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(21 NOVEMBER 2006)**

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Minutes of the Ordinary Meeting of Council of the Town of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 21 November 2006, commencing at 6.03pm.

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 Maddalena Torre South Ward

(b) Present:

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

Lindsay McPhee Journalist - Guardian Express (until 8.14
pm)
Brendan Foster Journalist – Perth Voice (until 8.43 pm)

12 Members of the Public

(c) Members on Leave of Absence:

Nil.

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

1. Joe Raheb of Britannia Road, Mount Hawthorn. Regarding Item 10.1.1 - No. 14 (Lot 155 D/P: 2925) Britannia Road, Mount Hawthorn - Proposed Carport Addition to Existing Single House. As the owner of this property Mr Raheb stated that he was disappointed that his first application was refused. Upon disputing the refusal and providing further information Mr Raheb resubmitted the application. Mr Raheb stated that the new application had been recommended for approval by the Executive Manager, Environmental and Development Services. He stated that this recommendation was supported because the first application had been based on policies not applicable to the site.

Mr Raheb stated that as the owner of the property, he had been using the front area for off street parking for 25 years, and that the application was to provide cover and protection to his vehicles by way of an open carport. Mr Raheb noted that the report had photographic evidence that supported his application, demonstrating that the proposal is consistent with the orderly and proper planning of the locality with numerous examples of carports and parking within the front setbacks.

Mr Raheb stated that the requirements of Council maintain the tradition and character of Mount Hawthorn by way of utilising right of ways is to be applauded. He felt that in this part of Mount Hawthorn, the architecture is of 1970's and 1980's and parking at the front is the normal.

Mr Raheb asked that Council support his application.

2. Graham Norton of King Albert Road, Trigg. Mr Norton is the owner of 307 Stirling Street, Highgate. Mr Norton thanked the Council for giving him the opportunity to register opposition to his property being listed on the Municipal Heritage Inventory - Category B. Mr Norton stated that he was born in the house 81 years ago, and had had many discussions with his family about the future of the family home. He stated that they had agreed that they would not want to see the house demolished.

Mr Norton stated that times had changed and circumstances had altered, with the house now being very old and run down, it required a lot of money to be spent on repairs and renovations to bring it up to scratch. He said that the present tenants paid a low rental cost with the condition of the lack of adequate facilities.

Mr Norton stated that he would be seeking the right to redevelop the property in the future, without the constraints of being on the Municipal Heritage Inventory. Mr Norton noted that he had submitted a letter to Council in August 2006 stating in detail the problems faced if his property was left on the inventory. He was previously granted a demolition permit in 2000 after an appeal to the Minister. This permit lapsed due to financial constraints at the time.

As a long time owner, ratepayer and supporter of the district Mr Norton stated that he was seeking nothing more than to do with his family property as he sees fit subject to the planning and building laws at the time.

3. Jim Side of Bowman Street, South Perth. Mr Side declared that he was acting for Homerton Nominees Pty Ltd which owns a commercial building at 462-466 Fitzgerald Street, North Perth. Regarding Item 14.5 - Municipal Heritage Inventory Review - Methodology to Consider Submissions for Proposed Category B Places. Mr Side stated that notice was first received of the property being considered for the municipal heritage list in May 1995, and was given until the end of July 1995 to lodge an objection. Mr Side said that an objection was lodged in May 1995.

Mr Side stated that since 1995 there has been numerous correspondence with Council, trying to determine progress with the listing or objecting to the property's inclusion. Mr Side noted that it is still continuing.

Mr Side urged Council to bring this matter to an end, noting that if Council perseveres with its policy of listing every property or item of infrastructure that has some heritage significance, over time, theoretically every property will eventually be old enough to qualify for the listing. He felt that a large inventory would devalue the list and lower the standard of the register.

Mr Side stated that ratepayers are concerned that potential buyers would be reluctant to buy property in the area that has a policy of heritage listing any property that remotely has heritage significance.

Mr Side asked that when considering the status of Category B listings, that Council take a practical and common sense approach and vote for option 2.

4. Rebecca Hollett, representing Connell Wagner on Item 10.1.4 - Nos. 71-77 (Lot 62 D/P: 73028) Walcott Street, Corner Beaufort Street, Mount Lawley - Proposed Telecommunications Facility to Existing Commercial Building (Mount Lawley Centre Precinct).

Ms Hollett stated that Connell Wagner had received notification on 16 November that this Item would be going before Council for consideration at this meeting. She said that this did not give them the opportunity to address Council at its Forum held Tuesday 14 November, and so wanted to take this opportunity to highlight some key points for consideration.

Ms Hollett noted that the application for approval was lodge on 29 June on behalf of Ericsson, who are the equipment vendors for Telstra as part of a nationwide project to upgrade Telstra's current technology to provide an enhanced city to country broadband service.

Ms Hollett stated that the upgrade will bring wideband CDMA (or mobile broadband) coverage to the whole of Australia. She said that in all cases, existing Telstra sites have been utilised to co-locate infrastructure in order to prevent the proliferation of telecommunication sites and that eight other sites throughout the Town of Vincent have been upgraded under this project either under maintenance provisions or through low impact termination, therefore these did not require Council approval.

Ms Hollett noted that the heritage status of this site meant that development approval must be sought from Council, but with the design, size, height, colouring and location of the proposed infrastructure it would have otherwise been deemed low impact.

Ms Hollett stated that the assessment of the submission outlined in the Agenda raised two main points of objection. The first being the distance of the infrastructure from residential buildings. She said that in the State Administrative Tribunals consideration of an appeal against Councils previous refusal of Optus Telecommunications facilities on this site, the council requirement for a 300 metre set back from residential buildings was deemed to be irrelevant and was disregarded as it didn't have any valid planning, scientific or environmental evidence to support it, therefore Ms Hollett does not consider this to be a valid reason for refusal. Ms Hollett then continued that the second and main point that she wanted to make was the deemed impact on the heritage buildings general aesthetic.

She stated that colour copies of photo montages were supplied to officers at the Town to be distributed at the meeting, to give an idea of the existing and proposed sites.

Ms Hollett asked that Councillors note these images when considering the Item. She stated that there were existing Telco facilities on the building which is considered by the Town and the Heritage Council of W.A. to be quite obtrusive, being located above the building façade and not currently coloured to match the building.

Ms Hollett noted that in the report to Council that the State Administrative Tribunal did not outrightly dismiss future telecommunications facilities on the building provided that they met the heritage requirements and did not negatively impact on the building.

Ms Hollett asked that Council consider advertising the proposal and it had not currently been advertised.

5. Angelo Papadopoulos of Walcott Street, Mount Lawley. Regarding Item 14.5 - Municipal Heritage Inventory Review - Methodology to Consider Submissions for Proposed Category B Places. Mr Papadopoulos stated that he had placed a submission that had been objected, and that he had some details to put to the Council for consideration. Mr Papadopoulos stated that he appreciated the value and importance of some properties to be preserved for the benefit of all ratepayers and mostly for future generations, but at what cost to some owners of those properties affected. He stated that he has been living at the property for 40 years, and has put a lot of time and effort to look after it. Mr Papadopoulos stated that as he is now 73 years old, he finds it physically difficult to look after the house and gardens and has been planning his future which includes selling the property and buying a smaller house which is easier to maintain. He noted that if the property is heritage listed then he will be financially disadvantaged and would never get the full market value of the property, believing that he would lose 30-40% of its value. He believes that if someone wanted to buy the land and develop it, then they wouldn't be paying the full worth.

Mr Papadopoulos stated that his wife is ill and having had several operations, in the near future if they don't move to a smaller house, they would need to spend money to renovate the front of the house for easier access for a wheelchair which he believes would spoil the façade of the house. He has placed a submission to the Council stating these concerns.

6. Mr Dimitris Greicos of 102 - 102a Vincent Street. Regarding Item 14.5 - Municipal Heritage Inventory Review - Methodology to Consider Submissions for Proposed Category B Places.. Mr Greicos stated that he had submitted four letters in the past regarding the heritage listing and several phone calls and the Town is still sending him letters regarding this issue. He asked if the Council would please leave him off of the list.

There being no further questions from the public, the Presiding Member, Mayor Nick Catania, JP, closed Public Question Time at 6.22pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS

Nil.

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Moved Cr Farrell, Seconded Cr Maier

That the Minutes of the Ordinary Meeting of Council held on 7 November 2006 be confirmed as a true and correct record.

CARRIED (8-0)

(Cr Torre was an apology for the meeting.)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

Nil

8. DECLARATION OF INTERESTS

8.1 Mayor Catania declared a financial interest in Item 14.5 - Municipal Heritage Inventory. The nature of his interest being that he is the owner of a property that may be listed on the Town's Municipal Heritage Inventory. Mayor Catania advised that he has approval from the Minister for Local Government to fully participate in discussion and vote on the matter, and also preside at meetings where these matters are discussed.

8.2 Mayor Catania declared a financial interest in Item 10.3.1 - Investment Report. The extent of his interest being that he is Chairperson of the North Perth Community bank. The Town has investment shares in this bank.

8.3 Cr Chester declared a financial interest in Item 14.5 - Municipal Heritage Inventory Review - Methodology to Consider Submissions for Proposed Category B Places. The nature of his interest being that he is a co-owner of a property that may be considered for listing on the Town of Vincent's Municipal Heritage Inventory. Cr Chester advised that he has Ministerial permission to participate and vote on the matter.

8.4 Cr Chester declared a proximity interest in item 10.1.6 - Review of Practices Relating to Conditions on Demolition Approvals. The extent of his interest being that he resides next to a vacant lot to which there is currently an approved development application. The lot may be affected by decisions in debate. He believes he has an interest in common across the town. He requested Council approval to participate in discussion and vote on the item.

- 8.5 Cr Chester declared a financial interest in Item 14.1 - Mindarie Regional Council - Member Council Guarantees for the Proposed Resource Recovery Facility. The extent of his interest being that he has an employment contract with Worley Parsons - one of the companies involved in the project.
- 8.6 Cr Messina declared a financial interest in Item 10.3.1 - Investment Report. The extent of his interest being that he is a Director and shareholder of North Perth Community Bank. The Town has investment shares in this bank.
- 8.7 Cr Ker declared a financial interest in Item 14.15 – Municipal Heritage Inventory Review - Methodology to Consider Submissions for Proposed Category B Places. The nature of his interest being that he is the owner of a property that is listed on the Town of Vincent’s Municipal Heritage Inventory. Cr Ker advised that he has previous Ministerial permission to participate, debate and vote on the matter.
- 8.8 Cr Lake declared an interest affecting impartiality in Item 14.5 - Municipal Heritage Inventory Review - Methodology to Consider Submissions for Proposed Category B Places. The nature of her interest being that she owns a property that is on the Town’s Municipal Heritage Inventory.
- 8.9 Cr Maier declared an interest affecting impartiality in Item 14.5 - Municipal Heritage Inventory Review - Methodology to Consider Submissions for Proposed Category B Places. The nature of his interest being that he owns a property that is on the Town’s Municipal Heritage Inventory.

Cr Maier departed the Chamber at 6.30pm

Cr Maier returned to the Chamber at 6.31pm

The Presiding Member advised that Cr Chester’s request to remain in the Chamber during discussion and decision making on Item 10.1.6 and participate in discussion and vote would now be considered.

Cr Chester departed the Chamber at 6.33pm.

Moved Cr Farrell, Seconded Cr Ker

That Cr Chester’s request to be permitted to remain in the Chamber, participate in discussion and vote on Item 10.1.6 be approved.

MOTION CARRIED (7-0)

(Cr Torre was an apology for the meeting. Cr Chester was absent from the Chamber.)

Cr Chester returned to the Chamber at 6.34pm.

The Presiding Member advised Cr Chester that his request had been approved.

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

Nil.

10. REPORTS

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

The Agenda Items were categorised as follows:

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

Items 10.1.1 and 10.1.4

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 10.4.2, 10.4.3, 10.4.8, 14.1 and 14.5

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:**

Mayor Catania	Nil.
Cr Farrell	Items 10.4.2, 10.4.7
Cr Chester	Items 10.1.3, 10.1.6, 10.2.3, 10.4.4 and 10.4.5
Cr Doran-Wu	Nil.
Cr Ker	Items 10.1.7 and 10.2.1
Cr Lake	Item 10.4.8
Cr Maier	Item 10.3.4
Cr Messina	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 10.3.1, 10.1.6, 14.1 and 14.5

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

Items 10.1.2, 10.1.5, 10.1.8, 10.2.2, 10.2.4, 10.3.2, 10.3.3, 10.4.1 and 10.4.6

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

Items 14.1, 14.2, 14.3, 14.4 and 14.5

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

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

Items 10.1.2, 10.1.5, 10.1.8, 10.2.2, 10.2.4, 10.3.2, 10.3.3, 10.4.1 and 10.4.6

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

Items 10.1.1 and 10.1.4

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

Moved Cr Farrell, Seconded Cr Messina

That the following unopposed items be moved en bloc;

Items 10.1.2, 10.1.5, 10.1.8, 10.2.2, 10.2.4, 10.3.2, 10.3.3, 10.4.1 and 10.4.6

CARRIED (8-0)

(Cr Torre was an apology for the meeting.)

Cr Maier moved the following Procedural Motion

Moved Cr Maier, Seconded Cr Lake

That Confidential Item 14.5 be discussed after Items 10.1.1 and 10.1.4, in an open meeting.

PROCEDURAL MOTION PUT AND LOST (3-5)

For

**Cr Ker
Cr Lake
Cr Maier**

Against

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

(Cr Torre was an apology for the meeting.)

10.1.2 No. 17 (Lot 20 D/P: 2358) Anzac Road, Leederville - Proposed Demolition of Existing Single House and Construction of Single Storey Single House

Ward:	North	Date:	14 November 2006
Precinct:	Leederville; P03	File Ref:	PRO3676; 5.2006.374.1
Attachments:	001 002		
Reporting Officer(s):	E Saraceni; S Kendall		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by C Hudson on behalf of the owner S K Gazey and A K Thomas for proposed Demolition of Existing Single House and Construction of Single Storey Single House, at No. 17 (Lot 20 D/P: 2358) Anzac Road, Leederville, and as shown on plans stamp-dated 1 August 2006, subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) any new street/front wall, fence and gate between the Anzac Road boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*

- (iii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved depicting the windows to bedrooms 2 and 3 on the eastern elevation, being screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. The permanent obscure material does not include self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees. Alternatively, prior to the issue of a Building Licence, the revised plans are not required if the Town receives written consent from the owners of No. 15 Anzac Road, stating no objections to the proposed privacy encroachment;*
- (iv) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site; and*
- (v) *an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence.*

COUNCIL DECISION ITEM 10.1.2

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre was an apology for the meeting.)

Landowner:	S K Gazey & A K Thomas
Applicant:	C Hudson
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	598 square metres
Access to Right of Way	Rear, 5 metres wide, sealed, Town owned

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the demolition of the existing weatherboard house and the construction of a single storey, brick and colourbond single house.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted.
Setbacks: East	1.5 metres	1.1-1.5 metres	Supported- not considered to have an undue impact on adjoining property, and neighbour consent provided.
West	1.5 metres	1.1-5.9 metres	Supported- as above.
Privacy:	Bedrooms 2 and 3 setback 4.5 metres within the cone of vision as the finished floor level is greater than 0.5 metre above natural ground level.	Bedrooms 2 and 3 setback 2.6 metres within the cone of vision.	Supported in part undue impact and addressed in condition (iii) of Officer Recommendation.
Consultation Submissions			
Consultation was not required in this instance as the adjoining land owners' signatures in support of the variations have been provided.			
Other Implications			
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:

Council Determination

The new Delegated Authority No. 110 recently adopted by the Council at its Ordinary Meeting held on 22 August 2006 allows for the subject application to be determined under delegated authority. However, in this particular instance, the proposed development involves the demolition of a weatherboard dwelling. It has been the Town's practice to refer planning applications, which involve the demolition of weatherboard dwellings to Council for consideration and determination.

Heritage Considerations

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

The place is not listed on the Town's Municipal Heritage Inventory.

The subject place is a small sized timber and iron dwelling in the Inter-war Georgian style of architecture circa 1919. The place is located along the section of Anzac Road between Loftus Street and Shakespeare Street, which comprises single storey dwellings in the Federation and Interwar Bungalow styles of architecture. While much of the original building and detailing remain in situ, including the timber floorboards, architraves, and ceiling detail there have been numerous changes, which include; fibro additions to the rear, replacement of the original roof sheeting and alterations to the service areas of the kitchen, laundry and bathroom.

The place has been assessed in accordance with the Town's Policy 'Heritage Management - Assessment' shown as an attachment to this report. The place has some rarity values as the weatherboard is a building material that is no longer widely used in the construction of residential buildings in Perth. However, based on the criteria for cultural heritage significance, the place does not meet the threshold for recommendation for inclusion on the Town's Municipal Heritage Inventory. As such, it is considered that the application for the demolition of the subject dwelling be approved subject to a quality archival record and other standard conditions.

Redevelopment

The proposed redevelopment is generally compliant with the Residential Design Codes and the Town's Policies. The minor setback variations are supportable as they are not considered to have an undue impact on the adjoining properties and the written consent of the affected neighbours have been provided.

In light of the above, the redevelopment proposal is recommended for approval subject to standard and appropriate conditions.

10.1.5 Amendment No. 31 to Planning and Building Policies - Consulting Rooms

Ward:	Both	Date:	14 November 2006
Precinct:	All Precincts	File Ref:	PLA0166
Attachments:	001		
Reporting Officer(s):	A Denford		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the final version of the Policy relating to Consulting Rooms, as shown in Attachment 10.1.5, resulting from the advertised version having been reviewed and regard to the one (1) written submission of support received during the formal advertising period, in accordance with Clauses 47 (4), and (5) (a) of the Town's Town Planning Scheme No. 1;
- (ii) **ADOPTS** the final version of the Policy relating to Consulting Rooms, as shown in Attachment 10.1.5; and
- (iii) **AUTHORISES** the Chief Executive Officer to advertise the final version of the adopted Policy relating to Consulting Rooms, as shown in Attachment 10.1.5, in accordance with Clause 47 (6) of Town's Town Planning Scheme No. 1.

COUNCIL DECISION ITEM 10.1.5

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre was an apology for the meeting.)

PURPOSE OF REPORT:

The purpose of this report is to present to the Council the final version of the Policy relating to Consulting Rooms and seek final adoption.

BACKGROUND:

The Council at its Ordinary Meeting held on 27 March 2001 resolved to adopt the Planning and Building Policy Manual dated 2001 with some amendments.

The Council at its Ordinary Meeting held on 12 September 2006 resolved the following:

"That the Council;

- (i) **RECEIVES** the Draft Policy relating to Consulting Rooms, as shown in Attachment 10.1.3 and **AMENDS** the Policy as follows:

- (a) *clause 3 being amended to read as follows:*
- "3) Location*
- Specific*
- Residential Areas*
- ~~While not actively encouraged within a Residential zone~~ While generally discouraged within a Residential zone, the following provisions are to be matters will be considered by the Town when determining an when making application for a consulting rooms development in a Residential Zone area;"*
- (b) *clause 2 being amended to read as follows*
- "2) Standard Conditions of Approval*
- The standard conditions as set out in this Policy may be amended by the Town from time to time without notice."*
- (ii) *ADOPTS the Draft Policy relating to Consulting Rooms in the interim until the formal adoption of the Policy;*
- (iii) *ADVERTISES the Draft Policy relating to Consulting Rooms for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
- (a) advertising a summary of the subject Policy once a week for four (4) consecutive weeks in a newspaper circulating in the locality;*
- (b) where practicable, notifying those persons who in the opinion of the Town, might be directly affected by the subject Policy; and*
- (c) forwarding a copy of the subject Policy to the Western Australian Planning Commission (WAPC);*
- (iv) *after the expiry of the period for submissions:*
- (a) REVIEWS the Draft Policy relating to Consulting Rooms, having regard to any written submissions; and*
- (b) DETERMINES the Draft Policy relating to Consulting Rooms, with or without amendments; and*
- (v) *RECOMMENDS consideration be given to the following amendments being made to the Town Planning Scheme as part of the Town Planning Scheme Review:*
- (a) Zone Table;*
- DELETION of the 'consulting rooms' use class and REPLACEMENT with three (3) consulting rooms use classes as set out in the draft Consulting Rooms Policy; and*
- (b) Schedule 1;*
- (1) DELETION of the 'consulting rooms' definition and REPLACEMENT with definitions for the three (3) consulting rooms use classes as set out in the draft Consulting Rooms Policy; and*

- (2) *INCLUSION of the definitions stated in clause 7 of the draft Consulting Rooms Policy, being the definitions of 'brothel', 'brothel business', 'escort agency', 'massage premises' and 'prostitution';*
- (c) *MODIFICATION of Clause 38(7) of the Town Planning Scheme to expressly recognise the power of the Town to impose conditions on approvals limiting the hours of operation where the Town is able to do so; and*
- (d) *ADDRESS active discouragement of Consulting Rooms in areas zoned 'Residential.'*

CONSULTATION/ADVERTISING:

Any new, rescinded or amended Planning Policy is required to be advertised for public comment in accordance with Clause 47 of the Town's Town Planning Scheme No. 1.

Advertising of the draft amended Policy concluded on 10 November 2006. One (1) submission of support for the Policy was received during the comment period from the owner of No. 119b (Lot 2) Scarborough Beach Road, Mount Hawthorn.

AMENDMENT NO. 31 TO PLANNING AND BUILDING POLICIES : SCHEDULE OF SUBMISSIONS				
No.	Name	Address	Submission	Officer Comments
1	Mr Sean Burgess	No 199b (Lot 2) Scarborough Beach Road, Mount Hawthorn	Submission supports the Town's Draft Consulting Rooms Policy	Supported.

DETAILS:

The Draft Consulting Rooms Policy provides a clear definition of what constitutes a 'Consulting Room' within the Town and aims to discourage the proliferation of non-compliant 'Consulting Room' premises that accommodate unlawful activities such as prostitution from occurring.

The manner in which this has been achieved is through the introduction of three (3) different categories of 'Consulting Rooms', namely Medical Consulting Rooms, Alternative Consulting Rooms and Non-Medical Consulting Rooms. In addition, the definitions for 'Brothel', 'Brothel Business', 'Escort Agency', 'Massage Premises' and 'Prostitution' have been modified, in an effort to clarify the Town's position on these matters.

Specifically, the Policy outlines matters such as the permitted activities, location considerations, public consultation requirements, compliance with the Building Code of Australia, car parking and vehicular access, advertising signage, hours of operation and definitions as to what constitutes a 'Consulting Room' within the Town of Vincent.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2005-2010 - Key Result Area One: Environment and Infrastructure:
"1.3 Develop, implement and promote sustainable urban design."

FINANCIAL/BUDGET IMPLICATIONS:

The current 2006/2007 Budget lists \$88,760 for Town Planning Scheme Amendments and Policies.

COMMENTS:

The draft Consulting Rooms Policy provides applicants with concise guidelines and requirements for establishing compliant 'Consulting Rooms' within the Town of Vincent. This is achieved through the provision of a clear definition of what constitutes a 'Consulting Room' and therefore discouraging the continuation of other use types that are presently operating under the guise of 'Consulting Rooms'.

In light of the above, it is recommended that the Council receives, adopts and advertises the Policy without any further modifications as outlined in the Officer Recommendation.

**10.1.8 State Emergency Management Committee - Draft Policy 2.5,
Emergency Management in Local Government Districts**

Ward:	Both	Date:	14 November 2006
Precinct:	All	File Ref:	ENS0071
Attachments:	-		
Reporting Officer(s):	J MacLean		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on SEMC Draft Policy 2.5: Emergency Management in Local Government Districts;*
- (ii) *APPROVES the response comments, with regard to Draft Policy 2.5; and*
- (iii) *AUTHORISES the Chief Executive Officer to notify the Western Australian Local Government Association of the Council's comments.*

COUNCIL DECISION ITEM 10.1.8

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre was an apology for the meeting.)

PURPOSE OF REPORT:

The purpose of the report is to provide feedback to the Western Australian Local Government Association (WALGA) on the State Emergency Management Committee Draft Policy 2.5: Emergency Management in Local Government Districts.

BACKGROUND:

Under Section 38 of the Emergency Management Act 2005, a Local Government has a responsibility to establish a Local Emergency Management Committee, and Section 41 of that Act, places an onus to ensure that Local Emergency Management Arrangements are developed and adopted. These sections state as follows:

38. Local emergency management committees

(1) A local government is to establish one or more local emergency management committees for the local government's district.

41. Emergency management arrangements in local government district

*(1) A local government is to ensure that arrangements ("**local emergency management arrangements**") for emergency management in the local government's district are prepared.*

The State Emergency Management Committee has developed a Draft Policy, Number 2.5, to monitor and direct how Emergency Management is dealt with by Local Governments, through their Local Emergency Management Committees (LEMCs). Draft Policy 2.5 is '*Laid on the Table*'. Consequent to this Draft Policy, WALGA has contacted all Local Governments seeking comments on the State Emergency Management Committee, *Draft Policy 2.5: Emergency Management in Local Government Districts*, with particular reference to Sections 24, 25, 26, 27, 34, 43 and 44, of the document.

DETAILS:

WALGA have suggested that comment be made on a number of sections of the Draft Policy. These sections have been highlighted below, with suggested responses in italics.

Sections 24 and 25

These Sections deal with the tenure of appointees to a Local Emergency Management Committee (section 24) and the procedures to be used to conduct LEMC Meetings (section 25).

Other than the Town of Vincent's concerns over cost-shifting, there are no objections to these clauses.

Sections 26 and 27

These Sections deal with the regularity of LEMC meetings (section 26) and prescribe the Agenda for every meeting (section 27).

Most LEMCs already meet quarterly, although in the case of the Western Central Local Emergency Management Committee (WCLEMC), this is currently more often, because the Local Emergency Management Arrangements are being compiled. As a result, this section is supported.

While the current Agenda for the WCLEMC generally considers similar items to those which have been prescribed by the Draft Policy, it is considered that a State-level Policy should deal with strategic-level items and should not prescribe items that should be included on LEMC Agendas. There is a concern that the SEMC is making decisions about local arrangements and how they should be implemented, without any real knowledge of individual Local Government conditions and circumstances.

Section 34

This Section deals with the methodology that LEMCs should adopt when developing Arrangements and prescribes the process to be used for Emergency Risk Management.

This again raises concerns about cost-shifting. The State Government has legislated, with limited consultation, for the responsibility for the development of strategies to deal with emergencies, to be vested in the Local Government. This places an onerous requirement on Local Government for the commitment of both financial and human resources, to comply with the legislation. Grant Funding may be available from State Government Agencies for the development of Emergency Risk Management procedures, but this is a "one-off" grant and does not take account of annual reviews and assessments.

Sections 43 and 44

These Sections deal with the regularity of exercising Local Emergency Management Arrangements and with the formats that are to be used to prove the effectiveness of these arrangements.

In general terms, the WCLEMC currently undertakes an annual exercise and attends exercises in adjacent LEMC areas. Occasionally, a State Government Agency will invite attendees from the LEMC, to observe their exercises, although more often than not, the LEMC is not made aware of these exercises. The development, planning and implementation of an annual exercise has cost implications, since an officer of the Local Government needs to devote time to do so.

CONSULTATION/ADVERTISING:

WALGA have asked the Town of Vincent to provide feedback to them, with regard to the proposed Draft SEMC Policy 2.5, with only 1 month period for responses. It would not be possible to seek public comment on the Draft Policy, given the short timeframe. As a result, advertising and consultation processes are not possible.

LEGAL/POLICY:

If the Draft Policy 2.5 is adopted, there will be legal implications on the Town, which will need to be complied with.

STRATEGIC IMPLICATIONS:

KRA 2.2(h) and (i) are relevant in this situation - (h) *"Enhance and promote the Emergency Management Plan and educate residents and ratepayers to be able to respond to emergencies"* and (i) *"Actively participate in the Local and District Emergency Management Committees"*.

FINANCIAL/BUDGET IMPLICATIONS:

There are no financial implications associated with this report.

COMMENTS:

WALGA are seeking comments from all Local Governments, regarding the proposed introduction of Draft SEMC Policy 2.5. The above comments are reflective of the Town's position and the above report is recommended for approval.

10.2.2 Proposed 'On Road' Parking Alterations Tennyson Street, Leederville

Ward:	South	Date:	1 November 2006
Precinct:	Leederville Precinct (P3)	File Ref:	PKG0138
Attachments:	001		
Reporting Officer(s):	A Munyard		
Checked/Endorsed by:	R Lotznicher	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the proposed 'on road' parking changes in Tennyson Street, Leederville;*
- (ii) *NOTES the comments received from the respondents, as outlined and discussed in the report;*
- (iii) *APPROVES the restoration of 'on road' parking on the north side of Tennyson Street, between Loftus Street and Scott Street, as outlined on Plan 2479-PP-1; and*
- (iv) *ADVISES affected residents of the reasons for its decision.*

COUNCIL DECISION ITEM 10.2.2

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre was an apology for the meeting.)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the outcome of the consultation with affected residents in Tennyson Street regarding proposed changes to on road parking.

BACKGROUND:

The recent subdivision of a number of Galwey Street properties has resulted in the establishment of new residential developments on the south side of Tennyson Street and, consequently, a significant increase in the demand for parking for guests, tradesmen, etc, in the street.

