.
Building on Boundary	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.	Two Boundary Walls Unit 1 - Garage - verandah - Average wall height - 3.151 metres Unit 3 - Garage -Height - 3 metres	Supported - variation is considered minor, to not have an undue impact on affected neighbour and no objections received. Supported - compliant with R Codes and not considered to have an undue impact on affected neighbour.
Building Height: Unit 1 South	6 metres	5.2 metres - 6.4 metres	Supported - <ul style="list-style-type: none"> • variation is considered minor; • portion of the wall that is non compliant with the height requirements of the R Codes is minimal; • site is sloping; and • not considered to have an undue impact on the affected neighbours.
Vehicular Access: Driveways	Minimum width 4 metres	3 metres	Not supported - has been addressed in the Officer Recommendation.

Privacy Setback: Unit 1 West Balcony	7.5 metres	3.2 metres to northern property boundary.	Supported - overlooking is to the adjacent neighbour's common driveway and no objections were received.
Unit 3 North Bedroom 2 -Eastern window	4.5 metres	2.1 metres to eastern property boundary.	Not supported - considered to have an undue impact on affected neighbour and addressed in the Officer Recommendation.
-Western window	4.5 metres	3.8 metres to eastern property boundary	Not supported - as above.
Essential Facilities: Storage Area Unit 1	Minimum dimension of 1.5 metres with an internal area of at least 4 square metres.	1.8 metres by 1 metre (1.8 square metres)	Not supported - addressed in the Officer Recommendation.
Unit 2	As above.	4.2 metres by 1.2 metres (5.04 square metres)	Not supported - as above.
Consultation Submissions			
Support	Nil.		Noted.
Objection	Nil.		Noted.
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

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

COMMENTS:

Demolition

The subject storey brick and iron dwelling at No. 36 (Lot 633) Sydney Street, North Perth was built circa 1929 in the Interwar Bungalow style of architecture for Mr Charlie Fisher. The place with a single room street presentation has a recessed side entrance and is elevated on a limestone foundation. There appears to have been a number of alterations to the external detailing of the place, which includes: the replacement of the original roof sheeting, the replacement of the original windows with aluminium windows and the replacement of the original verandah with Italianate style posts and balustrade.

The original dwellings along Sydney Street are angled approximately 45 degrees to the road and many have been altered in appearance, are modest in size without unusual or outstanding features. The place is not considered to have any specific cultural heritage value that would make it eligible for consideration for inclusion on the Town's Municipal Heritage Inventory. The dwelling is considered to require no further investigation and that a full Heritage Assessment is not warranted. Therefore, it is recommended that the application to demolish the place be approved, subject to a quality archival record and other standard conditions.

Summary

In light of the above, the proposal is considered supportable, subject to standard and appropriate conditions to address the above matters.

10.1.4 East Perth Redevelopment Authority – Lindsay Street Precinct, Northbridge – Proposed Development Application for Subdivisional Work of the Existing 12 Lots on the 'Auto Masters' Site on the corner of Newcastle, William and Money Streets, Northbridge

Ward:	South	Date:	31 October 2006
Precinct:	Beaufort, P13	File Ref:	PRO2980
Attachments:	001		
Reporting Officer(s):	A Denford		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the letter dated 24 October 2006 and associated documentation from the East Perth Redevelopment Authority (EPRA) in relation to the proposed development application (EPRA-06-2499) for subdivisional works of the existing 12 lots on the 'Auto Masters' site on the corner of Newcastle, William and Money Streets, Northbridge as shown in Attachment 10.1.4; and*
- (ii) *ADVISES the East Perth Redevelopment Authority (EPRA) that the Council has NO OBJECTION to the proposed development application (EPRA-06-2499) for subdivisional works 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 to the satisfaction of the Town and EPRA, 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 in 2002.*

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

Debate ensued.

Cr Doran-Wu departed the Chamber at 7.26pm

Debate ensued.

Cr Doran-Wu returned to the Chamber at 7.30pm

Chief Executive Officer John Giorgi advised the meeting that Cr Chester had just submitted a declaration affecting impartiality on this Item and Item 10.2.4. The extent of his interest being that he is an East Perth Development Authority Board Member.

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 development application (EPRA-06-2499) for subdivisional works 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 to the satisfaction of the Town and EPRA and in accordance with the Department of Water's 'Stormwater Management Manual for Western Australia (2004)', 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 in 2002".*

AMENDMENT CARRIED (9-0)

MOTION AS AMENDED CARRIED (9-0)

COUNCIL DECISION ITEM 10.1.4

That the Council;

- (i) *RECEIVES the letter dated 24 October 2006 and associated documentation from the East Perth Redevelopment Authority (EPRA) in relation to the proposed development application (EPRA-06-2499) for subdivisional works of the existing 12 lots on the 'Auto Masters' site on the corner of Newcastle, William and Money Streets, Northbridge as shown in Attachment 10.1.4; and*
- (ii) *ADVISES the East Perth Redevelopment Authority (EPRA) that the Council has NO OBJECTION to the proposed development application (EPRA-06-2499) for subdivisional works 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 to the satisfaction of the Town and EPRA and in accordance with the Department of Water's 'Stormwater Management Manual for Western Australia (2004)', 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 in 2002.*

PURPOSE OF REPORT:

The purpose of this report is to outline to the Council the proposed development application (EPRA-06-2499) for subdivisional works 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 (Precinct 23).

DETAILS:

The Town has received a letter dated 24 October 2006 and associated documentation advising of a development application (EPRA-06-2499) for subdivisional works of the existing 12 lots on the 'Auto Masters' site on the corner of Newcastle, William and Money Streets, Northbridge.

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 (Lots 557-562) ranging in size from 211 square metres - 913 square metres;
- Create one (1) lot along William Street (Lot 551) with an area of 490 square metres;
- Create four (4) lots along Money Street (Lots 553-556) ranging in size from 176 square metres - 188 square metres;
- Create a road through the site between Money and William Streets as a continuation of Washing Lane; and
- Create one (1) lot accessed from the Washing Lane extension (Lot 552) that is 236 square metres in size.

As the EPRA regulations do not exclude works associated with a subdivisional approval (for example; excavation or road construction), these works require separate development approval. The basis of this development application is to gain approval for all works associated with the subdivision for the 'Auto Masters' site.

BACKGROUND:

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 Town was requested by the East Perth Redevelopment Authority (EPRA) on 21 July 2006 to provide comments with respect to the proposed reconfiguration of the existing 12 lots on the 'Auto Masters' site. The Council, at its Ordinary Meeting held on 8 August 2006, (Item 10.1.5) resolved the following:

"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 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."*

The proposed reconfiguration of the 'Auto Masters' site considered by the Council at its Ordinary Meeting held on 8 August 2006 is identical to the development application as shown in the Attachment to this report.

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 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 provision of the following services and installations:

Earthworks

Earthworks are yet to be completed to the site. 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.

Roads

The subdivision includes a laneway connecting Money Street to William Street as shown on the concept plan. The western section of the east-west laneway is designated as a one way onto William Street as an extension of the newly created Washing Lane between Lindsay Street and Money Street.

Underground Power

Power for the subdivision may require installation of a substation to meet minimum Western Power (WP) standards, with cabling reticulated to all lots. Lots will be connected to standard WP pillar units. An easement will be required for the substation with service easement for each pillar.

Lot developers will be required to negotiate specific power requirements with WP at the time of development. This may require installation or relocation of transformers.

Landscaping

A landscape design has not been fully developed. However, it is proposed that the design will be dominated by tree planting. The trees will be deciduous to allow winter light to penetrate. Shrub planting will be provided as green relief in the urban environment.

The laneway will consist of black asphalt with entry points comprising of red asphalt. Pathways will be constructed in accordance with Town of Vincent requirements.

Services Easements

Services easements may be required for a substation and for Western Power pillar units to each lot. No other services easements are envisaged.

The 'Auto Masters' site abuts lots to the north that are zoned 'Commercial' under the Town's 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 development application for subdivisional works 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, subject to all stormwater falling on the lots being retained on site or being disposed of in a manner to the satisfaction of the Town and EPRA, 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 in 2002.

10.1.5 Nos. 7-9 (Lot 100 D/P: 44042, Lot 14 D/P: 22227) Scarborough Beach Road, Dual Frontage to Howlett Street, North Perth - Demolition of Existing Warehouse, Office Building and Single House and Construction of Proposed One - Three Storeys Commercial Development Comprising Shop and Offices

Ward:	North	Date:	1 November 2006
Precinct:	Charles Centre ; P7	File Ref:	PRO3619; 5.2006.292.1
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by McDonald Jones Architects on behalf of the owner Scarborough Beach Road Development Company Pty Ltd for proposed Demolition of Existing Warehouse, Office Building and Single House and Construction of Proposed One - Three Storeys Commercial Development Comprising Shops and Offices, at Nos. 7-9 (Lot 100 D/P: 44042, Lot 14 D/P: 22227) Scarborough Beach Road, dual frontage to Howlett Street, North Perth, and as shown on plans stamp-dated 19 June 2006, (excluding site plan) and revised site plan stamp-dated 1 November 2006, subject to the following conditions:

- (i) *any vehicular entry gates adjacent to the Scarborough Beach Road and Howlett Street shall be either open at all times or suitable management measures shall be implemented to ensure access is readily available for visitors at all times. Details of the management measures shall be submitted to and approved by the Town prior to the issue of a Building Licence;*
- (ii) *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;*
- (iii) *prior to the issue of a Building Licence, designs for art work(s) valued at a minimum of 1 per cent of the estimated total cost of the development (\$17,000) shall be submitted to and approved by the Town, OR alternatively, the applicant/owner shall pay a cash-in-lieu contribution of \$17,000, subject to the Town agreeing to this arrangement . The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development Services with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (iv) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*

- (v) *first obtaining the consent of the owners of No(s). 11 Scarborough Beach Road for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No(s). 11 Scarborough Beach Road in a good and clean condition;*
- (vi) *the applicant/owner shall pay a cash-in-lieu contribution of \$3,172 for the equivalent value of 1.22 car parking spaces, based on the 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;*
- (vii) *prior to the first occupation of the development, six (6) class- one or two and three (3) class three bicycle parking facilities, shall be provided at a location convenient to the entrance of the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (viii) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (ix) *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;*
- (x) *doors, windows and adjacent floor areas fronting Howlett Street and Scarborough Beach Road shall maintain an active and interactive relationship with these streets. Glazing within the subject doors and windows on the ground floor shall be clear glazing with no heavy/dark tinting nor be reflective;*
- (xi) *the maximum floor areas shall be limited to;*
 - (a) *587 square metres of gross floor area for the retail/shop component; and*
 - (b) *862 square metres of gross floor area for the office component.*

Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the Town;
- (xii) *in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land are to be upgraded, by the applicant, to a brick paved standard to the Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$4,550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the Town's Technical Services Division. An application to the Town for the refund of the upgrading bond must be made in writing;*
- (xiii) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town;*
- (xiv) *the car parking area shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*

- (xv) *prior to the issue of a Building Licence, revised plans and details shall be submitted and approved demonstrating the following:*
- (a) *any proposed security gates being a minimum 50 percent visually permeable when viewed from the street;*
 - (b) *a minimum of two (2) significant and appropriate design features being incorporated along the 'face brick' wall adjacent to Howlett Street to reduce its visual impact;*
 - (c) *the provision of a minimum of one tree per 4 car parking spaces in the open car parking area;*
 - (d) *an entry statement, and appropriate wall (maximum height of 1.2 metres) and landscaping being provided along the Scarborough Beach Road boundary, between the car parking area and Scarborough Beach Road; and*
 - (e) *all car parking bays and driveways, including car bays for people with disabilities being dimensioned and complying with the minimum specifications and dimensions specified in the Town's Policy 3.7.1 Parking and Access and Australian Standards AS2890.1 - "Off Street Parking".*

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

- (xvi) *prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (xvii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Scarborough Beach Road and Howlett Street verges adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (xviii) *an archival documented record of both places at No.7 and 9 Scarborough Beach Road, North Perth, including photographs (internal, external and streetscape elevations) and, floor plans for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence; and*
- (xix) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site.*

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Ker

That;

1. *subclause (xv) (d) be deleted and the remaining subclause under clause (xv) be renumbered;*
2. *clause (xvii) be amended to read as follows:*

“(xvii) a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Scarborough Beach Road ~~and Howlett Street~~ verges adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);” and
3. *a new clause (xx) be added as follows:*

“(xx) any new street/front wall, fence and gate between the Scarborough Beach Road boundary and the Howlett Street boundary and the main building, including along the side boundaries within these front setback areas shall comply with the following:

 - (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*

- (f) *the solid portion adjacent to the Scarborough Beach Road boundary from the above truncation(s) can increase to a maximum height of 1.8 metres, provided that the fence and gate have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence;"*

Debate ensued.

Cr Maier, with the consent of the seconder Cr Ker withdrew his amendment concerning a new clause (xx)

AMENDMENT CARRIED (9-0)

MOTION AS AMENDED CARRIED (9-0)

COUNCIL DECISION ITEM 10.1.5

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 McDonald Jones Architects on behalf of the owner Scarborough Beach Road Development Company Pty Ltd for proposed Demolition of Existing Warehouse, Office Building and Single House and Construction of Proposed One - Three Storeys Commercial Development Comprising Shops and Offices, at Nos. 7-9 (Lot 100 D/P: 44042, Lot 14 D/P: 22227) Scarborough Beach Road, dual frontage to Howlett Street, North Perth, and as shown on plans stamp-dated 19 June 2006, (excluding site plan) and revised site plan stamp-dated 1 November 2006, subject to the following conditions:

- (i) *any vehicular entry gates adjacent to the Scarborough Beach Road and Howlett Street shall be either open at all times or suitable management measures shall be implemented to ensure access is readily available for visitors at all times. Details of the management measures shall be submitted to and approved by the Town prior to the issue of a Building Licence;*
- (ii) *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;*
- (iii) *prior to the issue of a Building Licence, designs for art work(s) valued at a minimum of 1 per cent of the estimated total cost of the development (\$17,000) shall be submitted to and approved by the Town, OR alternatively, the applicant/owner shall pay a cash-in-lieu contribution of \$17,000, subject to the Town agreeing to this arrangement . The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development Services with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall*

be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);

- (iv) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (v) first obtaining the consent of the owners of No(s). 11 Scarborough Beach Road for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No(s). 11 Scarborough Beach Road in a good and clean condition;*
- (vi) the applicant/owner shall pay a cash-in-lieu contribution of \$3,172 for the equivalent value of 1.22 car parking spaces, based on the 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;*
- (vii) prior to the first occupation of the development, six (6) class- one or two and three (3) class three bicycle parking facilities, shall be provided at a location convenient to the entrance of the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (viii) all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (ix) 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;*
- (x) doors, windows and adjacent floor areas fronting Howlett Street and Scarborough Beach Road shall maintain an active and interactive relationship with these streets. Glazing within the subject doors and windows on the ground floor shall be clear glazing with no heavy/dark tinting nor be reflective;*
- (xi) the maximum floor areas shall be limited to;*
 - (a) 587 square metres of gross floor area for the retail/shop component; and*
 - (b) 862 square metres of gross floor area for the office component.*

Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the Town;

- (xii) in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land are to be upgraded, by the applicant, to a brick paved standard to the Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$4,550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the Town's Technical Services Division. An application to the Town for the refund of the upgrading bond must be made in writing;*

- (xiii) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town;*
- (xiv) *the car parking area shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
- (xv) *prior to the issue of a Building Licence, revised plans and details shall be submitted and approved demonstrating the following:*
 - (a) *any proposed security gates being a minimum 50 percent visually permeable when viewed from the street;*
 - (b) *a minimum of two (2) significant and appropriate design features being incorporated along the 'face brick' wall adjacent to Howlett Street to reduce its visual impact;*
 - (c) *the provision of a minimum of one tree per 4 car parking spaces in the open car parking area;*
 - (d) *all car parking bays and driveways, including car bays for people with disabilities being dimensioned and complying with the minimum specifications and dimensions specified in the Town's Policy 3.7.1 Parking and Access and Australian Standards AS2890.1 - "Off Street Parking".*

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

- (xvi) *prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*
 - (xvii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Scarborough Beach Road verges adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
 - (xviii) *an archival documented record of both places at No.7 and 9 Scarborough Beach Road, North Perth, including photographs (internal, external and streetscape elevations) and, floor plans for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence; and*
 - (xix) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site.*
-

Landowner:	Scarborough Beach Road Development Company Pty Ltd
Applicant:	McDonald Jones Architects
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Vacant Building
Use Class:	"Shop", "Office Building"
Use Classification:	"P", "P"
Lot Area:	2345 square metres (in total)
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves demolition of warehouse, office building and single house and proposed one - three storeys with undercroft car parking commercial development comprising retail and offices at the subject property. The applicant's submission is "*Laid on the Table*". The applicant has since advised that the previous "*take away food outlet*" areas is now proposed as retail.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted.
No. of Storeys	2 storeys are strongly encouraged, a third storey can be considered.	1 storey along Scarborough Beach Road and 3 storeys along Howlett Street.	Supported- no undue impact on streetscape as established streetscape varies from single storey to three storeys in nature.
Car Parking	45.22 car bays (after adjustment factors).	43 car bays	Supported - minor shortfall in this instance that can be supported subject to cash-in-lieu.
Landscaping	Car parking spaces are to be planted with shade trees at the rate of one tree per four parking spaces.	One tree per eight parking spaces.	Not supported - undue impact on amenity of area and has been conditioned accordingly.
Vehicular Access	Vehicular Access to properties abutting Scarborough Beach Road to be taken from another road where possible	Vehicular Access from Scarborough Beach Road and Howlett Street.	Supported in part- no undue impact and has been conditioned that an entry statement and appropriate wall and landscaping be provided to improve the interface of the driveway.

Consultation Submissions		
Support	Nil	Noted.
Objection (1)	<ul style="list-style-type: none"> Details of objection not provided. 	Not supported - refer to 'Comments'.
Other Implications		
Legal/Policy		TPS 1 and associated Policies.
Strategic Implications		Nil
Financial/Budget Implications		Nil
Car Parking- Commercial Component		
Car parking requirement (nearest whole number) <ul style="list-style-type: none"> Retail/Shop (587square metres) – 39.13 car bays Office (862 square metres) – 17.24 car bays 		56 car bays
Apply the adjustment factors. <ul style="list-style-type: none"> 0.85 (within 400 metres of a bus stop) 0.95 (within 400 metres of a car park with excess of 25 car parking spaces) 		(0.8075) 45.22 car bays
Minus the car parking provided on-site		44 car bays
Minus the most recently approved on-site car parking shortfall		Not applicable as proposal is to redevelop a vacant site.
Resultant shortfall		1.22 car bays
Bicycle Parking Facilities		
Retail/Shop <ul style="list-style-type: none"> 1 per 300 square metres public area for employees (class 1 or 2)- 1.96 spaces 1 space per 200 square metres public area for visitors (class 3)- 2.94 spaces Office <ul style="list-style-type: none"> 1 per 200 square metres public area for employees (class 1 or 2)- 4.31 spaces 1 space per 750 square metres over 1000 square metres for visitors (class 3)- Nil 		Has been conditioned accordingly.

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

COMMENTS:

Demolition

The application involves the demolition of three main structures and a number of outbuildings at Nos. 7-9 Scarborough Beach Road, North Perth. The three main structures include a Late Twentieth Century International style two-storey office and two large Inter-war Warehouse style structures at No. 7 (Lot 100) Scarborough Beach Road, and a Late Twentieth Century Austerity style dwelling/office at No. 9 (Lot 14) Scarborough Beach Road.

The subject properties are not listed on the Town's Municipal Heritage Inventory and are not considered to have any specific cultural heritage value that would make them eligible for consideration for inclusion on the Town's Municipal Heritage Inventory. It is considered that the places do not require any further investigation and that a full Heritage Assessment is not warranted. Therefore it is recommended that the application to demolish the place be approved, subject to a quality archival record and other standard conditions.

Cash-In-Lieu of Car Parking

The Council at its Ordinary Meeting held on 12 April 2005, resolved the following:

- “(ii) *ADOPTS the draft amended version of the Policy relating to Parking and Access to be applied in the interim during the advertising period and up to formal adoption of the draft amended Policy to those planning and building applications received after the date the draft amended Policy is adopted by Council;*”

The draft amended version of the Parking and Access Policy introduces a provision that the cash-in-lieu contribution is to be based on not only the construction costs, but also on a land component being 50 per cent of the land value of the area of a car parking bay on the subject property.

Given the debate and Council resolutions relating to Items 10.1.5 and 10.1.16 at the Ordinary Meeting of Council held on 26 July 2005, in the context of the current and draft amended cash-in-lieu of car parking provisions and the increase in cash-in-lieu construction costs in the 2005/06 Fees and Charges, the following practice is considered to be the most appropriate in such cases:

1. No land value component is to be included in the cash-in-lieu of car parking contribution until the draft amended Parking and Access Policy is finally adopted by the Council.
2. Planning applications received prior to and on 12 July 2005 (date of formal adoption of 2005/06 Budget and Fees and Charges) - the cash-in-lieu contribution is to be based on \$2,500 per car bay.
3. Planning application received after 12 July 2005 - the cash-in-lieu contribution is to be based on \$2,600 per car bay.

Conclusion

The proposal is not considered to have undue impact on the area and the variations from the Town's requirements are generally supported for the reasons detailed in the report.

In light of the above, the proposal is recommended for approval subject to standard and appropriate conditions to address the matters raised in the report, including significant and appropriate design features being incorporated along the 'face brick' wall adjacent to Howlett Street to reduce its visual impact.

10.2.4 Further Report - Proposed Northbridge Landscape Restoration Plan

Ward:	South	Date:	30 October 2006
Precinct:	Beaufort P13	File Ref:	TES0234
Attachments:	001		
Reporting Officer(s):	R Lotznicker, J van den Bok		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the further report in relation to the Proposed Northbridge Landscape Restoration Plan;
- (ii) **NOTES** that the East Perth Redevelopment Authority;
 - (a) *does NOT support the installation of domestic bores to provide irrigation source for the subject landscaped areas;*
 - (b) *does NOT wish to alter the current landscaping in the subject areas; and*
 - (c) *prefers that the Town take on the maintenance of the New Northbridge landscaping, in its current form, as from January 2007;*
- (iii) **NOTES** that should the Town resolve to take over the new Northbridge landscaping, as requested, the following information is provided;
 - (a) *the estimated cost to maintain the areas to the standard as requested by the East Perth Redevelopment Authority in 2006/2007, i.e. from January 2007 to June 2007, would be approximately \$17,800;*
 - (b) *the estimated total annual cost of maintaining the landscaping to the standard as requested by the East Perth Redevelopment Authority thereafter, would be in the order of \$35,570 per annum;*
 - (c) *as there is no 'current' budget allocation for this project, the costs associated with the maintenance, as outlined in clause (ii)(a) could be funded from various existing maintenance accounts to June 2007, (including the Street Tree Maintenance and Verge Maintenance budget accounts); and*
 - (d) *a new operating budget allocation comprising \$35,570 would need to be included from the 2007/2008 budget onwards;*
- (iv) **ADVISES** the East Perth Redevelopment Authority that;
 - (a) *while it supports 'IN PRINCIPLE' the formal handing over of the subject areas to the Town as outlined in appendix 10.2.4, it is requested that they extend their current maintenance responsibility for the landscaped areas in question until all of their lots have been sold; and*

- (b) *when the Council formally agrees to assume the maintenance of the subject areas, the Town may alter the nature of the current landscaping in an effort to reduce the reliance on scheme water and ongoing maintenance requirements; and*
- (v) *RECEIVES a further report on the matter prior to the Town formally agreeing to take on the care, control and management of the subject landscaped areas.*
-

COUNCIL DECISION ITEM 10.2.4

Moved Cr Torre, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Cr Farrell departed the chamber at 7.42pm

Debate ensued.

Cr Farrell returned to the Chamber at 7.45pm.

CARRIED (7-2)

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

FURTHER REPORT

A report on the Proposed Northbridge Landscape Restoration Plan was presented to Council at its Ordinary Meeting held on 8 August 2006, where the Council decided that the Item be DEFERRED to allow for discussions with the East Perth Redevelopment Authority (EPRA) and additional conditions to be determined.

At the same meeting, the Council also decided that the Town's Policy relating to Verge Maintenance and Use of Verges be reviewed.

Note: A separate report on the review of the Town's Policy relating to Verge Maintenance and Use of Verges will be presented to the Council in due course.

The Council was advised that EPRA had expended considerable funds to improve the road reserve infrastructure and that given the unique location of these areas and their proximity to the Perth CBD and the high level of landscaping currently in place, the officers considered that these areas should continue to be maintained to the current standard.

The City of Perth indicated they would continue to maintain the areas under their care, control and management and it was considered prudent that the Town did likewise.

The annual budget implications for the Town to maintain the areas in question were outlined (*refer previous report below*).

Following the Council deferral of the report, the Town's officers met with officers from the EPRA to further discuss the proposal. The 'thrust' of the discussions centred on the need to minimise the requirement for using scheme water and looking at possible alternative landscaping components.

In late August 2006, the following response was received from EPRA.

Following recent discussions regarding the proposed Northbridge Landscape Restoration Plan, I am writing to provide further information on converting the Town of Vincent areas to bore water, rather than scheme water, as suggested by the Town of Vincent Council at its meeting 8 August 2006.

The East Perth Redevelopment Authority's (EPRA) irrigation consultant has advised that three (3) bores would be required to cover the Town of Vincent areas in the plan. Should bores be installed however, it is likely that iron staining from the bore water will be very high. In particular, the consultant suggests that Newcastle Street is likely to be significantly affected, where turf areas are small and there is surrounding paving and furniture. It is for this reason that the City of Perth has adopted scheme water for all of its irrigation in this area.

Although the bore-staining problem is likely to be less pronounced in Money, Lindsay and Parry Streets, where turf areas are more significant, the bore water to verges in residential areas can stain parked vehicles when residents or businesses use the bays for overflow parking during the evening. This should be considered when assessing the impact of using bore water on the local residences and businesses.

