



**TOWN OF VINCENT**

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*"Enhancing and celebrating our diverse community"*

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# MINUTES

**13 FEBRUARY 2007**

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**INDEX**  
**(13 FEBRUARY 2007)**

<b>ITEM</b>	<b>REPORT DESCRIPTION</b>	<b>PAGE</b>
<b>10.1 ENVIRONMENTAL AND DEVELOPMENT SERVICES</b>		
10.1.1	No. 41 (Lot 46 D/P: 2824) Scarborough Beach Road, Corner Pennant Street, North Perth - Proposed Demolition of Existing Single House and Construction of Four (4) Single Bedroom Grouped Dwellings - Amended Plans to Planning Approval (Smith's Lake Precinct) PRO3296 (5.2005.3148.1)	61
10.1.2	No. 742 (Lot 30) Newcastle Street, Leederville - Proposed Partial Demolition of and Additions and Alterations to Existing Hotel, Demolition and Construction of Bottle Shop and Alterations to Car Parking Area and Crossovers-Amended Plans to Planning Approval (Oxford Centre Precinct) PRO0630 (5.2006.397.1)	42
10.1.3	No. 14 (Lot 119) Franklin Street, Leederville - Proposed Demolition of Existing Single House (Leederville Precinct) PRO3832 (5.2006.587.1)	65
10.1.4	No. 145 (Lot 349 D/P: 2355) Walcott Street, Corner William Street Mount Lawley - Proposed Demolition of Existing Building and Construction of a Three (3) Storey Mixed Use Development Comprising Offices and Nine (9) Single Bedroom Multiple Dwellings (Norfolk Precinct) PRO3807 (5.2006.545.1)	68
10.1.5	Nos.60-62 (Lots 172 and 173, D/P 25971) Randell Street, corner Randall Place, Perth - Proposed Demolition of Existing Two (2) Single Houses and Construction of Two (2) Three-Storey Single Houses with Home Offices and Associated Basement Car Parking (Hyde Park Precinct) PRO3490 (5.2006.91.1)	10
10.1.6	Nos. 433-437 (Lots 12 and 15) William Street and No. 4 (Lots 13 and 14) Brisbane Place, Northbridge – Proposed Four Single Storey Showrooms and Car Park (Beaufort and Hyde Park Precincts) PRO0495 (5.2006.339.1)	78
10.1.7	Sustainable Environment Plan 2007 – 2012 (All Precincts) PLA0175	83
10.1.8	East Perth Redevelopment Authority – Proposed Modifications to the Lindsay Street Precinct Design Guidelines (Beaufort Precinct) PRO1409	89
<b>10.2 TECHNICAL SERVICES</b>		
10.2.1	Beaufort Street – Streetscape Improvements between Chelmsford Road and St Albans Avenue, Highgate (TES0234) Forest & Mt Lawley Precincts	54
10.2.2	Further Report, additional Community Consultation, Palmerston Street – Proposed 'Hyde Park Spur' Wetlands Heritage Trail/Greenway Link (TES0200) Hyde Park Precinct	94

10.2.3	Hyde Park Lakes – Progress Report No 2 (RE0042) Hyde Park Precinct	38
10.2.4	Installation of Parks "Outdoor Exercise Equipment" (RES0039) All Precincts	99
10.2.5	Proposed Time Restricted Parking in Carr Street, Near Ivy Park (PKG0087) Cleaver Precinct	103
10.2.6	Traffic Management Matter/s – Referral to Local Area Traffic Management Advisory Group (TES0334) Hyde Park & Forrest Precincts	14

### **10.3 CORPORATE SERVICES**

10.3.1	Financial Statements as at 31 December 2006 (FIN0026)	18
10.3.2	Capital Works Programme 2006/2007 Progress Report No 2 as at 31 December 2006 (FIN0025)	22
10.3.3	Authorisation of Expenditure for the period 1-31 January 2007 (FIN0005)	24
10.3.4	Investment Report as at 31 January 2007 (FIN0005)	105
10.3.5	Amended Use of Les Lilleyman Reserve by Subiaco Football Club (RES0010)	48
10.3.6	Sponsorship Vietnamese Lunar New year Day for 2007 (FIN0008)	27

### **10.4 CHIEF EXECUTIVE OFFICER**

10.4.1	Use of the Council's Common Seal (ADM0042)	29
10.4.2	Local Government Statutory Compliance Audit 2006 (ADM0019)	31
10.4.3	Audit Committee - Receiving of Unconfirmed Minutes February 2007 (FIN0106)	33
10.4.4	Matters Approved under Delegated Authority 2006-2007 - Receiving of Reports (ADM0018)	35
10.4.5	Annual General Meeting of Electors 2006 - Receiving of Information (ADM0009)	111
10.4.6	Appointment of Town's Auditor and Approval of Tender for External and Internal Audit Services (FIN0001)	116
10.4.7	Delegations for the Period 1 October 2006 to 31 December 2006 (ADM0018)	127
10.4.8	Approval of Amendment to Local Law Relating to Parking Facilities (LEG0047)	107

10.4.9	Information Bulletin	37
<b>11.</b>	<b>ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN</b>	
	Nil	130
<b>12.</b>	<b>REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES</b>	
	Nil	130
<b>13.</b>	<b>URGENT BUSINESS</b>	
13.1	Further Report - Proposal to Replace Section 6 of the Perth Main Sewer - Newcastle Street, West Perth to Smith Street, Highgate	130
13.2	Confidential Report - Mindarie Regional Council - Proposed Resource Recovery Facility	135
<b>14.</b>	<b>CONFIDENTIAL REPORTS (<i>Behind Closed Doors</i>)</b>	
14.1	No. 4 (Lot 499 D/P: 25511) Hunter Street, North Perth - Proposed Two Storey Single House - State Administrative Tribunal (SAT) - Review Matter No. DR 20 of 2007 – "Papers" (Written Submissions) (North Perth Precinct) PRO0491 (5.2006.558.1) - <u><i>This report released for public information by the Chief Executive Officer on 30 January 2009</i></u>	141
14.2	No. 462 (Lot 2 D/P: 3824) Beaufort Street, corner Broome Street, Highgate - Drive In Fast Food Outlet (Coffee Outlet) and Associated Signage - State Administrative Tribunal - Review Matter No. 471 of 2006- Directions Hearing (Mount Lawley Centre Precinct) PRO2339 (5.2006.493.1) - <u><i>This report released for public information by the Chief Executive Officer on 30 January 2009</i></u>	144
14.3	No. 103 (Lot 10 D/P: 56012) Harold Street, corner Stirling Street, Highgate - Proposed Change of Use from Motel to Motel and Office and Associated Alterations and Relocation of Swimming Pool - State Administrative Tribunal -Review Matter No. DR 378 of 2006- Hearing (Forrest Precinct) PRO0308 (5.2006.268.1) - <u><i>This report released for public information by the Chief Executive Officer on 30 January 2009</i></u>	149
<b>15.</b>	<b>CLOSURE</b>	155

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 13 February 2007, commencing at 6.00pm.

**1. DECLARATION OF OPENING**

The Presiding Member, Mayor Nick Catania, JP, declared the meeting open at 6.03pm.

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

**(a) Apologies:**

Cr Steed Farrell ( <i>Deputy Mayor</i> )	North Ward
Cr Maddalena Torre	South Ward

**(b) Present:**

Mayor Nick Catania, JP	Presiding Member
Cr Simon Chester	North Ward (from 6.09pm)
Cr Helen Doran-Wu	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental and Development Services
Mike Rootsey	Executive Manager, Corporate Services
Rick Lotznicker	Executive Manager, Technical Services
Annie Smith	Minutes Secretary
Gavin Neil-Smith	Employee of the Month Award Recipient (until 6.30pm)
Lindsay McPhee	Journalist - Guardian Express (until 7.27pm)
Chris Thomson	The Perth Voice (until 7.27pm)

Approximately 14 Members of the Public

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

Nil.

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

1. Mr Ken Adam of Broome Street, Cottesloe - Item 14.1 - Addressed the reasons for refusal. Stated that the reason for the variations in height of .1m and .3m is to enable the garage to be situated underneath the house instead of being situated at ground level. Advised that there had been no objections by the neighbours and the extent of the variation has been explained to all of the neighbours very carefully and that they have signed the drawings in the full knowledge of what is involved.

2. Mr Philip Paxton of 44 Ruby Street, North Perth - Item 14.1 - Supported the Council's decision to refuse the application. Believes that the proposed development would affect the solar potential of his property. Stated that he is concerned with the height of the proposed undercroft garage and that it would require extensive excavation which would cause subsidence along their northern boundary. Stated that he did not give his approval for the plans.

**Cr Chester entered the meeting at 6.09pm.**

3. Mr Roland Pearce of 5/555 William Street, Mt Lawley - Item 10.2.3 - Stated that he is concerned with the management of Hyde Park. Asked if the draining of the western lake in the last two weeks is the start of a policy being implemented by the officers with the full approval of Councillors? Believes that if this is the case a public statement by Council clarifying its intentions for the future of Hyde Park is required to give ratepayers a chance to voice their opinions. Asked if the cutting down of the Plain trees which surround the lake is still considered an option.

*The Chief Executive Officer provided the following responses:*

*Q1. Is the draining of the western lake in the last two weeks the start of a policy being implemented by the office with the full approval of Councillors?*

*Ans. The Town is not draining the western lake. Advised that a meeting of senior management was held last week at Hyde Park in a response to a number of telephone calls received. It was evident that the Town's action in trying to maintain the 15 hours of pumping into both lakes was being ineffectual and that the water level could not be maintained in two lakes and as the western lake was the deeper of the two, a decision was made to pump into the western lake only. The reasons for this were to maintain an adequate water level in at least one of the lakes and to keep within the Town's water licence conditions.*

*The Town's Administration has submitted a report to this Council meeting, in order that the Council be informed about the condition of the lakes and the action being taken.*

*Q2. Is the cutting down (culling) of the Plain trees which surround the lake is still considered an option?*

*Ans. The CEO advised that he was not aware that this is still being considered an option.*

4. Mr Graham Taylor of Fairway in Crawley - Item 10.1.2 - Advised that the reason for this matter going before Council again is because the existing Western Power transformer is no longer adequate so support the levels of development and some re-evaluation of the deck areas on Newcastle Street frontage is required. Stated that they have endeavoured to make every change that has been made with a view to making a positive improvement. Believes that there are no new impacts and that they have negated some of the prior impacts.

5. Mr Andrew MacBean, Football Manager from Subiaco Football Club - Item 10.3.5 - Stated that the colts have been diligent in everything that the Town and North Perth Precinct Group have recommended such as parking, no bad language, attending precinct group meetings. Advised that the Club has received positive compliments from the residents surrounding the Reserve throughout the year and they have also assisted with the tree planting around the reserve. Requested Council approve the change in dates for training from March to October to February to September.
6. Mr Payam Golestani of 567 Beaufort Street, Mt Lawley - Item 10.2.1 - Referred to the petition previously submitted requesting that London Plane trees be planted in the median island. Believes that the community voted with their feet by signing the petition and the report should have reflected this. Requested that Council consider the London Plane tree as the preferred tree to be planted in the median island in Beaufort Street.

There being no further questions from the public, the Presiding Member, Mayor Nick Catania, JP, closed Public Question Time at 6.23pm.

**(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**

The Chief Executive Officer advised that the following petitions had been received:

- 5.1 Petition received from Mr M Butler of Beaufort Street, Perth with 22 signatures in support of a bid to sink the power lines in Monger Street, between William and Beaufort Streets.

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

- 5.2 Petition received from R & J Baker of Northbridge Physiotherapy Clinic, 482 Newcastle Street, West Perth with 15 signatures requesting the Council to consider reviewing the zoning on the north side of Newcastle Street, between Loftus and Charles Streets, West Perth from R80 to R160 to allow multiple dwelling and allow a building height in the order on nine (9) storeys.

*The Chief Executive Officer advised that the petition would be forwarded to the Executive Manager Environmental & Development Services for investigation and report.*

- 5.3 Petition received from T & K Bridle of Primrose Street, Perth with 9 signatures expressing concern at the partially constructed residence at No. 1 Primrose Street, Perth and requesting the Town take appropriate action.

*The Chief Executive Officer advised that the petition would be forwarded to the Executive Manager Environmental & Development Services for investigation and report.*

**Moved Cr Chester, Seconded Cr Maier**

*That the petitions be received and referred to the appropriate officers for investigation and report.*

**CARRIED (7-0)**

(Crs Farrell and Torre were apologies.)

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

**Moved Cr Ker, Seconded Cr Messina**

*That the Minutes of the Ordinary Meeting of Council held on 23 January 2007 be confirmed as a true and correct record.*

**CARRIED (7-0)**

(Crs Farrell and Torre were apologies.)

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

**7.1 Employee of the Month Award for the Town of Vincent for January 2007**

As members of the public will know, the Council recognises its employees by giving a monthly award for outstanding service to the Ratepayers and Residents of the Town. The recipients receive a \$100 voucher, kindly donated by the North Perth Community Bank, and a Certificate. Also their photograph is displayed in the Town's Administration Centre Foyer, in the Library and at Beatty Park Leisure Centre.

For JANUARY 2007, the award is presented to Gavin Neil-Smith, Horticulturalist, Admin Centre and Surrounds. Gavin was nominated by the Executive Manager Technical Services, Rick Lotznicker, for his diligent work in maintaining these areas.

Gavin has been permanently employed by the Town since May 2006 and has been maintaining the Town's Administration & Civic Centre gardens and surrounding areas, including Venables Park and Leederville Oval Public Open Space while the incumbent, Frank Poli, was recovering from a knee replacement operation.

Gavin has maintained the gardens and surrounds to the highest standard and is always approachable and happy to discuss his work and other daily issues and events with other staff and passers-by.

His work ethic and commitment to the job are highly commendable and he always appears ready for action with attached 2-way, secateurs and other gardening accessories hanging from his attire.

Congratulations Gavin - and well done!! Mayor Catania presented Gavin with his Certificate.

**Received with acclamation.**

7.2 Boundary Proposals Affecting Town of Vincent

On Friday 9 February 2007, the Minister for Local Government advised the Town that he had accepted the recommendations of the Local Government Advisory Board, in relation to the three Boundary Proposals affecting the Town.

As you are aware:

Proposal No. 1

On 7 September 2005, the Town resolved to lodge a proposal with the Local Government Advisory Board to transfer a part of the City of Stirling, known as "east Glendalough" and parts of the City of Perth, north of the Graham Farmer Freeway, into the Town of Vincent.

Proposal No. 2

On 20 December 2005, the Town resolved to lodge a proposal with the Local Government Advisory Board to transfer the suburbs of Mount Lawley, Menora and Coolbinia from the City of Stirling into the Town of Vincent.

Proposal No. 3

In April 2006, the City of Perth lodged a proposal to transfer "South Vincent" - south of Bulwer and Vincent Street, from the Town of Vincent into the City of Perth.

I am very pleased to advise that:

1. Proposal No. 1 was approved by the Minister and these parts of Stirling and Perth will be transferred into the Town effective from 1 July 2007; and
2. the City of Perth (Proposal No. 3) was rejected by the Minister.

I am disappointed that the Local Government Advisory Board did not recommend approval of the Town's proposal for the suburbs of Mount Lawley, Menora and Coolbinia to be transferred into the Town.

The Town has now received the Advisory Board's report and the Chief Executive Officer is currently examining the report and will submit a report to the Council in due course.

The Town's successful proposal will result in:

- An additional 1,250 new residents;
- Net increase in rates of approximately \$300,000 per annum (not including potential future income for the Power Station site);
- Additional assets of approximately \$3.8 million (including two parks) being transferred to the Town; and
- The strategic sites of the Power Station - which will be either the recommended site for a new 60,000 seat Stadium or a new residential and commercial development site and also the 11 hectares of land bounded by the Graham Farmer Freeway, Loftus Street and Newcastle Street - up to Charles Street - being potentially included in the Leederville Masterplan redevelopment area. The future development of these two pieces of land will provide increased revenue to the Town in the long term.

May I express my appreciation to the Council and, in particular, the Chief Executive Officer and his staff for their excellent work in preparing these proposals.

The Town of Vincent looks forward to welcoming these new residents into the Town.

### 7.3 3700 Trees Planted on Behalf of Vincent

I am pleased to announce that the Town received a certificate of recognition from the Men of the Trees Carbon Neutral Program today. Angela Tillier from Carbon Neutral presented me with our certificate and car stickers indicating that the Town is doing its bit for the environment. As a result of the Town getting involved in the Program over 3700 native trees will be planted this winter in an effort to reduce the effects of greenhouse gas emissions stemming from the Town's fleet of vehicles.

Carbon dioxide emissions from vehicles are one of the leading causes of global warming. One effective way of combating greenhouse gas emissions is to plant trees. Trees absorb carbon dioxide while they grow and trap it for years to come. On average, over 30 years, a tree planted in Australia will absorb 230kg of carbon dioxide (CO<sub>2</sub>).

Trees also help to combat salinity, reduce soil erosion, clean underground water systems and provide habitat for wildlife.

The Town's 70 fleet vehicles produced 874.83 tonnes of carbon in 2006. To offset this, 3790 trees need to be planted. The Town has now financed the planting of these trees and will continue with the Program in 2007 and beyond – strengthening our commitment to the environment and our community.

### 7.4 Urgent Business

Pursuant to Clause 2.11 of the Town of Vincent Standing Orders, I have approved of two matters to be considered under "Urgent Business".

#### Proposed Sewerage Works - Robertson Park

The first matter relates to a request from the Water Corporation to vary the extent of its proposed sewerage works in the Town and in particular, the impact on Robertson Park.

The Water Corporation has requested the Town to consider a variation of its previous approval concerning the sewer, which necessitates additional works being carried out in Robertson Park.

The Town's Executive Manager Technical Services has prepared a brief report on this matter.

#### Mindarie Regional Council (MRC) - Resource Recovery Facility

The second matter relates to the Mindarie Regional Council and in particular, the proposed Resource Recovery Facility (RRF) at Neerabup. The RRF is a plant which is designed to minimise the amount of waste which will be buried at a landfill site.

As has previously been reported to Council, the MRC has been progressing a Resource Recovery Facility at Neerabup since 2003.

The MRC has purchased land in Neerabup for this proposed site and has previously called tenders for a preferred private company to build, own and operate a Resource Recovery Facility on this land.

Following an extensive tender process, the MRC rejected all tenders and entered into negotiations with two private companies. In late 2006, the MRC resolved to enter into negotiations with one preferred company.

The negotiations are nearing the end of the process, however I believe it is important to inform this Council of developments to date relating to this project.

These developments primarily relate to the significant expenditure incurred by the MRC and its potential impact on the Town. I have previously expressed my concern at a number of MRC Meetings, including at the December 2006 meeting and the last time being at a Special MRC meeting held on 8 February 2007. At this meeting, on the casting vote of the Presiding Member, the MRC approved further expenditure.

In view of the importance of this matter, I request that, pursuant to Section 5.23 of the Local Government Act, this matter be considered "Behind Closed Doors" as it involves a contract which may be entered into, legal advice obtained or which may be obtained and a matter which, if disclosed, would reveal information that has a commercial value to a person.

The Chief Executive Officer has prepared a brief report which summarises this matter.

## **8. DECLARATION OF INTERESTS**

- 8.1 Mayor Catania declared a financial interest in Item 10.3.4 - Investment Report as at 31 January 2007. The nature of his interest being that he is the Chairperson of the North Perth Community Bank.
- 8.2 Mayor Catania declared a proximity interest in Item 10.4.8 - Approval of Amendment to Local Law Relating to Parking Facilities. The nature of his interest being that he works in an office in close proximity to the North Perth Plaza Car Park.
- 8.3 Cr Messina declared a financial interest in Item 10.3.4 - Investment Report as at 31 January 2007. The nature of his interest being that he is a Director and Shareholder of the North Perth Community Bank.
- 8.4 Cr Messina declared a proximity interest in Item 10.4.8 - Approval of Amendment to Local Law Relating to Parking Facilities. The nature of his interest being that the company in which he is involved with is negotiating a lease in The Mezz Shopping Centre and works in a building opposite the North Perth Plaza Car Park.
- 8.5 Cr Lake declared an interest affecting impartiality in Item 10.2.6 - Traffic Management Matter/s - Referral to Local Area Traffic Management Advisory Group. The nature of her interest being that she lives in the street affected by traffic issues.

- 8.6 Cr Maier declared an interest affecting impartiality in Item 10.2.6 - Traffic Management Matter/s - Referral to Local Area Traffic Management Advisory Group. The nature of his interest being that he owns a property in the area being referred to the LATM.
- 8.7 Cr Maier declared an interest affecting impartiality in Item 10.4.5 - Annual General Meeting of Electors 2006 - Receiving of Information. The nature of his interest being that he is a member of a precinct group.
- 8.8 Cr Chester declared a financial interest in Item 13.2 - Urgent Business - Confidential Report - Mindarie Regional Council - Proposed Resource Recovery Facility. The nature of his interest being that he is employed by Worley Parsons who are one of the companies involved in the proposed facility.

**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 10.2.3, 10.1.2, 10.3.5 and 10.2.1

**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 10.4.6, 10.4.7 and 10.4.8

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

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

Cr Chester	Items 10.1.1, 10.1.3, 10.1.4, 10.1.6, 10.1.7, 10.2.2, 10.2.4 and 10.2.5
Cr Ker	Nil
Cr Doran-Wu	Nil
Cr Lake	Items 10.1.8 and 10.4.5
Cr Messina	Nil
Cr Maier	Item 10.4.7
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:**

Items 10.3.4, 10.4.8 and 13.2

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

Items 10.1.5, 10.2.6, 10.3.1, 10.3.2, 10.3.3, 10.3.6, 10.4.1, 10.4.2, 10.4.3, 10.4.4 and 10.4.9

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

Items 14.1, 14.2, 14.3 and 13.2

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 10.1.5, 10.2.6, 10.3.1, 10.3.2, 10.3.3, 10.3.6, 10.4.1, 10.4.2, 10.4.3, 10.4.4 and 10.4.9

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

Items 10.2.3, 10.1.2, 10.3.5 and 10.2.1

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

**Cr Doran-Wu departed the Chamber at 6.45pm.**

**Moved Cr Messina, Seconded Cr Maier**

*That the following unopposed items be moved en bloc;*

*Items 10.1.5, 10.2.6, 10.3.1, 10.3.2, 10.3.3, 10.3.6, 10.4.1, 10.4.2, 10.4.3, 10.4.4 and 10.4.9.*

**CARRIED (6-0)**

**(Crs Farrell and Torre were apologies. Cr Doran-Wu was absent from the Chamber and did not vote.)**

**10.1.5 Nos. 60-62 (Lots 172 and 173, D/P 25971) Randell Street, corner Randall Place, Perth - Proposed Demolition of Existing Two (2) Single Houses and Construction of Two (2) Three-Storey Single Houses with Home Offices and Associated Basement Car Parking**

<b>Ward:</b>	South	<b>Date:</b>	6 February 2007
<b>Precinct:</b>	Hyde Park; P12	<b>File Ref:</b>	PRO3490; 5.2006.91.1
<b>Attachments:</b>	<a href="#">001</a> , <a href="#">002</a>		
<b>Reporting Officer(s):</b>	L Mach, Kendall S		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**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 APPROVES the application submitted by Anthony Michael Design on behalf of the owner S A Grewal for proposed Demolition of Existing Two (2) Single Houses, at Nos. 60-62 (Lots 172 and 173 D/P: 25971) Randell Street, corner Randall Place, Perth and as shown on plans stamp-dated 10 October 2006, subject to the following conditions:*
  - (a) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
  - (b) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
  - (c) *a redevelopment proposal for the subject property shall be submitted to and approved by the Town prior to the issue of a Demolition Licence;*
  - (d) *support of the demolition application is not to be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property;*
  - (e) *demolition of the existing dwelling may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No. 1 and associated Policies for the retention of existing dwellings valued by the community; and*
  - (f) *any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Town Planning Scheme No. 1 and associated Policies; and*
- (ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by Anthony Michael Design on behalf of the owner S A Grewal for proposed Construction of Two (2) Three- Storey Single Houses with Home Offices and Associated Basement Car Parking, at Nos. 60-62 (Lots 172 and 173 D/P: 25971) Randell Street, corner Randall Place, Perth and as shown on plans stamp-dated 10 October 2006, for the following reasons:*

- (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (b) *the non-compliance with the setback and vehicular access and height requirements of the Residential Design Codes, and the Town's Policy relating to the Hyde Park Precinct, respectively; and*
- (c) *consideration of the objection received.*

**COUNCIL DECISION ITEM 10.1.5**

**Moved Cr Messina, Seconded Cr Maier**

*That the recommendation be adopted.*

**CARRIED (6-0)**

(Crs Farrell and Torre were apologies. Cr Doran-Wu was absent from the Chamber and did not vote.)

<b>Landowner:</b>	S A Grewal
<b>Applicant:</b>	Anthony Michael Designs
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	373 square metres
<b>Access to Right of Way</b>	N/A

**BACKGROUND:**

No specific background directly relates to the proposal.

**DETAILS:**

The proposal involves demolition of existing two (2) single houses and construction of two (2) three-storey single houses with home offices and associated basement car parking. The applicant's submission is "*Laid on the Table*".

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Density	2 single houses R 60 ( as single houses are proposed)	2 single houses R 60	Noted- no variation.

Plot Ratio	0.65- 242 square metres	1.3- 485 square metres	Not supported- in conjunction with the height and setbacks variations sought, plot ratio proposed is considered to result in excessive bulk and scale and to have an undue impact on streetscape.
Height	Two storeys encouraged, three storey can be considered.	Three storeys and a basement.	Not supported - refer to 'Comments'.
Garages and Vehicular Access	Vehicular access from secondary street where legally available	Vehicular access proposed from primary street	Not supported - refer to 'Comments'.
Driveway Width	40 per cent of lot frontage	58 per cent	Not supported- undue impact on streetscape.
Setbacks: East (all floor levels)	1.0 metre	Nil	Not supported - in conjunction with the height and plot ratio variations proposed, setback variation is considered to contribute to excessive bulk and scale and undue impact on neighbours and streetscape.
<b>Consultation Submissions</b>			
Support	Nil		Noted.
Objection (1)	<ul style="list-style-type: none"> <li>• Overshadowing</li> <li>• Vehicular access from street not in keeping with streetscape.</li> <li>• Eastern setbacks</li> </ul>		<p>Not supported- proposal complies with overshadowing requirements of R Codes. Supported- refer to 'Comments'.</p> <p>Supported - refer to above (however, noted that objection was not from an affected neighbour).</p>
<b>Other Implications</b>			
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).		
Strategic Implications	Nil		
Financial/Budget Implications	Nil		

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

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

## **COMMENTS:**

### **Heritage**

The subject semi-detached mirror pair of dwellings at Nos. 60 and 62 Randell Street in Perth are constructed from brick and iron in the Federation Georgian style. Based on the information from the Metropolitan Sewerage Map Plans, the semi-detached mirror pair were constructed circa 1897 when the suburban areas north of the city were being established as a result of the Gold Boom and the associated increase in population.

The two dwellings are set under the same hipped roof and are symmetrical both internally and externally. A series of alterations have taken place over the years to both dwellings including; the replacement of the original roof sheeting, the removal of the original chimneys, the replacement of the front street facing windows with French doors, the replacement of the original front doors and the removal and replacement of the kitchen and bathrooms facilities. These alterations have affected the authenticity and have reduced the clarity of the original Federation Georgian design of the dwelling.

Whilst internally the original floor plan of the front section of each dwelling remains intact, the place is not rare and is considered to be of little aesthetic, historic, scientific and social value. The subject dwellings contribute to a streetscape, which comprises an eclectic range of housing stock, mainly dating from the late nineteenth to early twentieth century. However, it is not unique, endangered or an outstanding example of its type, and does not meet the threshold for consideration of entry onto the Town's Municipal Heritage Inventory.

As such, it is considered reasonable that the application for the demolition of the subject dwellings be approved subject to a quality archival record and other standard conditions.

### **Height**

While the Town's Policy relating to the Hyde Park Precinct allows for the consideration of three - storeys building height, it is considered that the height of the proposal is beyond a typical three storey building due to the design and the additional basement garage. Given this and the immediate streetscape predominately consisting of single and two storey buildings, it is considered that the height proposed is out of scale to the streetscape and to have an undue impact on the streetscape and general amenity of the area.

### **Garages and Vehicular Access**

In summary, the applicant has asserted that vehicular access from Randall Lane cannot be achieved mainly due to safety reasons and the narrowness of Randall Lane and lots. In relation to safety concerns, the Town's Technical Services has advised that this can be addressed via adequate setbacks and truncations.

While it is noted that the subject application involves two existing narrow lots that would make vehicular access from the Randall Lane unachievable, it is considered an appropriate redesign of the development and a re-subdivision/realignment of the lot boundaries could feasibly facilitate vehicular access from Randell Place. It is noted that the current application is already proposing to realign the current boundary line.

In light of the above, the demolition of the existing two single houses is recommended for approval subject to standard and appropriate conditions, and the redevelopment application is recommended for refusal.

**10.2.6 Traffic Management Matter/s – Referral to Local Area Traffic Management Advisory Group**

<b>Ward:</b>	South	<b>Date:</b>	5 February 2007
<b>Precinct:</b>	Hyde Park P.12 Forrest P14	<b>File Ref:</b>	TES0334
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	R. Lotznicker		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report on Traffic Management Matters referred to the Town's Local Area Traffic Management Advisory Group;*
- (ii) *REFERS the following matter, as detailed in the report, to the Town's Local Area Traffic Management Advisory Group for discussion/consideration;*
  - *Traffic distribution, speeds and volumes in streets bounded by Beaufort, Lincoln,, Mary and William Streets; and*
- (iii) *NOTES that, if required, a further report will be submitted on the matter outlined in clause (ii) following discussion/consideration by the Town's Local Area Traffic Management Advisory Group.*

**COUNCIL DECISION ITEM 10.2.6**

**Moved Cr Messina, Seconded Cr Maier**

*That the recommendation be adopted.*

**CARRIED (6-0)**

**(Crs Farrell and Torre were apologies. Cr Doran-Wu was absent from the Chamber and did not vote.)**

**PURPOSE OF REPORT:**

The purpose of this report is to seek the Council's approval to refer a traffic management matter to the Local Area Traffic Management (LATM) Advisory Group for consideration.

**BACKGROUND:**

The LATM Advisory Group meets monthly to consider requests received by the Town relating to Traffic and related safety issues. The Group considers these requests and, where warranted, the Group's recommendations are reported to the Council.

A request has been received for the Council to consider traffic matters in several streets west of Beaufort Street, between Mary and Lincoln Streets.

**DETAILS:**

The Town has received correspondence from a resident of Chatsworth Street requesting that consideration be given to managing the volume and speed of traffic in certain streets west of Beaufort Street, between Mary and Lincoln Streets, due to the 'perceived' rat running, speeding and traffic volume.

The resident was subsequently advised that 'traffic classifiers' were deployed in streets in August 2006 to determine traffic movements within the area, and that previous data collected in St Albans Avenue was also used for comparison purposes.

- Chatsworth Road
- Harley Street
- Cavendish Streets

Chatsworth Road

*Beaufort Street to Cavendish Street*

	<u>August 2006</u>	<u>October 2000</u>
Average weekday traffic:	927 vehicles.	681 vehicles
85% speed:	47.9kph	49.0kph
Average speed:	38.1kph	37.9kph
% commercial vehicles:	1.45%	2.40%

*William Street to Harley Street*

	<u>August 2006</u>	<u>October 2000</u>
Average weekday traffic:	1093 vehicles	992 vehicles
85% speed:	45.6kph	44.0kph
Average speed:	37.2kph <sup>3</sup>	6.2kph
% commercial vehicles:	1.42%	1.57%

Cavendish Street

*Chatsworth Road to St Albans Avenue*

	<u>August 2006</u>	<u>February 2001*</u>
Average weekday traffic:	326 vehicles	343 vehicles
85% speed:	46.1kph	45.0kph
Average speed:	37.1kph	37.3kph
% commercial vehicles:	2.02%	3.39%

*St Albans Avenue to Lincoln Street*

	<u>August 2006</u>	<u>December 2000</u>
Average weekday traffic:	466 vehicles	385 vehicles
85% speed:	43.6kph	43.0kph
Average speed:	35.8kph	34.3kph
% commercial vehicles:	2.36%	2.93%

Harley Street

*Chatsworth Road to Lincoln Street*

	<u>August 2006</u>	<u>December 2000</u>
Average weekday traffic:	224 vehicles	164 vehicles
85% speed:		50.0kph52.0kph
Average speed:		37.9kph40.6kph
% commercial vehicles:	3.59%	1.37%

St Albans Avenue*Beaufort Street to Cavendish Street*

	<u>May 2004</u>	<u>December 2000</u>
Average weekday traffic:	443 vehicles	290 vehicles
85% speed:	45.0kph	48.0kph
Average speed:	36.4kph	36.4kph
% commercial vehicles:	1.46%	3.32%

Lincoln Street*Beaufort Street to Cavendish Street (before & after the Black Spot treatment)*

	<u>May 2004</u>	<u>March 2004</u>
Average weekday traffic:	790 vehicles	1630 vehicles
85% speed:	45.0kph	44.0kph
Average speed:	36.5kph	35.9kph
% commercial vehicles:	2.50%	1.90%

**Discussion**

The aerial photograph indicates that approximately 53 dwellings front Chatsworth Road. Using a conservative six vehicle trips per day per dwelling, this equates to some 318 trips per day attributable to the residents.