DETAILS:

Tennyson Street, between Loftus and Scott Street has a pavement width of approximately 6.2 metres. A "No Parking" restriction on both sides of the street has been in place for quite some time, implemented by the former City of Perth a number of years prior to the establishment of the Town of Vincent.

Until recently, there has been no adverse comment regarding the restriction on parking in the street, however a number of new homes have been built (fronting the street) in the last five years or so, and the nature of the street has changed significantly.

The Town has received a request for reinstatement of parking on both sides of Tennyson Street from the owner of a newly subdivided lot. The Town's officers have considered this request, and do not support the restoration of parking on both sides of the street from a safety point of view.

Tennyson Street rises sharply from Loftus Street, cresting near Byron Street and, as a result, sight distance is restricted. Further, the southern side of the road is dominated by a series of double crossovers, with insufficient space between the majority of crossovers to accommodate a standard parking space, particularly without compromising the reversing driver's vision.

Approximately twenty (20) vehicles could be accommodated on the north side of the road, compared with only about eight (8) vehicles on the south side.

Therefore, should on-road parking be allowed, it would be preferable on the northern side of the street in locations that would not compromise access to properties on either side of Tennyson Street.

Recent Community Consultation

Affected residents of both Tennyson Street and Galwey Street were asked to comment on the proposed restoration of parking on the north side of Tennyson Street, between Loftus Street and Scott Street. Twenty five (25) letters and comment sheets were delivered, resulting in eight (8) responses. Five (5) were *in favour* of the proposal and three (3) were *against*.

Below is a summary of comments received:

In favour of the proposal

- Agree but would like to see speed control measures implemented as well
- Fantastic idea - my visitors won't have to park illegally any more
- Agree, but not opposed to parking on both sides
- Agree, but think a "stop" sign is also needed at the intersection of Scott Street
- In favour - no comment supplied

Opposed to the proposal

- As we back out of our driveway it is very awkward trying to watch three ways (including Byron Street and the road rise) and judge the speed of oncoming traffic
- Parking on the north side of Tennyson will push traffic to the south side making driveway exits more hazardous
- Visitor parking would be enhanced for eleven (11) properties if parking was permitted on the south side

Officers Comments

Comments *in favour* of the proposal - experience has shown that parked vehicles usually bring a measure of traffic calming, however, it is considered that once the parking has been reinstated, its functionality in this regard should be monitored. Should it become apparent that additional measures are required, the matter will be given further consideration.

The re-instatement of parking on both sides is not supported due to site line issues discussed previously.

Comments *against* the proposal - The expected outcome of parking being permitted on the north side is that traffic will be slowed (at present NO parking is permitted). It is anticipated that the projected decrease in traffic speed will alleviate some of the difficulties the resident is currently experiencing, regardless of parking being restored in the street.

The objection received is based on a preference for the parking to be on the south side of the street instead, due to the greater number of dwellings on that side. This alternate proposal is not supported as a greater number of vehicles can be accommodated on the north side, without causing visual obstructions at crossovers.

CONSULTATION/ADVERTISING:

The respondents will be advised of the Council's decision.

LEGAL/POLICY:

There is no legal impediment to removing the parking ban on the north side of the street.

STRATEGIC IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

Costs are limited to the removal of the current restriction signs and the line-marking of crossovers. It is estimated that this will be approximately \$300.00.

COMMENTS:

Restoration of parking on one side of Tennyson Street will greatly enhance the amenity of residents. The north side of the street will provide considerably more parking and far less sight-line issues associated with egress from garages. Line marking delineating "No Stopping" at crossovers will be extended beyond Australian Standards requirements to ensure safety is not compromised.

As is the usual practice of the Town, the effective and safe function of the modification of existing conditions will be monitored. A review of the decision and/or a recommendation that additional measures are implemented to counter any negative outcomes will be undertaken should that be deemed warranted.

It is recommended that the Council approve the proposed re-instatement of parking on the north side of Tennyson Street, between Loftus Street and Scott Street.

10.2.4 RoadWise White Ribbons for Road Safety 2006 Campaign

Ward:	Both	Date:	14 November 2006
Precinct:	All	File Ref:	TES0173
Attachments:	001		
Reporting Officer(s):	C Wilson		
Checked/Endorsed by:	R Lotznicher	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the RoadWise White Ribbons for Road Safety 2006 campaign;*
- (ii) *APPROVES the Town's vehicles being fitted with a white ribbon for the duration of the campaign, and*
- (iii) *APPROVES displaying and distributing White Ribbons to the general public from the Customer Service Centre and Library.*

COUNCIL DECISION ITEM 10.2.4

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre was an apology for the meeting.)

PURPOSE OF REPORT:

The purpose of this report is to advise Council of the 2006 RoadWise White Ribbons for Road Safety Campaign.

BACKGROUND:

As in previous years, RoadWise, under the auspices of the Western Australian Local Government Association (WALGA) and the Road Safety Council, has invited the Town to participate in the 2006 White Ribbons for Road Safety campaign. The aim of the campaign is to raise public awareness of road safety over the 2006/07 Christmas and New Year period and is a joint WALGA and Road Safety Council initiative.

The campaign, which began in 1996, is now recognised as the major Local Government contribution to the Christmas road safety campaign.

DETAILS:

The primary objective of the annual White Ribbons campaign is to place road safety on the public agenda. The concept was developed to raise awareness of the need for all Western Australians to be responsible for their safety on the roads.

Each year during the Christmas period, the WA Local Government Association's Community Road Safety Program, 'RoadWise', distributes white ribbons throughout the community. While white crosses on the side of the road represented lives that had been lost, the white ribbon symbolises the positive efforts being made by many agencies working with the community to reduce and prevent road trauma. The campaign encourages all road users to "look out for each other", with the white ribbon being a reminder to slow down, don't drink and drive, always wear a seatbelt and avoid driving when tired.

This will be the eleventh White Ribbons campaign and will be officially launched by the Minister responsible for Road Safety, the Hon. John Kobelke MLA, on Friday 1 December 2006. The campaign will run throughout the festive season, concluding on Monday 8 January 2007.

As with previous campaigns, the theme of the 2006 campaign is to acknowledge and thank those agencies, such as Local Government, the WA Police Service, Fire and Emergency Services, St John's Ambulance, Main Roads WA, Department for Planning and Infrastructure, Royal Flying Doctor and State Emergency Services, who work together to save lives on our roads.

CONSULTATION/ADVERTISING:

The 2006 White Ribbons campaign will be launched on Friday 1 December 2006 and, in conjunction with the Road Safety Council, WALGA will be promoting it in the media. Main Roads WA will be supporting the campaign by displaying the message on the Freeway overhead visual displays boards.

LEGAL POLICY:

Nil

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area Two of the Strategic Plan 2005-2010 - 2.2 Provide and develop a range of community programs and community safety initiatives. *"j) Develop and implement a Local Government education program for schools and community."*

FINANCIAL/BUDGET IMPLICATIONS:

There are no costs to the Town for participation with the program.

COMMENTS:

As a symbol of the Town's commitment to road safety over the coming festive season, a white ribbon will be provided for Elected Members, the Town's Officers and the public to either wear or attach to their preferred mode of transport. The campaign will run from Friday 1 December 2006 and continue throughout the festive season.

10.3.2 Authorisation of Expenditure for the period 1 - 31 October 2006

Ward:	Both	Date:	03 November 2006
Precinct:	All	File Ref:	FIN0005
Attachments:	001;		
Reporting Officer(s):	Melike Orchard		
Checked/Endorsed by:	Bee Choo Tan	Amended by:	

OFFICER RECOMMENDATION:

That the Council CONFIRMS the;

- (i) *Schedule of Accounts for the period 1 October - 31 October 2006 and the list of payments;*
- (ii) *direct lodgement of payroll payments to the personal bank account of employees;*
- (iii) *direct lodgement of PAYG taxes to the Australian Taxation Office;*
- (iv) *direct lodgement of Child Support to the Australian Taxation Office;*
- (v) *direct lodgement of creditors payments to the individual bank accounts of creditors; and*
- (vi) *direct lodgement of Superannuation to Local Government and City of Perth superannuation plans;*

as shown in Appendix 10.3.2

COUNCIL DECISION ITEM 10.3.2

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre was an apology for the meeting.)

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 October 2006.

BACKGROUND:

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

DETAILS:

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

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT
Municipal Account		
Town of Vincent Advance Account	EFT	\$831,273.21
Total Municipal Account		\$831,273.21
Advance Account		
Automatic Cheques	56783 - 57069	\$582,236.89
Municipal Account		
Transfer of Creditors by EFT Batch	581-582, 584-588	\$2,056,004.79
Transfer of PAYG Tax by EFT	October 2006	\$157,470.05
Transfer of GST by EFT	October 2006	0.00
Transfer of Child Support by EFT	October 2006	\$631.14
Transfer of Superannuation by EFT City of Perth	October 2006	\$15,800.41
Local Government	October 2006	\$45,493.17
Total		\$2,857,636.45
Bank Charges & Other Direct Debits		
Bank Charges – CBA		\$12,952.14
Lease Fees		\$2,203.27
Corporate Master Cards		\$3,535.70
Australia Post Lease Equipment		\$86.61
2 Way Rental		\$695.80
Loan Repayment		\$95,508.49
Rejection Fees		\$0.00
ATM Rebate		\$0.00
Beatty Park - miscellaneous deposit		\$0.00
Total Bank Charges & Other Direct Debits		\$114,982.01
Less GST effect on Advance Account		-83,903.93
Total Payments		\$3,719,987.74

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.

10.3.3 Art Acquisitions 2006

Ward:	Both	Date:	8 November 2006
Precinct:	All	File Ref:	CVC0016
Attachments:	-		
Reporting Officer(s):	R Gunning		
Checked/Endorsed by:	J.Anthony / M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the 2006 Art Award; and*
- (ii) *APPROVES the purchase of artworks as detailed in this report.*

COUNCIL DECISION ITEM 10.3.3

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre was an apology for the meeting.)

PURPOSE OF REPORT:

The purpose of the report is to report on the 2006 Art Award and seek approval for the purchase of artworks.

BACKGROUND:

The Town of Vincent Art Award is an annual art exhibition held at the Town's Administration and Civic Centre, it is an exhibition that is open to all artists and as such serves an important role in exhibiting emerging artists as well as more established practitioners. Since its inception the Award has steadily grown in reputation to be seen as one of the major art awards art awards on Perth's Arts calendar.

DETAILS:

The Town of Vincent Annual Art Exhibition 2006 was held from 2 September to 10 September 2006. A total of 279 entries were received, of which twenty artworks were not delivered or rejected for not complying with the entry conditions. A further fifty were excluded in the curator's preselection process. A total of 209 works consisting of paintings, prints, photographs, mixed media and sculptures were displayed.

A total of 803 people viewed the exhibition.

The Art Awards were presented on the Friday 1 September 2006 and the winners are listed below.

Vincent Prize (\$6,000 acquisitive prize)		
Thomas Hoareau	'Standing at the Crossroads'	Acrylic

Vincent Awards (with a pool of \$3,000 to be awarded at the judges' discretion)		
Peteris Ciemitis \$1000	'Portret'	Watercolour
Alli Sylvestre \$ 500	'Fear in a Safe Place'	Oil
John Ainsworth \$500	'Old Shadows'	Watercolour
Michael Ebel \$500	'Welcome to Australia'	Oil
Ruby Ellen \$500	'A Mild Winter in Ireland'	Print

Vincent Ceramic Sculpture Award (\$ 500 non-acquisitive)		
Josephine Pittman	'Internal Battleground'	Ceramic

Vincent Voice Recognition Award (\$ 500 non-acquisitive)		
Chris Reimer	'House'	Oil

The Hon. Julie Bishop MP Member For Curtin Award of Recommendation (\$ 100 non-acquisitive)		
Jack Macale	'Symbol of Love'	Acrylic

John Hyde MLA Award (\$300 non-acquisitive)		
John Stribling	'Anzac Day at Axford Park'	Acrylic

The judging panel consisted of the Mayor Nick Catania, Cr Izzi Messina, Cr Maddalena Torre and community representatives Florence Allain, Anna Ciffolilli and Vincent Sammut and the external Judge Dr Ian Mclean. The following purchases are recommended for the Town's Art collection:

PURCHASES BY THE TOWN OF VINCENT			
ARTIST	TITLE	MEDIUM	PRICE
John Ainsworth	'Old Shadows'	Watercolour	\$1,375.00
Richard Hardwick	'Reflections-East Fremantle	Watercolour	\$480.00
Allison Snell	'Jacaranda Avenue, Hyde Park	Acrylic	\$550.00
John Stribling	'Anzac Day at Axford Park	Acrylic	\$750.00
Dee Chapman	'Sunset'	Pastel	\$520.00

CONSULTATION/ADVERTISING:

Advertising consisted of two phases. First, in order to attract entries, a brochure was published and distributed to community centres, libraries, arts centres throughout the State. Display advertisements were placed in the Perth art magazine, The Artist's Chronicle, the local newspaper, The Perth Voice. Line ads, which continue to be the most effective, were placed in the Arts Directory of The West Australian. The brochure, which included the entry form was also available from the Town's website and was distributed in electronic form through Artsource (formally the Artists Foundation of WA) mailing list as well as the Department of Culture and the Arts mailing list.

The second phase consisted of advertising the exhibition to attract viewers and buyers. Display ads were placed in The Perth Voice and line ads in the West Australian's Arts Directory. Two sets of four feather banners were commissioned and displayed, one on the north side of the Vincent Street, towards the corner of Loftus Street the other on the medium strip on Loftus Street towards the corner of Vincent Street. A separate postcard invitation was posted to potential buyers alerting them to the exhibition and inviting them to a special viewing with a floor talk given by the Arts Officer. Advertisements were also placed on radio RTR FM.

Following the Awards a feedback survey was sent out to the exhibiting artists, forty replied. To the question 'How you would rate the organisation of the event', ranging from 1 to 5, five being well organised and one being disorganised, the following results were recorded;

70% 5 (Well organised)
12.5% 4
5% 3 (Average)
2.5% 2
2.5% 1 (Disorganised)

In reply to what artists liked best about the Awards the response was, diverse however the most frequent replies were as follows;

Presentation of exhibition
Opening night
Prizes
Opportunity to exhibit and sell work.

In response to what the artists disliked about the Awards, the answers were also diverse however the most frequent replies were as follows;

Insufficient lighting in certain areas of the display
Layout of catalogue
Entry fee too high

Beyond these issues no two responses were the same.

To the question of how the event can be improved, the only responses with more than one comparable reply were larger venue and larger display time.

The feedback sheet also asked if the artists had any suggestions for increasing sales during the exhibition the most frequent response was for more and varied advertising, with a particular emphasis on targeting an art buying audience.

The Curators Report

The Curator, Lia Mcknight, noted in her report the high level of organisation of the awards and made several suggestions for the improvement for the event in the future. Her recommendations are as follows:

Exhibiting requirements

In the light of the space restrictions, it was suggested that works have a size limit of 1020 x 1020 mm, currently the size is set at 1020 x 1220 mm.

The curator also recommended that works not be accepted that constitute a series as 'not only does this affect the overall number of works able to be hung; it potentially complicates the difficult task of hanging'.

Display

The curator stated that a number of people expressed the desire to read the Judges' comments and 'considering issues of transparency and community interests/education' recommended that the comments be made available suggesting they could be placed on the award signage (next to the work). It was also suggested that the name of the artist and the work was included on the award signage.

Sale of artworks

On opening night it was noted that the Exhibition Assistant was left to manage multiple tasks including the placing of red stickers on sold work, this inevitably meant leaving the desk unattended. The Curator has recommended an extra staff member to assist on the evening, to ensure efficient processing of sales.

LEGAL/POLICY:

Nil

STRATEGIC IMPLICATIONS:

Key Result Area 2.1 - Celebrate and acknowledge the Town's cultural diversity, of the Town's of the Town's Strategic Plan 2005-2010 is applicable to this project.

FINANCIAL/BUDGET IMPLICATIONS:

Twenty seven works (27) were sold to private buyers, this compares to eighteen (18) sales last year.

The private sales totalled to \$13,904 (as compared to \$6,775 last year) with the Town receiving \$ 3,476 in commission.

COMMENTS:

The increased sales would suggest the strategies recommended last year and subsequently implemented have had an effect. These included new promotional banners and deliberately courting art buyers by holding a special viewing and floor talk.

Recommendations in the Curator's report and from the artist's feedback form will be closely examined and presented to the Art Advisory Group for further consideration.

10.4.1 Use of the Council's Common Seal

Ward:	-	Date:	15 November 2006
Precinct:	-	File Ref:	ADM0042
Attachments:	-		
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

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

COUNCIL DECISION ITEM 10.4.1

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre was an apology for the meeting.)

BACKGROUND:

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

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

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

Date	Document	No of copies	Details
02/11/06	Restrictive Covenant in Gross	3	Town of Vincent and G Sarris of 28 Brentwood Road, Flinders Park South Australia and Arkadia Enterprises Pty Ltd of 6th Floor, 256 St Georges Terrace, Perth re: No. 392 (Lot 2) Fitzgerald Street, North Perth - in accordance with Western Australian Planning Commission conditional approval granted on 9 November 2005 for the subdivision of the abovementioned property
02/11/06	Grant of Easement	3	Town of Vincent and G Sarris of 28 Brentwood Road, Flinders Park South Australia and Arkadia Enterprises Pty Ltd of 6th Floor, 256 St Georges Terrace, Perth re: No. 392 (Lot 2) Fitzgerald

Date	Document	No of copies	Details
			Street, North Perth - in accordance with Western Australian Planning Commission conditional approval granted on 9 November 2005 for the subdivision of the abovementioned property
8/11/06	Restrictive Covenant	3	Town of Vincent and T Tuite and A Evans of 133 Fairfield Street, Mount Hawthorn re: No. 133 (Lot 67) Fairfield Street, Mount Hawthorn - Proposed Subdivision relating to Condition 8 of subdivision approval granted by Western Australian Planning Commission on 19/10/05 - <i>"Pursuant to section 129BA of the Transfer of Land Act (as amended), a restrictive covenant, preventing motor vehicle access onto Green Street, benefiting the local government being lodged on the Certificates of Title of the proposed lot, at the full expense of the applicant. (Local Government)."</i>
8/11/06	Restrictive Covenant	3	Town of Vincent and T Tuite and A Evans of 133 Fairfield Street, Mount Hawthorn re: No. 133 (Lot 67) Fairfield Street, Mount Hawthorn - Proposed Subdivision relating to Condition 9 of subdivision approval granted by Western Australian Planning Commission on 19/10/05 - <i>"No new development shall occur within 0.485m of the right-of-way abutting the lot to accommodate widening of the right-of-way should it be required tin the future."</i>
13/11/06	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta, WA 6021 and Football Federation Australia Ltd of Level 7, 26 College Street, Sydney NSW 2000 re: FFA Training Sessions - 13, 14, 16, 17, 19, 20, 21, 23, 24 and 25 November 2006 (Pitch, Change Room 1 and Chairman's Lounge)
14/11/06	Withdrawal of Caveat	1	Town of Vincent and Minter Ellison of Level 49 Central Park, 152-158 St George's Terrace, Perth WA 6000 re: 77 Fairfield Street, Mount Hawthorn
15/11/06	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 Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco 6008 re: WARL Seminar - 15 November 2006 (Glory Lounge)

10.4.6 Report on the 10th World Conference of Historical Cities - Ballarat, Victoria - 29 October - 1 November 2006

Ward:	-	Date:	7 November 2006
Precinct:	-	File Ref:	ADM0031
Attachments:	-		
Reporting Officer(s):	John Giorgi, Hannah Eames		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council RECEIVES the report of the Chief Executive Officer and Senior Heritage Officer, Ms Hannah Eames', attendance at the 10th World Conference of Historical Cities held in Ballarat, Victoria from 29 October to 1 November 2006.

COUNCIL DECISION ITEM 10.4.6

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre was an apology for the meeting.)

PURPOSE OF REPORT:

The purpose of this report is to provide the Council with information on the Chief Executive Officer and Senior Heritage Officer's attendance at the 10th World Conference of Historical Cities held in Ballarat, Victoria from 29 October to 1 November 2006.

BACKGROUND:

In 1987, historical cities from around the world came together in Kyoto, Japan with the aim *"to share information, celebrate experiences and discuss the unique development challenges facing historical cities in our modern world."*

In 1994 - at the fourth of such gatherings - the League of Historical Cities was formed and has now grown to comprise 65 member cities from 49 countries. The City of Melbourne and City of Ballarat are members.

The World Conferences of Historical Cities provide member cities, as well as guest cities, with an opportunity to exchange valuable experiences and successes with the view to improving the quality of life of the world community in the 21st Century.

This was the first occasion that this Conference was held in Australia (and in the southern hemisphere). It was attended by over 300 delegates from over 14 different countries, including;

- China, Japan, Korea, Turkey, India, USA, United Kingdom, Iraq, Latvia, France, Italy, Jamaica, Canada and Australia.

Approximately ten (10) delegates from four (4) Western Australian local governments attended. The Chief Executive Officer and Senior Heritage Officer of the Heritage Council of Western Australian also attended.

A unique experience of this Conference involved the simultaneous translation of non-English speaking presenters into four (4) different languages.

DETAILS:

The City of Ballarat hosted the 10th Conference with the overarching theme of "*Sustainable Historical Cities: Economics, Preservation and Vision for the Future.*" The conference provided member cities and guests with the opportunity to discuss how the heritage and history of their cities is preserved and reconciled with the need for them to operate as modern, liveable cities.

Ballarat is a city rich in history and heritage. It is famed for its superb architecture and breathtaking heritage artefacts, with particular reference to Australia's early gold rush history.

A number of overseas and Australian speakers with expertise in heritage and associated topics addressed the Conference. A full copy of the speakers' papers is "Laid on the Table" and a copy provided to the Town's Library.

The Conference Program encompassed the following themes;

Forum 1: Protection and Guidance:

The integration of heritage protection into policies, strategies and management programs is typically the method by which government bodies, at all levels, are most able to protect the historic urban setting. This Forum covered;

- How do we improve, develop and implement legislative, regulatory, administrative or management measures to address the needs for protection and adequate control of historical cities?
- What are the strengths, weaknesses, successes and failures of policies, strategies and guidelines? How do they compare?
- What are the strategies for financing urban heritage conservation?
- What mechanism can facilitate the protection and enhancement of heritage, as well as plan for a sustainable future?

Speakers' Summary

The Rocks Heritage Strategy:

Ian Kelly - Planning, Heritage and Urban Design Manager - Sydney Harbour Foreshore Authority

Ian Kelly presented an overview of the heritage strategy employed by the Sydney Harbour Foreshore Authority to retain and enhance the significance of "The Rocks" in Sydney, which "*with its complex layering of significant fabric, uses and associations, is a precinct of national cultural significance*". (The Rocks Heritage Management Plan, 2002).

Evolution of Heritage Policy and Controls:

John Noonan - Group Manager Sustainable Regulatory Services - City of Melbourne

John Noonan provided an explanation of the long, evolutionary and iterative process involved with the formulation of a comprehensive heritage protection policy.

The Australian and Asian context of Management of Heritage Cities:

Professor Elizabeth Vines - Centre of Cultural Heritage in Asia and the Pacific, Deakin University

Presented an examination of the principles for heritage conservation established for the remote city of Broken Hill (Australia) and the successes and failures of the comprehensive model adopted for the regeneration of this previously dying inland mining city. Broken Hill has applied for National Heritage Listing as a whole city, the first of its kind to do so in Australia. By way of a contrast, the remote city of Kaiping in Southern China - which is currently applying for World Heritage listing, was also discussed.

Forum 2: Impact and Benefit:

There is a growing body of evidence that suggests the sustainable management of the heritage environment can lead to the social and economic regeneration of historic centres. This Forum covered;

- What are the benefits of heritage conservation and can they be measured?
- How can urban heritage be utilised as a cultural, social and economic asset? What role does the adaptive re-use of historic buildings play in sustainable development?
- What is the social and economic value of public/private cooperation in conservation?
- Is conservation the most sustainable development act of all? Is it a long-term investment that will accumulate value over time?
- How can sufficient funds be generated for heritage preservation?
- Does conservation offer any direct or indirect opportunities, such as job opportunities?
- What are the current legal and economic implications of heritage "ownership"?

Speakers' Summary

Preserving the Built Cultural Heritage of Falmouth, Jamaica - a case study in heritage protection:

Dr. James M. Parrent - Executive Director - Falmouth Heritage Renewal

Dr Parrent presented a case study in the preservation of historic Falmouth on Jamaica's north coast, a Jamaican National Monument and listed as one of the 100 Most Endangered Sites by the World Monument Fund from 2000-2005.

The dialect of urban conservation of an historic city - A case study of the ancient city of Pingyao in China:

Shu-Yi Wang - Program of Design and Planning of the School of Architecture and Planning - University of Colorado

Shu-Yi Wang presented her PhD paper, which explored the possibility to retain socio-cultural sustainability of the heritage city, underpinned with proper urban conservation and apropos tourism development. The World Heritage City of Pingyao in China was used as a case study to discuss the fundamental phenomena prevailing among heritage tourism sites in China.

Urban Heritage as a Cultural, Social and Economic Asset - A case of Macao:

Professor David Lung - Professor of Architecture and Founding Director of the Architectural Conservation Program - University of Hong Kong

Professor Lung provided a comprehensive overview of the notion that urban heritage is a form of cultural, social and economic asset and, if managed well, will generate income for the place, improve the quality of life of its residents and help transform old dilapidated urban districts.

Forum 3: Desire and Expectation:

It is considered that there is more to heritage than buildings and artefacts - there are also values and attitudes, memories and stories. Urban development is a complex issue of interrelated social, economic and legal interests, variously belonging to inhabitants. This Forum covered;

- What are the different perspectives and divergent economic interests that come about from managing change?
- What motivations, strategies, knowledge, understanding and skills are involved with resident action groups?
- How are community skills strengthened in heritage conservation?
- How do we 'preserve' a living historic environment? Is modern urban life in conflict with historical preservation?
- How do we reconcile the rights of those who own property with the community's rights over heritage?
- Conservation versus development, or conservation as part of development?

Speakers' Summary

The role of Citizen Action Groups in saving and conserving Ballarat's heritage:

Dr Anne Beggs Sunter - Lecturer in Australian History and Heritage - University of Ballarat

Dr Sunter's paper explored the role and effectiveness of citizen action groups in their efforts to identify, preserve and save heritage sites, and the differing and sometimes contradictory roles of residents, local government, councillors and outside bodies such as lobby groups and government heritage bodies.

Characterisation, cities and the historic environment in England today:

Roger Thomas - Head of Urban Archaeology - English Heritage

This presentation outlined the concept and practice of historic environment characterisation as it is practiced in England today and how it differs from traditional "designation-based" approaches to heritage protection. This also explored the current program of characterisation of historic cities and towns and how this is being used to improve the planning and management of the historic urban environment.

Development of Heritage Sites: Finding the Right Balance:

Peter Lovell - Director - Lovell Chen Pty Ltd

This paper explored development and heritage issues through case studies from the Melbourne area, including the challenge to find an appropriate balance between heritage and development.

Forum 4: Evolution and Innovation:

Historic cities and city centres are increasingly being confronted with intense pressures from 21st century requirements for appropriate urban mobility, housing, commerce, public services and other demands linked to development and modernisation. The Conference explored;

- How do we balance the preservation, transformation, modernisation and ecologically sustainable development of historic urban centres?

- How do we insert contemporary architecture and urban development into the historic urban landscape?
- Sustainable management of our historic towns relies upon the protection of historic urban areas.

Speakers' Summary

Greater Bendigo - Living our Potential:

*Marg Allan - Manager Strategic Planning - City of Greater Bendigo; and
Don Goldsworthy - Managing Director - Don Goldsworthy & Associates Pty Ltd*

This joint presentation outlined the strategy and actions undertaken by the City of Greater Bendigo to create a vibrant and contemporary city, building a prosperous future by promoting its opulent past.

Urban renewal in Newcastle - Towards a sustainable City Centre:

Professor Steffen Lehmann - Chair, Architectural Design - School of Architecture and Built Environment, University of Newcastle

Professor Lehmann discussed the urban renewal of an Australian port and former steel city to revitalise and transfer the CBD into a sustainable model of a compact waterfront city centre. He reflected upon a range of propositions for the urban renewal of Newcastle's city centre, the vision for a sustainable city and demonstrated how urban design is affected.

A Strategic Approach to Heritage Regeneration and Benefit Assessment:

Michael Loveday - Chief Executive of the Heritage and Economic Regeneration Trust (HEART) and Executive Director of Time and Space Innovateurs Ltd

Mr Loveday presented a most interesting and comprehensive overview of the perceptions of heritage and the need to consider the economic, social, cultural and environmental benefits it can deliver rather than just viewing it as a means of safeguarding heritage infrastructure for its own sake.

Keynote Speakers:

Dr Richard Engelhardt

Dr Richard Engelhardt delivered the keynote speech at the Conference. This presentation outlined his 25 years' experience directing archaeology and heritage conservation projects throughout Asia and the Indo-Pacific region.

Currently the UNESCO Region Advisor for Culture in Asia and the Pacific, Dr Engelhardt was educated in anthropology, archaeology and the history of East, South and South East Asia at Yale and Harvard Universities and at the Population Institute of the East-West Centre at the University of Hawaii.

Dr Engelhardt worked in an executive capacity for organisations such as the Siam Society under Royal Patronage and the Hong Kong Archaeological Society. In 1981, he joined the United Nations and worked with the Economic and Social Commission for Asia and the Pacific, as well as a number of United Nations specialised agencies.