Bore water is therefore likely to be unacceptable, particularly in Newcastle Street, as a consequence of significant staining to the surrounding pavements, furniture and vehicles, therefore impacting on the visual amenity of the area. On this basis, EPRA's preference is to use scheme water, rather than bores.

The installation of three (3) bores will also substantially affect project costs as they have not been previously accounted in the budget. Should Council request that bores be installed, EPRA may need to reconsider the proposed timing and handover of its landscape areas in New Northbridge to the Town of Vincent.

Following further discussions with EPRA representatives on Tuesday 31 October 2006, it was confirmed that EPRA's preferred option was that the Town accept the verge areas identified with the existing infrastructure based on the information outlined in their original letter.

That is, that the bore staining was an issue that was seen as being unacceptable in terms of aesthetics and the cost of installing the three (3) "domestic" bores was cost prohibitive.

Officers Comments:

The Council, at its Ordinary Meeting held on 8 August 2006, decided that the Item be deferred to allow for discussions with EPRA and additional conditions to be determined.

These discussions occurred in August 2006 where the following matters were discussed.

- Using domestic bores in lieu of using scheme water.
- Changing the nature of the landscaping
- EPRA possibly taking on the maintenance of the area for a longer period.

EPRA reiterated they did not support the installation of domestic bores (for the reasons given in their correspondence) and they do not wish to alter the current landscaping.

EPRA have advised they would prefer for the Town to take on the maintenance of the landscaping as previously requested.

Conclusion

Several Elected Members at the August 2006 meeting suggested that that EPRA should reduce the reliance 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 area.

Should the Council not support taking over the maintenance of the landscaping in its current form, the only option is for EPRA to defer handing over the New Northbridge landscape area to the Town until all the lots are sold and for the Town to alter the landscaping in the area to meet the Council's requirements once the area has been handed over.

The following is a verbatim copy of the report presented to the Council on 8 August 2006

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 Verge 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. turfing 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 *Dietes* 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 turfing areas should remain.

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

Maintenance

The turfed 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)

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

Parry Street

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

Money & Lindsay Street

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

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

10.2.5 Transfer of Private Rights of Way from Perpetuals Ltd to the Town

Ward:	North	Date:	31/10/06
Precinct:	Leederville Precinct (P3)	File Ref:	TES0250, TES0075
Attachments:	001		
Reporting Officer(s):	A Munyard		
Checked/Endorsed by:	R Lotznicker	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the transfer of Private Rights of Way from Perpetuals Ltd to the Town;*
- (ii) *APPROVES the transfer of two (2) private rights of way remaining in title Volume 457 Folio 50, as outlined in appendix 10.2.5, to the Town for the nominal figure of \$1.00;*
- (iii) *NOTES that the upgrade of two (2) rights of way will be listed for consideration in the 2007/2008 draft budget; and*
- (iv) *APPROVES the issue of an "expressed right of access" to residents of Franklin Street adjoining the Right of Way bounded by Salisbury, Shakespeare, Franklin and Loftus Streets on receipt of a formal application to do so.*

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

Debate ensued.

Moved Cr Lake, Seconded Cr Ker

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

“(v) APPROVES BY AN ABSOLUTE MAJORITY, pursuant to Section 5.45 of the Local Government Act 1995 to delegate to the Chief Executive Officer;

‘Delegation No 42A - The authority to accept the transfer of private Rights of Ways to the Town, together with any appropriate conditions’.”

AMENDMENT CARRIED (9-0)

Debate ensued.

MOTION AS AMENDED CARRIED BY AN ABSOLUTE MAJORITY (9-0)

COUNCIL DECISION ITEM 10.2.5

That the Council;

- (i) ***RECEIVES the report on the transfer of Private Rights of Way from Perpetuals Ltd to the Town;***
- (ii) ***APPROVES the transfer of two (2) private rights of way remaining in title Volume 457 Folio 50, as outlined in appendix 10.2.5, to the Town for the nominal figure of \$1.00;***
- (iii) ***NOTES that the upgrade of two (2) rights of way will be listed for consideration in the 2007/2008 draft budget;***
- (iv) ***APPROVES the issue of an "expressed right of access" to residents of Franklin Street adjoining the Right of Way bounded by Salisbury, Shakespeare, Franklin and Loftus Streets on receipt of a formal application to do so; and***
- (v) ***APPROVES BY AN ABSOLUTE MAJORITY, pursuant to Section 5.45 of the Local Government Act 1995 to delegate to the Chief Executive Officer;***
'Delegation No 42A - The authority to accept the transfer of private Rights of Ways to the Town, together with any appropriate conditions'.

PURPOSE OF REPORT:

To seek the Council's approval to proceed with the acquisition of two (2) private Rights of Way (ROWs) being offered to the Town in a single transfer document.

BACKGROUND:

A resident of Franklin Street, who has lodged a Development Application for the construction of a garage off the adjacent ROW, has discovered that they do not have a legal right of access. The most expedient way of resolving such issues is for the owner of the ROW to approve an "expressed right of access". The ROW owners have been approached in this endeavour and the administrators of the estate of the ROW owner have offered to transfer two (2) ROWs subject of the same title to the Town. This will ensure the Town will hold the power to confer expressed rights in this application and any similar future circumstances.

DETAILS:

The two (2) ROWs which are the subject of this report remain the sole remainders in the one title, Volume 457 Folio 50. The registered proprietor of the land in this title is James Albert Hicks, now deceased. Mr Hicks estate is administered by Perpetuals Ltd, who are empowered to dispose of assets as deemed fit.

The Plan of Subdivision in which the ROWs were created (Plan 2358, attached) includes only the lots on the north side of the ROW bounded by Salisbury, Shakespeare, Franklin and Loftus Streets. Therefore, the lots abutting the south side of the ROW do not have a legal right to its use.

Having been advised that the Town cannot approve development reliant on access from a ROW unless there is a legal right of access, a resident of Franklin Street, who has lodged an application for the construction of a garage off the ROW, has approached the executors of the estate of the late owner for an "expressed right of access".

Perpetuals Ltd, having been approached once before in similar circumstances, has now offered to transfer the ROW to the Town, together with a second ROW which remains in the same title, for the sum of \$1.00. It is the view of the administrator that the management of the ROW better lies with the local government.

There are other ways to resolve this access anomaly, such as "taking" the ROW, and therefore rendering it a "public way", however this takes considerable time (sometimes in excess of twelve months), and is costly to the Town in terms of Officer's administration.

Once the ROW is transferred to the Town, resolving the access issue is relatively simple and time efficient, with the minimal costs involved borne by the applicant. There are no such access issues surrounding the second ROW in this title, however it is logical that, having the opportunity to acquire them simultaneously with no additional expense involved, the Town accepts them both.

Right of Way Acquisition and Upgrade Program

The Council received a report at its Ordinary Meeting held on 23 May 2006 where it approved the 2006/2007 ROWs upgrade schedule. In the report the Council was advised that this would conclude the upgrade of the 'Town owned' ROWs and that acquisitions would need to be progressed.

The "Acquisition and Upgrade Program" which has been in place since the inception of the Town included a proposed schedule for the duration of the program's life, expected to be approximately 25 years. This period is now considerably reduced, due to the Council allocating more funds to the program, and the contributions of developers who are required to upgrade a ROW where it provides primary access to a new development.

The order of acquisition was based on a number of factors and is currently being reviewed to reflect current circumstances. A report on the proposed revised program will be presented to the Council later in November. Aside from the assessment based schedule, the Town has acquired ROWs when they have been offered by the registered owners, and when acquisition will resolve right of access issues such as the one with which the Franklin Street property owners are now faced.

CONSULTATION/ADVERTISING:

The acquisition of the ROW is by simple transfer, does not involve significant funds, and can only be of benefit to adjacent property owners in terms of resolution of rights of access and maintenance of the ROW. Therefore, consultation is not considered warranted.

LEGAL/POLICY:

The acquisition of the ROWs is by simple transfer, and is in accordance with the Towns "Acquisition and Upgrade Program". Their acquisition will allow the Town to list them for upgrade in the next financial year. Both have been partially upgraded by developers in the past.

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 annual footpath, Rights of Ways, road rehabilitation and upgrade programs."*

FINANCIAL/BUDGET IMPLICATIONS:

The consideration for the purchase of the ROWs is \$1.00, and the Town would be required to pay the \$80.00 Department of Land Information lodgement fee. The preparation of the documents will be made at the executor's expense.

COMMENTS:

The Town endeavours to assist its ratepayers in every way it is able. As the executors of the estate of the owner, of the freehold ROWs, have approached the Town with an offer to transfer the ROWs, and therefore empower the Town to resolve the current access issues and any that may arise in the future, it is recommended that the Council adopt the officers recommendation.

10.2.6 Further Report - Proposed Additional Streetscape Improvements in Beaufort Street between Chelmsford Road, Mt Lawley and St Albans Avenue, Highgate and Associated Matters

Ward:	South	Date:	31 October 2006
Precinct:	Forrest P14 & Mount Lawley Centre P11	File Ref:	TES0234
Attachments:	-		
Reporting Officer(s):	C Wilson		
Checked/Endorsed by:	R Lotznicker	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the further report on the proposed additional streetscape improvements in Beaufort Street between Chelmsford Road, Mount Lawley and St Albans Avenue, Highgate and associated matters;*
- (ii) *NOTES that the proposed Beaufort Street additional streetscape improvements works will be deferred until such time as the Highgate East SUPP Project works have been completed in the subject section of Beaufort Street;*
- (iii) *INVITES Main Roads WA Acting Manager Traffic Services Central and Speed Zoning Officer to attend the next meeting of the Town's Local Area Traffic Management Advisory Group to discuss the Beaufort Street speed limit and other outstanding Traffic matters; and*
- (iv) *RECEIVES a further report on the matters outlined in clause (iii) once this has been considered by the Town's Local Area Traffic Management Advisory Group.*

COUNCIL DECISION ITEM 10.2.6

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

CARRIED (9-0)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the status of the Beaufort Street streetscape improvement project.

BACKGROUND:

At its Ordinary Meeting held on 27 June 2006, Council received a report on the outcome of the Community Consultation for the proposal to undertake additional streetscape improvements in Beaufort Street between Chelmsford Road, Mt Lawley and St Albans Avenue, Highgate, where it was decided:

"That the Council;

- (i) RECEIVES the report on the recent public consultation undertaken for the proposal to carry out additional Streetscape Improvements along Beaufort Street Streetscape between Chelmsford Road, Mt Lawley and St Albans Avenue, Highgate;*
- (ii) NOTES the comments received by the respondents and where appropriate, incorporates these comments in the proposal;*
- (iii) APPROVES the works as outlined on attached Plans No. 2418-CP/21A and 2418-CP-2A estimated to cost \$150,000 and implement the works in the 2006/07 financial year;*
- (iv) ADVISES Main Roads WA of the proposal and requests that they consider reducing the speed limit from 60kph to 50kph once the proposal has been implemented;*
- (v) EXPRESSES its appreciation to all respondents for their input towards this proposal;*
- (vi) INVESTIGATES suitable measures to reduce the speed of vehicles through the Beaufort Street commercial precinct; and*
- (vii) RECEIVES a further report on the investigations as indicated in clause (vi) by no later than September 2006."*

DETAILS:

Highgate East SUPP Project

The original Highgate East SUPP Project area included the undergrounding of the powerlines in Beaufort Street between Chelmsford Road and Harold Street, however, as a result of the Beaufort Street streetscape improvement proposal, the Council directed that the Town approach the Office of Energy with a view to extending the Highgate East SUPP Project to include those properties in Beaufort Street between Harold and Broome Streets.

The design was subsequently amended and at its Ordinary Meeting of 22 August 2006 Council approved the Highgate East SUPP Project, including aforementioned extension.

It is anticipated that the SUPP works will have commenced in the first week of November 2006.

In order to ensure an orderly implementation of the SUPP project, the Town has been divided into ten (10) cells. The intention is that the contractor will start in *cell one (1)*, and will not be allowed to enter subsequent cells until Western Power are satisfied with the progress and standard of work.

The contractor, Underground Services Australia (USA), has verbally advised that the entire project should be completed by the end of July 2007, some three (3) months earlier than previously indicated.

The cells encompassing the Beaufort Street upgrade area are numbers nine (9) and ten (10), which will be implemented towards the end of the project. If USA can achieve their implementation schedule, they would be working in Beaufort Street in May/June 2007.

Beaufort Street Streetscape Enhancement Project

Given that it was the Town's intention to plant the new street trees in Beaufort Street in the second quarter of 2007, in all likelihood it will coincide with the underground power works.

In addition, as the new centre of road double outreach streetlights, new islands and a large number of the street trees, will be installed / planted down the centre of the road, the potential for conflict and damage to the proposed new infrastructure, particularly to the trees, is significant.

If the underground power works are completed, as suggested, by late July 2007, it could be expected that the streetscape enhancement works would follow on immediately and be completed by September 2007.

Officer's Comment:

It is therefore advised that it would be prudent for the streetscape upgrade works to commence after the SUPP works have been completed.

Lowering the Beaufort Street speed limit to 50 kph

In accordance with clause (vi) of the above Council decision, the Town wrote to Main Roads WA (MRWA) in July 2006 seeking the criteria for lowering the speed limit in Beaufort Street to 50 kph.

MRWA has since provided the following response:

"As you are aware, the most effective speed limits are those which reflect the driving conditions of a particular road. The imposition of unrealistically low speed limit has only minimal effect on the actual operating speeds chosen by the majority of motorists, unless constant Police enforcement is provided.

In this instance, Beaufort Street is a secondary traffic road and effect of the proposed streetscaping between Chelmsford Road and St Albans Avenue would best be assessed after the event. Therefore, it would be difficult to justify reducing the speed limit to 50 kph at this stage.

Main Roads will undertake a post speed limit assessment six months after the completion of these enhancement works to determine the status of the existing speed limit of 60 kph in this section of Beaufort Street.

In order to complete the review, Main Roads requires valid traffic speed and classification data along Beaufort Street. Your assistance in providing this information would be very much appreciated."

The interpretation of the above is that if the streetscape enhancement works are deferred until the underground power project is completed, then MRWA will, at earliest, assess the Beaufort Street speed limit in March 2008. Further, there is no guarantee that at the end of the process they will agree to reduce the posted speed limit.

Officers Comment:

As requested by MRWA, the Town will deploy vehicle classifiers in Beaufort Street prior to the commencement of either the underground power or streetscape enhancement works, and again at the conclusion.

LATM Advisory Group.

In addition to Beaufort Street, there is a number of outstanding matters that the Town has raised with MRWA, including lowering the speed limit in Vincent and Fitzgerald Streets. To date MRWA has provided only similarly vague answers to that of the above.

In the past the Town has achieved better outcomes when the relevant MRWA Officers have attended a formal meeting to discuss the Council's and Community's concerns, an example being the successful campaign to retain the Cleaver Precinct's 40kph Local Area Traffic Zone (LATZ). MRWA had advised the Town that as a result of a review of LATZs, the Cleaver Precinct 40kph LATZ was to be removed. A meeting was arranged with MRWA, the Cleaver Precinct Action Group, Elected Members and Officers. As a result of meeting with the residents face to face, MRWA rescinded their decision.

Officers Comment:

While there is no guarantee of success, it is recommended that MRWA's Acting Traffic Services Manger, Central, whose area of responsibility includes the Town of Vincent, and MRWA's Speed Zoning Officer, be invited to attend the next meeting of the Local Area Traffic Management Advisory Group.

CONSULTATION/ADVERTISING

Nil

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area Three of Strategic Plan 2005-2010 – 3.1 *Identify the needs and expectations of the business community, promote business development and facilitate outcomes in the Town.*”

FINANCIAL/BUDGET IMPLICATIONS:

A total amount of \$150,000 has been allocated in the 2006/2007 budget for the Beaufort Street works. These works will now be implemented in 2007/2008.

COMMENTS:

It would appear that the timing of the Highgate East SUPP Project works in Beaufort Street will require a deferment of the Streetscape Enhancement Project as the SUPP works will be reasonably disruptive requiring extensive reinstatements etc.

If the Beaufort Street streetscape works are deferred until the conclusion of the SUPP works, the Town will be able to achieve a far better outcome.

10.3.3 Local Government Rating of Land Used for Charitable Purposes

Ward:	-	Date:	27 October 2006
Precinct:	-	File Ref:	FIN0027
Attachments:	-		
Reporting Officer(s):	M Rootsey		
Checked/Endorsed by:		Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the responses to the strategies on Local Government Rating of Land Used for Charitable Purposes; and*
- (ii) *WRITES to the Minister for Local Government and Regional Development with the responses outlined in the report and a copy be provided to the Western Australian Local Government Association.*

Moved Cr Farrell, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Lake

That clause (ii) be amended as follows:

- (ii) *WRITES to the Minister for Local Government and Regional Development with the responses outlined in the report subject to the response to Strategy 5 being amended to be supported and a copy be provided to the Western Australian Local Government Association.*

Debate ensued.

AMENDMENT LOST (3-6)

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

Debate ensued.

Cr Chester departed the Chamber at 8.06pm.

Moved Cr Farrell, Seconded Cr Torre

That clause (ii) be amended by adding the following words;

- (ii) *WRITES to the Minister for Local Government and Regional Development with the responses outlined in the report and a copy be provided to the Western Australian Local Government Association, subject to the following being deleted;*

“If the land is not eventually used for charitable purposes, back rates are to be paid to compensate for the time that it was previously exempted. Back rating is to extend back for a period not exceeding 15 years from the time a decision is made that an exemption is not appropriate.”

AMENDMENT CARRIED (5-3)

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

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

MOTION AS AMENDED CARRIED (8-0)

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

COUNCIL DECISION ITEM 10.3.3

That the Council;

- (i) *RECEIVES the report on the responses to the strategies on Local Government Rating of Land Used for Charitable Purposes; and*
- (ii) *WRITES to the Minister for Local Government and Regional Development with the responses outlined in the report and a copy be provided to the Western Australian Local Government Association, subject to the following being deleted;*

“If the land is not eventually used for charitable purposes, back rates are to be paid to compensate for the time that it was previously exempted. Back rating is to extend back for a period not exceeding 15 years from the time a decision is made that an exemption is not appropriate.”

PURPOSE OF REPORT:

The purpose of this report is to provide a response to the Minister for Local Government and Regional Development (with a copy to the Western Australian Local Government Association) in relation to the Minister’s proposed strategies to implement the recommendations of the Local Government Advisory Board into the general issue of local government rating of land used for charitable purposes.

BACKGROUND:

At the Ordinary Council Meeting on 24 October 2006 - Item 10.3.6, the following resolution was adopted:

“That the Item be DEFERRED for further information to be provided on properties owned by charitable organisations within the Town.”

In addition, a request for an extension of time was to be requested from the Minister.

DETAILS:

The Council requested that information be provided on the value of vacant land currently owned by charitable institutions.

The Town currently has five lots of vacant land that are currently owned by charitable institutions, the vacant land has a rateable value of \$6,300.

In addition an extension of time to the 15 November 2006 has been obtained for the submission to WALGA and the Minister’s Office.

Listed below is a verbatim copy of the report presented to the Ordinary Meeting of Council on 24 October 2006.

“In December 2004 the then Minister for Local Government and Regional Development requested the Local Government Advisory Board examine and report on the general issue of local government rating of land used for charitable purposes. This was in response to a number of approaches that had been made to her office in relation to this matter.

The Board has completed its investigation and has provided a report to the Minister. The Minister has considered the recommendations and has proposed strategies for implementing the recommendations. Prior to finalising the proposals for implementation he has written to each local government seeking feedback on what is proposed.

The Western Australian Local Government Association is also preparing a response to the Minister’s request and has written to each local government seeking their responses to be consolidated into a formal response from the Western Australian Local Government Association.

The response to the Minister is required by 31 October 2006.

The Minister has proposed eight strategies in relation to recommendations of the Advisory Board. They are summarised as follows:

Strategy 1

Independent Living Units (ILU) owned and operated by religious, charitable and other not-for-profit organisations (NFPO) are to be rated if the accommodation is not subsidised. The nature and level of the subsidy will be prescribed in the Local Government Act 1995 Regulations.

These arrangements are to apply to ILUs in villages established after 1 July 2007 and, from 1 July 2015, to all retirement villages. Existing leaseholders will not be rated while they hold their lease.

Response

This strategy is generally supported on the basis that if a facility is not subsidised then it is effectively self supporting and not charitable in nature. The reason why already established villages will not be covered by these arrangements until 1 July 2015 is that many residents have entered into leases having been told they would not have to pay rates. It is proposed that existing leaseholders will not be rated while they hold their lease even if this tenure goes beyond 2015.

Strategy 2

Religious, charitable and other NFPOs providing aged care services and receiving care subsidies in accordance with the Aged Care Act 1987 (Commonwealth) are to be exempted from rates. This may require an amendment to the Act and/or Regulations.

Response

This is again generally supported on the basis that if no subsidy were being received by the facility then it is effectively not charitable in nature. It is assumed that the nature and level of the subsidy that is proposed to be prescribed by regulation in 1 above, would equally apply to this strategy as well so that very minor subsidies cannot be applied in order to gain a rate exemption.

Strategy 3

Land held by NFPO community housing providers and used for crisis accommodation or housing for people with a disability should be exempt from being rated. This may require an amendment to the Act and/or Regulations.

Response

Some of this accommodation is already exempt under the charitable provisions of the Act. The proposal is generally supported however there needs to be very clear concise definitions around the areas of crisis accommodation and housing for people with a disability.

Strategy 4

Request the Local Government Advisory Board to undertake further work to determine how to isolate the types of community housing that should be rated without negatively impacting upon :-

- occupiers of this housing that are financially disadvantaged
- community housing providers

Response

The request to undertake further work is supported and the key issues in relation to determining any form of exemption are around the issue of clear definitions and guidelines on which a local government can make an assessment and clear concise provisions requiring applicants requesting an exemption to supply information that enables the assessment to be completed.

Strategy 5

The Act and/or regulations to be amended to address the following matters in relation to vacant land :-

- vacant land that is held for use as a charitable purpose in the future is exempt from rates
- the owner of the vacant land seeking an exemption is to provide information to the relevant local government that is sufficient for it to be able to satisfy itself on the future land use intended
- if the land is not eventually used for charitable purposes, back rates are to be paid to compensate for the time that it was previously exempted. Back rating is to extend back for a period not exceeding 15 years from the time a decision is made that an exemption is not appropriate.

Response

This strategy is not supported. It is extremely difficult to provide guidelines setting out the basis for justification that land is held for use as a charitable purpose in the future. The back rating provisions would be very difficult to implement, there is already considerable community resistance to the existing back rating provisions in the Act. Philosophically this strategy goes against a number of the principles on which rating current is applied. No other property is rated on the basis of how it might be used in the future.

Strategy 6

That the Act and/or Regulations be amended to prescribe that incidental and ancillary non charitable land uses do not jeopardise the overall dominant charitable purpose of a property.

Response

It has been established in case law that incidental and ancillary non charitable land uses do not jeopardise the overall dominant charitable purpose of a property despite the fact that it is not spelt out in the current legislation. The issue really is not that this type of use should not jeopardise the overall dominant use but the question of the quantum of what constitutes incidental and ancillary, again any proposal that could define incidental and ancillary would be supported.

Strategy 7

That the Act and/or Regulations be amended to clarify that it is possible to rate part of a property, if that part is clearly non charitable and not incidental or ancillary to a dominant charitable purpose.

Response

In conjunction with Strategy 6 this proposal would be supported.

Strategy 8

That the Act and/or Regulations be amended so that organisations seeking a rate exemption are required to provide local governments with the relevant information to allow it to make a considered decision about whether land is being used for a charitable purpose.

Response

This proposal is strongly supported, particularly if the regulations also provide guidelines as to the type of information that is required to be provided. This is an area that causes great difficulty for the Town in its current assessments of applications for exemptions from rates. It is not unusual for the Town to be challenged as to why information needs to be provided or the type of information that is requested to be provided.

CONSULTATION/ADVERTISING:

The Minister has sought the views from each local government in relation to strategies that he is proposing as a result of the recommendations from the Local Government Advisory Board into the general issue of local government rating of land used for charitable purposes. The Western Australian Local Government Association is also seeking comments from members so that it can provide a consolidated response to the Minister's request.

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

Strategic Plan 2005-2010 - Key Result Area 4 - Governance and Management

“4.1 Create vision and leadership for the overall benefit of the Town and its people.

- (a) *Continue to develop a medium to long term Strategic Vision and Financial Plan to ensure the long term viability of the Town.”*

FINANCIAL/BUDGET IMPLICATIONS:

N/A

COMMENTS:

Whether or not the specifics of the strategies are supported, the whole issue of land used for charitable purposes and exemptions are becoming an increasingly difficult area, administratively, for local governments. There is a clear lack of guidelines, definitions and objective measures for determining whether the land is used for charitable purposes.

This confusion causes difficulties for local government in being able to make assessments about whether land is used for charitable purposes and equally causes confusion for property owners who are seeking exemption but have no clear way of determining whether they are eligible or indeed what information they should be providing in order to demonstrate eligibility.

The strategies listed will go some way to assist in this area.

10.3.4 HQ Youth Facility - Lotterywest Funding Application

Ward:	South Ward	Date:	31 October 2006
Precinct:	Oxford Centre Precinct P4	File Ref:	ADM0014
Attachments:	-		
Reporting Officer(s):	M Rootsey		
Checked/Endorsed by:	J Giorgi	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES the request from YMCA Perth for the application for Lotterywest funding for two hundred and twenty six thousand dollars (\$226,000) for renovations/refurbishments at the HQ Youth Facility being submitted in the name of the Town of Vincent;*
- (ii) *ADVISES Lotterywest and the YMCA that the Town's Leederville Masterplan has been approved in principle and this will result in the future of the HQ Youth Facility being reviewed and may possibly be relocated elsewhere within the Town within the next three (3) to five (5) years; and*
- (iii) *NOTES that a further report will be provided to the Council if the grant application is successful, to provide for the necessary approval of the proposed renovations and required budget adjustments.*

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Cr Chester returned to the Chamber at 8.10pm.

Debate ensued.

Cr Torre departed the chamber at 8.12pm.

Debate ensued.