There are also several trip generators in the vicinity including the Highgate Primary School and the Beaufort Street entertainment strip in general but, more specifically, the 'flower shops' adjacent to the Chatsworth Road intersection. Further, the right turn movement into and out of Lincoln Street, at Beaufort Street, was 'blocked off' as a black spot improvement in April 2004.

The data indicates that there are defined morning and afternoon peak periods in all the aforementioned streets. It would appear that in the morning a number of commuters, who would have previously used Lincoln Street to access William Street (city bound), are now using Chatsworth Road and St Albans Avenue.

In respect to *Chatsworth Road*, rather than exit to William Street directly, a significant percentage seem to be using Cavendish and Harley Streets, via Lincoln Street, to William Street.

With regards to *St Albans Avenue*, the dominant movement is the right turn, from Beaufort Street south bound, St Albans Avenue, left into Cavendish Street and right into Lincoln Street.

The traffic volume in Cavendish Street, between Chatsworth Road and St Albans Avenue, has decreased, while Harley Street has seen an increase in both volume and speed. There could be several factors, not wanting to compete with the traffic using St Albans Avenue, and in respect of the speed in Harley Street, the excessively wide pavement and the lack of trees down the centre of the road to act as a deterrent.

As would be expected, there are also localised spikes in traffic volumes at school drop off and pick-up times.

The afternoon peak period is not as pronounced as Lincoln Street carries a larger percentage of commuter traffic wanting to access Beaufort Street north bound and, as a result, the load is spread across three (3) streets instead of the two (2) as in the morning peak.

Specific to Chatsworth Road there is also a weekend peak period around the lunch period on both Saturdays (11.00 am to noon) and Sundays (noon to 1.00 pm).

**Conclusion**

From the classifier results, it appears that none of the streets measured had an endemic speeding problem.

Chatsworth Road, by virtue of its narrow width and extensive on-road parking is largely self regulating.

St Albans Avenue and Cavendish Street, as a result of the streetscape improvements undertaken by the Town, are no longer excessively wide pavements and do not encourage speeding, as borne out by the data.

However, the black spot improvement undertaken at the intersection of Beaufort and Lincoln Streets in April 2004 has re-distributed the traffic resulting in increases in volumes using Chatsworth Road, St Albans Avenue, Cavendish Street (south of St Albans) and Harley Street. However, in respect of the latter three (3) they were coming off a reasonably low base.

As would be expected, Lincoln Street has experienced a significant decrease in traffic and surprisingly so has Cavendish Street, north of St Albans Avenue.

The traffic data for all of the above roads, however, is well within the criteria for their classification even with the redistributed traffic situation.

It is, however, still recommended that this matter be referred to the Town's LATM Advisory Group and that a community representative be invited to attend the meeting.

**CONSULTATION/ADVERTISING:**

Not applicable at this stage.

**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:**

Not applicable at this stage.

**COMMENTS:**

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

It is considered that the matter listed in this report requires further discussion with the community and it is therefore recommended that this be referred to the Town's Local Area Traffic Management Advisory Group for consideration.

### 10.3.1 Financial Statements as at 31 December 2006

<b>Ward:</b>	Both	<b>Date:</b>	18 January 2007
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0026
<b>Attachments:</b>	001		
<b>Reporting Officer(s):</b>	Bee Choo Tan		
<b>Checked/Endorsed by:</b>	M Rootsey	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council RECEIVES the Financial Reports for the month ended 31 December 2006 as shown in Appendix 10.3.1.*

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**COUNCIL DECISION ITEM 10.3.1**

**Moved Cr Messina, Seconded Cr Maier**

*That the recommendation be adopted.*

**CARRIED (6-0)**

**(Crs Farrell and Torre were apologies. Cr Doran-Wu was absent from the Chamber and did not vote.)**

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**PURPOSE OF REPORT:**

The purpose of this report is to present the financial statements for the month ended 31 December 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 31 December 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 102% of the month of December 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 272 % of the budget received to date; this is due the sale of electoral rolls.

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

Revenue is showing a variance of 54 % of the budget to date. \$15,000 grant expected has not been received in December 06.

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

Health is showing 100 %, this is due to 302 Health Licences being issued for Lodging Houses, Eating Houses and Alfresco dining.

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

Education and Welfare is showing 75 % of the budget, the Town did not receive the \$25,000 operating surplus budget expected from Leederville Garden Retirement Village and there the delay of insurance recoup to the month of December.

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

Community Amenities is 137 % of the year to date budget, this is the result of 300 planning applications being processed to date and the issue of non rateable and commercial properties for their refuse charges.

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

The total revenue for Recreation and Culture is on target at 102 % of their revenue budget. Beatty Park Leisure Centre revenue is 35 % of the total Recreation and Culture revenue budget and tracking along with the centre year to date budget of 100%.

#### **Economic Services (Page 12)**

Economic Services is 138 % over budget which is the 293 building licences issued to the month of December.

### **Operating Expenditure**

Operating expenditure for the month of December is under budget at 96 %

**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 including commitment for December amount of \$3,228,289 which is 6% of the budget of \$55,231,388.

	<b>Budget</b>	<b>Actual to Date</b>	<b>%</b>
Furniture & Equipment	101,800	31,087	31%
Plant & Equipment	905,925	458,426	51%
Land & Building	43,623,350	260,982	1%
Infrastructure	10,600,313	2,477,794	15%
<b>Total</b>	<b>55,231,388</b>	<b>3,228,289</b>	<b>6%</b>

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

The statement shows the current assets of \$25,684,339 and non current assets of \$114,927,014 for total assets of \$140,611,353.

The current liabilities amount to \$4,493,654 and non current liabilities of \$14,569,405 for the total liabilities of \$19,063,059. The net asset of the Town or Equity is \$121,548,294.

**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 \$412,303 are outstanding at the end of December. Of the total debt \$27,872 (7%) 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 \$2,741,697 which represents 18 % of the outstanding collectable income.

### **Beatty Park – Financial Position Report (Page 30)**

As at 31 December 2006 the operating deficit for the Centre was \$183,468 in comparison to the budgeted year to date deficit of \$337,322 and annual deficit of \$639,155.

The cash position showed a current cash surplus of \$49,746 in comparison to the year to date budget of cash deficit of \$40,548 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 31 December 2006 was \$15,064,719.

### **Net Current Asset Position (Page 32)**

### **Variance comment Report (Pages 33 to 36)**

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

**10.3.2 Capital Works Programme 2006/2007 - Progress Report No 2 as at  
31 December 2006**

<b>Ward:</b>	Both	<b>Date:</b>	18 January 2007
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0025
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	M Rootsey, R Lotznicker, R Boardman		
<b>Checked/Endorsed by:</b>	J Giorgi	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council RECEIVES Progress Report No 2 for the period 1 October - 31 December 2006, for the Capital Works Programme 2006/2007, as detailed in Appendix 10.3.2.*

**COUNCIL DECISION ITEM 10.3.2**

**Moved Cr Messina, Seconded Cr Maier**

*That the recommendation be adopted.*

**CARRIED (6-0)**

**(Crs Farrell and Torre were apologies. Cr Doran-Wu was absent from the Chamber and did not vote.)**

**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 October 2006 to 31 December 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 31 December 2006.

**DETAILS:**

The report focuses on the work that was due to be completed up to the end of the second quarter. Comments on the report relate only to works scheduled to be carried out in the period up to 31 December 2006.

**CONSULTATION/ADVERTISING:**

N/A

**LEGAL/POLICY:**

Nil

**STRATEGIC IMPLICATIONS:**

Plan for the Future 2006-2011 - Objective One - Natural and Built Environment

*1.1.6 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:**

A number of major projects are now unlikely to be undertaken or completed in this financial year, these are as follows:

- Members Equity Stadium Stage 2 is awaiting outcome of Stadium Task Force Report
- Vincent Police Station - awaiting decision from WA Police Department of final site. The Leederville Child Care Centre and Margaret Kindergarten projects are dependent on the Vincent Police Station decision.

The following projects have been deferred for the 2007/08 Budget as it cannot be undertaken this year and the funds have been reallocated to fund the Loftus Recreation Centre Redevelopment.

- Leederville Oval Public Open Space
- Brookman/Moir Streetscape Works
- Newcastle Street Upgrade (Loftus to Charles Street)
- Lincoln Street - Embayed parking
- LCD Screen for Committee Room

**10.3.3 Authorisation of Expenditure for the period 1 - 31 January 2007**

<b>Ward:</b>	Both	<b>Date:</b>	05 February 2007
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0005
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	Melike Orchard		
<b>Checked/Endorsed by:</b>	Bee Choo Tan	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council CONFIRMS the;*

- (i) *Schedule of Accounts for the period 1 January – 31 January 2007 and the list of payments;*
- (ii) *direct lodgement of payroll payments to the personal bank account of employees;*
- (iii) *direct lodgement of PAYG taxes to the Australian Taxation Office;*
- (iv) *direct lodgement of Child Support to the Australian Taxation Office;*
- (v) *direct lodgement of creditors payments to the individual bank accounts of creditors; and*
- (vi) *direct lodgement of Superannuation to Local Government and City of Perth superannuation plans;*

*as shown in Appendix 10.3.3*

**COUNCIL DECISION ITEM 10.3.3**

**Moved Cr Messina, Seconded Cr Maier**

*That the recommendation be adopted.*

**CARRIED (6-0)**

(Crs Farrell and Torre were apologies. Cr Doran-Wu was absent from the Chamber and did not vote.)

**DECLARATION OF INTEREST**

Members/ Officers	Voucher	Extent of Interest
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Nil.

**PURPOSE OF REPORT:**

To seek authorisation of expenditure for the period 1 - 31 January 2007.

**BACKGROUND:**

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

**DETAILS:**

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

<b>FUND</b>	<b>CHEQUE NUMBERS/ PAY PERIOD</b>	<b>AMOUNT</b>
<b>Municipal Account</b>		
Town of Vincent Advance Account	EFT	\$1,639,839.39
<b>Total Municipal Account</b>		<b>\$1,639,839.39</b>
<b>Advance Account</b>		
Automatic Cheques	57613-57691, 57693-57695, 57697-57902	\$1,775,573.21
<b>Municipal Account</b>		
Transfer of Creditors by EFT Batch	614-615, 617-619, 621-622	\$810,348.09
Transfer of PAYG Tax by EFT	January 2007	\$180,571.90
Transfer of GST by EFT	January 2007	0.00
Transfer of Child Support by EFT	January 2007	\$635.38
Transfer of Superannuation by EFT City of Perth	January 2007	\$62,719.01
Local Government	January 2007	\$188,542.51
<b>Total</b>		<b>\$3,018,390.10</b>
<b>Bank Charges &amp; Other Direct Debits</b>		
Bank Charges – CBA		\$3,519.83
Lease Fees		\$2,186.80
Corporate Master Cards		\$4,152.33
Australia Post Lease Equipment		\$0.00
2 Way Rental		\$0.00
Loan Repayment		\$96,523.04
Rejection Fees		\$20.00
ATM Rebate		\$0.00
Beatty Park - miscellaneous deposit		\$0.00
<b>Total Bank Charges &amp; Other Direct Debits</b>		<b>\$106,402.00</b>
<b>Less GST effect on Advance Account</b>		<b>-62,639.68</b>
<b>Total Payments</b>		<b>\$4,701,991.81</b>

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2005-2010 – Key Result Area 4.2 – Governance and Management

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

**ADVERTISING/CONSULTATION:**

Nil.

**COMMENT:**

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

**10.3.6 Sponsorship Vietnamese Lunar New Year Day for 2007**

<b>Ward:</b>	-	<b>Date:</b>	3 February 2007
<b>Precinct:</b>	-	<b>File Ref:</b>	FIN0008
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	Mike Rootsey		
<b>Checked/Endorsed by:</b>	John Giorgi	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council APPROVES the sponsorship of \$1,000 for the Vietnamese Lunar Day 2007 celebrations for the Vietnamese Community of Western Australia, to be held between the 25 and 27 February 2007 to be held at Russell Square, Northbridge.*

**COUNCIL DECISION ITEM 10.3.6**

**Moved Cr Messina, Seconded Cr Maier**

*That the recommendation be adopted.*

**CARRIED (6-0)**

**(Crs Farrell and Torre were apologies. Cr Doran-Wu was absent from the Chamber and did not vote.)**

**PURPOSE OF REPORT:**

The purpose of the report is to obtain approval for the sponsorship for the Vietnamese Lunar Day celebrations 2007 for the Vietnamese Community in Western Australia. This event is to be held between the 23 and 25 February 2007.

**BACKGROUND:**

The Vietnamese Community have written to the Town of Vincent seeking a financial contribution towards the Vietnamese Lunar Day 2007 which is to be held over the three days from the 25 February to the 27 February 2007 to be held in Russell Square in Northbridge.

Up to last year these celebrations had been held in Hyde Park however after one serious incident the celebrations have had to moved to the smaller venue at Russell Square as Hyde Park was considered too large to cover for security at night.

**DETAILS:**

The Vietnamese Community have stated that the total cost of the running of these celebrations is estimated to be \$30,000.

The Town has advised the Vietnamese Community in a letter prior to the adoption of this policy that as the location is outside the Town of Vincent the matter will have to be considered by the Council.

At the Ordinary Meeting of Council on the 23 January 2007 a new Policy No 1.1.5 on Donations, Sponsorship and Waiving of Fees was approved.

The Policy states the following:

- (i) Sponsorship of Events/Programmes by the Town of Vincent.

**Eligible Events:**

To be considered for funding through the Town of Vincent Sponsorship programme.

Examples may include:

- Festivals and community fairs;
- Multicultural events;
- Music concerts; and
- Artistic events Cultural events

**Event Location:**

Events must occur within the boundaries of the Town of Vincent.

- (ii) This clause states that if an application for a donation for a sponsorship does not meet the evaluation criteria but is assessed by the Town's Administration as a case warranting further consideration, it will be forwarded to Council for determination.

- (iii) Application with Extenuating Circumstances

The members of the Vietnamese Community make a substantial contribution to the Vincent community and a significant number of Vietnamese form part of the Vincent population.

It is therefore considered appropriate that the Town of Vincent consider making a contribution to this event despite the fact that the venue for the event is in the City of Perth.

**CONSULTATION/ADVERTISING:**

N/A

**LEGAL/POLICY:**

Town of Vincent Policy No 1.1.5 Donations, Sponsorship and Waiving of Fees

**STRATEGIC IMPLICATIONS:**

Plan for the Future Strategic Plan 2006-2011 Objective 3.1 Enhance community development and wellbeing:

3.1.1 Celebrate and acknowledge the Town's cultural and social diversity

- (a) *Organise and promote community events and initiatives that engage the community and celebrate cultural and social diversity of the Town.*

**FINANCIAL/BUDGET IMPLICATIONS:**

The funds for this sponsorship will be made from the Donations Account.

**COMMENTS:**

The sponsorship for this event can be supported given the valuable contribution that the Vietnamese population make to the Vincent Community, and the importance of these celebrations to the culture of the Vietnamese Community.

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

<b>Ward:</b>	-	<b>Date:</b>	7 February 2007
<b>Precinct:</b>	-	<b>File Ref:</b>	ADM0042
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	M McKahey		
<b>Checked/Endorsed by:</b>	John Giorgi	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

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

**COUNCIL DECISION ITEM 10.4.1**

**Moved Cr Messina, Seconded Cr Maier**

*That the recommendation be adopted.*

**CARRIED (6-0)**

**(Cr's Farrell and Torre were apologies. Cr Doran-Wu 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:

<b>Date</b>	<b>Document</b>	<b>No of copies</b>	<b>Details</b>
22/01/07	Lease	1	Town of Vincent and Robertson Park Artists (U. Alfaro, F. Dennis, R. Camerer, G. Hay, C. Charlick, L. Wilhelm, S.J. Marchant, S. Hamlin-Sullivan) for Halverson Hall Studio Lease (Three new Artists joined Studio)
23/01/07	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services, Gate 7, Subiaco Oval, Subiaco Road, Subiaco re: Mustard Function - 24 January 2007 (Corporate Suite Nos. 10 and 11)

Date	Document	No of copies	Details
23/01/07	Restrictive Covenant	2	Town of Vincent and A & I Kapor of 1A Campsie Street, North Perth re: No. 14 (Lot 103) Richmond Street and No. 2A (Lot 106) Campsie Street, North Perth - <i>To satisfy Condition No. 7 of the Western Planning Commission's subdivision (WAPC ref: 131864) approval letter dated 10/01/06.</i>
02/02/07	Notification under Section 70A	1	Town of Vincent and L and S I Green of 53 West Parade, Perth 6000 re: No. 279 (Lot 30) Oxford Street, Leederville - <i>To satisfy Condition (v) of Planning Approval issued 1/04/05.</i>

**10.4.2 Local Government Statutory Compliance Audit 2006**

<b>Ward:</b>	-	<b>Date:</b>	7 February 2007
<b>Precinct:</b>	-	<b>File Ref:</b>	ADM0019
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>		<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council ADOPTS the Local Government Statutory Compliance Audit for 2006, as "Laid on the Table" and circulated separately to Elected Members and this be forwarded to the Department of Local Government and Regional Development.*

**COUNCIL DECISION ITEM 10.4.2**

**Moved Cr Messina, Seconded Cr Maier**

*That the recommendation be adopted.*

**CARRIED (6-0)**

**(Crs Farrell and Torre were apologies. Cr Doran-Wu was absent from the Chamber and did not vote.)**

**PURPOSE OF REPORT:**

The purpose of this report is for the Council to consider and approve of the Local Government Statutory Compliance Audit 2006.

**BACKGROUND:**

The Department of Local Government and Regional Development has issued a "Local Government Statutory Compliance Audit" to all Local Governments throughout Western Australia. This return requires the Chief Executive Officer and Mayor to certify that the statutory obligations of the Local Government have been complied with. The Chief Executive Officer may delegate to a responsible person to complete part of the Return.

**CONSULTATION/ADVERTISING:**

N/A.

**LEGAL/POLICY:**

The completion of the Statutory Compliance Return is compulsory, in accordance with Section 7.13(1) of the Local Government Act 1995 and Local Government (Audit) Regulations (Regulation 13). A copy has been provided to all Elected Members and a copy is "Laid on the Table".

The Town has an Audit Committee. The Committee, comprising the Mayor, Cr Helen Doran-Wu, Cr Simon Chester (Deputy), A. Macri and S Menon (Auditors), with the Chief Executive Officer and Executive Manager Corporate Services (ex officio and non-voting) met on 6 February 2007 to review this Audit and confirmed that all areas specified in the Return comply with the all legislative requirements.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**STRATEGIC IMPLICATIONS:**

The Town's Strategic Plan 2006-2011 lists the following objectives;

"4.1.2 *Manage the organisation in a responsible, efficient and accountable manner;*" and

"4.1.4 *Deliver services in ways that accord with the expectations of the community, whilst maintaining statutory compliance.*"

**COMMENTS:**

The Town of Vincent has complied with all statutory compliance provisions and accordingly it is recommended to the Council that the Local Government Statutory Compliance Audit 2006 be adopted and forwarded to the Department of Local Government and Regional Development.

**10.4.3 Audit Committee – Receiving of Unconfirmed Minutes February 2007**

<b>Ward:</b>		<b>Date:</b>	7 February 2007
<b>Precinct:</b>		<b>File Ref:</b>	FIN0106
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>		<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council RECEIVES the Minutes (unconfirmed) dated 6 February 2007 of the Town's Audit Committee, as shown in Appendix 10.4.3.*

**COUNCIL DECISION ITEM 10.4.3**

**Moved Cr Messina, Seconded Cr Maier**

*That the recommendation be adopted.*

**CARRIED (6-0)**

**(Crs Farrell and Torre were apologies. Cr Doran-Wu was absent from the Chamber and did not vote.)**

**PURPOSE OF REPORT:**

The purpose of this report is for the Council to receive the unconfirmed minutes of the Audit Committee held on 6 February 2007.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 26 August 2003, the Council considered the matter of its Audit Committee and resolved inter alia as follows;

*"That the Council;*

- (i) APPROVES of amending the Audit Committee Terms of Reference to be as follows;*
  - (a) the process of selecting the Auditor;*
  - (b) recommending to Council on the Auditor;*
  - (c) managing the Audit Process;*
  - (d) monitoring Administrations actions on, and responses to, any significant matters raised by the Auditor;*
  - (e) submitting an Annual Report on the audit function to the Council and the Department of Local Government; and*
  - (f) consideration of the completed Statutory Compliance Return and monitoring administrations corrective action on matters on non-compliance;*
  - (g) to oversee Risk Management and Accountability considerations; and*
  - (h) to oversee Internal Audit/Accountability functions;"*

**CONSULTATION/ADVERTISING:**

N/A.

**LEGAL/POLICY:**

The Local Government Act (Financial Management) Regulations 1996, Regulations 5 and 6 prescribe the duties of the CEO in respect to financial management and independent performance reviews (including internal and external Audits).

**STRATEGIC IMPLICATIONS:**

The Town's Strategic Plan 2006-2011 lists the following objectives;

*"4.1.2 Manage the organisation in a responsible, efficient and accountable manner;" and*

*"4.1.4 Deliver services in ways that accord with the expectations of the community, whilst maintaining statutory compliance."*

**FINANCIAL IMPLICATIONS:**

Nil.

**COMMENT:**

The reporting of the Town's internal Audit Committee minutes to the Council Meeting is considered "best practice" and in keeping with the Audit Charter. It is pleasing to note that no issues were identified at this meeting.

**10.4.4 Matters Approved under Delegated Authority 2006-2007 - Receiving of Reports**

<b>Ward:</b>	-	<b>Date:</b>	5 February 2007
<b>Precinct:</b>	-	<b>File Ref:</b>	ADM0018
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	M McKahey		
<b>Checked/Endorsed by:</b>	John Giorgi	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council NOTES the items approved under Delegated Authority over the period 20 December 2006 to 22 January 2007, as shown in Appendix 10.4.4.*

**COUNCIL DECISION ITEM 10.4.4**

**Moved Cr Messina, Seconded Cr Maier**

*That the recommendation be adopted.*

**CARRIED (6-0)**

**(Crs Farrell and Torre were apologies. Cr Doran-Wu was absent from the Chamber and did not vote.)**

**PURPOSE OF REPORT:**

The purpose of this report is to advise the Council of the items approved under Delegated Authority for the period 20 December 2006 to 22 January 2007.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 19 December 2006, the Council resolved as follows;

*"That pursuant to Section 5.42 of the Local Government Act 1995, the Council APPROVES BY AN ABSOLUTE MAJORITY, delegated authority to the Chief Executive Officer, in consultation with the Mayor and all available Councillors, to deal with any items of business (other than those requiring an Absolute Majority) that may arise from 20 December 2006 to 22 January 2007, subject to:*

- (i) the action taken only being in accordance with the Officer's recommendation;*
- (ii) reports being issued to all Elected Members for a period of 3 days and a simple majority of Elected Members who have responded, be accepted;*
- (iii) a report summarising the items of business dealt with under delegated authority being submitted for information to the Council at its meeting to be held in February 2007;*
- (iv) a delegation register of items being kept and made available for public inspection during the period that the delegation applies; and*
- (v) items being displayed in the Town of Vincent Administration Centre, the Library and on the Town's website for a period of three (3) days prior to approval."*

**CONSULTATION/ADVERTISING:**

N/A.

**LEGAL/POLICY:**

The Local Government Act 1995 states:

*“Delegation of some powers and duties to CEO  
5.42(1) A local government may delegate to the CEO the exercise of any of its powers  
or the discharge of any of its duties under this Act (other than those referred to in  
section 5.43 and this power of delegation).”*

Matters requiring an Absolute or Special Majority decision of the Council cannot be approved under Delegated Authority.

**STRATEGIC IMPLICATIONS:**

This is in keeping with the Town’s Strategic Plan 2006-2011 - Objective 4 – *“Leadership, Governance & Management”* – 4.1.1 – Provide good strategic decision-making, governance, leadership and professional management.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The use of Delegated Authority was in keeping with the Council’s practice of providing a high standard of customer service to continue processing ratepayer requests and development applications.

A complete list and copy of the reports considered under Delegated Authority is included in this Agenda.

**10.4.9 Information Bulletin**

<b>Ward:</b>	-	<b>Date:</b>	5 February 2007
<b>Precinct:</b>	-	<b>File Ref:</b>	-
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	A Smith		
<b>Checked/Endorsed by:</b>	John Giorgi	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Information Bulletin dated 13 February 2007, as distributed with the Agenda, be received.*

**COUNCIL DECISION ITEM 10.4.9**

**Moved Cr Messina, Seconded Cr Maier**

*That the recommendation be adopted.*

**CARRIED (6-0)**

**(Crs Farrell and Torre were apologies. Cr Doran-Wu was absent from the Chamber and did not vote.)**

**DETAILS:**

The items included in the Information Bulletin dated 13 February 2007 are as follows:

ITEM	DESCRIPTION
IB01	Progress Report on Local Studies and History Collection: July- December 2006 (All Precincts) CMS0002
IB02	Graffiti Management – Western Australian Local Government Infopage – 05 019 03 0002
IB03	Draft Biodiversity Conservation Strategy for Western Australia - Western Australian Local Government Infopage 06.005.01.0200.01
IB04	Rangers’ Statistics for October, November and December 2006 (All Precincts) PER0018
IB05	Rosewood Care Group (Inc) – Newspaper Article - Apology
IB06	Register of Petitions - Progress Report - February 2007
IB07	Register of Notices of Motion - Progress Report - February 2007
IB08	Register of Reports to be Actioned - Progress Report - February 2007
IB09	Register of Legal Action
IB10	Register of State Administrative Tribunal Appeals
IB11	Notice of Forum - 20 February 2007

### 10.2.3 Hyde Park Lakes – Progress Report No 2

<b>Ward:</b>	South	<b>Date:</b>	2 February 2007
<b>Precinct:</b>	Hyde Park P12	<b>File Ref:</b>	RES0042
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	J van den Bok		
<b>Checked/Endorsed by:</b>	R Lotznicker	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the progress report No 2 in relation to the Hyde Park Lakes;*
- (ii) *NOTES that;*
  - (a) *the current water level in both lakes is at its lowest level for many years;*
  - (b) *complaints have been received from the local community in regard to the low water levels, odour emanating from the mud and that no apparent action to restore the lakes has been undertaken to date;*
  - (c) *the condition of the lakes has been the subject of media articles in the print media as shown in Appendix 10.2.3;*
  - (d) *in an effort to maintain some water in the lakes, only the Western (deeper) lake is being recharged with bore water and the Eastern lake be left to dry out naturally throughout the remainder of the summer period; and*
  - (e) *it is proposed to hold an on site meeting of the Hyde Park Lakes Working Group (HPLWG) in the near future to further discuss the options previously identified for the restoration of the lakes; and*
- (iii) *RECEIVES further progress reports as the Hyde Park Lakes Restoration Group further investigate options for the restoration of the lakes at Hyde Park.*

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**COUNCIL DECISION ITEM 10.2.3**

Cr Doran-Wu returned to the Chamber at 6.46pm.

**Moved** Cr Messina, **Seconded** Cr Ker

*That the recommendation be adopted.*

The Executive Manager Technical Services informed the Council of action taken to date and responded to questions.

Debate ensued.

**CARRIED (7-0)**

(Crs Farrell and Torre were apologies.)

---

**PURPOSE OF REPORT:**

The purpose of this report is to inform the Council of the recent attention received from the local community in relation to the Hyde Park lakes and advise of some interim measures undertaken to try and improve the situation in the short term.

**BACKGROUND:**

At its Ordinary Meeting held on the 10 October 2006, the Council considered a report on Hyde Park Lakes Restoration Group (HPLRG) – Progress Report No 1 where it was decided that:

*That the Council;*

- (i) *RECEIVES the progress report No 1 of the Hyde Park Lakes Restoration Working Group;*
- (ii) *NOTES;*
  - (a) *the recommendations identified in the Hydrogeological Report for the Hyde Park Lakes prepared by Rockwater Pty Ltd (laid on the table);*
  - (b) *that of nine (9)' possible' lake restoration options that have been developed by the Hyde Park Lakes Restoration Working Group (as outlined in the report), no specific option has been endorsed by the group as a single preferred option and that further investigation/assessment/evaluation is required before a recommendation is forthcoming;*
  - (c) *that to enable the options to be further evaluated the cost for cleaning the Lake Monger retention ponds will be further investigated and the Town's officers will apply for a licence to construct an additional bore from the superficial or Leederville Aquifer to possibly artificially recharge the lakes from a nutrient free source; and*
  - (d) *the extensive works undertaken to date by members of the Hyde Park Lakes Restoration Working Group and in particular the professional advice provided free to the Town by the professional community representatives on the group and other invited guests;*
- (iii) *ADVISES the community of the progress to date via the local media and the Town's newsletter; and*
- (iv) *NOTES that further progress reports will be submitted to the Council, as options for the restoration of the lakes at Hyde Park are further investigated / developed.*

The Hyde Park Lakes Restoration Group (HPLWG) has not formally met since October 2006 given the Christmas and New Year break little progress has been made other than to inform the community via the Town of Vincent newsletter of progress to date.

The necessary information pertaining to an additional bore licence application has been received however, this has not been processed as a location for the new bore has not been identified as yet.

**DETAILS:**

While the water levels and water quality in both the western and eastern lakes at Hyde Park have been reasonable throughout the 2006 autumn, winter and spring seasons, since the beginning of December 2006 the Town's Parks staff have 'battled' to maintain adequate water levels in the lakes even though bore water recharging has been undertaken up to fifteen (15) hours per day.

The eastern lake, which is relatively shallow in comparison with the western lake, has now almost completely dried up. Subsequently, members of the local community have expressed concerns and have contacted the Town, initially angry that water levels are not being maintained and the muddy areas are now smelly.

A recent on-site meeting with the Chief Executive Officer, Executive Manager Technical Services, Manager Parks Services and Parks Supervisor, identified that the water being currently pumped into both lakes was making very little difference to the water levels.

It was decided that the, best course of action, as an interim measure would be to pump/divert 'all' the bore water recharge into the deeper western lake, as this lake, due to its depth, would more than likely slowly fill up. This would possibly result in most of the eastern lake drying out, however, the Town has previously been advised that this course of action would probably be more beneficial to the lake rather than harmful even though visitor to the park may be displeased.

It was previously reported (Ordinary Meeting of Council 10 October 2006) that the Town is not likely to be in a position to undertake any major on-ground works for sometime. However, with the funds currently available, the working group will meet on site in the near future to discuss the possibility of undertaking what could be described as further "band-aid" solutions in an effort to improve the current situation.

Several actions as follows were identified at the last meeting of the HPLWG and need to be further progressed.

- Investigate sourcing reticulation water from lakes – *Report completed by irrigation consultant.*
- Affect of Graham Farmer freeway on groundwater contours – *in progress*
- Request financial assistance from state government – *in progress*
- Determine the cost of City of Perth lakes system at Ozone Reserve – *in progress*
- Determine the cost of maintenance of the Lake Monger nutrient stripping zones – *in progress*
- Apply for licence to draw water from Leederville aquifer – *information/application received, location to be identified prior to submitting*
- Investigate increasing local stormwater catchment – *in progress*
- Investigate use of "Aquashade" – *Completed*
- Measure daily lake level fluctuations – *in progress*

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

The Local Community was advised of the progress of the Hyde Park Lakes Restoration group in the December 2006 issue of the Town of Vincent news. Further updates will be provided in due course.

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

Nil

#### **STRATEGIC IMPLICATIONS:**

In accordance with the objective of Strategic Plan 2006-2011 – 1.1.4 Minimise negative impacts on the community and environment. "(b) Restore Hyde Park Lakes and Banks Reserve Foreshore."

**FINANCIAL/BUDGET IMPLICATIONS:**

As previously advised, a total amount of \$105,000 is listed in the 2006/2007 budget for the restoration of Hyde Park lakes and this amount is to be transferred to a reserve fund. In addition, the North Perth Community Bank has advised that they will donate \$50,000 over five (5) years towards this project.

It is likely that any chosen restoration option/s is going to be expensive and a considerable budget will need to be allocated over the forthcoming years.

**COMMENTS:**

The Hyde Park Lakes initially comprised a seasonal wetland until the park was progressively developed over the last 105 years to what exists today. In addition the current lakes have been artificially recharged during certain times of the years since the 1970s.

The declining recorded annual rainfall in Perth since 1975 has resulted in a gradual reduction in the volume of water in not only the Hyde Park lakes (formally a seasonal wetland) but also in other water bodies in and around the Perth metropolitan area.

In addition the quality of the Hyde Park lakes has been progressively declining as a result of the ongoing practise of recharging the lakes with bore water, which is high in nutrients including the considerable leaf drop into the lakes from the deciduous trees planted around their perimeter.

As previously advised, the task of finding a solution to the water quality and water level issues at Hyde Park lakes is a complex one and likely to be very costly.

Further investigation of the various options will be progressed in due course as funding permits and, where possible, other minor works undertaken to improve the current situation.