From 1991 until 1994, he also served as Director of the UNESCO office in Cambodia, launching an international safeguarding campaign for Angkor.

Professor William Logan

Professor William Logan provided his broad experience to moderate the Round Table Forums during the Conference.

Professor Logan holds the UNESCO Chair of Heritage and Urbanism in the Deakin University School of Social and International Studies and is also a member of Australia ICOMOS, the national committee of ICOMOS and AusHeritage.

A copy of the Speakers' papers is "Laid on the Table".

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Council's Policy 4.1.15 - *"Conferences & Training - Attendance, Representation, Travel & Accommodation Expenses and Related Matters"* - Clause 5.0 states;

"5.1 Following attendance at State conferences, congresses, study tours and any seminars, forums, workshops of two (2) days or more duration, the attendees shall submit a report to the Council within thirty days of their return to Perth, for the Council's information and records. The report shall include a summary of the event's proceedings, major points of interest to the Town and recommendation as to whether attendance at similar conferences is warranted.

5.2 All Conference Papers are the property of the Town and are also to be placed in the Town's Library so that they are accessible by the public."

STRATEGIC IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENTS:

Attendance by the Chief Executive Officer and Senior Heritage Officer, Ms Hannah Eames, at the 10th World Conference of Historical Cities held in Ballarat, Victoria from 29 October to 1 November 2006 provided a most interesting and unique experience. A wide range of informative papers were presented and are available in the Town's Library for viewing by the public.

10.1.1 No. 14 (Lot 155 D/P: 2925) Britannia Road, Mount Hawthorn - Proposed Carport Addition to Existing Single House

Ward:	North	Date:	14 November 2006
Precinct:	Mount Hawthorn; P1	File Ref:	PRO3072; 5.2006.537.1
Attachments:	001		
Reporting Officer(s):	E Saraceni		
Checked/Endorsed by:	D Abel	Amended by:	R Boardman

EMEDS 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 Archiplan Pty Ltd on behalf of the owner J & M Raheb for proposed Carport Addition to Existing Single House at No. 14 (Lot 155 D/P: 2925) Britannia Road, Mount Hawthorn, and as shown on plans stamp-dated 10 November 2006, subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive; and*
- (ii) any new street/front wall, fence and gate between the Britannia Road 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.*

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 Archiplan Pty Ltd on behalf of the owner J & M Raheb for proposed Carport Addition to Existing Single House, at, No. 14 (Lot: 155 D/P: 2925) Britannia Road, Mount Hawthorn, and as shown on plans stamp dated 10 November 2006, for the following reasons:

- (i) — the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and***
- (ii) — the non-compliance with the Town's Policies relating to Vehicular Access and Street Setbacks as the proposed carport is required to be accessible from the rear/northern right of way, which is 5 metres wide, Town owned and sealed.***

COUNCIL DECISION ITEM 10.1.1

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

CARRIED (8-0)

(Cr Torre was an apology for the meeting.)

EMEDS COMMENTS:

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

1. Existing Parking Within Front Setback

The existing dwelling currently has parking located within the front setback, where the proposed carport is to be located. There are also numerous examples of carports and car parking within the front setback along the Britannia Road streetscape. The applicant, therefore, believes that the proposal is in fact consistent with the orderly and proper planning of the locality. This statement is supported.

2. Policies Not Applicable to Subject Site

Whilst the applicant understands the need to retain the amenity of traditional 1920's and 1930's homes, the aim of the Policies do not apply in this instance as the subject house is mid to late 20th century. Also, as the proposal is intended to upgrade an existing parking situation, it meets the requirements of setbacks, passive visual surveillance and has been designed to integrate with the existing building.

In light of the above considerations the Executive Manager Environmental and Development Services has amended the Agenda Report by changing the Officer Recommendation, such that the Council approves the proposed carport subject to standard and appropriate conditions.

Landowner:	J & M Raheb
Applicant:	Archiplan Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	739 square metres
Access to Right of Way	Rear, 5 metres wide, sealed, Town owned

BACKGROUND:

20 September 2006 The Town, under delegated authority from the Council, refused an application for a proposed carport within the front setback.

DETAILS:

The proposal involves the construction of a 6.23 metre x 6.23 metre carport within the front setback with vehicular access directly from Britannia Road. The subject proposal is the same as that refused by the Town, under delegated authority, on 20 September 2006.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted.
Vehicular Access Policy and Street Setbacks Policy	Access to on-site parking provided, where available, solely from a right of way, or from a secondary street where a right of way does not exist.	Access to on-site parking provided from the primary street, not right of way.	Not supported- the proposed carport is not consistent with the Town's Policies relating to Vehicular Access and Street Setbacks and will have an undue impact on the amenity of the existing streetscape.
Consultation Submissions			
Consultation is not required in this instance as the application is being recommended for refusal and referred to the Council for determination.			
Other Implications			
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:

The Town's Officers have attempted to be consistent with the application of the '*Interim Practice in regards to Car Parking, Carports and Garages Accessed from the Street rather than an Available Right of Way*' since its adoption by the Council on 27 April 2004. As the above proposal does not meet the requirements specified by the Council, the application is recommended for refusal.

10.1.4 Nos. 71-77 (Lot 62 D/P: 73028) Walcott Street, Corner Beaufort Street, Mount Lawley - Proposed Telecommunications Facility to Existing Commercial Building

Ward:	South	Date:	14 November 2006
Precinct:	Mount Lawley Centre; P11	File Ref:	PRO0703; 5.2006.313.1
Attachments:	001		
Reporting Officer(s):	L Mach, S Kendall		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by Connell Wagner Pty Ltd on behalf of the owner Silverleaf Investments Pty Ltd for Proposed Telecommunications Facility to Existing Commercial Building at Nos. 71-77 (Lot 62 D/P: 73028 Walcott Street), corner Beaufort Street, Mount Lawley, and as shown on plans stamp-dated 30 June 2006, for the following reasons:

- (i) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
- (ii) *the non-compliance with the Town's Policies relating to the Mount Lawley Centre Precinct, Heritage Management - Development Guidelines, and Telecommunications Facilities, respectively.*

COUNCIL DECISION ITEM 10.1.4

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

CARRIED (5-3)

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

(Cr Torre was an apology for the meeting.)

Landowner:	Silverleaf Investments Pty Ltd
Applicant:	Connell Wagner Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): District Centre
Existing Land Use:	Shops and Eating House
Use Class:	Unlisted Use (Non-Low-Impact Telecommunications Facility)
Use Classification:	"Unlisted Use"
Lot Area:	2784 square metres
Access to Right of Way	N/A

BACKGROUND:

- 26 August 1996 The Council at its Ordinary Meeting resolved to conditionally approve development application at Nos. 71 - 77 (Lot 62) Walcott Street, corner Beaufort Street, Mount Lawley for proposed alterations and additions to the existing Alexander Building subject to conditions including:
- "(vii) in accordance with the Town of Vincent Cash-In-Lieu Contribution for Car Parking Policy, the shortfall of 16.54 car bays shall be provided by way of a total cash-in-lieu contribution of \$99 240; and*
- (ix) should the applicant be successful in purchasing any other adjoining land to be used for the necessary parking, clause (vii) will be put to the Council to be rescinded;"*
- 10 February 1997 The Council at its Ordinary Meeting resolved to amend the resolution adopted by the Council at its Ordinary Meeting held on 26 August 1996, with regard to Item 12.1.12 Nos. 71 - 77 (Lot 62) Walcott Street, corner Beaufort Street, Mount Lawley - Proposed Alterations and Additions to the existing Alexander Building by rescinding condition (vii):
- "in accordance with the Town of Vincent Cash-In-Lieu Contribution for Car Parking Policy, the shortfall of 16.54 car bays shall be provided by way of a total cash-in-lieu contribution of \$99 240."*
- 11 August 1997 The Council at its Ordinary Meeting resolved to conditionally approve alteration and additions to the existing shops on Nos. 71 - 77 (Lot 62) Walcott Street, corner Beaufort Street, Mount Lawley subject to conditions including:
- "(iv) in accordance with the Town of Vincent Cash-in-Lieu Contribution for Car Parking Policy - Draft Policy, the shortfall of 2.744 car bays shall be provided by way of a total cash-in-lieu contribution of \$8232;"*
- 27 October 1997 The Council at its Ordinary Meeting resolved to amend the resolution adopted by the Council at its Ordinary Meeting held on 11 August 1997 for Nos. 71 - 77 (Lot 62) Walcott Street, Mount Lawley by rescinding condition (iv):
- "condition (iv) in accordance with the Town of Vincent Cash-in-Lieu Contribution for Car Parking Policy - Draft Policy, the shortfall of 2.744 car bays shall be provided by way of a total cash-in-lieu contribution of \$8232"; and*
- (ii) Silverleaf Investments Pty Ltd be advised that the Fresh Provisions site does not have a surplus car parking figure as a result of condition (iv) being rescinded by the Council."*

An extract from the Council Minutes explaining the car parking situation is as follows:

"The Council land previously accommodated 19 car bays and a single residential dwelling. Following the sale of the residual land, the demolition of the dwelling and the construction of the new car park, 41 car bays were accommodated on Lot 62. Effectively, an additional 7 bays were realised within the Council owned portion of the land by the redevelopment at Silverleaf's cost. It is noted that the redesign and redevelopment works on the Council owned land is conservatively estimated by the Councils Technical Services at \$20 479. As such, it would be reasonable to conclude that, given the cost expended by Silverleaf to reconfigure the Council car parking resulting in an additional seven (7) bays, the cash-in-lieu contribution of \$8232 imposed on Silverleaf for 2.744 car bays (Council meeting held 11 August 1997) would be waived.

The applicant should be advised however, that the reconfiguration of Council's car park resulting in an additional 7 bays, does not effect a surplus figure on the Fresh Provisions site. The rescinding of the cash-in-lieu contribution is considered on the basis of the cost for the works carried out, not on the additional bays created."

25 May 2004

The Council at its Ordinary Meeting resolved to refuse an application for a proposed bin storage area within the existing car park at adjoining lot No. 8 (Lot 200) Grosvenor Road, Mount Lawley, for the following reason:

1. *The proposal is not consistent with the orderly and proper planning and the preservation of the amenities of the locality, mainly due to the undue impact of the activities and externalities associated with bin storage area on the adjacent residential properties.*

The Council also advises the applicant that it is prepared to give consideration to a development proposal, which demonstrates the proposed bin storage area being located adjacent to the commercial properties at Nos. 71-77 Walcott Street."

22 June 2004

The Council at its Ordinary Meeting resolved to conditionally approve development application at Nos. 71-77 (Lot 62) Walcott Street, corner Beaufort Street, Mount Lawley for proposed bin storage area additions to existing shops.

7 December 2004

The Council at its Ordinary Meeting granted conditional approval for proposed alterations to existing eating house and associated signage (Dome Café) at the subject property.

22 November 2005

At its Ordinary Meeting, the Council refused an application for proposed Telecommunications Facility to Existing Commercial Building (Development Application No.5.2005.3098.1).

19 December 2005 Greg Rowe and Associates, on behalf of the owner lodged an application for the review of the Council determination at its Ordinary Meeting on 22 November 2005, with State Administrative Tribunal (SAT).

4 July 2006 The above application for review dismissed by SAT for the following reasons:

- *"Although an attempt had been made by the applicant to minimise the adverse effects of the proposed facility on the heritage building by way of contemporary design, positioning away from the buildings' front façade and colour matching, no reasonable steps had been made to minimise the cumulative adverse effects with the existing Telstra facilities by way of co-location."*
- *"The height, bulk and visual impact of the proposed structures together with the cumulative effects of the Telstra facilities, do impact, adversely on the aesthetics of the heritage building, despite attempts by the applicant to lessen that impact... An approval in these circumstances would not be consistent with the orderly and proper planning of the locality or the preservation of the amenity of the locality."*

DETAILS:

In summary, the current proposal for the site involves the relocation of two existing antennas and mounts to be moved two metres back from the building façade; the relocation of the third existing antenna into a cylinder shroud towards the rear of the building, which extends 3.8 metres above the existing roof line, and the installation of ancillary outdoor equipment units adjacent to the existing outdoor equipment unit within the bin storage area at ground level.

The proposal is considered non-low-impact as the subject site is considered an area of environmental significance, as outlined in the Western Australian Planning Commission (WAPC) Planning Bulletin Number 46. In this instance, the building is listed on the Town's Municipal Heritage Inventory (MHI) and thus considered significant to the locality.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted.
Telecommunication Facilities Policy: Clause 3 - Distance from Residential Buildings	300 metres	50 metres	Not supported - undue impact on surrounding residential area.

Clause 7 - Due consideration	Heritage, visual and aesthetic matters.	Antennas and poles protrude from the existing roof top and are visible from east, west, north and south elevations.	Not supported - the subject building is on the Town's MHI and is considered to have a detrimental impact on the heritage building's general aesthetic and the overall visual amenity of the area.
Clause 9 - Design	Design to have a minimal impact on the streetscape and amenity of the surrounding area.	Antennas and poles protrude from the existing roof top and are visible from the east, west, north and south elevations.	Not supported - the subject proposal is considered to have a detrimental impact on the streetscape and amenity of the surrounding area.
Heritage Management - Development Guidelines: Clause 4 - Management Categories	Place has been classified as Category A - Conservation Essential	Antennas and poles protrude from the existing roof top and are visible from the east, west, north and south elevations impacting on the cultural heritage significance associated with the place.	Not supported - the subject building is on the Town's and MHI and is considered to have a detrimental impact on the heritage building's general aesthetic and the overall visual amenity of the area.
Mount Lawley Centre Precinct: Built Form	Consistency in style, form, rhythm and articulation of buildings.	Proposal protrudes well above existing roof line.	Not supported - proposal is considered to be inconsistent with the style, form and rhythm of the existing heritage building.
Scale	All new buildings to be consistent with existing scale of buildings.	The proposed shroud protrudes 3.8 metres above the existing roof line.	Not supported - undue impact on scale and overall visual aesthetic of subject heritage building.
Consultation Submissions			
No advertising of the subject proposal was undertaken because the Officer Recommendation is for refusal. If the Council is inclined to approve the subject proposal, the proposal is required to be advertised in accordance with the Town's Community Consultation Policy.			
Notwithstanding the above, the subject application was referred to the Heritage Council of Western Australia. Its comments are detailed below.			
Other Implications			
Legal/Policy			TPS 1 and associated Policies.
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:

Heritage

The Alexander Buildings is on Town's Municipal Heritage Inventory and thus considered to have cultural heritage significance to the locality. The place is a substantial example of 1938 Interwar Art Deco building with landmark qualities located on the important intersection of Walcott and Beaufort Streets.

Recognising the high significance attributed to the subject site, the building is being considered by the Heritage Council of Western Australia (HCWA) for inclusion on the State Register of Heritage Places, as part of the Walcott/Beaufort Street intersection group. As the place is being considered for entry onto the State Register the development application was forwarded to HCWA for consideration and advice. The Heritage Council's Development Committee considered the matter on Tuesday, 19 September 2006 and resolved to advise the Town of Vincent:

- "1. That the installation of telecommunications infrastructure on heritage buildings is generally incompatible with the cultural heritage significance of the place and will generally result in an adverse visual impact, unless the place historically served a telecommunications or signal role, such as a light house or signal tower.*
- 2. That whilst the current proposal aims to reduce the impact of the existing antennae installations by having them set back from the building line, the proposal still has the potential to detrimentally impact on the significant streetscape and landmark qualities of the Alexander Buildings in the context of the Beaufort Street Commercial Precinct.*
- 3. That the current proposal appears to conflict with the "Guidelines for the Location, Siting and Design of Telecommunications Infrastructure" in relation to WAPC Statement of Planning Policy (SPP) 5.2 which state:
"Cultural and heritage sites should also be treated with sensitivity and avoided altogether where a proposed facility is likely to detract from the characteristics for which the site has been identified."*

The Town's Officers concur with the HCWA Development Committee's advice and consider that the height and visual impact of the proposed cylindrical shroud will have an undue impact on the aesthetics of the building and would be inconsistent with conserving the significance attributed to the place.

Summary

The current proposal has been reviewed by the Town Officers in context with the SAT Order and Reason for Decision for the application submitted by Greg Rowe and Associates, which was refused by the Council on 22 November 2005 and involved the installation two (2) flush mounted and shrouded antenna arrays 4.5 metres in height located on the roof top of the existing building, one (1) panel antenna to be fixed to one of proposed poles and two (2) antennas to be fixed to the second proposed pole; the installation of a radio communications dish to be fixed to the external facade on the western elevation and an equipment shelter and hand rail to be installed along the western elevation on the roof top.

Whilst SAT dismissed the review application recognising the potential undue impact of the previous proposed facilities, it is to be noted that the SAT did not outrightly discard the potential of the building to accommodate telecommunications facilities in the future and advised that *"if a co-location exercise was undertaken and, if achievable, appropriate housing and/or gables were constructed to hide the base of the combined facilities that a more visual effect may be possible"*.

Whilst the height, bulk and impact of the rear shroud is similar to the two shrouds proposed in the previous development application, there has been an attempt by the applicant to 'co-locate', reduce the amount of and relocate the existing antenna facilities to minimise the overall impact of the proposal on the building and its significant setting. The applicants have also proposed to locate the equipment shelter in the bin storage area on the ground floor and colour match the new shroud and relocated antennas to match the Alexander Building.

Notwithstanding the above, the height (3.8 metres above the existing roof line) and visual impact of the proposed cylindrical shroud is still considered to impact on the aesthetics of the building and to undermine its heritage significance. In addition to this, the installation of such oversized and intrusive telecommunications facilities on heritage places sets an undesirable precedent for other buildings within the locality.

Therefore, the proposed development, by reason of its scale, massing, height and design of its component poles, antennas and structures would result in an overdevelopment of the site and form an over-dominant and incongruous feature in the street scene to the detriment of the visual amenity and character of the area. The proposed development is therefore contrary to the provisions of the Town's Policies and is therefore recommended for refusal.

10.1.3 No. 17 (Lot 26 D/P: 1509) Galwey Street, Dual Frontage to Austen Lane, Leederville - Proposed Demolition of Existing Single House and Construction of Three (3) Two-Storey Single Houses

Ward:	North	Date:	14 November 2006
Precinct:	Leederville; P3	File Ref:	PRO3638; 5.2006.321.1
Attachments:	001		
Reporting Officer(s):	L Mach, S Kendall		
Checked/Endorsed by:	D Abel	Amended by:	-

CORRECTED 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 Viking Developments Pty Ltd on behalf of the owners NM Allen and CC Buralli for proposed Demolition of Existing Single House and Construction of Three (3) Two - Storey Single Houses, at No. 17 (Lot 26 D/P: 1509) Galwey Street, dual frontage to Austen Lane, Leederville, and as shown on plans stamp-dated 15 September 2006, subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating all new street/front wall, fence and gate between the Galwey Street boundary and Austen Lane Street boundary and the main building, including along the side boundaries within this front setback area, complying with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*

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

- (iii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *the garages to residences 1 and 2 being setback 6.0 metres from the Galwey Street boundary or behind the line of the front main building wall;*
 - (b) *the width of the driveways for residences 1 and 2 being 3.0 metres; and*
 - (c) *the eastern garage boundary wall of residence 3 being a maximum average height of 3.0 metres; and*
 - (d) *the eastern store room to residence 3 being deleted.*

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

- (iv) *first obtaining the consent of the owners of No.17 Austen Lane for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No.17 Austen Lane in a good and clean condition;*
- (v) *an archival documented record of the place, including photographs (internal, external and streetscape elevations) and, floor plans for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (vi) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site; and*
- (vii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Galwey Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s).*

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Messina

That;

clause (iii)(a) in the corrected recommendation be deleted

Debate ensued.

AMENDMENT LOST (3-5)

(Cr Torre was an apology for the meeting.)

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

Moved Cr Ker, Seconded Cr Chester

That;

clause (iii)(d) in the corrected recommendation be deleted.

Debate ensued.

Cr Ker withdraw his amendment with the consent of the seconder and the Council.

MOTION AS AMENDED PUT AND CARRIED (8-0)

(Cr Torre was an apology for the meeting.)

COUNCIL DECISION ITEM 10.1.3

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Viking Developments Pty Ltd on behalf of the owners NM Allen and CC Buralli for proposed Demolition of Existing Single House and Construction of Three (3) Two - Storey Single Houses, at No. 17 (Lot 26 D/P: 1509) Galwey Street, dual frontage to Austen Lane, Leederville, and as shown on plans stamp-dated 15 September 2006, subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating all new street/front wall, fence and gate between the Galwey Street boundary and Austen Lane Street boundary and the main building, including along the side boundaries within this front setback area, complying with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*

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

- (iii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *the garages to residences 1 and 2 being setback 6.0 metres from the Galwey Street boundary or behind the line of the front main building wall;*
 - (b) *the width of the driveways for residences 1 and 2 being 3.0 metres; and*
 - (c) *the eastern garage boundary wall of residence 3 being a maximum average height of 3.0 metres. ; and*
 - (d) *the eastern store room to residence 3 being deleted.*

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

- (iv) *first obtaining the consent of the owners of No.17 Austen Lane for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No.17 Austen Lane in a good and clean condition;*
- (v) *an archival documented record of the place, including photographs (internal, external and streetscape elevations) and, floor plans for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (vi) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site; and*
- (vii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Galwey 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).*

ADDITIONAL INFORMATION:

It has come to the Town's attention that the eastern neighbour (abutting residences 3 and 1) along Austen Lane was inadvertently not notified during the consultation period.

Notwithstanding this, the Town's Officer has since met the above neighbour regarding the plans, and the neighbour has no objections to the plans subject to the storeroom of residence 3, (which is not a requirement for a single house under the Residential Design Codes) being deleted from the plans. The applicant is agreeable to the amendment. The Officer Recommendation is therefore amended accordingly.

Landowner:	NM Allen and CC Buralli
Applicant:	Viking Developments Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R40
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	669 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves demolition of existing single house and construction of three (3) two - storey single houses at the subject property.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	3 dwellings R 30	3 dwellings R 30	Noted- no variation.
Plot Ratio	N/A	N/A	Noted.
Setbacks			
<u>Residences 1 and 2</u>			
Ground Floor- East (Residence 1)	1.5 metres	1.2-2.45 metres	Supported- staggering of setbacks and no undue impact. Supported-as above.
West (Residence 2)	1.5 metres	1.2-2.45 metres	
First Floor- East (Residence 1)	2.3 metres	1.2-2.45 metres	Supported-as above.
West (Residence 2)	2.3 metres	1.2-2.45 metres	Supported-as above.
<u>Residence 3</u>			
Ground Floor- East	1.5 metres	Nil -1.56 metres	Supported- refer to 'Buildings on Boundary'. Supported- minor variation and no undue impact.
West	1.5 metres	1.373-3.052 metres	
North (Store)	1.0 metre	Nil (refer to Building on Boundary)	Supported- refer to 'Buildings on Boundary'. Supported- minor variation and no undue impact.
East (store)	1.5 metres	1.2-1.56 metres	
First Floor- South (Austen Lane)	6.0 metres	3.125 (balcony and void) -4.0 metres (main building)	Supported- no undue impact as secondary street.

Garage Setback	Garages setback at 6.0 metres from the frontage street, or behind the line of the front main building wall.	Residences 1 and 2- garage setback 5.4 metres and in front of main building wall.	Not supported – undue impact and has been conditioned to comply.
Driveway Width	3.0 metres	Residences 1 and 2- 2.4 metres	Not supported- undue impact and has been conditioned to comply.
Buildings on Boundaries	One boundary wall is permitted with an average height of 3 metres and a maximum height of 3.5 metres, for 66.6% length of boundary.	Residence 3 - 2 boundary walls. Eastern garage boundary wall has average height of 3.1 metres (compliant in terms of length and maximum height); and northern boundary wall compliant in terms of height and length.	Supported in part - no undue impact and eastern boundary wall has been conditioned to comply.
Street Wall/Fences	Maximum height of 1.8 metres and visually permeable above 1.2 metres from natural ground level.	Residence 3- Up to 2.3 metres and not visually permeable above 1.2 metres.	Not supported – undue impact has been conditioned to comply.
Consultation Submissions			
Support	Nil		Noted.
Objection (1)	<ul style="list-style-type: none"> General objection to all non-compliances. 		Refer to above comments.
Other Implications			
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).		
Strategic Implications	Nil		
Financial/Budget Implications	Nil		

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

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

COMMENTS:

Demolition

A full Heritage Assessment is contained within the attachment this report.

The weatherboard, fibro and iron place at No. 17 Galwey Street, Leederville was constructed in the Federation Georgian style of architecture circa 1904. Whilst weatherboard dwellings within the locality are considered to be rare the subject place only has a weatherboard façade with fibro sheeting clad side elevations. These fibro sheeting side elevations and other alterations to the rear of the dwelling compromise the authenticity of the place. The front two rooms and central hallway retain much of their original detailing including: timber floors, pressed tin ceilings and fireplace details.

The subject dwelling is located in a very fragmented streetscape of single and two-storey dwellings, which vary in terms of setbacks, construction material, age and building style. The dwelling is not unique and is considered to be of little aesthetic, historic, scientific and social value. The place is not considered to meet the threshold for entry in the Municipal Heritage Inventory and it is recommended that the application to demolish the place be approved, subject to standard conditions.

Conclusion

In light of the above, the proposal is recommend for approval subject to standard and appropriate conditions to address the above matters.

The Presiding Member advised that Cr Chester had declared a proximity interest in this item. Council had approved Cr Chester's request to participate in discussion and vote on the item.

10.1.6 Progress Report No. 2 - Review of Practices Relating to Conditions on Demolition Approvals

Ward:	Both Wards	Date:	15 November 2006
Precinct:	All Precincts	File Ref:	PLA0086
Attachments:	-		
Reporting Officer(s):	K Batina, S Kendall, S Teymant , G Snelling, R Rasiah		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES Progress Report No.2 - Review of Practices Relating to Conditions on Demolition Approvals;*
- (ii) *ADOPTS the following recommendations in response to - Review of Practices Relating to Conditions on Demolition Approvals;*
 - (a) *impose a more defined timeframe in which a Building Licence must be applied for and development should commence following the demolition of the building;*
 - (b) (1) *impose the following conditions on Planning Approvals for Demolition only:*
 - (aa) *"A development proposal for the redevelopment of the subject property shall be submitted within one year of the date of issue of the demolition Planning Approval."*
 - (bb) *"A development program for the redevelopment of the subject property shall be submitted and approved prior to the issue of a Demolition Licence."*
 - (c) (2) *impose the following conditions on Planning Approvals for Redevelopment, which may also include demolition:*
 - "(aa) The subject property shall be maintained, up kept and secured to the satisfaction of the Town, until the subject building is demolished. Failure to do so may result in the delay of issuing a Demolition Licence.";*
 - (d) *consideration being given to the demolition Planning Approval of non-heritage listed derelict buildings, not requiring a redevelopment application in the following situations:*
 - (1) *the property being located within the high squatter activity suburbs of Perth, Highgate, Mount Lawley or North Perth; and/or*
 - (2) *the property having been derelict for a period of greater than 6 months; and/or*
 - (3) *the property requiring resecuring on more than three occasions in any 6 month period; and/or*

- (4) *complaints from government or community agencies have been received by the Town on more than one occasion in any 6-month period;*
- (e) *consideration being given to a new definition for 'redevelopment' as part of the Town Planning Scheme Review and based on the following definition;*
- 'redevelopment' means the development or use of any land as per the definition provided in the Planning and Development Act 2005 subsequent to the demolition or partial demolition of a building. This may include subdivision of the land and any landscaping to the land parcel following demolition.;*
- (f) *consideration being given to the preparation of a Local Law as a means of facilitating action being taken by the Town to recoup costs if the Town is not satisfied with neglected, derelict and unkempt property situations arising from a demolition approval; and*
- (g) *consideration being given to waiving the fees or a portion thereof for the applications for redevelopment being submitted in accordance with an approval for demolition; and*
- (iii) *SEEKS comments from the Western Australian Local Government Association in relation to how to deal with this matter, through Policy or Legislation.*

Moved Cr Farrell, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

Cr Messina departed the Chamber at 7.02pm.

Debate ensued.

Moved Cr Farrell, Seconded Cr Doran-Wu

That the Council

- (i) *RECEIVES Progress Report No.2 - Review of Practices Relating to Conditions on Demolition Approvals; and*
- (iii) *SEEKS comments from the Western Australian Local Government Association in relation to how to deal with this matter, through Policy or Legislation.*

MOTION CARRIED (7-0)

(Cr Torre was an apology for the meeting. Cr Messina was absent from the Chamber.)

Moved Cr Farrell, Seconded Cr Ker

That;

clause (ii) be DEFERRED for further consideration.

MOTION CARRIED (6-1)

For

Mayor Catania

Cr Chester

Cr Farrell

Cr Ker

Cr Lake

Cr Maier

Against

Cr Doran-Wu

(Cr Torre was an apology. Cr Messina was absent from the Chamber.)

Cr Messina returned to the Chamber at 7.05pm.

COUNCIL DECISION ITEM 10.1.6

That the Council;

- (i) ***RECEIVES Progress Report No.2 - Review of Practices Relating to Conditions on Demolition Approvals;***
- (ii) ***DEFERS clause (ii) for further consideration; and***
- (iii) ***SEEKS comments from the Western Australian Local Government Association in relation to how to deal with this matter, through Policy or Legislation.***

PURPOSE OF REPORT:

The purpose of this report is to present to the Council the findings resulting from the investigation and research undertaken by the Town's Officers in response to the Notice of Motion adopted by the Council at its Ordinary Meeting held on 27 June 2006, in relation to the 'Review of Practices relating to Conditions for Demolition'.