Moved Cr Maier, Seconded Cr Chester

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

- (iv) *NOTES that the HQ building is entered as a Category A listing on the Town's Municipal Heritage Inventory.*

AMENDMENT CARRIED (6-2)

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

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

Debate ensued.

MOTION AS AMENDED CARRIED (8-0)

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

COUNCIL DECISION ITEM 10.3.4

That the Council;

- (i) *APPROVES the request from YMCA Perth for the application for Lotterywest funding for two hundred and twenty six thousand dollars (\$226,000) for renovations/refurbishments at the HQ Youth Facility being submitted in the name of the Town of Vincent;*
- (ii) *ADVISES Lotterywest and the YMCA that the Town's Leederville Masterplan has been approved in principle and this will result in the future of the HQ Youth Facility being reviewed and may possibly be relocated elsewhere within the Town within the next three (3) to five (5) years;*
- (iii) *NOTES that a further report will be provided to the Council if the grant application is successful, to provide for the necessary approval of the proposed renovations and required budget adjustments; and*
- (iv) *NOTES that the HQ building is entered as a Category A listing on the Town's Municipal Heritage Inventory.*

PURPOSE OF REPORT:

The purpose of this report is to present the request for the Lotterywest funding submission for improvements/renovations at the HQ Youth Facility to be made in the name of the Town of Vincent as requested by YMCA Perth.

BACKGROUND:

As part of YMCA Perth's plans to develop HQ, a submission was lodged with Lotterywest to fund renovations to the main building. This building houses a number of programmes including Youth Pathways (a mentoring programme), the art gallery, training rooms and the manager's office. A counselling service is proposed to also operate from this site, once the renovations are completed.

The value of the refurbishment is \$226,000.

The proposed work includes the following.

Internal building work

The building requires considerable internal work to provide a satisfactory working environment. Sanding and sealing of the floors, replacement of carpets, installation of air conditioning and security, together with window treatments.

New furniture and equipment.

With the main improvements to the facility and the change of direction it is important that staff are provided with reasonable furniture and equipment.

Enhancement to the gig room

This room is currently used for school bands and for new young bands to practice in front of a live audience. Over the past six months the number of gigs has increased substantially. The facility is being rented on a more frequent basis.

It is proposed to resurface the gig room, installing a wooden floor so that its use can be extended to a range of dance types. Recording equipment is also required to allow bands to record their music.

The following is a breakdown of the Items requested, as provided by the YMCA;

Items Requested	Cost	GST	Ex GST
Airconditioning to main building. Wall mounted split systems due to Heritage Conditions	included		
Paint to all internal walls, ceilings, skirtings, ceilings and varnishing to staircase	included		
New electrics, phone data cabling, change existing phone data to new outlets, 15 data points, 5 phone points, 19 new fluoro lights, new channel skirting for computer rooms, 20 dble power points, new cabinet, patch panels, indoor phone cables, tidy existing cables.	included		
Supply & install double glass entry doors and passage glass doors	included		
Supply and install a plasterboard bulkhead above the proposed double doors in the hallway	included		
Supply and install flush plasterboard ceilings to cover existing perforated plaster tiles, repairs to all ceilings and replacement with plasterboard where appropriate	included		
Supply & install 2 plasterboard in-fills to the recessed areas in the room at the rear.	included		
Remove existing black material covering stair case, replace with plasterboard wall and access door. Supply and install plasterboard to underside of staircase	included		
Relocate the existing fire reel adjacent to the front door	included		
Installation of security system to main building with extension to cover gig room and shed	included		
Sanding and repair to all wooden surfaces which are to be retained.	included		
Installation of Carpet to nominated areas	included		
Renovations to staff and public toilets	included		
Installation of blinds to all windows not already covered.	included		
	\$143,403.36	\$13,036.67	\$130,366.69
Sub total	143,403.36	13,036.67	130,366.69
Furniture as per quotes	\$29,466.00	\$2,678.73	\$26,787.27
New LG Aria Phone System including purchase and installation	\$5,473.17	\$497.56	\$4,975.61
Photocopier and fax	\$7,470.00	\$679.09	\$6,790.91
Contingencies	\$20,000.00	\$1,818.18	\$18,181.82
Project management fee	\$20,506.32	\$1,864.21	\$18,642.11
Total	226,318.85	20,574.44	205,744.41

Lotterywest have agreed to fund this work and have verbally advised to the Chief Executive Officer of the YMCA Perth that the submission was to be recommended to the Lotterywest Board for approval.

DETAILS:

In performing the due diligence on the submission the matter was referred to the legal department of Lotterywest. As a result it has become apparent that the submission needs to be lodged in the name of the Town of Vincent.

Lotterywest have a caveat over the land, supported by a Deed of Trust between them and the Town of Vincent, which arose as a result of a previous grant to the Town of Vincent when HQ was first set up. In order to protect those interests, Lotterywest require this new funding agreement to be in the name of the Town of Vincent.

These renovations are an integral part of the overall plan to upgrade HQ and increase its profile in the local and wider community. They are also needed to ensure that staff are accommodated in a facility which is comfortable, conducive to work and which raises morale rather than lowers it. There are also occupational health and safety issues which the funding submission addresses including air-conditioning (currently there is none), resurfacing of floors and additional security.

The lease between YMCA and the Town of Vincent expires on 1 December 2006. There is a five year option on the lease which the YMCA Perth have taken up. The Town has included a redevelopment clause in the lease, which has been agreed to by the YMCA. This clause is as follows:

"In the event of the premises being redeveloped the Lessor shall make a reasonable and practicable effort to provide or locate alternative accommodation for the duration of the lease period subject to negotiation."

As part of the lease any alterations to the property must have the approval of the lessor.

Leederville Masterplan

At the Special Meeting of Council held on 17 October, the Council considered the Leederville Masterplan and resolved interalia as follows;

"That the Council;

- (i) RECEIVES Progress Report No. 5 on the Leederville Masterplan Project as at 10 October 2006;*
- (ii) APPROVES IN PRINCIPLE;*
 - (a) the Leederville Masterplan Concept Plan for the Town owned land, as detailed in this report and shown in Plans at Appendices C-H and AUTHORISES these Plans to be used as a basis for the Project and ACKNOWLEDGES that these plans are INDICATIVE ONLY as they require further consideration and may be subject to significant change;*
 - (b) the Indicative Timeline, as detailed in this report;*
 - (c) the Project Objectives, as shown in amended Appendix I, subject to the Town's Key Objective "to relocate HQ facilities to a more appropriate setting within the wider Town Centre Place Area" being replaced with;*

"should the HQ facility be removed, equivalent easily accessible facilities will be provided within Vincent, prior to the removal of the HQ facility;....."

(iii) *ACKNOWLEDGES that the Leederville Masterplan Concept Plans, Timeline and Financial Implications are indicative and will change, depending upon the timing of the final decision of the Council and the final Masterplan which is approved;*

The Town is currently developing the Leederville Masterplan and its recommendations may have an impact on the future of the current facilities at Frame Court. The timeframe for the Leederville Masterplan, however is not finalised at this point of time, and therefore the operations of the facility may continue for some time, during this period the Town want to keep the facility operational.

It is envisaged that the Council will be considering the future of the HQ Youth Facility during 2007 and if a decision is made to relocate the facility (and skate park), that this would occur from late 2008 onwards, (more likely as the latter part of the project).

Therefore, if the Lotterywest funding was successful, and the works were carried out, the money spent on the structural works would be lost (i.e. approximately \$80,000 - \$100,000 value).

The facility does require the improvements and renovations proposed in the Chief Executive Officer of the YMCA Perth's letter to the Executive Manager Corporate Services, he considers some of the items to be of an occupational health and safety nature. The items mentioned include air conditioning, resurfacing of floors and additional security. It would therefore be of benefit to the Town if these items were financed by an external source.

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

The Lottery Commission has a caveat over the land at Frame Court and is supported by a Deed of Trust. A Deed of Trust between the Town of Vincent and the Lotteries Commission is held for Lots 26, 27 and 28 Frame Court, Leederville. This was stamped on 5 August 1999 and is applicable for a period of ten years. The Deed of Trust states that the undivided shares in the property are as follows:

$\frac{165}{658}$ undivided share to the Commission

$\frac{493}{658}$ undivided share to the Town of Vincent (Trustee)

STRATEGIC IMPLICATIONS:

Strategic Plan 2005-2010 - Key Result Area - Community Development

"2.2 Provide and develop a range of community programs and community safety initiatives

(d) Support and implement the Youth Development Program"

FINANCIAL/BUDGET IMPLICATIONS:

There is currently no budget allocation included in the Town's Budget 2006/07 for this work, the funds allocated to the HQ Facility in the Budget are a \$35,000 contribution towards the operating expenditure.

If Lotterywest funding was successful then the work could be undertaken without any impact on the Town's Budget. Council approval would be required to include this work, this could be completed at the Budget review to be undertaken in February 2007.

COMMENTS:

There is no doubt that the HQ facility requires the renovations/refurbishments included in the YMCA's submission. The fact that the work would be fully funded by Lotterywest removes the financial impact from the Town.

The concern is whether it is prudent for the facility to have further improvements funded by other agencies be approved, if there in the long term they may be some uncertainty as to whether the facility remains at this site following the outcome of the Leederville Masterplan.

The facility however, must operate until such time any decision is made on the future of the facility, this may be sometime away. This would necessitate that funds are spent to improve the facility to provide a satisfactory work environment in which to operate and therefore it is recommended that approval is given for the funding submission to be made in the Town of Vincent's name.

10.4.1 Use of the Council's Common Seal

Ward:	-	Date:	31 October 2006
Precinct:	-	File Ref:	ADM0042
Attachments:	-		
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

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 Lake

That the recommendation be adopted.

Cr Maier asked the following question in respect to the Debenture document;

Will the affected property owners only be given five years to repay their loan and not ten years?

As the information was not readily available, the Presiding Member advised that the question would be "Taken on Notice" and a response sent to all elected members.

CARRIED (8-0)

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

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:

Date	Document	No of copies	Details
20/10/06	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 Session - 22 October 2006 (Change Room 1)
20/10/06	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta 6021 and Spotless Services Ltd, Gate 7 Subiaco Oval, Subiaco Road, Subiaco re: Western Power Meeting - 25 October 2006 (Suite 10 and 11)
20/10/06	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta 6021 and Football Australia (WA Branch) of Suite 13, Sports Lotteries House, Stephenson Avenue, Mt Claremont re: TouchWest Super League Series - 5 November 2006 (Western Stand, Grandstand and Pitch - Maximum patronage 2,516)
23/10/06	Debenture	1	Town of Vincent and Western Australian Treasury Corporation - Loan 4 repayable by 15 February 2011 - Underground Power Project
25/10/06	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta 6021 and Trades and Labor Council of 79 Stirling Street, Perth re: Union Rally with Live Music - 30 November 2006 (expected patronage 25,000-30,000)
25/10/06	Authority Directing Payment	1	Town of Vincent and Western Australian Planning Commission - Part Lot 118, DP 28300 Certificate of Title Volume 2213 Folios 691-697 inclusive - Lot 118 Mindarie - Negotiated Planning Solution.
27/10/06	Transfer of Land	1	Towns of Vincent, Cambridge, Victoria Park, Cities of Perth, Stirling, Wanneroo and Joondalup to Western Australian Planning Commission - Lot 9505 on Deposited Plan 52070
30/10/06	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 Session - 31 October and 1, 2, 3, 6, 7, 8 & 11 November 2006 (Change Room 1 & Chairman's Lounge)

10.4.2 Annual General Meeting of Electors 2006 and Adoption of Annual Report 2005/2006

Ward:	Both	Date:	1 November 2006
Precinct:	All	File Ref:	ADM0009
Attachments:			
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *the 2006 Annual General Meeting of Electors be held in the Administration and Civic Centre on Monday, 11 December 2006, commencing at 6.00pm; and*
- (ii) *the draft 2005-2006 Annual Report, as "Laid on the Table", circulated separately to Elected Members, the Chief Executive Officer and Executive Managers, be accepted by the Council.*

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

The Chief Executive Officer advised that the corrections as circulated would be made to the Draft Annual Report.

Debate ensued.

Moved Cr Maier, Seconded Cr Lake

That a new clause (iii) be added as follows;

“(iii) That next year’s Annual General Meeting be held in November 2007.”

Debate ensued.

AMENDMENT LOST (2-6)

For

Cr Lake
Cr Maier

Against

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

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

Cr Torre returned to the Chamber at 8.25pm.

Moved Cr Lake, Seconded Cr Maier

That a new clause (iii) be added as follows;

“(iii) the Chief Executive Officer streamline the process so that next year’s Annual General Meeting be held earlier.”

Debate ensued.

AMENDMENT CARRIED (5-4)

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

MOTION AS AMENDED CARRIED (9-0)

COUNCIL DECISION ITEM 10.4.2

That;

- (i) the 2006 Annual General Meeting of Electors be held in the Administration and Civic Centre on Monday, 11 December 2006, commencing at 6.00pm;*
- (ii) the draft 2005-2006 Annual Report, as "Laid on the Table", circulated separately to Elected Members, the Chief Executive Officer and Executive Managers, be accepted by the Council; and*
- (iii) the Chief Executive Officer streamline the process so that next year’s Annual General Meeting be held earlier.*

PURPOSE OF REPORT:

The purpose of the report is to set a date for the Annual General Meeting of Electors and to receive the Draft 2005-2006 Annual Report.

BACKGROUND:

The Local Government Act 1995 under Section 5.27(1) requires every local government to hold a General Meeting of Electors once each financial year. The Act provides that the Order of Business at such a meeting is:

- (a) Welcome, Introduction and Apologies;
- (b) Contents of the Annual Report for 2005-2006; and
- (c) General Business.

LEGAL:

The Local Government Act 1995, Section 5.53 requires every Local Government to prepare an Annual Report. Section 5.54 states that the Annual Report is to be accepted by the Local Government no later than 31 December of that financial year.

COMMENTS:

As the Audit Report for 2005/2006 is finalised, it is now possible to finalise the Annual Report of the Town for that year for presentation to Electors. There are a number of statutory requirements to be met prior to the General Meeting, including formal adoption of the Annual Financial Statements by the Council and local advertising of the Meeting at least 14 days prior to the Meeting.

It is recommended that the Meeting be scheduled for Monday 11 December 2006, commencing at 6.00pm.

10.4.3 Review and Adoption of Code of Conduct 2006

Ward:	-	Date:	27 October 2006
Precinct:	-	File Ref:	ADM0050
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **APPROVES IN PRINCIPLE** the adoption of an amended draft Code of Conduct as detailed in Appendix 10.4.3; and
- (ii) **ADVERTISES** the draft Code of Conduct for community consultation for a period of twenty-one (21) days and any comments or submissions be reported to the Council.

COUNCIL DECISION ITEM 10.4.3

Moved Cr Farrell, **Seconded** Cr Ker

That the recommendation be adopted.

The Chief Executive Officer advised that the Draft Code of Conduct will be corrected to reflect the changes requested by several Councillors - as circulated.

Debate ensued.

Moved Cr Maier, **Seconded** Cr Lake

That the Item be DEFERRED for further consideration.

MOTION TO DEFER PUT AND LOST (2-7)

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

Debate ensued.

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

That the Motion be put.

PROCEDURAL MOTION CARRIED (7-2)

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

MOTION CARRIED BY AN ABSOLUTE MAJORITY (8-1)

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

Cr Chester departed the Chamber at 8.30pm.

PURPOSE OF REPORT:

The purpose of this report is for the Council to review and adopt the Code of Conduct for Elected Members and Employees.

BACKGROUND:

The Local Government Act 1995 requires every local government to prepare and adopt a Code of Conduct to be observed by Council Members and employees.

At the Ordinary Meeting of Council held on 13 September 2005 the Council resolved to adopt an amended Code of Conduct.

DETAILS:

There has been a recent need to review the Code of Conduct as a result of a recent complaint concerning the actions of a Councillor when dealing with a ratepayer enquiry concerning a development application. Whilst the complaint was not justified, it identified a need for the Code to be reviewed and amended to provide clarification and guidelines for *"lobbying"*.

As a result, the Code has been substantially amended using the Department of Local Government's Guideline No 12 *"Elected Members Relationship with Developers"* (as reported to the Ordinary Meeting of Council held on 24 October 2006 - Item 10.4.3 - Information Bulletin) and the *"Model Code of Conduct for Local Governments in NSW"* as prepared by the NSW Independent Commission Against Corruption (ICAC) and adopted by the NSW Department of Local Government.

The Code has been amended (as shown by underlining), as follows:

1. Introduction

This Section has been expanded to include the new Key Principles of Integrity, Leadership, Selflessness, Objectivity, Accountability, Openness and Honesty.

It also removes the obligation for the Code to apply to community representatives on Town Advisory Groups as this was deemed unenforceable.

2. General Conduct Obligations

This Section expands and clarifies *"General Conduct"*.

It clarifies the provisions to prohibit *"Harassment and Discrimination"* by listing examples.

It includes a new clause for *"Development Decisions"* and *"Lobbying"*.

3. Personal Benefit

This section clarifies a "*Gift of Hospitality*" by giving examples.

4. Relationships between Elected Members and Employees

This section has been expanded to include a section of "*Inappropriate Interactions*" for Elected Members and Employees.

5. Dealing with Council Resources

This section has been expanded to clarify "*Use of Local Government Resources*", "*Use of Town Property*" and "*Access to Council Buildings*".

6. Access to Information

This is a new section to clarify "*Use of Information*".

CONSULTATION/ADVERTISING:

The Draft Code of Conduct will be advertised in the local newspapers and any submissions received will be reported to the Council.

LEGAL/POLICY:

The Local Government Act 1995, Section 5.103, states the following:

- “(1) *Every Local Government is to prepare or adopt a Code of Conduct to be observed by Council Members, Committee Members and Employees.*
- (2) *A Local Government is to review its Code of Conduct within 12 months after each ordinary election day and make changes to the Code, as it considers appropriate.*”

STRATEGIC IMPLICATIONS:

This is in keeping with the Town's Strategic Plan 2003-2008 Key Result Area 4 - "*Governance and Management*".

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

It is recommended that the Draft Code of Conduct be adopted, as it will assist Elected Members and Employees to be better informed in their roles.

10.4.4 Review and Approval of Policy - Legal Representation for Council Members and Employees

Ward:	Both	Date:	27 October 2006
Precinct:	All	File Ref:	ORG0023
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:		Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) **APPROVES BY AN ABSOLUTE MAJORITY to RESCIND the Policy 4.1.2 - Legal Representation and Costs Indemnification (as shown in Appendix 10.4.4 B) and APPROVES of a new Policy 4.1.2 - Legal Representation as shown in Appendix 10.4.4 A;**

- (ii) **pursuant to Section 5.42 of Division 4 of Part 5 of the Local Government Act 1995 to delegate to the CEO the following:**

"Delegation 7A - Authority to Act in Cases of Urgent Legal Proceedings:

In cases where a delay in the approval of an application will be detrimental to the legal rights of the applicant, the CEO may exercise, on behalf of the Council, any of the powers of the Council under clause 5.1 and 5.2 of the Policy to a maximum of \$10,000 in respect of each application, namely:

The CEO may -

- (a) ***refuse;***
(b) ***grant; or***
(c) ***grant subject to conditions, an application for payment of legal representation costs.***

Conditions under clause 5.1 of the policy will include, but are not restricted to:

- (a) ***a financial limit; and***
(b) ***a requirement to enter into a formal agreement, including a security agreement, relating to the payment, and repayment, of legal representation costs.***

Subject to: any application approved by the CEO under clause 6.1 of the policy is to be submitted to the next Ordinary Meeting of the Council;" and

- (iii) **AUTHORISES the Chief Executive Officer to:**

- (a) ***advertise the proposed policy for a period of twenty-one (21) days, seeking public comment;***
(b) ***report back to the Council with any public comments received; and***
(c) ***include the proposed policy in the Policy Manual if no public submissions are received.***

COUNCIL DECISION ITEM 10.4.4

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

Cr Chester returned to the Chamber at 8.32pm

CARRIED BY AN ABSOLUTE MAJORITY (9-0)

PURPOSE OF REPORT:

The purpose of the report is for Council to rescind its current policy relating to Legal Representation and approve of a new policy in its place, based on the Model policy prepared by the Department of Local Government (DLG).

BACKGROUND:

At the Ordinary Meeting of Council held on 9 July 2002, the Council resolved to adopt its current policy.

DETAILS:

The Department of Local Government (DLG) has recently prepared a Model Policy following the Inquiry findings into the City of Joondalup. The Inquiry criticised some of the Elected Members of the City of Joondalup for making uninformed and ill-advised decisions to pay the personal legal expenses of the former CEO.

The Town's current policy has been in place since 9 July 2002 and there has not been any occasion for the Council to consider legal representation for Elected Members and Employees.

In view of the City of Joondalup findings and as this matter is of considerable sensitivity, it is considered essential that the Council Policy be clear, precise and transparent. To avoid any criticism in the future (if the Policy is to be invoked) it is considered good governance to adopt a Policy which has been prepared by the DLG.

Whilst the Town's current Policy and the Model Policy are reasonably similar, it is recommended that the Council adopt the Model Policy without amendment. Some differences between the current and proposed policy are:

1. The Model Policy provides a list of key terms and definitions.
2. The Model Policy prescribes the "*Payment Criteria*" and gives examples of where legal representation costs by be approved.
3. The Model Policy does not allow for payment of costs for a defamation or a negligence action, instituted by a Council Member or Employee, unless under exceptional circumstances.
4. The Model Policy requires any application to be accompanied by a Statutory Declaration by the applicant.
5. The Model Policy requires the Council, when considering an application, to set a limit on the costs.

6. The Model Policy allows for the CEO to be given delegated authority to approve an application to a maximum of \$10,000 in cases where a delay of the approval of an application will be detrimental to the rights of an Applicant.

It is envisaged that this clause would rarely be invoked, however, the matter has been discussed with the Town's solicitors who have advised that there may be a need for urgent action to be taken. For example, where a person obtains an Interim Injunction in the Supreme Court to prevent Council/CEO/Employee for carrying out their lawful duties.

This has recently occurred during the Municipal Heritage Review consultation period whereby a landowner threatened to take this sort of action against the CEO to prevent a report being included into an Agenda for consideration by the Council. In this case, the person did not continue with their proposed action, after discussions with the Town's officers.

CONSULTATION/ADVERTISING:

The draft Policy will be advertised for twenty-one (21) days, in accordance with the Community Consultation Policy.

LEGAL/POLICY:

Policies are not legally binding, however, they provide a framework and basis for the Town's Administration and the Council to make decisions.

STRATEGIC IMPLICATIONS:

This is in keeping with the Town's Strategic Plan 2003-2008 - Key Result Area 4 - *"Governance and Management"*.

FINANCIAL/BUDGET IMPLICATIONS:

The advertising of the draft policy will cost approximately \$250.

COMMENTS:

The adoption of a Model Policy prepared by the DLG is considered good governance and best practice. As previously mentioned, the use of this policy is very limited, however, if it is used in the future, the Council can have the benefit of the knowledge that it has been prepared by the DLG and therefore would minimise the potential for any criticisms or adverse publicity.

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 Notice of Motion - Councillor Izzi Messina - Investigation - Small Business Initiatives

That the Council;

- (i) *AUTHORISES the Chief Executive Officer to investigate and prepare a report which includes;*
 - (a) *to investigate initiatives to help small business registration;*
 - (b) *possible funding through a grant from the federal government "Regulation Reduction Incentive Fund";*
 - (c) *exploring a partnership with other local governments (eg City of Stirling);*
- (ii) *REQUESTS the initiatives to consider and include (where practicable);*
 - (a) *ending the need for small business to apply for annual signage approval renewals;*
 - (b) *an online self assessment tool to help business owners determine the feasibility of a business within a particular locality;*
 - (c) *a "self assessment" enquiry tool into the Town's website;*
 - (d) *an assessment tool which will check the Town's zoning database to firstly establish any conflict in zoning and also other technical requirements (including parking details, disabled access, signage, or food establishment standards;*
 - (e) *information useful for business planning and marketing initiatives;*
 - (f) *a link into the Town's Administration and also a business directory;*
 - (g) *information concerning building approvals data, a commentary on trends, demographics and business mix; and*
- (iii) *CONSIDERS the report no later than April 2007.*

COUNCIL DECISION ITEM 11.1

Moved Cr Messina, Seconded Cr Torre

That the motion be adopted.

Debate ensued.

CARRIED (9-0)

11.2 Notice of Motion - Councillor Dudley Maier – Public Apology

“That the Council ACCEPTS the following apology from Cr Maier in response to the Council decisions made at the ordinary meetings of Council held on 12 and 26 September 2006:

Public Apology

At the Ordinary Meeting of Council held on 8th August 2006, during consideration of item 10.3.3 – Annual Plan – Capital Works Program, I made a number of comments concerning the Council’s Elven Street land sale which occurred in late 2005.

As a result of written complaints, the Town’s Code of Conduct Review Panel has investigated the complaint in accordance with the Council’s policies and procedures, and after considering my response, has deemed my final comment to be a breach of the Town of Vincent Local Law Relating to Standing Orders Clause 3.4.2 – in that my comment adversely reflected upon a decision of the Council, and the Town’s Code of Conduct, clause 6.2 – in that it was inappropriate and offensive to a number of Elected Members.

I accept that my final comment was inappropriate and hereby unreservedly apologise to the Council, Town of Vincent Elected Members, and any other person who considered my comment to be offensive and/or an adverse reflection upon their decision.”