**10.1.2 No. 742 (Lot 30) Newcastle Street, Leederville - Proposed Partial Demolition of and Additions and Alterations to Existing Hotel, Demolition and Construction of Bottle Shop and Alterations to Car Parking Area and Crossovers-Amended Plans to Planning Approval**

<b>Ward:</b>	South	<b>Date:</b>	7 February 2007
<b>Precinct:</b>	Oxford Centre; P 4	<b>File Ref:</b>	PRO0630; 5.2006.397.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	R Rasiah		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the amended plans stamp dated 2 February 2007 to Planning Approval (Serial No. 5.2006.397.1) granted by the Council on 22 August 2006 and issued on 30 August 2006 for proposed Partial Demolition of and Additions and Alterations to Existing Hotel and Demolition and Construction of Bottle Shop and Alterations to Car Parking Area and Crossovers at No. 742 (Lot 30) Newcastle Street, Leederville, subject to the plans being further amended prior to issue of Building Licence to comply with the following requirements without resulting in any greater variation to the requirements of the Town's Policies:*

- (i) *the kitchen adjacent to the substation facing Newcastle Street shall have a "Nil" setback to Newcastle Street;*
- (ii) *the substation facing Newcastle Street shall have a "Nil" setback to Newcastle Street, or alternatively comply with the required setback of Synergy Corporation, (formerly Western Power), and no doors shall open onto the road reserve;*
- (iii) *the movement of all path users, with or without disabilities, within the road reserve shall not be impeded during building works. The area shall be maintained in a safe and trafficable condition and a continuous path of travel (minimum width of 1.5 metres) shall be maintained for all users at all times during construction works. If the safety of the path is compromised by either construction damage or a temporary obstruction then appropriate warning signs (in accordance with AS1742.3) are to be erected. If a continuous path cannot be maintained, temporary pedestrian facilities suitable for all users shall be installed. Prior approval must be obtained from the Town's Technical Services Division if scaffolding, site fencing or the like is to be erected, or building materials stored, within the road reserve; and*
- (iv) *prior to the first occupation of the development, the redundant or 'blind' crossovers directly in front of the substation along Newcastle Street shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense.*

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**Moved Cr Messina, Seconded Cr Maier**

*That the recommendation be adopted.*

**Moved Cr Maier, Seconded Cr Lake**

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

*"(v) conditions imposed on the previous Planning Approval granted by the Council at its Ordinary Meeting held on 22 August 2006 and issued on 30 August 2006 are relevant and applicable to the subject approved amended plans."*

Debate ensued.

**AMENDMENT CARRIED (5-2)**

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

(Crs Farrell and Torre were apologies.)

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

(Crs Farrell and Torre were apologies.)

**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 amended plans stamp dated 2 February 2007 to Planning Approval (Serial No. 5.2006.397.1) granted by the Council on 22 August 2006 and issued on 30 August 2006 for proposed Partial Demolition of and Additions and Alterations to Existing Hotel and Demolition and Construction of Bottle Shop and Alterations to Car Parking Area and Crossovers at No. 742 (Lot 30) Newcastle Street, Leederville, subject to the plans being further amended prior to issue of Building Licence to comply with the following requirements without resulting in any greater variation to the requirements of the Town's Policies:*

- (i) the kitchen adjacent to the substation facing Newcastle Street shall have a "Nil" setback to Newcastle Street;*
- (ii) the substation facing Newcastle Street shall have a "Nil" setback to Newcastle Street, or alternatively comply with the required setback of Synergy Corporation, (formerly Western Power), and no doors shall open onto the road reserve;*
- (iii) the movement of all path users, with or without disabilities, within the road reserve shall not be impeded during building works. The area shall be maintained in a safe and trafficable condition and a continuous path of travel (minimum width of 1.5 metres) shall be maintained for all users at all times during construction works. If the safety of the path is compromised by either construction damage or a temporary obstruction then appropriate warning signs (in accordance with AS1742.3) are to be erected. If a continuous path cannot be maintained, temporary pedestrian facilities suitable for all users shall be installed. Prior approval must be obtained from the Town's Technical Services Division if scaffolding, site fencing or the like is to be erected, or building materials stored, within the road reserve;*

- (iv) *prior to the first occupation of the development, the redundant or 'blind' crossovers directly in front of the substation along Newcastle Street shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense; and*
- (v) *conditions imposed on the previous Planning Approval granted by the Council at its Ordinary Meeting held on 22 August 2006 and issued on 30 August 2006 are relevant and applicable to the subject approved amended plans.*

---

**PURPOSE OF REPORT:**

The subject amended plans have been submitted as part of the Building Licence application for the proposed development and varies from the Planning Approval plans. The subject amended plans are being referred to this Ordinary Meeting for consideration and determination by the Council mainly due to the extent and nature of changes to the Planning Approval Plans.

<b>Landowner:</b>	Argyle Holdings Pty Ltd, Tegra Pty Ltd & others
<b>Applicant:</b>	Taylor Robinson Architects Pty Ltd
<b>Zoning:</b>	Metropolitan Region Scheme: Urban and Other Regional Road Town Planning Scheme No.1 (TPS 1): District Centre and Other Regional Road.
<b>Existing Land Use:</b>	Hotel
<b>Use Class:</b>	Hotel
<b>Use Classification:</b>	"SA"
<b>Lot Area:</b>	5367 square metres
<b>Access to Right of Way</b>	South of car park side, 3 metres wide, sealed, Town owned

**BACKGROUND:**

- 23 August 1999      The Council at its Ordinary Meeting conditionally approved the additions of eating house and tavern to existing hotel and alterations and additions to existing bottle shop (Leederville Hotel).
- 12 December 2001      The Council at its Ordinary Meeting conditionally approved alterations and additions to the existing hotel, tavern, eating house and bottle shop.
- 28 May 2002      The Council at its Ordinary Meeting refused an application for alfresco dining on the footpath within the Newcastle Street road reserve.
- 25 June 2002      The Council at its Ordinary Meeting conditionally approved alterations and additions to the existing hotel and associated car parking.
- 7 October 2003      The Council at its Ordinary Meeting resolved to receive the Leederville Hotel written submission for Extended Trading Permit, not support on-going extended trading hours, and that the Director of Liquor Licensing be advised that due consideration be given to the objection received by the Town.
- 22 June 2004      The Council at its Ordinary Meeting resolved to amend the "Land Use Parking Requirement Table", which involved increasing the car parking requirements for hotel from 1 car bay per 4.5 square metres of gross public assembly floor area to 1 space per 3.8 square metres of public floor area or 1 space per 4.5 persons of maximum number of persons approved for the site, whichever is greater.

- 10 August 2004      The Council at its Ordinary Meeting conditionally approved the proposed demolition of existing canopy, alterations and additions to existing hotel.
- 14 December 2005      The proposal was referred to the Department for Planning and Infrastructure (DPI) for comments.
- 9 May 2006      The Council at its Ordinary Meeting conditionally approved proposed partial demolition, additions and alterations to existing hotel, bottle shop and alterations to car parking area and crossovers at the above site.
- 4 August 2006      The Town has received a copy of the review application dated 31 July 2006, submitted to State Administrative Tribunal (SAT) from the applicant relating to conditions imposed by the Council at its Ordinary Meeting held on 9 May 2006.
- 22 August 2006      The Council at its Ordinary Meeting approved the proposed partial demolition of and additions and alterations to existing hotel, demolition and construction of bottle shop and alterations to car parking area and crossovers subject to revised conditions, which formed part of the review application dated 31 July 2006, submitted to State Administrative Tribunal (SAT) from the applicant relating to conditions imposed by the Council at its Ordinary Meeting held on 9 May 2006.

**DETAILS:**

The main differences between the current Building Licence application plans and the previous Planning Approval plans are summarised by the applicant as below:

*"Largely due to the flexibility in the design of the beer garden and outdoor spaces, we have been able to ensure that there is no difference to either the floor areas or maximum patron numbers. (1965 patrons as per condition vi, and 1671m<sup>2</sup> public floor area in the hotel, with 250m<sup>2</sup> gross floor area in the bottle shop, as per condition xxii).*

*As for the nature and extent of the changes, we have always viewed the DA as a conceptual plan only, and it is reasonable to acknowledge that as the design of such a complex venue develops, there are bound to be changes in planning and functionality, albeit within the same spirit and principles as approved.*

*Subsequent to the DA Approval, the clients and ourselves visited numerous venues interstate to develop our design process, which impacted on the desired modes of operation functionality, as well as the look and feel of the venue.*

*As we are often designing for a committee (client group), a number of key changes developed in order to increase amenity to the patrons and for the good of the proposal.*

*We can sincerely state that we do not believe the current scheme to differ greatly in principle to the scheme approved. Nonetheless, the changes and rationale are as follows:*

- a) *Addition of amenities to the north of the hotel, resulting in over and above the amenities required by the codes, but rather to increase the flexibility and amenity of the venue.*

- b) *Re-planning/re-organisation of back of house functions (as operation details emerge, sizes, locations and relationships of cool rooms, kitchens, etc also evolves).*
- c) *Removal of balcony (Area 6) which was in fact the focus of a condition concerning overlooking which now is no longer a concern.*

*This balcony area has been combined with Area 7 to form a more usable deck space, which is setback further from the street, maintaining an active façade along Newcastle Street, but ensuring pedestrians are protected and not impacted upon.*

- d) *Area 4 landscaping/seating elements rationalised, but maintaining similar objectives and a similar relationship to the public. The intent has always been to open the venue up to the right of way, car park and establish a physical and visual connection to Vincent Street. The proposal still achieves this objective. The nature of perforated metal gates to both ends (at Newcastle Street and at the right of way) will be open most of the day and evening, when the venue is in operation. When the venue closes, the gates will still retain a visual permeability through the site.*
- e) *The intent to re-establish an active façade along Newcastle Street, using the existing built form is still maintained. It was determined that operable glazing in this zone would improve the relationship to the street during operating hours, whilst providing an engaging façade whilst closed. However, upon input from consultants, it has been determined that an upgraded substation will be required for increased power loads. Our desired location for such a substation would be at the north-east corner of the site along the right of way, rather than along the Newcastle Street façade. Whilst we are awaiting input from Western Power, we have been advised by our consultant that the substation will more than likely be required to be located with direct access to Newcastle Street.*
- f) *Kitchen/Servery added: Whilst developing the modes of operation for the venue, it was determined that it would not be practical to serve food to the large eastern beer garden from the kitchen facility at the western end of the venue. Due to such operational issues, an additional servery/kitchen was conceived to service patrons in this zone, whilst retaining visual connectivity to the street, and creating an element of theatre to the street with pizza making/preparation able to be viewed by both patrons and pedestrians on Newcastle Street/Carr Place.*
- g) *Area 3: Location of store and toilets re-organised in north-east corner of beer garden. Number of toilets increased to increase amenity. The general design of the garden bar is unchanged, in principle. The size and orientation of the pavilion bar has evolved, but the objective of creating a more open venue with connection to both Newcastle Street and Vincent Street has been maintained."*

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

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>	
Refer to "Comments"	
<b>Consultation Submissions</b>	
Refer to "Comments"	
<b>Other Implications</b>	
Legal/Policy	TPS 1 and associated Policies.
Strategic Implications	Nil
Financial/Budget Implications	Nil

## **COMMENTS:**

### **Heritage**

The proposed changes are acceptable from a heritage perspective.

### **Technical Services**

Technical Services have requested the following additional requirements to be imposed as part of these amended plans:

- the movement of all path users, with or without disabilities, within the road reserve shall not be impeded during building works. The area shall be maintained in a safe and trafficable condition and a continuous path of travel (minimum width of 1.5 metres) shall be maintained for all users at all times during construction works. If the safety of the path is compromised by construction damage or a temporary obstruction then appropriate warning signs (in accordance with AS1742.3) are to be erected. If a continuous path cannot be maintained, temporary pedestrian facilities suitable for all users shall be installed. Prior approval must be obtained from the Town's Technical Services Division if scaffolding, site fencing or the like is to be erected, or building materials stored, within the road reserve; and
- prior to the first occupation of the development, the redundant or 'blind' crossovers directly in front of the substation along Newcastle Street shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense.

### **Planning**

The front setback requirement along Newcastle Street is "Nil". The proposed setback of the kitchen and the substation is 1.0 metre. Requirements have been imposed to comply with the "Nil" setback requirement. The setback for the substation may vary and is subject to Synergy Corporation, (formerly Western Power) requirements.

The current proposal results in a more functional and improved outcome than the previous approved proposal for the following reasons:

- more open, wider and inviting entry into the development from Newcastle Street;
- more visually permeable linkage between Newcastle Street and the rear right-of-way and car park; and
- some active activities, patron assembly and associated externalities relocated away from the eastern/Carr Place portion of the development.

### **Summary**

There are no changes to the patron numbers, public floor areas or car parking from the development previously approved by the Council at its Ordinary Meeting held on 22 August 2006. The amended plans (Building Licence application plans) do not propose any other further variation to the Town's Policies, and do not have an undue impact on the amenity of the area, and as such there is no need to further re-advertise the proposal. Moreover, the amended plans are being referred to the Council for determination.

Accordingly, it is recommended that further Planning Approval for the amended plans (Building Licence application plans) should not be required, and that the revised plans be approved as amended plans to the previous Planning Approval.

**10.3.5 Amended Use of Les Lilleyman Reserve by Subiaco Football Club**

<b>Ward:</b>	North	<b>Date:</b>	1 February 2006
<b>Precinct:</b>	North Perth	<b>File Ref:</b>	RES0010
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	J Bennett		
<b>Checked/Endorsed by:</b>	M. Rootsey	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report for an alternative summer training venue for Subiaco Football Club and response to community concerns;*
- (ii) *APPROVES the use of the Les Lilleyman Reserve by the Subiaco Football Club Colts as their alternative training ground for February to September and amends the Memorandum of Understanding to reflect the change in training dates from March to October to February to September; and*
- (iii) *ADVISES the respondents, North Perth Precinct Group and Subiaco Football Club of the Council's decision.*

**COUNCIL DECISION ITEM 10.3.5**

**Moved Cr Messina, Seconded Cr Ker**

*That the recommendation be adopted.*

Debate ensued.

**CARRIED (7-0)**

(Crs Farrell and Torre were apologies.)

**ADDITIONAL INFORMATION:**

The Community Consultation was undertaken with an estimated 2,000 flyers distributed to the area bounded by Edinboro, Hobart, Charles and Green Streets as identified at the Council meeting of 20 December 2005, with responses due by 9 February 2007.

A total of twelve (12) responses were received by the closing date. The final responses and comments are noted below.

**In Favour**

Seven responses indicated; *“I/We agree to the proposed request by Subiaco Football Club with the conditions listed”*. From these responses the following comments were received.

One response - *“very appreciative of the efforts of the Subiaco Football Club to involve the community”*.

*"We think this is a fantastic use of the oval. Last year the club was most accommodating putting on a sausage sizzle for residents. At all times players and officials were considerate of park users. It is great to see young people out and exercising - a great role model for children in the area."*

*"The one thousand dollar fee! Will this amount be indefinite? It does not even pay for the electricity bill. I suggest this amount should be reviewed."*

*"I support the use of any reserve or oval that allows young people to take part in sporting activities."*

*"Fundamentally we have no objection to the use of the reserve by SFC. \$1000 per annum seems incredibly cheap - I doubt this would even cover the cost of running the lights, let alone the additional maintenance. To hire a small covered area (<200 sq m) with no facilities in Kings Park for an afternoon for a child's birthday party costs \$180. The constant yelling from the players is often annoying."*

### **Against**

Five responses indicated; *"I/We do not agree to the proposed request by Subiaco Football Club"*. From these responses the following comments were received.

*"Daylight savings, and starting footy at 4.30pm instead of the usual 6.30pm is not on with children playing, and other activities on at the Park." Two respondents.*

*"I strongly object to the Town of Vincent giving into increased demands of the Subiaco Football Clubs access to the use of the Les Lilleyman Reserve at the exclusion of the Ratepayers access to the Reserve."*

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### **PURPOSE OF REPORT:**

To advise Council of a request from Subiaco Football Club to bring the use of Les Lilleyman Reserve forward a month from February to September rather than March to October to align with training requirements.

To advise Council of the alternative venue selected for summer football training and the community petition raised in regards to the use of Woodville Reserve.

### **BACKGROUND:**

Subiaco Football Club and East Perth Football Club have entered into a lease arrangement for the development and use of Leederville Oval and its development as a centre of football excellence.

In accordance with the obligations under the Memorandum of Understanding for the Use of Leederville Oval by the East Perth & Subiaco Football Clubs, amended 15 August 2003, it is worded:

*"It is also an absolute given that the TOV shall provide an alternative training venue for both clubs that is of a suitable standard."*

The Town has undertaken over a period of time to fulfil its obligations through the allocation of various reserves to meet in and out of season training requirements.

After extensive community consultation, the Council approved the use of Les Lilleyman Reserve as a training venue for Subiaco Football Club from March to October, at the Ordinary Meeting of Council 14 September 2004.

Further considerations were required to agree on a venue for pre-season training and at the ordinary meeting of the 20 December 2005 the following resolution was adopted:

*That the Council;*

- (i) *RECEIVES the report concerning the request by the Subiaco Football Club Colts for the use of Les Lilleyman Reserve for pre-season training from 27 December 2005 to 28 February 2006 on Tuesday and Thursday nights;*
- (ii) *NOTES that no complaints or objections were received by the Town during 2005 concerning the Club's use of Les Lilleyman Reserve for the 2005 Football Season;*
- (iii) *REFUSES the Club's request for the use of Les Lilleyman Reserve for pre-season training from 27 December 2005 to 28 February 2006 on Tuesday and Thursday nights for the reasons outlined in the report; and*
- (iv) *REQUESTS the Chief Executive Officer to hold discussions with Subiaco Football Club with the view to assisting the Club to find an alternative ground for summer training.*

#### **DETAILS:**

##### **Woodville Reserve**

In accordance with clause (iv) of the Council's decision at its Ordinary Meeting of Council held on 20 December 2005, discussions were held between the Town and the Subiaco Football Club to identify an alternative ground to Les Lilleyman for summer pre-season football training.

Last year a compromise was reached with East Perth and Subiaco Football Club's to share the use of Beatty Park Reserve for this purpose. However for this year's pre-season training the previous arrangement was not able to be continued. This was due to the later maintenance of Leederville Oval and the inability to meet the club's training requirements. Subiaco Football Club met with the Town's officers and Woodville Reserve was identified as an alternative site of sufficient standard to meet those requirements. No bookings had been received for use of the Woodville Reserve for the summer season, making this a viable option.

In accordance with standard reserve booking practice the Subiaco Football Club requested and were allocated the use of Woodville Reserve and Pavilion for Colts training on Tuesday and Thursday evenings between 5.00pm and 7.30pm for the period from 21 November 2006 through to 22 March 2007.

##### **Petition received**

At the Ordinary Meeting of Council 19 December 2006, a petition containing 31 signatures was tabled that had been received from local residents around Woodville Reserve. It requested that the Town find a more appropriate area for the Subiaco Football Club to train on and that careful consideration is made of future requests in using the park for training purposes. In addition concerns were raised at the loss of open space during peak periods and alleged insensitive behaviour towards other park users from the football players.

The following concerns were raised summarised below:

1. Woodville Reserve is a very small park and it is totally inappropriate for a football team to be taking the majority of the available space for training during the hours of peak use.

**Officer's Comment:**

Woodville Reserve is an active reserve that is extensively used for soccer in the winter by active sporting teams. Whilst the training times fall into 'peak' use times, 5 (five) hours per week is still a minimal amount of use. The implementation of 'Daylight Saving' has also added to the number of hours that the reserve can be utilised by the community during the peak time after work.

2. The park is a designated free exercise area for dogs and provides an open space where children can play and run around (there is a playground in the park but this is generally for smaller children).

**Officer's Comment:**

There are still areas such as the playground where children can play whilst training is undertaken and the park is open to children and "off-leash" dogs other than the 5 (five) hours per week. The designation of "off-leash" areas by the Town has led to the artificial creation of prime sites for use by dog owners. As there are only limited "off-leash" areas within the Town loss of this amenity through sport or other function does not allow the dog owner to move to any other reserve. This conflict would not arise were all reserves nominated as "off-leash" areas and the onus on dog owners to control their animals under the dog act.

3. Football players were generally insensitive in taking over the park, throwing childrens' belongings aside without any explanation and suddenly deciding to run a lap around the park - right through a small group of people who were standing chatting with their dogs at the edge of the park.

**Officer's Comment:**

The Town has initiated discussions with the Subiaco Football Club to ensure that football players are aware of their social and community obligations in utilising Woodville Reserve.

The Subiaco Football Club has provided assurances to allay the concerns raised and are keen to do whatever they can to gain community acceptance.

The use of Woodville Reserve will cease in the coming weeks as Subiaco will switch to Les Lilleyman Reserve. However, the matter of a pre-season training venue for Subiaco still requires resolution, all available reserves will be considered.

**Les Lilleyman Reserve**

In accordance with the Memorandum of Understanding the Town's officer made contact with the Chairman of the North Perth Precinct Club at the end of the 2006 football season to see if any issues had arisen. The Chairman advised that the group were happy with the conduct of the Subiaco Football Club and would support continuance of use of the reserve if there were no changes.

The Subiaco Football Club approached the Town just prior to Christmas for consideration of changes to the time of use of Les Lilleyman Reserve. The request is to move the time of use forward one month from March to October to February to September. This is to better align with the football season that ends in September. The Club will use the reserve on Tuesday and Thursday evenings, there will be no conflict with the cricket club training as they utilise the venue on different nights.

A meeting was arranged on 22 January 2007 with Subiaco Football Club, the Towns officers and the Chairman of the North Perth Precinct Group to discuss the proposal. The Chairman of the North Perth Precinct Group was positive and advised that the proposal would be discussed with the members. It was agreed that the residents would be consulted for their comments. A notice was sent out to nearby residents in regard to the matter for a response by Friday 9 February.

At the time of writing the report the following responses had been received:

**In Favour**

One response - very appreciative of the efforts of the Subiaco Football Club to involve the community.

*"We think this is a fantastic use of the oval. Last year the club was most accommodating putting on a sausage sizzle for residents. At all times players and officials were considerate of park users. It is great to see young people out and exercising - a great role model for children in the area." Jo & Richard Edinger. Auckland Street. North Perth.*

**Against**

Two responses have indicated that *"Daylight savings, and starting footy at 4.30pm instead of the usual 6.30pm is not on with children playing, and other activities on at the Park."* Name and addresses not given.

A further updated response on the community consultation will be provided at the Council meeting.

Notification to nearby residents via letter drop of the Council's decision will be undertaken.

**CONSULTATION/ADVERTISING:**

A letter drop to surrounding residents was undertaken to be returned by 9 February 2006.

**LEGAL/POLICY:**

In accordance with the Council decision of 30 October 2001, the Council has a legal obligation to make available one of the Town's reserves for Subiaco Football Club's football training.

Within the considerations of the Memorandum of Understanding for the Use of Leederville Oval by the East Perth and Subiaco Football Clubs it is worded:

*"It is also an absolute given that the TOV (Town of Vincent added) shall provide an alternate training venue for both clubs of a suitable standard"*

**STRATEGIC IMPLICATIONS:**

Plan for the Future Strategic Plan 2006 - 2011, Objective 3.1 Enhance community development and wellbeing

3.1.1 Celebrate and acknowledge the Town's cultural and social diversity

(c) *Promote an appropriate range of resources and programs, in various formats for members of the community.*

**FINANCIAL/BUDGET IMPLICATIONS:**

N/A

**COMMENTS:**

The Subiaco Football Club has used the Les Lilleyman Reserve for training purposes from March to October 2005 without any complaints. Discussion between the Town and the North Perth Precinct Group has also indicated that they have no complaints to register for the period of March to October 2006, and no issues were raised by nearby residents. The Town has a legal obligation to provide the Subiaco Football Club with an alternative training venue. The Western Australian Football League requires a high degree of professionalism on behalf of its players and clubs and this requires pre-season training at the beginning of each year.

The request for the change of the period is supported by the Town's Administration. Subiaco Football Club has shown itself to be a responsible user of the oval and accommodating the requests of the community. The community consultation has indicated support for the change of time. If the request for the change of the period of use is supported, Woodville Reserve will therefore not be utilised further this year.

However consideration may be given to this reserve for use as a pre-season venue in the future.

**10.2.1 Beaufort Street – Streetscape Improvements between Chelmsford Road and St Albans Avenue, Highgate**

<b>Ward:</b>	South	<b>Date:</b>	6 February 2007
<b>Precinct:</b>	Forest P14 & Mt Lawley P11	<b>File Ref:</b>	TES 0234
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	J van den Bok; R Lotznicker		
<b>Checked/Endorsed by:</b>	R Lotznicker	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the further report in relation to the Beaufort Street Streetscape Improvements following receipt of a petition on 11 December 2006 'against' the planting of native trees;*
- (ii) *NOTES that it is, again, recommended that the original proposal to plant native trees in Beaufort Street be maintained given that the;*
  - (a) *median and verge area available for planting are restrictive due to public utility services and minimum road width requirements;*
  - (b) *potential safety and liability issues that may arise from the installation of a 'large tree' such as a London Plane tree in a very narrow median on a high trafficked District Distributor A Road with absolute minimum lane widths;*
  - (c) *original native tree species proposed (Spotted Gums and Coral Gums) have been pre-ordered and are currently being on grown for the Town; and*
  - (d) *results of the previous community consultation undertaken with regard to the streetscape upgrade proposal for Beaufort Street; and*
- (iii) *ADVISES the petitioners of the Council's decision.*

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**COUNCIL DECISION ITEM 10.2.1**

**Moved Cr Ker, Seconded Cr Messina**

*That the recommendation be adopted.*

Debate ensued.

**CARRIED (5-2)**

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

(Crs Farrell and Torre were apologies.)

## **PURPOSE OF REPORT:**

The purpose of this report is to discuss the petition received in relation to overturning the previous Council decision to plant native trees in Beaufort Street in favour of London Plane trees and recommend a way forward.

## **BACKGROUND:**

A petition with 60 signatures was received by the Town on 11 December 2006, requesting that the Council overturn its previous decision to plant native trees in Beaufort Street, Mount Lawley in favour of planting with London Plane Trees.

The previous reports regarding the proposed Streetscape Improvements for Beaufort Street submitted to the Council and the Council's subsequent decisions are outlined.

### **Ordinary Meeting of 11 April 2006**

The Council received a report on the proposal to carry out additional Streetscape Improvements along Beaufort Street between Chelmsford Road, Mt Lawley and St Albans Avenue, Highgate, and approved 'in principle' the proposal to plant additional trees and replace existing trees. The proposal was advertised for public comment for twenty one (21) days.

### **Ordinary Meeting of 27 June 2006**

That the Council considered a further report following the community consultation and approved the implementation of the works, as outlined on attached Plans No. 2418-CP-1A and 2418-CP-2A estimated to cost \$150,000 and implement the works in the 2006/07 financial year.

## **DETAILS:**

### **Overview**

Beaufort Street is a District Distributor A road. It is a main arterial road into the Perth central business district. It carries in excess of 27,000 vehicles per day, as well as 112 northbound and 103 southbound buses per day, and is subject to morning and evening clearways. The section of Beaufort Street, in the Town, predominantly between Walcott and Broome Streets comprises a thriving entertainment area.

Beaufort Street is contained within a 20m wide road reservation. The carriageway width is approximately 13.8m wide. Contained within the carriageway is a 1.20m wide solid/painted median. The footpaths are about 3.1m wide.

The median island south of Chelmsford Road was progressively installed from 1997 as part of the Rehabilitation of the road to Brisbane Street, mainly to improve pedestrian crossing safety. Some trees were also installed in the medians at some locations.

Given the constraints, awnings, existing power poles, maintaining a minimum footpath width and minimum lane widths etc, the central median was installed at the absolute minimum width of 1.20m (Main Roads WA's preferred minimum width is 1.50m).

Considerable effort was previously undertaken in determining the proposed tree species for Beaufort Street, given the above restrictions, and while at the time there was no preference for either native or exotic species, smaller tree species were the obvious suitable choice along both verges.

The Claret Ash, an exotic species, had previously been trialled in the median and had not established itself as anticipated, however, the Spotted Gum trialled at the intersection of Lincoln and Beaufort Streets and has performed very well.

It was therefore recommended that the Spotted Gum, a native from the Eastern States would be proposed for the median and a smaller W.A native, the Coral Gum, would be proposed for the verge planting.

### **Comparison other Proposals:**

Whilst some comparisons have been made with the approved upgrade of William Street, where London Plane trees are proposed to be planted, there are some distinct differences between the proposed William Street upgrade proposal, and other recently completed streetscapes, and the Beaufort Street proposal.

#### Beaufort Street

The proposal is to plant trees in 1.2 metre wide central median island/s (actually 0.7metres between inside face of kerbs). The verge trees are proposed to be planted within the existing footpath area between the property boundaries and kerb.

#### William Street

No trees are proposed to be planted along the centre of William Street. The London Plane trees are proposed to be planted in the roadway (parking embayment) in a (minimum) 2.3 x 2.3metre tree well.

#### Angove Street

The oriental Plane tree was planted in the median at this location. This road is a single lane road in each direction with embayed parking. The traffic speeds and volumes are considerably lower than Beaufort Street and the road has a lower classification. In addition, the central median islands were modified to be over 2.0m wide to accommodate the trees.

#### Fitzgerald Street

The section of street through the commercial strip is similar to Beaufort Street. The Oriental Plane tree was planted in this location, albeit in a 1.20metre wide median island. This resulted from consultation with the community, however, it will most probably be inevitable that these trees may have to be removed in future years as they outgrow the median island/s and this was outlined in the report presented to the Council at the time.

### **Locations for Street Tree**

#### Median Island

As stated above, the maximum width being provided for the central median island trees in Beaufort Street is only 1.2 metres. A mature London Plane tree would have a trunk diameter in excess of 1.5 metres and even the smaller variety of Plane tree.

Therefore, normally it would not be recommended that either of these species be proposed for planting in the median island as the tree is most likely to be stunted leading to poor health and form and the road infrastructure being damaged as the tree matures.

Spotted Gums can attain a trunk diameter of up to 1 metre, however, in most cases the trunk tends to be slender and would not exceed 1 metre. Whilst the tree has a relatively slender trunk, in comparison with Plane tree species, the issues with the road infrastructure in future years can be better managed with Spotted Gums. Also, experience with Spotted Gums in the past has revealed that only some specimens will pose a problem depending on the development of their root systems.

Given the extremely harsh environment and conditions the central median trees will be exposed to, the Town's officers consider that the choice of a native species which is already proving itself to cope with the conditions (Beaufort and Lincoln) is the best option.

#### Verges

The width of verge varies along the length of Beaufort Street and there are many areas where shop awnings restrict the areas where trees can be planted. Even so, given that the tree wells will be at least 1 metre by 1 metre, there are large vehicles parking or running down the street and public services restrict the size of the hole that can be dug. Therefore, only a small tree species can be accommodated.

Again, the Town's horticultural staff determined various species options for the verge planting, both native and exotic species. However, given the approved selection of natives in the central median/s it was considered more practicable/suitable from a maintenance and aesthetic perspective to also recommend natives in the verge areas.

A small attractive tree (Coral Gum) from the goldfields region was selected/approved as it is a popular variety that is readily available. Some concerns were raised about its form and speed of growth, however, staff are confident that with additional care and attention this species will be successful.

#### **Safety Issues**

The Executive Manager Technical Services discussed the suggested planting of London Plane trees in the centre of Beaufort Street within a 1.20m wide median island with Main Roads WA (MRWA) Traffic and Safety officers.

MRWA indicated that they would not support the planting of this species of tree in such a confined median island for the following reasons:

- The size of the London Plane relative to the 'narrow' width of the median island - only about 0.7m between the back of kerbs.
- Pedestrian Safety - Pedestrians would not be able to see on coming vehicles as the trees mature. They would need to 'hang' their heads out in the on coming traffic.
- The 'non frangible' nature of the trees as they mature.
- The high volume of traffic on Beaufort Street.
- The absolute minimum width of existing traffic lanes.

MRWA have developed guidelines in accordance with Austroads and the Australian standards for the "Assessment of Roadside Hazards" and "Guidelines for Assessing Trees within Recovery Zones on Established Roads".

While their the guidelines are tailored more for Primary Distributors, which predominantly have higher vehicle speeds, the guidelines outline in detail the importance of maintaining clear zones and the risk management measures to be implemented where vegetation may encroach into a clear zone. For example Austroads suggests that:

*the first 4m to 5m from the edge of the travel lane provides most of the potential benefit. Frangible shrubs and bushes are permitted in the clear zone where they do not pose a risk to drivers etc...*

It is therefore considered that, even though the speeds in Beaufort Street are considerably lower than most Primary Distributors, excluding Charles Street and East Parade which are both Primary Distributors with a posted speed of 60kph, the traffic volumes are high and while, given the site constraints, it is not possible or practical to maintain a 'clear zone', the type of tree selected should not further compromise safety in an already high risk area.

### **Liveable Neighbourhoods**

Element 2 of the above document addresses trees in streetscapes. Table 5 of the document provides for the setback distance for trees from a moving travel lane. The distances have been specified taking into account a range of factors. The design environment for an urban street is to create an environment of care and the traffic calming benefit of street trees relatively close to the pavement is an integral part of this.