BACKGROUND:

27 June 2006

The Council at its Ordinary Meeting resolved to adopt the following Notice of Motion:

"That the Council requests;

- (i) *the Chief Executive Officer review the current practice regarding conditions for demolition to:*
 - (a) *more effectively encourage redevelopment and discourage lots being left vacant;*
 - (b) *more effectively discourage dwellings being left in an uninhabitable, abandoned state;*
 - (c) *provide some flexibility as to what constitutes "a redevelopment proposal" within developed definitive guidelines while achieving identified positive development outcomes;*
 - (d) *identify means of the Town's intervening, taking action and recouping costs if the Town is not satisfied with situations arising from a demolition approval;*
 - (e) *maintain the positive outcomes achieved (eg Wright Street) by the application of the current demolition conditions; and*
 - (f) *all of the above be considered in light, not only of policies pertaining to demolition, but also to the relevant Safer Vincent and Health policies;*

- (ii) *the report contain:*
- (a) *statistics and comments on the number of demolition applications per year for the past five years;*
 - (b) *the number of requests for deletion of conditions relating to submission of plans; and*
 - (c) *the number of appeals to the State Administrative Tribunal relating to demolition and the reasons; and*
- (iii) *a report back on the above matters within three (3) months."*

10 October 2006 The Council considered and received Progress Report No.1 providing an update in relation to the progress of work being undertaken in relation to the 27 June 2006 Notice of Motion.

CONSULTATION/ADVERTISING:

Not required.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil

FINANCIAL/BUDGET IMPLICATIONS:

Nil

COMMENTS:

Subsequent to the Progress Report No.1 considered at the Ordinary Meeting of Council held on 10 October, 2006, further investigations have been undertaken among the Town's relevant service areas.

Considerations and Limitations

The following considerations and limitations in terms of legal constraints of the Town have been taken into account when preparing responses to the Notice of Motion for this Progress Report.

- The Town cannot legally force upon an owner or developer, the occupation of a building;
- The Town cannot insist that a Planning Approval be acted upon;
- The Town cannot impose restricted timeframes beyond the statutory timeframe stipulated for Planning Approvals under the *Planning and Development Act 2005*;
- The Town has received few (if any) complaints in regard to cleared/vacant sites within the Town; and
- 'Gap' sites are not as pronounced in District and Local Centres, as it is in residential areas. In relation to residential sites, the question that needs to be asked is, does insisting the retention of a 'run-down' dwelling marked for demolition have less or more impact on the residential amenity of the surrounding areas, than a vacant site.

Planning Context

It is considered appropriate to initially outline the current provisions and requirements imposed on any planning application for demolition only prior to discussing ways in which the effectiveness of the current provisions could be improved.

Clause 41 of the Town of Vincent's Town Planning Scheme No.1 states:

"41 DETERMINATION OF AN APPLICATION FOR DEMOLITION

In considering an application for or involving demolition, the Council is to have regard to the matters listed in Clause 38 (5) and -

- (a) may defer consideration of the application until –*
 - (i) it has granted planning approval for subsequent development of the relevant site;*
 - (ii) it has issued a building licence for that development; and*
 - (iii) it is satisfied that the subsequent development will commence;*
- (b) may approve the application, subject to conditions including –*
 - (i) the retention, maintenance, reinstatement or repositioning of any part of the existing building or structure;*
 - (ii) the screening of the site during redevelopment; and*
 - (iii) where the development that has been approved has not been substantially commenced for a total period of more than six months, the landscaping of or other treatment of the site to the satisfaction of the Council; or*
- (c) may refuse the application."*

The relevant conditions usually imposed on a Planning Approval that proposes demolition only, are as follows:

- "(i) a development proposal for the redevelopment of the subject property shall be submitted and approved prior to the issue of a Demolition Licence;"*
- "(ii) 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;"*

Historical Context

Historically, the practice has been that when an application is submitted for a proposed demolition of an existing building, the applicant is encouraged to submit an application for the subsequent redevelopment of the site at the same time. Where an application for demolition approval is lodged without a supporting redevelopment proposal, the conditions of approval carry with it a requirement for a planning application for redevelopment to be submitted and approved prior to the issue of a Demolition Licence, as reflected in clause 41(a)(i) of Town Planning Scheme No.1.

A review of the conditions and provisions relating to demolition has been prompted by the increasing number of reconsiderations being considered by the Council in relation to the requirement that a redevelopment application be submitted as a condition of a demolition approval. In particular, a development proposal for the property at No.6 Wavertree Place, Leederville, highlighted the urgency for a review of the current practices associated with the demolition approvals and conditions and formed the premise of the Notice of Motion, subject of this report.

Following is a summary of the comments and information collated by the various service areas, in response to each one of the Notice of Motion directives and the outcomes of the review that has been undertaken. The recommendations and the discussions relate to demolition and development by both the general public and ratepayers *and* the Town itself.

(a) *more effectively encourage redevelopment and discourage lots being left vacant;*

It is common practice in a number of Local Government Authorities to require that a Demolition Licence only be issued if approval has been granted for the demolition and subsequent redevelopment of the site or that the applicant commits to the landscaping and upkeep of the vacant land until such time that redevelopment of the site will occur. The rationale for imposing this requirement is based on not having any gaps within a streetscape for an indefinite period of time. With this being a desirable planning outcome, ensuring that the granting of a Demolition Licence is intrinsically linked to a subsequent development proposal is vital.

Planning Approvals are valid for two years from the date of determination. Lodging for a Building and/or Demolition Licence can be done at any time during this two year period. However, a Demolition and/or Building Licence must be issued in a timeframe within which the demolition and subsequent redevelopment has been substantially commenced prior to the two year planning approval period lapsing. If an application for a Building Licence is made within a period of time which the Council deems to be insufficient time for a building to be substantially commenced prior to the lapsing of the development approval, a Building Licence will not be issued.

To more effectively encourage prompt redevelopment of vacant sites following demolition, the following conditions are suggested to be applied on Planning Approvals for Demolition only:

“(i) *A development proposal for the redevelopment of the subject property shall be submitted within one year of the date of issue of the Demolition Planning Approval.*”

“(ii) *A development program for the redevelopment of the subject property shall be submitted and approved prior to the issue of a Demolition Licence.*”

And the following condition is imposed on Planning Approvals for Redevelopment, which may also include demolition:

“(i) *The subject property shall be maintained, up kept and secured, to the satisfaction of the Town, until the subject building is demolished.*”

Regardless of the above conditions being imposed, there is still no legal provision that the Town could impose on a developer/landowner to develop within a certain timeframe of the valid approval period, and therefore the Town is constrained in requiring that development/redevelopment occur within a timeframe less than the two year approval period which reflects the statutory requirement and legislation.

As an alternative, consideration could be given to the waiving of fees or a portion thereof for the applications for redevelopment being submitted in accordance with an approval for demolition. This may be received as an incentive by the developers to submit applications for redevelopment sooner; however, it would need to be investigated as to whether or not this would actually encourage applicants to develop sooner or whether it is the lack of finance to undertake the actual development itself that may be the limiting factor. In addition, the monetary implications for the Council would need to be examined further prior to committing to this.

(b) *more effectively discourage dwellings being left in an uninhabitable, abandoned state;*

Health Services concur that uninhabitable and abandoned properties are problematic and should be addressed in liaison with owners as far as practicable. The current *Health Act 1911* contains provisions requiring that dwellings be left uninhabited in certain circumstances, until adequate measures have been implemented to ensure that a dwelling has been repaired or cleaned, so as to again become habitable.

The *Health Act 1911* provides powers for Environmental Health Officers to inspect and place notice on a dwelling in relation to its suitability to house persons in compliance with the *Town of Vincent Health Local Law 2004*. Upon receiving complaints in relation to adverse internal and/or external conditions at a property, Environmental Health Officers undertake an inspection of the dwelling to determine compliance with the *Health Act 1911* and *Town of Vincent Health Local Law 2004*. In situations where the whole dwelling, or parts of the dwelling are 'unclean' or in 'want of repair', Health Services are bound by statutory requirements to serve a '*House Unfit for Human Habitation Notice*' on the owner of the property, directing the owner to vacate all or part of a dwelling until compliance with the notice has been achieved.

In many situations, the dwelling is in such a state of disrepair that the cost of achieving compliance with a notice is far too significant for owners to justify spending the money required, and therefore many owners choose to allow the dwelling to become derelict and fall into a state of disrepair, until such time that the property is sold, redeveloped or refurbished. This occurs despite the Town's Health Services offering reasonable timeframes and flexibility to comply with Notices (such as rectifying problems stage by stage - starting with the most urgent works). However, this is where the Town's Policy 3.8.5 - '*Derelict Houses/Buildings: Securing and Cleaning Works*' proves a valuable tool. The Policy provides the Town's Environmental Health Officers with authority to arrange securing and cleaning works for the owner's account, at properties containing a derelict building or vacant land, upon complaints being received. As a result, those properties left derelict (or undeveloped in the case of vacant land), are able to be maintained in a secure and externally compliant condition, in accordance with the abovementioned legislation and Policy.

Health Services substandard building register currently contains a listing of forty nine (49) substandard and derelict properties. Of the forty nine (49) properties, thirty five (35) are located within Perth, Mount Lawley, North Perth, and Highgate, with the remaining fourteen (14) located in Leederville and Mount Hawthorn. Of the thirty five (35) properties located within Perth, Highgate, Mount Lawley, and North Perth, twenty (20) are regularly frequented by squatters and require ongoing monitoring, securing and clean-up. Derelict buildings within Leederville, Mount Hawthorn and West Perth are generally not exposed to use by squatters, most probably because they are beyond walking distance from the Central Business and Northbridge Entertainment Districts.

As a result of the above, it is not realistic from a Health Services perspective to '*more effectively discourage dwellings being left in an uninhabitable, abandoned state*', for the following reasons:

- (i) Legislation binds the Town to ensure provisions of the *Health Act 1911* are implemented; and
- (ii) Health Services only serve 'House Unfit for Human Habitation Notices' as a last resort measure. Notices are only served when the dwelling is in such a state of uncleanliness and/or in want of repair that failure to serve notice and rectify the matter would likely expose the occupants or neighbouring property owners to unsanitary or unsafe conditions.

A strategy that may assist in reducing the number of derelict buildings throughout the Town would be to approve the demolition of non-heritage listed buildings upon application, in the absence of a development approval. This may in turn promote demolition of buildings where the owner has no intention of upgrading the premises (either through lack or desire or insufficient funds), particularly in situations where the building has been constantly exposed to use by squatters, vandalism, graffiti or been left unoccupied for a lengthy period of time so as to fall into disrepair. By allowing such buildings to be demolished, costs associated with ongoing securing and cleaning works could be avoided, leaving the property owner in a better financial position, hopefully prompting redevelopment to occur sooner than would otherwise be the case.

Such a strategy would also free up limited Health Services resources, allowing more time to be devoted to administering higher priority public health functions such as the inspection of food premises, food sampling and surveillance, water sampling of aquatic facilities, public building inspections, lodging houses inspections and management of noise complaints.

Health Services understands the planning rationale with regard to disallowing demolition without an accompanying redevelopment application (due to creating a break in the streetscape). However, given the potentially serious social implications of derelict buildings used by squatters, it is considered highly beneficial that the demolition of non-heritage listed buildings be permitted without an accompanying development approval, subject to the following criteria being met:

- a site inspection being undertaken by Health and Planning and Building Services to determine on-site conditions; and/or
- the property being located within the high squatter activity suburbs of Perth, Highgate, Mount Lawley or North Perth; and/or
- the property having been derelict for a period of greater than 6 months; and/or
- the property requiring resecuring on more than three occasions in any 6 month period; and/or
- complaints from government or community agencies have been received by the Town on more than one occasion in any 6 month period.

Consideration of non-planning related criteria is considered extremely important in relation to matters concerning derelict buildings frequented by squatters, and beneficial in achieving outcomes in accordance with the Town's Strategic Plan 2005-2010, Environment and Infrastructure, Key Result 1.4 "*Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment*".

Other more drastic options exist through provisions of the *Local Government (Miscellaneous Provisions) Act 1960* ('Act') with regard to "*neglected buildings*" and have been previously imposed and enacted upon. Notices can be (and have been) issued under the provisions of the Act in the following circumstances:

- (i) Under Section 409 (1) of the Act, where the Town has formed the opinion that the building is so dilapidated in appearance as to be out of conformity with the general standard of appearance of the other buildings in the locality in which it is situated, the owner be required to bring the appearance of the building into conformity with the general standard of the buildings in the locality, including the carrying out of specific works set out in an appended schedule.
- (ii) Where the Town has formed the opinion that the building is a "neglected building" within the meaning of Section 407 of the Act, because it is so dilapidated as to be unfit for use or occupation, the owner be required to put the building in such state of repair and good condition as is to the satisfaction of the Town of Vincent, including the carrying out of specific works set out in an appended schedule.

For the purpose of this discussion, "*neglected building*" is defined in the Act as meaning a building which is ruinous or so dilapidated as to be unfit for use or occupation, or which is from neglect or otherwise in a structural condition prejudicial to property in, or to inhabitants of, the neighbourhood in which it is situated.

The Town's Health Services assert that placing such notices on a neglected/dilapidated building would prove burdensome, have the potential to be financially damaging for the property owner, and most likely result in consuming legal disputes between the property owners and the Town. The current Policy 3.8.5 '*Derelict Houses/Buildings: Securing and Cleaning Works*' which requires derelict buildings to be maintained and kept secure against use by unauthorised persons, combined with strategies of making the demolition or repair of buildings less onerous, is considered preferable to enacting Sections 407 and 409 of the Act. As a result, enacting Sections 407 and 409 of the Act should be reserved for extreme circumstances where standard procedures have failed to result in adequate improvement in the best interests of the wider community.

- (c) *provide some flexibility as to what constitutes "a redevelopment proposal" within developed definitive guidelines while achieving identified positive development outcomes;*

A redevelopment proposal is defined by the definition given for "development" in the *Planning and Development Act 2005* which states:

"development" means the development or use of any land, including –

- (a) *a demolition, erection, construction, alteration of or addition to any building or structure on the land;*
- (b) *the carrying out on the land of any excavation or other works;*
- (c) *in the case of a place to which a Conservation Order made under section 59 of the Heritage of Western Australia Act 1990 applies, any act or thing that –*
 - (i) *is likely to change the character of that place or the external appearance of any building; or*
 - (ii) *would constitute an irreversible alteration of the fabric of any building."*

Essentially, while "redevelopment" is often directly associated with the construction or partial construction of a building, 'redevelopment', as per the definition provided above, can extend to any excavation works or other works, which would include subdivision. It was argued by the proponent in relation to the demolition and proposed redevelopment of No.6 Wavertree Place, Leederville that the subsequent subdivision of the property, following demolition constituted as redevelopment of the site. The applicant submitted an application to the Town for a reconsideration of condition (iii) of the application approved at the Ordinary Meeting of Council held on 11 April 2006 for demolition of existing single house at No.6 Wavertree Place, Leederville, and also submitted an application to the State Administrative Tribunal (SAT) in the event that the Council did not remove the condition. The Council at its Ordinary Meeting held on 13 June 2006 approved the removal of the condition (iii) and subsequently the SAT review was vacated.

In light of this occurrence, and upon revisiting the definition of what constitutes development/redevelopment, it is recommended that a new definition be considered as part of the new Town Planning Scheme for "redevelopment" that reads:

'redevelopment' means the development or use of any land as per the definition provided in the Planning and Development Act 2005 subsequent to the demolition or partial demolition of a building. This may include subdivision of the land and any landscaping to the land parcel following demolition.

- (d) *identify means of the Town's intervening, taking action and recouping costs if the Town is not satisfied with situations arising from a demolition approval;*

Primarily, the problems associated with the non-compliance of a demolition approval are usually associated with such matters as the neglect of an existing building to a derelict state, unkempt gardens and a lack of on-going maintenance of a site prior to the issue of a Demolition Licence, which create an 'eyesore' on the affected street and unduly impact on the amenity of the immediate area. If a developer/landowner fails to comply with the conditions imposed as part of a demolition approval, then the course of action available to the Town is to issue a 'House Unfit for Human Habitation Notice', as detailed earlier in this report, or issue a planning written direction or withhold the issuing a Demolition Licence until the conditions of the demolition approval are met.

Aside from those described above, presently the Town does not have any means of taking action and recouping costs if it is not satisfied with situations arising from a demolition Planning Approval. The preparation and adoption of a Local Law to address this may facilitate the Town's ability to recoup costs; however, with the absence of such a Local Law, and the legalities of imposing a monetary penalty on an applicant/developer who has indicated the intention to develop the land by virtue of seeking a demolition and subsequent redevelopment approval, albeit at some later date, seems inequitable and unfair.

(e) *maintain the positive outcomes achieved (eg Wright Street) by the application of the current demolition conditions; and*

The Council at its Ordinary Meeting on 22 February 2005, considered the demolition of the brick and iron Federation Bungalow at No.66 Wright Street, Highgate, which was listed on the Town's Interim Heritage Database. The Officers Recommendation for the proposed demolition was for conditional approval as the place did not meet the threshold for entry onto the Town's Municipal Heritage Inventory (MHI), in accordance with the Town's Policy relating to Heritage Management. However, the Council overturned the Officer Recommendation and resolved to constructively refuse the application for demolition for the following reasons:

- "1. *The proposal is not consistent with the orderly and proper planning and the preservation of the amenities of the locality by virtue of the demolition of the existing building.*
2. *In the Council's opinion, the streetscape is of considerable importance and contributes significantly to the character of the area, and Council has invested significant effort in retaining existing dwellings on Wright Street.*
3. *The lot is able to be developed with the retention of the existing house."*

An incorrect statement was made in the Officer's report to the Council on 22 February 2005, in which it was stated that the place had been entered onto the Town's Interim Heritage Database at the request of the owner. According to the applicant, the previous owner, who had since deceased, did not consent to the Interim Heritage Database listing at the time this occurred between 1997 and 1998. Whilst there were no records found to clarify the details of the listing, the planning application was reconsidered, in context with this information at the Ordinary Meeting of Council held on 12 April 2005. At this meeting, the demolition was approved and the place was removed from the Interim Heritage Database. To encourage the retention of the dwelling, the Council amended the recommendation as follows:

"1. *Clause (vi) being amended to read as follows:*

"(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. The property is located within the Brigatti Locality, and the Policy relating to the Brigatti Locality requires that in narrow and/or short streets, housing development is to be designed sensitively in terms of scale, setbacks and landscaping with a maximum height of two storeys; elsewhere a range of building form and scale is appropriate although buildings should be designed to harmonise with existing character; and"

2. *the existing recommendation being renumbered to clause (i)(a) to (g) and a new clause (ii) inserted as follows:*

"(ii) that Council MAY consider development bonuses for a redevelopment proposal where the place at No. 66 (Lot 7)Wright Street is retained;"

Whilst the owner's attained Planning Approval for the demolition of the dwelling at No.66 Wright Street, Highgate, they also investigated other development options that would enable the retention of the original house. At the Ordinary Meeting on 14 March 2006, the Council conditionally approved a planning application for the partial demolition of the existing dwelling and the construction of two three-storey multiple dwellings and one three-storey grouped dwelling.

Within the Town of Vincent there are many places, which contribute to the unique historic and physical character of the locality but on an individual basis do not meet the threshold for inclusion on the Municipal Heritage Inventory (MHI). The Town's current Heritage Management policies do not contain specific provisions for the protection of these places or 'streetscapes' and 'character' areas. The majority of places on the Town's MHI are individual places, with an obvious exception being the Brookman and Moir Streets Precinct, where collectively all the dwellings have cultural heritage value.

In order to retain places, which contribute to the character of an area, such as No.66 Wright Street, Highgate, other avenues of protection other than 'heritage' need to be applied. As was the case in the above example, close reference to detail within the locality statements could be applied and recommended by the Town's Officers. It is anticipated that as part of the review of the Town's Town Planning Scheme No.1 'character areas' and/or 'character streets' will be offered greater protection from inappropriate redevelopment.

- (f) all of the above be considered in light, not only of policies pertaining to demolition, but also to the relevant Safer Vincent and Health policies;*

Refer to comments provided in section (b) of this report.

Statistical Analysis

The Notice of Motion requested that statistics and comments on the number of demolition applications per year for the past five years. Following is a summary of the statistical information gathered:

	01/02	02/03	03/04	04/05	05/06
Comparative Statistics - Development Applications	472	404	532	471	513
Planning Approvals					
Demolition excluding redevelopment	25	7	41	22	50
Demolition including redevelopment	37	46	54	39	208
TOTAL	62	60	95	61	258

	01/02	02/03	03/04	04/05	05/06
Demolition Licences	33	51	43	58	49

As seen from the above statistics, the number of demolition applications increased 422 per cent in the 2005/2006 financial year, which is considered to be a reflection of the current property market trends and the resource boom.

(b) *the number of requests for deletion of conditions relating to submission of plans; and*

From the period between January 2005 and August 2006, a total of ten applications were lodged with the Town, which requested that the subject standard condition (iii), which requires a redevelopment proposal to be approved prior to the issue of a Demolition Licence, be removed from the Planning Approval. A breakdown of the various requests is provided as follows:

Address	Reason for Request and Context	Support/ Not Supported	Date of OMC
No.120 Egina Street, Mount Hawthorn	<ul style="list-style-type: none"> To enable a condition of an 'Offer and Acceptance' to be fulfilled. 	Not supported.	8 November 2005
Nos.339, 341 and 343 Lord Street, Highgate	<ul style="list-style-type: none"> Application approved with standard conditions. The demolition process commenced without a Demolition Licence. There were concerns regarding the safety of the structure and vagrant activity. The owner was advised to submit an application for the Council to consider the removal of condition (iii). A redevelopment proposal had subsequently been lodged with the Town at the time Council considered the removal of condition (iii). 	Supported - condition (iii) removed.	27 June 2006
No.2 Wavertree Place, Leederville	<ul style="list-style-type: none"> The Town's Officers, who were informed by a Structural Engineer's Report, requested that condition (iii) be removed to address safety concerns. 	Supported - condition (iii) removed.	23 May 2006

No.61 Glendower Street, Perth	<ul style="list-style-type: none"> Request for Condition (iii) to be removed to satisfy subdivision conditions. 	Not supported by Council.	23 May 2006
No.115 Forrest Street, North Perth	<ul style="list-style-type: none"> Request for Condition (iii) to be removed as the applicant considered the house to be in a state of disrepair, and were not in a financial position to remedy. 	Not supported by Council.	23 May 2006
No.197 Harold Street, Mount Lawley	<ul style="list-style-type: none"> Place damaged by fire. Owner requested that condition (iii) be removed to address safety concerns. Owner supplied Structural Engineer's Report. 	Supported - condition (iii) removed.	23 May 2006
No.6 Wavertree Place, Leederville	<ul style="list-style-type: none"> Application approved with standard conditions. Applicant lodged a review with SAT for the removal of Condition (iii). The Applicant also requested that Council delete condition (iii) or acknowledge that the sub-divisional approval of the WAPC for the site be seen as development for the purpose of clearing this condition 	Supported - condition (iii) removed.	13 June 2006
No.386 William Street, Perth	<ul style="list-style-type: none"> Demolition and Redevelopment proposal was lodged with Town. To address the owner's and Town's Officers' concerns regarding health and safety of the derelict building, the Planning Approval for demolition was expedited prior to consideration of redevelopment. (Request for condition (iii) to be removed) 	Not Supported by Council.	22 August 2006

The number of appeals to the State Administrative Tribunal relating to demolition and the reasons

From January 2005, the Town's Officers have been involved in two State Administrative Tribunal review applications. The first review involved the proposed demolition of the existing hostel at No. 30 (Lot 8) Bulwer Street, Perth and the construction of thirteen (13) two-storey multiple dwellings, including a loft and associated car parking. The application was refused by the Council at an Ordinary Meeting on 9 August 2005, as the existing hostel was found to meet the threshold for entry into the Town of Vincent Municipal Heritage Inventory, primarily on the grounds of its historic and social values. In addition to this, the proposed redevelopment did not to comply with the Residential Design Codes.

The application for review, which was heard on 14 March 2006, was dismissed and the development approval was refused on the premise that the development did not conform to the Residential Design Codes. However, in regard to the retention of the existing hostel the Tribunal found *'that although the place has social and historic significance and two storey Federation Buildings in the Queen Anne style are rare in the locality, the cultural heritage significance of the building has been reduced to the point at which its demolition should not be refused on heritage grounds.'*

The second review was held in regard to the demolition of No. 306 (Lots 98, 99 and 100) Charles Street, North Perth. The application was refused by the Council, at the Ordinary Meeting held on 14 February 2006, as the existing dwelling was considered to be significant to the locality and worthy of inclusion into the Town's Municipal Heritage Inventory, primarily on the grounds of its historic and aesthetic values. The application for review, which was heard on 4 July 2006, was dismissed and the decision of the Town was affirmed.

Conclusion

Following further investigation and review of the practices relating to conditions on demolition approvals, the Town's Officers have a number of recommendations and considerations for the Council to take into account, when making a decision on the next step to be taken in addressing the problems encountered by the conditions imposed as part of demolition approvals. These recommendations and considerations are detailed in the Officer Recommendation.

In light of the above, it is recommended that the Council receives this report and considers the Officer Recommendation.

10.1.7 Western Australian Planning Commission (WAPC) District Planning Committees - Structure and Membership

Ward:	Both Wards	Date:	15 November 2006
Precinct:	All Precincts	File Ref:	PLA0066
Attachments:	-		
Reporting Officer(s):	D Abel		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES this report relating to the Western Australian Planning Commission (WAPC) District Planning Committee - Proposed Structure and Membership; and*
- (ii) *REQUESTS the Western Australian Planning Commission (WAPC) to review the structure and membership of the WAPC District Planning Committees so that the Committees are more appropriately aligned to the specific planning issues that are experienced by the Member Councils as opposed to the geographical location, and this will deliver more effective support to the interests of the Member Councils of the respective Committee and their residents and ratepayers.*

Moved Cr Ker, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

Cr Doran-Wu departed the Chamber at 7.07pm.

Debate ensued.

Cr Messina departed the Chamber at 7.08pm.

Debate ensued.

Cr Messina returned to the Chamber at 7.10pm.

Debate ensued.

Cr Doran-Wu returned to the Chamber at 7.10pm.

CARRIED (8-0)

(Cr Torre was an apology for the meeting.)

PURPOSE OF REPORT:

The purpose of this report is to provide the Council with a proposed appropriate WAPC District Planning Committee structure and membership to best support the interests of the Town and its residents and ratepayers.

DETAILS:

The Council at its Ordinary Meeting held on 10 October 2006 considered Item 10.1.5 - *North West District Planning Committee - Relevance of the Western Australian Planning Commission (WAPC) District Planning Committees and Metropolitan Planning Committee.*

The Council at the above Ordinary Meeting of Council carried the following Subsequent Motion:

'That a report be prepared and submitted to Council before the end of November 2006 on the appropriate planning committee structure and membership to best support the interests of the Town and its residents and ratepayers.'

The WAPC has created a number of regional and special purpose committees to assist with its land use planning activities across the State. The power to create a committee is provided under schedule 2 of the Planning and Development Act 2005. The WAPC sets the membership and terms of reference for these committees.

The DPCs of the Perth Metropolitan Region are created under the Act. The Committees have members from local governments in the districts and provide a forum for discussion and recommendations on regional planning issues. There are five Committees: North-West District, South-East District, South-West District, Eastern Suburbs, and Western Suburbs.

The North West District Planning Committee (NWDPC) comprises Elected Members and Officers from the Town of Vincent and Cities of Stirling, Wanneroo and Joondalup. The Metropolitan Planning Committee comprises representatives of the North West, South East, South West, Eastern Suburbs and Western Suburbs District Planning Committees.

The Elected Members on the NWDPC have voting rights, while the Officers provide technical advice.

The Town's representatives on the NWDPC are currently Councillor Ian Ker and the Executive Manager Environmental and Development Services, while Councillor Steed Farrell and Manager Planning, Building and Heritage Services are the respective deputies.

CONSULTATION/ADVERTISING:

Not required.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

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

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

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

In light of the above, it is recommended that the Council requests the WAPC to consider the following proposed structure and membership of the WAPC District Planning Committees to most effectively support the interests of the Town of Vincent and its residents and ratepayers:

Structure

The existing Planning Committee structure requires Member Councils of District Planning Committees (DPC) to be aligned due to their geographic proximity to one another. Whilst this approach may have served the planning needs of the metropolitan area in the past, the changing planning issues and needs of an increasingly mobile population have mitigated the effectiveness of the DPC's in recent years.

There are several options to increase the relevance and effectiveness of the DPCs in terms of the Town, and these include:

1. Formally request the Town to be relocated to the Western Suburbs District Planning Committee (WSDPC).
This option is not preferred as there is still a large disparity in the nature of the issues faced by the Town of Vincent and the Member Councils of the WSDPC and there appears to be a low level of activity within the Member Councils of the WSDPC relative to the Town of Vincent.
2. Formally request the Town to be relocated to a proposed Central District Planning Committee (CDPC).
This option is not preferred as there is still a large disparity in the nature of the issues faced by the Town of Vincent and the Member Councils of the CDPC.
3. Formally request the District Planning Committees to be reviewed and realigned by the specific issues that are faced by the Member Councils as opposed to the geographic location of the municipality.
This option is preferred as DPCs will comprise Member Councils that are able to have access to a greater amount of relevant information and discussion on issues that are common to Member Councils.