BACKGROUND INFORMATION:

At the OMC held on 12 September the Council considered a confidential report concerning this matter and resolved as follows;

“COUNCIL DECISION ITEM 14.2

That the Council;

- (i) RECEIVES the report of an alleged breach of the Town of Vincent Local Law Relating to Standing Orders and Council's Code of Conduct by Councillor Dudley Maier on 8 August 2006;*
- (ii) based on the information provided, forms the opinion that Councillor Dudley Maier has breached the Town of Vincent Local Law Relating to Standing Orders and Council's Code of Conduct on 8 August 2006, as detailed in this report;*
- (iii) being of the opinion that Councillor Dudley Maier, having breached the Town of Vincent Local Law relating to Standing Orders and Council's Code of Conduct, as specified in Clause (ii) above, takes the following action;*
 - (a) EXRESSES concern that Cr Maier having been given the opportunity to provide either a verbal or written apology to the Council to consider (before it was made public), refused to do so, which left the Council with no option but to censure him; and*

- (b) *CENSURES Councillor Dudley Maier, REQUESTS that he makes a public apology as specified by the Review Panel, to the satisfaction of the Council and REQUESTS that he undertakes to comply at all times with the Town of Vincent Local Law Relating to Standing Orders and Council's Code of Conduct.*"

At the OMC held on 26 September 2006 the Council further considered the matter under Urgent business and resolved as follows;

"That the Council:

- (i) *Reiterate its Censure of Cr Maier as resolved at the Ordinary Meeting of Council held on 12 September 2006;*
- (ii) *REQUESTS Cr Maier to apologise as required by the Council decision of 12 September 2006; and*
- (iii) *WITHDRAWS all Council privileges (other than those prescribed by law) from Cr Maier until the requested apology is made at an Ordinary Meeting of Council.*"

The Council's wording of its public apology requested from Cr Maier is shown below. The differences to that in Cr Maier's Notice of Motion is shown by strike through and underlining;

Public Apology

"At the Ordinary Meeting of Council held on 8 August 2006, during consideration of Item 10.3.3 - Annual Plan - Capital Works Program - ~~Loftus Centre Redevelopment~~, I made a number of comments concerning the Council's Elven Street land sale which occurred in late 2005.

As a result of ~~several~~ written complaints, the Town's Code of Conduct Review Panel has investigated the complaint in accordance with the Council's Policies and Procedures and after considering my response, has deemed my ~~penultimate~~ final comment to be a breach of the Town of Vincent Local Law Relating to Standing Orders, Clause 3.4.2 - in that my comment "adversely reflected upon a decision of the Council", and the Town's Code of Conduct, Clause 6.2 - in that it was inappropriate and offensive to a number of Elected Members.

~~I unreservedly apologise because I did not take into consideration reasons why the Council resolved to sell the land, namely;~~

- ~~1. the Town required the necessary funds in order to secure the State Government funding for this project;~~*
- ~~2. the Town needed to secure a private operator to manage the Recreation Centre and who would make a substantial financial contribution towards the project and that timing was considered critical; and~~*
- ~~3. the Town wanted to retain its "unofficial policy" of each major capital project being substantially self-funded and noting that the Council could have used existing Reserve Funds, albeit on a temporary basis, but this would be against the philosophy of the project being self-funded.~~*

I accept that my ~~penultimate~~ final comment was ~~totally~~ inappropriate ~~and offensive~~ and hereby unreservedly apologise to the Council, Town of Vincent Elected Members and any other person who was considered my comment to be offensive and/or an adverse reflection upon their decision."

DECISION ITEM 11.1

Cr Farrell called a Point of Order - his Point of Order being that this motion could not be considered as it was contrary to Standing Orders clause 3.20 - Motion for Revoking or Changing Decisions, as the required signatures of three elected members has not been provided.

Cr Lake departed the Chamber at 8.42pm.

The Presiding Member ruled that the Point of Order was upheld and advised that the necessary signatures of three elected members is required to be submitted to the Chief Executive Officer prior to this motion being further considered.

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

12.1 WALGA Nominations – Control of Vehicles (Off-Road Areas) Act Advisory Committee

Ward:	-	Date:	31 October 2006
Precinct:	-	File Ref:	ORG0045
Attachments:	001		
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That _____ be nominated as WALGA Member - Control of Vehicles (Off-Road Areas) Act Advisory Committee.

DETAILS:

Please see Appendix 12.1 for details.

N.B.:

NOMINATIONS CLOSE COB FRIDAY 17 NOVEMBER 2006

COUNCIL DECISION ITEM 12.1

Moved Cr Torre, Seconded Cr Messina

That no nominations be submitted.

CARRIED (8-0)

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

13. URGENT BUSINESS

13.1 Request for Termination of Deed of Licence - Members Equity Stadium

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES the termination of the Deed of Licence, dated 9 July 2004, between the Town, Allia Holdings Pty Ltd (now known as Allia Venue Management Pty Ltd) and Perth Glory Soccer Club Pty Ltd (now known as Stadium Entertainment Pty Ltd), as urgently requested by Stadium Entertainment Pty Ltd in their letter dated 6 November 2006;*
- (ii) *AUTHORISES;*
 - (a) *the Chief Executive Officer to prepare a Deed of Surrender terminating the Deed of Licence, subject to the terms and conditions to be determined by the Chief Executive Officer (in liaison with the Mayor); and*
 - (b) *the Chief Executive Officer and the Mayor to sign the Deed of Surrender and apply the Council's Common Seal; and*
- (iii) *NOTES that a further report will be submitted to the Council at the conclusion of this matter.*

COUNCIL DECISION ITEM 13.1

Moved Cr Torre, Seconded Cr Messina

That the recommendation be adopted.

CARRIED (8-0)

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

The Town has received an urgent letter from Stadium Entertainment Pty Ltd concerning this matter. Stadium Entertainment Pty Ltd (formerly Perth Glory Soccer Club Pty Ltd) was the owner and operator of the former Perth Glory Soccer team, which used Members Equity Stadium. It operated under a Deed of Licence with the Town, which entitled them to use the Stadium for the purpose of conducting A-League matches.

As previously reported to Council, Perth Glory Soccer Club Pty Ltd, via its Chairman Nick Tana, surrendered their licence to participate in the A-League, effective from 30 April 2006 and a Deed was entered into with the Football Federation of Australia.

As such, there is no longer the necessity for Stadium Entertainment Pty Ltd to have the right and licence to use the Stadium, via the Deed of Licence. Furthermore, the Football Federation of Australia (FFA) will not agree to finalise the new licence until the FFA is satisfied that the Deed of Licence with the Town has been surrendered.

Stadium Entertainment Pty Ltd hereby urgently requests that the Town of Vincent enter into a mutually agreeable Deed of Surrender terminating the Deed of Licence.

At 8.48pm Moved Cr Farrell, Seconded Cr Torre

That the meeting proceed “behind closed doors” to consider confidential Items 14.1, 14.2, 14.3, 14.4, 14.5, 14.6, 14.7, 14.8, 14.9, 14.10, 14.11, 14.12, 14.13, 14.14, 14.15, 14.16, 14.17 and 14.18 as they contain information concerning an employee, commercially sensitive information, legal advice obtained, or which may be obtained by the Town.

CARRIED (8-0)

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

Journalist Brendan Foster departed the Chamber at 8.48pm.

The Chief Executive Officer departed the Chamber at 8.48pm.

Executive Manager Corporate Services Mike Rootsey assumed the position of Acting Chief Executive Officer.

No members of the public were present.

The Council then considered Items 14.1 to 14.18 “Behind Closed Doors”.

14. CONFIDENTIAL REPORTS (*Behind Closed Doors*)

(This report has been released to the public.)

14.1 CONFIDENTIAL REPORT - Chief Executive Officer’s Annual Performance Review 2006
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Ward:	-	Date:	1 November 2006
Precinct:		File Ref:	Personal
Reporting Officer(s):	Mayor Catania, John Giorgi		
Checked/Endorsed by:	-		
Amended by:	-		

OFFICER RECOMMENDATION:

That the Council;

- (i) pursuant to section 5.95 of the Local Government Act 1995 and clause 2.15 of the Town of Vincent Local Law Relating to Standing Orders, proceeds “behind closed doors” at the conclusion of the items, to consider the confidential report, circulated separately to Elected Members, relating the Chief Executive Officer’s Annual Performance Review 2006 as the matter contains information concerning an employee; and*
- (ii) AUTHORISES the Chief Executive Officer to make public the Confidential Report, or any part of it, at the appropriate time.*

Moved Cr Chester, Seconded Cr Torre

That the recommendation be adopted.

Chief Executive Officer John Giorgi had declared a financial interest in this Item and departed the Chamber at 8.49pm.

CARRIED (9-0)

CEO John Giorgi and Cr Lake returned to the Chamber at 8.50pm.

COUNCIL DECISION ITEM 14.1

That the Council;

- (i) *RECEIVES the Chief Executive Officer's Performance Review Report 2006 and endorses the overall rating of "Satisfactory - Meeting the Performance Requirements" of the position of Chief Executive Officer of the Town of Vincent;*
- (ii) *NOTES that the next review of the CEO's performance is to be conducted in October 2007;*
- (iii) *ENDORSES the draft Key Result Areas based on the Town's Action Plans 2005-2010 for the 2007 review period;*
- (iv) *VARIES the Review process for 2007 to include assessment of the following:*
 - *Operational Management;*
 - *Statutory Compliance;*
 - *Human Resources Management;*
 - *Relationships - Elected Members*
 - *Relationships - Others*
 - *Occupational Safety and Health; and*
- (v) *NOTES that the Chief Executive Officer has agreed to vary the review process as detailed in (iv).*

BACKGROUND:

The Chief Executive Officer's Performance Review 2006 was conducted by a Committee of the Council comprising of Mayor Nick Catania and all Councillors. The Council approved of Mr John Phillips, Executive Manager, Workplace Solutions - Western Australian Local Government Association (WALGA) to facilitate the review. Mr Phillips (and Mr S White) has reported as follows;

"This Review has been conducted in accordance with sections 5.38 and 5.39(3)(b) of the Local Government Act 1995, which requires that:

- The performance of the CEO be reviewed at least once a year;

- The CEO will have a written contract of employment, which shall include performance criteria for the purpose of conducting a review.

The Council and the incumbent Chief Executive Officer, Mr John Giorgi also recognise that the performance management process is a process which can assist in the effective management of Local Government business by clarifying roles and responsibilities, providing feedback, assisting personal development and setting goals for the future.

The period of the review was September 2005 to September 2006.

Methodology

Council appointed Mr John Phillips, Executive Manager 'Local Government Workplace Solutions', Western Australian Local Government Association to facilitate the Town's performance review process. Due to work commitments, Mr S White assisted in the review.

The CEO provided a performance report of achievements and progress based on the Town's Strategic Plan on 29 September 2006.

Eight (8) Elected Members (including the Mayor) contributed to the feedback process by way of responses to a questionnaire distributed on 7 October 2005. The questionnaire also reflected the Key Result Areas based on the Strategic Plan. Any constructive feedback Councillors wished to make regarding performance, action or incidents during the year was invited.

A Summary Report was prepared which reflected Mr Giorgi's report as well as an aggregation of all responses and ratings received from the eight (8) Elected Members who contributed to the process.

The facilitator provided a draft report to the Chief Executive Officer on 17 October 2006. The facilitator met with seven (7) Elected members, including the Mayor, at a meeting conducted on 19 October 2006 to discuss the Summary Report and to arrive at a consensus view on the overall performance of the CEO during the review period. The CEO attended the second part of the meeting to personally address matters raised in the draft report. These views are reflected in this report.

Executive Summary

The review of Mr John Giorgi's performance as the Chief Executive Officer of the Town of Vincent has been carried out in accordance with Council's statutory and contractual obligations. The review was conducted in accordance with the terms of Mr Giorgi's contract with the Town.

Ratings

KRA 1: Environment & Infrastructure	Satisfactory. Meets performance requirements, acceptable work performance.
KRA 2: Community Development	Exceeds Requirements. Generally exceeds requirements, high standard performance.
KRA 3: Economic Development	Satisfactory. Meets performance requirements, acceptable work performance.
KRA 4: Governance and Management	Satisfactory. Meets performance requirements, acceptable standard performance.
Overall Assessment	Satisfactory. Meets performance requirements, acceptable work performance.

Recommendations

1. Council receives this Performance Review report and endorses the overall rating of satisfactory - meeting the performance requirements of the position of Chief Executive Officer of the Town of Vincent;
2. the next review of the CEO's performance to be conducted in October 2007;
3. that the draft Key Result Areas based on the Town of Vincent's Action Plans be endorsed for the 2005 review period; and
4. that the Performance Review Process be varied in accordance with subclause 5.4.1(a) of the employment contract to assess the CEO's performance against the Position Description, Performance Criteria, Key Results Areas and also may include the following responsibilities:
 - Operational Management;
 - Statutory Compliance;
 - Human Resources Management;
 - Relationships - Elected Members
 - Relationships - Others
 - Occupational Safety and Health

1. Outcome of Appraisal

"Elected members are satisfied that Mr Giorgi's performance has been satisfactory during the period of review, meeting the performance requirements of the position of CEO.

Elected Members requested an improvement in the quality of briefings about the progress of Key Result Area Strategies, especially for those that may not be completed within the target period.

The CEO was commended for the success of community development services such as the Seniors Strategy that received high commendation at the Australian Local Government Association (ALGA) National Awards.

Elected Members were also pleased with the economic development achieved in the Town through the securing of funding opportunities to support the Local Government's strategies and programmes.

CEO's Comments:

The CEO notes the comments and appreciates the feedback.

2. Performance Criteria

"The Committee recommends that the Council not vary the performance criteria as a consequence of the performance review this year."

CEO's Comments:

The CEO concurs with this recommendation.

3. Directions or Recommendations

That the Performance Review Process be varied in accordance with subclause 5.4.1(a) of the employment contract to assess the CEO's performance against the Position Description, Performance Criteria, Key Results Areas and also may include the following responsibilities:

- Operational Management;
- Statutory Compliance;
- Human Resources Management;
- Relationships - Elected Members
- Relationships - Others
- Occupational Safety and Health

CEO's Comments:

The CEO agrees to the directions/recommendations for 2007.

COMMUNITY CONSULTATION/ADVERTISING:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The cost of the facilitator was approximately \$2,500 (incl GST).

STRATEGIC IMPLICATIONS:

This proposal is in keeping with the Town's Strategic Plan 2003-2008, Key Result Area 4 - "Governance and Management", in particular, 4.4(d) - "Promote employee professional development programs".

LEGAL/POLICY IMPLICATIONS:

The Local Government Act 1995, Section 5.38 requires that "... The performance of each employee who is employed for a term of more than one year including the CEO and each senior employee is to be reviewed at least once in relation to every year of employment".

The CEO's Performance Review is specified in the Contract of Employment at Item 5.0 as follows;

1. Conduct of Performance Reviews

- 5.4.1 (a) As soon as practicable after receipt of notice, the Employee shall prepare a report assessing his own performance of the duties as Chief Executive Officer measured against the Position Description and the Performance Criteria;
- (b) The Employee will present their report to the Reviewing Person and the Mayor as the case requires, and make Himself available for interview;
- (c) The Reviewing Person will send each Elected Member a questionnaire to individually record their assessment and impressions of the Employee's performance;
- (d) A summary of the Elected Member responses will be jointly discussed between the Reviewing Person, Mayor and Employee;
- (e) The Employee will be provided with the opportunity to comment;
- (f) The Reviewing Person and the Mayor shall prepare a report, in consultation with the Employee;
- (g) The report shall be submitted to the Council within twenty days, with an appropriate recommendation to the Council.

2. The report shall include:

- (a) any conclusions about the conclusions about the Employee's performance during the period the subject of the performance review;
- (b) any proposal to vary the Performance Criteria as a consequence of the performance review and any comments by the Employee;
- (c) any directions or recommendations made to the Employee in relation to his or her future performance of the duties as Chief Executive Officer; and
- (d) details of the extent, if any, to which the Employee disagrees with the statements in the report.

A performance review shall not be conducted by the Town more often than once in every 12 months.

COMMENTS:

The CEO's Annual Performance Review was carried out in accordance with the Local Government Act 1995, Contract of Employment and Council decision requirements.

14.2 CONFIDENTIAL REPORT - Nos. 8-10 (Lots 46 & 47 D/P: 1210) Byron Street, Leederville - Proposed Demolition of Existing Single House and Construction of Four (4) Two-Storey Grouped Dwellings - State Administrative Tribunal - Review Matter No. DR 312 of 2006 - Mediation

Ward:	North	Date:	31 October 2006
Precinct:	Leederville; P03	File Ref:	PRO3519; 5.2006.123.1
Attachments:	-		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	

OFFICER RECOMMENDATION:

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council DOES NOT SUPPORT as part of the State Administrative Tribunal Review Matter No. DR 312 of 2006, the deletion of the following condition (viii) (b), as determined at the Ordinary Meeting of Council held on 22 August 2006 for Proposed Demolition of Existing Single House and Construction of Four (4) Two-Storey Grouped Dwellings at Nos. 8-10 (Lots 46 & 47 D/P: 1210) Byron Street, Leederville and as shown on revised plans stamp-dated 31 October 2006;*

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

....

- (b) *the garages for Units 1 and 2 being located behind the main building, and vehicular access to all four (4) dwellings being from a single shared driveway;"*

for the following reasons:

- (a) *the revised plans stamp - dated 31 October 2006 do not sufficiently address the intent of subject condition (viii) (b); and*
- (b) *non-compliance with Town's Policy 3.2.6 relating to Vehicular Access, in terms of the maximum number of crossovers;*
- (ii) *INVITES COUNCILLOR..... to submit a written submission (witness statement) on behalf of the Council on the Review (appeal), which is to be determined by way of a "Final Hearing"; and*
- (iii) *INVITES the six (6) residents who objected to the proposal to submit written submission (witness statement) on behalf of the Council on the Review (appeal), which is to be determined by way of a "Final Hearing"*

Moved Cr Chester, Seconded Cr Messina

That the recommendation be adopted.

Cr Maier nominated himself to submit a witness statement on behalf of the Council and this was accepted.

COUNCIL DECISION ITEM 14.2

That;

(i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council DOES NOT SUPPORT as part of the State Administrative Tribunal Review Matter No. DR 312 of 2006, the deletion of the following condition (viii) (b), as determined at the Ordinary Meeting of Council held on 22 August 2006 for Proposed Demolition of Existing Single House and Construction of Four (4) Two-Storey Grouped Dwellings at Nos. 8-10 (Lots 46 & 47 D/P: 1210) Byron Street, Leederville and as shown on revised plans stamp-dated 31 October 2006;*

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

....

(b) the garages for Units 1 and 2 being located behind the main building, and vehicular access to all four (4) dwellings being from a single shared driveway;"

for the following reasons:

(a) the revised plans stamp - dated 31 October 2006 do not sufficiently address the intent of subject condition (viii) (b); and

(b) non-compliance with Town's Policy 3.2.6 relating to Vehicular Access, in terms of the maximum number of crossovers;

(ii) *INVITES Councillor Maier to submit a written submission (witness statement) on behalf of the Council on the Review (appeal), which is to be determined by way of a "Final Hearing"; and*

(iii) *INVITES the six (6) residents who objected to the proposal to submit written submission (witness statement) on behalf of the Council on the Review (appeal), which is to be determined by way of a "Final Hearing".*

Cr Farrell departed the Chamber at 8.52pm.

CARRIED (8-0)

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

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

PURPOSE OF REPORT:

- To advise the Council of the above review application.
- For the Council to re-consider a condition of Planning Approval and revised plans for the above proposed development submitted as part of the application for Review Matter No. DR 312 of 2006 to the State Administrative Tribunal (SAT). The matter is currently being mediated at SAT, with the Town at this stage of the review being represented by its Officers.
- To comply with the requirements of the Town's Policy/Procedure for State Administrative Tribunal (SAT).
- To consider an Elected Member (s) and a local member/s of the community to submit a written submission (witness statement) on behalf of the Council.

Landowner:	W Atkinson & M Korac
Applicant:	The Planning Group
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
Existing Land Use:	Single House
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	1214 square metres
Access to Right of Way	N/A

BACKGROUND:

- 22 August 2006 The Council at its Ordinary Meeting resolved to conditionally approve the proposed demolition of existing single house and construction of four (4) two-storey grouped dwellings.
- 15 September 2006 Application lodged with the State Administrative Tribunal to review the Council's decision.
- 29 September 2006 Directions Hearing held at the State Administrative Tribunal (SAT).
- 11 October 2006 Mediation held at SAT.
- 18 December 2006 Final hearing scheduled at SAT.

DETAILS:

The proposal involves proposed demolition of existing single house and construction of four (4) two-storey grouped dwellings, at Nos. 8 - 10 (Lots 46 & 47) Byron Street, Leederville. The owners/applicants have sought the review by SAT of the following condition imposed by the Council at its Ordinary Meeting held on 22 August 2006, including the justification for the condition to be deleted. A revised set of plans is attached to this report.

Condition (viii)(b), the subject of the above review application, states as follows:

- "(viii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
-
- (b) the garages for Units 1 and 2 being located behind the main building, and vehicular access to all four (4) dwellings being from a single shared driveway; and "*

The applicant has submitted additional details following the State Administrative Tribunal mediation held on 11 October 2006, which is attached to this report. The applicant's revised plans received on 31 October 2006 have incorporated the following changes to the plans:

- porch depth is reduced by 200 millimetres;
- additional "soft" landscaping has been added to both sides of the entry;
- the paved area for the driveway has been reduced and the incorporation of a 1.2 metres wide footpath to the porch. The driveway has been amended with a combination of pavers and lawn;
- two new verge trees, to be selected and approved by the Town; and
- the width of the front garages have been reduced to 4.8 metres, with fully glazed sectional lift doors to the garage opening.

CONSULTATION/ADVERTISING:

Not required.

LEGAL/POLICY:

Planning and Development Act 2005 (WA), State Administrative Tribunal Act 2004 (WA) and Town's Policy No. 4.1.25 - Procedure For State Administrative Tribunal.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Cost associated with the services of a qualified professional (agent), Mr. Simon Bain, should the matter proceed to a "Final Hearing".

Below is a verbatim of the Assessment Table as considered at the Ordinary Meeting of Council held on 22 August 2006.

"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>Density</i>	<i>4.04 dwellings R30</i>	<i>4 dwellings R30</i>	<i>Noted - no variation.</i>
<i>Plot Ratio</i>	<i>N/A</i>	<i>N/A</i>	<i>Noted.</i>
<i>Minimum Site Area- Unit 4</i>	<i>270 square metres</i>	<i>268 square metres</i>	<i>Supported-</i> <ul style="list-style-type: none"> • <i>variation is considered minor;</i> • <i>compliant with average density requirements of the R Codes; and</i> • <i>is not considered to have an undue impact on the streetscape or surrounding amenity.</i>
<i>Setbacks:- Ground Floor-North- Unit 1</i>	<i>1.7 metres</i>	<i>Nil - 2.1 metres - 4.1 metres</i>	<i>Supported - variation is not considered to have an undue impact on affected neighbour.</i>
<i>Unit 3</i>	<i>1.5 metres</i>	<i>1 metre - 1.54 metres - 2.3 metres</i>	<i>Supported - as above.</i>
<i>South- Unit 4 (Garage/Family)</i>	<i>1.5 metres</i>	<i>Nil - 1.2 metres - 2 metres</i>	<i>Supported - as above.</i>

Unit 2 Upper Floor: North-	1.7 metres	Nil - 2.1 metres - 4.1 metres	Supported - as above.
Unit 1	4.5 metres	1.5 metres - 2.1 metres	Supported - as above.
Unit 3 (Bedrooms 3 and 2)	2 metres	1.54 metres - 2.36 metres	Supported - as above.
South- Unit 4	2 metres	1.2 metres - 2.02 metres	Supported - as above.
Unit 2	2.1 metres	1.5 metres - 2.1 metres	Supported - as above.
West - Unit 1 Balcony	6 metres	5 metres	Supported - not considered to have an undue impact on the streetscape or surrounding amenity.
Unit 2 Balcony	6 metres	5 metres	Supported - as above.
Building on Boundary	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. As above.	North: Unit 1 Carport/store - height - 3.1 metres - 2.915 metres (average height 3 metres). South: Unit 2 Carport/store - height - 3.3 metres - 2.8 metres (average height 3.05 metres).	Supported - is compliant with the boundary wall requirements of the R Codes in terms of height and length and is not considered to have an undue impact on the affected neighbour. Supported - not considered to have an undue impact on affected neighbour.
	As above.	Unit 4 Store - height - 2.7 metres - 3.0 metres (average height 2.85 metres).	Supported - is compliant with the boundary wall requirements of the R Codes in terms of height and length and is not considered to have an undue impact on the affected neighbour.
	As above.	2 boundary walls.	Supported - boundary walls are not considered to have an undue impact on affected neighbours.