The clearances specified in the table are different from those typically specified for rural roads or urban highways and freeways where the clear zones are established to cater for errant single vehicles at high speeds. There are some differences between the Liveable Neighbours and the current MRWA policy. The Western Australian Planning Commission and MRWA are currently working together to review these requirements.

In essence, 'Table 5' indicates that for a District Distributor Road with a posted speed of 60 kph the clearance from the travel lane to a frangible tree (*i.e. a tree less than 100mm in diameter*) should be 2.0m and for 50 kph the clearance from the travel lane to a frangible tree should be 0.75m.

For a non frangible tree (*i.e. a tree greater than 100mm in diameter*) the clearance should be 2.5m for 60 kph and for 50 kph the clearance from the travel lane to a frangible tree should be 1.15m.

Beaufort Street, no matter what tree is planted in the central median, will not comply with either MRWA or the Liveable Neighbourhood requirements.

It is therefore imperative that the posted speed in Beaufort Street be reduced to 50kph or lower as soon as the trees are planted.

### **Sourcing of Trees**

After the project was approved by the Council on 27 June 2006, officers contacted various specialist tree nurseries and managed to source and order suitable stock.

In this instance, with the original proposal to plant in April 2007 there was considerable time to source and on-grow the approved tree species to ensure the trees would be of a reasonable size and of good quality and form.

The Spotted Gums are normally readily available in large containers/sizes, to provide the instant effect that is desired and thus reducing the potential for vandalism which has been previously identified as being a significant issue along Beaufort Street.

With the concerns raised about the form and size of the Coral Gums, officers have spent considerable time liaising with a tree nursery to ensure that the stock ordered is grown in full sun, regularly fertilised, pruned etc so they attain a good height and form.

The Nursery was provided with an Order Number and whilst cancellation has not even been discussed, the Nursery would undoubtedly request compensation for retaining the trees if the order were cancelled.

### **CONSULTATION/ADVERTISING:**

In accordance with clause (iii) of the Council's decision on 11 April 2006, 203 letters were distributed to adjacent residents/businesses advising of the proposal and requesting comments.

At the close of the consultation period on the 7 June 2006, twenty one (21) submissions were received (10% response). Fourteen (14) were in favour of the proposal (67% response), six (6) partially in favour (29% response) and one (1) against the proposal (4% response).

### **LEGAL/POLICY:**

Ensure that a safe environment for all road users be maintained when undertaking upgrade works on the Town's infrastructure.

### **STRATEGIC IMPLICATIONS:**

In accordance with the objective of Strategic Plan 2006-2011 – 1.1.4 Minimise negative impacts on the community and environment. “(f) Enhance and protect our natural environment and where practicable promote the use of native local vegetation.”

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

As previously advised, the total cost of this project will be in the vicinity of \$150,000. This amount will be made up from the \$50,000 allocated to the Beaufort Streetscape Upgrade in the 2005/06 budget and subsequently carried forward. The remaining funds in the 2005/06 Street Tree Enhancement budget were also carried forward. The Council also allocated an additional \$50,000 in the 2006/07 draft budget towards the upgrade of Beaufort Streetscape.

### **COMMENTS:**

The following extract from the report presented to the Council on the 27<sup>th</sup> June 2006 is still relevant and should be again noted.

*Several concerns have been raised in relation to the types of trees proposed for the streetscape along Beaufort Street and their likely success over the long-term. These include the suitability of the trees to the location, vandalism and maintenance issues.*

*Whilst every effort is being made to ensure that what is being undertaken is a success in the short and longer terms, it is difficult to identify what will occur in the longer-term along the central median. Root barriers will be installed; however the median (1.2m) is very narrow and not ideally suitable for growing any tree. A median of at least 1.5m in width would be preferable where median planting is to occur, however in many locations this is not achievable.*

*Vandalism has been a significant issue along the entire length of Beaufort Street. The installation of tree guards will be a deterrent however again not guaranteed to resolve this matter. Additional support from Ranger Services and Community Safety and adjacent businesses may have to be sought if vandalism continues.*

At its Ordinary Meeting held on 19 December 2006, where the William Street project was discussed, it was decided (in part) that the Council:

(iii) *NOTES that;*

- (c) *..... the Town has planted, and will continue to plant, suitable native trees and exotic trees in streetscapes determined on a case by case basis and has previously planted, and will continue to plant, a large number of native trees in its parks and reserves on an annual basis;*

The Council, following extensive community consultation and the holding of a public meeting, approved a streetscape upgrade theme. The trees have already been ordered and are currently being on-grown. MRWA have advised they would not support the planting of London Plane trees in such a narrow median along a high trafficked road given the liability issues and the Executive Manager Technical Services concurs with MRWA.

While the proposed Spotted Gums along the centre of the roads will also grow into a large tree, as previously mentioned Spotted Gums can attain a trunk diameter of up to 1.0m however, in most cases the trunk tends to be slender and would not exceed the 1.0 metre especially given the harsh environment along Beaufort Street with passing traffic etc. While these will not comply with either MRWA Guidelines of the Liveable Neighbourhood Guidelines, a mature London Plane tree on the other hand could attain a trunk diameter in excess of 1.5m, thus further acerbating the situation.

It is therefore recommended the request to Plant London Plane Trees in Beaufort Street NOT be supported for the detailed reasons outlined in the report.

**10.1.1 No. 41 (Lot 46 D/P: 2824) Scarborough Beach Road, Corner Pennant Street, North Perth - Proposed Demolition of Existing Single House and Construction of Four (4) Single Bedroom Grouped Dwellings - Amended Plans to Planning Approval**

<b>Ward:</b>	North	<b>Date:</b>	5 February 2007
<b>Precinct:</b>	Smith's Lake; P06	<b>File Ref:</b>	PRO3296; 5.2005.3148.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	B McKean		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**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 amended plans stamp dated 1 February 2006 to Planning Approval (Serial No. 5.2005.3148.1) granted by the Council on 20 December 2005 and issued on 10 January 2007 for proposed Demolition of Existing Single House and Construction of Four (4) Single Bedroom Grouped Dwellings, at No. 41 (Lot 46 D/P: 2824) Scarborough Beach Road, corner Pennant Street, North Perth.*

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**COUNCIL DECISION ITEM 10.1.1**

**Moved Cr Ker, Seconded Cr Lake**

*That the recommendation be adopted.*

**Cr Messina departed the Chamber at 7.32pm.**

**Debate ensued.**

**CARRIED (6-0)**

**(Crs Farrell and Torre were apologies. Cr Messina was absent from the Chamber and did not vote.)**

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**PURPOSE OF REPORT:**

The subject amended plans have been submitted as part of the Building Licence application for the proposed development and varies from the Planning Approval plans. The subject amended plans are being referred to this Ordinary Meeting for consideration and determination by the Council mainly due to the extent and nature of changes to the Planning Approval Plans.

<b>Landowner:</b>	M Coletti
<b>Applicant:</b>	Rechichi Architects
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Grouped Dwelling
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	465 square metres
<b>Access to Right of Way</b>	South side, 5 metres wide, sealed, Town owned

### **BACKGROUND:**

20 December 2005      The Council at its Ordinary Meeting granted conditional approval for Proposed Demolition of Existing Single House, and Construction of Four (4) Single Bedroom Grouped Dwellings at the subject property.

### **DETAILS:**

The main differences between the current Building Licence application plans and the previous Planning Approval plans are highlighted (circled and labelled) on the Building Licence plans and summarised by the applicant below:

*"To satisfy Condition (vii) of the development approval, the amended plans have satisfied the following:*

- *Carports 3 & 4 setback 1.5m from the eastern/Pennant St Boundary (in lieu of 1.0m)*
- *Ground Floor Unit 4 setback 1.5m from eastern/Pennant St boundary (in lieu of 1.0m)*
- *Northern (Master Bedroom) wall of Units 3 & 4 (upper floor) setback minimum 6m from Scarborough Beach Rd.*

*In order to accommodate the above, minor reconfiguration of the internal layout was required and the following amendments were made;*

#### **Unit 3& 4**

##### *Ground Floor*

- *The increased ground floor Unit 4 side setback (detailed above) reduced the available width of Units 3 & 4. To ensure amenity and functionality of the living spaces, the internal stair and layout was changed to accommodate this.*
- *Store 3 & 4 relocated.*

##### *Upper Floor*

- *Internal upper floor layout amended to accommodate the internal stair change incurred to the ground floor (detailed above).*
- *The required increased setback to Scarborough Beach Rd as per conditions (detailed above) increased the setback to the Master Bedroom/main building line.*

#### **Unit 1**

##### *Ground Floor*

- *Amended internal layout /stair relocation to maximise interaction with out door living area.*

*Upper Floor*

- *Internal stair change and resultant upper floor reconfiguration has increased the setback to the Master Bedroom/main building line.*

**Unit 2**

*Ground Floor*

- *Laundry and Store relocated adjacent to Carport 2 as a result of the Store relocation to Unit 3 & 4 detailed above.*
- *Amended internal layout /stair relocation to maximise interaction with out door living area.*

*Upper Floor*

- *Internal stair change and resultant upper floor reconfiguration has increased the setback to the Master Bedroom/main building line.*

**General**

- *Overall roof heights reduced from that previously approved.*
- *Plot ratio areas reduced from that previously approved.*
- *Minor material and glazing changes to suit amended internal layouts.*
- *More useable depth to upper floor Terraces.*
- *The revised plans do not result in any greater variation to the requirements of the R-Codes or Towns policies."*

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

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Refer to 'Comments'.			
<b>Consultation Submissions</b>			
Refer to 'Comments'.			
<b>Other Implications</b>			
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).	
Strategic Implications		Nil	
Financial/Budget Implications		Nil	

\* The 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:**

The upper floor setbacks from the eastern/Pennant Street property boundary to Units 1 and 2 were previously approved at 3 metres to the roof terrace/balcony and 4.58 metres to the main building. The Building Licence application plans demonstrate the upper floor setbacks to Units 1 and 2 being 3.02 metres to the roof terrace/balcony and 4 metres - 5.58 metres to the main dwelling. This involves a further variation to the Town's upper floor setback of 6 metres however is compliant with the Town's Officers practice of supporting a reduced upper floor setback 3 metres to a balcony and 4 metres to the main building of new dwellings at the rear of corner lots.

This further variation to the Town's Policy is not considered to require further advertising and is considered acceptable in this instance for the following reasons:

- No objections were received when the application was previously advertised;
- The upper floor setbacks of 3 metres to the roof terrace/balcony and 4 metres - 5.58 metres to the main dwelling are consistent with Town's Officers practice of supporting reduced upper floor setbacks for new dwellings at the rear of corner lots; and
- The proposed upper floor setbacks are not considered to have an undue impact on the streetscape or surrounding amenity.

Notwithstanding the above, the amended plans (Building Licence application plans) do not propose any other further variation to the Residential Design Codes or the Town's Policies, and do not have an undue impact on the amenity of the area. Therefore, the amended plans are considered acceptable. Accordingly, it is recommended that further Planning Approval for the amended plans (Building Licence application plans) should not be required, and that the revised plans be approved as amended plans to the previous Planning Approval.

**10.1.3 No. 14 (Lot 119) Franklin Street, Leederville - Proposed Demolition of Existing Single House**

<b>Ward:</b>	North	<b>Date:</b>	5 February 2007
<b>Precinct:</b>	Leederville; P3	<b>File Ref:</b>	PRO3832 5.2006.587.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	S Kendall		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner V A Sammut for proposed Demolition of Existing Single House, at No. 14 (Lot 119 D/P: 1223) Franklin Street, Leederville, and as shown on plans stamp-dated 4 December 2006, subject to the following conditions:*

- (i) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (ii) an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (iii) a redevelopment proposal for the subject property shall be submitted to and approved by the Town prior to the issue of a Demolition Licence;*
- (iv) support of the demolition application is not to be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property;*
- (v) demolition of the existing dwelling may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No. 1 and associated Policies for the retention of existing dwellings valued by the community; and*
- (vi) any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies. It is encouraged that the existing Jacaranda tree (Jacaranda mimosifolia) located at the rear of the property is retained and its retention incorporated in any future development of the property.*

**COUNCIL DECISION ITEM 10.1.3**

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

*That the recommendation be adopted.*

**CARRIED (5-1)**

**For**  
**Mayor Catania**  
**Cr Doran-Wu**  
**Cr Ker**  
**Cr Lake**  
**Cr Maier**

**Against**  
**Cr Chester**

**(Crs Farrell and Torre were apologies. Cr Messina was absent from the Chamber and did not vote.)**

<b>Landowner:</b>	V A Sammut
<b>Applicant:</b>	V A Sammut
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	909 square metres
<b>Access to Right of Way</b>	Northern side, 5 metres wide, partially sealed and privately owned.

**BACKGROUND:**

Under the Heritage of Western Australia Act 1990, there is a legal requirement for the Town to review and update its Municipal Heritage Inventory (MHI). The Town of Vincent released a draft list of places considered to have cultural heritage value on 21 June 2006, for community consultation. The subject place at No. 14 (Lot 119) Franklin Street, Leederville was recognised on the draft list. After a period of community consultation, a revised MHI was adopted by the Council at the Ordinary Meeting of Council held on 12 September 2006. The adopted list comprises places which had received no objections from the owners.

The subject place was identified by Heritage consultants, the Hocking Planning and Architecture Collaboration as a Category A place as it is a substantial weatherboard Federation Bungalow. There are few such weatherboard dwellings of this size or detail that remain in the Town. The owner of the subject place objected to the proposed listing of the place onto the MHI for various reasons including:

- Concern regarding the condition of the place.
- Queries over the aesthetic value stated as being attributed to the place.
- Financial implications of the proposed listing.
- Better examples within the Town and West Leederville of like weatherboard properties.

During the consultation period, the Town's Heritage Officers undertook a site visit to the subject dwelling so as to conduct a full heritage assessment of the place. No internal entry took place during the site visit. A full heritage assessment was prepared by the Town's Heritage Officers with the information available and presented a draft copy to the owner for comment. The heritage assessment indicated that the subject place met the threshold for entry onto the Town's MHI in accordance with the Town's Policy relating to Heritage Management - Assessment as a Management Category A - Conservation Essential.

The proposed listing of the place onto the MHI was considered by the Council at its Ordinary Meeting held on 7 November 2006. Taking into consideration factors including the owner's age and health, condition of dwelling, financial situation and real estate valuation, neighbours' opinion and future plans for the place, the Chief Executive Officer and Executive Manager Environmental and Development Services amended the Agenda Report by changing the Officer Recommendation to recommend that the Council does not include the subject place on the Town's MHI. The Council resolved the following:

*"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."*

**DETAILS:**

The proposal involves the demolition of the timber and iron dwelling at No.14 Franklin Street, Leederville.

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Requirements</b>	<b>Requirements</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Plot Ratio	N/A	N/A	Noted
<b>Consultation Submissions</b>			
Support	Nil		Noted
Objection	Nil		Noted
<b>Other Implications</b>			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

**COMMENTS:**

A detailed Heritage Assessment is contained in the attachment to this report.

In light of the above background information regarding the recent consideration of the place onto the Town's MHI, it is recommended that the Council conditionally approve the demolition of the subject dwelling in accordance with the Officer Recommendation.

On 23 January 2007, the Town's Parks Services Technical Officer undertook a site inspection of the subject property, to examine the place's significant plantings. The Officer advised that there is a large Jacaranda tree (*Jacaranda mimosifolia*) located at the rear of the property. Whilst this tree is not on the Town's Significant Tree Inventory, the owner/developer of the subject property should be encouraged to retain and incorporate this tree as part of any future development. A condition to encourage the retention of the Jacaranda tree has been included in the Officer Recommendation.

**10.1.4 No. 145 (Lot 349 D/P: 2355) Walcott Street, Corner William Street Mount Lawley - Proposed Demolition of Existing Building and Construction of a Three (3) Storey Mixed Use Development Comprising Offices and Nine (9) Single Bedroom Multiple Dwellings**

<b>Ward:</b>	South	<b>Date:</b>	7 February 2007
<b>Precinct:</b>	Norfolk; P10	<b>File Ref:</b>	PRO3807; 5.2006.545.1
<b>Attachments:</b>	<a href="#">001</a> <a href="#">002</a>		
<b>Reporting Officer(s):</b>	R Rasiah		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Oldfield Knott Architects on behalf of the owner J L Felton for proposed Demolition of Existing Building and Construction of a Three (3) Storey Mixed Use Development Comprising Offices and Nine (9) Single Bedroom Multiple Dwellings, at No. 145 (Lot 349 D/P: 2355) Walcott Street, corner William Street, Mount Lawley, and as shown on demolition plans stamp dated 14 November 2006, and revised development plans stamp-dated 11 January 2007, subject to the following conditions:*

- (i) prior to the issue of a Building Licence, an acoustic report prepared in accordance with the Town's Policy relating to Sound Attenuation shall be submitted and approved by the Town. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report;*
- (ii) in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land shall 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 \$13,500 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;*
- (iii) the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (iv) 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 (\$19,000) shall be submitted to and approved by the Town, OR alternatively, the applicant/owner shall pay a cash-in-lieu contribution of \$19,000, 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 and Administrative 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);*

- (v) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (vi) *first obtaining the consent of the owners of No. 147 Walcott 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. 147 Walcott Street if applicable and the wall adjacent to the right-of-way in a good and clean condition;*
- (vii) *details of an interpretation proposal, which incorporates explicit recognition of the historic values of the place at No. 145 (Lot 349) Walcott Street, Mount Lawley ('Bongiorno's Garage') shall be submitted to and approved by the Town before the issue of a Demolition Licence and/or Building Licence, whichever comes first. The approved interpretation proposal shall be installed prior to the first occupation of the new development;*
- (viii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
  - (a) *any proposed vehicular gate adjacent to the William Street being a minimum 50 percent visually permeable when viewed from William Street;*
  - (b) *the awnings being a minimum height of 2.75 metres from the Walcott Street and William Street footpath level to the underside of the awning and a minimum of 600 millimetres from the kerb line of Walcott Street and William Street;*
  - (c) *the residential car parking for each unit being clearly marked for the exclusive use of the respective residential unit; ~~and~~*
  - (d) *each store having a minimum area of 4 square metres; and*
  - (e) *the height of buildings being a maximum of 10 metres from the natural ground level.*

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

- (ix) *prior to the first occupation of the development, one (1) class- one or two bicycle parking facility, shall be provided at a location convenient to the entrance of the development. Details of the design and layout of the bicycle parking facility shall be submitted and approved prior to the installation of such facility;*
- (x) *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;*
- (xi) *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;*

- (xii) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (xiii) *doors, windows and adjacent floor areas on the ground floor fronting Walcott and William Streets shall maintain an active and interactive relationship with these streets;*
- (xiv) *the maximum total gross floor area of the offices shall be limited to 253 square metres;*
- (xv) *prior to the first occupation of the development, nine (9) car parking spaces, provided for the residential component of the development shall be clearly marked and signposted for the exclusive use of the residents of the development;*
- (xvi) *the landowner shall enter into a Deed of Agreement with the Western Australian Planning Commission (WAPC) and the Town not to seek from either the Town or the WAPC compensation for any loss, damage or expense to remove the approved works (balconies and awnings) and landscaping strip which encroaches the Other Regional Road reservation/ road widening requirement when the road reservation/road widening/road upgrade is required. This Agreement is to be registered as a Caveat on the Certificate of Title of the subject land. All costs associated with this condition, including the cost of the Town's solicitors checking the documentation shall be borne by the applicant/owners(s);*
- (xvii) *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;*
- (xviii) *the on-site car parking area for the office/non-residential component shall be available for the occupiers of the residential component outside normal business hours;*
- (xix) *the car parking area shown for the offices/non-residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
- (xx) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (xxi) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:*
  - (a) *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities; and*
  - (b) *the Town of Vincent will not issue a visitor car parking permit to any owner or occupier of the units. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.*

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

- (xxii) *any new street/front wall, fence and gate between the Walcott Street and William 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;*
- (xxiii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the William 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); and*
- (xxiv) *any proposed vehicular entry gates adjacent to the commercial car parking area shall a minimum 50 per cent visually permeable and shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors for the commercial and residential tenancies at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the development.*

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

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**COUNCIL DECISION ITEM 10.1.4**

Cr Messina returned to the Chamber at 7.25pm.

**Moved** Cr Ker, **Seconded** Cr Maier

*That the recommendation be adopted.*

**Moved** Cr Ker, **Seconded** Cr Messina

*That the Item be DEFERRED to allow for the heights to be checked.*

**CARRIED (7-0)**

(Crs Farrell and Torre were apologies.)

<b>Landowner:</b>	J L Felton
<b>Applicant:</b>	Oldfield Knott Architects
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Local Centre
<b>Existing Land Use:</b>	Service Station
<b>Use Class:</b>	Office Building and Multiple Dwellings
<b>Use Classification:</b>	"P" and "AA"
<b>Lot Area:</b>	999 square metres
<b>Access to Right of Way</b>	Not applicable

**BACKGROUND:**

3 November 2006            The proposal was forwarded to the Western Australian Planning Commission (WAPC) for comments.

**DETAILS:**

The proposal involves the demolition of existing service station building and construction of a three (3) storey mixed use development comprising offices and nine (9) single bedroom multiple dwellings. Vehicular access to the site is off William Street. The proposal also involves the closure of an existing crossover off Walcott Street.

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

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Density	R60 or 9 single bedroom multiple dwellings	R60 or 9 single bedroom multiple dwellings	Noted - no variation.
Plot Ratio	0.70 - 699 square metres	0.63 - 626 square metres	Noted - no variation.
No of Storeys as per Non-Residential/Residential Development Interface Policy	2 storeys is strongly encouraged. Three (3) storeys can be considered provided the amenity of adjacent residential area is protected.	3 storeys	Supported – as the subject Local Centre allows for 3 storey development and (lofts) to be considered, provided the amenity of the adjacent residential area is protected in terms of privacy, scale and bulk, in which this development complies with and given the context of the site being within a Local Centre, along two district distributor roads and in close proximity to public transport. It is also gives prominence to this strategically located corner site.

Stores	4 square metres in area	3.55 square metres in area (Units 1,2,3,5,6,7 and 8)	Not supported - an undue impact on amenity of occupiers and has been conditioned to comply.
Setback to Balconies on First and Second Floors facing William Street	4.9 metres	2.9 metres	Supported - the setback is considered not to have an undue impact on the streetscape. The WAPC has also supported the encroachments into the road reserve.
Height of Building	10 metres	11.4 metres	Not supported- as undue impact on the amenity of the area and there is opportunity to comply with the 10 metres height limit associated with three (3) storey buildings with concealed roofs.
Landscaping	10 per cent	9.1 per cent	Supported - on the basis that the applicant is required to contribute to the Town's Percentage for Art Scheme and the upgrading of the adjacent footpath, each dwelling has been provided with an adequate and functional area of outdoor living area (balconies) and due to the nil setback proposed, any further landscaping to be provided is not considered to benefit the wider community.
<b>Consultation Submissions</b>			
Support (2)	No comments provided.		Noted.
Objection (7)	The 3 storey development facing is too high and would result on visual impact based on bulk and scale of development and inconsistent with the surrounding area. Non-compliance with the Town's Policy relating to Non-Residential /Residential Development Interface, including the third storey being setback 4 metres from the front building line.		Not supported - for the reasons provided in the above non-compliance table.

	<p>Balconies setback to close to William Street, and may result in danger to pedestrians and building.</p>	<p>Not supported - as the setback is to the first and second floor balconies and not the ground floor. The WAPC has not objected to the reduced setbacks. The balconies also provide direct interaction of upper floor built form and uses with the street.</p>
	<p>Demolition of the existing building on-site and heritage implication, and Council is urged to keep heritage nature of locality as its highest priority. Proposal would undermine the character of building within close proximity of site.</p>	<p>Not supported - as a full heritage assessment has been undertaken, and the demolition is supported by the Town's Heritage Officers.</p>
	<p>Loss of privacy to adjoining residential properties.</p>	<p>Not supported - as the proposal complies with the privacy requirements of the Residential Design Codes.</p>
	<p>Proposed car parking is considered inadequate for the proposed uses. The proposal will be relying on goodwill of neighbouring properties for car parking and also on street car parking in the surrounding area. Affected landowners may seek compensation from Town for any parking infringements on neighbouring properties including loss of business.</p>	<p>Not supported - as the car parking is in compliance with the Town's Policy relating to Parking and Access. The issue of compensation is noted. Any unauthorised car parking occurring on a neighbouring property is a private matter between the affected landowners and those who park on the property.</p>
	<p>The use of glass will detract the visual appeal of the building and not keep with the type and character of the immediate area.</p>	<p>Not supported- as the proposal will provide interaction of uses with both streets.</p>
	<p>Size of stores should be compliant, as anything less may result in personal items being stored outside, resulting in slum like appearance.</p>	<p>Supported - has been conditioned to comply.</p>
	<p>The reduced setback along Walcott Street will result in loss of visibility to existing businesses from westbound traffic.</p>	<p>Not supported- as the building can have a nil setback to Walcott Street, and the issues raised is not substantiated with any statistical evidence.</p>

	Zoning of subject property seems to have changed and as such the adjoining property should be allowed to operate as a retail business.	Noted. The zoning has not changed. The proposed office use is a "P" or permitted use and the multiple dwelling use is an "AA" or discretionary use.
<b>Other Implications</b>		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial/Budget Implications		Nil

\* The 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.

### Residential Car Parking

Car parking requirements for the residential component of the development have been calculated using the requirement for mixed use development in the Residential Design Codes (R Codes). The residential component requires 9 car bays, based on the standard of one (1) car bay for each of the 9 proposed single bedroom multiple dwellings. A total of 14 car bays have been provided for the entire development; therefore, resulting in five (5) car bays available for the commercial component.

### Commercial Car Parking

Requirements as per Parking and Access Policy	Required
Total car parking required before adjustment factor (nearest whole number)	
Office-1 car bay per 50 square metres gross floor area (proposed 253 square metres) = 5.06 car bays.	5 car bays
Apply the parking adjustment factors.	(0.68)
<ul style="list-style-type: none"> <li>▪ 0.80 (mix of uses with greater than 45 percent of the gross floor area is residential)</li> <li>▪ 0.85 (within 400 metres of a bus stop)</li> </ul>	3.4 car bays
Car parking provided on-site for commercial component	5 car bays
Resultant surplus	1.6 car bays

### Bicycle Parking

Requirements	Required	Provided
<b>Office</b>		
1 per 200 (proposed 253) square metres public area for employees (class 1 or 2).	1.265 space	Bicycle parking shown on plans, within the service access.
1 space per 750 square metres over 1000 square metres for visitors (class 3).	N/A	N/A

## COMMENTS:

### WAPC COMMENTS

The initial proposal has been referred to the Western Australian Planning Commission (WAPC) as the proposal abuts Walcott Street and William Street, which are both classified as "Other Regional Roads" and also due to regional implications. The WAPC has advised that the encroachments (balconies, and landscaping) within the William Street Road reserve was supportable, subject to the applicant's entering into a deed of agreement with the WAPC and the Town not to seek compensation for removal of the above structures. The WAPC is yet to respond to the revised plans dated 11 January 2007. The road widening reservations along Walcott Street is 2.9 metres, and along William Street is 4.9 metres, which will be required for future road widening purposes.

### Demolition

Under the Heritage of Western Australia Act 1990, there is a legal requirement for the Town to review and update its Municipal Heritage Inventory (MHI). The Town released a draft list of places considered to have cultural heritage value on 21 June 2006, for community consultation. The subject place at No. 145 (Lot 149) Walcott Street, Mount Lawley ('Bongiorno's Garage') was recognised on the draft list. After a period of community consultation a revised MHI was adopted by the Council at its Ordinary Meeting held on 12 September 2006. The adopted list comprises places which had received no objection from the owners.

The subject place was identified by Heritage consultants, the Hocking Planning and Architecture Collaboration as a "Category A" place as a rare surviving example of a service station/garage of the Inter-war period, which demonstrates the nature and standard of these early service station/garage facilities. The place was also recognised for its landmark value. The owner of the subject place objected to the proposed listing of the place onto the MHI for various reasons including:

- Disappointment in consultation process adopted by the Town;
- Detrimental impact upon the landowners impending plans for the redevelopment and use of the property;
- Adverse impact on the financial value of the site and the loss of opportunity to develop site in a way that better contributes to the amenity of the area; and
- Wider planning concerns including proposed widening of Walcott and William Streets and the requirement to remove underground fuel storage tanks in accordance with DOIR.

During the consultation period, the Town's Heritage Officers met with the owner of the subject place and their representative and visited the subject place so as to conduct a full heritage assessment. A full heritage assessment was prepared by the Town's Heritage Officers with the information available and presented a draft copy to the owner for comment. The heritage assessment found the place 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 was not considered that the place had sufficient historic value to warrant allocation of a 'Category A' management recommendation. It was also considered that the adaptive reuse capacity of the place as a whole was extremely limited considering the planning controls affecting road widening, location, environmental considerations and the reduced authenticity of the place.

A detailed Heritage Assessment is contained in the attachment to this report.

The proposed listing of the place onto the MHI was considered by the Council at its Ordinary Meeting held on 7 November 2006. The Council resolved to exclude the place at No. 145 (Lot 349) Walcott Street, Mount Lawley ('Bongiorno's Garage') from the Town's Municipal Heritage Inventory. In light of the recent consideration of the place onto the Town's MHI, it is recommended that the Council conditionally approve the demolition of the subject dwelling in accordance with the Officer Recommendation. Whilst the place was not formally listed onto the Municipal Heritage Inventory, to recognise the places historic value, it is recommended that a plaque or an alternative form of interpretation be created and displayed in the redevelopment of the site.

**Conclusion**

The application is considered acceptable and would not result in any undue impact on the amenity of the surrounding area. The application is, therefore, supported subject to standard and appropriate conditions to address the above matters.

**10.1.6 Nos. 433-437 (Lots 12 and 15) William Street and No. 4 (Lots 13 and 14) Brisbane Place, Northbridge – Proposed Four Single Storey Showrooms and Car Park**

<b>Ward:</b>	South	<b>Date:</b>	6 February 2007
<b>Precinct:</b>	Beaufort; P13 Hyde Park; P12	<b>File Ref:</b>	PRO0495; 5.2006.339.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	V Lee		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by John L Silbert and Associates Pty Ltd on behalf of the owner Perth Mosque Inc for proposed four single-storey showrooms and car park at No. 433-437 (Lots: 12 and 15) William Street, and Nos. 4 (Lots 13 and 14) Brisbane Place, Northbridge, and as shown on plans stamp-dated 19 January 2007, for the following reasons:*

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the precinct;*
- (ii) non-compliance with the Town's Policies relating to Robertson – Locality Plan 23 and Beaufort Precinct – Scheme Map 1; and*
- (iii) the proposed car park use is an "X" use under the Residential zone of Lots 13 and 14, and therefore the use is not permitted by the Town's Town Planning Scheme No. 1.*

**Moved Cr Chester, Seconded Cr Ker**

*That the recommendation be adopted.*

**Moved Cr Chester, Seconded Cr Ker**

*That the existing recommendation be renumbered to clauses (i)(a), (b) and (c) and a new clause (ii) be added as follows:*

*“(ii) the Town SUPPORTS, in principle, an Islamic streetscape for the site given its location albeit with the provision of an awning.”*

Debate ensued.

**AMENDMENT CARRIED (7-0)**

(Crs Farrell and Torre were apologies.)

**MOTION AS AMENDED CARRIED (6-1)**

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

(Crs Farrell and Torre were apologies.)

Journalists Lindsay McPhee and Chris Thomson left the meeting at 7.27pm.

**COUNCIL DECISION ITEM 10.1.6**

*That;*

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by John L Silbert and Associates Pty Ltd on behalf of the owner Perth Mosque Inc for proposed four single-storey showrooms and car park at No. 433-437 (Lots: 12 and 15) William Street, and Nos. 4 (Lots 13 and 14) Brisbane Place, Northbridge, and as shown on plans stamp-dated 19 January 2007, for the following reasons:*
- (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the precinct;*
  - (b) *non-compliance with the Town's Policies relating to Robertson – Locality Plan 23 and Beaufort Precinct – Scheme Map 1; and*
  - (c) *the proposed car park use is an "X" use under the Residential zone of Lots 13 and 14, and therefore the use is not permitted by the Town's Town Planning Scheme No. 1; and*
- (ii) *the Town SUPPORTS, in principle, an Islamic streetscape for the site given its location albeit with the provision of an awning.*

<b>Landowner:</b>	Perth Mosque Inc
<b>Applicant:</b>	John L Silbert and Associates Pty Ltd
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Lots 12 and 15(fronting William Street): Commercial Lots 13 and 14 (fronting Brisbane Place): Residential R80
<b>Existing Land Use:</b>	Vacant
<b>Use Class:</b>	Lots 12 and 15 = Showroom and Car Park Lots 13 and 14 = Car Park
<b>Use Classification:</b>	Lots 12 and 15 = "P" and "AA" Lots 13 and 14 = "X" (not permitted)
<b>Lot Area:</b>	Lot 12 - 253 square metres Lot 13 - 253 square metres Lot 14 - 254 square metres Lot 15 - 253 square metres Total Lot Area = 1013 square metres
<b>Access to Right of Way</b>	N/A

**BACKGROUND:**

- 25 September 2001 The Council conditionally approved the demolition of the existing buildings.
- 5 November 2002 The Council at its Ordinary Meeting conditionally approved an application for a three storey lodging house.
- 27 May 2003 The Council at its Ordinary Meeting conditionally approved an application for a three storey lodging house.