Membership

The aforementioned Option 3 would require the long term strategic land use planning issues to be identified by metropolitan Local Government's prior to the formation of the individual District Planning Committees.

Once the Western Australian Planning Commission (WAPC) has been provided with this information, Committees are assembled that align Member Councils based on the specific land use planning issues that are common to one another.

10.2.1 Further Report Traffic Management Matters – Proposed Single Lane Slow Point in Palmerston Street, Perth

Ward:	South	Date:	14 November 2006
Precinct:	Beaufort P13	File Ref:	TES0200
Attachments:	001		
Reporting Officer(s):	C Wilson		
Checked/Endorsed by:	R Lotznicker	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the further report on the outcome of community consultation with regard to the single lane slow point in Palmerston Street, Perth;*
- (ii) *NOTES that the majority of respondents were either fully or partially in favour of the proposal, as shown attached Plan No. 2385-CP-1A;*
- (iii) *APPROVES the implementation of the single lane slow point at an estimated cost of \$7,500, and as listed in the 2006/07 capital works budget; and*
- (iv) *ADVISES all respondents of its decision and acknowledges their comments and input.*

Moved Cr Ker, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

Moved Cr Ker, Seconded Cr Farrell

That clause (iii) be amended as follows:

- (iii) *APPROVES the implementation of the single lane slow point at an estimated cost of \$7,500, and as listed in the 2006/07 capital works budget subject to the introduction of measures to prevent the illegal use of the bicycle lane by motor vehicles; and*

AMENDMENT CARRIED (8-0)

(Cr Torre was an apology for the meeting.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Torre was an apology for the meeting.)

COUNCIL DECISION ITEM 10.2.1

That the Council;

- (i) *RECEIVES the further report on the outcome of community consultation with regard to the single lane slow point in Palmerston Street, Perth;*

-
- (ii) *NOTES that the majority of respondents were either fully or partially in favour of the proposal, as shown attached Plan No. 2385-CP-1A;*
- (iii) *APPROVES the implementation of the single lane slow point at an estimated cost of \$7,500, and as listed in the 2006/07 capital works budget subject to the introduction of measures to prevent the illegal use of the bicycle lane by motor vehicles; and*
- (iv) *ADVISES all respondents of its decision and acknowledges their comments and input.*
-

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the outcome of the community consultation with regard to formalising the single lane slow point in Palmerston Street, Perth.

BACKGROUND:

In late 2004 the Town received a petition and several letters from Palmerston Street residents requesting that the Town introduce measures to curtail the (perceived) increasing problem of speeding and excessive vehicle noise generated by traffic using Palmerston Street as a convenient short cut between Newcastle and Bulwer Streets.

The petitioners suggested that "single-lane slow points" in similar streets (e.g. Clotilde Street, Mt Lawley) had drastically eradicated hooning behaviour and deterred rat-running.

On 28 September 2004 the Council received a report on Palmerston Street Traffic Management, where the following decision was made (in part).

"That the Council;

- (ii) *REFERS the matter to the Town's Local Area Traffic Management Advisory Group for consideration; and*
- (iii) *RECEIVES a further report once the Town's Local Area Traffic Management Advisory Group has considered the matter."*

The Local Area Traffic Management Advisory Group initially considered the proposal for a *Single Lane Slow Point* in Palmerston Street, between Church and Newcastle Streets, at its meeting of 14 February 2005. The Group discussed the residents' concerns, which included the following:

- Excessive noise from traffic using Palmerston Street to travel from Newcastle Street to Bulwer Street
- Traffic rat running from Newcastle to Bulwer Street
- Traffic calming at the end of Stuart Street and the roundabout at Brisbane Street caters for the older residential areas, however, nothing at the southern end of Palmerston Street
- Changes in the area including the reversal of the Stuart and Fitzgerald Street intersection, cycle lanes and the changes to Newcastle Street may have redirected traffic
- Traffic predominantly turns from Newcastle Street into Palmerston Street
- Difficult to exit onto Newcastle Street due to perceived increase in traffic. This may be the reason for traffic diverting down Palmerston Street to Bulwer Street

- Noise is the main issue. Seems to echo off the buildings

The Group then considered possible solutions amongst which were:

- Narrowing of carriageway
- Lateral displacement (i.e. chicanes)
- Vertical displacement (i.e. speed humps)
- Entry statement to delineate the residential area from commercial area; a visual device and/or change in road surface with new streetscape with planted verge to reduce echo
- Enhanced signage

As an outcome of the LATM Advisory Group's discussion, Technical Services developed a concept plan and a budget estimate for Council's consideration for inclusion in the 2005/2006 'draft' budget and capital works program.

A project budget was duly approved by Council as part of the 2005/2006 budget process.

At officer level, the Town then approached Main Roads WA seeking comments and advice as to the regulatory requirements before proceeding to implementing the (single lane slow point) device.

A further report was presented to Council at its Ordinary Meeting of 22 November 2005 resulting in the following decision:

"That the Council;

- (i) RECEIVES the further report on traffic management matters referred to the Local Area Traffic Management Advisory Group concerning Palmerston Street, Perth;*
- (ii) APPROVES IN PRINCIPLE the proposal to improve the amenity for residents along Palmerston Street between Newcastle and Stuart Streets as shown on attached Plan No 2385-CP-1.*
- (iii) CONSULTS with residents in Palmerston Street regarding the traffic proposal as outlined in clause (ii) above, giving them 21 day in which to provide a response; and*
- (iv) RECEIVES a further report at the conclusion of the Community Consultation as outlined in clause (ii) above."*

DETAILS:

Previous Community Consultation

In accordance with clause (iii) of the Council's decision, on 22 November 2005 a total of 127 letters were distributed along Palmerston Street.

At the close of consultation on 16 December 2005, 23 responses were received, representing a response rate of 18%.

The majority of the respondents were *in favour* of the proposal as presented *i.e. 18 out of the 22 respondents or 78%*.

Four (4) respondents were *against* the proposal as presented, however, two (2) of these acknowledged that they agreed some form of Traffic calming was required and one (1) made another suggestion eg speed humps.

Further Report to Council - 17 January 2006

A further report on the outcome of the Community Consultation was presented to the Ordinary Meeting of Council of 17 January 2006, where it was decided to approve the proposed slow point trial between Newcastle and Stuart Streets, for a trial period of three (3) months.

Trial of Slow Point

Therefore, in February 2006 a temporary Single Lane Slow Point, based upon the Australian Standards 1742.13 – Uniform Control Devices, and using water filled barriers, was installed in Palmerston Street, approximately 40m north of Newcastle Street.

The three (3) month trial period was due to conclude in June 2006, after which Council requested a further report. However, Main Roads WA requested that that a give-way control be installed to give priority to north bound traffic, in accordance with Main Roads WA own standard and, as a consequence, the trial was extended for a further three (3) months.

Traffic Data

The classifier results prior to the installation of the trial indicated the following:

Midway between Newcastle Street and Church Street.

Average daily Traffic Volume, 3240 vehicles per day (vpd)

Average recorded speed, 41 kph

85% recorded speed, 49 kph

Data collected in April 2006 either side of the device, but prior to the installation of the Give-way control.

Between Newcastle Street & slow point

Average daily Traffic Volume, 3552 vpd

Average recorded speed, 24.1 kph

85% recorded speed, 28.8 kph

Between slow point & Church Street

Average daily Traffic Volume, 3439 vpd

Average recorded speed, 34.7 kph

85% recorded speed, 42.5 kph

Data collected in August 2006 either side of the device, after the installation of the Give-way control:

Between Newcastle Street & slow point

Average daily Traffic Volume, 3089 vpd

Average recorded speed, 24.5 kph

85% recorded speed, 29.2 kph

Between slow point & Church Street

Average daily Traffic Volume, 3085 vpd

Average recorded speed, 34.7 kph

85% recorded speed, 42.5 kph

Community Consultation

Whilst Council didn't specifically request further public consultation in its decision of 17 January 2006, the matter was raised in general business at the LATM Advisory Group's meeting of 21 September 2006, where it was agreed that it would be appropriate.

On 16 October 2006, 123 letters were distributed to residents and businesses in Palmerston Street, between Newcastle and Stuart Streets, requesting their comments on the success and/or effectiveness of the Single Lane Slow Point.

At the close of the consultation period on 3 November 2006, twenty one (21) responses were received (*a 17% response rate*) with thirteen (13) in favour (*62%*), four (4) partially in favour (*19%*) and four (4) against (*19%*).

Summary of Responses

Related Comments In Favour of proposal

- Great idea! Great to see a local council who is listening to their residents.
- Thanks!! The slow point has improved things a lot - we face directly onto the street.
- Concur with proposal and like the idea of native plants but wonder how well they will survive in terms of watering and damage by "Friday night idiots". Perhaps a small sculpture would be cheaper in the long run, like the statue in Hay St - man doing a handstand?
- Our family of 2 adults and 4 children reside directly in front of the slow point and all in favour of retaining and enhancing the single lane slow point. Anything that keeps the hooners away is very much welcomed! Please keep improving our street.
- It would help to have been advised of the results of the traffic study.
- Installation of the give way sign has improved the situation and I support the installation of a permanent single lane. Please advise if the permanent barriers will be sufficient to deter motorists from parking on the bike path between the barrier and the kerb as they did with the temporary barrier.
- 7 in favour with no comments.

Related Comments Partially In Favour of proposal

- In favour of plan except for its placement. We indicated earlier that we believed the slow point should be placed after the entrance of 63 Palmerston St on the north side. This would mean that there would be a shorter distance between it and the traffic slowing device after the intersection at Stuart St. Also there would be less chance of a build up of traffic from the Newcastle St side.
- I agree with above comments. This system has been in place for 3 months and traffic is no longer slowing down in between the 2 slow points. Would like the "Give Way" sign put in a position that is seen more clearly. Only support proposal if it is not in proposed location.
- I support the placement of a traffic calming device in Palmerston St but believe the present one is too close to Newcastle St. At peak times I have seen vehicles banked up back to Newcastle St. Can the permanent one be moved about 50 metres north?
- I agree that it would be good to slow traffic but personally do not like speed humps and would like to see them removed from Northbridge altogether. The management plan only proposes one solution - why not propose a few others for residents to consider.

Related Comments Against the proposal

- The single slow point is in a terrible position. When trying to turn right out of 63 Palmerston St, you sometimes have to queue for ages as the traffic is banked up. It should be further up nearer to No. 65 Palmerston. The "give way" is not functional as no one seems to obey the line across the road. If traffic is banked up they go around the sides and push through that way.
- The junction of Newcastle and Palmerston seems to be particularly "difficult". Perhaps signals would help. The slow point seems to be used more as a chicane, with many not bothering to give way. From my observations, I'm not convinced it will help.

- Feel it has not reduced the volume of traffic along Palmerston St but has created more congestion around our premises, which in turn has elevated the danger to motorists and pedestrians accessing parking bays and our premises. The congestion around the device in a north bound direction causes blockages to the intersection at Palmerston and Newcastle Streets.
- During peak times there is havoc at the corner of Palmerston and Newcastle Streets. Gets blocked often by cars pulling into Newcastle preventing cars coming in the opposite direction to continue. Forklifts and delivery trucks add congestion and confusion. Can we please have 2 lanes back!

Officers' Comments:

While traffic volumes appear to fluctuate this may be attributable to the current road network disruption caused by the Southern Railway Project. However the reduction in traffic speed is measurable. There has been significant drop between the slow point and Newcastle Street (-20 kph) and a sustained reduction between the slow point and Church Street (-6.5 kph).

In respect of the location of the slow point it was deliberately positioned so as to delineate between the commercial and residential functions of the street. Further its current location does not result in the loss on any on-road parking spaces.

CONSULTATION/ADVERTISING:

The respondents will be advised of the Council decision.

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.*

FINANCIAL/BUDGET IMPLICATIONS:

Funds totalling \$7,500 have been allocated in the 2006/2007 budget for the project.

COMMENTS:

Palmerston Street has a legal posted speed limit of 50 kph and is classified as an Access Road in accordance with the Metropolitan Functional Road Hierarchy. An access road should carry no more than 3,000 vpd, have a posted speed limit of 50 kph, and provide access predominantly to residential properties.

As outlined in the report, Palmerston Street complies with its classification.

Notwithstanding the above, any improvements in amenity can only be achieved with some form of physical intervention. As a majority of the respondents were in favour of making the single lane slow point permanent it is recommended that it proceed.

10.2.3 Further Report Palmerston Street – Proposed ‘Hyde Park Spur’ Wetlands Heritage Trail/Greenway Link

Ward:	South	Date:	13 November 2006
Precinct:	Hyde Park P12	File Ref:	CMS0071
Attachments:	001		
Reporting Officer(s):	R Lotznicker		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council

- (i) *RECEIVES the further report on the proposal to undertake works in Palmerston Street - "Hyde Park Spur" associated with the Proposed Wetlands Heritage Trail /Greenway Link;*
- (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;*
- (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.*

Moved Cr Farrell, Seconded Cr Chester

That the recommendation be adopted.

Debate ensued.

Moved Cr Chester, Seconded Cr Ker

That a new Clause (ii) (c) be added as follows:

- (ii) (c) *the estimated cost to provide "legibility" for the "Hyde Park Spur" to the existing concrete path is \$5,500.*

AMENDMENT CARRIED (8-0)

(Cr Torre was an apology for the meeting.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Torre was an apology for the meeting.)

COUNCIL DECISION ITEM 10.2.3

That the Council

- (i) ***RECEIVES*** the further report on the proposal to undertake works in Palmerston Street - "Hyde Park Spur" associated with the Proposed Wetlands Heritage Trail /Greenway Link;
- (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.

PURPOSE OF REPORT:

The purpose of this report is to discuss the outcomes of discussions by the Local Area Traffic management Advisory Group with regard to the Greenway link along Palmerston Street and recommend a way forward.

BACKGROUND:

Following community consultation on the proposed Wetlands Heritage Trail/Greenway link between Robertson Park and Hyde Park, at its Ordinary Meeting held on 11 July 2006 the Council considered a report on the proposal where it was decided:

"That the Council

- (i) ***RECEIVES*** the report on the outcome of the Community consultation for the proposal to undertake works in Palmerston Street - 'Hyde Park Spur' associated with the Proposed Wetlands Heritage Trail /Greenway Link;

- (ii) *NOTES the comments received during and after the community consultation requesting that a review of the proposal be considered;*
- (iii) *REFERS the proposal to the Town's Local Area Traffic Management Advisory Group for further assessment; and*
- (iv) *RECEIVES a further report following assessment by the Town's Local Area Traffic Management Advisory Group."*

DETAILS:

Previous Community Consultation

As previously reported to Council in May 2006, eighty (80) letters were distributed to residents in Palmerston Street requesting their comments on the Wetlands Heritage Trail/Greenway link proposal. At the close of the consultation period, five (5) responses were received with four (4) in favour one (1) partially in favour and one (1) suggesting an alternative.

The related comments *in favour* and *partially in favour* of the proposal expressed disappointment that the path outside their property had only recently been upgraded and that it would be replaced with a new red path. The design presented to Council was subsequently amended to retain the existing 'concrete' path.

One respondent suggested that as an alternative a similar cross section of road and verge that currently exists in Palmerston Street adjacent to the Maltings, where 'dedicated' bike lanes are provided, could be implemented and to assist legibility the existing plantings could be reinforced by planting additional natives and trail markers provided on the footpaths.

Local Area Traffic Management Advisory Group Meeting - 21 September 2006

In accordance with clause (ii) of the Ordinary Meeting of Council held on 11 July 2006, the matter was referred to the above meeting of the LATM advisory Group. A representative from the residents also attended the meeting.

Discussion

The general consensus at the meeting was that the existing footpath on the west side of Palmerston Street between Randell and Glendower Streets was adequate and that the existing verge areas should be left undisturbed.

It was also considered that the proposed red asphalt path as shown on Plan No. 2441-CP-01A may result in safety issues opposite the shop at Myrtle Street and compromise safety at the Bulwer Street intersection.

Alternative Proposal

An alternative proposal (*for the section of Palmerston Street between Randell and Glendower Street*) which emulated the existing 'on road' cycle facilities on Palmerston Street south of Stuart Street, was tabled. These works were implemented by the Town in 2000, part funded by the Maltings and Allied Industries developers.

In the report presented to Council in August 2000 regarding the proposed 'on road' cycle lanes, the Council was advised as follows:

"The objective of the proposal is to provide both a functional and aesthetically enhanced streetscape linking with the proposed Northbridge (Urban Renewal) Project, south of Newcastle Street, while complementing both the existing and new residential developments abutting Palmerston Street.

In respect of the cycle lanes, traffic lanes and parallel parking the widths of each element is in accordance with the current Austroads and Australian Standards ensuring a practical and safe road environment. The proposal ...will provide for the better movement of pedestrians while retaining a 1.4m wide 'verge' vegetation strip. The grassed verge was considered by several respondents as being critical to enhancing the aesthetics of the overall concept while complementing the proposed Northbridge Project works south of Newcastle Street.

The design incorporates low impact traffic calming measures with a view to creating a pedestrian and cycle friendly environment. These measures include the narrowing of the existing traffic lanes to 3.1m with clearly delineated 1.5m wide dedicated cycling lanes, in red asphalt..... The red asphalt entry statements will alert motorists to the change in road environment and the use of semi-mountable kerb, as part of other streetscape improvements within the town, has proven successful in defining kerbside parking bays and channelling pedestrians to more desirable crossing points where ramps with adequate sight lines have been installed."

Conclusion

It was suggested that the existing 'footpath' on the west side of Palmerston Street should be made more 'legible' to help define the greenway link. This would be carried out by appropriate signage, and markings on the path.

The general consensus was to progress the alternative option, i.e. the on road cycle lanes. It was also requested that a 'single lane' slow point similar to what is being proposed north of Newcastle Street be considered for Palmerston Street near Myrtle Street. It was also considered that the Randell Street intersection should be investigated to improve 'crossing' safety (refer attached Plan No 2441-CP-1B).

Officers Comments

The proposed alternative option as outlined on Plan No. 2441-CP-1B is supported by the officers as Palmerston Street forms part of Perth Bicycle Network (PBN) route NE4 and ultimately this proposed treatment would more than likely extend the length of the street. Locating a single lane slow point near Myrtle Street was investigated, however, it was difficult to accommodate the device at this location given the resultant loss of on road parking. Therefore the single lane slow point is not supported. Also, it is considered that the community should be requested to provide comments regarding the alternative proposal. In addition it must be noted that there are insufficient funds allocated in the current budget to implement the alternative proposal and the works will need to be deferred and additional funds considered in the 2007/2008 draft budget should the proposal be approved.

CONSULTATION/ADVERTISING:

The community will be requested to comments on the alternative proposal for Palmerston Street

LEGAL/POLICY:

Nil

STRATEGIC IMPLICATIONS:

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

- 1.1 Protect and enhance the environment and biodiversity;*
- 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment;*
- 2.1 Celebrate and acknowledge the Town's cultural diversity;*
- 2.3 Develop and implement initiatives for universal access.*

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 Plan No. 2441-CP-1B (including the slow point) is estimated to cost in the order of \$120,000 and therefore additional funds of \$80,000 will need to be considered for funding in the 2007/2008 draft budget to enable the alternative option to be implemented.

COMMENTS:

As mentioned in the report, Palmerston Street forms part of Perth Bicycle Network (PBN) route NE4. The alternative 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 'in principle' by the Council, the current works will need to be deferred and additional funds considered in the 2007/2008 draft budget.

In addition, the affected residents in Palmerston Street will need to be consulted regarding the new proposal.

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

Mayor Catania and Cr Messina departed the Chamber at 7.18pm. They did not speak or vote on the matter.

Deputy Mayor Cr Farrell assumed the Chair in the Mayor's absence at 7.18pm.

10.3.1 Investment Report as at 31 October 2006

Ward:	Both	Date:	1 November 2006
Precinct:	All	File Ref:	FIN0005
Attachments:	001		
Reporting Officer(s):	M Howard-Bath		
Checked/Endorsed by:	M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Investment Report for the month ended 31 October 2006 as detailed in Appendix 10.3.1.

COUNCIL DECISION ITEM 10.3.1

Moved Cr Doran-Wu, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (6-0)

(Cr Torre was an apology. Mayor Catania and Cr Messina were absent from the Chamber and did not vote.)

Mayor Catania and Cr Messina returned to the Chamber at 7.19pm.

Mayor Catania assumed the Chair at 7.19pm.

PURPOSE OF REPORT:

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

BACKGROUND:

Interest from investments is a significant source of funds for the Town, where surplus funds are deposited in the short term money market for various terms. Details are attached in Appendix 10.3.1.

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 October 2006 were \$17,444,949 compared with \$18,244,659 at 30 September 2006. At 31 October 2005, \$13,801,433 was invested.

Total accrued interest earned on Investments as at 31 October 2006:

	Budget	Actual	%
	\$	\$	
Municipal	370,000	140,985	38.10
Reserve	434,300	173,844	40.03

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.

10.3.4 Sport and Recreation Community Grants - Dog Study Initiatives

Ward:	Both	Date:	9 November 2006
Precinct:	All	File Ref:	FIN0156
Attachments:	-		
Reporting Officer(s):	J.Bennett		
Checked/Endorsed by:	J. Anthony/ M.Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the Sport and Recreation Community Grants Scheme and the Town's involvement with respect to dog ownership and physical activity; and*
- (ii) *NOTES the receipt of \$10,000 grant funding from the Department of Sport and Recreation Community Grants Scheme for the "Doggies Day Out" project.*

Moved Cr Maier, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Messina

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

- (iii) *ADVISE members of the community that provided feedback on the Dog Study on the progress and initiatives proposed.*

AMENDMENT CARRIED (8-0)

(Cr Torre was an apology for the meeting.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Torre was an apology for the meeting.)

COUNCIL DECISION ITEM 10.3.4

- (i) *RECEIVES the report on the Sport and Recreation Community Grants Scheme and the Town's involvement with respect to dog ownership and physical activity;*
- (ii) *NOTES the receipt of \$10,000 grant funding from the Department of Sport and Recreation Community Grants Scheme for the "Doggies Day Out" project; and*
- (iii) *ADVISE members of the community that provided feedback on the Dog Study on the progress and initiatives proposed.*

PURPOSE OF REPORT:

To provide an information report to Council on the receipt of grant funding for dog activity initiatives.

BACKGROUND:

The Sport and Recreation Community Grants Scheme is administered by the Department of Sport and Recreation and is aimed at providing local government and community organisations with the opportunity to initiate projects which lead to increased participation in physical activity or enhanced skills by providers of sport and recreation.

This scheme incorporates club development, volunteer management, special initiatives, community sport education and other community funding programs targeting populations such as youth, seniors, women/girls, indigenous people, culturally and linguistically diverse groups and people with disabilities. Amounts from \$1,000 to \$50,000 are available.

In 2005 the Town of Vincent engaged in community consultation with dog owners within the Town through the Dog Needs Survey. This highlighted a range of issues that are currently being addressed including dog facilities, reserve lighting and responsible pet ownership.

DETAILS:

In line with research to support responsible dog ownership and to develop dog walking groups, an application was made to the Department of Sport and Recreation Community Grants Scheme for project funding. The sum of ten thousand dollars (\$10,000) has been granted to the Town of Vincent for the 'Doggies Day Out' project.

The aim of the Doggies Day Out project is to promote active lifestyles through unstructured recreation and to encourage responsible dog ownership. A range of members of the community will be encouraged to participate in walking groups; target groups will include young people, families and seniors.

The objectives for the project are:

- To educate and promote effective and responsible dog ownership;
- To increase the physical activity levels of Town of Vincent residents;
- Market and promote the use of community public open space;
- Develop a number of self managed and sustainable dog walking groups; and
- Promote more options for unstructured recreation activities.

Doggies Day Out funding is provided to undertake a series of initiatives including:

1. Workshops and promotion of increased physical activity and responsible pet ownership
2. Training of leaders and launch of walking clubs across the Town's dog exercise areas.
3. Dog training programmes.

There are approximately 2300 dog owners within the Town of Vincent, it is hoped that this project may cater to 800 - 1000 members of the community.

As with other Dog Study initiatives, there will be cross section liaison between the following areas of the Town to ensure that this projects can be effectively initiated;

- Community Development;
- Park Services; and
- Ranger Services.

CONSULTATION/ADVERTISING:

The new initiatives will be promoted amongst the community through flyers, letters to community groups and advertisement within the local newspapers.

LEGAL/POLICY:

Nil

STRATEGIC IMPLICATIONS:

Town of Vincent Strategic Plan 2005-2010 Key Result Area Two - Community Development

2.2 *Provide and develop a range of community programs and community safety initiatives.*

FINANCIAL/BUDGET IMPLICATIONS:

The Department of Sport and Recreation were approached for funding of \$20,000 for the project. As funding was successful for \$10,000 the project will be scaled appropriately.

Funding of \$10,000 will be added to the Dog Needs Study budget.

COMMENTS:

Community capacity is built on the ability of people to interact within their local community. Dog ownership has been shown to have a strong potential to build that capacity by forcing owners to engage with other members of the community. The daily ritual of walking the dog encourages social interaction for both owner and animal along with increasing physical activity with long term health and social benefits.

10.4.2 Local Law Relating to Dogs - Proposed Amendment - Inclusion of Birdwood Square Reserve as a Dog Free Exercise Area - Adoption

Ward:	South	Date:	1 November 2006
Precinct:	Hyde Park; P12	File Ref:	RES0022/LEG0009
Attachments:	-		
Reporting Officer(s):	A Smith, J MacLean		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report, and considers the submissions received, to amend the Seventh Schedule of the Town's Local Law Relating to Dogs to include Birdwood Square Reserve as a free dog exercise area, that operates at all times;*
- (ii) *Pursuant to Sections 3.12 to 3.17 of Subdivision 2 of Division 2 of Part 3 of the Local Government Act 1995, the Council APPROVES BY AN ABSOLUTE MAJORITY to amend the Town of Vincent Local Law Relating to Dogs as follows:*

“DOG ACT 1976

LOCAL GOVERNMENT ACT 1995

TOWN OF VINCENT

Local Law Relating to Dogs Amendment Local Law 2006

In pursuance of the powers conferred by the Dog Act 1976 and the Local Government Act 1995 as amended from time to time, and under all other powers enabling it, the Town of Vincent resolved on to make the Local Law Relating to Dogs, Amendment No. 1, 2006.

The Town of Vincent Local Law Relating to Dogs as published in the Government Gazette on 23 May 2000 and amended as published in the Government Gazette on 6 May 2005, and 5 December 2000 is amended as follows:

- 1. *That the existing Seventh Schedule be amended as follows:*
 - (a) *by inserting in column 1, the word “8”; and*
 - (b) *by inserting in column 2, the words “Birdwood Square Reserve: bounded by Bulwer Street, Beaufort Street, Brisbane Street and Baker Avenue, Perth.”*

COUNCIL DECISION ITEM 10.4.2

Moved Cr Farrell, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Lake

That the item be DEFERRED for further investigation.

MOTION TO DEFER PUT AND LOST (3-5)

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

(Cr Torre was an apology for the meeting.)

Debate ensued.

MOTION PUT AND LOST (0-8)

(Cr Torre was an apology for the meeting.)

Reason: Consideration of submissions received from the community.

PURPOSE OF REPORT:

The purpose of the report is for the Council to consider the submissions received from the public and to seek approval to amend the Town's Local Law Relating to Dogs to incorporate Birdwood Square Reserve as a free dog exercise area at all times.

BACKGROUND:

At the Special Meeting of Council held on 20 June 2006 the Council resolved as follows:

"That the Council;

- (i) *RECEIVES the report to amend the Seventh Schedule of the Town's Local Law Relating to Dogs to include Birdwood Square Reserve as a free dog exercise area, that operates at all times;*
- (ii) *Pursuant to Sections 3.12 to 3.17 of Subdivision 2 of Division 2 of Part 3 of the Local Government Act 1995, the Council APPROVES BY AN ABSOLUTE MAJORITY to amend the Town of Vincent Local Law Relating to Dogs as follows:*

*LOCAL GOVERNMENT ACT 1995 (as amended)
TOWN OF VINCENT LOCAL LAW RELATING TO DOGS
AMENDMENT*

In pursuance of the powers conferred by the Local Government Act 1995 as amended from time to time, and under all other powers enabling it, the Town of Vincent resolved on 13 June 2006 to make the Local Law Relating to Dogs, Amendment No. 1, 2006.

The Town of Vincent Local Law Relating to Dogs as published in the Government Gazette on 23 May 2000 and amended as published in the Government Gazette on 6 May 2005, and 5 December 2000 is amended as follows:

- (a) *That the existing Seventh Schedule be amended as follows:*

- (i) by inserting in column 1, the word "8"; and
- (ii) by inserting in column 2, the words "Birdwood Square Reserve: bounded by Bulwer Street, Beaufort Street, Brisbane Street and Baker Avenue, Perth";
- (iii) *RECEIVES a further report, at the expiry of the statutory six weeks' consultation period and considers any submissions received; and*
- (iv) *APPROVES the installation of a 1.2 metre high fence around the children's play area in Birdwood Square Reserve, if the dog exercise area is approved."*

DETAILS:

In accordance with Council's resolution, the proposed amendment to the Local Law Relating to Dogs was advertised for a period of six (6) weeks.