<i>Building Height-</i>			
<i>Northern Driveway Elevation - Unit 1</i>	<i>6 metres</i>	<i>5.527 metres - 6.2 metres</i>	<i>Supported -</i> <ul style="list-style-type: none"> • <i>variation is considered minor;</i> • <i>portion of the wall that is non compliant with the height requirements of the R Codes is minimal;</i> • <i>site is sloping; and</i> • <i>not considered to have an undue impact on the affected neighbours.</i>
<i>Northern Elevation</i>	<i>6 metres</i>	<i>5.727 metres - 6.277 metres</i>	<i>Supported - as above.</i>
<i>South Elevation</i>	<i>6 metres</i>	<i>5.527 metres - 6.2 metres</i>	<i>Supported - as above.</i>
<i>Southern Driveway Elevation</i>	<i>6 metres</i>	<i>5.527 metres - 6.2 metres</i>	<i>Supported - as above.</i>
<i>Privacy: North Elevation- Unit 1 Upper Floor Balcony (west)</i>	<i>7.5 metres</i>	<i>2.5 metres to northern boundary.</i>	<i>Supported - not considered to have an undue impact on affected neighbour as overlooking is into adjacent neighbours front setback and roof.</i>
<i>Unit 2 Upper Floor Balcony (west)</i>	<i>7.5 metres</i>	<i>2.5 metres to southern boundary.</i>	<i>Supported - as above.</i>
<i>Essential Facilities- Store Unit 4</i>	<i>Minimum dimension 1.5 metres</i>	<i>6.35 metres by 1 metre.</i>	<i>Supported - considered adequate to meet the store 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>5.8 metres by 1 metre</i>	<i>Supported - as above.</i>
<i>Consultation Submissions</i>			
<i>Support</i>	<i>Nil</i>		<i>Noted</i>
<i>Objection (6)</i>	<ul style="list-style-type: none"> • <i>Density - concern that four dwellings are being built when there is only room for three dwellings.</i> 		<i>Not supported - proposal is compliant with the average density requirements of the R Codes.</i>

	<ul style="list-style-type: none"> • <i>No visitor car parking provided.</i> • <i>Setbacks.</i> • <i>Development will have an undue impact on the streetscape.</i> • <i>Privacy.</i> • <i>Building height.</i> • <i>Overshadowing.</i> • <i>Boundary walls height.</i> • <i>Out of character of the locality.</i> • <i>Bulk and Scale.</i> • <i>Increase in traffic in Byron Street.</i> • <i>Number and extent of variations sought.</i> • <i>Insufficient outdoor living area.</i> 	<p><i>Not supported - no visitor car parking required by the R Codes.</i></p> <p><i>Not supported - addressed in the Assessment Table.</i></p> <p><i>Not supported - not considered to have an undue impact on the streetscape.</i></p> <p><i>Not supported - addressed in the Assessment Table.</i></p> <p><i>Not supported - addressed in the Assessment Table.</i></p> <p><i>Not supported - proposal is compliant with the overshadowing requirements of the R Codes.</i></p> <p><i>Not supported - addressed in the Assessment Table.</i></p> <p><i>Not supported - not considered to have an undue impact on the streetscape or surrounding amenity.</i></p> <p><i>Not supported - development is compliant with the average density and open space requirements of the R Codes and is not considered to have an undue impact on the streetscape or surrounding amenity.</i></p> <p><i>Not supported -</i></p> <ul style="list-style-type: none"> • <i>not considered to produce a significant increase in traffic; and</i> • <i>not considered to have an undue impact on the surrounding amenity.</i> <p><i>Not supported - addressed in the Assessment Table.</i></p> <p><i>Not supported - outdoor living areas of the units are compliant with the outdoor living area requirements of the R Codes and therefore considered adequate.</i></p>
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	<ul style="list-style-type: none"> • <i>Overdevelopment of the site.</i> • <i>Concern existing dwelling has heritage value.</i> 	<p><i>Not supported - proposal is compliant with the average density requirements of the R Codes.</i></p> <p><i>Not supported - addressed in the Comments section.</i></p>
<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:

While it is acknowledged that the applicant has genuinely attempted to address the concerns of the Council, the revised plans received on 31 October 2006 have not, in the Town's Officers' view, addressed or satisfied condition (viii) (b) of the Council resolution at its Ordinary Meeting held on 22 August 2006, as there still remains 3 crossovers with no reduction in the number of crossovers onto Byron Street.

On the above basis, the following is recommended:

- The Council receives the report;
- The Council does not support the deletion of condition (viii) (b) of the Council resolution at its Ordinary Meeting held on 22 August 2006; and
- The Council nominates an Elected Member(s) and those who made objections to submit a Written Submission (witness statement) in the review process.

(This report has been released to the public, other than the Officer and Owner Comments and assessment details.)

14.3 CONFIDENTIAL REPORT - Municipal Heritage Inventory Review - Consideration of No. 98 (Lot 6) Angove Street, North Perth

Ward:	South	Date:	30 October 2006
Precinct:	North Perth; P8	File Ref:	PLA0098
Attachments:	-		
Reporting Officer(s):	T Woodhouse, H Eames		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *pursuant to section 5.95 of the Local Government Act 1995 and clause 2.15 of the Town of Vincent Local Law relating to Standing Orders, the Council PROCEEDS "behind closed doors" at the conclusion of the items, to consider the confidential report, circulated separately to Elected Members for Municipal Heritage Inventory Review - Consideration of No. 98 (Lot 6) Angove Street, North Perth as the matter contains sensitive personal and/or financial information; and*
- (ii) *the Council AUTHORIZES the Chief Executive Officer to make public the confidential report, or any part of it, at the appropriate time.*

Moved Cr Torre, Seconded Cr Chester

That the recommendation be adopted.

Cr Farrell returned to the Chamber at 8.52pm.

CARRIED (9-0)

COUNCIL DECISION ITEM 14.3

That the Council;

- (i) *NOTES the submission(s) received regarding the proposed inclusion of the place at No. 98 (Lot 6) Angove Street, North Perth, on the Town's Municipal Heritage Inventory;*
- (ii) *DEFERS the decision relating to the proposed inclusion of the place at No. 98 (Lot 6) Angove Street, North Perth, on the Town's Municipal Heritage Inventory;*
- (iii) *AUTHORIZES the Chief Executive Officer to SEEK further comments from the owners of No. 98 (Lot 6) Angove Street, North Perth and REQUEST these comments be submitted to the Town by no later than 8 December 2006; and*
- (iv) *NOTES that a further report will be submitted to the Ordinary Meeting of Council to be held on 19 December 2006.*

PURPOSE OF REPORT:

The purpose of this report is to consider the proposed inclusion of the above mentioned property in the Municipal Heritage Inventory as a 'Management Category A' place.

BACKGROUND:

At the Ordinary Meeting of Council held on 12 September 2006, it was resolved that the Council:

"(iii) *NOTES that;*

- (a) *the submissions received during the consultation period objecting to Category A places will be assessed by the Town's administration and will be reported to the Council within 1-2 months; and*
- (b) *a further report will be presented to the Council advising of an appropriate methodology for assessing the submissions relating to Category B places."*

This report relates specifically to clause (iii) (a) of the above Council resolution, and clause (iii) (b) will be dealt with in a separate Agenda Report at the Ordinary Meeting of Council to be held on 7 November 2006.

Written submissions closed on 31 August 2006 after ten (10) weeks of consultation. 133 submissions were received out of a possible 697 affected owners of which 13 related to places that had been identified in the review of the Town's Municipal Heritage Inventory as a Management Category A.

DETAILS:

With regard to the recommendation from the Ordinary Meeting of Council held on 12 September 2006 outlined above, the Town's Officers have individually assessed the submissions received for No. 98 (Lot 6) Angove Street, North Perth. A summary of the submission(s) for the subject property form an attachment to this report. This submission is also "*Laid on the Table*" on a Confidential basis.

Officer and Owner comments remain confidential.

CONSULTATION/ADVERTISING:

The Draft MHI has been widely and extensively advertised.

Owners have been consulted in writing at various stages throughout the project. Proposed Category A places have had full heritage assessments undertaken with the cooperation of the owners where possible.

Formal advertising has appeared in local newspapers, workshops for owners have been undertaken, 64 one-on-one meetings have occurred between owners and Officers from the Town, information packs provided and progress reports have been provided to the Council throughout the project. The Chief Executive Officer conducted media briefings at the start of the consultation period and conducted an interview with Channel 10 television.

LEGAL/POLICY:

Under the Heritage of Western Australia Act 1990, there is a legal requirement for the Town to review and update its Municipal Heritage Inventory. A revised list was adopted by the Council at the Ordinary Meeting of Council held on 12 September 2006. This list comprises places which had received support or not objections from the owners. This list has been forwarded to the Heritage Council of WA as required by section 45 of the Act.

STRATEGIC IMPLICATIONS:

Strategic Plan 2005-2010: Key Result Area 1.2: *"Recognise the value of heritage in providing a sense of place and identity"*.

FINANCIAL IMPLICATIONS:

The current 2006/2007 Budget lists \$54,800 for the Municipal Heritage Inventory Review. \$19,900 remains in this account.

COMMENTS:

In light of above, it is recommended that the Council notes the submission and defers the decision relating to the proposed inclusion of the place at No. 98 (Lot 6) Angove Street, North Perth on the Town's Municipal Heritage Inventory in accordance with the Officer Recommendation outlined above.

(This report has been released to the public, other than the Officer and Owner Comments and assessment details.)

14.4 CONFIDENTIAL REPORT - Municipal Heritage Inventory - Consideration of Nos. 28-30 (Lot 13), No. 32 (Lot 13), No. 40 (Lot 12), No. 54 (Lot 41) & Nos. 68-70 (Lot 41) Cowle Street, West Perth

Ward:	South	Date:	1 November 2006
Precinct:	Hyde Park, P12	File Ref:	PLA0098 ; PRO1640
Attachments:	-		
Reporting Officer(s):	T Woodhouse		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *pursuant to section 5.95 of the Local Government Act 1995 and clause 2.15 of the Town of Vincent Local Law relating to Standing Orders, the Council PROCEEDS “behind closed doors” at the conclusion of the items, to consider the confidential report, circulated separately to Elected Members for Municipal Heritage Inventory Review - Consideration of Nos. 28-30 (Lot 13), No. 32 (Lot 13), No. 40 (Lot 12), No. 54 (Lot 41) & Nos. 68-70 (Lot 41) Cowle Street, West Perth as the matter contains sensitive personal and/or financial information; and*
- (ii) *the Council AUTHORIZES the Chief Executive Officer to make public the confidential report, or any part of it, at the appropriate time.*

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

Debate ensued.

Moved Cr Chester, Seconded Cr Farrell

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

- (v) *REQUESTS the Chief Executive Officer to advise the land owner that number 54 (Lot 41) Cowle Street should be retained (in view of its rarity and historical significance) together with number 28-30 (Lot 13) and number 68-70 (Lot 41) Cowle Street and that development bonuses will be available, should this occur.*

CARRIED (9-0)

Debate ensued.

MOTION AS AMENDED CARRIED (9-0)

COUNCIL DECISION ITEM 14.4

That the Council;

- (i) *NOTES the submission(s) received regarding the proposed inclusion of the places at Nos. 28-30 (Lot 13), No. 32 (Lot 13), No. 40 (Lot 12), No. 54 (Lot 41) and Nos. 68-70 (Lot 41) Cowle Street, West Perth on the Town's Municipal Heritage Inventory;*
 - (ii) *DEFERS the decision relating to the proposed inclusion of the places at Nos. 28-30 (Lot 13), No. 32 (Lot 13), No. 40 (Lot 12), No. 54 (Lot 41) and Nos. 68-70 (Lot 41) Cowle Street, West Perth on the Town's Municipal Heritage Inventory;*
 - (iii) *AUTHORISES the Chief Executive Officer to SEEK further comments from the owner of Nos. 28-30 (Lot 13), No. 32 (Lot 13), No. 40 (Lot 12), No. 54 (Lot 41) and Nos. 68-70 (Lot 41) Cowle Street, West Perth, and REQUEST these comments be submitted to the Town by no later than 8 December 2006;*
 - (iv) *NOTES that a further report will be submitted to the Ordinary Meeting of Council to be held on 19 December 2006; and*
 - (v) *REQUESTS the Chief Executive Officer to advise the land owner that No. 54 (Lot 41) Cowle Street should be retained (in view of its rarity and historical significance) together with No. 28-30 (Lot 13) and No. 68-70 (Lot 41) Cowle Street, and that development bonuses will be available should this occur.*
-

PURPOSE OF REPORT:

The purpose of this report is to consider the proposed inclusion of the above mentioned properties in the Municipal Heritage Inventory as 'Management Category A' and 'Management Category B' places.

BACKGROUND:

At the Ordinary Meeting of Council held on 12 September 2006, it was resolved that the Council:

"(iii) NOTES that;

- (a) the submissions received during the consultation period objecting to Category A places will be assessed by the Town's administration and will be reported to the Council within 1-2 months; and*
- (b) a further report will be presented to the Council advising of an appropriate methodology for assessing the submissions relating to Category B places."*

This report relates specifically to clause (iii) (a) of the above Council resolution, and clause (iii) (b) will be dealt with in a separate Agenda Report at the Ordinary Meeting of Council to be held on 7 November 2006.

Written submissions closed on 31 August 2006 after ten (10) weeks of consultation. 133 submissions were received out of a possible 697 affected owners of which 13 related to places that had been identified in the review of the Town's Municipal Heritage Inventory as a Management Category A.

Officer and Owner comments remain confidential.

CONSULTATION/ADVERTISING:

The Draft MHI has been widely and extensively advertised.

Owners have been consulted in writing at various stages throughout the project. Proposed Category A places have had full heritage assessments undertaken with the cooperation of the owners where possible.

Formal advertising has appeared in local newspapers, workshops for owners have been undertaken, 64 one-on-one meetings have occurred between owners and Officers from the Town, information packs provided and progress reports have been provided to the Council throughout the project. The Chief Executive Officer conducted media briefings at the start of the consultation period and conducted an interview with Channel 10 television.

LEGAL/POLICY:

Under the Heritage of Western Australia Act 1990, there is a legal requirement for the Town to review and update its Municipal Heritage Inventory. A revised list was adopted by the Council at the Ordinary Meeting of Council held on 12 September 2006. This list comprises places which had received support or no objections from the owners. This list has been forwarded to the Heritage Council of WA as required by section 45 of the Act.

STRATEGIC IMPLICATIONS:

Strategic Plan 2005-2010: Key Result Area 1.2: *"Recognise the value of heritage in providing a sense of place and identity"*.

FINANCIAL IMPLICATIONS:

The current 2006/2007 Budget lists \$54,800 for the Municipal Heritage Inventory Review. \$19,900 remains in this account.

**14.5 CONFIDENTIAL REPORT - Municipal Heritage Inventory Review -
Consideration of No. 629 (Lot 100) Newcastle Street, Leederville**

Ward:	South	Date:	30 October 2006
Precinct:	Oxford Centre; P4	File Ref:	PLA0098
Attachments:	-		
Reporting Officer(s):	T Woodhouse, H Eames		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *pursuant to section 5.95 of the Local Government Act 1995 and clause 2.15 of the Town of Vincent Local Law relating to Standing Orders, the Council PROCEEDS "behind closed doors" at the conclusion of the items, to consider the confidential report, circulated separately to Elected Members for Municipal Heritage Inventory Review - Consideration of No. 629 (Lot 100) Newcastle Street, Leederville as the matter contains sensitive personal and/or financial information; and*
- (ii) *the Council AUTHORISES the Chief Executive Officer to make public the confidential report, or any part of it, at the appropriate time.*

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

Debate ensued.

CARRIED (9-0)

COUNCIL DECISION ITEM 14.5

That the Council;

- (i) *NOTES the submission(s) received regarding the proposed inclusion of the place at No. 629 (Lot 100) Newcastle Street, Leederville, on the Town's Municipal Heritage Inventory;*
- (ii) *DEFERS the decision relating to the proposed inclusion of the place at No. 629 (Lot 100) Newcastle Street, Leederville, on the Town's Municipal Heritage Inventory;*
- (iii) *AUTHORISES the Chief Executive Officer to SEEK further comments from the owner of No. 629 (Lot 100) Newcastle Street, Leederville, and REQUEST these comments be submitted to the Town by no later than 31March 2007; and*
- (iv) *NOTES that a further report will be submitted to an Ordinary Meeting of Council to be held in April 2007.*

PURPOSE OF REPORT:

The purpose of this report is to consider the proposed inclusion of the above mentioned property in the Municipal Heritage Inventory as a *'Management Category A'* place.

BACKGROUND:

At the Ordinary Meeting of Council held on 12 September 2006, it was resolved that the Council:

"(iii) NOTES that;

- (a) the submissions received during the consultation period objecting to Category A places will be assessed by the Town's administration and will be reported to the Council within 1-2 months; and*
- (b) a further report will be presented to the Council advising of an appropriate methodology for assessing the submissions relating to Category B places."*

This report relates specifically to clause (iii) (a) of the above Council resolution, and clause (iii) (b) will be dealt with in a separate Agenda Report at the Ordinary Meeting of Council to be held on 7 November 2006.

Written submissions closed on 31 August 2006 after ten (10) weeks of consultation. 133 submissions were received out of a possible 697 affected owners of which 13 related to places that had been identified in the review of the Town's Municipal Heritage Inventory as a Management Category A.

DETAILS:

With regard to the recommendation from the Ordinary Meeting of Council held on 12 September 2006 outlined above, the Town's Officers have individually assessed the submission(s) received for No.629 (Lot 100) Newcastle Street, Leederville. A summary of the submission(s) for the subject property form an attachment to this report. This submission is also *"Laid on the Table"* on a Confidential basis.

The key concerns outlined in the submission(s) are summarised below:

- The owner requests a deferral in order to consider the matter in the context of the master plan for the John Tonkin Water Centre which is expected to be completed by 31 December 2006.

Officer Comment

Heritage consultants Hocking Planning and Architecture identified the place as a Category A for its aesthetic architectural significance and association with the site for over 100 years.

A deferred decision relating to the inclusion of the place on the Municipal Heritage Inventory is considered acceptable to allow additional discussion and investigation with the owner. Final comment should be received from the owner no later than 31 March 2007.

It should be noted that the Water Corporation are currently carrying out a Masterplan for their land and this should be completed by 31 March 2007.

CONSULTATION/ADVERTISING:

The Draft MHI has been widely and extensively advertised.

Owners have been consulted in writing at various stages throughout the project. Proposed Category A places have had full heritage assessments undertaken with the cooperation of the owners where possible.

Formal advertising has appeared in local newspapers, workshops for owners have been undertaken, 64 one-on-one meetings have occurred between owners and Officers from the Town, information packs provided and progress reports have been provided to the Council throughout the project. The Chief Executive Officer conducted media briefings at the start of the consultation period and conducted an interview with Channel 10 television.

LEGAL/POLICY:

Under the Heritage of Western Australia Act 1990, there is a legal requirement for the Town to review and update its Municipal Heritage Inventory. A revised list was adopted by the Council at the Ordinary Meeting of Council held on 12 September 2006. This list comprises places which had received support or not objections from the owners. This list has been forwarded to the Heritage Council of WA as required by section 45 of the Act.

STRATEGIC IMPLICATIONS:

Strategic Plan 2005-2010: Key Result Area 1.2: *"Recognise the value of heritage in providing a sense of place and identity"*.

FINANCIAL IMPLICATIONS:

The current 2006/2007 Budget lists \$54,800 for the Municipal Heritage Inventory Review. \$19,900 remains in this account.

COMMENTS:

In light of above, it is recommended that the Council notes the submission and defers the decision relating to the proposed inclusion of the place at No. 629 (Lot 100) Newcastle Street, Leederville, on the Town's Municipal Heritage Inventory.

(This report has been released to the public, other than the Officer and Owner Comments and assessment details.)

14.6 CONFIDENTIAL REPORT - Municipal Heritage Inventory Review - Consideration of No. 106 (Lot Y54) Palmerston Street, Perth

Ward:	South	Date:	30 October 2006
Precinct:	Hyde Park; P12	File Ref:	PLA0098
Attachments:	-		
Reporting Officer(s):	T Woodhouse, H Eames		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *pursuant to section 5.95 of the Local Government Act 1995 and clause 2.15 of the Town of Vincent Local Law relating to Standing Orders, the Council PROCEEDS "behind closed doors" at the conclusion of the items, to consider the confidential report, circulated separately to Elected Members for Municipal Heritage Inventory Review - Consideration of No. 106 (Lot Y54) Palmerston Street, Perth as the matter contains sensitive personal and/or financial information; and*
- (ii) *the Council AUTHORIZES the Chief Executive Officer to make public the confidential report, or any part of it, at the appropriate time.*

COUNCIL DECISION ITEM 14.6

Moved Cr Chester, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

CARRIED (9-0)

COUNCIL DECISION ITEM 14.6

That the Council;

- (i) *NOTES the submission(s) received regarding the proposed inclusion of the place at No.106 (Lot Y54) Palmerston Street, Perth, on the Town's Municipal Heritage Inventory;*
- (ii) *DEFERS the decision relating to and the proposed inclusion of the place at No.106 (Lot Y54) Palmerston Street, Perth, on the Municipal Heritage Inventory;*
- (iii) *AUTHORIZES the Chief Executive Officer to SEEK further comments from the owners of No. 106 (Lot Y54) Palmerston Street, Perth and REQUEST these comments be submitted to the Town by no later than 8 December 2006; and*
- (iv) *NOTES that a further report will be submitted to the Ordinary Meeting of Council to be held on 19 December 2006.*

PURPOSE OF REPORT:

The purpose of this report is to consider the proposed inclusion of the above mentioned property in the Municipal Heritage Inventory as a *'Management Category A'* place.

BACKGROUND:

At the Ordinary Meeting of Council held on 12 September 2006, it was resolved that the Council:

"(iii) NOTES that;

- (a) the submissions received during the consultation period objecting to Category A places will be assessed by the Town's administration and will be reported to the Council within 1-2 months; and*
- (b) a further report will be presented to the Council advising of an appropriate methodology for assessing the submissions relating to Category B places."*

This report relates specifically to clause (iii) (a) of the above Council Resolution, and clause (iii) (b) will be dealt with in a separate Agenda Report at the Ordinary Meeting of Council to be held on 7 November 2006.

Written submissions closed on 31 August 2006 after ten (10) weeks of consultation. 133 submissions were received out of a possible 697 affected owners of which 13 related to places that had been identified in the review of the Town's Municipal Heritage Inventory as a Management Category A.

DETAILS:

With regard to the recommendation from the Ordinary Meeting of Council held on 12 September 2006 outlined above, the Town's Officers have individually assessed the submission(s) received for No.106 (Lot Y54) Palmerston Street, Perth. A summary of the submission(s) for the subject property form an attachment to this report. This submission is also *"Laid on the Table"* on a Confidential basis.

Officer and Owner comments remain confidential.

CONSULTATION/ADVERTISING:

The Draft MHI has been widely and extensively advertised.

Owners have been consulted in writing at various stages throughout the project. Proposed Category A places have had full heritage assessments undertaken with the cooperation of the owners where possible.

Formal advertising has appeared in local newspapers, workshops for owners have been undertaken, 64 one-on-one meetings have occurred between owners and Officers from the Town, information packs provided and progress reports have been provided to the Council throughout the project. The Chief Executive Officer conducted media briefings at the start of the consultation period and conducted an interview with Channel 10 television.

LEGAL/POLICY:

Under the Heritage of Western Australia Act 1990, there is a legal requirement for the Town to review and update its Municipal Heritage Inventory. A revised list was adopted by the Council at the Ordinary Meeting of Council held on 12 September 2006. This list comprises places which had received support or not objections from the owners. This list has been forwarded to the Heritage Council of WA as required by section 45 of the Act.

STRATEGIC IMPLICATIONS:

Strategic Plan 2005-2010: Key Result Area 1.2: *"Recognise the value of heritage in providing a sense of place and identity"*.

FINANCIAL IMPLICATIONS:

The current 2006/2007 Budget lists \$54,800 for the Municipal Heritage Inventory Review. \$19,900 remains in this account.

COMMENTS:

In light of above, it is recommended that the Council notes the submission and defers the decision relating to the proposed inclusion of the place at No. 106 (Lot Y54) Palmerston Street, Perth on the Town's Municipal Heritage Inventory in accordance with the Officer Recommendation.

(This report has been released to the public, other than the Officer and Owner Comments and assessment details.)

14.7 CONFIDENTIAL REPORT - Municipal Heritage Inventory Review - Consideration of No. 21 (Lot 22) Vincent Street, Mount Lawley

Ward:	South	Date:	31 October 2006
Precinct:	Hyde Park; P12	File Ref:	PLA0098
Attachments:	-		
Reporting Officer(s):	T Woodhouse, H Eames		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *pursuant to section 5.95 of the Local Government Act 1995 and clause 2.15 of the Town of Vincent Local Law relating to Standing Orders, the Council PROCEEDS “behind closed doors” at the conclusion of the items, to consider the confidential report, circulated separately to Elected Members for Municipal Heritage Inventory Review - Consideration of No. 21 (Lot 22) Vincent Street, Mount Lawley as the matter contains sensitive personal and/or financial information; and*
- (ii) *the Council AUTHORIZES the Chief Executive Officer to make public the confidential report, or any part of it, at the appropriate time.*

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (9-0)

COUNCIL DECISION ITEM 14.7

That the Council;

- (i) *NOTES the submission relating to the proposed inclusion of the place at No.21 (Lot 22) Vincent Street, Mount Lawley, on the Town's Municipal Heritage Inventory;*
- (ii) *DEFERS the decision to include the place at No.21 (Lot 22) Vincent Street, Mount Lawley, on the Town's Municipal Heritage Inventory;*
- (iii) *AUTHORIZES the Chief Executive Officer to SEEK further comments from the owners of No. 21 (Lot 22) Vincent Street, Mount Lawley, and REQUEST these comments be submitted to the Town by no later than 31 January 2007; and*
- (iv) *NOTES that a further report will be submitted to an Ordinary Meeting of Council to be held in February 2007.*

PURPOSE OF REPORT:

The purpose of this report is to consider the proposed inclusion of the above mentioned property in the Municipal Heritage Inventory as a 'Management Category A' place.

BACKGROUND:

At the Ordinary Meeting of Council held on 12 September 2006, it was resolved that the Council:

"(iii) NOTES that;

- (a) the submissions received during the consultation period objecting to Category A places will be assessed by the Town's administration and will be reported to the Council within 1-2 months; and*
- (b) a further report will be presented to the Council advising of an appropriate methodology for assessing the submissions relating to Category B places."*

This report relates specifically to clause (iii) (a) of the above Council resolution, and clause (iii) (b) will be dealt with in a separate Agenda Report at the Ordinary Meeting of Council to be held on 7 November 2006.

Written submissions closed on 31 August 2006 after ten (10) weeks of consultation. 133 submissions were received out of a possible 697 affected owners of which 13 related to places that had been identified in the review of the Town's Municipal Heritage Inventory as a Management Category A.

DETAILS:

With regard to the recommendation from the Ordinary Meeting of Council held on 12 September 2006 outlined above, the Town's Officers have individually assessed the submission(s) received for No.21 (Lot 22) Vincent Street, Mount Lawley. A summary of the submission(s) for the subject property form an attachment to this report. This submission is also *"Laid on the Table"* on a Confidential basis.

Officer and Owner comments remain confidential.

CONSULTATION/ADVERTISING:

The Draft MHI has been widely and extensively advertised.

Owners have been consulted in writing at various stages throughout the project. Proposed Category A places have had full heritage assessments undertaken with the cooperation of the owners where possible.

Formal advertising has appeared in local newspapers, workshops for owners have been undertaken, 64 one-on-one meetings have occurred between owners and Officers from the Town, information packs provided and progress reports have been provided to the Council throughout the project. The Chief Executive Officer conducted media briefings at the start of the consultation period and conducted an interview with Channel 10 television.

LEGAL/POLICY:

Under the Heritage of Western Australia Act 1990, there is a legal requirement for the Town to review and update its Municipal Heritage Inventory. A revised list was adopted by the Council at the Ordinary Meeting of Council held on 12 September 2006. This list comprises places which had received support or no objection from the owners. This list has been forwarded to the Heritage Council of WA as required by section 45 of the Act. The outcomes of the recommendations contained in this report may result in further advice to the Heritage Council of Western Australia to update the Municipal Heritage Inventory.