**DETAILS:**

The proposal involves the construction of four (4), single storey showrooms fronting William Street and 22 car parking bays with vehicle access from Brisbane Place. The proposed car park would also be for use by the congregation of the Perth Mosque located on an adjoining lot.

The applicant has also provided "Indicative Plans", stamp dated 18 December 2006, to demonstrate how the proposed development could be extended in the future, to comply with the intentions of the Town's Town Planning Scheme and Policies, including two storey development facing William Street and Residential development to Brisbane Place.

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

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Plot Ratio	N/A	N/A	Noted.
Policy 3.1.13 Beaufort Precinct - Building Height	Two storey strongly encouraged	Single storey	Not supported - refer "Comments" section.
Policy 3.1.13 Beaufort Precinct -Awnings	Buildings are strongly encouraged to provide awnings over the adjacent footpaths	No awnings proposed	Not supported – refer "Comments" section.
Policy 3.3.23 Robertson Locality Plan 23	A limited number of non-residential uses which serve the day-to-day needs of the local residents...may also be appropriate.	Car park fronting Brisbane Place	Not supported – refer "Comments" section.
<b>Car Parking - Showrooms</b>			
Car parking requirement (nearest whole number)		5 car bays	
<ul style="list-style-type: none"> <li>• Showroom (383 square metres)</li> </ul>			
Apply the adjustment factors.		(0.7225)	
<ul style="list-style-type: none"> <li>• 0.85 (within 400 metres of a bus stop)</li> <li>• 0.85 (within 400 metres of public car park)</li> </ul>		3.61 car bays	
Minus the car parking provided on-site		22 car bays	

Minus the most recently approved on-site car parking shortfall	Not applicable as proposal is to redevelop a vacant site.
Resultant surplus	18.4 car bays
<b>Bicycle Parking Facilities</b>	
Showroom use class does not require bicycle parking facilities.	8 class 3 bicycle racks proposed
<b>Consultation Submissions</b>	
The application has <b>NOT</b> been advertised. The application is considered to be a category 3 application. In accordance with the Town's Community Consultation Policy, the proposal has not been advertised as <i>'development of a marginal complex nature of impact (Category 3) that is NOT SUPPORTABLE by the Town's employees requires no notification and consultation.'</i>	
Should the Council determine that the application is reasonable, the officer recommends that community consultation be undertaken prior to the application being determined.	
<b>Other Implications</b>	
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications	Nil.
Financial/Budget Implications	Nil.

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

**COMMENTS:**

**"X" (NOT PERMITTED) USE**

Lots 13 and 14 are zoned Residential under Town Planning Scheme No. 1 (TPS No. 1). The proposed car park use is an "X" use under the Residential zone of Lots 13 and 14. The purpose of the Zoning Table in TPS No. 1 is to indicate the uses permitted in the various zones. An "X" use means that the use is not permitted by TPS No. 1. A Note contained in the Scheme further states: *"Council shall refuse to approve any "X" use of land. Approval of an "X" use may only proceed by way of an amendment to the Scheme"*.

Therefore, the Council does not have the discretion to approve an 'X' (prohibited) use under TPS No. 1.

The applicant acknowledges the variations to the Town's Town Planning Scheme No. 1 and Policies regarding the prohibited use (car park being an "X" use in a Residential zone) and impact of the development on the streetscape. The applicant has explained that the Mosque does not have the financial capacity at the moment to undertake a two storey development to Williams Street and a residential development facing Brisbane Place.

The proposed car park on Lots 13 and 14 is envisaged to be used, in the short term, as a car park for the Mosque located on the adjoining property.

To show that the proposal does not compromise the potential of the site to comply with the Town's Town Planning Scheme No. 1 and associated Policies, the applicant has provided indicative plans for stage 2, stamp dated received 18 December 2006. This shows a two storey mixed use development facing Williams Street and three (3) two storey dwellings fronting Brisbane Place. The applicant has advised that Lots 13 and 14 will be amalgamated and a caveat to allow vehicular access to the rear of the showrooms will be arranged.

The Town's Officers agree that the current proposal does not unreasonably prejudice the ability of the site to be developed to comply with the Town's Town Planning Scheme No. 1 and associated Policies at a later date. It is possible to construct the single storey showrooms to support a second storey addition in the future. Similarly, a car park requires relatively little infrastructure and investment, and it is considered that the presence of a car park would not unreasonably discourage the development of dwellings in the future.

However, it is considered important that the Town uses this planning application as an opportunity to achieve its strategic goals as outlined in the current Policies. Any planning decisions also need to complement the investment the Town is putting into the William Street Streetscape Upgrade Programme as considered at the Ordinary Meeting of Council held on 19 December 2006.

It is also important that the interim development of the site does not detrimentally impact on the amenity of the adjoining residents to the north and ~~east~~ west of the site.

### **William Street Streetscape**

The applicant has advised that the shopfronts to the showrooms have been designed to be sympathetic to the design of the adjoining Mosque. The Town's Officers, in principle, do not object to the continuation of the 'Islamic streetscape' design, provided the shopfronts are interactive with the street and comply with other Town Policies.

### Building Height

This proposal provides the Town with an opportunity to 'set the standard' of development in this area of William Street. It is considered important and reasonable to require buildings to be a minimum of two storey to create a visually strong commercial urban edge to William Street. Therefore, this variation to Policy is not supported.

### Awning

The applicant considers that an awning over William Street footpath, attached to the Islamic shopfront design would not be compatible with the Islamic streetscape design. The applicant also argues that adjoining properties do not have awnings, including the Mosque which is setback from the front boundary.

The Town's Officers considers it reasonable, and in the public interest (by providing pedestrians with shelter), to require an awning to William Street; therefore, this variation to Policy is not supported.

### **Brisbane Place Streetscape**

The requirements of the Robertson Locality apply to Lots 13 and 14. The proposed car park would be visible from Brisbane Place, effectively making up 20 percent of the eastern streetscape. It is adjacent to, and opposite, residential properties and intact original housing stock (albeit – currently in a poor state).

Therefore, it is considered that the proposed car park use is detrimental to the streetscape of Brisbane Place and detrimental to the amenity of the adjoining residents, and this non-compliance with Town Planning Scheme No. 1 and associated Policies can not be supported.

In light of the above, it is recommended that the proposal be refused.

**10.1.7 Sustainable Environment Plan 2007 - 2012**

<b>Ward:</b>	Both Wards	<b>Date:</b>	6 February 2007
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	PLA0175
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	K Batina		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) **APPROVES IN PRINCIPLE** the Draft Sustainable Environment Plan 2007 – 2012, as shown in Attachment 10.1.7; and
- (ii) **AUTHORISES** the Chief Executive Officer to:
  - (a) *advertise the Draft Sustainable Environment Plan 2007 – 2012 for a period of six (6) weeks seeking public comment; and*
  - (b) *report back to the Council with any public submissions received.*

**Moved** Cr Messina, **Seconded** Cr Maier

*That the recommendation be adopted.*

**Moved** Cr Chester, **Seconded** Cr Ker

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

- (i) **APPROVES IN PRINCIPLE** the Draft Sustainable Environment Plan 2007 – 2012, as shown in Attachment 10.1.7 subject to:
  - (a) the following action being included under Part 4 - Energy:

<i>"Action</i>	<i>Target Date for Completion</i>	<i>Indicators</i>
<i>The Town participate in a government approved Greenpower Program</i>	<i>August 2007</i>	<i>Sustainable Management System Implementation"</i>

**AMENDMENT CARRIED (7-0)**

(Crs Farrell and Torre were apologies.)

**Moved** Cr Maier, **Seconded** Cr Lake

*That new subclauses (i)(b), (c), (d) and (e) be added follows:*

- (i) (b) removal of all change tracking such as underlining to signify new text and text which has strikethrough;
- (c) removal of 'as a subterfuge to reduce fertiliser use' from 3. Biodiversity on page 12;

(d) transfer of 'Prepare and implement a Stormwater Management Plan' from 5. Waste Management section to 2. Water section; and

(e) removal of the references to Crime Prevention Through Environmental Design from Key Actions at the bottom of page 7; and"

Debate ensued.

Cr Doran-Wu requested that each subclause be voted on separately (as she had a different view on each subclause). The Presiding Member ruled that this would occur.

Clause (i)(b) was put.

AMENDMENT Clause (i)(b) CARRIED (7-0)

(Crs Farrell and Torre were apologies.)

Clause (i)(c) was put.

AMENDMENT Clause (i)(c) CARRIED (7-0)

(Crs Farrell and Torre were apologies.)

Clause (i)(d) was put.

AMENDMENT Clause (i)(d) CARRIED (7-0)

(Crs Farrell and Torre were apologies.)

Clause (i)(e) was put.

AMENDMENT Clause (i)(e) LOST (1-6)

For

Cr Maier

Against

Mayor Catania

Cr Chester

Cr Doran-Wu

Cr Ker

Cr Lake

Cr Messina

(Crs Farrell and Torre were apologies.)

MOTION AS AMENDED CARRIED (7-0)

(Crs Farrell and Torre were apologies.)

COUNCIL DECISION ITEM 10.1.7

*That the Council;*

(i) *APPROVES IN PRINCIPLE the Draft Sustainable Environment Plan 2007 – 2012, as shown in Attachment 10.1.7 subject to:*

(a) *the following action being included under Part 4 - Energy:*

<i>"Action</i>	<i>Target Date for Completion</i>	<i>Indicators</i>
<i>The Town participate in a government approved Greenpower Program</i>	<i>August 2007</i>	<i>Sustainable Management System Implementation"</i>

- (b) *removal of all change tracking such as underlining to signify new text and text which has strikethrough;*
  - (c) *removal of 'as a subterfuge to reduce fertiliser use' from 3. Biodiversity on page 12; and*
  - (d) *transfer of 'Prepare and implement a Stormwater Management Plan' from 5. Waste Management section to 2. Water section; and*
- (ii) **AUTHORISES the Chief Executive Officer to:**
- (a) *advertise the Draft Sustainable Environment Plan 2007 – 2012 for a period of six (6) weeks seeking public comment; and*
  - (b) *report back to the Council with any public submissions received.*

**PURPOSE OF REPORT:**

The purpose of this report is to provide the Council with an overview and seek approval in principle of the proposed Sustainable Environment Plan 2007-2012 for the Town.

**BACKGROUND:**

- 22 August 2006            The Council at its Ordinary Meeting resolved the following in relation to Item 10.4.7 – Sustainable Environment Plan 2006 – 2011;
- “That the Draft Sustainable Environment Plan 2006 - 2011 as shown in Appendix 10.4.7 be referred to the Sustainability Advisory Group for its consideration and comment prior to Council approving the Plan.”*
- 27 September 2006      A meeting of the Sustainable Advisory Group was convened to review and consider the draft Sustainable Environment Plan 2006-2011 (SEP) referred from the Ordinary Meeting of Council held on 22 August 2006.
- 19 October 2006        A memorandum was issued to the Chief Executive Officer from the Executive Manager Environmental and Development Services summarising the comments made at the Sustainability Advisory Group meeting held on 27 September 2006 and the Town Officers’ proposed course of action with regard to the progression of the SEP and associated Implementation Strategy.
- 20 November 2006      The Sustainability Advisory Group reconvened and reviewed an amended version of the draft SEP which incorporated previous comments received by the Group.

19 December 2006 An interim Progress Report was submitted to the Ordinary Meeting of Council, where the Council resolved as follows:

*“That the Council;*

- (i) RECEIVES Progress Report No. 1 relating to the Town of Vincent’s Sustainable Environment Plan 2006 -2011; and*
- (ii) ADOPTS the following recommendations in response to the Sustainable Advisory Group’s resolutions;*
  - (a) the final draft Sustainable Environment Plan 2006 – 2011 be presented to an Ordinary Meeting of Council no later than 27 February 2007 with the recommendation to advertise the Plan for Public Comment;*
  - (b) the Implementation Plan be prepared following the adoption of the Sustainable Environment Plan 2006 – 2011 no later than April 2007;*
  - (c) the draft Implementation Plan be referred to the Sustainability Advisory Group for consideration and comment prior to the Council considering and determining the Implementation Plan; and*
  - (d) a maximum of two (2) workshops be conducted with the community as part of the preparation of the Implementation Plan.”*

**DETAILS:**

As a result of the completion of the *Vincent Vision 2024* community engagement project and growing community concern regarding the environment, the Town has developed a Sustainable Environment Plan. The Sustainable Environment Plan (SEP) has been developed with the intention of improving the environmental performance in accordance with best practice management and due diligence. The implementation of the actions outlined in the SEP will span over a five year period, whereby the Sustainable Environment Plan will then be reviewed, and further actions put in place for the following five year period.

The Draft SEP will form part of the Plan for the Future for the Town, determine funding and incorporates a number of other key strategic documents. The process to date in developing the Draft SEP has involved:

- The establishment of an internal Working Group comprising representatives from each of the service areas within the Town;
- An audit and review of all current actions planned and underway, that are already represented in other strategic documents for the Town;
- Identification of five focus areas for the Town to address in the SEP; water, air, biodiversity, energy and waste management;
- Development of new objectives and actions for the Town in relation to the environment; and
- Correlation and alignment with the relevant strategic objectives in the Town’s Plan for the Future Strategic Plan 2006-2011 and other key documents such as the *Vincent Vision 2024*, Economic Development Strategy, Budget and Town Planning Scheme No.1 and associated Policies.

### **CONSULTATION/ADVERTISING:**

The Draft Sustainable Environment Plan 2007-2012 (SEP) has been referred to both an internal Working Group and the Sustainability Advisory Group for comment and review. The comments made by both Groups have been considered and incorporated as part of the Draft SEP and the amended version of the Draft SEP forms as an attachment to this report.

Following the decision by the Council to adopt the SEP, it will be released for public consultation with the ratepayers for a period of six (6) weeks.

### **LEGAL/POLICY:**

Town of Vincent Town Planning Scheme No. 1 and associated Planning Policies.

### **STRATEGIC IMPLICATIONS:**

Town of Vincent Plan for the Future: Strategic Plan 2006-2011

#### *Objective 1 : Natural and Built Environment*

Objective 1.1 Improve and maintain environment and infrastructure

1.1.4 Minimise negative impacts on the community and environment

1.1.5 Enhance and maintain parks and community facilities

1.1.6 Enhance and maintain the Town's infrastructure to provide a safe, healthy, sustainable and functional environment.

#### *Objective 2 : Economic Development*

Objective 2.1 Progress economic development with adequate financial resources

2.1.6 Develop business strategies that provide a positive triple bottom line return for the Town.

#### *Objective 3 : Community Development :*

Objective 3.1 Enhance community development and wellbeing

3.1.3 Determine the requirements of the community.

3.1.5 Focus on community and customer needs, values, engagement and involvement.

#### *Objective 4: Leadership, Governance and Management*

Objective 4.1 Provide good strategic decision-making, governance, leadership and professional management

4.1.2 Manage the organisation in a responsible and accountable manner.

4.1.4 Deliver services in ways that accord with the expectations of the community, whilst maintaining statutory compliance.

4.1.5 Plan effectively for the future

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

Given this project involves and affects all service areas within the Town, funding will be determined in the Plan for the Future and subsequent Budgets for each of the respective service areas, following the adoption of the SEP and initiation of the Implementation Strategy.

## COMMENTS:

The Draft SEP 2007-2012 will form the basis for initiatives to be taken within the Town and wider community in regard to improving the Town's overall environmental performance and accountability. The Draft SEP brings to the fore environmental issues considered to be of strategic importance to the Town. These environmental issues have been categorised into the following five key focus areas; air, water, biodiversity, energy and waste management.

Based on the priorities and evaluations made during the internal Working Group meetings and comments received from the Sustainable Advisory Group, and consideration of the current Strategic Plan and relevant Key Result Areas, policies, plans and other strategies that are existing or being developed within the Town, the basis of the following five key focus areas have been developed for the Draft SEP:

Objectives:

### Air

To improve local, regional and global air quality by minimising the production of greenhouse gases and minimising wood heater smoke through increasing energy efficiency and finding alternatives to existing energy sources.

### Water

To ensure effective and efficient management of the Town's water supplies and to protect and improve the quality of natural water resources.

### Biodiversity

To re-establish, conserve and enhance biodiversity within the Town's boundaries.

### Energy

To reduce the Town's greenhouse gas emissions resulting from the use of fossil fuels by considering energy alternatives such as renewable resources and promoting more energy efficient considerations as part of the development process.

### Waste Management

To reduce the Town's use of resources and production of solid waste in partnership with business, residents and visitors.

The actions highlighted within the Draft SEP for each of these focus areas, represent a much wider range of actions and initiatives that will be more comprehensively detailed in the SEP Implementation Strategy. The SEP Implementation Strategy, which will form as a separate, yet linked document to the SEP will provide a more specific outline of the actions to be carried out by the Town over the next five year period, detailing such information as the expected time of completion, indicators that the action has been undertaken, and the relevant service sections within the Town that will be involved in executing the action/s involved.

It is anticipated that the preparation and completion of the SEP Implementation Strategy will take approximately two months after the date of adoption of the Draft SEP. The preparation of the Implementation Strategy would be undertaken by the Working Group, of which work has already commenced.

In releasing the Draft SEP 2007-2012 for public comment and circulation, it will not only serve to promote what the Town is doing in terms of environmental management, but will also encourage the wider community within the Town to become involved in environmental initiatives suggested within the Draft SEP. In addition, it will form the impetus for community involvement in the development of the Implementation Strategy that relates to the Sustainable Environment Plan.

In light of the above, it is recommended that the Council adopts the Officer Recommendation.

**10.1.8 East Perth Redevelopment Authority – Proposed Modifications to the Lindsay Street Precinct Design Guidelines**

<b>Ward:</b>	South	<b>Date:</b>	5 February 2007
<b>Precinct:</b>	Beaufort, P13	<b>File Ref:</b>	PRO1409
<b>Attachments:</b>			
<b>Reporting Officer(s):</b>	A Denford		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the letter dated 17 January 2007 and associated documentation from the East Perth Redevelopment Authority (EPRA) in relation to the proposed modifications to the Lindsay Street Precinct Design Guidelines as ‘Laid on the Table’; and*
- (ii) *ADVISES the East Perth Redevelopment Authority (EPRA) that the Council has NO OBJECTION to the proposed modifications to the Lindsay Street Precinct Design Guidelines.*

**Moved Cr Messina, Seconded Cr Ker**

*That the recommendation be adopted.*

**Moved Cr Lake, 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 modifications to the Lindsay Street Precinct Design Guidelines subject to the Guidelines being amended as follows:*

*Clause 5.8.3 Lot 557 - Design Guidelines and Performance Standards be amended to read as follows:*

*'...*

*Appearance*

*...*

- *Continuous pedestrian protection from sun and rain through the use of a suspended awning 2.5m wide along Lindsay William and Newcastle Streets. Applicants should seek advice from the Town of Vincent and the City of Perth in this regard;*

*...'"*

**AMENDMENT CARRIED (7-0)**

(Crs Farrell and Torre were apologies.)

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

(Crs Farrell and Torre were apologies.)

**COUNCIL DECISION ITEM 10.1.8**

*That the Council;*

- (i) *RECEIVES the letter dated 17 January 2007 and associated documentation from the East Perth Redevelopment Authority (EPRA) in relation to the proposed modifications to the Lindsay Street Precinct Design Guidelines as 'Laid on the Table'; and*
- (ii) *ADVISES the East Perth Redevelopment Authority (EPRA) that the Council has NO OBJECTION to the proposed modifications to the Lindsay Street Precinct Design Guidelines subject to the Guidelines being amended as follows:*

*Clause 5.8.3 Lot 557 - Design Guidelines and Performance Standards be amended to read as follows:*

*'...'*

*Appearance*

*...*

- *Continuous pedestrian protection from sun and rain through the use of a suspended awning 2.5m wide along Lindsay William and Newcastle Streets. Applicants should seek advice from the Town of Vincent and the City of Perth in this regard;*

*...'*

---

**PURPOSE OF REPORT:**

The purpose of this report is to outline to the Council the modifications proposed by the East Perth Redevelopment Authority (EPRA) to the Lindsay Street Precinct Design Guidelines. The EPRA are seeking comments from relevant stakeholders with the public comment period closing on 16 February 2007.

**BACKGROUND:**

At its Ordinary Meeting held on 26 September 2006, the Council considered a report on several minor modifications proposed by the East Perth Redevelopment Authority (EPRA) to the Lindsay Street Precinct Design Guidelines where the following decision was adopted:

*"That the Council;*

- (i) *RECEIVES the letter dated 5 September 2006 and associated documentation from the East Perth Redevelopment Authority (EPRA) in relation to the proposed minor modifications to the Lindsay Street Precinct Design Guidelines as shown in Attachment 10.1.14; and*
- (ii) *ADVISES the East Perth Redevelopment Authority (EPRA) that the Council has NO OBJECTION to the proposed modifications to the Lindsay Street Precinct Design Guidelines."*

**DETAILS:**

The Town has received a letter dated 17 January 2007 and associated documentation advising that the East Perth Redevelopment Authority (EPRA) Planning Committee has recently endorsed for advertising proposed modifications to the Design Guidelines for the Lindsay Street Precinct in the New Northbridge Area as detailed in the attachment to this report.

The EPRA is now seeking comments from all relevant stakeholders on the proposed modifications to the Lindsay Street Precinct Design Guidelines.

The western portion of the Precinct is situated within the Town of Vincent and, therefore, comment from the Town is required.

The proposed modifications to the Design Guidelines and the precinct plan address the extension of the Lindsay Street Precinct to include the twelve recently created lots at the corner of Money, William and Newcastle Streets referred to as the 'Auto Masters' site.

The following table provides a brief description of the twelve lots that comprise the former 'Auto Masters' site:

Lot No	Lot size (m <sup>2</sup> )	Preferred Land Use	Max. Site Coverage	Height (m)
551	490m <sup>2</sup>	Mixed Use/Commercial/Retail	80%	12m or 3 storeys
552	236m <sup>2</sup>	Mixed Use/Commercial/Retail	80%	9m or 2 storeys
553	188m <sup>2</sup>	Mixed Use/Commercial/Retail	80%	9m or 2 storeys
554	187m <sup>2</sup>	Mixed Use/Commercial/Retail	80%	9m or 2 storeys
555	176m <sup>2</sup>	Mixed Use/Commercial/Retail	80%	9m or 2 storeys
556	178m <sup>2</sup>	Mixed Use/Commercial/Retail	80%	9m or 2 storeys
557	895m <sup>2</sup>	Mixed Use/Commercial/Retail	80%	12m or 3 storeys
558	338m <sup>2</sup>	Mixed Use/Commercial/Retail	80%	9m or 2 storeys to front of lot/12m or 3 storeys to rear of lot
559	390m <sup>2</sup>	Mixed Use/Commercial/Retail	80%	9m or 2 storeys
560	307m <sup>2</sup>	Mixed Use/Commercial/Retail	80%	9m or 2 storeys to front of lot/12m or 3 storeys to rear of lot

561	324m <sup>2</sup>	Mixed Use/Commercial/Retail	80%	9m or 2 storeys to front of lot/12m or 3 storeys to rear of lot
562	211m <sup>2</sup>	Mixed Use/Commercial/Retail	80%	9m or 2 storeys

As a result of the extension of the Precinct to include the 'Auto Masters' site, the primary modifications to the Lindsay Street Precinct Design Guidelines are summarised below:

- Clause 5.1.1 'Desired Character' has been AMENDED to include the following:

*"There are significant development sites within the Precinct, namely the large vacant site on the corner of Beaufort and Newcastle Streets (the site of the former Lone Star Hotel), and the former Auto Masters site at the opposite end of the Precinct, at the corner of William and Newcastle Streets. These sites provide the opportunity to create landmark developments within the Precinct, which will contribute significantly to the activation of the area as well as tie in with the development of the Museum Precinct to the south".*

- Clause 5.4.1 'Place Activation' has been INSERTED into the Lindsay Street Precinct Design Guidelines. The clause includes specific reference to lots contained within the 'Auto Masters' site that have a William Street frontage:

*"William Street Activation (Lots 551 and 557)*

*The William Street frontage of the Precinct is a priority activation point in Northbridge. It is important that development on Lots 551 and 557 ensure the successful activation of William Street to assist in activating the wider Northbridge area.*

*To ensure the activation of William Street, the following design requirements will apply:*

- *The ground floor uses along the William Street frontage should be active,*
- *Buildings along William Street should have a hard-edged interface, with active and intense uses to encourage high pedestrian traffic, and*
- *To assist in the creation of a bustling and vibrant street environment, the William Street frontage should be designed to be visually permeable and interactive with the street".*
- Clause 5.4.2 'Safer Design' has been INSERTED into the Lindsay Street Precinct Design Guidelines. The clause outlines building and environmental design strategies that can minimise the opportunity for crime to occur while maximising levels of public activity.
- Clause 5.8.3 'Lot 557 - Design Guidelines and Performance Standards' has been INSERTED into the Lindsay Street Precinct Design Guidelines. The clause outlines specific information that applies to development on Lot 557 of the 'Auto Masters' site and includes provisions relating to:

- Preferred Land Use
- Setbacks
- Site Coverage
- Building Height
- Access
- Appearance
- Corner Sites
- Sewer Easement

**CONSULTATION/ADVERTISING:**

Not required by the Town.

**LEGAL/POLICY:**

Town Planning Scheme No. 1, associated Policies and Residential Design Codes (R-Codes).

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2006-2011 – Strategic Objectives: Natural and Built Environment:  
*"1.1.4 Minimise negative impacts on the community and environment".*

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The proposed modifications to the Lindsay Street Precinct Design Guidelines have been initiated in an attempt to facilitate more desirable planning outcomes for future development on the 'Auto Masters' site. The proposed modifications are considered acceptable, and as such it is recommended that the Council receives the documentation relating to the proposed modifications to the Lindsay Street Design Guidelines and advises EPRA that it has no objections.

**10.2.2 Further Report, additional Community Consultation, Palmerston Street – Proposed "Hyde Park Spur" Wetlands Heritage Trail/Greenway Link**

<b>Ward:</b>	South	<b>Date:</b>	5 February 2007
<b>Precinct:</b>	Hyde Park P12	<b>File Ref:</b>	TES0200
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	R Lotznicker		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report on the proposal to undertake works in Palmerston Street - 'Hyde Park Spur' associated with the Proposed Wetlands Heritage Trail / Greenway Link;*
- (ii) *APPROVES the alternative proposal estimated to cost \$110,000 as outlined on amended Plan No 2441-CP-1C;*
- (iii) *NOTES that;*
  - (a) *submissions for contributory funding from the Department for Planning and Infrastructure 2007/2008 Perth Bicycle Network local government grants program have been called and the Town will be applying for funding for the Palmerston Street project; and*
  - (b) *a total of \$40,000 has been allocated in the 2006/2007 budget for the project and an additional \$70,000, or less depending on grant funding received, will need to be listed for consideration in the 2007/2008 draft budget prior to the project as outlined on attached Plan No 2441-CP-1B proceeding; and*
- (iv) *ADVISES all respondents of its decision.*

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**Moved Cr Messina, Seconded Cr Maier**

*That the recommendation be adopted.*

Cr Doran-Wu departed the Chamber at 7.42pm.

Debate ensued.

**Moved Cr Chester, Seconded Cr Messina**

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

*“(ii) APPROVES the alternative proposal estimated to cost \$110,000 as outlined on amended Plan No 2441-CP-1CD;”*

**AMENDMENT CARRIED (6-0)**

**(Crs Farrell and Torre were apologies. Cr Doran-Wu was absent from the Chamber and did not vote.)**

Cr Doran-Wu returned to the Chamber at 7.44pm.

Moved Cr Lake, Seconded Cr Messina

*That a new clause (iii) be added as follows and the remaining clauses renumbered accordingly:*

*“(iii) APPROVES IN PRINCIPLE, the removal of the parking embayment on the eastern side of Palmerston Street north of Primrose Street and consult further with the affected residents;”*

Debate ensued.

AMENDMENT CARRIED (7-0)

(Crs Farrell and Torre were apologies.)

MOTION AS AMENDED CARRIED (7-0)

(Crs Farrell and Torre were apologies.)

COUNCIL DECISION ITEM 10.2.2

*That the Council;*

- (i) *RECEIVES the report on the proposal to undertake works in Palmerston Street - 'Hyde Park Spur' associated with the Proposed Wetlands Heritage Trail / Greenway Link;*
- (ii) *APPROVES the alternative proposal estimated to cost \$110,000 as outlined on amended Plan No 2441-CP-1D;*
- (iii) *APPROVES IN PRINCIPLE, the removal of the parking embayment on the eastern side of Palmerston Street north of Primrose Street and consult further with the affected residents;*
- (iv) *NOTES that;*
  - (a) *submissions for contributory funding from the Department for Planning and Infrastructure 2007/2008 Perth Bicycle Network local government grants program have been called and the Town will be applying for funding for the Palmerston Street project; and*
  - (b) *a total of \$40,000 has been allocated in the 2006/2007 budget for the project and an additional \$70,000, or less depending on grant funding received, will need to be listed for consideration in the 2007/2008 draft budget prior to the project as outlined on attached Plan No 2441-CP-1B proceeding; and*
- (v) *ADVISES all respondents of its decision.*

---

**PURPOSE OF REPORT:**

The purpose of this report is to outline the results of the recent community consultation regarding the alternative Greenway link along Palmerston Street.

## **BACKGROUND:**

### **Ordinary Meeting of Council 11 July 2006**

Following community consultation on the proposed Wetlands Heritage Trail/Greenway link between Robertson Park and Hyde Park, the Council considered a report on the proposal. The Council decided to refer the proposal to the Town's Local Area Traffic Management (LATM) Advisory Group for further assessment and receive a further report following assessment by the Town's LATM Advisory Group.

### **Ordinary Meeting of Council 21 November 2006**

Following consideration of the matter by the Town's LATM Advisory Group, a further report was presented to the Council, where the following decision was made (*in part*):

*That the Council*

- (ii) *NOTES that;*
  - (a) *an alternative proposal estimated to cost \$120,000 was developed by the Local Area Traffic Management Advisory Group at its meeting held on 21 September 2006, as shown on attached Plan No 2441-CP-1B. (The previous proposal is shown on attached Plan No. 2441-CP-01A);*
  - (b) *a total of \$40,000 has been allocated in the 2006/2007 budget for the project; and an additional \$80,000 will need to be listed for consideration in the 2007/2008 draft budget prior to the project as outlined on Plan No 2441-CP-1B proceeding; and*
  - (c) *the estimated cost to provide "legibility" for the "Hyde Park Spur" to the existing concrete path is \$5,500;*
- (iii) *APPROVES IN PRINCIPLE the alternative proposal as outlined on Plan No 2441-CP-1B, for the reasons outlined in the report;*
- (iv) *REQUESTS the Chief Executive Officer to apply for contributory funding for the project from the Department for Planning and Infrastructure, BikeWest, as the proposal forms part of the Perth Bicycle Network;*
- (v) *CONSULTS with affected residents in Palmerston Street regarding the alternative proposal; and*
- (vi) *RECEIVES a further report at the conclusion of the consultation period.*

## **DETAILS:**

### **Community Consultation**

In accordance with clause (v) of the Council decision (*Ordinary Meeting of Council 21 November 2006*), forty five (45) letters were distributed to residents in Palmerston Street directly affected by the proposal.

Five (5) formal responses were received at the close of consultation, with several telephone calls received from persons generally in favour, however, seeking clarification of specific aspects of the proposal.

In Favour - Four (4)

- The proposal is fine. Will the Council pay for alterations to the reticulation when the verge is modified?
- I concur with the proposal and would like to see bike lanes on all roads in the Town of Vincent I am concerned at the cost however. There is no requirement to provide parking on this section of Palmerston Street (east side Primrose to Glendower)
- Agree with proposal however we do not agree with the proposal to install embayed parking on the verge outside our residence. There is no requirement to provide parking on this section of Palmerston Street (east side Primrose to Glendower)
- In general we think the proposal has merit and we support it subject to:
  - Better parking for the corner shop eg angle parking.
  - Raised plateau proposed at Bulwer is excellent however would like a speed hump outside of the shop.
  - Important that all trees and as much grass in front of our house is preserved (159 Palmerston)

Against - one (1)

- I do not concur. Waste of money like the waste of money upgrading Bulwer between Palmerston and William. Should be spending money on something useful like extra carparks ... other general derogatory comments also made).

Officers Comments:

- The resident was advised that the Town would reinstate the verge, reticulation etc as part of the works.
- It is not physically possible to provide bike lanes on all roads in the Town.
- Removal of the embayed parking on Palmerston Street (east side Primrose to Glendower) is supported. At a site meeting with these residents it was agreed that the plan would be amended. It was also suggested that three (3) trees be installed in Primrose Street (north side) in the parking bays and that a 2 hour parking restriction be considered to deter all day parkers. (*The parking restriction will be the subject of a further report to the Council.*)
- Parking outside the shop (corner Myrtle) will be better defined as part of the proposal. Additional speed hump will need further consultation and not part of the current proposal. Trees and as much grass in front of 159 Palmerston will be preserved.