At the conclusion of the consultation period, three (3) submissions were received and comments from the Department of Local Government regarding the wording of the amendment were also received. The wording of the proposed amendment to the Local Law, as recommended by the Department of Local Government and Regional Development, has been changed slightly, from that which was approved by the Council, on 6 December 2006. However, the minor changes have not altered the meaning or the content of the proposal.

The details of the submissions and comments are as follows:

1. Highgate Primary School Council

"The Council discussed this issue in depth at a recent meeting and determined to lodge an objection to this proposal. This decision is based on the following points:

- *While Highgate Primary School's "official" use of Birdwood Square only occurs once a year for our Athletics Carnival, this area is in fact used on a consistent basis by the school population. The availability of this extended outdoor area is invaluable to the school as our site is only 42% of the size normally allocated for a school population of 450 students. There are no options available to increase the school's available area.*
- *Duty of care to Highgate's students and teachers must be the school's, and the school council's, primary consideration. It is not possible to guarantee the unconditional safety of either students or teachers in a situation where dogs are leash-free. It is also unreasonable to place this additional burden of care on teachers who are leading activities in the square while they are also attending to the student's general safety and supervision as well as the learning experience being provided. While the council understands that staff are able to call a Ranger should any unresolvable safety concerns arise, this course of action is of limited value once an incident has actually occurred, whether that be through direct aggression on the part of a dog or a "misunderstanding or miscommunication" between a student/teacher and the animal and/or its owners.*
- *Highgate students also use the square as a thoroughfare going to and from school in the mornings and afternoons. At these times students are, of course, unsupervised by staff. However, the school community is still concerned for its student's safety at these times, which again cannot be guaranteed in a leash-free environment.*

- *A leash-free environment would preclude the use of the square by the school. Inability to continue utilizing the square as an informal "extension" of the school grounds would significantly impoverish the implementation of the school's programming across all areas of the curriculum. An alternative would be to take students to other locations, however the logistics, costs and forward planning required for such excursions would be prohibitive and would result in a paring down of the types of learning experiences currently offered to students.*

The school council is fully aware and proud of the school's place within the broader community. The council strongly supports the school's ongoing leadership role in building collaborative relationships with its immediate members as well as the larger Town of Vincent community. Evidence of this leadership include making the school facilities available for "weekend school" run by the Chinese and Vietnamese communities, and encouraging local residents to use the basketball courts and undercover area for after-school and weekend recreational sport. In the same spirit of collaboration, the council appreciates the needs of inner city residents to have access to areas where they are able to exercise and enjoy their pets. However, as stated previously, our duty of care to the school's students and teaching staff must supersede all other considerations. Therefore we would like to offer the following as our preferred solutions for addressing this mixed-need issue:

- *Ideally, make Birdwood Square a leash-only dog exercise area during the week (Monday to Friday) to minimise confusion and debate regarding times and conditions of use. The square would be leash-free on weekends.*
- *Alternatively, to make Birdwood Square a leash-free dog exercise area before 8am and after 6pm during weekdays. The square would be leash-free on weekends.*

The Highgate School Council appreciates the opportunity to address the Town of Vincent in regard to this serious and important issue. We would gladly participate in additional discussion or negotiations with Town of Vincent Councillors and/or town residents in order to find a mutually respectful and effective resolution to this problem.

Thank you for your consideration of the Highgate School Council's views and concerns."

Officer's Comments:

While it is acknowledged that Highgate Primary School does not have as large a recreational area as similar-sized schools, in other locations, it is the responsibility of the Department for Education and Training, to resolve this and not the Town of Vincent. It would appear that Highgate Primary School makes regular use of the reserve, but does not make the Town aware of this fact, or seek permission to use the facility, so no record of this use has been recorded. The Town has an expectation that park-users will "hire", by seeking permission to use reserves, if they intend to use them and Rangers are regularly asked to check on reports of non-official usage of reserves at weekends.

2. Highgate Primary School

"On behalf of the Highgate Primary School community, I'd like to lodge my strongest possible objection to the proposal to include Birdwood Square Reserve as a dog free exercise area.

Highgate Primary School has a current school population of 450, with numbers increasing. Our school site is 42% of the size normally allocated to a school of this size. Its location does not allow any option for increasing the site area.

We have a critical shortage of playground space, and no oval. Our facilities consist of 1 basketball court, 1 netball court and a badly degraded 12,000 square metre grassed area.

Birdwood Square, being situated across the road from the School, provides the school with:

- *An oval*
- *A venue for the students to play major games such as football, soccer and cricket safely*
- *A venue for our school sports/athletics carnival*
- *A venue for our school sports/athletics training*
- *A venue for our inter school athletics competition and training*
- *A venue for our winter carnival*
- *A venue for our summer carnival*
- *A venue for our daily fitness track*
- *A venue for extending other curriculum areas.*

A group of parents now provide an athletics clinic after school. In addition, the school uses the facilities every Friday for sports with the years 3 to 7 students, and on a regular basis during dry weather for sport to be played during school lunch period.

As you can see the oval is very well utilised by the school.

The fence around the reserve makes the facility ideal for ball games and natural boundaries for the students. We find the grounds are extensive enough to allow our use without interfering with the members of the community coming into the park especially during the lunch break.

Access to the park is convenient and safe, being across the road from the school, and allows us to provide a very physical education and sport program.

We are often in the reserve for other curriculum areas such as science (children have trialled their rocket making), technology (raised their solar models), art (flown their kites) etc. Activities that would normally require a safe, large outside area are taken to the reserve.

The inclusion of Birdwood Square Reserve as a dog free exercise area would initiate health and safety issues that would in effect preclude the use of the facility by the school. The risk in our duty of care would be too great - one incident would be one too many. We would be forced to look for another venue. I am sure you can appreciate that the logistics of this alternative in cost and planning would be devastating for us.

Your Strategic Plan 2005-2010 states:

"Ensure the current and future efficient and effective use of the Town's parks, reserves and facilities." Surely maintaining the reserve for the continued use of 64 staff, 450 children and at times their parents would be considered an effective and efficient use of this facility.

We are very conscious of our civic responsibilities, and make our school facilities available each weekend to the Chinese Community on a Sunday and the Vietnamese Community on Saturday. Our hard courts are used every afternoon and on weekends by local youth as is the undercover area. Our parking area is used on weekends and after school by our neighbours, particularly in the flats across the road. These are the needs of our local community and we are proud to assist. Our need is an oval that Birdwood Square provides.

We are cognizant of the needs of some elements of the local community, but our duty of care to our students must be paramount.

A possible solution would be to allow restricted use of the Reserve as a dog free exercise area on weekends only and continue the present practice of lead only use during the week. This would allow both needs to be met.

The school community is very proud of its status within the Town of Vincent and the support it has enjoyed from the Town Council in the past.

Please re-consider the proposal, and the vital role the reserve has in the teaching and learning programs in our school."

Officer's Comments:

While it is acknowledged that Highgate Primary School does not have a large recreational area, it remains the responsibility of the Department for Education and Training, to resolve this and not the Town of Vincent. It would appear that Highgate Primary School makes extremely regular use of the reserve, but has not made the Town aware of this fact and has not sought permission to use the facility, so no record of this use has been recorded.

It is acknowledged that the Town's Strategic Plan states "*Ensure the current and future efficient and effective use of the Town's parks, reserves and facilities.*", however, this refers to the efficient and effective use by all residents, ratepayers and visitors and not by only one group in the community.

The survey on dogs needs, conducted in August 2005, demonstrated the need for more facilities for walking dogs off leash, thereby increasing unstructured recreational activities for the community. The proposed use of Birdwood Square, as a dog free exercise area, provides for this need.

3. Ratepayers (two) of the Town of Vincent

"We are ratepayers of the Town of Vincent and the parents of two young girls who attend Highgate Primary School. In my capacity as a School Council member I was made aware just this week of a plan to allow dogs to be exercised off their leashes on Birdwood Square. I write this letter to you with my wife, not in my capacity as a school council member but as a dad.

We are deeply opposed to the proposal due to the undue health and safety risks our children would face as students who use the Town's facility at Birdwood Square. As the Principal of the school will have explained the oval is frequently used by her students. If the proposal went ahead we would not allow our children to use the park under any circumstances.

Further, even as a family that owns a dog registered with your council, we would still oppose the changes because of the risks posed by irresponsible dog owners.

We are aware of the compromise put forward by the school council. Our preferred position would be for the park's zoning to remain as is. However, the suggestion to allow off-the-leash exercising on weekends, as well as before 8am and after 4pm on weekdays would be acceptable.

Thank you for taking the time to consider our submission."

Officer's Comments

While the "ratepayers" have concerns that the change to a dog free exercise area would have a major impact, it would not be expected that there would be a large influx of dogs using Birdwood Square Reserve. There are a number of other dog free exercise areas throughout the Town and, while there is no question that they are used by dog owners, it would be rare to find more than a few dogs at any one time, during the period from 8.00am to 4.00pm on weekdays. In general terms, the majority of dog owners take their responsibilities seriously and, if a group of children are making use of the reserve, they would move away to an unused portion of the facility. As a result, it is suggested that the change to a dog free exercise area, will have minimal impact on the school's use of Birdwood Square.

CONSULTATION/ADVERTISING:

The proposed amendment was advertised in The West Australian Newspaper on 9 August and in the Guardian Express on 8 August 2006.

LEGAL/POLICY:

There will be no impediment to an amendment to the Local Law Relating to Dogs and the proposal supports the Council decision on 6 December 2005.

STRATEGIC IMPLICATIONS:

The above is in keeping with KRA 1.4(f) of the Strategic Plan 2005 – 2010:

"Ensure the current and future efficient and effective use of the Town's parks, reserves and facilities"

FINANCIAL/BUDGET IMPLICATIONS:

There are some advertising costs, which can be met from the current Budget. If the above is approved, there will also be some signage costs and there will be a cost associated with the erection of a fence around the children's play area.

COMMENTS:

This report ensures that the decision of the Council, on 6 December 2005, to approve an all-times dog free exercise area in Birdwood Square Reserve, can be implemented and enforced. It is recommended for approval.

10.4.3 Adoption of the Draft Plan for the Future (Incorporating Draft Strategic Plan 2006 - 2011, Strategic Financial Management Plan 2006 - 2016 and Associated Key Documents)

Ward:	-	Date:	14 November 2006
Precinct:	-	File Ref:	ADM0038
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *NOTES that no submissions were received concerning the Draft Plan for the Future; and*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY to adopt the Plan for the Future as shown in Appendix 10.4.3 and as previously circulated to Elected Members and "Laid on the Table".*

Moved Cr Farrell, Seconded Cr Doran-Wu

That the recommendation be adopted (subject to the following amendments.)

CARRIED BY AN ABSOLUTE MAJORITY (8-0)

(Cr Torre was an apology for the meeting.)

COUNCIL DECISION ITEM 10.4.3

That the Council;

- (i) *NOTES that no submissions were received concerning the Draft Plan for the Future; and*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY to adopt the Plan for the Future as shown in Appendix 10.4.3 and as previously circulated to Elected Members and "Laid on the Table", subject to the following amendments;*

<u>Item</u>	<u>Existing Timeline</u>	<u>New Timeline</u>
1.1.3(b) <i>Implement and promote the Municipal Heritage Inventory and the Heritage Management Policies</i>	December 2006	<u>June 2007</u>
1.1.5(b) <i>Implement Infrastructure improvements for public open space, etc.</i>	2005-2011	<u>2006-2011</u>
1.1.6(h) <i>Carry out the redevelopment of Members Equity Stadium (Perth Oval) in partnership with the State Government</i>	2006-2008	<u>2006-2009</u>

2.1.2	<i>Develop partnerships with government agencies, including education institutions, etc</i>	2011	<u>2006-2011</u>
4.1.2	<i>Implement an Asset Management Program</i>	December 2006	<u>June 2007</u>
4.1.5(a)	<i>Prepare and Adopt the Plan for the Future</i>	October 2006	<u>November 2006</u>
4.2.2(e)	<i>Develop a Workforce Plan</i>	December 2006	<u>June 2007</u>
4.2.3(a)	<i>Enhance and Promote the "Employer of Choice" Program</i>	December 2006	<u>December 2006 - June 2007"</u>

PURPOSE OF REPORT:

The purpose of the report is to adopt the Plan for the Future.

BACKGROUND:**Additional Comments**

Due to the extensive consultation period, a number of items will not be able to be achieved within the December 2006 timeframe.

The matter was considered at the Forum held on 15 August 2006. The Chief Executive Officer provided an explanation of the document and answered questions from Councillors. The draft document was amended to include comments expressed at the Forum and also referenced to key strategic documents.

At the Ordinary Meeting of Council held on 22 August 2006, the Council resolved as follows:

"That the Council;

(i) *ADOPTS IN PRINCIPLE the Draft Plan for the Future as shown in Appendix 10.4.3 subject to the following change being made:*

- *Page 4 - Overview, Key Trends and Challenges - Economic sustainability - delete the paragraph relating to the "Underground Power Program" and replace with the following:*

"The State Underground Power Program is anticipated to take in excess of 20 years. The failure of the State Government to take responsibility for this implementation places pressure on the Town to coordinate and manage the process. Escalating costs may make the program inaccessible to the disadvantaged, placing a greater burden on the Town's resources and those ratepayers with the ability to pay."; and

- *Page 4 - Overview, Key Trends and Challenges - Asset Management - delete the second paragraph relating to the "Leederville Masterplan" and replace with the following:*

“The development will deliver triple bottom line benefits, will be based on transit oriented development principles and will be undertaken in partnership with other key stakeholders.”;

- (ii) *APPROVES of the “Plan for the Future” to comprise of the:*
- (a) *Strategic Plan 2006-2011*
 - (b) *Strategic Financial Management Plan 2006-2016 as “Laid on the Table” and separately circulated to Elected Members;*
 - (c) *Strategic Asset Management Plan 2006-2026 (currently being developed); and*
 - (d) *associated key documents, including (but not limited to):*
 - *Town Planning Scheme No 1;*
 - *Economic Development Strategy;*
 - *Vincent Vision 2024;*
 - *Residential Design Elements Policy;*
 - *Municipal Heritage Inventory;*
 - *Sustainable Environment Plan (Draft);*
 - *Safer Vincent Crime Prevention Plan (Draft being developed);*
 - *Disability Access and Inclusion Plan;*
 - *Seniors Strategy;*
 - *Carparking Strategy;*
 - *Workforce Plan;*
 - *Information Technology Plan;*
 - *Customer Service Plan;*
 - *Adopted Policies;*
- (iii) *APPROVES of the following consultation process for the Plan for the Future:*
1. *document to be advertised for a period of six (6) weeks;*
 2. *document to be placed on the Town’s website and copies provided at the Customer Service Centre at the Administration Centre and in the Town’s Library;*
 3. *Town’s facilitators to provide a workshop for electors and ratepayers;*
 4. *document to be provided to each Community/Precinct Group and the Town’s Chief Executive Officer to provide a detailed presentation/explanation of the Plan for the Future at a Public Meeting; and*
 5. *a special edition newsletter to be issued to all ratepayers, summarising the Plan and seeking comment and submissions;*
- (iv) *NOTES that the Town will be facilitating a meeting for the public seeking input and comment into the Draft Strategic Plan; and*
- (v) *AUTHORISES the Chief Executive Officer to:*
- (a) *advertise the Draft Plan for the Future for a period of six (6) weeks seeking public comment; and*
 - (b) *report back to Council with any public submissions received.”*

DETAILS:

Preparation of Draft Document

In January and February 2006, the Town's Senior Officers (Executive Managers and Managers) met with the Town's consultants (Australian Institute of Management – Integral Leadership Centre) on several occasions and provided considerable background information. A forum with Elected Members and Senior Officers was held on 22 April 2006 and a draft document was provided.

Draft Strategic Plan/Plan for the Future

In 2003 the State Department of Local Government and Regional Development undertook a major review of the Local Government Act 1995 and associated regulations, and removed the requirement for principal activity planning.

The Local Government Act 2004 was proclaimed on 31 March 2005. Section 42 amended the Act to remove the requirements for principal activity planning. Sections 5.56, 5.57 and 5.58 were repealed and in their place, a new section 5.56 was included which provided a more general obligation of "*plan for the future*". The new Section states:

"Section 5.56 – Planning for the future

- (1) A local government is to plan for the future of the district.*
- (2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.*

The regulations require local government to make a plan for the future of its district in respect of the period specified in the plan (being at least 2 financial years) and state that:

- A plan for the future of a district is to set out the broad objectives of the local government for the period specified in the plan."*

The Act and regulations do not prescribe the format of the Plan for the Future – this is the prerogative of each local government.

The Act requires the Plan for the Future to cover a minimum period of at least two (2) financial years. Consultation is required with electors, ratepayers and residents. In this regard, the draft document will be advertised for community consultation and will be provided to all Community/Precinct Groups. The Town's consultants will facilitate a workshop with the public. Submissions and feedback from the community is to be considered and where appropriate, included into the Plan.

Plan for the Future

The Plan for the Future is designed to assist the Council, Administration and the community to understand the broad directions the Town will be taking in the future.

The Town's Plan for the Future document will consist of the following:

1. **Strategic Plan 2006-2011**

The Strategic Plan contains the:

- Purpose

The purpose defines the business of the Town. It is:

"To provide and facilitate services for a safe, healthy and sustainable community."

- Vision

The Vision is what we are striving to become. The Town's vision is:

"A sustainable and caring community built with vibrancy and diversity."

- Guiding Values

The Guiding Values are those that describe how we want to operate. These values are:

- Honesty and Integrity
- Excellence and Service
- Innovation and Diversity
- Caring and Empathy
- Teamwork and Commitment

- Strategic Objectives

The Strategic Plan has identified the following Key Objectives:

1. Natural and Built Environment

- Improve and maintain the natural and built environment and infrastructure.

2. Economic Development

- Progress economic development with adequate financial resources.

3. Community Development

- Enhance community development and wellbeing.

4. Leadership, Governance and Management

- Ensure good strategic decision-making, governance, leadership and professional management; supported by a positive and desirable workplace with technology for business improvement.

- Key Actions

The Draft Strategic Plan has identified a number of Key Actions. A summary (not in order of importance) of the Key Actions are as follows:

- Enhance centres and commercial areas.
- Review and implement the Town Planning Scheme & policies
- Enhance and maintain character and heritage.
- Enhance and maintain parks and community facilities.
- Enhance and maintain infrastructure.
- Develop and promote environmentally sustainable practices.
- Promote the Town as a place for investment
- Develop and promote partnerships and alliances.
- Promote business development.
- Identify needs and expectations of community.
- Reduce reliance on rates revenue.
- Provide a positive triple bottom line return.
- Implement the Leederville Masterplan.
- Celebrate cultural and social diversity.
- Provide a range of community programs.
- Continued implementation of the principles of universal access.
- Focus on community and customer needs.
- Enhance community safety programs.
- Develop leadership skills and behaviours.
- Plan effectively for the future.
- Enhance organisational business planning.
- Implement and promote Vincent Vision 2024
- Improve employee performance, recognition and reward.
- Promote employee satisfaction and wellbeing.
- Explore innovative ways of service delivery.
- Enhance knowledge management.

The Strategic Plan also links other strategic Town documents including:

- Town Planning Scheme No 1
- Economic Development Strategy
- Vincent Vision 2024
- Residential Design Elements
- Environment Plan (in draft – considered at OMC 22 August 2006 and currently being reviewed by the Town’s Sustainability Advisory Group)

2. Strategic Asset Management Plan

Asset management planning is a significant component of the Plan for the Future. A major part of the Town’s activities revolve around the management of its assets to ensure that they remain appropriate to community requirements both now and in the future.

The Town is currently undertaking a detailed analysis of the existing asset base to determine the projected rate of expenditure required to maintain the Town’s assets (buildings, roads, footpaths, major plant, bores etc) to ensure meaningful and effective levels of service for each asset over its entire life cycle. This detailed analysis will provide information on the required asset investment and these requirements will be reflected in the Strategic Financial Plan, which will initially cover a ten (10) year period (and in some cases longer eg 20-40 years).

It is anticipated that this plan will be finalised in the 2006-07 financial year.

3. Strategic Financial Plan 2006-2016

The Strategic Financial Plan is a significant component of the Plan for the Future and provides a broad strategic overview of the major projects and programs that the Town will be undertaking over the next ten (10) years, links the Town's financial capacity with the strategic direction detailed in the Town's Strategic Plan 2006 – 2011 and allocates indicative sums of money to potential projects to ascertain whether the Town has the capacity to fund them when required. In some instances, it will also make long term financial projections (20 years and longer).

Sixteen (16) separate areas have been identified as 'Major Activities' of the Town and the purpose of the Plan is to provide an overview of major projects, programs and services proposed within each of these activities for the period 2005/06 to 2016. The Plan also details the performance indicators that will be used to measure the Town's success in delivering these services to the community in an efficient and effective manner.

This Plan also summarises the Town's objectives which include:

- Major redevelopment projects
- Operating expenditure
- Rates revenue.

It has been prepared with the use of a number of existing programs and services which include:

- Road Resurfacing Program
- Main Roads Funding Program
- Roads to Recovery Program
- Footpath Program
- Right of Way Program
- Parks and Reserve Development Program
- Playground Upgrade Program
- Park Furniture Upgrade Program
- Major Plant and Equipment Replacement Program
- Light Vehicle Replacement Program
- Greenway Project
- Car Parking Strategy
- Leederville Masterplan – Working Group
- Vincent Vision 2024
- Economic Development Strategy
- Seniors Strategy
- Safer Vincent Initiatives
- Disability Access and Criterion Plan

4. Annual Plan

The Annual Plan is a new document and is the result of Corporate priorities identified by the Town's Executive Management Team (comprises Chief Executive Officer, Executive Managers Corporate Services, Technical Services and Environmental and Development Services) together with the annual strategic priorities identified by the Elected Members. These priorities are matters which are considered in the process leading up to the preparation of the Annual Budget. The priorities take cognisance of:

- financial capacity to deliver;
- operational impact on the program or service;
- seasonal requirements;
- workforce workload (leave periods, public holidays etc).

The priorities are then considered for inclusion in the Annual Budget.

Following adoption of the Annual Budget, the Council adopts a Priority Program for implementation of the key project, programs and services. This Annual Priority Program will replace the previous "Capital Works Program" following the adoption of the Annual Budget.

The Annual Plan will also contain Key Performance Indicators and also more precise detail about Capital Works Programs (eg ROW Upgrade Program, Footpath Upgrade Programme etc).

5. Annual Budget

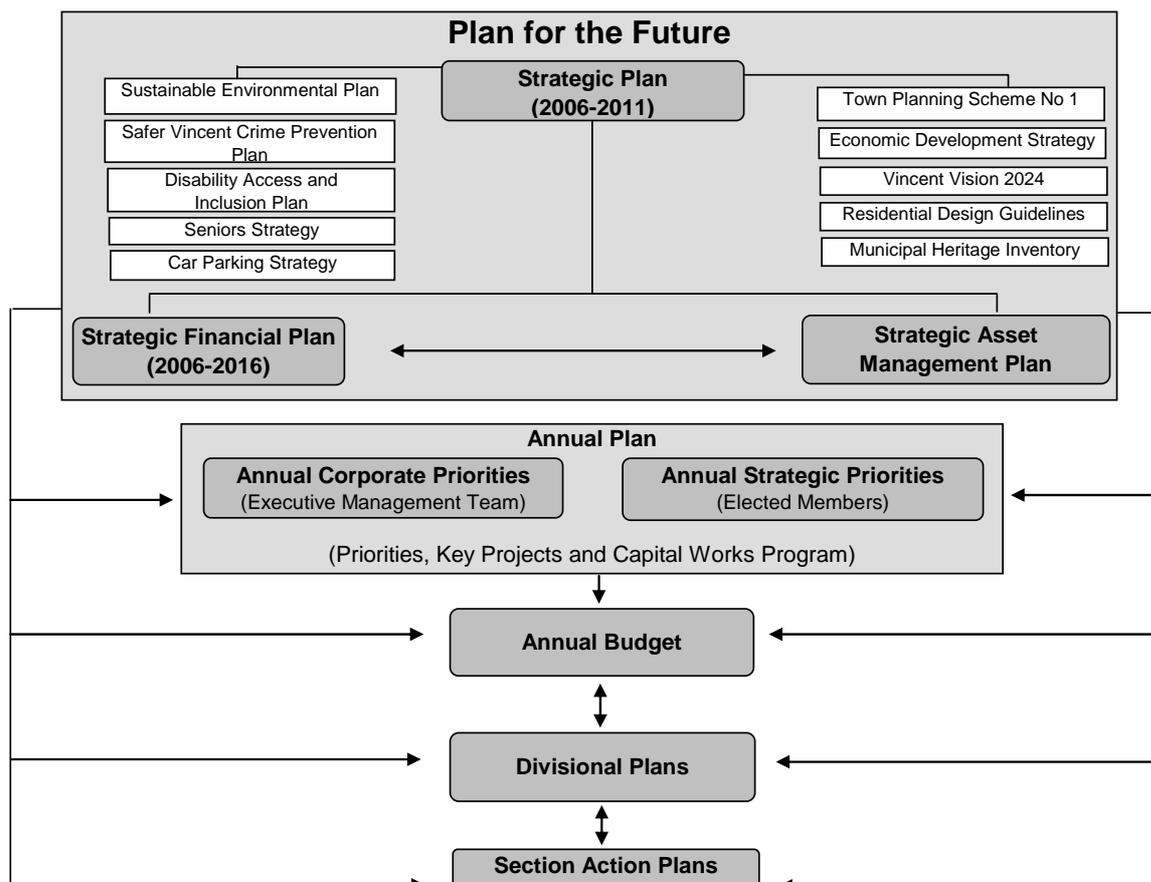
The Annual Budget document remains unchanged and contains the activities, capital works and projects and income and expenditure statements which are to be carried out in the financial year. The Budget contains the financial details in considerable detail, including a brief description of projects, programs and services.

6. Divisional and Section Plans

These are annual plans which are prepared and contain the operational details on how the Budget and Capital Works Programmes are implemented.

7. The Process

The following diagram illustrates the process undertaken to formulate the various plans and documents and how they inter-relate with each other.



CONSULTATION/ADVERTISING:

The Local Government Act requires the “*Plan for the Future*” to be the subject of consultation with the electors and ratepayers.

The Plan is to contain a description of the involvement by the electors and ratepayers in the development of the Plan.

The following consultation process took place:

1. Document to be advertised for a period of six (6) weeks with submissions closing on 3 November 2006.
2. Document to be placed on the Town’s website and copies provided at the Customer Service Centre at the Administration Centre and in the Town’s Library.
3. Town’s facilitators provided a workshop for electors and ratepayers on 9 October 2006, however, no public attended.
4. Document was provided to each Community/Precinct Group and the Town’s Chief Executive Officer offered to provide a detailed presentation/explanation of the Plan for the Future at a public meeting.
5. A special edition newsletter was issued to all ratepayers during October 2006, summarising the Plan and seeking comment and submissions.

LEGAL/POLICY:

It is now a legal requirement for each local government to have a Plan for the Future, which is to be prepared for the 2007-08 budget period onwards. The former Principal Activities Plan is no longer required, and in essence will be replaced by the Strategic Financial Plan and the Strategic Asset Management Plan (currently being developed).

The Local Government Act and regulations do not prescribe the format for the required Plan for the Future. Enquiries with other local governments reveal that they are considering the Plan for the Future to be a combination of various plans, such as Strategic Plan, long term financial plans etc. It is acknowledged that the Plan for the Future can cover a wide range of matters and can be extremely large and comprehensive. A view of a number of local governments is that the Plan for the Future can encompass a variety of plans already prepared by local governments. This is a logical view and is supported.

1. The Local Government Act (section 5.56) is a new provision. It requires each local authority to prepare a Plan for the Future in respect of each financial year after the financial year ending 30 June 2006. The Plan must cover a period of at least two years. The former Principal Activities Plan is replaced by the Plan for the Future and is no longer required.
2. Consultation is required with electors and ratepayers during the development of the Council's future Plan.
3. The specific matters that the Local Government (Administration) Regulations require to be included in the future Plan are set out in Regulation 19C which reads as follows:

“Regulation 19C

- a) *In this regulation and regulation 19D:*

‘Plan for the future’ means a Plan made under Section 5.56.

- b) *A local government is to make a Plan for the future of its district in respect of the period specified in the Plan (being at least 2 financial years).*
- c) *A Plan for the future of a district is to set out the broad objectives of the local government for the period specified in the Plan.*
- d) *A local government is to review its current Plan for the future of its district every 2 years and may modify the Plan, including extending the period the Plan is made in respect of.*
- e) *A Council is to consider a Plan, or modifications, submitted to it and is to determine* whether or not to adopt the Plan, or the modifications, as is relevant.*
**Absolute majority required*
- f) *If a Plan, or modified Plan, is adopted by the Council then the Plan or modified Plan is to apply to the district for the period of time specified in the Plan.*
- g) *A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a Plan for the future of the district, and when preparing any modifications of a Plan.*

- h) *A Plan for the future of a district is to contain a description of the involvement by the electors and ratepayers in the development of the Plan, and any modifications to the Plan.*
 - i) *A local government is to ensure that a Plan for the future made in accordance with this regulation applies in respect of each financial year after the financial year ending 30 June 2006.*
4. Regulation 19D sets out requirements for given public notice of the Council's future Plan.