STRATEGIC IMPLICATIONS:

Strategic Plan 2005-2010: Key Result Area 1.2: *"Recognise the value of heritage in providing a sense of place and identity"*.

FINANCIAL IMPLICATIONS:

The current 2006/2007 Budget lists \$54,800 for the Municipal Heritage Inventory Review. \$19,900 remains in this account.

COMMENTS:

In light of above, it is recommended that the Council notes the submission received, and defers the decision relating to the proposed inclusion of the place at No.21 (Lot 22) Vincent Street, Mount Lawley in accordance with the Officer Recommendation outlined above.

14.8 CONFIDENTIAL REPORT - Municipal Heritage Inventory Review - Consideration of Nos. 1 (Lot 2), 3 (Lot 25), 5 (Lot 24), 7 (Lot 23), 9 (Lot 22), 11 (Lot 21), 13 (Lot 20), 15 (Lot 19) & 17 (Lot 18) Baker Avenue, Perth & No. 301 (Lot 123) Beaufort Street, Perth ('Birdwood Square Reserve')

Ward:	South	Date:	30 October 2006
Precinct:	Hyde Park; P12	File Ref:	PLA0098
Attachments:	-		
Reporting Officer(s):	T Woodhouse, H Eames		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *pursuant to section 5.95 of the Local Government Act 1995 and clause 2.15 of the Town of Vincent Local Law relating to Standing Orders, the Council PROCEEDS "behind closed doors" at the conclusion of the items, to consider the confidential report, circulated separately to Elected Members for Municipal Heritage Inventory Review - Consideration of Nos. 1 (Lot 2), 3 (Lot 25), 5 (Lot 24), 7 (Lot 23), 9 (Lot 22), 11 (Lot 21), 13 (Lot 20), 15 (Lot 19) & 17 (Lot 18) Baker Avenue, Perth & No. 301 (Lot 123) Beaufort Street, Perth ('Birdwood Square Reserve') as the matter contains sensitive personal and/or financial information; and*
- (ii) *the Council AUTHORISES the Chief Executive Officer to make public the confidential report, or any part of it, at the appropriate time.*

Moved Cr Chester, Seconded Cr Farrell

That the item be DEFERRED for further consideration and information

CARRIED (8-1)

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

COUNCIL DECISION ITEM 14.8

That the item be DEFERRED for further consideration and information

PURPOSE OF REPORT:

The purpose of this report is to consider the proposed inclusion of the above mentioned properties in the Municipal Heritage Inventory as a 'Management Category A' place.

BACKGROUND:

At the Ordinary Meeting of Council held on 12 September 2006, it was resolved that the Council:

"(iii) NOTES that;

- (a) the submissions received during the consultation period objecting to Category A places will be assessed by the Town's administration and will be reported to the Council within 1-2 months; and*
- (b) a further report will be presented to the Council advising of an appropriate methodology for assessing the submissions relating to Category B places."*

This report relates specifically to clause (iii) (a) of the Council resolution, and clause (iii) (b) will be dealt with in a separate Agenda Report at the Ordinary Meeting of Council to be held on 7 November 2006.

Written submissions closed on 31 August 2006 after ten (10) weeks of consultation. 133 submissions were received out of a possible 697 affected owners of which 13 related to places that had been identified in the review of the Town's Municipal Heritage Inventory as a Management Category A.

DETAILS:

With regard to the recommendation from the Ordinary Meeting of Council held on 12 September 2006 outlined above, the Town's Officers have individually assessed the submission(s) received for Nos. 1 (Lot 2), 7 (Lot 23), 13 (Lot 20) and 17 (Lot 18) Baker Avenue, Perth. A detailed summary of the submission(s) for the subject properties form an attachment to this report. This submission is also *"Laid on the Table"* on a Confidential basis.

Officer and owner comments remain confidential.

CONSULTATION/ADVERTISING:

The Draft MHI has been widely and extensively advertised.

Owners have been consulted in writing at various stages throughout the project. Proposed Category A places have had full heritage assessments undertaken with the cooperation of the owners where possible.

Formal advertising has appeared in local newspapers, workshops for owners have been undertaken, 64 one-on-one meetings have occurred between owners and Officers from the Town, information packs provided and progress reports have been provided to the Council throughout the project. The Chief Executive Officer conducted media briefings at the start of the consultation period and conducted an interview with Channel 10 television.

LEGAL/POLICY:

Under the Heritage of Western Australia Act 1990, there is a legal requirement for the Town to review and update its Municipal Heritage Inventory. A revised list was adopted by the Council at the Ordinary Meeting of Council held on 12 September 2006. This list comprises places which had received support or no objection from the owners. This list has been forwarded to the Heritage Council of WA as required by section 45 of the Act. The outcomes of the recommendations contained in this report may result in further advice to the Heritage Council of Western Australia to update the Municipal Heritage Inventory.

STRATEGIC IMPLICATIONS:

Strategic Plan 2005-2010: Key Result Area 1.2: *"Recognise the value of heritage in providing a sense of place and identity"*.

FINANCIAL IMPLICATIONS:

The current 2006/2007 Budget lists \$54,800 for the Municipal Heritage Inventory Review. \$19,900 remains in this account.

COMMENTS:

In light of above, it is recommended that the Council notes the submissions received, does not include the 10 dwellings along Baker Avenue on the Town's Municipal Heritage Inventory (MHI) and includes No. 301 (Lot 123) ('Birdwood Square Reserve') on the MHI.

(This report has been released to the public, other than the Officer and Owner Comments and assessment details.)

14.9 CONFIDENTIAL REPORT - Municipal Heritage Inventory Review - Consideration of No. 14 (Lot 119) Franklin Street, Leederville

Ward:	North	Date:	1 November 2006
Precinct:	Leederville; P3	File Ref:	PLA0098
Attachments:	-		
Reporting Officer(s):	T Woodhouse, H Eames, D Abel		
Checked/Endorsed by:	-	Amended by:	R Boardman, John Giorgi

OFFICER RECOMMENDATION:

That;

- (i) *pursuant to section 5.95 of the Local Government Act 1995 and clause 2.15 of the Town of Vincent Local Law relating to Standing Orders, the Council PROCEEDS “behind closed doors” at the conclusion of the items, to consider the confidential report, circulated separately to Elected Members for Municipal Heritage Inventory Review - Consideration of No. 14 (Lot 119) Franklin Street, Leederville as the matter contains sensitive personal and/or financial information; and*
- (ii) *the Council AUTHORISES the Chief Executive Officer to make public the confidential report, or any part of it, at the appropriate time.*

Moved Cr Torre, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

CARRIED (9-0)

COUNCIL DECISION ITEM 14.9

That the Council;

- (i) *NOTES the submission(s) received regarding the proposed inclusion of the place at No. 14 (Lot 119) Franklin Street, Leederville on the Town's Municipal Heritage Inventory; and*
- (ii) *EXCLUDES the place at No. 14 (Lot 119) Franklin Street, Leederville from the Town's Municipal Heritage Inventory.*

~~OFFICER RECOMMENDATION:~~

~~That the Council;~~

- (i) ~~*NOTES the submission(s) received regarding the proposed inclusion of the place at No. 14 (Lot 119) Franklin Street, Leederville on the Town's Municipal Heritage Inventory; and*~~
- (ii) ~~*INCLUDES the place at No. 14 (Lot 119) Franklin Street, Leederville on the Town's Municipal Heritage Inventory as Management Category A - Conservation Essential.*~~

CEO AND EMEDS COMMENTS:

It is recommended that the Council take cognisance of the following relevant factors:

(The Officer and Owner comments remain confidential as they relate to personal and financial details of the owner.)

1. **Owner's Age and Health**
2. **Condition of Dwelling**
3. **Financial Situation and Real Estate Valuation**
4. **Neighbours Opinion**
5. **Future Plans for the Place**

Conclusion

- In light of the above considerations, the Chief Executive Officer and Executive Manager Environmental and Development Services have amended this Agenda Report by changing the Officer Recommendation such that it is recommended that the Council does not include the subject place on the Town's Municipal Heritage Inventory.

PURPOSE OF REPORT:

The purpose of this report is to consider the proposed inclusion of the above mentioned property in the Municipal Heritage Inventory as a '*Management Category A*' place.

BACKGROUND:

At the Ordinary Meeting of Council held on 12 September 2006, it was resolved that the Council:

"(iii) NOTES that;

- (a) the submissions received during the consultation period objecting to Category A places will be assessed by the Town's administration and will be reported to the Council within 1-2 months; and*
- (b) a further report will be presented to the Council advising of an appropriate methodology for assessing the submissions relating to Category B places."*

This report relates specifically to clause (iii) (a) of the above Council resolution, and clause (iii) (b) will be dealt with in a separate Agenda Report at the Ordinary Meeting of Council to be held on 7 November 2006.

Written submissions closed on 31 August 2006 after ten (10) weeks of consultation. 133 submissions were received out of a possible 697 affected owners, of which 13 related to places that had been identified in the review of the Town's Municipal Heritage Inventory as a Management Category A.

DETAILS:

With regard to the recommendation from the Ordinary Meeting of Council held on 12 September 2006 outlined above, the Town's Officers have individually assessed the submissions received for No. 14 (Lot 119) Franklin Street, Leederville. The submission is '*Laid on the Table*' on a Confidential basis.

CONSULTATION/ADVERTISING:

The Draft MHI has been widely and extensively advertised.

Owners have been consulted in writing at various stages throughout the project. Proposed Category A places have had full heritage assessments undertaken with the cooperation of the owners where possible.

Formal advertising has appeared in local newspapers, workshops for owners have been undertaken, 64 one-on-one meetings have occurred between owners and Officers from the Town, information packs provided and progress reports have been provided to the Council throughout the project. The Chief Executive Officer conducted media briefings at the start of the consultation period and conducted an interview with Channel 10 television.

LEGAL/POLICY:

Under the Heritage of Western Australia Act 1990, there is a legal requirement for the Town to review and update its Municipal Heritage Inventory. A revised list was adopted by the Council at the Ordinary Meeting of Council held on 12 September 2006. This list comprises places which had received support or no objections from the owners. This list has been forwarded to the Heritage Council of WA as required by section 45 of the Act. The outcomes of the recommendations contained in this report may result in further advice to the Heritage Council of Western Australia to update the Municipal Heritage Inventory.

STRATEGIC IMPLICATIONS:

Strategic Plan 2005-2010: Key Result Area 1.2: *"Recognise the value of heritage in providing a sense of place and identity"*.

FINANCIAL IMPLICATIONS:

The current 2006/2007 Budget lists \$54,800 for the Municipal Heritage Inventory Review. \$19,900 remains in this account.

COMMENTS:

In light of above, it is recommended that the Council notes the submission(s) received and includes the place at No. 14 (Lot 119) Franklin Street, Leederville on the Town's Municipal Heritage Inventory in accordance with the Officers Recommendation outlined above.

14.10 CONFIDENTIAL REPORT - Municipal Heritage Inventory Review - Consideration of Nos. 272-282 (Lots 21 & 100-104) Lord Street, Perth ('Norwood Hotel')

Ward:	South	Date:	31 October 2006
Precinct:	Banks; P15	File Ref:	PLA0098
Attachments:	-		
Reporting Officer(s):	T Woodhouse, H Eames		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *pursuant to section 5.95 of the Local Government Act 1995 and clause 2.15 of the Town of Vincent Local Law relating to Standing Orders, the Council PROCEEDS "behind closed doors" at the conclusion of the items, to consider the confidential report, circulated separately to Elected Members for Municipal Heritage Inventory Review - Consideration of Nos. 272-282 (Lots 21 & 100-104) Lord Street, Perth ('Norwood Hotel') as the matter contains sensitive personal and/or financial information; and*
- (ii) *the Council AUTHORISES the Chief Executive Officer to make public the confidential report, or any part of it, at the appropriate time.*

Moved Cr Farrell, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

CARRIED (8-1)

For
Mayor Catania
Cr Chester
Cr Farrell
Cr Ker
Cr Lake
Cr Maier
Cr Messina
Cr Torre

Against
Cr Doran-Wu

COUNCIL DECISION ITEM 14.10

That the Council;

- (i) *NOTES the submission(s) received regarding the proposed inclusion of the place at Nos. 272-282 (Lots 21 & 100-104) Lord Street, Perth ('Norwood Hotel') on the Town's Municipal Heritage Inventory; and*
 - (ii) *EXCLUDES the place at Nos. 272-282 (Lots 21 & 100-104) Lord Street, Perth (Norwood Hotel) from the Town's Municipal Heritage Inventory.*
-

PURPOSE OF REPORT:

The purpose of this report is to consider the proposed inclusion of the above mentioned properties in the Municipal Heritage Inventory as a *Management Category A* place.

BACKGROUND:

At the Ordinary Meeting of Council held on 12 September 2006, it was resolved that the Council:

"(iii) NOTES that;

- (a) the submissions received during the consultation period objecting to Category A places will be assessed by the Town's administration and will be reported to the Council within 1-2 months; and*
- (b) a further report will be presented to the Council advising of an appropriate methodology for assessing the submissions relating to Category B places."*

This report relates specifically to clause (iii) (a) of the above Council resolution, and clause (iii) (b) will be dealt with in a separate Agenda Report at the Ordinary Meeting of Council to be held on 7 November 2006.

Written submissions closed on 31 August 2006 after ten (10) weeks of consultation. 133 submissions were received out of a possible 697 affected owners of which 13 related to places that had been identified in the review of the Town's Municipal Heritage Inventory as a Management Category A.

DETAILS:

With regard to the recommendation from the Ordinary Meeting of Council held on 12 September 2006 outlined above, the Town's Officers have individually assessed concerns raised during the consultation period with regard to No. 282 (Lot 100) Lord Street, Perth. It is to be noted that in this instance, a formal submission was not submitted by the owner, rather it was inquiries regarding the heritage status of the subject place during the consultation period that promoted the heritage assessment and further investigations being undertaken by the Town's Officers.

The key concerns relating to the subject property are summarised as follows:

- Poor condition of the subject property.
- Vagrants.

- Potential road widening diminishing development options for the site.
- Impact on development potential.

Officer Comment

During the consultation period inquiries were received relating to the heritage status of the subject place at No. 282 Lord Street, Perth. During this period, the subject place was listed for sale and thus inquiries were received from potential purchasers and real estate agents.

Initiated by potential purchasers and real estate agents, a site visit was undertaken on 1 August 2006 and a heritage assessment was prepared by the Town's Officers. The full heritage assessment indicated that in accordance with the Town's Policy relating to Heritage Management - Assessment, the subject place did not meet the threshold for entry onto the Town's Municipal Heritage Inventory. The heritage assessment indicated that whilst the place did have some historic value, much of the original and significant fabric of the building had been irreversibly damaged through neglect and vandalism. The heritage assessment was forwarded to both the current owner of the subject place and the potential purchasers and real estate agents involved in the sale of the property.

A submission summary sheet and a heritage assessment for the subject place forms an attachment to this report.

CONSULTATION/ADVERTISING:

The Draft MHI has been widely and extensively advertised.

Owners have been consulted in writing at various stages throughout the project. Proposed Category A places have had full heritage assessments undertaken with the cooperation of the owners where possible.

Formal advertising has appeared in local newspapers, workshops for owners have been undertaken, 64 one-on-one meetings have occurred between owners and Officers from the Town, information packs provided and progress reports have been provided to the Council throughout the project. The Chief Executive Officer conducted media briefings at the start of the consultation period and conducted an interview with Channel 10 television.

LEGAL/POLICY:

Under the Heritage of Western Australia Act 1990, there is a legal requirement for the Town to review and update its Municipal Heritage Inventory. A revised list was adopted by the Council at the Ordinary Meeting of Council held on 12 September 2006. This list comprises places which had received support or no objections from the owners. This list has been forwarded to the Heritage Council of WA as required by section 45 of the Act. The outcomes of the recommendations contained in this report may result in further advice to the Heritage Council of Western Australia to update the Municipal Heritage Inventory.

STRATEGIC IMPLICATIONS:

Strategic Plan 2005-2010: Key Result Area 1.2: *"Recognise the value of heritage in providing a sense of place and identity"*.

FINANCIAL IMPLICATIONS:

The current 2006/2007 Budget lists \$54,800 for the Municipal Heritage Inventory Review. \$19,900 remains in this account.

COMMENTS:

In light of above, it is recommended that the Council notes the submission received and does not include Nos. 272-282 (Lots 21 and 100-104) on the Town's Municipal Heritage Inventory.

**14.11 CONFIDENTIAL REPORT - Municipal Heritage Inventory Review -
Consideration of No. 185 (Lot Y102) Stirling Street, Perth**

Ward:	South	Date:	30 October 2006
Precinct:	Beaufort; P13	File Ref:	PLA0098
Attachments:	-		
Reporting Officer(s):	T Woodhouse, H Eames		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *pursuant to section 5.95 of the Local Government Act 1995 and clause 2.15 of the Town of Vincent Local Law relating to Standing Orders, the Council PROCEEDS "behind closed doors" at the conclusion of the items, to consider the confidential report, circulated separately to Elected Members for Municipal Heritage Inventory Review - Consideration of No. 185 (Lot Y102) Stirling Street, Perth as the matter contains sensitive personal and/or financial information; and*
- (ii) *the Council AUTHORISES the Chief Executive Officer to make public the confidential report, or any part of it, at the appropriate time.*

OFFICER RECOMMENDATION:

That the Council;

- (i) *NOTES the submission(s) received regarding the proposed inclusion of the place at No. 185 (Lot Y102) Stirling Street, Perth; and*
- (ii) *EXCLUDES the place at No. 185 (Lot Y102) Stirling Street, Perth from the Town's Municipal Heritage Inventory.*

Moved Cr Torre, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

Moved Cr Chester, Seconded Cr Torre

That the Item be deferred for further consideration

LOST (4-5)

For

Cr Chester
Cr Doran-Wu
Cr Ker
Cr Torre

Against

Mayor Catania
Cr Farrell
Cr Lake
Cr Maier
Cr Messina

Debate ensued.

MOTION PUT AND LOST (4-5)

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

Reasons

1. Emerging character of the area.
2. History of the property.

Cr Torre indicated that she had voted erroneously against the item and requested that it be recommitted for consideration again

Moved Cr Chester, **Seconded** Cr Messina

That the item be recommitted for reconsideration.

CARRIED (9-0)

MOTION PUT AND CARRIED (5-4)

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

COUNCIL DECISION ITEM 14.11

That the Council;

- NOTES the submission(s) received regarding the proposed inclusion of the place at No. 185 (Lot Y102) Stirling Street, Perth; and*
- EXCLUDES the place at No. 185 (Lot Y102) Stirling Street, Perth from the Town's Municipal Heritage Inventory.*

PURPOSE OF REPORT:

The purpose of this report is to consider the proposed inclusion of the above mentioned property in the Municipal Heritage Inventory as a 'Management Category A' place.

BACKGROUND:

At the Ordinary Meeting of Council held on 12 September 2006, it was resolved that the Council:

- "(iii) NOTES that;*

- (a) *the submissions received during the consultation period objecting to Category A places will be assessed by the Town's administration and will be reported to the Council within 1-2 months; and*
- (b) *a further report will be presented to the Council advising of an appropriate methodology for assessing the submissions relating to Category B places."*

This report relates specifically to clause (iii) (a) of the above Council resolution, and clause (iii) (b) will be dealt with in a separate Agenda Report at the Ordinary Meeting of Council to be held on 7 November 2006.

Written submissions closed on 31 August 2006 after ten (10) weeks of consultation. 133 submissions were received out of a possible 697 affected owners of which 13 related to places that had been identified in the review of the Town's Municipal Heritage Inventory as a Management Category A.

DETAILS:

With regard to the recommendation from the Ordinary Meeting of Council held on 12 September 2006 outlined above, the Town's Officers have individually assessed the submission(s) received for No. 185 (Lot Y102) Stirling Street, Perth. This submission is also "*Laid on the Table*" on a Confidential basis.

The key concerns outlined in the submission are summarised below:

- Adverse financial impact of proposed listing.
- Purchased property with understanding of no heritage listing and with the intent to redevelop and amalgamate with No. 187 Stirling Street to construct apartments and/or shops.
- Disputed information in Place Record Form with regard to the Town's Policy relating to Heritage Management - Assessment.

Officer Comment

Heritage consultants Hocking Planning and Architecture identified the place as a Category A as a fine, unusual and early example of a dwelling in the composite Federation Italianate and Federation Queen Anne style that provides a strong street presence and has held a long association with medical practitioner, Daniel O'Conner.

The subject dwelling was first entered on the Town's Municipal Heritage Inventory at the Ordinary Meeting of Council held on 12 April 1999 as part of a review of places within the Town that had been constructed prior to 1884. The Minutes relating to this Council resolution indicate that a Heritage Assessment was undertaken; however, the Town has been unable to locate this documentation. The owner objected to this listing in a written submission received by the Town on 11 November 1998.

A site visit was undertaken by the Town's Officers on 3 October 2006, following which a heritage assessment was prepared and forwarded to the owner for comment. The heritage assessment revealed that the association to Daniel O'Conner was tenuous, and the location of the dwelling adjacent to a car park to the south and a night club to the north and opposite a large commercial bookstore, largely diminished any heritage value with regard to the setting of the property.

As such, in accordance with the Town's Policy relating to Heritage Management - Assessment, the place did not meet the threshold for entry onto the Town's Municipal Heritage Inventory.

A submission summary sheet and heritage assessment for the subject place forms an attachment to this report.

CONSULTATION/ADVERTISING:

The Draft MHI has been widely and extensively advertised.

Owners have been consulted in writing at various stages throughout the project. Proposed Category A places have had full heritage assessments undertaken with the cooperation of the owners where possible.

Formal advertising has appeared in local newspapers, workshops for owners have been undertaken, 64 one-on-one meetings have occurred between owners and Officers from the Town, information packs provided and progress reports have been provided to the Council throughout the project. The Chief Executive Officer conducted media briefings at the start of the consultation period and conducted an interview with Channel 10 television.

LEGAL/POLICY:

Under the Heritage of Western Australia Act 1990, there is a legal requirement for the Town to review and update its Municipal Heritage Inventory. A revised list was adopted by the Council at the Ordinary Meeting of Council held on 12 September 2006. This list comprises places which had received support or no objection from the owners. This list has been forwarded to the Heritage Council of WA as required by section 45 of the Act. The outcomes of the recommendations contained in this report may result in further advice to the Heritage Council of Western Australia to update the Municipal Heritage Inventory.

STRATEGIC IMPLICATIONS:

Strategic Plan 2005-2010: Key Result Area 1.2: *"Recognise the value of heritage in providing a sense of place and identity"*.

FINANCIAL IMPLICATIONS:

The current 2006/2007 Budget lists \$54,800 for the Municipal Heritage Inventory Review. \$19,900 remains in this account.

COMMENTS:

In light of above, it is recommended that the Council notes the submission received and does not include No. 185 (Lot Y102) Stirling Street, Perth on the Town's Municipal Heritage Inventory.

**14.12 CONFIDENTIAL REPORT - Municipal Heritage Inventory Review -
Consideration of No. 258 (Lot 5) Stirling Street, Perth**

Ward:	South	Date:	30 October 2006
Precinct:	Beaufort; P13	File Ref:	PLA0098
Attachments:	-		
Reporting Officer(s):	T Woodhouse, H Eames		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *pursuant to section 5.95 of the Local Government Act 1995 and clause 2.15 of the Town of Vincent Local Law relating to Standing Orders, the Council PROCEEDS "behind closed doors" at the conclusion of the items, to consider the confidential report, circulated separately to Elected Members for Municipal Heritage Inventory Review - Consideration of No. 258 (Lot 5) Stirling Street, Perth as the matter contains sensitive personal and/or financial information; and*
- (ii) *the Council AUTHORIZES the Chief Executive Officer to make public the confidential report, or any part of it, at the appropriate time.*

Moved Cr Farrell, **Seconded** Cr Ker

That the recommendation be adopted.

Debate ensued.

CARRIED (9-0)

COUNCIL DECISION ITEM 14.12

That the Council;

- (i) *NOTES the submission(s) received regarding the proposed inclusion of the place at No. 258 (Lot 5) Stirling Street, Perth; and*
- (ii) *EXCLUDES the place at No. 258 (Lot 5) Stirling Street, Perth from the Town's Municipal Heritage Inventory.*

PURPOSE OF REPORT:

The purpose of this report is to consider the proposed inclusion of the above mentioned property in the Municipal Heritage Inventory as a 'Management Category A' place.

BACKGROUND:

At the Ordinary Meeting of Council held on 12 September 2006, it was resolved that the Council:

"(iii) *NOTES that;*

- (a) *the submissions received during the consultation period objecting to Category A places will be assessed by the Town's administration and will be reported to the Council within 1-2 months; and*
- (b) *a further report will be presented to the Council advising of an appropriate methodology for assessing the submissions relating to Category B places."*

This report relates specifically to clause (iii) (a) of the above Council resolution and, clause (iii) (b) will be dealt with in a separate Agenda Report at the Ordinary Meeting of Council to be held on 7 November 2006.

Written submissions closed on 31 August 2006 after ten (10) weeks of consultation. 133 submissions were received out of a possible 697 affected owners of which 13 related to places that had been identified in the review of the Town's Municipal Heritage Inventory as a Management Category A.

DETAILS:

With regard to the recommendation from the Ordinary Meeting of Council held on 12 September 2006 outlined above, the Town's Officers have individually assessed the submission(s) received for Nos. 258 (Lot 4) Stirling Street, Perth. This submission is also "*Laid on the Table*" on a Confidential basis.

The key concerns outlined in the submission are summarised below:

- Perceived reduction in property value.
- Limited redevelopment potential.
- Lack of substantial evidence within the Place Record Form to support the heritage value of the place in accordance with the Town's Policy relating to Heritage Management - Assessment.

Officer Comment

Heritage consultants Hocking Planning and Architecture identified the place as a Category A as a rare surviving example of a Convict and Late Colonial Free Gothic style double fronted cottage.