**Contributory funding from the Department for Planning and Infrastructure**

Submissions for contributory funding from the Department for Planning and Infrastructure 2007/2008 Perth Bicycle Network local government grants program have been called and the Town will be applying for funding for the Palmerston Street project.

The closing date for submissions is 30 March 2007. There is \$300,000 allocated specifically for bicycle lanes out of a total of \$1m.

**CONSULTATION/ADVERTISING:**

The respondents will be advised of the Council's decision

**LEGAL/POLICY:**

Nil

**STRATEGIC IMPLICATIONS:**

In accordance with the objective of Strategic Plan 2006-2011 – *1.1.6 Enhance and maintain the Town's infrastructure to provide a safe, healthy, sustainable and functional environment.*

**FINANCIAL/BUDGET IMPLICATIONS:**

An amount of \$40,000 has been allocated in the 2005/06 capital works budget for implementation of the Palmerston Street Greenway link. The alternative proposal as shown on amended Plan No. 2441-CP-1C is estimated to cost in the order of \$110,000 and therefore additional funds of \$70,000 will need to be considered for funding in the 2007/2008 draft budget to enable the alternative option to be implemented. This amount may be reduced should BikeWest Funding become available.

**COMMENTS:**

As mentioned in the previous report to Council, Palmerston Street forms part of Perth Bicycle Network (PBN) route NE4. The proposal includes the creation of 'on road' cycle lanes similar to what currently exists on Palmerston Street south of Stuart Street (implemented by the Town in 2000).

There are insufficient funds allocated in the current budget to implement the alternative proposal and, should the alternative proposal be adopted by the Council, the current works will need to be deferred and additional funds considered in the 2007/2008 draft budget.

Therefore in view of the positive feedback received it is recommended that the proposal as recommended be adopted.

**10.2.4 Installation of Parks "Outdoor Exercise Equipment"**

<b>Ward:</b>	Both	<b>Date:</b>	6 February 2006
<b>Precinct:</b>	All	<b>File Ref:</b>	RES0039
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	J van den Bok, R Lotznicker		
<b>Checked/Endorsed by:</b>	R Lotznicker	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report in relation to the installation of eight (8) items of "Outdoor Gym Equipment";*
- (ii) *APPROVES the installation of four (4) items of "Outdoor Gym Equipment", as outlined in appendix 10.2.4A (and as laid on the table), in the following locations;*
  - (a) *Banks Reserve - South Ward (refer attached plan Appendix 10.2.4B); and*
  - (b) *Menzies Park - North Ward (refer attached plan Appendix 10.2.4C);*
- (iii) *LISTS \$25,000 for consideration in the 2007/2008 draft budget for the installation of a further eight (8) items of "Outdoor Gym Equipment" at Britannia Reserve and Robertson Park, location(s) to be determined;*
- (iv) *ADVISES both the Banks Precinct Action Group and the Mount Hawthorn Precinct Group of its decision; and*
- (v) *RECEIVES a further report on the matter in June 2007 to determine the success or otherwise of the "Outdoor Gym Equipment".*

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

*That the recommendation be adopted.*

**Moved Cr Chester, Seconded Cr Ker**

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

*“(iii) LISTS \$25,000 for consideration in the 2007/2008 draft budget for the installation of a further eight (8) items of "Outdoor Gym Equipment" at Britannia Reserve and Robertson Park, location(s) to be determined and that future installations will be positioned and promoted as features on the Greenway;”*

Debate ensued.

**AMENDMENT CARRIED (6-1)**

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

(Crs Farrell and Torre were apologies.)

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

(Crs Farrell and Torre were apologies.)

**COUNCIL DECISION ITEM 10.2.4**

*That the Council;*

- (i) ***RECEIVES the report in relation to the installation of eight (8) items of "Outdoor Gym Equipment";***
- (ii) ***APPROVES the installation of four (4) items of "Outdoor Gym Equipment", as outlined in appendix 10.2.4A (and as laid on the table), in the following locations;***
  - (a) ***Banks Reserve - South Ward (refer attached plan Appendix 10.2.4B); and***
  - (b) ***Menzies Park - North Ward (refer attached plan Appendix 10.2.4C);***
- (iii) ***LISTS \$25,000 for consideration in the 2007/2008 draft budget for the installation of a further eight (8) items of "Outdoor Gym Equipment" at Britannia Reserve and Robertson Park, location(s) to be determined and that future installations will be positioned and promoted as features on the Greenway;***
- (iv) ***ADVISES both the Banks Precinct Action Group and the Mount Hawthorn Precinct Group of its decision; and***
- (v) ***RECEIVES a further report on the matter in June 2007 to determine the success or otherwise of the "Outdoor Gym Equipment".***

---

**PURPOSE OF REPORT:**

The purpose of this report is to advise the Council of the proposed installation of "Outdoor Gym Equipment" and to determine the location(s) for the installation.

**BACKGROUND:**

An amount of \$20,000 was allocated in the Town's 2006/07 capital works budget for the installation of "Outdoor Gym Equipment". This equipment has recently been installed in several locations at McCallum Park located in the Town of Victoria Park.

Local residents, Staff and some Elected Members have visited and those who have "tried out" some of the equipment have been suitably impressed with its design and robust construction.

Various locations for the installation of the "Outdoor Gym Equipment" have been identified by the Town's Technical Services staff and some residents have previously requested that some of the equipment be considered for installation at their local park.

**DETAILS:**

As indicated above, various locations for the installation of the equipment have been identified and it is considered that not all of the items should necessarily be installed at the one location but be spread out over several locations. Technical Services staff have been considering the proposed locations for some time and it has been concluded that it would be preferable to install items of the "Outdoor Gym Equipment" in larger reserves or sportsgrounds to maximise usage.

Suitable locations identified for both passive and active reserves within the Town are outlined as follows:

Note: Eight (8) items are available through the Town's current playground supplier, Forpark Australia (as laid on the table).

Four (4) items of equipment would be installed in one large softball area.

### **Banks Reserve**

With the recently constructed path from Bardon Park to Banks Reserve completed, a significant number of people use this area for many forms of exercise. The addition of "Outdoor Gym Equipment" near the Dual Use Path will again allow patrons to add a new dimension to their current exercise program.

#### Officers' Comments

Banks Reserve is considered to be the best location for all eight (8) items of equipment and a location where they will receive the most use by the greatest number of people, both local and from other communities travelling through Banks Reserve.

The path automatically attracts people to exercise, be it running, cycling or walking and is already in place, therefore this location is considered to be a most suitable option.

### **Menzies Park**

Requests have been received from local residents around Menzies Park who have recently used the "Outdoor Gym Equipment" at McCallum Park. Menzies Park, with the recently refurbished playground (albeit now fire damaged), is a very popular reserve for families recreating together. Various upgrade proposals have been discussed over the past few years to provide further improvements such as additional landscaping and a perimeter path.

#### Officers' Comments

The "Outdoor Gym Equipment" could be suitably placed around the perimeter of this reserve providing an informal fitness track or circuit, without impacting on the existing cricket or Australian Rules football fields.

If consideration is given in future to providing a perimeter path, this would pass close to each item of equipment, allowing patrons to exercise other parts of their body whilst completing "laps".

### **Britannia Road Reserve**

The southern end of Britannia Road Reserve (Bourke Street), where the new playground has recently been installed, is a very popular location for patrons to commence their casual exercise programs and an ideal location for such "Outdoor Gym Equipment". Whilst the northern end of Britannia Road Reserve provides the main parking area, this end of the reserve is usually more associated with cricket/soccer teams and formalised training sessions/games.

#### Officers' Comments

With the fenced children's playground area and the adjacent dog exercise area at the southern end of the reserve, parents or dog owners would be able to undertake exercise whilst their children or dogs play in their respective areas.

It is also proposed as part of the Town's "Greenway" program to construct a Dual Use Path around this end of the reserve, allowing patrons to leave the path, exercise other parts of their body as part of a circuit and then carry on along the path.

### **Robertson Park**

The recently redeveloped Robertson Park is viewed as a potential location for the "Outdoor Gym Equipment". The park is regularly patronised by dog owners and others after working hours and the installation of the equipment around the former "Women's Hockey Field" would allow dog owners to exercise whilst their "pooches" run around the reserve.

#### Officers' Comments

With the proposed upgrade to the main sewer through Robertson Park this year and the likely impact on the reserve, this location may be a site more suited in later years when/if additional equipment is purchased.

### **Auckland / Hobart Street Reserve**

Local residents have seen and used the equipment at McCallum Park and have requested the items be considered for installation in this local park. The park is a popular meeting place for families throughout the day, is fully fenced and a large playground area is located in the rear corner of the reserve.

#### Officers' Comments

Given the small size of this reserve, only a limited number of items could be considered for installation, as all eight (8) would leave little space for children to throw balls etc. without running into the equipment.

### **CONSULTATION/ADVERTISING:**

Nil.

### **LEGAL/POLICY:**

Nil.

### **STRATEGIC IMPLICATIONS:**

In accordance with the objective of Strategic Plan 2006-2011 – 1.1.5 Enhance and maintain parks and community facilities. *"(b) Implement infrastructure improvements for public open space, including the Wetlands Heritage Trail and the Greenway."*

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

As indicated above, a total amount of \$20,000 has been included in the 2006/07 Capital Works budget for the supply and installation of all eight (8) items of the Parks Exercise Equipment.

Each item, including installation with a rubber softfall perimeter, was \$2,500, however, it should be noted that the supply and installation cost has now increased to \$2,750 per item.

Therefore, if the Town proceeds with the installation of all eight (8) items, the total cost will be \$22,000, a shortfall of \$2,000.

### **COMMENTS:**

There are numerous suitable locations where the Town could install the proposed "Outdoor Gym Equipment" where it would be well utilised.

Therefore, in view of the interest and number of requests for the "Outdoor Gym Equipment" and its excellent performance over the twelve (12) or so months since its installation at McCallum Park (Town of Victoria Park), it is recommended that the Town allows for additional equipment to be purchased in the draft 2007/08 capital works budget.

**10.2.5 Proposed Time Restricted Parking in Carr Street, Near Ivy Park**

<b>Ward:</b>	South	<b>Date:</b>	7 February 2007
<b>Precinct:</b>	Cleaver P5	<b>File Ref:</b>	PKG0087
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	A Munyard		
<b>Checked/Endorsed by:</b>	R Lotznicher	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report on the proposed restricted parking in Carr Street near Ivy Park;*
- (ii) *APPROVES the introduction of a two (2) hour restriction on parking on both sides of the Carr Street "Access Road", near Ivy Park, to be in place from 8.00am until 5.30pm Monday to Friday as illustrated by attached Plan 2507-PP-1; and*
- (iii) *ADVISES the residents of its decision and PLACES a moratorium on issuing infringement notices for a period of two (2) weeks from the installation of the new parking restriction signs.*

**COUNCIL DECISION ITEM 10.2.5**

**Moved Cr Ker, Seconded Cr Messina**

*That the recommendation be adopted.*

**CARRIED (7-0)**

**(Crs Farrell and Torre were apologies.)**

**PURPOSE OF REPORT:**

The purpose of this report is to seek the Council's approval for the introduction of a two (2) hour time restriction on both sides of the Carr Street "Access Road" near Ivy Park.

**BACKGROUND:**

The Town has received a request from a resident of Carr Street "Access Road", near Ivy Park, that action be taken to discourage local workers and commuters from parking all day in this section of Carr Street.

**DETAILS:**

Carr Street, at the intersection of Charles Street, has a short access leg to service seven (7) residential properties and Ivy Park, which incorporates a well equipped children's playground. Some residents feel that the unrestricted parking opportunity in the "Access Road" has been discovered by commuters and tradesmen working in the vicinity, who have been parking there all day.

The Town's Rangers have been taking note of parking densities in the "Access Road", and concur that there has been an increase in all-day parking over the past months, particularly while construction has been underway further down Carr Street, east of Charles Street.

Residents were consulted about the introduction of a two (2) hour time restriction being introduced on both sides of the "Access Road". It is proposed that the restriction would be in place during business hours, Monday to Friday.

Seven (7) consultation letters were distributed, drawing only one (1) formal response from a resident who was in favour of the proposed restriction. A second resident, also in favour, contacted the Town but did not submit a written response as requested.

Regardless of the poor response to the survey, it is recommended that the Council approve the introduction of the two (2) hour restriction. Time restrictions are in place in all surrounding streets, and while the "Access Road" remains unrestricted, it will continue to be targeted by all-day parkers. Having put significant effort into the development of the facilities that Ivy Park offers to residents in the area, steps must be implemented to ensure parking is available to those who want to enjoy the park.

All day public parking (for a fee) is available within 300 metres of this location, in the Stuart Street angle parking.

No negative responses were received from residents. Furthermore, residents will be eligible to apply for exemption permits for themselves and their visitors. The introduction of the time restrictions is consistent with parking management in surrounding streets.

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

Details of the consultation are detailed in the body of the report.

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

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

#### **STRATEGIC IMPLICATIONS:**

In accordance with the objective of Strategic Plan 2006-2011 – 1.1.6 Enhance and maintain the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *"p) Develop a strategy for parking management in business, residential and mixed use precincts, that includes - parking facilities that are appropriate to public needs";*

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

It is estimated that supply and installation of signage will be approximately \$500.

#### **COMMENTS:**

Currently unrestricted, this "Access Road" is now being targeted by all day parkers. This is impacting on residents and users of Ivy Park, who are frequently finding that parking is hard to access and sometimes not available at all. In such close proximity to the city, this situation will not ease, and it is recommended that restrictions which bring the road into line with surrounding streets be implemented.

The Chief Executive Officer advised that Mayor Catania and Cr Messina had declared a financial interest in this Item.

In the absence of the Deputy Mayor, nominations were called for an Elected Member to take the Chair.

Moved Cr Maier, Seconded Cr Messina

*That Cr Ker assume the Chair.*

**CARRIED (7-0)**

As both Mayor Catania and Cr Messina had declared a proximity interest in Item 10.4.8, Elected Members agreed to bring forward that Item whilst they were out of the Chamber.

Mayor Catania and Cr Messina departed the Chamber at 7.52pm and did not speak or vote on the matter. Cr Ker assumed the Chair.

#### **10.3.4 Investment Report as at 31 January 2007**

<b>Ward:</b>	Both	<b>Date:</b>	7 February 2007
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0005
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	M Howard-Bath		
<b>Checked/Endorsed by:</b>	Bee Choo Tan	<b>Amended by:</b>	

#### **OFFICER RECOMMENDATION:**

*That the Council RECEIVES the Investment Report for the month ended 31 January 2007 as detailed in attachment 10.3.4.*

#### **COUNCIL DECISION ITEM 10.3.4**

Moved Cr Maier, Seconded Cr Lake

*That the recommendation be adopted.*

**CARRIED (5-0)**

(Crs Farrell and Torre were apologies. Mayor Catania and Cr Messina were absent from the Chamber and did not vote.)

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

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

#### **BACKGROUND:**

Interest from investments is a significant source of funds for the Town, where surplus funds are deposited in the short term money market for various terms as detailed in attachment 10.3.4.

Council's Investment Portfolio is spread across several Financial Institutions in accordance with Policy Number 1.3.8.

**DETAILS:**

Total Investments for the period ended 31 January 2007 were 18,745,252 compared with \$20,869,949 at 31 December 2006. At 31 January 2006, \$14,753,127 was invested.

Total accrued interest earned on Investments as at 31 January 2007:

	Budget	Actual	%
	\$	\$	
Municipal	370,000	308,860	83.48
Reserve	434,300	351,846	81.01

**COMMENT:**

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

The major contributing factor of the significant increase in funds held in investments over the level of funds held last year, is due to the receipt in November of the \$3.8M loan funds for the Underground Power Project these funds will be called down over the twelve month period of the project.

**10.4.8 Local Law Relating to Parking Facilities – Consideration of Public Submissions – North Perth Plaza and Mezz Shopping Centre**

<b>Ward:</b>	North	<b>Date:</b>	7 February 2007
<b>Precinct:</b>	Mount Hawthorn Centre P2; North Perth Centre P9	<b>File Ref:</b>	
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	A Smith, J MacLean		
<b>Checked/Endorsed by:</b>	R Boardman John Giorgi	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council:*

- (i) *NOTES the public submissions as detailed in this report; and*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY an amendment to the Second Schedule of the Town of Vincent Local Law Relating to Parking Facilities, to include The Mezz Car Park and North Perth Plaza Car Park, as designated parking stations within the Town of Vincent;*

**"LOCAL GOVERNMENT ACT 1995 (as amended)  
TOWN OF VINCENT PARKING FACILITIES LOCAL LAW  
AMENDMENT NO 2, 2006**

*Under the powers conferred by the Local Government Act 1995 and all other powers enabling it, the Council of the Town of Vincent resolved on .....2007 to make the Local Law Relating to Parking Facilities, Amendment No 1, 2007.*

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

*The Second Schedule is repealed and the following Second Schedule is substituted.*

**"SECOND SCHEDULE**

<b>NO.</b>	<b>DESCRIPTION</b>	<b>NIGHT/DAY PARKING</b>	<b>DAYS &amp; HOURS OF OPERATION</b>
1	<i>Frame Court Parking Station, situated between Frame Court and Oxford Street, Leederville</i>	<b>DAY PARKING</b>	<i>Monday to Sunday, 8.00am to 8.00pm inclusive</i>
2	<i>Frame Court Parking Station, situated between Frame Court and Oxford Street, Leederville</i>	<b>NIGHT PARKING</b>	<i>8.00pm to 8.00am Monday to Sunday inclusive.</i>
	<i>Brisbane Street Parking Station, situated in the area bounded by Greenway Street, Beaufort Street and Brisbane Street, Highgate</i>	<b>DAY PARKING</b>	<i>Monday to Sunday, 8.00am to 8.00pm inclusive</i>
3	<i>Brisbane Street Parking Station, situated in the area bounded by Greenway Street, Beaufort Street and Brisbane Street, Highgate</i>	<b>NIGHT PARKING</b>	<i>8.00pm to 8.00am Monday to Sunday inclusive.</i>
4	<i>That portion of The Avenue Parking Station, situated in the area bounded by Leederville Parade and Vincent Street, Leederville and delineated by yellow bay markings, with appropriate signage</i>	<b>DAY PARKING</b>	<i>Monday to Sunday, 8.00am to 8.00pm inclusive</i>
5	<i>The Avenue Parking Station, situated in the area bounded by Leederville Parade and Vincent Street, Leederville</i>	<b>NIGHT PARKING</b>	<i>8.00pm to 8.00am Monday to Sunday inclusive.</i>

NO.	DESCRIPTION	NIGHT/DAY PARKING	DAYS & HOURS OF OPERATION
6	<i>That portion of Chelmsford Road Parking Station, situated in the area bounded by Grosvenor Road and Chelmsford Road, Mount Lawley and delineated by yellow bay markings, with appropriate signage</i>	DAY PARKING	Monday to Sunday, 8.00am to 8.00pm inclusive
7	<i>That portion of land, seven metres wide, on the west side of Raglan Road Parking Station adjacent to the Right of Way and delineated by yellow bay markings, with appropriate signage</i>	DAY PARKING	Monday to Sunday, 8.00am to 8.00pm inclusive
8	<i>Barlee Street Car Park situated at the corner of Barlee and Beaufort Streets, Mount Lawley</i>	DAY PARKING	Monday to Sunday, 8.00am to 8.00pm inclusive
9	<i>Barlee Street Car Park situated at the corner of Barlee and Beaufort Streets, Mount Lawley</i>	NIGHT PARKING	8.00pm to 8.00am Monday to Sunday inclusive
10	<i>The Village Square Car Park situated at 323 Charles Street, North Perth</i>	DAY PARKING	Monday to Sunday, 8.00am to 8.00pm inclusive
11	<i>Loftus Centre Car Park</i>	DAY PARKING	Monday to Sunday, 8.00am to 8.00pm inclusive
12	<i>Oxford Street Car Park situated between Oxford Street and Faraday Street, Mount Hawthorn</i>	DAY PARKING	Monday to Sunday, 8.00am to 8.00pm inclusive
13	<i>Oxford Street Car Park situated between Oxford Street and Faraday Street, Mount Hawthorn</i>	NIGHT PARKING	8.00pm to 8.00am Monday to Sunday inclusive
14	<i>Stadium Car Park situated within Perth Oval Reserve, Pier Street, Perth between the eastern side of Pier Street, eastward to the delineating fence-line of the leased area of the Multi-Purpose Rectangular Sports Stadium</i>	DAY PARKING	Monday to Sunday, 8.00am to 10.00pm inclusive
<u>15</u>	<u><i>The Mezz Car Park situated at 148 - 158 Scarborough Beach Road, Mount Hawthorn</i></u>	<u>DAY PARKING</u>	<u>Monday to Sunday, 8.00am to 8.00pm inclusive</u>
<u>16</u>	<u><i>North Perth Plaza Car Park situated at 391 Fitzgerald Street, North Perth</i></u>	<u>DAY PARKING</u>	<u>Monday to Sunday, 8.00am to 8.00pm inclusive"</u>

**COUNCIL DECISION ITEM 10.4.8**

**Moved Cr Lake, Seconded Cr Maier**

*That the recommendation be adopted.*

Debate ensued.

**CARRIED BY AN ABSOLUTE MAJORITY (5-0)**

(Crs Farrell and Torre were apologies. Mayor Catania and Cr Messina were absent from the Chamber and did not vote.)

**PURPOSE OF REPORT:**

The purpose of the report is to approve the proposed amendment the Town's Parking Local Law to enable the Ranger Services and Community Safety Section staff to enforce parking restrictions in "The Mezz" and North Perth Plaza Car Parks.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 26 September 2006 the Council resolved to amend its Local Law Relating to Parking Facilities to include "The Mezz" and North Perth Plaza Car Parks as designated parking stations.

An approach was received from Hawaiian Management, the managing agents for "The Mezz" shopping centre, asking the Town to undertake enforcement duties in the as yet uncompleted private car park, below the new shopping complex (formerly Mount Hawthorn Plaza Shopping Centre). Shortly thereafter, a further approach was received from Ron Farris Real Estate Pty Ltd, the managing agents for North Perth Plaza Shopping Centre, asking the Town to undertake enforcement duties in the North Perth Plaza Car Park.

The Town has previously entered into similar agreements with Silverleaf Holdings Pty Ltd, with regard to Raglan Road Car Park, Mount Lawley, with Colliers Jardine and Knights Frank, in relation to the Village Square Shopping Centre, Kadina Street, North Perth and recently with Babacus Holdings Pty Ltd and VIR Holding Pty Ltd, with respect to Wasley Street Car Park. These agreements have been in operation since 1998, 2001 and 2006 respectively and appear to operate well.

**DETAILS:**

The proposed amended was advertised in The West Australian Newspaper on 8 November 2006 and in the Perth Voice on 11 November 2006.

At the conclusion of the consultation period one (1) submission was received as follows:

1. P & R Orso of Fairfield Street, Mt Hawthorn

*"We would like to comment on parking in the Mezz carpark, Could council please ensure that adequate parking in the carpark be made available for all staff who work at the Mezz and Woolworth's, if council is to control the carpark as a designated parking stations within the Town, allowances must be made for all day parking for the staff, and all staff be advised that parking is available to them. We are concerned that a lot of the street parking around the shopping centre on Fairfield St will be removed under the proposed upgrading and this will cause issues with residents living further up being unable to park outside their properties. These workers vehicles already park out side my property and others all day and night on late night trading. It is essential that staff have access to the carpark and utilise this to reduce street parking congestion."*

Officer's Comment:

As part of the formal agreement, between the Town of Vincent and the shopping centre owners/managers, there is provision for staff parking permits to be issued, to enable staff to park all-day within the car parks. However, the number of permits that are to be issued is a matter that should be decided by the centre management, taking into account the likely staff numbers and customer numbers. However, Rangers will be asked to monitor the surrounding streets, in an attempt to ensure that any inconvenience is kept to a minimum.

The Department of Local Government provided some suggestions on the formatting of the amendment and these have been taken into consideration and the amendment changed to reflect these suggestions.

**CONSULTATION/ADVERTISING:**

The Town has already undertaken the required public consultation process. An advert will be placed in The West Australian Newspaper advising that the amendment has been adopted.

**LEGAL/POLICY:**

There is no legal impediment to The Mezz and North Perth Plaza Car Parks being controlled by Town of Vincent Rangers. All that is required is for the Council to approve the designation of the areas as Parking Stations. The formalisation of the agreements between the Town and the Shopping Centres will enable this to happen.

**STRATEGIC IMPLICATIONS:**

The above report is in keeping with the Town's Strategic Plan 2006-2011 at Objective 2.1.4 - *"Identify the needs and expectations of the business community and facilitate outcomes in the Town" at, Part 2.1.4(b) - "Implement parking management strategies that provide assistance to businesses, while maintaining the Town's commitment to the whole community"*.

**FINANCIAL/BUDGET IMPLICATIONS:**

There will be a limited cost for advertising of the Local Law amendment, associated with this proposal, but there will be no other expenses.

**COMMENTS:**

It is considered appropriate for the Town to assist The Mezz and North Perth Plaza Shopping Centre, in ensuring that drivers do not abuse their private car parking area. From a long-term viewpoint, there will be a fairly minimal impact on the current duties of Rangers and the proposal is therefore recommended for approval.

Mayor Catania and Cr Messina returned to the Chamber at 7.58pm and were informed that both Items had been carried. Mayor Catania assumed the Chair.

**10.4.5 Annual General Meeting of Electors – Receiving of Information**

Ward:	Both	Date:	5 February 2007
Precinct:	All	File Ref:	ADM0009
Attachments:	-		
Reporting Officer(s):	N Greaves, John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the further report concerning the motions carried at the Annual General Meeting of Electors held at 6.00pm on Monday 11 December 2006; and*
- (ii) *NOTES the Town's current level of support already being provided to the Precinct Groups as detailed in the report.*

Moved Cr Lake, Seconded Cr Maier

*That the recommendation be adopted.*

Debate ensued.

Moved Cr Lake, Seconded Cr Doran-Wu

*That a new Clause (iii) be added as follows;*

- "(iii) *REQUESTS the Chief Executive Officer to write to the Precinct Groups;*
  - (a) *seeking comment on how the Town can further assist in promoting the Groups;*
  - (b) *outlining the current level of support provided by the Town (enclosing a copy of the December issue of the Town of Vincent Newsletter as an example); and*
  - (c) *advising of the Town's Public Relations Officer as the primary contact for the Groups."*

**AMENDMENT CARRIED (7-0)**

(Crs Farrell and Torre were apologies.)

Moved Cr Maier, Seconded Cr Messina

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

- "(iv) *LISTS for consideration in the 2007/2008 Draft Budget an amount of \$14,000 for the provision of monthly advertisements in a local paper to better inform the community of events, activities and decisions affecting the Town."*

Debate ensued.

**AMENDMENT CARRIED (4-3)**

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

(Crs Farrell and Torre were apologies.)

**MOTION AS AMENDED CARRIED (6-1)**

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

(Crs Farrell and Torre were apologies.)

**COUNCIL DECISION ITEM 10.4.5**

*That the Council;*

- (i) *RECEIVES the further report concerning the motions carried at the Annual General Meeting of Electors held at 6.00pm on Monday 11 December 2006;*
  - (ii) *NOTES the Town's current level of support already being provided to the Precinct Groups as detailed in the report;*
  - (iii) *REQUESTS the Chief Executive Officer to write to the Precinct Groups;*
    - (a) *seeking comment on how the Town can further assist in promoting the Groups;*
    - (b) *outlining the current level of support provided by the Town (enclosing a copy of the December issue of the Town of Vincent Newsletter as an example); and*
    - (c) *advising of the Town's Public Relations Officer as the primary contact for the Groups; and*
  - (iv) *LISTS for consideration in the 2007/2008 Draft Budget an amount of \$14,000 for the provision of monthly advertisements in a local paper to better inform the community of events, activities and decisions affecting the Town.*
- 

**PURPOSE OF REPORT:**

The purpose of the report is for the Council to receive the further report concerning the motions carried at the Annual General Meeting of Electors held at 6.00pm on Monday 11 December 2006.

**BACKGROUND:**

The Annual General Meeting of Electors of the Town of Vincent was held on Monday 11 December 2006 at 6.00pm. It was attended by five (5) Electors.

**DETAILS:**

It is standard practice for the Minutes of the Meeting of Electors to be presented to the Council for information. Under the Local Government Act 1995, Section 5.33, all decisions taken at Electors Meetings are required to be considered at the next Ordinary Meeting of the Council. A report was considered at the Ordinary Meeting of Council held on 19 December 2006.

The following decisions were taken at that meeting and the Chief Executive Officer advised that the Town's Public Relations Officer would investigate the costs with the two local papers.

The information has now been received as follows;

1. *Moved Marie Slyth, Seconded Colin Scott*

*That the Council investigate and consider the placing of a monthly advertisement in a local newspaper advising of the benefits of local Precinct Groups and also encouraging residents to participate.*

CEO'S Comments:

Both the *Guardian Express* and *Perth Voice* have been contacted to ascertain rates for a 1/4 page advertisement to be placed once a month for six months in their newspapers.

Costs

*Guardian Express:*

<b>1/4 page Vertical Advert</b>		Once a month for 6 months			
Dimensions		200mm deep x 109mm wide			
	<b>Casual Monthly</b>	<b>Casual Total</b>	<b>Monthly Rate</b>	<b>Your Total</b>	
<b>Mono</b>	\$ 508.20	\$ 3,445.20	\$ 365.64	\$ <b>2,325.84</b>	
<b>Colour</b>	\$ 666.60	\$ 4,395.60	\$ 504.24	\$ <b>3,157.44</b>	
<b>Production</b>	\$66 per month		\$22 per month	(inc production)	

*Perth Voice:*

<b>1/4 page</b>		Once a month for 6 months	
Dimensions		70colcm	
	<b>Government Rate</b>	<b>Total</b>	
<b>Mono</b>	\$ 449.68	\$ <b>2,698.08</b>	
<b>Colour</b>	\$ 603.68	\$ <b>3,622.08</b>	
<b>Production</b>	\$ FOC		

These figures do not include the cost to the Town in terms of employee hours to prepare these advertisements.

3. *Moved, Colin Scott Seconded Marie Slyth*

*That the Town investigate the costs for placing advertisements in local newspapers on a regular basis and/or a combination together with the Town's quarterly newsletter, in order to better inform the community of issues which are occurring.*

CEO's Comments:

Both the *Guardian Express* and *Perth Voice* have been contacted to ascertain rates for a 1/2 page advertisement to be placed once a month for twelve months in their newspapers.

Costs

*Guardian Express:*

<b>1/2 page Advert</b>		Once a month for 12 months		
Dimensions		200mm deep x 262mm wide		
	<b>Casual Monthly</b>	<b>Casual Total</b>	<b>Monthly Rate</b>	<b>Your Total</b>
<b>Mono</b>	\$ 1,185.80	\$ 16,077.60	\$ 830.06	\$ <b>10,224.72</b>
<b>Colour</b>	\$ 1,555.40	\$ 20,512.80	\$ 1,153.46	\$ <b>14,105.52</b>
<b>Production</b>	\$154 per month		\$22 per month	(inc production)

*Perth Voice:*

<b>1/2 page</b>		Once a month for 12 months	
Dimensions		140colcm	
	<b>Government Rate</b>	<b>Total</b>	
<b>Mono</b>	\$ 899.36	\$ <b>10,792.32</b>	
<b>Colour</b>	\$ 1,207.36	\$ <b>14,488.32</b>	
<b>Production</b>	\$ FOC		

A suggestion made by *The Voice* was to use a similar format to the City of Fremantle.

<b>Column</b>		Once a month for 12 months	
Dimensions		40cm high x 11cm wide plus loading for before page 6	
	<b>Government Rate</b>	<b>Total</b>	
<b>Mono</b>	\$ 847.97	\$ <b>10,175.64</b>	
<b>Colour</b>	\$ 1,111.97	\$ <b>13,343.64</b>	
<b>Production</b>	\$ FOC		

These figures do not include the cost to the Town in terms of employee hours to prepare these advertisements.

These figures are in addition to the quarterly newsletter *Town of Vincent News* that is delivered to all residents and businesses in the Town (approximately yearly cost of \$23,000.00).

**CONSULTATION/ADVERTISING:**

Notice of the Annual General Meeting of Electors was advertised in a local newspaper ("*Guardian Express*") and "*The West Australian*" Newspaper. Notices were displayed on all notice boards. It was also displayed on the Town's website.

**LEGAL/POLICY:**

The Local Government Act 1995 states;

- “5.27 (1) *A general meeting of the electors of a district is to be held once every financial year.*
- (2) *A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.”*
- “5.33 (1) *All decisions made at an electors’ meeting are to be considered at the next ordinary council meeting or, if that is not practicable -*
- (a) *at the first ordinary meeting after that meeting; or*  
(b) *at a special meeting called for that purpose,*
- whichever happens first.*
- (2) *If at a meeting of the council a local government makes a decision in response to a decision made at an electors’ meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.”*

**STRATEGIC IMPLICATIONS:**

The Town’s Strategic Plan 2006-2011 lists the following Objective:

- “4.1.6(c) *Increase and promote community participation in Town activities, promote business and industry associations and foster improved liaison between community groups, precinct groups, the Town and other relevant stakeholders.”*

**FINANCIAL/BUDGET IMPLICATIONS:**

The Budget 2006-07 does not include any funds for advertising purposes for community/precinct groups.