STRATEGIC IMPLICATIONS:

Progress reports on the Strategic Plan are reported to Council for each quarter as follows:

Period	Report to Council
1 January - 31 March	April
1 April - 30 June	July
1 July - 30 September	October
1 October - 31 December	February

The quarterly progress reports will continue to be provided and will also include quarterly reports on the Annual Plan (previously the Capital Works Program). The Strategic Plan provides the elected Council and administration with its aims, goals and objectives (key result areas) for the next five (5) years.

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$8,500 was included in the Budget 2005-06 for the Review of the Strategic Plan.

COMMENTS:

The Council's Plan will provide the direction for the Elected Council and the Town's administration for the future. It will also provide information to the electors and ratepayers on the broad direction the Town will be taking in the future.

The Chief Executive Officer recommends the Council approve of the Officer Recommendation.

10.4.4 Council Meeting Dates and Times for 2007

Ward:		Date:	14 November 2006
Precinct:		File Ref:	ADM0016
Attachments:	001		
Reporting Officer(s):	A Smith		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *the Council meets on the second and fourth Tuesday of each month (except January, November and December) in 2007, as detailed in Appendix 10.4.4 attached to this report; and*
- (ii) *meetings be held at the Town's Administration and Civic Centre (Council Chamber) at 6.00pm on the dates as detailed in Appendix 10.4.4.*

COUNCIL DECISION ITEM 10.4.4

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre was an apology for the meeting.)

PURPOSE OF REPORT:

The purpose of the report is for the Council to approve of the Council Meeting dates for 2007.

BACKGROUND:

The Local Government Act 1995 (Section 5.3) and the Local Government (Administration) Regulations 1996, Regulation 12, requires the Council to determine meeting dates and times and for these to be published on a local basis throughout the Town.

LEGAL/POLICY:

Legislation - Statutory Provisions: Section 5.3 of the Local Government Act 1995 states:

“Ordinary and Special Council meetings:

- (1) *A Council is to hold ordinary meetings and may hold special meetings;*
- (2) *Ordinary meetings are to be held not more than three months apart;*
- (3) *If a Council fails to meet as required by subsection (2) the CEO is to notify the Minister of that failure.”*

Regulation 12 of the Local Government (Administration) Regulations 1996 states:

- “12 (1) *At least once a year a local government is to give local public notice of the dates on which and the time and place at which -*

- (a) *the ordinary Council meetings; and*
- (b) *the Committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public;*

Are to be held in the next 12 months;

- (2) *A local government is to give local public notice of any change to the date, time or place of a meeting referred to in sub regulation (1);”*

During the Festive Season holiday period, many of the Town's employees proceed on annual leave. Christmas/Boxing Day and New Year public holidays both fall on a weekday. Furthermore, in accordance with the Town's community consultation policy, the advertising of development applications will not be carried out from 20 December 2006 to 8 January 2007. As such, it is recommended that the meeting to be held on the second Tuesday of January not be held. It is considered that there will be insufficient items to justify a meeting.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

The advertising of the dates will cost approximately \$500.

COMMENTS:

It is recommended that the Council continue to meet on the second and fourth Tuesday of each month in 2007, with the exception of January, November and December:

- Tuesday, 23 January 2007 – 4th Tuesday of the month;
- Tuesday, 6 November 2007 – to allow for a two week break between meetings;
- Tuesday, 20 November, 2007– to allow for a two week break between meetings;
- Tuesday, 4 December 2007– to allow for a two week break between meetings;
- Tuesday, 18 December 2007– to allow for a two week break between meetings.

10.4.5 Forum - Schedule of Dates 2007

Ward:	-	Date:	6 November 2006
Precinct:	-	File Ref:	ADM0066
Attachments:	001		
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council APPROVES of the dates and times for Forums to be scheduled in 2007, as detailed in Appendix 10.4.5, attached to this report

Moved Cr Farrell, Seconded Cr Messina

That the recommendation as amended be adopted;

"That the Council;

- (i) *APPROVES of the dates and times for Forums to be scheduled in 2007, as detailed in Appendix 10.4.5, attached to this report; and*
- (ii) *AMENDS the Council's Forum Guidelines, Clause 4.6.2, by inserting new sub-clauses as follows;*

"4.6 Meeting Notification

- 4.6.2 (a) *Forums will be held on a regular basis such as an alternative third week to the ordinary Council meeting. The dates will be advertised in accordance with the Council Policy Relating to Community Consultation.*
- (b) *The Mayor, in liaison with the Chief Executive Officer, may schedule additional Forum dates, as the need arises.*
- (c) *Any additional Forum dates will be advertised on a local basis by placing a Notice on the Public Notice Boards in the Administration and Civic Centre and in the Town's Library, on the Town's webpage and by advertising in a local newspaper (if time permits).*

Debate ensued.

CARRIED (8-0)

(Cr Torre was an apology for the meeting.)

COUNCIL DECISION ITEM 10.4.5

"That the Council;

- (i) *APPROVES of the dates and times for Forums to be scheduled in 2007, as detailed in Appendix 10.4.5, attached to this report; and*
- (ii) *AMENDS the Council's Forum Guidelines, Clause 4.6.2, by inserting new sub-clauses as follows;*

"4.6 Meeting Notification

- 4.6.2 (a) Forums will be held on a regular basis such as an alternative third week to the ordinary Council meeting. The dates will be advertised in accordance with the Council Policy Relating to Community Consultation.**
- (b) The Mayor, in liaison with the Chief Executive Officer, may schedule additional Forum dates, as the need arises.**
- (c) Any additional Forum dates will be advertised on a local basis by placing a Notice on the Public Notice Boards in the Administration and Civic Centre and in the Town's Library, on the Town's webpage and by advertising in a local newspaper (if time permits)."**

NOTE: Corrected Attachment 10.4.5 - Forum Dates was tabled.

PURPOSE OF REPORT:

The purpose of the report is for the Council to adopt the schedule of dates for its Forums for 2007.

BACKGROUND:

At the Ordinary Meeting of Council held on 8 June 2004, the Council resolved inter-alia as follows;

"That; ...

- (ii) forums be held on the 3rd Tuesday of each month (except for December 2004 when it will be held on 2nd Tuesday) at 6.00pm in the Administration and Civic Centre;..."*

The Forum Guidelines which were adopted on 10 August 2004, further state at Clause 4.6:

"4.6 Meeting Notification

- 4.6.2 Forums will be held on a regular basis such as an alternative third week to the ordinary council meeting. The dates will be advertised in accordance with the Council policy relating to Community Consultation."**

CONSULTATION/ADVERTISING:

Notices of Forum are available for viewing on the Town's website www.vincent.wa.gov.au and are placed on the Notice Board at the Town's Administration & Civic Centre.

LEGAL/POLICY:

Legislation - Statutory Provisions: Section 5.3 of the Local Government Act 1995 states:

"Ordinary and Special Council meetings:

- (1) A Council is to hold ordinary meetings and may hold special meetings;*
- (2) Ordinary meetings are to be held not more than three months apart;*
- (3) If a Council fails to meet as required by subsection (2) the CEO is to notify the Minister of that failure."*

Regulation 12 of the Local Government (Administration) Regulations 1996 states:

- “12 (1) *At least once a year a local government is to give local public notice of the dates on which and the time and place at which -*
- (a) the ordinary Council meetings; and*
 - (b) the Committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public;*
- Are to be held in the next 12 months;*
- (2) *A local government is to give local public notice of any change to the date, time or place of a meeting referred to in sub regulation (1);”*

Forums are held in accordance with the Forum Guidelines which were adopted at the Ordinary Meeting of Council held on 10 August 2004.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

The advertising of the dates will cost approximately \$500.

COMMENTS:

It is recommended that the Forums continue to be scheduled on the third Tuesday of every month in 2007 (with the exception of January [no Forum], November and December [second Tuesday]).

ATTACHMENT 10.4.5



TOWN OF VINCENT

**FORUM SCHEDULE
2007**

JANUARY	No Forum*
FEBRUARY	Tuesday, 20 February 2007
MARCH	Tuesday, 20 March 2007
APRIL	Tuesday, 17 April 2007
MAY	Tuesday, 15 May 2007
JUNE	Tuesday, 19 June 2007
JULY	Tuesday, 17 July 2007
AUGUST	Tuesday, 21 August 2007
SEPTEMBER 2007	Tuesday, 18 September
OCTOBER	Tuesday, 16 October 2007
NOVEMBER 2007*	Tuesday, 13 November
DECEMBER 2007*	Tuesday, 11 December

* 3rd Tuesday of every month, apart from January, November and December

Time: 6.00pm

Venue: Council Chambers
Administration and Civic Centre
244 Vincent Street (Cnr Loftus), Leederville 6007

Forums: *(includes briefing or information sessions, workshops and corporate discussions)*

- Forums are normally open to the public (except where matters of a confidential nature are discussed). Confidential items will be clearly identified.
- Members of the public are welcome to attend.
- Members of the public are not permitted to ask questions, make statements, address the forum or participate in debate at a Forum.

Viewing of Notices of Forum:

Notices of Forum are available for viewing on the Town's Website www.vincent.wa.gov.au, from the Friday preceding the first Council Meeting of the month.

Parking:

Parking is available at the Loftus Recreation Centre adjacent to the Administration and Civic Centre. Access to this parking is off Loftus Street. For further information please contact: telephone 9273 6000, fax 9273 6099 or TTY 9273 6078.

John Giorgi JP
Chief Executive Officer

10.4.7 Information Bulletin

Ward:	-	Date:	15 November 2006
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer(s):	A Smith		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Information Bulletin dated 21 November 2006, as distributed with the Agenda, be received.

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Moved Cr Farrell, Seconded Cr Messina

That the Town write to the Department of Education and Training and request that they reconsider their position concerning the enrolment policy for kindergartens and to adopt a more flexible approach.

AMENDMENT CARRIED (8-0)

(Cr Torre was an apology for the meeting.)

MOTION AS AMENDED PUT AND CARRIED (8-0)

(Cr Torre was an apology for the meeting.)

COUNCIL DECISION ITEM 10.4.7

That the Information Bulletin dated 21 November 2006, as distributed with the Agenda, be received subject to the following;

That the Town write to the Department of Education and Training and request that they reconsider their position concerning the enrolment policy for kindergartens and to adopt a more flexible approach.

DETAILS:

The items included in the Information Bulletin dated 21 November 2006 are as follows:

ITEM	DESCRIPTION
IB01	Letter from Hon. Mark McGowan MLA, Minister for the Environment; Racing and Gaming - Open Letter to Local Authorities - Liquor and Gaming Legislation Amendment Bill 2006
IB02	Letter from the State Administrative Tribunal attaching Orders made on 1 November 2006. Walton & Anor v Town of Vincent DR 320 of 2004.
IB03	Letter from the State Administrative Tribunal attaching Orders made on 6 November 2006. Murphy & Anor v Town of Vincent DR 199 of 2006.
IB04	Letter from A/Director General - Department of Education and Training - regarding the application of the Department of Education and Training Enrolment Policy to Margaret Kindergarten

10.4.8 LATE ITEM - Establishment of a Town Planning Scheme Review Committee

Ward:	Both Wards	Date:	20 November 2006
Precinct:	All Precincts	File Ref:	PLA 0166
Attachments:	001		
Reporting Officer(s):	H Smith		
Checked/Endorsed by:	D Abel, R Boardman, John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the report in relation to the establishment of the Town Planning Scheme Review Committee;
- (ii) **APPROVES BY AN ABSOLUTE MAJORITY** the establishment of the Town Planning Scheme Review Committee, pursuant to Section 5.8, Subdivision 2, Division 2 of the Local Government Act 1995, to exercise the powers and discharge the duties contained in the Town Planning Scheme Review Committee Terms of Reference, as shown in Appendix 10.4.8;
- (iii) **ADOPTS** the Town Planning Scheme Review Committee Terms of Reference as shown in Appendix 10.4.8;
- (iv) **APPOINTS BY AN ABSOLUTE MAJORITY** the following Committee Members:
 - (a) Mayor Nick Catania (Presiding Member)
 - (b) Councillorfrom the North Ward;
(Deputy Member);
 - (c) Councillor.....from the North Ward;
(Deputy Member);
 - (d) Councillor from the South Ward;
(Deputy Member);
 - (e) Councillor from the South Ward;
(Deputy Member);
 - (f) Executive Manager, Environmental and Development Services, Rob Boardman (non-voting);
 - (g) Manager Planning, Building and Heritage Services, Des Abel (non-voting);
and
 - (h) Planning Officer (Strategic), Helen Smith (non-voting);
 - (i) Chief Executive Officer, John Giorgi (ex-officio – non-voting); and
- (v) **REQUESTS** the Chief Executive Officer to present a further report to the Council once the Committee has met and established a way forward regarding the Town Planning Scheme Review.

Moved Cr Farrell, Seconded Cr Chester

That the recommendation be adopted.

Debate ensued.

Mayor Catania advised the meeting that he had received the following nominations;

North Ward

Cr Chester (Member)

Cr Maier (Deputy Member)

Cr Farrell (Member)

Cr Doran-Wu (Deputy Member)

South Ward

Cr Messina (Member)

Cr Torre (Deputy Member)

Cr Ker (Member)

Cr Lake (Deputy Member)

Debate ensued.

Cr Maier advised the Council that pursuant to section 5.10 (2) of the Local Government Act, that he believes that all Elected Members are entitled to be a member on the Committee.

Cr Maier nominated himself as a member of the Committee.

The Presiding Member requested the Chief Executive Officer to clarify the interpretation of Section 5.10 (2) of the Local Government Act.

Debate ensued.

The Presiding Member ruled that nominations for membership of the Committee would be received.

Cr Lake stated she did not nominate as a Deputy Member and nominated herself as a Committee Member.

Debate ensued.

The Presiding Member advised that he was prepared to accept other nominations as members of the Committee and would conduct a ballot, if need be.

Debate ensued.

Moved Cr Maier, Seconded Cr Lake

That;

- (i) *the Terms of Reference clause 4.2 be amended by changing the "Committee Room" to the "Council Chamber"; and*
- (ii) *the Committee meetings be open to the public*

Debate ensued.

Cr Messina departed the Chamber at 7.53pm.

Debate ensued.

Cr Messina returned to the Chamber at 7.54pm.

Debate ensued.

Cr Maier then withdrew clause (i) of the amendment - relating to the Committee Room.

The Presiding Member advised that the Local Government Act prescribes for Council and Committee meetings to be open to the public and that clause (ii) of the amendment was in his opinion unnecessary, and was withdrawn.

Cr Maier dissented and stated he had not withdrawn clause (ii) of the amendment relating to open meetings and moved the following procedural motion;

The Presiding Member called for a seconder and Cr Lake stated she would second the Motion.

Moved Cr Maier, Seconded Cr Lake

That the ruling of the Presiding Member (concerning the withdrawing of clause (ii) of the amendment) be disagreed with.

Cr Lake called a Point of Order, as she believed that a derogatory comment had been made by the Presiding Member.

The Presiding Member stated that he had not made a derogatory comment.

Cr Lake then called a second Point of Order, and alleged that Cr Messina had made an offensive comment.

Cr Messina stated that he did not make any offensive or derogatory comments.

The Chief Executive Officer was asked to provide comment about Standing Orders and stated that Standing Orders 3.4.3 referred to 'adverse comments'.

PROCEDURAL MOTION OF DISSENT PUT AND LOST (2-6)

For

Cr Lake
Cr Maier

Against

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

(Cr Torre was an apology for the meeting.)

Cr Maier requested if the Chief Executive Officer could interpret 5.10.2 of the Local Government Act.

The Presiding Member advised that the Chief Executive Officer would require more time to perform this request and stated that the Council would vote on the nominations received.

Moved Cr Maier, Seconded Cr Lake

That the ruling of the Presiding Member (concerning the vote on the nominations received) be disagreed with.

MOTION OF DISSENT PUT AND LOST (2-6)

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

(Cr Torre was an apology for the meeting.)

The Presiding Member ruled that the ballot for the Committee Members would be carried out.

Debate ensued as to how this would be carried out - whether by a show of hands or secret ballot.

The Presiding Member ruled that a secret ballot would be held and requested the Chief Executive Officer to prepare ballot papers.

He asked that someone move that the matter 'Lie on the Table' until the ballots were distributed.

Moved Cr Chester, Seconded Cr Messina

That the matter 'Lie on the Table' until the ballot papers are distributed.

PROCEDURAL MOTION CARRIED (7-1)

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

(Cr Torre was an apology for the meeting.)

Discussion ensued on how the ballot papers should be marked and the Presiding Member advised that a tick should be placed against the two preferred candidates.

Debate ensued.

Cr Lake called a Point of Order for clause 3.2.6.

Debate ensued.

The Presiding Member stated that the Council will consider the Notice of Motion.

At 8.11pm the Executive Manager Corporate Services and the Executive Manager Technical Services departed the Chamber to prepare ballot papers.

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 Notice of Motion – Cr Helen Doran-Wu – Proposed Affordable Housing Strategy – Request for Terms of Reference

That the Council REQUESTS the Chief Executive Officer to;

- (i) *prepare a Project Brief and the Terms of Reference for Council's approval for the preparation of an "Affordable Housing Strategy" and such Strategy to include the following:*
 - (a) *the role of local government and various key stakeholders;*
 - (b) *definition of "affordable housing", "rent", "ownership " and "occupier" "eligibility criteria";*
 - (c) *identification of potential partnerships and their roles;*
 - (d) *"triple bottom line" objectives and sustainability principles;*
 - (e) *relationship with the Town's planning and building policies and other legislation (including application, bonuses or concessions based on density, zoning, car parking provisions);*
 - (f) *identification and assessment of the various affordable housing models including examples; and*
 - (g) *an Implementation Plan for the proposed Strategy and including the financial implications for the Town;*
- (ii) *identify a source of funds to carry out the proposed Affordable Housing Strategy; and*
- (iii) *submit a report on the Draft Project Brief and Terms of Reference for the Council's consideration no later than March 2007.*

Moved Cr Doran-Wu, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

The Chief Executive Officer departed the Chamber at 8.13pm.

Executive Manager Environmental and Development Services, Rob Boardman resumed the position of Acting Chief Executive Officer.

Journalist Lindsay McPhee departed the meeting at 8.14pm.

Cr Maier departed the Chamber at 8.14pm.

Debate ensued.

Cr Maier returned to the Chamber at 8.15pm.

The Chief Executive Officer returned to the Chamber at 8.21pm.

The Chief Executive Officer departed the Chamber at 8.21pm.

Debate ensued.

Moved Cr Chester, Seconded Cr Doran-Wu

That clause (b) be amended to include "special needs housing" and "social housing"

AMENDMENT CARRIED (8-0)

(Cr Torre was an apology for the meeting.)

Debate ensued.

MOTION AS AMENDED CARRIED (8-0)

(Cr Torre was an apology for the meeting.)

COUNCIL DECISION ITEM 11.1

That the Council REQUESTS the Chief Executive Officer to;

- (i) *prepare a Project Brief and the Terms of Reference for Council's approval for the preparation of an "Affordable Housing Strategy" and such Strategy to include the following:*
 - (a) *the role of local government and various key stakeholders;*
 - (b) *definition of "affordable housing", "social housing", "special needs housing", "rent", "ownership" and "occupier" "eligibility criteria";*
 - (c) *identification of potential partnerships including Banks and their roles;*
 - (d) *"triple bottom line" objectives and sustainability principles;*
 - (e) *relationship with the Town's planning and building policies and other legislation (including application, bonuses or concessions based on density, zoning, car parking provisions);*
 - (f) *identification and assessment of the various affordable housing models including examples; and*
 - (g) *an Implementation Plan for the proposed Strategy and including the financial implications for the Town;*
- (ii) *identify a source of funds to carry out the proposed Affordable Housing Strategy; and*
- (iii) *submit a report on the Draft Project Brief and Terms of Reference for the Council's consideration no later than April 2007.*

Chief Executive Officer John Giorgi returned to the Chamber at 8.23pm.

The Presiding Member advised that the voting would be carried out for each individual item and ballot papers were distributed.

Elected Members voted and ballot papers were collected and counted by the Chief Executive Officer.

The Presiding Member advised the result of the ballot as follows:

North Ward

Cr Chester and Cr Farrell

South Ward

Cr Ker and Cr Messina

Cr Maier requested the results of the ballot and the Presiding Member advised as follows:

North Ward

Cr Chester: 6 votes

Cr Farrell: 5 votes

Cr Maier: 3 votes

South Ward

Cr Ker: 6 votes

Cr Messina: 5 votes

Cr Lake: 3 votes

The Presiding Member then called for Deputy Members and the following nominations were received:

North Ward

Cr Chester: Deputy Member Cr Maier

Cr Farrell: Deputy Member Cr Doran-Wu

South Ward

Cr Ker: Deputy Member Cr Lake

Cr Messina: Deputy Member Cr Torre

There were no objections to the Deputy Members.

COUNCIL DECISION ITEM 10.4.8

That the Council;

- (i) *RECEIVES the report in relation to the establishment of the Town Planning Scheme Review Committee;*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY the establishment of the Town Planning Scheme Review Committee, pursuant to Section 5.8, Subdivision 2, Division 2 of the Local Government Act 1995, to exercise the powers and discharge the duties contained in the Town Planning Scheme Review Committee Terms of Reference, as shown in Appendix 10.4.8;*
- (iii) *ADOPTS the Town Planning Scheme Review Committee Terms of Reference as shown in Appendix 10.4.8;*
- (iv) *APPOINTS BY AN ABSOLUTE MAJORITY the following Committee Members:*
 - (a) *Mayor Nick Catania (Presiding Member)*
 - (b) *Councillor Chester from the North Ward;
(Deputy Member Maier);*
 - (c) *Councillor Farrell from the North Ward;
(Deputy Member Doran-Wu);*
 - (d) *Councillor Messina from the South Ward;
(Deputy Member Torre);*
 - (e) *Councillor Ker from the South Ward;
(Deputy Member Lake);*
 - (f) *Executive Manager, Environmental and Development Services, Rob Boardman (non-voting);*
 - (g) *Manager Planning, Building and Heritage Services, Des Abel (non-voting);
and*
 - (h) *Planning Officer (Strategic), Helen Smith (non-voting);*
 - (i) *Chief Executive Officer, John Giorgi (ex-officio – non-voting); and*
- (v) *REQUESTS the Chief Executive Officer to present a further report to the Council once the Committee has met and established a way forward regarding the Town Planning Scheme Review.*

Note: Clause (iv) is deemed invalid as it is contrary to Standing Orders clause 5.9 (2). Also the Terms of Reference - Membership is required to be amended to reflect the number of Members. A further report will be submitted to the Ordinary Meeting of Council to be held on 5 December 2006.

PURPOSE OF REPORT:

The purpose of this report is for the Council to approve of a Town Planning Scheme Review Committee to assist in the review of Town Planning Scheme No.1.

BACKGROUND:

- 13 September 2005 The Council at its Ordinary Meeting received Progress Report No.1 in relation to the review of Town Planning Scheme No.1 and authorised the Chief Executive Officer to list discussion of the matter at an Elected Members Forum to be held in October 2005.
- 18 October 2005 The Town Planning Scheme Review was discussed at an Elected Members Forum.
- 11 April 2006 The Council at its Ordinary Meeting received Progress Report No.2 in relation to the review of Town Planning Scheme No.1.
- 12 September 2006 The Council at its Ordinary Meeting received Progress Report No.3 in relation to the review of Town Planning Scheme No.1.
- 14 November 2006 The Town Planning Scheme Review and the proposed establishment of the subject Town Planning Review Committee was discussed at an Elected Members Forum.

CONSULTATION/ADVERTISING:

Nil.

DETAILS:

The Town's Officers have been requested to facilitate the formation of a Committee to guide the review of Town Planning Scheme No.1.

LEGAL/POLICY:

There is a legal requirement for the Town to commence a review of its Town Planning Scheme No.1 every five years, and to bring this to completion as soon as practicable.

Section 5.8 of the Local Government Act 1995 allows for a Council to approve of Committees.

Minutes of the Committee are to be submitted to the next Ordinary Meeting of Council.

The Committee shall appoint a Deputy Presiding Member. The Committee shall approve of meeting times and dates and these are to be advertised to the public.

STRATEGIC IMPLICATIONS:

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

"1.3 Develop, implement and promote sustainable urban design.

...

(c) Review and release within an agreed time frame, the Town Planning Scheme, in accordance with the community vision.

..."

FINANCIAL/BUDGET IMPLICATIONS:

The 2006/2007 Budget lists \$88,760 for Town Planning Scheme Amendments and Policies.

COMMENTS:

Legal Status of Town Planning Scheme Review Committee

Sections 5.8 to 5.25, inclusive, of the Local Government Act 1995 deal with committees and their meetings. Section 5.8 states as follow:

"A local government may establish committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.*

** Absolute majority required."*

Clause 4.1 to 4.6, inclusive, of the Town of Vincent Local Law relating Standing Orders also addresses committees. Clauses 4.1 and 4.2 state as follows:

4.1 Committees

Committees of the Council shall operate in accordance with the Act, its regulations and these Standing Orders.

4.2 Standing Orders to apply to committees

These Standing Orders shall apply generally to the proceedings of committees of the Council except that the requirement for Members to speak only once shall not be applied in committee meetings."

Structure and Function of Town Planning Scheme Review Committee

The role and structure of the proposed Committee is set out in the attached *Draft Town Planning Scheme Review Committee Terms of Reference*.

The involvement of a Committee in strategic matters can provide positive support and direction to the Town's Officers with respect to the timely consideration and delivery of the Local Planning Strategy and Town Planning Scheme by the Council. As the Council is aware, the review of Town Planning Scheme No.1 addresses a number of current planning issues and complies with a legal requirement to review a town planning scheme every 5 years. Notably, the draft Town Planning Scheme identifies 'streetscapes worthy of retention' and consideration of the 'Eton Locality' down-zoning/coding, which to-date remains unresolved and is due for re-consideration in December 2007. Further, the review of the Town Planning Scheme is largely guided by *Vincent Vision 2024* which was completed in June 2004 and the demographic information of the 2001 Census. Unnecessary delays in the progress of the review may raise concern that such data will be seen as out-of date and superseded by up to date information. It is noted that the *Draft Town Planning Scheme Review Committee Terms of Reference* limits the term of the Committee until 31 March 2007.

The formation of a *Town Planning Scheme Review Committee* has the benefit of assisting the progress of the TPS review. It can provide guidance and direction to the Officers and the regular meetings will ensure that the momentum will be maintained. It is envisaged that the Committee will review the content of the Local Planning Strategy, in particular the zonings, densities and principle components of the draft Town Planning Scheme with respect to 'streetscapes', 'strategic development sites', 'activity corridors', 'design guideline areas' and the like. The Committee will also review and approve of the draft Town Planning Scheme's format, wording, plans, maps and relevant documentation and ideally provide guidance and direction with respect to the expeditious approval of the final document.

The draft *Terms of Reference* outlines the manner in which the Committee will operate, the term of the Committee, the Member's powers and duties and Meeting procedures. It should be noted that any Committee approvals and decisions can be further considered and determined by the full Council. The draft *Terms of Reference* stipulate the nomination of four Councillors (two (2) from each Ward with Deputy Members) to participate on the Committee with the Mayor, the Town's Executive Manager, Environmental and Development Services, the Manager Planning, Building and Heritage Services and a Planning Officer (Strategic) and the Chief Executive Officer. Pursuant to Section 5.10(5), the Chief Executive Officer informs the Council that he wishes to be a member of the Committee.

It is therefore recommended that the Council considers and approves the establishment of a *Town Planning Scheme Review Committee* in accordance with the draft *Terms of Reference* as attached.

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

Nil

13. URGENT BUSINESS

Nil

At 8.43pm

Moved Cr Farrell, Seconded Cr Ker

That the Council proceed 'Behind Closed Doors' to consider the Confidential Items.

CARRIED (8-0)

(Cr Torre was an apology for the meeting.)

Journalist Brenda Foster departed the meeting.

There were no members of the public present.

The Council then considered Confidential Reports 14.1 to 14.5 'Behind Closed Doors'.

14. CONFIDENTIAL REPORTS (*Behind Closed Doors*)

The Presiding Member advised the meeting that Cr Chester had declared a Financial Interest in Item 14.1.

Cr Chester departed the Chamber at 8.45pm. He did not speak or vote on the matter.

14.1 CONFIDENTIAL REPORT - Mindarie Regional Council - Member Council Guarantees for the Proposed Resource Recovery Facility

Ward:	Both	Date:	10 November 2006
Precinct:	All	File Ref:	ENS0008&FIN0078
Attachments:	-		
Reporting Officer(s):	R Lotznicher, M Rootsey		
Checked/Endorsed by:	John Giorgi	Amended by:	

OFFICER RECOMMENDATION:

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.*

COUNCIL DECISION ITEM 14.1

Moved Cr Ker, Seconded Cr Doran-Wu

That the recommendation be adopted.

Cr Farrell departed the Chamber at 8.44pm.

Cr Farrell returned to the Chamber at 8.45pm.

Cr Messina departed the Chamber at 8.45pm.

CARRIED (6-0)

(Cr Torre was an apology for the meeting. Cr Chester and Cr Messina were absent from the Chamber and did not vote.)

PURPOSE:

The purpose of this report is to advise and seek Council's approval for a contingent liability of the financial guarantees associated with the Mindarie Regional Council's (MRC) proposed Resource Recovery Facility (RRF).