A site visit and Heritage Assessment was undertaken by the Town's Heritage Officers for the subject dwelling and was forwarded to the owner for comment. The Heritage Assessment revealed that the place, whilst being representative of Late Colonial Georgian dwelling has been subject to various alterations and additions over the years, which have significantly distorted its original presentation to the street. The loss of integrity and authenticity through its conversion from residential to office use has further reduced the cultural heritage significance associated with the place, to the extent that the place no longer meets the threshold for entry onto the Town's Municipal Heritage Inventory in accordance with the Town's Policy relating to Heritage Management - Assessment.

A submission summary sheet and Heritage Assessment for the subject place forms an attachment to this report.

CONSULTATION/ADVERTISING:

The Draft MHI has been widely and extensively advertised.

Owners have been consulted in writing at various stages throughout the project. Proposed Category A places have had full heritage assessments undertaken with the cooperation of the owners where possible.

Formal advertising has appeared in local newspapers, workshops for owners have been undertaken, 64 one-on-one meetings have occurred between owners and Officers from the Town, information packs provided and progress reports have been provided to the Council throughout the project. The Chief Executive Officer conducted media briefings at the start of the consultation period and conducted an interview with Channel 10 television.

LEGAL/POLICY:

Under the Heritage of Western Australia Act 1990, there is a legal requirement for the Town to review and update its Municipal Heritage Inventory. A revised list was adopted by the Council at the Ordinary Meeting of Council held on 12 September 2006. This list comprises places which had received support or no objections from the owners. This list has been forwarded to the Heritage Council of WA as required by section 45 of the Act. The outcomes of the recommendations contained in this report may result in further advice to the Heritage Council of Western Australia to update the Municipal Heritage Inventory.

STRATEGIC IMPLICATIONS:

Strategic Plan 2005-2010: Key Result Area 1.2: *"Recognise the value of heritage in providing a sense of place and identity"*.

FINANCIAL IMPLICATIONS:

The current 2006/2007 Budget lists \$54,800 for the Municipal Heritage Inventory Review. \$19,900 remains in this account.

COMMENTS:

In light of above, it is recommended that the Council notes the submission and does not include No. 258 (Lot 5) Stirling Street, Perth on the Town's Municipal Heritage Inventory.

14.13 CONFIDENTIAL REPORT - Municipal Heritage Inventory Review - Consideration of No. 145 (Lot 349) Walcott Street, Mount Lawley ('Bongiorno's Garage')

Ward:	North	Date:	30 October 2006
Precinct:	Norfolk; P10	File Ref:	PLA0098
Attachments:	-		
Reporting Officer(s):	T Woodhouse, H Eames		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *pursuant to section 5.95 of the Local Government Act 1995 and clause 2.15 of the Town of Vincent Local Law relating to Standing Orders, the Council PROCEEDS "behind closed doors" at the conclusion of the items, to consider the confidential report, circulated separately to Elected Members for Municipal Heritage Inventory Review - Consideration of No. 145 (Lot 349) Walcott Street, Mount Lawley as the matter contains sensitive personal and/or financial information; and*
- (ii) *the Council AUTHORIZES the Chief Executive Officer to make public the confidential report, or any part of it, at the appropriate time.*

Moved Cr Messina, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

CARRIED (8-1)

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

COUNCIL DECISION ITEM 14.13

That the Council;

- (i) *NOTES the submission(s) received regarding the proposed inclusion of the place at No. 145 (Lot 349) Walcott Street, Mount Lawley ('Bongiorno's Garage') on the Town's Municipal Heritage Inventory; and*
- (ii) *EXCLUDES the place at No. 145 (Lot 349) Walcott Street, Mount Lawley ('Bongiorno's Garage') from the Town's Municipal Heritage Inventory.*

PURPOSE OF REPORT:

The purpose of this report is to consider the proposed inclusion of the above mentioned property in the Municipal Heritage Inventory as '*Management Category A*' place.

BACKGROUND:

At the Ordinary Meeting of Council held on 12 September 2006, it was resolved that the Council:

"(iii) *NOTES that;*

- (a) *the submissions received during the consultation period objecting to Category A places will be assessed by the Town's administration and will be reported to the Council within 1-2 months; and*
- (b) *a further report will be presented to the Council advising of an appropriate methodology for assessing the submissions relating to Category B places."*

This report relates specifically to clause (iii) (a) of the above Council resolution, and clause (iii) (b) will be dealt with in a separate Agenda Report at the Ordinary Meeting of Council to be held on 7 November 2006.

Written submissions closed on 31 August 2006 after ten (10) weeks of consultation. 133 submissions were received out of a possible 697 affected owners of which 13 related to places that had been identified in the review of the Town's Municipal Heritage Inventory (MHI) as a Management Category A.

DETAILS:

In response to a submission received from the owners of the subject property, Officers undertook a site inspection, met on a number of occasions with the owners, and undertook a Heritage Assessment. This submission is also "*Laid on the Table*" on a Confidential basis.

The key concerns outlined in the owner's submission(s) are summarised below:

- Listing will have a detrimental impact on the landowners impending plans for the site.
- Effective prohibition of demolition by its identification as a Category A place.
- Poor state of repair, piecemeal development of the site over many years leading to inefficiencies of use.
- Alternative land use from its current use as a mechanics is more efficient and desirable from a planning perspective.
- Road widening on two frontages will impact on the building.
- Compliance with statutory environmental standards require substantial excavation works to the site.
- Disappointment with the 'invitation' to join the MHI and the method of consultation.

Officer Comment

Officers held three meetings with the owner and the owner's representative planning consultant. A site inspection was undertaken and a Heritage Assessment was completed, which is shown as an attachment to this report.

Following completion of the Heritage Assessment, the place was found to have some historic value in demonstrating the advent of the motor car in the first half of the twentieth century in the locality and early designs applied to the newly emerging motor service industry. However, it is not considered that the place has sufficient historic value to warrant allocation of a 'Category A' management recommendation.

Furthermore, the adaptive reuse capacity of the place as a whole is extremely limited when consideration is given to planning controls affecting road widening, location, environmental considerations and the reduced authenticity of the place. Site restrictions relating to road widening, alterations and limitations of the present building and the requirements under environmental law to remove the underground fuel tanks are not conducive to the retention of the majority of the corner building.

CONSULTATION/ADVERTISING:

The Draft MHI has been widely and extensively advertised.

Owners have been consulted in writing at various stages throughout the project. Proposed Category A places have had full heritage assessments undertaken with the cooperation of the owners where possible.

Formal advertising has appeared in local newspapers, workshops for owners have been undertaken, 64 one-on-one meetings have occurred between owners and Officers from the Town, information packs provided and progress reports have been provided to the Council throughout the project. The Chief Executive Officer conducted media briefings at the start of the consultation period and conducted an interview with Channel 10 television.

LEGAL/POLICY:

Under the Heritage of Western Australia Act 1990, there is a legal requirement for the Town to review and update its Municipal Heritage Inventory. A revised list was adopted by the Council at the Ordinary Meeting of Council held on 12 September 2006. This list comprises places which had received support or no objections from the owners. This list has been forwarded to the Heritage Council of WA as required by section 45 of the Act. The outcomes of the recommendations contained in this report may result in further advice to the Heritage Council of Western Australia to update the Municipal Heritage Inventory.

STRATEGIC IMPLICATIONS:

Strategic Plan 2005-2010: Key Result Area 1.2: *"Recognise the value of heritage in providing a sense of place and identity"*.

FINANCIAL IMPLICATIONS:

The current 2006/2007 Budget lists \$54,800 for the Municipal Heritage Inventory Review. \$19,900 remains in this account.

COMMENTS:

In light of above, it is recommended that the Council notes the submission and does not include No. 145 (Lot 349) Walcott Street ('Bongiorno's Garage'), Mount Lawley on the Town's Municipal Heritage Inventory.

14.14 CONFIDENTIAL REPORT - Municipal Heritage Inventory Review - Consideration of Brookman and Moir Streets Heritage Precinct

Ward:	South	Date:	31 October 2006
Precinct:	Hyde Park; P12	File Ref:	PLA0098
Attachments:	-		
Reporting Officer(s):	T Woodhouse, H Eames		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *pursuant to section 5.95 of the Local Government Act 1995 and clause 2.15 of the Town of Vincent Local Law relating to Standing Orders, the Council PROCEEDS "behind closed doors" at the conclusion of the items, to consider the confidential report, circulated separately to Elected Members for Municipal Heritage Inventory Review - Consideration of Brookman and Moir Streets Heritage Precinct as the matter contains sensitive personal and/or financial information; and*
- (ii) *the Council AUTHORIZES the Chief Executive Officer to make public the confidential report, or any part of it, at the appropriate time.*

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (9-0)

COUNCIL DECISION ITEM 14.14

That the Council;

- (i) *NOTES the submission(s) received regarding the proposed inclusion of the place at No. 26 (Lot 62) Brookman Street, Perth, onto the Town's Municipal Heritage Inventory; and*
- (ii) *INCLUDES the following places on the Town's Municipal Heritage Inventory:*
 - (a) *Nos. 1 (Lot 106), 2 (Lot 74), 3 (Lot 105), 4 (Lot 73), 5 (Lot 104), 6 (Lot 72), 7 (Lot 103), 8 (Lot 71), 9 (Lot 102), 10 (Lot 70), 11 (Lot 101), 12 (Lot 69), 13 (Lot 100), 14 (Lot 68), 15 (Lot 50), 16 (Lot 67), 17 (Lot 98), 18 (Lot 66), 19 (Lot 52), 20 (Lot 65), 21 (Lot 53), 22 (Lot 64), 23 (Lot 54), 24 (Lot 63), 25 (Lot 55), 26 (Lot 62), 27 (Lot 56), 28 (Lot 61), 29 (Lot 57), 30 (Lot 60), 31 (Lot 58) and 32 (Lot 59) Brookman Street, Perth;*
 - (b) *Nos. 2 (Lot 107), 3 - 5 (Lot 132), 4 (Lot 108), 6 (Lot 109), 7 (Lot 131), 8 (Lot 110), 9 (Lot 130), 10 (Lot 111), 11 (Lot 19), 12 (Lot 112), 13 (Lot 128), 14 (Lot 113), 15 (Lot 127), 16 (Lot 114), 17 (Lot 126), 18 (Lot 115), 19 (Lot 125), 20 (Lot 116), 21 (Lot 124), 22 (Lot 117), 23 (Lot 123), 24 (Lot 118), 25 (Lot 122), 26 (Lot 119), 27 (Lot 121) and 28 (Lot 120) Moir Street, Perth; and*
 - (c) *No. 40 (Lot 52) Forbes Road, Perth.*

PURPOSE OF REPORT:

The purpose of this report is to consider the proposed inclusion of the above mentioned properties in the Municipal Heritage Inventory as a '*Management Category A*' place.

BACKGROUND:

At the Ordinary Meeting of Council held on 12 September 2006, it was resolved that the Council:

"(iii) *NOTES that;*

- (a) *the submissions received during the consultation period objecting to Category A places will be assessed by the Town's administration and will be reported to the Council within 1-2 months; and*
- (b) *a further report will be presented to the Council advising of an appropriate methodology for assessing the submissions relating to Category B places."*

This report relates specifically to clause (iii) (a) of the above Council resolution, and clause (iii) (b) will be dealt with in a separate Agenda Report at the Ordinary Meeting of Council to be held on 7 November 2006.

Written submissions closed on 31 August 2006 after ten (10) weeks of consultation. 133 submissions were received out of a possible 697 affected owners of which 13 related to places that had been identified in the review of the Town's Municipal Heritage Inventory as a Management Category A.

DETAILS:

With regard to the recommendation from the Ordinary Meeting of Council held on 12 September 2006 outlined above, the Town's Officers have assessed the submission(s) received specifically for No. 26 (Lot 62) Brookman Street, Perth. This submission is also "*Laid on the Table*" on a Confidential basis.

The key concerns outlined in the submission are summarised below:

- Structure of place severely damaged due to Northbridge Tunnel works making the house neither safe nor sound.
- Dwelling in a very poor condition exhibited in the extensive cracks in internal walls, floor surfaces throughout house uneven, floor tiles have cracked across doorways and along walls, bricks in the front and front and side walls are decaying and the mortar friable.
- Externally the place retains little of its original design diminishing its aesthetic value.
- Internally the place has undergone considerable alterations with the features essential to an authentic house of the 1890s been removed including the skirting boards, flooring, architraves, cornices and fireplaces.
- The place is of a 'lesser value' because of its lack of authenticity, alterations and poor condition in comparison to other properties within the Brookman and Moir Streets Heritage Precinct.
- Little remains of the original fabric of the late 19th century residence and what does remain is beyond conservation to warrant its inclusion on the Municipal Heritage Inventory.
- Concerns of structural integrity and alterations have led owners to strongly consider demolition and redevelopment to maintain the homogeneity of design and streetscape.
- Owners have been unable to secure quotes from restoration builders and architects who have expressed an opinion that any works should not be undertaken until a demolition has been approved and undertaken.

Officer Comment

Officers undertook a Heritage Assessment of the individual property. The place at No. 26 (Lot 62) Brookman Street, Perth is an important component of the Brookman and Moir Streets Heritage Precinct. It is, however, in poor condition and internally has undergone radical alterations, with the front two rooms being the key extant elements of the original house. Its contribution to the precinct is primarily for its structural uniformity, scale and design consistent with other key features within the street, including setback, facade and roof pitch.

The consideration of the property should be within the context of the heritage precinct as a whole and the fact that the precinct has been formerly included on the State Register of Heritage Places by the Heritage Council of WA. Inclusion on the Municipal Heritage Inventory (MHI) and the State Register of Heritage Places does not preclude the owner from seeking development approval, nor does it restrict the Town or the Heritage Council of Western Australia to consider and approve demolition or other development proposals which may be considered acceptable in particular circumstances. This has been shown to be true in relation to a number of other heritage listed properties in the Town, both on the MHI and the State Register of Heritage Places.

A submission summary sheet for the subject place and Heritage Assessment forms an attachment to this report.

CONSULTATION/ADVERTISING:

The Draft MHI has been widely and extensively advertised.

Owners have been consulted in writing at various stages throughout the project. Proposed Category A places have had full heritage assessments undertaken with the cooperation of the owners where possible.

Formal advertising has appeared in local newspapers, workshops for owners have been undertaken, 64 one-on-one meetings have occurred between owners and Officers from the Town, information packs provided and progress reports have been provided to the Council throughout the project. The Chief Executive Officer conducted media briefings at the start of the consultation period and conducted an interview with Channel 10 television.

LEGAL/POLICY:

Under the Heritage of Western Australia Act 1990, there is a legal requirement for the Town to review and update its Municipal Heritage Inventory. A revised list was adopted by the Council at the Ordinary Meeting of Council held on 12 September 2006. This list comprises places which had received support or no objections from the owners. This list has been forwarded to the Heritage Council of WA as required by section 45 of the Act. The outcomes of the recommendations contained in this report may result in further advice to the Heritage Council of Western Australia to update the Municipal Heritage Inventory.

STRATEGIC IMPLICATIONS:

Strategic Plan 2005-2010: Key Result Area 1.2: *"Recognise the value of heritage in providing a sense of place and identity"*.

FINANCIAL IMPLICATIONS:

The current 2006/2007 Budget lists \$54,800 for the Municipal Heritage Inventory Review. \$19,900 remains in this account.

COMMENTS:

In light of above, it is recommended that the Council notes the submission received and includes No. 26 (Lot 62) Brookman Street as part of the Brookman and Moir Streets Heritage Precinct, on the Town's Municipal Heritage Inventory.

**14.15 CONFIDENTIAL REPORT - Municipal Heritage Inventory Review -
Consideration of Bulwer Avenue, Perth - Heritage Precinct**

Ward:	South	Date:	31 October 2006
Precinct:	Hyde Park; P12	File Ref:	PLA0098
Attachments:	-		
Reporting Officer(s):	T Woodhouse, H Eames		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *pursuant to section 5.95 of the Local Government Act 1995 and clause 2.15 of the Town of Vincent Local Law relating to Standing Orders, the Council PROCEEDS "behind closed doors" at the conclusion of the items, to consider the confidential report, circulated separately to Elected Members for Municipal Heritage Inventory Review - Consideration of Bulwer Avenue, Perth - Heritage Precinct as the matter contains sensitive personal and/or financial information; and*
- (ii) *the Council AUTHORIZES the Chief Executive Officer to make public the confidential report, or any part of it, at the appropriate time.*

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Cr Doran-Wu departed the chamber at 9.35pm.

Debate ensued.

Cr Doran-Wu returned to the Chamber at 9.37pm.

Moved Cr Farrell, Seconded Cr Ker

That the Item be DEFERRED for further consideration and information.

LOST (4-5)

For

Cr Chester
Cr Doran-Wu
Cr Ker
Cr Torre

Against

Mayor Catania
Cr Farrell
Cr Lake
Cr Maier
Cr Messina

Cr Ker requested that the vote for excluding from the Municipal Heritage Inventory properties No. 1 (Lots 48 and 49) Bulwer Avenue and No. 21 (Lot 1) be considered separately.

The Presiding Member agreed to this request.

Moved Cr Ker, Seconded Cr Farrell

“That No. 1 Bulwer Avenue be excluded from the Town’s Municipal Heritage Inventory.”

AMENDMENT CARRIED (5-4)

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

Moved Cr Ker, Seconded Cr Farrell

“That No. 21 Bulwer Avenue be excluded from the Town’s Municipal Heritage Inventory.”

AMENDMENT CARRIED (8-1)

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

MOTION AS AMENDED CARRIED (9-0)

COUNCIL DECISION ITEM 14.15

That the Council;

- (i) *NOTES the submission(s) received regarding the proposed inclusion of the place at No. 1 (Lots 48 and 49) and No. 21 (Lot 1) Bulwer Avenue, Perth, on the Town's Municipal Heritage Inventory;*
- (ii) *INCLUDES the following places on the Town's Municipal Heritage Inventory as Management Category A - Conservation Essential:*
 - (a) *No. 3 (Lot 47) Bulwer Avenue, Perth;*
 - (b) *No. 5 (Lot 4) Bulwer Avenue, Perth;*
 - (c) *No. 9 (Lot 44) Bulwer Avenue, Perth;*
 - (d) *No. 11 (Lot 1) Bulwer Avenue, Perth;*
 - (e) *No. 13 (Lot 42) Bulwer Avenue, Perth;*
 - (f) *No. 15 (Lot 41) Bulwer Avenue, Perth;*
 - (g) *No. 17 (Lot 3) Bulwer Avenue, Perth;*
 - (h) *No. 19 (Lot 2) Bulwer Avenue, Perth; and*
- (iii) *EXCLUDES the places at No. 1 (Lots 48 and 49) Bulwer Avenue, Perth and No. 21 (Lot 1) Bulwer Avenue, Perth from the Town’s Municipal Heritage Inventory.*

PURPOSE OF REPORT:

The purpose of this report is to consider the proposed inclusion of the above mentioned properties in the Municipal Heritage Inventory as a *'Management Category A'* place.

BACKGROUND:

At the Ordinary Meeting of Council held on 12 September 2006, it was resolved that the Council:

"(iii) NOTES that;

- (a) the submissions received during the consultation period objecting to Category A places will be assessed by the Town's administration and will be reported to the Council within 1-2 months; and*
- (b) a further report will be presented to the Council advising of an appropriate methodology for assessing the submissions relating to Category B places."*

This report relates specifically to clause (iii) (a) of the above Council resolution, and clause (iii) (b) will be dealt with in a separate Agenda Report at the Ordinary Meeting of Council to be held on 7 November 2006.

Written submissions closed on 31 August 2006 after ten (10) weeks of consultation. 133 submission(s) were received out of a possible 697 affected owners of which 13 related to places that had been identified in the review of the Town's Municipal Heritage Inventory as a Management Category A.

CEO'S AND EMEDS' FURTHER INFORMATION:

At the Ordinary Meeting of Council held on 26 February 2002 the Council considered the "Proposed entry of the Bulwer Avenue Precinct in the State Register of Heritage Places" (Item 10.1.24).

The Council considered a report jointly commissioned by the Town and the Heritage Council of Western Australia, dated September 2001.

The Council resolved;

"That this Item LIE ON THE TABLE" (Carried 8-0)

Therefore, in effect, no decision has been made on the matter.

DETAILS:

With regard to the recommendation from the Ordinary Meeting of Council held on 12 September 2006 outlined above, the Town's Officers have individually assessed the submissions received for No. 1 (Lots 48 and 49) and No. 21 (Lot 1) Bulwer Avenue, Perth. A detailed summary of the submission(s) for the subject properties form an attachment to this report. This submission is also *"Laid on the Table"* on a Confidential basis.

CONSULTATION/ADVERTISING:

The Draft MHI has been widely and extensively advertised.

Owners have been consulted in writing at various stages throughout the project. Proposed Category A places have had full heritage assessments undertaken with the cooperation of the owners where possible.

Formal advertising has appeared in local newspapers, workshops for owners have been undertaken, 64 one-on-one meetings have occurred between owners and Officers from the Town, information packs provided and progress reports have been provided to the Council throughout the project. The Chief Executive Officer conducted media briefings at the start of the consultation period and conducted an interview with Channel 10 television.

LEGAL/POLICY:

Under the Heritage of Western Australia Act 1990, there is a legal requirement for the Town to review and update its Municipal Heritage Inventory. A revised list was adopted by the Council at the Ordinary Meeting of Council held on 12 September 2006. This list comprises places which had received support or no objections from the owners. This list has been forwarded to the Heritage Council of WA as required by section 45 of the Act. The outcomes of the recommendations contained in this report may result in further advice to the Heritage Council of Western Australia to update the Municipal Heritage Inventory.

STRATEGIC IMPLICATIONS:

Strategic Plan 2005-2010: Key Result Area 1.2: *"Recognise the value of heritage in providing a sense of place and identity"*.

FINANCIAL IMPLICATIONS:

The current 2006/2007 Budget lists \$54,800 for the Municipal Heritage Inventory Review. \$19,900 remains in this account.

COMMENTS:

In light of above, it is recommended that the Council notes the submissions received and includes No. 1 (Lots 48 and 49) and No. 21 (Lot 1) Bulwer Avenue, Perth as part of the Bulwer Avenue Heritage Precinct, on the Town's Municipal Heritage Inventory.

CEO'S AND EMEDS' COMMENT:

The CEO and EMEDS amended the Officer's Report by deleting No. 1 (Lots 48 and 49) and No. 21 (Lot 1) Bulwer Avenue, Perth from the list. The owner's objections, together with the consultants comments, as detailed in the report, are self explanatory. These two properties are at each end of the row of houses and the Council could therefore not include them into the MHI, without significantly compromising the integrity of the remaining properties.

14.16 CONFIDENTIAL REPORT - Municipal Heritage Inventory Review - Consideration of Nos. 47-53 (Lots 107, 104, 103 & 100) Chatsworth Road, Highgate

Ward:	South	Date:	30 October 2006
Precinct:	Hyde Park; P12	File Ref:	PLA0098
Attachments:	-		
Reporting Officer(s):	T Woodhouse, H Eames		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *pursuant to section 5.95 of the Local Government Act 1995 and clause 2.15 of the Town of Vincent Local Law relating to Standing Orders, the Council PROCEEDS "behind closed doors" at the conclusion of the items, to consider the confidential report, circulated separately to Elected Members for Municipal Heritage Inventory Review - Consideration of Nos. 47-53 (Lots 107, 104, 103 & 100) Chatsworth Road, Highgate as the matter contains sensitive personal and/or financial information; and*
- (ii) *the Council AUTHORISES the Chief Executive Officer to make public the confidential report, or any part of it, at the appropriate time.*

Moved Cr Doran-Wu, Seconded Cr Farrell

That the recommendation be adopted.

Cr Lake and Cr Maier departed the Chamber at 9.49pm as they had declared a financial interest in this Item.

CARRIED (6-1)

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

(Cr Lake and Cr Maier were absent from the Chamber and did not vote.)

COUNCIL DECISION ITEM 14.16

That the Council;

- (i) *NOTES the submission(s) received regarding the proposed inclusion of the place at Nos. 47-53 (Lots 107, 104, 103 & 100) Chatsworth Road, Highgate; and*
- (ii) *INCLUDES the place at Nos. 47-53 (Lots 107, 104, 103 & 100) Chatsworth Road, Highgate on the Town's Municipal Heritage Inventory as 'Management Category B - Conservation Recommended'.*

PURPOSE OF REPORT:

The purpose of this report is to consider the proposed inclusion of the above mentioned properties in the Municipal Heritage Inventory as a *'Management Category A'* place.

BACKGROUND:

At the Ordinary Meeting of Council held on 12 September 2006, it was resolved that the Council:

"(iii) NOTES that;

- (a) the submissions received during the consultation period objecting to Category A places will be assessed by the Town's administration and will be reported to the Council within 1-2 months; and*
- (b) a further report will be presented to the Council advising of an appropriate methodology for assessing the submissions relating to Category B places."*

This report relates specifically to clause (iii) (a) of the above Council resolution, and clause (iii) (b) will be dealt with in a separate Agenda Report at the Ordinary Meeting of Council to be held on 7 November 2006.

Written submissions closed on 31 August 2006 after ten (10) weeks of consultation. 133 submissions were received out of a possible 697 affected owners of which 13 related to places that had been identified in the review of the Town's Municipal Heritage Inventory as a Management Category A.

DETAILS:

With regard to the recommendation from the Ordinary Meeting of Council held on 12 September 2006 outlined above, the Town's Officers have individually assessed the submission(s) received for Nos. 47-53 (Lots 107, 104, 103 & 100) Chatsworth Road, Highgate. This submission is also *"Laid on the Table"* on a Confidential basis.

The key concerns outlined in the submission are summarised below:

- Further justification should have been provided distinguishing the difference between Management Category A and Management Category B.
- Concern over incorrect information within the Place Record Form, in particular the historical aspects within the Statement of Significance.

Officer Comment

Heritage consultants Hocking Planning and Architecture identified the subject place as a Category A, being a fine and intact example of the Federation Queen Anne style forming a distinctive streetscape element of which was the first to be developed in this section of the Highgate Hill subdivision.