**COMMENTS:**

The Town actively supports its Community/Precinct Groups. This includes:

- Annual financial contribution to the Precinct Groups;
- Listing the Precinct Group details on the Town’s webpage;
- Frequent advertising in the Town’s newsletter of the Precinct Group details; and
- Precinct Group details are provided in all Welcome Packs.

It is considered that the Town’s current support is most satisfactory and that additional advertising in the community newspapers is not supported (in light of the Town’s current level of support).

**10.4.6 Appointment of Town's Auditor and Approval of Tender for External and Internal Audit Services**

<b>Ward:</b>	-	<b>Date:</b>	6 February 2007
<b>Precinct:</b>	-	<b>File Ref:</b>	FIN0001
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	M Rootsey, J Giorgi		
<b>Checked/Endorsed by:</b>		<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *ACCEPTS the tender submitted by Barrett & Partners as the most acceptable to the Town for;*
  - (a) *the provision of external audit services to the Town for a period of three years commencing 1 July 2006 to 30 June 2009, with options for a further two years, 2010, 2011; and*
  - (b) *the provision of internal audit services for a period of three years commencing 1 July 2006 to 30 June 2009, with options for a further two year period; and*
- (ii) *ACCEPTS the recommendation of the Council's Audit Committee and APPROVES BY AN ABSOLUTE MAJORITY, pursuant to section 7.3 of Division 2 of Part 7 of the Local Government Act 1995, to appoint Mr Anthony Macri of Barrett & Partners as the Town of Vincent auditor for the three year period 1 July 2006 to 30 June 2009 with options for a further two year period.*

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**COUNCIL DECISION ITEM 10.4.6**

**Moved Cr Ker, Seconded Cr Messina**

*That the recommendation be adopted.*

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

**(Crs Farrell and Torre were apologies.)**

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**PURPOSE OF REPORT:**

To consider the recommendation of the Town's Audit Committee to appoint an Auditor for the Town and approve the external and internal audit services tender.

**BACKGROUND:**

The Towns of Vincent, Victoria Park and Cambridge jointly tendered for the provision of audit services on the 2 December 2006. The tenders were received and opened at the Town of Cambridge on the 19 December 2006.

Present at the opening were the following:

- Mike Rootsey - Executive Manager Corporate Services - Town of Vincent
- Stephen Bowley - Manager Financial Services - Town of Victoria Park
- Roy Ruitenga - Manager Financial Services - Town of Cambridge
- Craig Grant - Purchasing and Contracts Officer Town of Cambridge

**DETAILS:**

The successful tenderer is required to provide Audit Services in accordance with Australian Auditing Standards, the Local Government Act 1995 and regulations under the Act and any additional requirements the Towns of Cambridge, Vincent and Victoria Park may have from time to time.

The provision of audit services will be for the following financial years:

Financial year ended 30 June 2007  
Financial year ended 30 June 2008  
Financial year ended 30 June 2009

Option to renew contract for the following financial years:

Financial year ended 30 June 2010  
Financial year ended 30 June 2011

The person(s) or organisation to conduct the audits shall be experienced and must for the duration of the Contract:

- be a registered company auditor,
- be an approved auditor under the Local Government Act 1995 and any associated regulations under that Act,
- not be a disqualified person under the Local Government Act 1995 and any associated regulations under that Act.

**Internal Audit:**

Internal audits consist of an internal review of the appropriateness and effectiveness of financial management systems and procedures of each of the Principals.

- (a) A complete review will take place once every four years by undertaking sectional reviews yearly. There is a requirement for a minimum of one visit per Principal under this option.
- (b) Alternatively the Principal may elect for a complete review to be completed within a timeframe nominated by the Principal.

**External Audit:**

There is a requirement for a minimum of three audits per year comprising of two visits for the external audit and one visit for the interim audit.

Interim audits, being Phase 1 of the external audit, should occur in the third quarter of each financial year and should mainly concern itself with system compliance, internal controls and the identification of possible risks.

The final audit, being the second phase of the external audit, would take place within two weeks of written notice provided by the Principals that the financial statement are ready for auditing.

**Audit Committee Representation:**

There is a requirement to attend a maximum of five audit committee meetings for each Principal per year.

Tenders were received from the following companies, details of their tenders are listed below:

- Barrett & Partners - DFK
- Stamfords

***Barrett & Partners***

<i>Description</i>	<i>Amount GST Excl.</i>	<i>GST Amount</i>	<i>Amount GST Incl.</i>
1. External Audit Services only (per annum) One Council only Two Councils only All Councils	Refer Attachment 7		
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$
2. Internal Audit Services only (per annum) One Council only Two Councils only All Councils (3 Towns)	Refer Attachment 7		
	\$	\$	\$
	\$	\$	\$
	\$27,000	\$2,700	\$29,700
3. Internal Audit Services only (once per four years)  One Council only Two Councils only All Councils (3 Towns)	\$	\$	\$
	\$	\$	\$
	\$75,000	\$7,500	\$82,500
4. Roads to Recovery Audit Services (per annum)  One Council only Two Councils only All Councils (3 Towns equal)	\$	\$	\$
	\$	\$	\$
	\$1,500	\$150	\$2,145
5. H.A.C.C.S. Audit Services only (per annum)  One Council only Two Councils only All Councils (3 Towns equal)	\$	\$	\$
	\$	\$	\$
	\$1,950	\$195	\$2,145
6. Additional Audit Services  Audit Partner (p/hr) Audit Manager (p/hr) Audit Officer (p/hr)	\$180	\$18	\$198
	\$130	\$13	\$143
	\$110	\$11	\$121
7. Audit Committee Representation  Audit Partner (p/hr) Work performed by: ANTHONY MACRI	\$180	\$18	\$198

External Audit Price - Audit Visit and Time Allocations - Attachment 7

Interim	March/June	2 days	Audit Senior
		2 days	Audit Assistant
		2 days	Audit Manager
		1 day	Audit Partner
Final	On notification	3 days	Audit Senior
		2 days	Audit Assistant
		2 days	Audit Manager
		1 day	Audit Partner
	<b>Total</b>	<b>15 Man Days</b>	

The costs to undertake the audit will be as follows:

Staffing	No of hours	Hourly Cost (excl GST)	Total Cost (excl GST)
Partner	15	\$180	\$2,700
Manager	30	\$130	\$3,900
Senior	38	\$110	\$4,180
Assistant	30	\$90	\$2,700
	113		\$13,480

Barrett & Partners believe that the above hours would be required to undertake the audit of the Council. However, with our knowledge of the local government systems and with our experienced staff who are familiar with the Council audits, we will be able to discount our fee, without reducing the hours and perform the audit at the following fees:

Audit Year	Price (excl GST)	Price (incl GST)
2006/2007	\$10,000	\$11,000
2007/2008	\$10,500	\$11,550
2008/2009	\$11,000	\$12,100
(Optional) 2009/2010	\$11,500	\$12,650
(Optional) 2010/2011	\$12,000	\$13,200

Note: The fees quoted above do not include Audit Committee Representation.

Internal Audit - Price

The price is provided for the review to take place over four years by undertaking sectional reviews yearly. Sectional internal reviews on a yearly basis will provide the Council with the comfort of ongoing internal control checks and balances.

An amount of \$40,000 was estimated over the four years (approximately 400 hours at an average of \$100 per hour) for the drafting of internal audit programmes, performance of work and for discussions and drafting of reports with the involvement of Partner, Manager, Senior and Assistant at various stages/levels of the work.

However with the knowledge of the Town's systems and the experienced staff, Barretts are able to perform the internal audit function at the following discounted fee:

Estimated costing over 4 years	\$40,000
Less: Discount (10%)	<u>4,000</u>
<b>Total Fee:</b>	<b><u>\$36,000</u></b>

(equates to \$9,000 per annum plus GST over the 4 years)

Alternatively if the Town elects that the internal audit services are to be performed once per four years, our fee will be \$25,000 plus GST to undertake the proposed areas identified by us in the attached suggested schedule.

Examination and testing would not be as extensive as in (a) above and would be mainly an overview of the areas to be covered, assessing major controls and considering whether the systems and procedures in place are appropriate and effective for the Town's level of operations and structure.

*Important Information:*

To comply with the tender requirements we have provided a proposed 4 year programme for the Town.

However, Barrett & Partners are currently contracted to undertake the internal audit assignment over 4 years for the Town. Stage 3 and 4 (of the 4 year programme) are scheduled for 2006/07 and 2007/08 years.

**Additional Services:**

Services may be required by the Councils for specific projects and other services.

Depending on the size and complexity of the services we would envisage the use of either partner, manager, senior or assistant.

The hourly rates by staff for each year are:

<i>Position</i>	<i>Rate per House (ex GST)</i>	<i>GST</i>	<i>Rate per House (inc GST)</i>
Partner	\$180	\$18	\$198
Manager	\$130	\$13	\$143
Senior	\$110	\$11	\$121
Assistant	\$90	\$9	\$99

The hourly rates are subject to negotiation. However, a minimum fee of \$400 (plus GST) would be charged where typing, etc would be required to be carried out by our office.

As part of the audit service provision is made at no cost to the Councils answers to taxation and other queries which could be provided over the telephone and within a reasonable time frame.

*Audit Committee Representation:*

Audit Partner in the normal course will attend the audit committee meetings. Fee will be charged based on hourly rate disclosed above.

The Manager of Audit and Accounting Services may also attend these meetings with the Audit Partner and this will be provided at no cost to the Councils.

**References:**

Barrett & Partners provide the audit services to the following local governments:

- City of Armadale
- City of Cockburn
- City of Bayswater
- City of Belmont
- City of Rockingham
- City of Swan
- City of Nedlands
- City of Melville
- Shire of Kalamunda
- Shire of Mundaring
- Shire of York
- Town of Bassendean
- Town of East Fremantle
- Town of Mosman Park
- Western Metropolitan Regional Council
- Eastern Metropolitan Regional Council
- Southern Metropolitan Regional Council

A number of these councils have also received varying levels of assistance with the preparation of statutory budgets and financial reports.

Barrett & Partners are also appointed by the following local government authorities to carry out the internal audit/review:

- Town of Cambridge
- Town of Vincent
- Shire of Mundaring

They have also undertaken internal audit reviews for the Town of Bassendean, Town of Mosman Park, City of Belmont, City of Swan, Shire of Kalamunda and the Eastern Metropolitan Regional Council.

**Stamfords**

The tender submitted included the following details:

<i>Description</i>	<i>Amount GST Excl.</i>	<i>GST Amount</i>	<i>Amount GST Incl.</i>
1. External Audit Services only (per annum)			
One Council only	\$18,000	\$1,800	\$19,800
Two Councils only	\$27,000	\$2,700	\$29,700
All Councils	\$52,500	\$5,250	\$57,750
2. Internal Audit Services only (per annum)			
One Council only	\$15,000	\$150	\$15,150
Two Councils only	\$27,000	\$2,700	\$29,700
All Councils (3 Towns)	\$40,500	\$4,050	\$44,550

3. Internal Audit Services only (once per four years)			
One Council only	\$15,000	\$150	\$15,150
Two Councils only	\$27,000	\$2,700	\$29,700
All Councils (3 Towns)	\$40,500	\$4,050	\$44,550
4. Roads to Recovery Audit Services (per annum)			
One Council only	\$3,000	\$300	\$3,300
Two Councils only	\$5,000	\$500	\$5,500
All Councils (3 Towns equal)	\$7,000	\$700	\$7,700
5. H.A.C.C.S. Audit Services only (per annum)			
One Council only	\$5,000	\$500	\$5,500
Two Councils only	\$9,000	\$900	\$9,900
All Councils (3 Towns equal)	\$13,000	\$1,300	\$14,300
6. Additional Audit Services			
Audit Partner (p/hr)	\$120	\$12	\$132
Audit Manager (p/hr)	\$90	\$9	\$99
Audit Officer (p/hr)	\$70	\$7	\$77
7. Audit Committee Representation			
Audit Partner (p/hr)	\$90	\$9	\$99
Work performed by:			

Stamfords offer a single rate has advantages for our clients. This single rate is applicable to all Stamfords consultants. That is, no matter who you deal with at Stamfords, regardless of their position, you will be charged one rate that is agreed prior to the commencement of the engagement.

Our hourly rate for external audit services if \$70.00 excluding GST.

Our hourly rate for external audit services if \$95.00 excluding GST.

**Audit Plan:**

<i>Heading</i>	<i>Details</i>
Scope of Audit	<p>The primary objective of the external audit function is to provide an independent audit opinion on the Council's Financial Statements.</p> <p>The scope of the audit services will be as follows:</p> <ul style="list-style-type: none"> <li>• Town of Cambridge - for the Financial Year Ending 30 June 2007</li> <li>• Town of Vincent - for the Financial Year Ending 30 June 2007</li> <li>• Town of Victoria Park - For the Financial Year Ending 30 June 2007</li> </ul> <p>The primary deliverables will be:</p> <ul style="list-style-type: none"> <li>• Signed Audit Opinion; and</li> <li>• Signed Management Letter</li> </ul>
Timetable of Operational Areas included within the audit	Stamfords will commence work as soon as the Draft Financial Statements have been prepared.

<i>Heading</i>	<i>Details</i>
Schedule of Rates	The hourly rate for professional internal audit services will be \$95.00 per hour (excluding GST) for all personnel.
Estimated Number of Hours	The estimated number of hours will be between 220 and 260 per council.
Number of Audit Visits	It is envisaged that the majority of our visits will be full day visits and consist of two staff members.  Therefore the number of visits will range from between 14 to 17 in total.

***References:***

Stamford's has provided consulting services to many organisations, both in the public and private sector. Examples of these include:

- City of Wanneroo
- Department of Agriculture
- Department of Education
- Department of Indigenous Affairs
- Department of Justice
- Department of Housing and Works
- Department of Health
- Department of Culture and the Arts
- Department of Consumer and Employment Protection
- Department of Local Government and Regional Development
- Great Southern Health Region
- Central Metropolitan College of TAFE
- CY O'Connor College of TAFE
- Disability Services Commission
- Forest Products Commission
- Medical Board of Western Australia
- Office of Energy
- Parliamentary Services Department
- Upper Great Southern Health Service
- Water Corporation
- West Coast College of TAFE
- Homeloans Ltd
- Marketforce Ltd
- Department of Environment

Their established client base extends throughout Western Australia, with additional markets being developed throughout Australia and the Asian region.

**Tender Evaluation:**

*Selection Criteria:*

The following weighted criteria were used for the selection of the company to undertake the work specified.

<b>Qualitative (Weighted):</b>	<b>Weight</b>
<i>Organisation Capabilities/Key Personnel: Relevant Skills and Experience</i>	20%
Provide details of experience and ability of the Tenderers key personnel and their commitments to the contract, in particular:	
<ul style="list-style-type: none"> <li>• Organisations to demonstrate industry-recognised qualifications and recent experience with contracts of similar size and scope.</li> <li>• Company experience in similar works.</li> <li>• Percentage of operational capacity represented by this work.</li> <li>• Evidence of thorough familiarity with the provisions of the Local Government Act 1995 and the regulations under that Act, which will be considered essential.</li> <li>• A personal profile of each person involved in auditing the Towns' annual financial reports.</li> <li>• Nomination of personnel conducting audit at each site.</li> <li>• Areas where cost-savings can be achieved.</li> <li>• Any other value items offered (Tenderer to list).</li> </ul>	
<i>Audit Plan</i>	10%
Provide a separate detailed Audit Plan for the internal audits and the external audits both which include:	
<ul style="list-style-type: none"> <li>• Scope of audit.</li> <li>• Timetable of operational areas included within the audit.</li> <li>• Including a schedule of rates outlining the proposed charges per hour for each person involved in the audits.</li> <li>• The number of hours estimated.</li> <li>• The number of audit visits to be conducted per year with the anticipated dates and duration of each visit.</li> </ul>	
<i>References</i>	20%
Provide details of most recent contracts of similar size and scope to this, with client contact names and telephone numbers. Referees will be contacted regarding Tenderer's performance and experiences.	
<i>Pricing</i>	50%
The tendered price(s) will be considered along with related factors affecting the total cost to the Principals. Early settlement discounts, lifetime costs, Principal's contract management costs may also be considered in assessing the best value for money outcome.	
<b>TOTAL :</b>	<b>100%</b>

**Tender Evaluation Panel:**

The tender evaluation panel consisted of Mike Rootsey, Executive Manager Corporate Services - Town of Vincent, Stephen Bowley, Manager Financial Services, Town of Victoria Park, Roy Ruitenga, Manager Financial Services, Town of Cambridge, Craig Grant, Purchasing and Contracts Officer Town of Cambridge.

Executive Manager Corporate Services, Mike Rootsey and Manager Financial Services, Bee Choo Tan, conducted an assessment of the tender for the Town of Vincent component.

***Tender Summary - External Audit***

	<i>Barrett &amp; Partners</i>	<i>Stamfords</i>
Organisational Capabilities/Key personnel - 10	10	10
Audit Plan - 20	18.5	14
References - 20	20	15
Pricing - 50	50	44
Total - 100	97.5	83
<b>Ranking</b>	<b>1<sup>st</sup></b>	<b>2<sup>nd</sup></b>

***External Audit***

Barrett & Partners are the Town's current auditors for both external and internal audit and have provided an effective and professional service during the period of the contract. Barrett's have provided professional assistance to informal quotes without charge when requested. Barrett's have an extensive experience in local government auditing with an extensive list of Local Government clients. Their tender is provided at a competitive price with the appropriate number of hours to meet the audit requirement. Stamfords experience is mainly in internal audit and consultancy; they do not currently provide any external audit functions to local government.

***Internal Audit***

	<i>Barrett &amp; Partners</i>	<i>Stamfords</i>
Organisational Capabilities/Key personnel - 10	10	10
Audit Plan - 20	18	17
References - 20	20	20
Pricing - 50	50	40
Total	96	87
Ranking	1	2

***Internal Audit***

Barrett & Partners have provided this service for two years to the Town in a very efficient and effective manner.

The Town has opted for option (b) in the internal audit with service audits conducted annually rather than one major audit every four years.

Barrett & Partners have a competitive price of \$9,000 per annum for four years. They provide this internal audit service to a number of local governments.

Stamfords have extensive experience in internal audit mainly in the State Government and have provided only the City of Wanneroo as a local government reference. The cost of the provision of this service by Stamfords is significantly higher than the Barrett & Partners submission.

Any concern of the independence of having both the internal and external audit conducted by the same company can be remedied by the fact that the same team of personnel would not be involved in both audits and therefore independence can be maintained.

**CONSULTATION/ADVERTISING:**

The Tender was advertised in accordance with the Local Government Tender regulations.

**LEGAL/POLICY:**

The tender for audit services was advertised in accordance with the Local Government (Financial and General) Regulations and the Local Government Act 1995, section 7.3 prescribes that the Council is required to appoint a person on the recommendation of the Town's Audit Committee to be its Auditor.

**STRATEGIC IMPLICATIONS:**

Plan for the Future - Strategic Plan 2006-2011 - Strategic Objectives

4. Leadership Governance and Management

*4.1.4 Deliver services in ways that accord with the expectations of the community whilst maintaining statutory compliance.*

- (a) Achieve best practise corporate governance standards and statutory compliance including effective delegations and independent review of process.*
- (d) Maintain and enhance internal audit programmes.*

**FINANCIAL/BUDGET IMPLICATIONS:**

An amount of \$10,500 has been included in the Annual Budget 2006/07 and \$9,000 respectively for external and internal audit services.

An amount of \$11,500 and \$9,000 will be respectively listed for consideration in the Draft 2007/08 Budget.

**COMMENTS:**

Barrett & Partners tender is recommended as it provides the "best value for money" for the provision of external and internal audit services for the Town and it is therefore requested that the recommendation be supported.

**10.4.7 Delegations for the Period 1 October 2006 to 31 December 2006**

<b>Ward:</b>	Both	<b>Date:</b>	1 February 2007
<b>Precinct:</b>	All	<b>File Ref:</b>	ADM0018
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	J MacLean, S Beanland,		
<b>Checked/Endorsed by:</b>	R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *ENDORSES the delegations for the period 1 October 2006 to 31 December 2006 as shown in Appendix 10.4.7; and*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY to write-off infringement notices/costs to the value of \$46,011.00 for the reasons as detailed below.*

<u>Description</u>	<u>Amount</u>
<i>Breakdown/Stolen (Proof Produced)</i>	<i>\$935.00</i>
<i>Details Unknown/Vehicle Mismatched</i>	<i>\$150.00</i>
<i>Equipment Faulty (Confirmed by Technicians)</i>	<i>\$1,750.00</i>
<i>Failure to Display Resident or Visitor Permit</i>	<i>\$20,055.00</i>
<i>Interstate or Overseas Driver</i>	<i>\$4,395.00</i>
<i>Litter Act</i>	<i>\$75.00</i>
<i>Dog Act</i>	<i>\$100.00</i>
<i>Other (Financial Hardship, Disability, Police On-duty, Etc)</i>	<i>\$5,555.00</i>
<i>Penalties Modified</i>	<i>\$1,385.00</i>
<i>Pound Fees Modified</i>	<i>\$476.00</i>
<i>Ranger/Clerical Error</i>	<i>\$4,470.00</i>
<i>Signage Incorrect or Insufficient</i>	<i>\$965.00</i>
<i>Ticket Purchased but not Displayed (Valid Ticket Produced)</i>	<i><u>\$5,700.00</u></i>
<b>TOTAL</b>	<b><i>\$46,011.00</i></b>

**COUNCIL DECISION ITEM 10.4.7**

**Moved Cr Messina, Seconded Cr Maier**

*That the recommendation be adopted.*

Debate ensued.

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

(Crs Farrell and Torre were apologies.)

In response to a question from Cr Maier, the CEO was requested to investigate the amount stated in the building licence for a two storey house at 59 Dunedin Street, Mt Hawthorn as the amount of \$80,000 appeared too low. Cr Chester asked that a report be prepared on how the amounts are checked and audited.

**PURPOSE OF REPORT:**

The purpose of this report is to provide a quarterly progress report of the delegations exercised by the Town's Administration for the period 1 October 2006 to 31 December 2006 and to obtain the Council's approval to write-off infringement notices.

**BACKGROUND:**

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

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

**DETAILS:**

By far, the single area which results in most infringement notices being withdrawn, is that of a resident/ visitor who was not displaying the necessary permits. While the offence is "Failure to Display a Valid Permit", it is not considered appropriate to penalise residents and their visitors, since the primary purpose of introducing Residential Parking Zones is to provide respite to them. The other area of withdrawal which shows a high balance of written-off penalties is that of "Other" and this category incorporates everything not specifically identified in one of the other categories. "Other" incorporates withdrawals for "Financial hardship", "Disabilities", "On-duty Emergency Personnel", such as Police detectives, Doctors, Silver Chain Nurses, Counsellors, etc, where they provide evidence that they were on-duty.

Other than the above categories, the next most prevalent withdrawal class is that of a driver purchasing a parking ticket, but not displaying it on the dashboard. Where a driver provides a valid purchased parking ticket to the Town and states that he had purchased it for his/her vehicle, it has been the practice to withdraw the infringement notice. It is acknowledged that the "valid ticket" could have been purchased for another vehicle and be passed on to the driver who received the infringement notice, but this has been difficult to prove. In an attempt to reduce this category of withdrawals, Ranger Services staff now send a Statutory Declaration Form to the offender, requiring him/her to provide the information in an evidentiary format. The basis for this is that, since there are severe penalties for giving an untruthful declaration, this may reduce the incidence, but where an offender submits a Statutory Declaration, it can be taken to be similar to giving evidence in a Court of Law and the infringement notice should be withdrawn.

On 23 January 2007, the Council approved a new Policy, dealing with how the assessment of complaints and the withdrawal of infringement notices is to be handled, so for future reports of this nature, the above trends may change.

**ADVERTISING/CONSULTATION:**

Not applicable.

**LEGAL/POLICY:**

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

It is considered appropriate to report to the Council on a quarterly basis on the delegations utilised by the Town's Administration. A copy of these for the quarter is shown in the attached Appendix 10.4.7. Quarterly reports are reported to the Council.

**STRATEGIC IMPLICATIONS:**

The above is in accordance with the Town's Strategic Plan 2006-2011 - Objective 4.1.4(a) *"Achieve best Practice corporate governance standards and statutory compliance including effective delegations and independent review of processes."*

**FINANCIAL/BUDGET IMPLICATIONS:**

The Council's Auditors recommend that infringement notices be reported to the Council for a decision to write-off the value of the infringement notice. In these cases, it is the opinion of the Co-ordinator/Prosecutions Officer that infringement notices cannot be legally pursued to recover the money or it is uneconomical to take action as this will exceed the value of the infringement notice.

The details of the infringement notices are as follows:

<b><u>Description</u></b>	<b><u>Amount</u></b>
Breakdown/Stolen (Proof Produced)	\$935.00
Details Unknown/Vehicle Mismatched	\$150.00
Equipment Faulty (Confirmed by Technicians)	\$1,750.00
Failure to Display Resident or Visitor Permit	\$20,055.00
Interstate or Overseas Driver	\$4,395.00
Litter Act	\$75.00
Dog Act	\$100.00
Other (Financial Hardship, Disability, Police On-duty, Etc)	\$5,555.00
Penalties Modified	\$1,385.00
Pound Fees Modified	\$476.00
Ranger/Clerical Error	\$4,470.00
Signage Incorrect or Insufficient	\$965.00
Ticket Purchased but not Displayed (Valid Ticket Produced)	<u>\$5,700.00</u>
<b>TOTAL</b>	<b>\$46,011.00</b>

**COMMENTS:**

It is recommended that the delegations be endorsed by the Council.

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

Nil.

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

Nil.

**13. URGENT BUSINESS**

**13.1 URGENT BUSINESS: Further Report - Proposal to replace Section 6 of the Perth Main Sewer – Newcastle Street, West Perth to Smith Street, Highgate**

<b>Ward:</b>	South	<b>Date:</b>	12 February 2007
<b>Precinct:</b>	Hyde Park Precinct P12;	<b>File Ref:</b>	TES0553
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	R Lotznicker		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the further report on the Proposal to replace Section 6 of the Perth Main Sewer between Newcastle Street, West Perth and Smith Street, Highgate;*
- (ii) *NOTES that the;*
  - (a) *further report relates mainly to the proposed sewer works with Robertson Park;*
  - (b) *sewer proposal and associated works within Robertson Park, as outlined in the report, are illustrated in attached appendices 13.1A, 13.1B and 13.1C;*
  - (c) *proposed sewer works will have a significant 'short term' impact on Robertson Park, as previously indicated to Council at its Ordinary Meeting held on 27 June 2006;*
  - (d) *Water Corporation have already advised all residents affected by the proposed works, as per the Council decision at its Ordinary Meeting held on 27 June 2006;*
  - (e) *proposed sewer upgrade is classified as 'public works' in accordance with the Public Works Act 1902 and the 'urgent' replacement of the existing sewer through Robertson Park is required due to its deteriorated state;*
  - (f) *Water Corporation and the Town's officers have explored all possible alternative options/alignments to minimise the requirement for extensive works in Robertson Park; and*
  - (g) *proposed works within Robertson Park will be commencing shortly;*

- (iii) *AUTHORISES the Executive Manager Technical Services to liaise closely with the Water Corporation and its contractor/s to ensure that the works in Robertson Park, are effectively managed to minimise, as best as possible, disruption to the park and its users and that any approved removals and associated reinstatements are carried out to the highest standard and to the complete satisfaction of the Town; and*
- (iv) *ADVISES the Water Corporation of its decision.*
- 

**COUNCIL DECISION ITEM 13.1**

**Moved Cr Lake, Seconded Cr Ker**

*That the recommendation be adopted.*

**Debate ensued.**

**CARRIED (7-0)**

**(Crs Farrell and Torre were apologies.)**

---

**PURPOSE OF REPORT:**

The purpose of this report is to update the Council on the Water Corporation's proposal to replace section 6 of section of Perth Main Sewer (Newcastle Street, West Perth to Smith Street, Highgate) through Robertson Park.

**BACKGROUND:**

At its Ordinary meeting held on 27 June 2006, the Council received a report on the proposal to replace section 6 of the Perth Main Sewer between Newcastle Street, West Perth to Smith Street, Highgate where the following decision (in part) was made:

*"That the Council;*

- (iv) *REQUESTS that the Water Corporation to;*
- (c) *prepare a detailed design, in liaison with the Town's Executive Manager Technical Services, for the proposed works within Robertson Park and affected areas within the road reserve, to ensure all mature trees and any significant areas of landscaping are retained and protected during the course of the works;*
- (v) *RECIEVES a further report on the proposal should any major variation to the scope of works be required or any major unforeseen matters arise which require a Council decision during the progression of this major project."*

**DETAILS:**

**Proposed Sewer works through Robertson Park**

As previously reported to Council, construction for the majority of the new sewer is to occur via micro tunnelling, however, excavations would occur in several locations within Robertson Park.

The previous report to Council stated that:

*"While the majority of the work with Robertson Park will involve micro tunnelling an access chamber will need to be installed in the Park and a section of proposed sewer may need to be open trenched between the proposed access chamber and the proposed bore pit chamber in Palmerston Street.*

*It is likely that some of the existing mature trees within the park may be affected by the proposed works. In particular, a large stand of mature Eucalypts located at the southern end of the tennis had courts may have to be removed to enable machinery to access the proposed pit chamber.*

*Some of the existing infrastructure including the lighting and reticulation network, access roads and pathways may also be affected however these components are relatively simple to reinstate.*

*The exact extent of the impact will be determined in the forthcoming months following a site meeting with Water Corporation representatives."*

#### **Site Meeting Robertson Park - Monday 12 February 2007**

The Town's officers met representatives from the Water Corporation and the Contractor, McCormack's, on site at Robertson Park on Monday, 12 February 2007, to discuss the following:

- A proposed change to the sewer alignment
- Construction equipment access
- Proposed fencing of sections of the park and storage of material in enclosures in the park

#### New Sewer alignment

The previous proposal comprised laying the new sewer in a continuous alignment between Fitzgerald and Palmerston Streets parallel to the tennis courts via the access road off Palmerston Street. The sewer was then proposed to follow the existing sewer alignment along Palmerston Street to Brisbane Street and then along Brisbane Street (refer attached appendix 13.1A).

The new alignment comprises laying the new sewer in a continuous alignment between Fitzgerald Street parallel to the tennis courts and includes Chamber 'A' (inverted siphon). From the proposed Chamber 'B' on the south east corner of the tennis courts the sewer would then run north along the eastern boundary of the tennis courts to Chamber 'B' and then east to Palmerston Street (refer attached appendix 13.1B).

#### Construction equipment access (Refer appendix 13.1C)

The existing sewer runs down the existing access road off Palmerston Street into the park. This sewer is in very poor condition. Therefore as such the Water Corporation is concerned that construction traffic using this access (over the sewer) may cause the sewer to collapse.

They have therefore requested permission for access to be obtained from Stuart Street (western boundary) of the seasonal wetland (next to the fence line) to the sewer works.

### Fencing & Storage

Several compound areas will be required as follows: (Refer attachment appendix 13.1C)

- Access off Stuart Street (**ACCESS**)
- Compound around Chamber 'A' extending to Chamber 'B'. (**COMPOUND 1**)
- Fenced access and storage area from Randell Street to Chamber 'C' (**COMPOUND 2**)

### Temporary emergency pipe line

The Water Corporation have also advised that a temporary polyethylene (PE) pressure pipe line will need to be laid through sections of Robertson Park as a backup in case a section of the existing sewer collapses during the works (refer attachment appendix 13.1C).

### **Officer Comments**

There is now doubt that the works will have a major short term adverse impact on Robertson Park. While the majority of the main sewer will be micro-tunnelled, two (2) inspection chambers will be installed (to set up the tunnelling machinery) and a siphon will be constructed next to the existing playground in the park.

A number of trees will need to be removed, including three (3) near the playground, where the inverted siphon is proposed (Chamber A) and two (2) near chamber B. ALL possible alternative alignments etc have been explored.

In addition, while access on the dual use path between Fitzgerald Street and Stuart Street will be maintained at all times, access from the Fitzgerald/Stuart section to Randall Street will be blocked off for a number of weeks (up to twelve (12) weeks). A temporary limestone track may need to be laid from Stuart Street. Reticulation mains may be temporarily affected by portions of the works. Parks Services will need to work closely with the Contractor to ensure that any disruption to the operations of the park is kept to a minimum

ALL damage caused to the parks infrastructure will be reinstated to the satisfaction of the Town and as large as possible replacement trees will be planted at the conclusion of the works.

The works comprise an urgent "Public Work". In accordance with the Public Works Act 1902, the Water Corporation can enter the land to carry out the Public Work. The Town cannot therefore stop the works proceeding through the park.

However, the Water Corporation have given a commitment that the park will be restored to its pre-existing condition to the satisfaction of the Town at the conclusion of the works.

### **CONSULTATION/ADVERTISING:**

Water Corporation has informed residents / businesses of the proposal.

### **LEGAL/POLICY:**

N/A

### **STRATEGIC IMPLICATIONS:**

N/A

**FINANCIAL/BUDGET IMPLICATIONS:**

N/A

**COMMENTS:**

As previously advised, the urgent sewer works are required as the existing gravity sewer main is in a deteriorated state. As it is a gravity sewer, the alignment cannot be altered significantly. The majority of the works will involve micro tunnelling, however, excavations will be required at bore pit, inspection chamber locations and for carrying out connections to the existing sewer. Several short sections of the new sewer will also require to be constructed via the open cut method and a temporary back up sewer will need to be laid.

The works comprise an urgent "Public Work". In accordance with the Public Works Act 1902 the Water Corporation can enter the land to carry out the Public Work. The Town cannot therefore stop the works proceeding through the park. However the Water Corporation have given a commitment that the park will be restored to its pre-existing condition to the full satisfaction of the Town at the conclusion of the works.

At 8.30pm Moved Cr Ker, Seconded Cr Messina

*That the meeting proceed behind closed doors to consider Items 13.2, 14.1, 14.2 and 14.3 as they contain commercially sensitive information and legal advice obtained, or which may be obtained by the Town.*

CARRIED (7-0)

(Crs Farrell and Torre were apologies.)

**13.2 URGENT BUSINESS - Confidential Report: Mindarie Regional Council - Proposed Resource Recovery Facility**

Ward:	Both	Date:	13 February 2007
Precinct:	All	File Ref:	ENS0008&FIN0078
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

**OFFICER RECOMMENDATION:**

*That;*

- (i) *pursuant to section 5.95(2) of the Local Government Act 1995 and clause 2.15 of the Town of Vincent Local Law relating to Standing Orders, the Council PROCEEDS "behind closed doors" at the conclusion of the items, to consider the confidential report, circulated separately to Elected Members, as the matter contains legal advice obtained, or which may be obtained by the Town; 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 Ker

**COUNCIL DECISION ITEM 13.2**

*That the Council*

- (i) *EXPRESSES its concern to the Mindarie Regional Council (MRC) relating to the expenditure and costs concerning the activities of the proposed Resource Recovery Facility (RRF);*
- (ii) *REQUESTS the Mayor (Member of the MRC) and Chief Executive Officer, as a matter of urgency, to meet with the MRC Chief Executive Officer and seek further information concerning;*
  - (a) *the activities of the proposed RRF;*
  - (b) *the environmental impact relating to the proposed RRF (in light of the problems being experienced by the South Metropolitan Regional Council at its Canning Vale plant); and*

- (c) *the financial costs associated with the Town's continuing participation as a member of the MRC, consultants' costs associated with the proposed RRF and future costs for the Town's waste disposal;*
- (iii) *REQUESTS the Chief Executive Officer of the MRC to take all appropriate action to ensure that legal and other consultants' costs relating to the RRF are kept to an absolute minimum and strictly in accordance with the MRC's decision, made at its December 2006 meeting relating to this matter;*
- (iv) *REQUESTS the Mayor and Chief Executive to defer signing the Financial Guarantee, as approved by the Council at its meeting held on 21 November 2006, until the Council has further considered the information in Clause (ii) above; and*
- (v) *REQUESTS the Chief Executive Officer to submit a further report as soon as practicable concerning this matter.*

**CARRIED (7-0)**

**(Crs Farrell and Torre were apologies.)**

---

**This report has been released to the public, however some sections remain confidential as it contains commercially sensitive information.**

**PURPOSE OF REPORT:**

The purpose of this report is to inform the Council of progress to date concerning negotiations and activities relating to the Mindarie Regional Council's (MRC) proposed Resource Recovery Facility (RRF).

**BACKGROUND:**

Mayor Catania is the Town's representative on the Mindarie Regional Council and has held this position since 2003.

The Town is a member council of the MRC, along with the Towns of Victoria Park and Cambridge and Cities of Perth, Stirling, Joondalup and Wanneroo. The MRC is a regional council with responsibility for waste disposal and management of the Tamala Park landfill site on behalf of the member councils.

The Town is also a part owner of the Tamala Park land, along with the other member councils. As Council has previously been advised, a Tamala Park Regional Council has been formed concerning the future of the land at Tamala Park. Mayor Catania is the Town's representative on the Tamala Park Regional Council.

**Waste Disposal**

The Tamala Park landfill site comprises of 170 hectares of which 22 hectares has been approved for landfill purposes. The remaining land forms a buffer zone. This is separately leased to the MRC, with the lease expiring in 2030.

### **Waste Disposal Tender**

In October 2005, the MRC resolved to call tenders for a Resource Recovery Facility (RRF), which is designed to treat putrescible waste into compost or other inert material with the aim of reducing the amount of waste being buried in landfill. The Tamala Park landfill site is estimated to be filled by 2021, therefore alternative waste disposal methods are necessary in the long term.

This RRF is in keeping with the State Government's zero waste strategy of minimising the amount of waste buried in landfill via improved recycling, resource recovery and other strategies.

### **RRF Tender**

The tender was advertised in 2005 and at the close of tender period approximately five (5) tenders were received. These tenders were evaluated over a lengthy period and on 10 March 2006, the MRC resolved to reject all tenders and enter into negotiations with suitable companies. The tenders were rejected for a variety of reasons including; unsuitable technology, cost, long term viability and environmental considerations.

### **RRF Negotiations**

The MRC entered into negotiations with two companies, namely TEST and BioVision 2020 (contractor for Worley Parsons Consortium).

On 18 July 2006, the MRC resolved to enter into negotiations with BioVision 2020 as the preferred company for the RRF facility. The BioVision proposal involves building a staged plant, with Stage 1 costing approximately \$86 million. The financier for BioVision is the ANZ Bank and a number of sub-contractors are involved.

The legal documentation for the RRF is complex and has involved considerable legal and consultants' costs for both parties.

### **RRF Land**

In 2005, the MRC resolved to purchase 20 hectares of land in Neerabup (north Wanneroo) as the proposed site for the RRF, at a cost of approximately \$3 million (10 hectares to remain as Bush Forever). This land has now appreciated in value and is worth considerably more than \$3 million.

### **Town of Vincent Concerns**

Over the previous 12 months, the Town's member on the MRC has questioned the process relating to the RRF and, in particular, the significant demands put on the MRC and its member councils by BioVision. For example, member councils were required to enter into a Financial Guarantee concerning this plant. This was not specified in the tender documents. A report was submitted to the Ordinary Meeting of Council held on 21 November 2006 concerning this matter and the Council resolved as follows;

*"That the Council*

- (i) *RECEIVES the report on the Mindarie Regional Council - Member Council Guarantees for the proposed Resource Recovery Facility;*

- (ii) *APPROVES the financial guarantees required by the Mindarie Regional Council to progress the Resource Recovery Project and the identified associated risks as outlined in the report; and*
- (iii) *AUTHORISES the Mayor and the CEO to sign the Deed of Guarantee as Laid on the Table and apply the Council's Common Seal."*

At the MRC meeting held in December 2006, Mayor Catania submitted a Notice of Motion concerning the legal and consultants costs for the RRF. The MRC resolved as follows;

- "i) *that the Council must approve all expenditure with respect to legal and consultants cost that will result in the budgetary allocation being exceeded; and*
- ii) *that the Council obtain detailed revision of estimates prior to each Ordinary Council Meeting, so that the Mindarie Regional Council can be provided with best available current information.*

*(Carried Unanimously: 8/0)"*

### **Further Costs**

In January 2007, the MRC informed the Town that additional legal and consultants costs for the RRF necessitated Council approval. The MRC's Chief Executive Officer issued a report, under Delegated Authority, to approve considerable expenditure for legal and financial costs (*\*\*\* information remains confidential*).

The Town of Vincent and a number of other member councils objected and requested a Special Council Meeting to be held to consider the matter.

### **Special Council Meeting**

*\*\*\* Information remains confidential as resolved by MRC at its Special Meeting of Council held on 8 February 2007.*

### **Project Development Costs**

*\*\*\* Information remains confidential as resolved by MRC at its Special Meeting of Council held on 8 February 2007.*

### **RRF Finalisation**

*\*\*\* Information remains confidential as resolved by MRC at its Special Meeting of Council held on 8 February 2007.*

### **DETAILS:**

#### **Characteristics of Contractor**

The MRC has signed a conditional contract with BioVision 2020 after an exhaustive tender and evaluation process. The characteristics of the proposal from BioVision, are as follows:

#### Proposed Business Structure

Biovision 2020 Pty Ltd is a Special Purpose Vehicle company that has been established specifically to undertake this project. It will be wholly owned by BioVision 2020 Holdings Pty Ltd which in turn will have shareholding as follows:

- |                                     |     |                 |
|-------------------------------------|-----|-----------------|
| • Macquarie Bank nominated investor | 70% | (\$6.2 million) |
| • WorleyParsons Services Pty Ltd    | 15% | (\$1.3 million) |
| • Conporec Inc                      | 15% | (\$1.3 million) |

Macquarie Bank:

They recently advised that their equity holding may be transferred to an alternative investor, yet to be identified. The MRC decided that any transfer must have their prior 'written' before this can take place. Therefore, MRC approval will be required before the transfer can occur.

WorleyParsons:

They are a publicly listed Australian company providing engineering services within Australia and internationally and have experience on long-term relationships and projects. It is proposed that the equity holding in BioVision 2020 Holdings Pty Ltd will be held by a subsidiary of WorleyParsons, being WorleyParsons Services Pty Ltd.

Conporec:

They are listed on the Canadian Stock Exchange, and provide composting technology and operate composting facilities in North America.

The Board of Biovision 2020 Pty Ltd will comprise the following:

- Three (3) nominees from Macquarie Bank (*or a new owner if an application for a transfer is forthcoming and is approved by MRC*)
- One (1) nominee from WorleyParsons; and
- One (1) nominee from Conporec.

The services under the RRF Agreement will be provided through subcontracts as follows:

- Concept design and technology licence – Conporec
- Design and construction – Kerman Contracting Limited
- Operation and maintenance – Worley Parsons Infrastructure

Each of the subcontractors will undertake their services for a lump sum fee (*in the case of Kerman Contracting Limited*) and (*in the case of all subcontractors*) will take full responsibility for the risks associated with their services.

**STRATEGIC IMPLICATIONS:**

In accordance with Objective 4.1.4 of the Town's Strategic Plan 2006-2011 – "*Deliver services in ways that accord with the expectations of the community, whilst maintaining statutory compliance.*"

**Regional Significance:**

The RRF will divert up to 70% of waste from landfill. All member Council's will be diverting a portion of their waste from landfill. This will assist in achieving Local, State and National goals.

**Sustainability implications:**

The State Government through the Statement of Strategic Direction for Waste Management in Western Australia (September 2004) set an action agenda for moving forwards towards a waste-free society, embracing the vision of '*Towards zero waste in Western Australia*'.

Consistent with this strategic direction for the management of waste, the Town will soon be developing a Waste Strategy to maximise recovery of the organic waste stream through the RRF and improve the recycling collection service to collect and recover more tonnes of packaging materials.

**CONSULTATION/ADVERTISING:**

Not applicable at this stage.

**LEGAL/POLICY:**

Not applicable at this stage.

**FINANCIAL/BUDGET IMPLICATIONS:**

*\*\*\* Information remains confidential as it contains commercially sensitive information*

**COMMENTS:**

*\*\*\* Information remains confidential as it contains commercially sensitive information*

It is important that the Town seek the requested information, in order that it can prepare the 2007/08 Budget and plan for the future.

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

**14.1 CONFIDENTIAL REPORT - No. 4 (Lot 499 D/P: 25511) Hunter Street, North Perth - Proposed Two Storey Single House - State Administrative Tribunal (SAT) - Review Matter No. DR 20 of 2007 –"Papers" (Written Submissions)**

<b>Ward:</b>	North	<b>Date:</b>	5 February 2007
<b>Precinct:</b>	North Perth, P8	<b>File Ref:</b>	PRO0491; 5.2006.558.1
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	R Rasiah		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report relating to No. 4 (Lot 499 D/P: 25511) Hunter Street, North Perth - Proposed Two-Storey Single House - State Administrative Tribunal - Review Matter No. DR 20 of 2007 –" Papers" (Written Submissions);*
- (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 "Papers" (written submissions); and*
- (iii) *INVITES the owners of No. 44 Ruby Street and No. 65 Mabel Street, North Perth to submit written a submission (witness statement) on behalf of the Council on the Review (appeal), which is to be determined by way of a "Papers" (written submissions).*

**Moved Cr Messina, Seconded Cr Ker**

*That the recommendation be adopted.*

Cr Chester returned to the Chamber at 9.28pm.

The Presiding Member called for nominations in accordance with clause (ii). Cr Maier nominated.

**Moved Cr Chester, Seconded Cr Messina**

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

- “(iii) *INVITES the owners of No. 44 Ruby Street and No. 65 Mabel Street, North Perth to submit written a submission (witness statement) on behalf of the Council on the Review (appeal), which is to be determined by way of a "Papers" (written submissions). The Town’s Officers to provide assistance to the above witnesses in the preparation of the written submissions (witness statements) and provide advice on the relevant protocol and processes of the SAT proceedings in the above Review Matter.*”

Debate ensued.

**AMENDMENT CARRIED (7-0)**

(Crs Farrell and Torre were apologies.)

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

(Crs Farrell and Torre were apologies.)

The Council requested that a letter be sent to the State Administrative Tribunal expressing concern at the very short time given to the Council to prepare and consider a response and for increased time to be provided in the future.

**COUNCIL DECISION ITEM 14.1**

*That the Council;*

- (i) *RECEIVES the report relating to No. 4 (Lot 499 D/P: 25511) Hunter Street, North Perth - Proposed Two-Storey Single House - State Administrative Tribunal - Review Matter No. DR 20 of 2007 - "Papers" (Written Submissions);*
- (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 "Papers" (written submissions); and*
- (iii) *INVITES the owners of No. 44 Ruby Street and No. 65 Mabel Street, North Perth to submit written a submission (witness statement) on behalf of the Council on the Review (appeal), which is to be determined by way of a "Papers" (written submissions). The Town's Officers to provide assistance to the above witnesses in the preparation of the written submissions (witness statements) and provide advice on the relevant protocol and processes of the SAT proceedings in the above Review Matter.*

---

**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 Council of the above review application.
- To comply with the requirements of the Town's Policy/Procedure for SAT.
- To consider an Elected Member (s) and a local member of the community to submit a written submission on behalf of the Council.

**BACKGROUND:**

- |                  |  |
|------------------|--|
| 17 January 2006  | The Council at its Ordinary Meeting conditionally approved an application for a two-storey with loft single house subject to standard and appropriate conditions, including compliance with the height requirements of the Residential Design Codes and the deletion of the loft structure.    |
| 25 July 2006     | The Council at its Ordinary Meeting conditionally approved an application for a two-storey single house with an undercroft garage subject to standard and appropriate conditions.  |
| 19 December 2006 | The Council at its Ordinary Meeting refused an application for a two-storey single house with an undercroft garage for the following reasons:<br><br>“(i) <i>the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;</i> |

- (ii) *the non-compliance with the building height requirements of the Town's Policy relating to the Knutsford Locality, which states a height limit of two-storey development;*
- (iii) *the non-compliance with the building height requirements for two-storey development under the Residential Design Codes; and*
- (iv) *the building height requirements to be varied is as specified in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements."*

**DETAILS:**

The applicants seek a review with the SAT in relation to the Council's decision at its Ordinary Meeting held on 19 December 2006, to refuse the construction of a two-storey single house with an undercroft garage. The proposal varies from that previously approved by the Council at its Ordinary Meeting held on 25 July 2006 as the applicant is proposing to raise the finished floor level of the ground floor by 400 millimetres in order to accommodate the undercroft garage.

Due to the tight timeframes involved with the review process, and the nature of the review, the matter is being dealt by way of "Papers" (written submissions). The Town's Officers will be representing the Town, while the applicants are represented by a private Planning Consultant Ken Adam.

**CONSULTATION/ADVERTISING:**

Nil.

**LEGAL/POLICY:**

State Administrative Tribunal Act 2004 (WA) and Procedure For State Administrative Tribunal-Policy No. 4.1.23.

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The Town's will be represented by its Officers in the review process, due to the nature of the review and the interpretation of the Residential Design Codes.

On the above basis, the following is recommended:

- The Council receives the report.
- The Council nominates an Elected Member(s) to submit a written submission (witness statement) in the review process.
- The Council invites the adjoining landowner, who has made specific inquiries with the Town's Officers in relation to the review matter, and the landowner who made a previous objection, to submit a written submission (witness statement).

**14.2 CONFIDENTIAL REPORT - No. 462 (Lot 2 D/P: 3824) Beaufort Street, corner Broome Street, Highgate - Drive In Fast Food Outlet (Coffee Outlet) and Associated Signage - State Administrative Tribunal - Review Matter No. 471 of 2006- Directions Hearing**

<b>Ward:</b>	South	<b>Date:</b>	5 February 2007
<b>Precinct:</b>	Mount Lawley Centre; P11	<b>File Ref:</b>	PRO2339; 5.2006.493.1
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	L Mach,		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

- (i) *the Council RECEIVES the report relating to No. 462 (Lot 2 D/P: 3824) Beaufort Street, corner Broome Street, Highgate - Drive In Fast Food Outlet (Coffee Outlet) and Associated Signage - State Administrative Tribunal Hearing- Review Matter No. DR 471 of 2006- Directions Hearing; and*
- (ii) *the Council FILES and SERVES the following draft "without prejudice" conditions in response to the SAT Orders dated 23 January 2007:*
  - (a) *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;*
  - (b) *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;*
  - (c) *all signage shall be subject to a separate Sign Licence application being submitted and approved prior to the erection of the signage;*
  - (d) *a detailed landscaping plan, including a list of plants, the landscaping and reticulation of the Beaufort and Broome Street verges adjacent to the subject property, and a minimum of one (1) tree per four (4) uncovered car parking bays, 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);*
  - (e) *windows, doors and adjacent areas fronting Beaufort and Broome Street shall maintain an active and interactive relationship with these streets;*
  - (f) *prior to the issue of a Building Licence, an acoustic report prepared in accordance with the Town's Policy relating to Sound Attenuation shall be submitted and approved by the Town. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report;*

- (g) *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;*
- (h) *prior to the issue of a Sign Licence, revised plans shall be submitted and approved demonstrating the deletion of the Monoliths Signs. The revised plans shall not result in any greater variation to the requirements of the Town's Policies;*
- (i) *the hours of operation shall be limited to 6am to 6pm Monday to Sunday, inclusive;*
- (j) *support/approval of the Department for Planning and Infrastructure (DPI) and/or Western Australian Planning Commission, and demonstrate compliance with its comments and conditions at the applicant(s)/owner(s)' full expense. The DPI has advised that it requires additional information to complete its assessment of the proposal and requires a traffic statement from the applicant that considers traffic movement and vehicle storage as well as addressing accesses arrangement in relation with DC 5.1 ;*
- (k) *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 cease the drive-in fast food outlet use and remove all structures and/or buildings associated with these uses within five years of approval. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (l) *all signage shall be kept in a good state of repair, safe, non-climbable, and free from graffiti for the duration of its display on-site; and*
- (m) *the signage shall not have flashing or intermittent lighting;*
- (iii) *NOMINATES Councillor ..... to represent the Town as a witness in the full SAT hearing to be held on 7 March 2007; and*
- (iv) *ADVISES the Forrest Precinct Group of the above review matter and that the full SAT hearing is to be held on 7 March 2007.*

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**Moved Cr Messina, Seconded Cr Ker**

*That the recommendation be adopted.*

**Debate ensued.**

**The Presiding Member called for nominations in accordance with clause (iii). Cr Ker nominated. Cr Messina advised that he would attend if Cr Ker was not able to.**

**CARRIED (7-0)**

**(Crs Farrell and Torre were apologies.)**

**COUNCIL DECISION ITEM 14.2**

*That;*

- (i) *the Council RECEIVES the report relating to No. 462 (Lot 2 D/P: 3824) Beaufort Street, corner Broome Street, Highgate - Drive In Fast Food Outlet (Coffee Outlet) and Associated Signage - State Administrative Tribunal Hearing- Review Matter No. DR 471 of 2006- Directions Hearing; and*
- (ii) *the Council FILES and SERVES the following draft "without prejudice" conditions in response to the SAT Orders dated 23 January 2007:*
  - (a) *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;*
  - (b) *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;*
  - (c) *all signage shall be subject to a separate Sign Licence application being submitted and approved prior to the erection of the signage;*
  - (d) *a detailed landscaping plan, including a list of plants, the landscaping and reticulation of the Beaufort and Broome Street verges adjacent to the subject property, and a minimum of one (1) tree per four (4) uncovered car parking bays, 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);*
  - (e) *windows, doors and adjacent areas fronting Beaufort and Broome Street shall maintain an active and interactive relationship with these streets;*
  - (f) *prior to the issue of a Building Licence, an acoustic report prepared in accordance with the Town's Policy relating to Sound Attenuation shall be submitted and approved by the Town. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report;*
  - (g) *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;*
  - (h) *prior to the issue of a Sign Licence, revised plans shall be submitted and approved demonstrating the deletion of the Monoliths Signs. The revised plans shall not result in any greater variation to the requirements of the Town's Policies;*
  - (i) *the hours of operation shall be limited to 6am to 6pm Monday to Sunday, inclusive;*

- (j) *support/approval of the Department for Planning and Infrastructure (DPI) and/or Western Australian Planning Commission, and demonstrate compliance with its comments and conditions at the applicant(s)/owner(s)' full expense. The DPI has advised that it requires additional information to complete its assessment of the proposal and requires a traffic statement from the applicant that considers traffic movement and vehicle storage as well as addressing accesses arrangement in relation with DC 5.1 ;*
- (k) *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 cease the drive-in fast food outlet use and remove all structures and/or buildings associated with these uses within five years of approval. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (l) *all signage shall be kept in a good state of repair, safe, non-climbable, and free from graffiti for the duration of its display on-site; and*
- (m) *the signage shall not have flashing or intermittent lighting;*
- (iii) *NOMINATES Councillor Ker to represent the Town as a witness in the full SAT hearing to be held on 7 March 2007; and*
- (iv) *ADVISES the Forrest Precinct Group of the above review matter and that the full SAT hearing is to be held on 7 March 2007.*

**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.
- To comply with the requirements of the Town's Policy/Procedure for SAT.
- To consider an Elected Member (s) to appear as witness on behalf of the Town.
- To file draft "without prejudice" conditions of approval in advance of the hearing concerning the Town's refusal of the above application.

<b>Landowner:</b>	M R Hopkins & Braxton Pty Ltd
<b>Applicant:</b>	Greg Rowe & Associates
<b>Zoning:</b>	Metropolitan Region Scheme: Urban and Other Regional Road Town Planning Scheme No.1 (TPS 1): Commercial and Other Regional Road
<b>Existing Land Use:</b>	Vacant
<b>Use Class:</b>	Drive-In Fast Food Outlet
<b>Use Classification:</b>	"AA"
<b>Lot Area:</b>	1083 square metres
<b>Access to Right of Way</b>	N/A

**BACKGROUND:**

- 22 November 2006      The Town under delegated from the Council refused an application for drive in fast food outlet (coffee outlet) and associated signage at the subject property.
- 19 December 2006      Application lodged with the State Administrative Tribunal to review the Town's decision of 22 November 2006.

17 January 2007                      Directions Hearing held at the State Administrative Tribunal (SAT).

7 March 2007                        Matter has been listed for full SAT hearing.

**DETAILS:**

The proposal involves drive in fast food outlet (coffee outlet) and associated signage at the subject property.

**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 Mr. Simon Bain of SJB Town Planning and Urban Design to represent the Town.

**COMMENTS:**

The SAT has advised that the draft conditions would be *"without prejudice"* and *"is not a concession by the decision-maker that approval of the application is appropriate."* The SAT has introduced the above practice for the following two reasons:

- (1) Under Section 9 of the State Administrative Tribunal Act 2004 (WA), the objectives include *"to act as speedily and with as little formality and technicality as practicable, and minimise the costs to the parties"*.
- (2) The SAT needs to have a full appreciation of all conditions applicable prior to making a reliable decision.

In accordance with the Policy/Procedure for State Administrative Tribunal, the following is recommended:

- The Council "Files" and "Serves" the draft "without prejudice" conditions applicable to the above development if the above review is allowed by the SAT;
- The Council nominates an Elected Member(s) to represent the Town as a witness in the full SAT hearing; and
- The Council advises the Forrest Precinct Group of the above review matter and that the full SAT hearing is to be held on 7 March 2007.

**14.3 CONFIDENTIAL REPORT - No.103 (Lot 10 D/P: 56012) Harold Street, corner Stirling Street, Highgate - Proposed Change of Use from Motel to Motel and Office and Associated Alterations and Relocation of Swimming Pool - State Administrative Tribunal -Review Matter No. DR 378 of 2006- Hearing**

<b>Ward:</b>	South	<b>Date:</b>	5 February 2007
<b>Precinct:</b>	Forrest, P14	<b>File Ref:</b>	PRO0308; 5.2006.268.1
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	L Mach		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

- (i) *the Council RECEIVES the report relating to No. 103 (Lot 10 D/P: 56012) Harold Street, corner Stirling Street, Highgate - Proposed Change of Use from Motel to Motel and Office and Associated Alterations and Relocation of Swimming Pool - State Administrative Tribunal (SAT) Hearing- Review Matter No. DR 378 of 2006- Hearing;*
- (ii) *the Council FILES and SERVES the following draft "without prejudice" conditions in response to the SAT Orders dated 30 January 2007:*
  - (a) *any new street/front wall, fence and gate between the Harold Street boundary and the Stirling Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
    - (1) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
    - (2) *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;*
    - (3) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
    - (4) *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;*
    - (5) *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*

- (6) *the solid portion adjacent to the Stirling Street 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;*
- (b) *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;*
- (c) *the relocation of the swimming pool is subject to a separate Swimming Pool/ Building Licence application to be submitted to and approved by the Town;*
- (d) *a detailed landscaping plan, including a schedule of plant species, the retention of the existing lemon tree adjacent to the eastern boundary, the landscaping and reticulation of the Harold and Stirling Streets 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);*
- (e) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate planning application, and all signage shall be subject to a Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (f) *prior to the issue of a Building/Swimming Pool Licence, a Management Plan shall be submitted and approved addressing the rules and regulations including signage relating to appropriate behaviour and use of the swimming pool area and the restriction of the usage of the swimming pool area between 7am and 9pm, inclusive. All such works and rules and regulations relating to the use of the swimming pool area shall be detailed in the Strata Management Plan for the development, and undertaken and maintained thereafter by the owner(s)/occupier (s) in accordance with the approved Management Plan; and*
- (g) *the gross floor area of the office use shall be limited to 287 square metres, as per the Planning Approval granted by the Council at its Ordinary Meeting held on 11 August 1997;*
- (iii) *NOMINATES Councillor ..... to represent the Town as a witness in the full SAT hearing to be held 1 March 2007; and*
- (iv) *ADVISES Forrest Precinct Group of the above review matter and that the full SAT hearing is to be held on 1 March 2007.*

**Moved Cr Ker, Seconded Cr Messina**

*That the recommendation be adopted.*

The Presiding Member called for nominations in accordance with clause (iii). Cr Ker nominated.

**CARRIED (7-0)**

(Crs Farrell and Torre were apologies.)

At 9.39pm **Moved Cr Ker, Seconded Cr Messina**

*That and "open" meeting be resumed.*

**CARRIED (7-0)**

(Crs Farrell and Torre were apologies.)

**COUNCIL DECISION ITEM 14.3**

*That;*

- (i) *the Council RECEIVES the report relating to No. 103 (Lot 10 D/P: 56012) Harold Street, corner Stirling Street, Highgate - Proposed Change of Use from Motel to Motel and Office and Associated Alterations and Relocation of Swimming Pool - State Administrative Tribunal (SAT) Hearing- Review Matter No. DR 378 of 2006- Hearing;*
- (ii) *the Council FILES and SERVES the following draft "without prejudice" conditions in response to the SAT Orders dated 30 January 2007:*
  - (a) *any new street/front wall, fence and gate between the Harold Street boundary and the Stirling Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
    - (1) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
    - (2) *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;*
    - (3) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
    - (4) *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;*
    - (5) *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*

- (6) *the solid portion adjacent to the Stirling Street 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;*
- (b) *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;*
- (c) *the relocation of the swimming pool is subject to a separate Swimming Pool/ Building Licence application to be submitted to and approved by the Town;*
- (d) *a detailed landscaping plan, including a schedule of plant species, the retention of the existing lemon tree adjacent to the eastern boundary, the landscaping and reticulation of the Harold and Stirling Streets 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);*
- (e) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate planning application, and all signage shall be subject to a Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (f) *prior to the issue of a Building/Swimming Pool Licence, a Management Plan shall be submitted and approved addressing the rules and regulations including signage relating to appropriate behaviour and use of the swimming pool area and the restriction of the usage of the swimming pool area between 7am and 9pm, inclusive. All such works and rules and regulations relating to the use of the swimming pool area shall be detailed in the Strata Management Plan for the development, and undertaken and maintained thereafter by the owner(s)/occupier (s) in accordance with the approved Management Plan; and*
- (g) *the gross floor area of the office use shall be limited to 287 square metres, as per the Planning Approval granted by the Council at its Ordinary Meeting held on 11 August 1997;*
- (iii) *NOMINATES Councillor Ker to represent the Town as a witness in the full SAT hearing to be held 1 March 2007; and*
- (iv) *ADVISES Forrest Precinct Group of the above review matter and that the full SAT hearing is to be held on 1 March 2007.*

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**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 update the Council of the above review application.
- To comply with the requirements of the Town's Policy/Procedure for SAT.
- To consider an Elected Member (s) to appear as witness on behalf of the Town.
- To file draft "without prejudice" conditions of approval in advance of the hearing concerning the Council's refusal of the above application.

<b>Landowner:</b>	Lomond Properties Pty Ltd
<b>Applicant:</b>	Lomond Properties Pty Ltd
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R80
<b>Existing Land Use:</b>	Motel
<b>Use Class:</b>	Motel, Office Building
<b>Use Classification:</b>	"SA","SA"
<b>Lot Area:</b>	2478 square metres
<b>Access to Right of Way</b>	N/A

**BACKGROUND:**

- 12 September 2006 The Council at its Ordinary Meeting resolved to refuse an application for proposed change of use from motel to motel and office and associated alterations and relocation of swimming pool at the subject property.
- 6 October 2006 Application lodged with the State Administrative Tribunal to review the Council's decision.
- 15 November 2006 Directions Hearing held at the State Administrative Tribunal (SAT).
- 11 December 2006 Directions Hearing held at SAT.
- 19 December 2006 The Council at its Ordinary Meeting resolved not to support as part of the State Administrative Tribunal Review Matter No. DR 378 of 2006, the proposed change of use from motel to motel and office and associated alterations and relocation of swimming pool, at the subject property, for the following reasons:

*Reasons:*

1. *The development is not consistent with the orderly and proper planning of the area.*
2. *The application is not consistent with the Brigatti Locality.*
3. *The proposed development is considered to be an intrusion of commercial components into the residential area.*
4. *The extent of the commercial component is considered excessive.*
5. *Insufficient documentary evidence that the condition of the existing building is acceptable for the office use in terms of the building and health requirements.*
6. *Insufficient documentary evidence that the office use and space approved in 1997 actually commenced and operated on-site in accordance with that approval."*

- 15 January 2007            Directions Hearing held at SAT.  
30 January 2007            Hearing held at SAT.  
1 March 2007              Final/Full Hearing to be held at SAT.

**DETAILS:**

The proposal involves proposed change of use from motel to motel and office and associated alterations and relocation of swimming pool at the subject property.

At the hearing held at SAT on 30 January 2007, the Deputy President ordered that the decision on the subject application be reserved.

**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 Mr. Simon Bain of SJB Town Planning and Urban Design to represent the Town.

**COMMENTS:**

The SAT has advised that the draft conditions would be "*without prejudice*" and "*is not a concession by the decision-maker that approval of the application is appropriate*". The SAT has introduced the above practice for the following two reasons:

- (1) Under Section 9 of the State Administrative Tribunal Act 2004 (WA), the objectives include "*to act as speedily and with as little formality and technicality as practicable, and minimise the costs to the parties*".
- (2) The SAT needs to have a full appreciation of all conditions applicable prior to making a reliable decision.

In accordance with the Policy/Procedure for State Administrative Tribunal, the following is recommended:

- The Council "Files" and "Serves" the draft "without prejudice" conditions applicable to the above development if the above review is allowed by the SAT;
- The Council nominates an Elected Member(s) to represent the Town as a witness in the full SAT hearing; and
- The Council advises the Forrest Precinct Group of the above review matter and that the full SAT hearing is to be held on 1 March 2007.

At 9.39pm **Moved Cr Ker, Seconded Cr Messina**

*That an "open" meeting be resumed.*

**CARRIED (7-0)**

(Cr's Farrell and Torre were apologies.)

**15. CLOSURE**

**The Presiding Member, Mayor Nick Catania, JP, declared the meeting closed at 9.40pm with the following persons present:**

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

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 13 February 2007.

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

Dated this ..... day of ..... 2007