Further research undertaken by the Town's Officers indicated that information within the Place Record Form with particular regard to the historical information was incorrect. The research revealed that the terraces were not the first to be developed within this section of the Highgate Hill subdivision. As such, the Town's Officers consider that in accordance with the Town's Policy relating to Heritage Management - Assessment, the subject place meets the threshold for entry onto the Town's Municipal Heritage Inventory as a Management Category B and not a Category A as was initially identified by the consultants and thus should be amended accordingly.

An updated Place Record Form and a submission summary sheet for the subject dwelling form attachments to this report.

CONSULTATION/ADVERTISING:

The Draft MHI has been widely and extensively advertised.

Owners have been consulted in writing at various stages throughout the project. Proposed Category A places have had full heritage assessments undertaken with the cooperation of the owners where possible.

Formal advertising has appeared in local newspapers, workshops for owners have been undertaken, 64 one-on-one meetings have occurred between owners and Officers from the Town, information packs provided and progress reports have been provided to the Council throughout the project. The Chief Executive Officer conducted media briefings at the start of the consultation period and conducted an interview with Channel 10 television.

LEGAL/POLICY:

Under the Heritage of Western Australia Act 1990, there is a legal requirement for the Town to review and update its Municipal Heritage Inventory. A revised list was adopted by the Council at the Ordinary Meeting of Council held on 12 September 2006. This list comprises places which had received support or no objections from the owners. This list has been forwarded to the Heritage Council of WA as required by section 45 of the Act. The outcomes of the recommendations contained in this report may result in further advice to the Heritage Council of Western Australia to update the Municipal Heritage Inventory.

STRATEGIC IMPLICATIONS:

Strategic Plan 2005-2010: Key Result Area 1.2: *"Recognise the value of heritage in providing a sense of place and identity"*.

FINANCIAL IMPLICATIONS:

The current 2006/2007 Budget lists \$54,800 for the Municipal Heritage Inventory Review. \$19,900 remains in this account.

COMMENTS:

In light of above, it is recommended that the Council notes the submission received and includes the place as a 'Management Category B - Conservation Recommended'.

**14.17 CONFIDENTIAL REPORT - Municipal Heritage Inventory Review -
Consideration of No. 111 (Lot 4) Wright Street, Highgate**

Ward:	South	Date:	31 October 2006
Precinct:	Forrest; P14	File Ref:	PLA0098
Attachments:	-		
Reporting Officer(s):	T Woodhouse, H Eames		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *pursuant to section 5.95 of the Local Government Act 1995 and clause 2.15 of the Town of Vincent Local Law relating to Standing Orders, the Council PROCEEDS "behind closed doors" at the conclusion of the items, to consider the confidential report, circulated separately to Elected Members for Municipal Heritage Inventory Review - Consideration of No. 111 (Lot 4) Wright Street, Highgate as the matter contains sensitive personal and/or financial information; and*
- (ii) *the Council AUTHORIZES the Chief Executive Officer to make public the confidential report, or any part of it, at the appropriate time.*

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted.

Crs Lake and Maier returned to the Chamber at 9.50pm.

CARRIED (8-1)

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

COUNCIL DECISION ITEM 14.17

That the Council;

- (i) *NOTES the submission(s) received regarding the proposed inclusion of the place at No. 111 (Lot 4) Wright Street, Highgate on the Town's Municipal Heritage Inventory;*

- (ii) *INCLUDES the place at No. 111 (Lot 4) Wright Street, Highgate on the Town's Municipal Heritage Inventory as Management Category A - Conservation Essential; and*
- (iii) *NOMINATES the place at No. 111 (Lot 4) Wright Street, Highgate for consideration onto the Heritage Council's State Register of Heritage Places.*
-

PURPOSE OF REPORT:

The purpose of this report is to consider the proposed inclusion of the above mentioned properties in the Municipal Heritage Inventory as a 'Management Category A' place.

BACKGROUND:

At the Ordinary Meeting of Council held on 12 September 2006, it was resolved that the Council:

"(iii) *NOTES that;*

- (a) *the submissions received during the consultation period objecting to Category A places will be assessed by the Town's administration and will be reported to the Council within 1-2 months; and*
- (b) *a further report will be presented to the Council advising of an appropriate methodology for assessing the submissions relating to Category B places."*

This report relates specifically to clause (iii) (a) of the above Council resolution, and clause (iii) (b) will be dealt with in a separate Agenda Report at the Ordinary Meeting of Council to be held on 7 November 2006.

Written submissions closed on 31 August 2006 after ten (10) weeks of consultation. 133 submissions were received out of a possible 697 affected owners of which 13 related to places that had been identified in the review of the Town's Municipal Heritage Inventory as a Management Category A.

DETAILS:

With regard to the recommendation from the Ordinary Meeting of Council held on 12 September 2006 outlined above, the Town's Officers have individually assessed the submissions received for No. 111 (Lot 4) Wright Street, Leederville. This submission is also "*Laid on the Table*" on a Confidential basis.

The key concerns outlined in the submission are summarised below:

- Unacceptable conduct and process under which the research on the property was undertaken without notifying owners.
- Internal alterations and additions have diminished the heritage value of the place.

Officer Comment

During the consultation period the Town's Heritage Officers requested that a site visit be undertaken in order to conduct a full heritage assessment on the subject place. This offer was declined by the owners.

The Town's Officers undertook a full heritage assessment with the information available and presented a draft assessment to the owner for comment. The heritage assessment indicated that the place has *considerable historic value* for its association with the Plunkett family, founders of Plunkett Homes of which has become a household name within Western Australia and, as such, met the threshold for entry onto the Town's Municipal Heritage Inventory in accordance with the Town's Policy relating to Heritage Management - Assessment as a Management Category A - Conservation Essential.

A heritage assessment and a submission summary sheet for the subject dwelling form attachments to this report.

CONSULTATION/ADVERTISING:

The Draft MHI has been widely and extensively advertised.

Owners have been consulted in writing at various stages throughout the project. Proposed Category A places have had full heritage assessments undertaken with the cooperation of the owners where possible.

Formal advertising has appeared in local newspapers, workshops for owners have been undertaken, 64 one-on-one meetings have occurred between owners and Officers from the Town, information packs provided and progress reports have been provided to the Council throughout the project. The Chief Executive Officer conducted media briefings at the start of the consultation period and conducted an interview with Channel 10 television.

LEGAL/POLICY:

Under the Heritage of Western Australia Act 1990, there is a legal requirement for the Town to review and update its Municipal Heritage Inventory. A revised list was adopted by the Council at the Ordinary Meeting of Council held on 12 September 2006. This list comprises places which had received support or no objections from the owners. This list has been forwarded to the Heritage Council of WA as required by section 45 of the Act. The outcomes of the recommendations contained in this report may result in further advice to the Heritage Council of Western Australia to update the Municipal Heritage Inventory.

STRATEGIC IMPLICATIONS:

Strategic Plan 2005-2010: Key Result Area 1.2: *"Recognise the value of heritage in providing a sense of place and identity"*.

FINANCIAL IMPLICATIONS:

The current 2006/2007 Budget lists \$54,800 for the Municipal Heritage Inventory Review. \$19,900 remains in this account.

COMMENTS:

In light of above, it is recommended that the Council notes the submission received and includes the place at No. 111 (Lot 4) Wright Street, Highgate on the Town's Municipal Heritage Inventory.

14.18 CONFIDENTIAL REPORT - Municipal Heritage Inventory Review - Methodology to Consider Submissions for Proposed Category B Places

Ward:	Both Wards	Date:	1 November 2006
Precinct:	All Precincts	File Ref:	PLA0098
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *pursuant to section 5.95 of the Local Government Act 1995 and clause 2.15 of the Town of Vincent Local Law relating to Standing Orders, the Council PROCEEDS “behind closed doors” at the conclusion of the items, to consider the confidential report, circulated separately to Elected Members for Municipal Heritage Inventory Review - Methodology to Consider Submissions for Proposed Category B Places, as the matter contains information of a sensitive personal/financial nature and/or of a legal nature; and*
- (ii) *the Council AUTHORISES the Chief Executive Officer to make public the confidential report, or any part of it, at the appropriate time.*

Cr Lake and Cr Maier departed the Chamber as they had declared a financial interest in this Item. The Council refused their request to remain in the Chamber during discussion of this Item. They did not return to the meeting.

COUNCIL DECISION ITEM 14.18

That the Council;

- (i) *RECEIVES the report relating to the Municipal Heritage Inventory Review - Methodology to Consider Submissions for Proposed Category B Places;*
- (ii) *NOTES the;*
 - (a) *assessment of Workshops provided by The Training and Development Group shown as an attachment to this report; and*
 - (b) *submissions received from property owners during the public consultation period (Confidentially “Laid on the Table”); and*
- (iii) *FURTHER CONSIDERS the following options at the Ordinary Meeting of Council to be held on 21 November 2006;*
 - (a) *Option 1 - Report on each submission and associated property in a series of reports (between November 2006 and February 2007) to Council with individual Officer Recommendation for each property, as a method for completing the Municipal Heritage Inventory review ; or*

ALTERNATIVELY

- (b) *Option 2 - Not list any property in Category B, where the owner has lodged a submission of objection; and*
 - (iv) **REQUESTS the Chief Executive Officer to carry out a preliminary assessment of the Category B properties.**
-

PURPOSE OF REPORT:

The purpose of this report is to obtain the Council's approval of an appropriate method for considering approximately 109 submissions received for Category B places identified as part of the draft Municipal Heritage Inventory (MHI).

BACKGROUND:

At the Ordinary Meeting of Council held on 12 September 2006, it was resolved that the Council:

"(iii) *NOTES that;*

- (a) *the submissions received during the consultation period objecting to Category A places will be assessed by the Town's administration and will be reported to the Council within 1-2 months; and*
- (b) *a further report will be presented to the Council advising of an appropriate methodology for assessing the submissions relating to Category B places."*

This report relates specifically to clause (iii)(b) of the above Council resolution.

Written submissions closed on 31 August 2006 after ten (10) weeks of consultation.

On 1 August 2006, at the conclusion of owner workshops, Elected Members were provided a copy of the Workshop Minutes which recorded the issues and concerns expressed by owners. An assessment of the workshops has been provided by the consultant facilitator and is shown as a confidential attachment to this report.

DETAILS:

A methodology for considering the submissions is needed to ensure procedural fairness. This is particularly important given the variety of submissions and the complexity of some submissions. Resources and the level to which Officers investigate and report on each submission in a way that is useful and relevant for the decision making process decided on by the Council is also considered a high priority at this stage.

It is now considered imperative that Officers receive direction from the Council as to the most appropriate method for collating and reporting on the submissions received. The Officers are receiving regular enquiries from property owners as to when the matter will be resolved.

Dealing with Submissions

The following is a verbatim extract from a letter sent to all owners of places included on the Draft MHI:

"4. *Dealing with Submissions*

To ensure that the principles of "procedural fairness" and "natural justice" are observed (which will provide maximum transparency and openness), the following procedure will be used:

- 4.1 *At the closing of the consultation period (i.e. 31 August 2006), all written submissions/comments received by the Town will be compiled and considered.*
- 4.2 *Further consultation with owners may be undertaken as required. This may include a site visit, property photographs being taken and checked and/or further research to ensure that all queries and concerns relating to your property are thoroughly followed up before being considered by the Council.*
- 4.3 *Owners will be kept informed of all Officer Recommendations concerning their property and will be given the opportunity to comment on the Officer Recommendation, before it is reported to Council.*
- 4.4 *The Officer Recommendation, together with the owners' comments will be reported to the Council for consideration and determination.*
- 4.5 *Owners will be contacted about when the report on their property will be considered by the Council and will be given the opportunity to personally address the Council."*

Officers have identified three (3) possible methodologies for considering the submissions received in relation to proposed Category B places, shown in the following table:

OPTIONS FOR CONSIDERING OBJECTIONS TO PROPOSED CATEGORY B PLACES				
	Description	Resources	Time	Comments
Option 1 <i>(preferred option)</i>	<p>REPORT ON EACH SUBMISSION/PROPERTY IN A SERIES OF REPORTS TO COUNCIL FOR CONSIDERATION</p> <p>COUNCIL TO RECEIVE FULL CONSIDERATION OF EACH SUBMISSION AND INDIVIDUAL OFFICER RECOMMENDATION RELATING TO THAT SUBMISSION</p> <p>Report each Category B submission to the Council with a summary cover sheet outlining key information.</p>	<p>Officers to collate the submissions and summary sheets and make a recommendation based on the available information.</p> <p>No <u>full heritage</u> assessments to be undertaken.</p>	<p>Will require a number of reports to Council in order to address the approximate 109 submissions.</p> <p>(eg. approximately 20 properties on any one Agenda). <u>Council Meeting Date</u> 21 Nov - 20 reports 7 Dec - 20 reports 20 Dec - 20 reports 23 Jan - 20 reports 13 Feb - 20 reports 27 Feb - 9 reports Note: Alternatively Special Council Meetings may be held.</p> <p>The time taken for this Option is estimated to be completed by February 2007 - due to the number of submissions, Officers' annual leave and the festive season.</p>	<p>Allows for consideration of all available information. Records and reports all comments to the Council for future reference and clarity for owners.</p> <p>The short time frame will place a heavy workload on both the Officers and Elected Members.</p> <p>Does not include full heritage assessments for Category B places, allows Officers to make a recommendation based on heritage criteria and available information.</p> <p>This option will inevitably result in a number of places being recommended for inclusion against the wishes of the owners and some further time delays to complete the process.</p>

<p>Option 2</p>	<p>WRITTEN OBJECTION RESULTS IN THE CATEGORY B PLACE NOT BEING INCLUDED ON THE MHI</p> <p>Each submission will be presented to the Council for acknowledgement and record of the owner's efforts and contribution to the debate.</p> <p>No further investigation or reporting by the Officers on heritage or any other planning considerations relating to the properties in the context of the MHI Review.</p>	<p>Officers would be required to send correspondence to those who objected and advise them of the Council's decision.</p>	<p>1-2 months to complete correspondence and update records.</p> <p>Write directly to owners and advise that the property will not be included on the MHI, unless otherwise requested by the owner.</p>	<p>This option would involve no further reports to the Council and would provide an immediate result.</p> <p>However, It will not necessarily provide completeness or resolution, as the affected properties may come before the Council again in the future as a result of a development application.</p> <p>A particular issue raised by owners at the workshops was a desire for finality to the decision of the heritage relating to specific properties.</p>
<p>Option 3</p>	<p>FULL HERITAGE ASSESSMENTS</p> <p>for all Category B places which received submissions and report each back to the Council for consideration.</p>	<p>Resourcing this option is expensive and time consuming without a guaranteed outcome for owners.</p>	<p>Minimum two Officers, (Full-Time) approximately 6 months (i.e. by May 2007).</p>	<p>Implications for other heritage programmes and services. Will require owners to wait for a long period of time for the Council resolution.</p> <p>Owners' submissions will still need to be addressed alongside the full heritage assessment findings.</p> <p>It is a long-term goal to complete full heritage assessments of all places on the MHI</p>

Given the varied nature of the submissions received, it is considered appropriate for the Council to provide direction to the Town's Officers as to which methodology should be used for considering the submissions.

Option 1 - "Summary Sheet"

This option is based on the Council considering each submission on its own merits with the current available information.

Officers will compile a Summary Cover Sheet for each property which received a submission, with an individual Officer Recommendation for the particular property. The submissions will be presented to the Council for consideration at several Council Meetings as required. The summary sheet will contain key information regarding the property details, including; a summary of the issues outlined in the submission, any action taken by the Officers (such as site visits, meetings or research and any recent photographs) and an Officer Recommendation.

The Officer Recommendation will be based on available information at the time of compiling the Summary Cover Sheets and will not constitute a full heritage assessment. An individual Officer Recommendation will be made for each of the subject properties.

It is estimated that this option could be completed by the end of February 2007.

This option is considered the most effective way of considering each submission with a view to clarify proposed inclusion on the MHI and to ensure procedural fairness.

Option 2 - "No Listing"

This option is based on the criteria that all Category B places, if written objection was received, will be voluntary. This will result in all Category B places which received objections not being included on the MHI and for this decision to be recorded appropriately on the relevant property file for future reference. This method distinguishes between Category A ("*Conservation Essential*") and Category B ("*Conservation Recommended*") by allowing Category B places to become voluntary.

This option addresses the vast majority of owner submissions who wish the inclusion of properties on the MHI to be voluntary. It would also free the Officers time to concentrate on other strategic heritage projects listed in the current 2006/2007 Budget.

A problematic aspect to this method relates to situations where a group of buildings are identified together, and only one, or a minority of the owners within a group, object. To remove one property from an identified group of significant properties is not considered sound heritage practice; neither would it be desirable to discourage those owners within the group who have no objection to being included on the MHI by removing the places because of another owner's objection.

Whilst this option may give rise to an immediate effect consistent with most of the submissions received for Category B places, it does not necessarily provide future clarity as to the heritage significance of the property, which may be raised again at the point of a redevelopment proposal or sale of the property. Council is unable to bind future Councils' to decisions relating to heritage and, therefore, cannot guarantee that a voluntary process now will eliminate the need for heritage considerations in the future.

Option 3 - "Full Assessment"

This method is based on undertaking a full heritage assessment for each of the properties which have received objections and reporting the outcome to the Council. This method would largely clarify heritage information but would not necessarily address all the concerns of the owners, as these sometimes relate to non-heritage matters, such as planning and property value concerns. Full heritage assessments will not address these concerns.

It is estimated that the resources required to undertake this method with a minimum of 2 Officers working full-time, will take as least 6 months. Assessments may be undertaken in alphabetical street order as a means of prioritisation. This would not satisfy some owners who wish to have the matter resolved as soon as possible and would result in some places changing significantly over this period of time, either through sale and change of ownership or redevelopment.

An assessment of the workshops with affected owners has been provided by the consultant who facilitated the workshops, and is shown as a confidential attachment to this report.

The following aspects are considered important in the context of approving one of the options outlined in this report:

- the revised and adopted list so far;
- Category A places were addressed as a priority with full Heritage Assessments;
- expectations of owners in relation to their engagement and contribution to the consultation program;
- the negative impression caused by the certificate, 'invitation' and associated material;
- requests by owners for the Council to have regard to owners' concerns relating to voluntary listing, imposition and effect on individual property;
- future reviews of the MHI;
- resources and needs for those who are already on the MHI and may seek support with the expectation of the Town to fulfil this service;
- other heritage services responsibilities and demands; and
- future revision of heritage management policies as a result of the MHI feedback.

Approximately 249 Category B places (including "groups") were recommended by the consultant. Category B places which have objections (approximately 109 submissions relating to 93 places) represent 37 per cent of all the Category B places recommended for inclusion. This means 63 per cent of Category B places have already been adopted with the support of the owners. This is a significant improvement on the 1995 draft list, in which nearly 90 per cent of places were removed via an essentially voluntary approach by the Council, although a handful of places were included in 1995 against the wishes of the owner and again these are represented in the objections received in 2006 as the opinions of the owners have remained unchanged.

Glew Corporation presentation to the Council at the commencement of the consultation preparation stated: *"The goal is to have the number of owners seeking to have their property listing removed from the MHI to be less than 50% - compared to 89% in 1995"*.

This goal has been achieved at a level shown in the statistics above. That is; **37%** seeking to be removed in 2006, compared to the **89 %** in 1995.

Preferred Option

All options outlined above are considered to have positive and negative attributes. However, after considering the following reasons, the Heritage Officers recommend the adoption of Option 1:

- this option respects the need to consider each submission and the related property on its own merits;
- the heritage considerations are given as the main reasons for the Officer Recommendation on each submission, in accordance with the Town's policy on heritage assessment and criteria;
- it allows a formal record and resolution of each submission and property to be made which may assist future development applications; and
- it allows the concerns of both owners and the Officers assessing heritage to be debated.

In light of above, it is recommended that the Council receives this report and approves the commencement of the preferred 'Option 1' as shown in the table above.

Written submissions received from owners showed a high level of engagement and participation. Many submissions addressed concerns relating to both statements of heritage value in the draft Place Record Forms, as well as matters relating to process, consultation, property management and ownership rights.

Key Issues

Key issues raised in the submissions can be summarised as follows:

- real estate value - reduction of property value is of major concern;
- redevelopment - reduction of maximum redevelopment potential;
- consultation - overall process and method of consultation perceived as unsatisfactory;
- civil liberties - listing should be totally voluntary/infringement of owner rights;
- "invitation" - misleading and deceptive language; and
- heritage documentation - incorrect or out of date details.

Copies of the owners submissions are CONFIDENTIALLY "Laid on the Table". A small number of submissions have been omitted, at the request of owners, mainly for privacy reasons.

CONSULTATION/ADVERTISING:

The Draft MHI has been widely and extensively advertised. Owners have been consulted in writing at various stages throughout the project. Many owners who have provided a submission have expressed a concern that they were not contacted prior to the compilation of the draft documentation, despite the advanced notice and thorough consultation that has occurred once the draft documentation was available.

Formal advertising has appeared in local newspapers, workshops for owners have been undertaken, 64 one-on-one meetings have occurred between owners and Officers from the Town, information packs provided and progress reports have been provided to the Council throughout the project. The Chief Executive Officer conducted media briefings at the start of the consultation period and conducted an interview with Channel 10 television. In addition, a large and prominent article appeared in "The West Australian". Both of these attracted considerable attention.

It is critical to the integrity of the MHI review process that Officers are able to advise property owners who have provided written submissions of how and when the Council will consider the submissions. Many owners have contacted the Town's Heritage Officers enquiring as to when a decision regarding their property will be made, and under what criteria. This is causing the owners considerable frustration.

LEGAL/POLICY:

Under the Heritage of Western Australia Act 1990, there is a legal requirement for the Town to review and update its Municipal Heritage Inventory. A revised list was adopted by the Council at the Ordinary Meeting of Council held on 12 September 2006. This list comprises places which had received support/no submission from the owners. This list has been forwarded to the Heritage Council of WA as required by section 45 of the Act.

STRATEGIC IMPLICATIONS:

Strategic Plan 2005-2010: Key Result Area 1.2: *"Recognise the value of heritage in providing a sense of place and identity"*.

FINANCIAL IMPLICATIONS:

The current 2006/2007 Budget lists \$54,800 for the Municipal Heritage Inventory Review. \$19,900 remains in this account.

CHIEF EXECUTIVE OFFICER'S and EMEDS's COMMENTS:

The review of the Town's Municipal Heritage Inventory has been considered most successful to date, with very minimal conflict or negative publicity occurring.

The next phase of dealing with the submissions is critical to the conclusion of the Review. In essence, the three options presented can be reduced to two, namely:

1. Council to consider each property on their individual merit, using the information available, together with the latest information which has been provided by the owners or researched;
2. Council adopt the philosophical position of not listing any property where the owner has lodged a submission of objection (Option 2). This option allows the Council to consider other matters raised of a non-heritage nature (for example; financial, economic, personal hardship, age and health of owners, personal civil liberty views of individuals etc.); and
3. Council to consider full heritage assessments for each property, but acknowledging that this option will take at least 6 months and is very time consuming for both Heritage Officers.

Impact on other Heritage Projects

The extended period of time and resources being devoted to the MHI is now considered to be detrimentally affecting other heritage projects, a large number of which have been placed on the 2006/2007 Budget. It is estimated that if the MHI extends beyond December 2006, only a few prioritised heritage projects currently shown on the 2006/2007 Budget will commence before June 2007.

The Chief Executive Officer and Executive Manager, Environmental and Development Services amended this report by changing clause (iii), by including Option 2 as an alternative, in the Officer Recommendation. This amendment is based on;

1. discussions the Chief Executive Officer has had with several Elected Members, who have expressed divergent views on the subject;
2. discussions the Chief Executive Officer and EMEDS has had with a number of property owners, who have expressed strong opposition to the possible listing of their property;
3. the potential impact this matter will have on the delay and completion of other heritage projects, as detailed above;
4. the level of resources required to finalise the MHI;
5. consideration of non-heritage matters (eg financial, economic, personal views, hardship, age and health of the owners); and
6. the potential for negative publicity and/or conflict (without any meaningful gain) by prolonging the process, if it is the Council's decision to not list any property where the owner has lodged a submission of objection.

Providing the Council with two clear options may assist the Council in reaching its decision in this highly sensitive and often controversial matter.

DETAILS:

The above report is of a confidential nature as it relates to information about the Town's position concerning the possible heritage value of a property which contain sensitive personal and/or financial information relating to property ownership.

LEGAL/POLICY:

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

“2.15 Confidential business

- (1) All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is –*
 - (i) to be treated as strictly confidential; and*
 - (ii) not, without the authority of Council, to be disclosed to any person other than–*
 - (a) the Members; and*
 - (b) Officers of the Council but only to the extent necessary for the purpose of carrying out their duties;*

prior to the discussion of that matter at a meeting of the council held with open doors.

- (2) *Any report, document or correspondence which is to be placed before the Council or any committee and which is in the opinion of the Chief Executive Officer of a confidential nature, may at his or her discretion be marked as such and –*
- (i) *then to be treated as strictly confidential; and*
 - (ii) *is not without the authority of the Council to be disclosed to any person other than the Mayor, Councillors or the Officers of the Council referred to in sub-clause (1).”*

COMMENTS:

The confidential reports are provided separately to Elected Members, the Chief Executive Officer and Executive Managers.

At the conclusion of this matter, the Council may wish to make some details available to the public.

At 10.25pm **Moved Cr Ker, Seconded Cr Messina**

That an "open" meeting be resumed.

CARRIED (7-0)

(Cr Lake and Cr Maier were absent from the Chamber.)

15. CLOSURE

The Presiding Member, Mayor Nick Catania, JP, declared the meeting closed at 10.25pm with the following persons present:

Cr Simon Chester	North Ward
Cr Helen Doran-Wu	North Ward
Cr Ian Ker	South Ward
Cr Izzi Messina	South Ward
Cr Maddalena Torre	South Ward
John Giorgi, JP	Chief Executive Officer
Des Abel	A/Executive Manager, Environmental and Development Services
Rick Lotznicker	Executive Manager, Technical Services
Mike Rootsey	Executive Manager, Corporate Services

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 7 November 2006.

Signed:Presiding Member
Mayor Nick Catania, JP

Dated this day of 2006