BACKGROUND:

Between 2003 and July 2005 extensive work has been undertaken to secure and purchase land in Neerabup for a Regional Resource Recovery (RRF), and prepare and finalise the draft tender specification and agreement for the proposed RRF. The MRC is now nearing the end of a lengthy tender process for the selection of a tenderer to Build, Own and Operate an RRF facility in Neerabup north of Perth.

Important milestones achieved during the project since July 2005 include the following:

August 2005:

- The acceptance of the potential for the MRC to provide security provisions as part of the contractual arrangements should the preferred tenderer so request.
- Acknowledge the responses on the draft tender documentation submitted by the tenderers and endorse the approach of using a Term Sheet and Resource Recovery Facility Agreement as the basis for the tender package (August 2005).
- The approval of the tender evaluation model
- The approval of participation of various Elected Members, officers and others on the overseas tour to visit similar resource recovery facilities.

October 2005:

- Approval of the Tender package for distribution to the preferred tenderers.
- The acceptance of the proposed tender assessment process (October 2005).
- Agreement to transfer environmental responsibilities to the successful tenderer (October 2005).

December 2005:

- The approval for a party of 10 on the overseas tour to visit similar resource recovery facilities
- Authorise the Chief Executive Officer to issue addendums to the Request for Tender package on all matters other than amendment to criteria for evaluation, after consultation with the probity auditor and legal adviser.

January - May 2006

- The rejection of all three submitted tenders in accordance with section 3.6.(b) of the Request for Tender on grounds of material inconsistencies with the Term Sheet.
- In accordance with regulation 11(2)(c) of the Local Government Regulations 1996, the companies that submitted tenders were invited to negotiate with the MRC.
- The terms of negotiation, based on agreed principles, were resolved by the MRC CEO based on advice from the Project Director.
- The Tender Evaluation Committee (TEC) and its advisors negotiated with the companies that submitted tenders for the purpose of preparing documentation to be presented to the MRC for consideration.

June 2006: WorleyParsons consortium nominated as the preferred bidder for the project.

August 2006: Contract signed by MRC and BioVision 2020 (*the contractor for WorleyParsons consortium*), conditional upon a number of matters including the provision of guarantees by the Member Councils.

The signing of a conditional contract by the MRC has resulted in the achievement of a significant milestone in this project. The next phase involves the MRC and BioVision addressing and meeting the conditions necessary for the project to proceed.

Notwithstanding this extensive work, some matters have emerged which require the consideration of Member Councils. Specifically, these matters relate to the provision of financial security arrangements by Member Councils in support of the Mindarie Regional Council, to the satisfaction of BioVision and their financiers, the ANZ Bank.

The Town Council's consideration of not only the rationale for the continuation of the project but also matters related to the provision of financial security by Member Councils is now appropriate.

This consideration has been recognised by officer's form the Member Council's at recent events, including a recent Financial Workshop, where the group, which included CEOs, their representatives and Senior Financial officers concluded that Member Council consideration of any financial security arrangements would only occur within the context of the presentation of information regarding the overall project.

Most recently at the MRC Council Special meeting held on Tuesday 31 October 2006 the MRC Council adopted the following decision:

That Council:

- (i) *accepts the revised version of the Participants Guarantee as tabled in the form of the Deed of Guarantee attached to this report;*
- (ii) *authorises the Chairman and Chief Executive Officer to:*
 - a) *effect non-material amendments to the Deed of Guarantee, after appropriate legal advice, and the circulation to Councillors, for information, of follow up information as follows:*
 - (1) *details of these non-material amendments; and*
 - (2) *legal confirmation that these amendments are non-material; and*
 - b) *agree that all material amendments must be approved by the MRC;*
- (iii) *requests the Member Councils to provide guarantees for the MRC's financial obligations under the RRFA in the form of the Deed of Guarantee; and*
- (iv) *authorises the Chairman and the Chief Executive Officer to executive the Deed of Guarantee subject to the Member Councils agreeing to provide the guarantees as per (iii) above.*

DETAILS:

Therefore in accordance with clause (iii) of the above MRC decision the following is a brief outline of the process to date with regards the Resource Recovery facility process and the details of the proposed guarantee requirements.

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.

A parent company guarantee is not being offered for Biovision 2020. Security is being provided through allocating some project risk to subcontractors:

- \$2.5 million Development Security for the construction period up to the end of the Initial Operating Period
- \$1.5 million Performance Guarantee for the remaining 18 years of the contract term (*the Development Security and the Performance Guarantee will be capped, in aggregate, to the limit on liability with the Contractor [\$5 million]*), appropriate insurance and limits of liability and risk mitigation processes built into the Agreement.

Issues and options considered:

The tender process commenced with an Expression of Interest (EOI) some five years (5) ago and culminated in a tender process which included national, local and international bidders.

WorleyParsons were subsequently nominated as the preferred tenderer on 26 June 2006.

Fee Structure

The proposed gate fee that will be payable to the Contractor will comprise the following components:

- *Capital Cost Rate* - Which will cover the repayment of the capital cost of the RRF and profit, *plus*
- *Fixed and Variable Operating Cost Rates* - Which will cover the cost of operating the RRF, *minus*
- *Revenue share* from the sale of products.

The gate fee will vary as a result of the performance of the Contractor and the RRF and the revenue obtained from the sale of products.

- Debt for the project will be provided to BioVision by the ANZ Bank.
- The interest rate will be fixed at financial close scheduled by 18 December 2006.
- The Capital Cost Rate will escalate in line with inflation throughout the project.
- The Fixed and Variable Cost Rates will also escalate in line with defined escalation methods during the project.
- Escalation will commence from the time of tender (February 2006)

The fee payable to the Contractor would commence in year 1 and is estimated to be \$115.74 per tonne. The exact amount will depend on interest rate movements up to financial close and inflation up to the commencement of operation of the facility.

Other Issues

WorleyParsons and Conporec have demonstrated, through the performance of the Conporec facility in Tracey Canada that the RRF proposed in their tender will be able to meet the performance standards required by the MRC. The proposed facility will essentially comprise the same process currently operating at Tracey (*in Canada*), with some improvements and at a larger scale. The Tracey facility has been operating since receiving its certificate of compliance in May 1993.

Estimated Costs to Member Councils

The Mindarie Regional Council had previously agreed a gate fee model, for implementation upon the establishment of the RRF, which comprised the categorisation of waste as follows:

- Processable Waste
- Non Processable Waste

The philosophy associated with this model recognises that not all processable material will be delivered to the RRF initially. Therefore, an equitable charging model was required, in order to manage, in a fair manner, all processable material, with respect to charges. This model is important because it provides a clear picture to Member Councils of the impact of RRF Gate Fee charges on the overall charges to Member Councils.

The fee arrangements associated with the preferred tenderer are as follows:

- Year 1 gate fee estimate of \$115.74/tonne
- The gate fee is dependent on various facility operating performances and market forces
- The gate fee estimate is based on a compost revenue of \$0/tonne and 100% achievement of all Key Performance Indicators (KPI's)
- Reduction in the revenue from compost below \$0 per tonne will not impact on the gate rate as WorleyParsons/Contractor have guaranteed a minimum revenue of \$0/tonne

- A reduction in the achievement of the KPI's will reduce the gate fee paid to the contractor
- The gate fee will be increased in line with various cost escalation indices throughout the term of the contract

The translation of these fee arrangements into processable and non processable fees results in the following:

- There will be a MRC, RRF Management cost associated with facility development costs, infrastructure costs, operation and maintenance costs, MRC governance and administration costs, community engagement and bush-forever costs. This MRC RRF Management cost is estimated at \$9.29/tonne
- The non-processable fee is the Tamala Park Landfill fee (2006/2007 = \$43.00/tonne)
- The processable fee, based on the previously accepted formula, is calculated as \$99.00/tonne

The estimated financial impact on Member Councils for the first complete financial year of Resource Recovery Facility operation, with a comparison of existing disposal to landfill versus proposed disposal to Resource Recovery, and the balance to landfill; based on the current tonnages, are described in the following table.

Individual Member Council Costs - Resource Recovery Facility v Non Resource Recovery Facility

Note: Calculation Using 2005/2006 tonnage up to 26 May 2006 and then annualised.

Local Government	Annual Processable Tonnage	Total Annual Disposal Cost without Resource Recovery Facility \$	Total Annual Disposal Costs with Resource Recovery Facility \$
City of Perth	15,358	661,418	1,521,433
City of Wanneroo	39,745	2,792,385	5,018,049
City of Joondalup	58,287	3,065,694	6,329,660
Town of Cambridge	9,524	497,023	1,030,342
Town of Vincent	13,070	562,855	1,294,758
Town of Victoria Park	12,045	555,588	1,230,088
City of Stirling	-	4,297,382	4,297,382
Total	\$ 148,028		

Proposed Financial Guarantee Requirements

Financial Security

Financial security requirements have been identified by all Tenderers through the tender process a product of the current approved Business Model for the MRC, which seeks to operate on the lowest possible cost recovery basis (*which requires the use of loans rather than the creation of reserves*).

These requirements, as requested by all tenderers, relate to the need for the appointed contractor to have some certainty about the source and availability of funds to cover some potential risks albeit with low probability, should certain circumstances arise.

The financial obligation and exposure of the Member Councils is no more than what it would be under the current constitution. The proposed financial guarantee merely formalises the obligations to provide comfort to the prospective contractor (*and its financiers*) by providing a direct contractual relationship between each Member Council and the contractor.

MRC Default

The characteristics of the tenderer requirements are as follows:

- The contractor is seeking a Financial Guarantee and this would crystallise only if:
 - MRC does not meet specific payments due under the agreement which results in a MRC default under the agreement. The specific payments include:
 - the monthly gate fee (and any interest owing for late payment)
 - Reimbursement of costs of obtaining water if water is not able to be provided from the bore and reimbursement of costs if residue is not able to be disposed of at Tamala Park.
- MRC or an associated party causes, and is liable for, a financial loss to BioVision and the MRC fails to pay that amount within the designated time frame.
- MRC or an associated party causes, and is liable for, a financial loss to BioVision in excess of the Limit of Liability (\$5million) and the MRC and the Guarantors decide not to pay the portion of the liability that exceeds the Limit of liability.
- There is an uninsurable Force Majeure event which prevents performance for more than 12 months and, as a result, the MRC seeks to terminate the agreement.

Trigger events for access to the above are described as follows:

- Non-payment of the Monies due by MRC which constitutes a MRC default
- MRC obligation to settle debt due to the agreement being terminated due to an uninsurable Force Majeure event

Force Majeure (*uninsurable*) event

The MRC would share the burden of the cost only if there is an *uninsurable* event. In the case of an *insured* event the cost should be covered by the payout from the MRC Insurers but, in any event, would not result in a liability of MRC to pay the Contractor the termination payment. Examples of events that would be *uninsurable* and would have a material impact on the RRF include the following:

- War risks, confiscations, nationalisation.
- Nuclear attack, radiation, contamination by radio activity from nuclear waste etc
- Sea damage, tidal wave or high water or storm surge.
Note: Storm risks can be insured at an additional premium
- Spontaneous combustion, fermentation or any process involving application of heat
Note: These can be mitigated by including clauses in the insurance policy
- Earthquake
Note: This risk can be covered at an additional premium and with a reasonable excess
- Terrorism is now covered by the Australian Federal Government's Insurance Industry Fund

Note: Only the MRC can terminate the agreement due to extended Force Majeure and, therefore, trigger the potential payout by MRC.

The MRC has two (2) further alternatives should there be an extended Force Majeure as follows:

- It can continue paying the Contractor the *Capital Costs* and *Fixed Operating Costs* whilst the Force Majeure is continuing, regardless of whether the Contractor is able to operate the RRF.

- It can also negotiate with the Contractor to determine whether the terms of the RRFA (for example, the increasing the gate fee or the Term) can be amended to enable the necessary investment to be made to rectify the effect of the Force Majeure.

Financial Characteristics

The financial characteristics of the contractor for the establishment of the resource recovery capability have enabled the quantification of the extent of financial security requirements described in dollar terms as follows.

Force Majeure

- Construction period: Up to \$68 million approximately
- Operational period: Approximately \$68 million at practical completion and reducing to around \$0 million in the last year of operation

Mindarie Regional Council Default

- Approximately \$82 million in the first year of the term of the agreement and reducing to about \$14 million in the last year of operation

Member Council Commitments

The relative impact on Member Councils, in terms of financial security commitments are as follows:

- The financial guarantee would not directly impact on the Town's borrowing capacity
- The financial guarantee would not be reflected as a liability in the individual member Council's Financial Statements as the liability has not crystallised, however it would be required to be disclosed as a contingent liability in the notes.

Additional information in relation to the financial security dimension is as follows:

- The committal to such financial security is unlikely to impact on the borrowing power of Member Councils
- All Member Councils would be required to sign off on the financial security prior to satisfaction of the Conditions Precedent (which is when the operative part of the agreement comes into effect, and is scheduled for 18 December 2006)
- The guarantee document is at Attachment One to this Item
- The relative apportionment of responsibility between the Member Councils for these items would be for a:
 - Payment on termination of the agreement for MRC Default or prolonged Force Majeure, in the proportion of equity holdings in the MRC;
 - Claim for other moneys owed under the agreement, in the proportion of waste delivered by that Member Council to the RRF in the preceding 6 months.

Risk Management considerations:

Risks of the Town being called upon to provide the guarantees are detailed in the above under Force Majeure events and where the MRC is in default for non-payment of the gate fee or other amounts owing under the agreement. Default by the MRC for non-payment of the gate fee is considered a *low risk*.

The MRC will take steps to *insure* all Force Majeure events where possible.

Should the RRF not proceed, landfill continues to be the only disposal option.

In terms of uninsurable events like war, sea damage or tidal wave, it is worth noting the Town would have the same risk for all of its assets.

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*'.

To achieve this requires a shift toward a closed loop system, where waste from one part of society become the raw materials for another. Programs will also be needed to support waste avoidance initiatives and develop markets for recycled materials. State policies 'Hope for the Future: the Western Australian' state sustainability strategy and the Federal Government's initiative - the National Packaging Covenant shows a broad Government commitment to a vision of 'Towards Zero Waste'.

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.

Discussion / Summary

The arrangements have been finalised with the Contractor for the RRF Project. 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). |

In order for the RRF project to proceed, Biovision require a guarantee from the Member Councils. The financiers will not accept the MRC's guarantee as the MRC does not have adequate financial reserves to cover obligations to make a termination payment if there is a Force Majeure, MRC default event under the RRFA or Member Councils do not pay the Gate Fee. Also, the Financiers are concerned that the Member Councils have the ability to windup the MRC without the approval of the MRC.

The MRC is structured so that Member Councils will always have ultimate responsibility for the obligations and liabilities of the MRC.

As previously mentioned, events that could trigger the guarantee payment are outlined as follows:

- MRC's default on payment of the gate fee.
- Failure to reimburse the costs of the Contractor obtaining water due to the bore being unavailable.
- Disposing of Residue due to Tamala Park being unavailable.

- The MRC or an associated party causes, and is liable for, a financial loss to BioVision;
- MRC fails to pay; and
- An uninsurable Force Majeure event. An uninsurable Force Majeure event includes (among other things) war, nuclear attack, sea damage, radiation and Tsunami. Other insurable Force Majeure events will be insured to mitigate exposure.

CONSULTATION/ADVERTISING:

The MRC has carried out extensive public liaison with the community on the RRF including the land purchase. It also has been responsible for the establishment of the Community Education and Advisory Group (CEAG) where community members have expressed their views and concerns. The CEAG has been influential in the development of community and environmental issues in the tender documentation and has also had input into the environmental consultation process with the State Government.

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2005-2010 – 1.1 Protect and enhance the environment and biodiversity. *“(e) Prepare a Waste Management Strategy that is aligned with the Mindarie Regional Council's Secondary Waste Treatment initiatives;”*

FINANCIAL/BUDGET IMPLICATIONS:

Depending on the default and the time it occurs in to the contract MRC financial guarantee liability will reduce over the term of the RRFA and will apply:

- Where the MRC is in default for non-payment of the gate fee in which event the liability will be a worst case of \$82M reducing to \$14M in the last year. The City's liability will be one twelfth based on its equity share with a worst case of \$6.83m reducing to \$1.15m in the last years;
- If an uninsurable event of Force Majeure occurs in which event the liability will be a worst case of \$68M reducing to \$0M if the event occurs in the final years of the contract. The Town's liability will be based on equity with a worst case of \$5.65m reducing to \$0m in the last years.

In terms of the membership and the impact on the Town's financial liability in case of a membership change within the MRC, the Town must agree to any change in the membership of the MRC and therefore any increased exposure will only be with the Town's approval.

COMMENTS:

The Contractor for the RRF project and its financiers require a financial guarantee of the MRC's payment obligations for the project. This is necessary for the project to be bankable. Legally the MRC is not a signatory to its own existence (*through it's Constitution*) and ultimately its liability rests with Member Councils. Also, the MRC does not have the capital reserve to fund in the case of being required to purchase the RRF if the agreement is terminated due to the occurrence of a prolonged uninsurable Force Majeure or a default due to MRC's non-payment of amounts owing under the agreement. The MRC is now seeking members' agreement to a guarantee for this project.

This report details the *unlikely* events that could trigger a call on the guarantee and the risks involved. Risks have been identified through a risk analysis and will be mitigated where ever possible with insurances.

The process has been lengthy and is nearing fruition. It is imperative that the MRC commence the RRF to reduce the quantity of organic material going to landfill and to prolong the life of the Tamala Park Landfill site. The provision of Member Council guarantees is pivotal to the process moving forward.

14.2 CONFIDENTIAL REPORT - No. 396 (Lot Pt 116 D/P: 3002) Charles Street, Corner Mabel Street, North Perth- Proposed Partial Demolition of and Alterations and Additions to Existing Shop (Beauty Salon) - State Administrative Tribunal - Review Matter No. DR 283 of 2006 - Draft "Without Prejudice" Conditions and Final Hearing

Ward:	North	Date:	14 November 2006
Precinct:	North Perth; P08	File Ref:	PRO2811; 5.2006.90.1
Attachments:	-		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to No. 396 (Lot Pt 116 D/P: 3002) Charles Street, corner Mabel Street, North Perth - State Administrative Tribunal - Review Matter No. DR 283 of 2006- Draft "Without Prejudice" Conditions and Final Hearing; and*
- (ii) *FILES and SERVES the following draft "without prejudice" conditions to the State Administrative Tribunal (SAT) in response to the SAT Orders dated 23 October 2006:*
 - (a) *prior to the issue of a Building Licence, the applicant/owner is also required to obtain the necessary approval of the Western Australian Planning Commission under the Planning and Development Act 2005, as the development is within the Planning Control Area No.88 (previously No. 54) Charles Street, Town of Vincent;*
 - (b) *prior to issue of a Building Licence, revised plans shall be submitted and approved demonstrating car bay 5 being increased to a minimum of 2.7 metres in width. All car parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications and dimensions specified in the Town's Policy relating to Parking and Access and Australian Standards AS2890.1 – "Off Street Parking". The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
 - (c) *any new signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate planning application, and all signage shall be subject to a Sign Licence application, being submitted and approved prior to the erection of the signage;*
 - (d) *the floor areas shall be limited to a maximum of:*
 - (1) *192 square metres of gross floor area for the shop component; and*
 - (2) *26 square metres of gross floor area for the office component;**Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the Town;*
 - (e) *doors, windows and adjacent floor areas fronting Charles and Mabel Streets shall maintain an active and interactive relationship with these streets;*
 - (f) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first*

occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;

- (g) prior to the first occupation of the proposed additional floor space, the proposed modifications on the Mabel Street verge, including the proposed crossover are to be constructed to the satisfaction of the Town's Technical Services Division with all costs associated with the work within the Mabel Street road reserve adjacent to the subject site being borne by owners/applicant;*
- (h) 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;*
- (i) prior to the issue of a Building Licence for the proposed fence adjacent to Charles Street, revised plans shall be submitted and approved demonstrating any new street/front wall, fence and gate between the Charles Street boundary and the main building, including along the side boundaries within this front setback area, complying 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 Charles 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.*

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

Moved Cr Ker, Seconded Cr Farrell

That the recommendation be adopted.

Cr Chester and Cr Messina returned to the Chamber at 8.47pm.

The Presiding Member advised Cr Chester and Cr Messina that Item 14.1 was carried.

Debate ensued.

Cr Doran-Wu departed the Chamber at 8.48pm.

Debate ensued.

Moved Cr Chester, Seconded Cr Ker

That a new clause (ii) (j) be added as follows

"(ii) (j) the hours of operation shall be limited to the following times: 8.00 am to 6.00 pm on Monday, Tuesday, Wednesday and Friday, 8.00 am to 8.00 pm on Thursday and 8.30 am to 5.00 pm on Saturday, inclusive."

Debate ensued.

Cr Doran-Wu returned to the Chamber at 8.52pm.

Cr Chester withdrew his amendment with the consent of the seconder and the Council.

Moved Cr Chester, Seconded Cr Farrell

That the Chief Executive Officer be requested to check the current hours of operation for this business and he be authorised to impose these as a condition (or other suitable hours)

AMENDMENT CARRIED (8-0)

(Cr Torre was an apology for the meeting.)

COUNCIL DECISION ITEM 14.2

That the Council;

- (i) RECEIVES the report relating to No. 396 (Lot Pt 116 D/P: 3002) Charles Street, corner Mabel Street, North Perth - State Administrative Tribunal - Review Matter No. DR 283 of 2006- Draft "Without Prejudice" Conditions and Final Hearing; and*
- (ii) FILES and SERVES the following draft "without prejudice" conditions to the State Administrative Tribunal (SAT) in response to the SAT Orders dated 23 October 2006:*
 - (a) prior to the issue of a Building Licence, the applicant/owner is also required to obtain the necessary approval of the Western Australian Planning Commission under the Planning and Development Act 2005, as the development is within the Planning Control Area No.88 (previously No. 54) Charles Street, Town of Vincent;*

- (b) *prior to issue of a Building Licence, revised plans shall be submitted and approved demonstrating car bay 5 being increased to a minimum of 2.7 metres in width. All car parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications and dimensions specified in the Town's Policy relating to Parking and Access and Australian Standards AS2890.1 – "Off Street Parking". The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (c) *any new signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate planning application, and all signage shall be subject to a Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (d) *the floor areas shall be limited to a maximum of:*
 - (1) *192 square metres of gross floor area for the shop component; and*
 - (2) *26 square metres of gross floor area for the office component;**Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the Town;*
- (e) *doors, windows and adjacent floor areas fronting Charles and Mabel Streets shall maintain an active and interactive relationship with these streets;*
- (f) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (g) *prior to the first occupation of the proposed additional floor space, the proposed modifications on the Mabel Street verge, including the proposed crossover are to be constructed to the satisfaction of the Town's Technical Services Division with all costs associated with the work within the Mabel Street road reserve adjacent to the subject site being borne by owners/applicant;*
- (h) *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;*
- (i) *prior to the issue of a Building Licence for the proposed fence adjacent to Charles Street, revised plans shall be submitted and approved demonstrating any new street/front wall, fence and gate between the Charles Street boundary and the main building, including along the side boundaries within this front setback area, complying 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 Charles 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.*

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

- (j) *the hours of operation shall be limited to the following times: 9.00 am to 5.30 pm on Monday, Tuesday, Wednesday and Friday, 9.00 am to 8.00 pm on Thursday and 8.00 am to 3.00 pm on Saturday, inclusive and closed Sundays and Public Holidays."*

PURPOSE OF REPORT:

- To advise Council of the above review application.
- To comply with the requirements of the Town's Policy/Procedure for State Administrative Tribunal (SAT).
- To provide draft "without prejudice" conditions.

Landowner:	D R and D M Kellett
Applicant:	O Lindsell
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
Existing Land Use:	Shop (Beauty Salon)
Use Class:	Shop
Use Classification:	"SA"
Lot Area:	486 square metres
Access to Right of Way	N/A

BACKGROUND:

- 14 September 2004 The Council at its Ordinary Meeting resolved to conditionally approve proposed change of use from shop, office and showroom to shop (Beauty Salon) and associated signage (application for retrospective approval)
- 13 September 2005 The Council at its Ordinary Meeting resolved to constructively refuse an application for the proposed demolition of existing outbuilding (shed) and alterations and additions to existing shop (Beauty Salon).

- 11 July 2006 The Council at its Ordinary Meeting constructively refused the application for proposed partial demolition of and alterations and additions to existing shop (Beauty Salon), at the subject property. The Council's reasons for refusal are as follows:
- "1. *The development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
 2. *The increased intensity of the use will have a negative impact on the amenity of the surrounding residential area; and*
 3. *In consideration of the objections received in relation to the proposed development and the complaints received with respect to the existing shop (Beauty Salon)".*
- 20 August 2006 Application lodged with the State Administrative Tribunal to review the Council's decision.
- 13 September 2006 Directions Hearing held at the State Administrative Tribunal (SAT). The Tribunal ordered that the matter be re-considered by the Council and that the reasons for refusal are addressed.
- 10 October 2006 The Council re-considered the above proposal based on additional information submitted by the applicant at its Ordinary Meeting and resolved that the Council DOES NOT SUPPORT as part of the State Administrative Tribunal Review Matter No. DR 283 of 2006, the proposed partial demolition of and alterations and additions to existing shop (Beauty Salon), at No. 396 (Lot Pt 116 D/P: 3002) Charles Street, corner Mabel Street, North Perth, and as shown on plans stamp-dated 28 April 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 increased intensity of the use will have a negative impact on the amenity of the surrounding residential area;*
 - (c) *In consideration of the objections received in relation to the proposed development and the complaints received with respect to the existing shop; and*
 - (d) *The additional information provided by the applicant does not address the Council's previous concerns; and*
 - (ii) *should the matter process to formal hearing in the SAT, Council will be represented by an Elected Member, (Cr Ker with Cr Chester as Deputy if required), an independent Town Planner and a representative of the Community."*
- 19 October 2006 Further Directions Hearing held at the State Administrative Tribunal (SAT).
- 7 December 2006 Final Hearing to be held.

Officers of the Western Australian Planning Commission (WAPC) have advised in writing on 9 October 2006 that the above development proposal is also required to be determined by the WAPC under Section 112 of the Planning and Development Act 2005, as the development is within the Planning Control Area No.88 (previously No. 54) Charles Street, Town of Vincent.

DETAILS:

The Town is required to submit draft "*without prejudice*" conditions to SAT by 23 November 2006, as per the SAT Orders dated 23 October 2006. Mr. Joe Algeri (planning consultant) has been engaged to represent the Town in the above review process. The applicant is being represented by a planning consultancy. The review process is to be determined by way of a Final Hearing.

CONSULTATION/ADVERTISING:

Not required.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Cost associated with the services of a qualified professional (agent), Mr. Joe Algeri.

COMMENTS:

On the above basis, the following is recommended:

- The Council receives the report.
- The Council applies draft "*without prejudice*" conditions as required in the SAT Orders dated 23 October 2006.
- The Council has previously nominated Councillor Ian Ker with Councillor Simon Chester as deputy if required to submit a Written Submission (witness statement) in the review process.

The Town has also invited the four (4) residents who made objections to submit a Written Submission (witness statement) in the review process.

14.3 CONFIDENTIAL REPORT - Nos. 208-212 (Lot 123 D/P: 9320) Beaufort Street, Corner Parry Street, Perth - Proposed Change of Use to Warehouse and Fee Paying Car Park - State Administrative Tribunal - Review Matter No. DR 338 of 2006 - Draft "Without Prejudice" Conditions and Directions Hearing

Ward:	South	Date:	14 November 2006
Precinct:	Beaufort; P13	File Ref:	PRO3329; 5.2006.74.1
Attachments:	-		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to Nos. 208-212 (Lot 123 D/P: 9320) Beaufort Street, corner Parry Street, Perth - Proposed Change of Use to Warehouse and Fee Paying Car Park - State Administrative Tribunal-Review Matter No. DR 338 of 2006 – Draft "Without Prejudice" Conditions and Directions Hearing; and*
- (ii) *FILES and SERVES the following draft "without prejudice" conditions to the State Administrative Tribunal (SAT) in response to the SAT Orders dated 27 October 2006:*
 - (a) *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;*
 - (b) *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;*
 - (c) *prior to the first occupation of the development or commencement of the use on-site, whichever occurs first, the owner(s) shall enter into a legal agreement with the Town and lodge an appropriate assurance bond/bank guarantee of \$5000, undertaking to create the fee paying car park use within three (3) years of the first occupation of the development or commencement of the use on-site. The legal agreement shall be secured by an absolute caveat on the Certificate(s) of Title of the subject land. The legal documentation shall be prepared by the Town's solicitors or other solicitors agreed upon by the Town. All costs associated with this condition, including the cost of the Town's solicitors to check the documentation if prepared by other solicitors, shall be borne by the applicant/owners(s);*
 - (d) *any new street/front wall, fence and gate between the Beaufort Street boundary and Parry 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; and*
- (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;*
- (e) *all car-parking bays shall comply with the minimum specifications and dimensions specified in the Town's Parking and Access Policy and Australian Standards AS2890.1 – "Off Street Parking";*
- (f) *all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath levels;*
- (g) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant. Plans detailing stormwater disposal shall be submitted and approved prior to the first occupation of the development or commencement of the use on-site;*
- (h) *all new crossover/s to allotments are subject to a separate approval by the Town's Technical Services Division and shall be constructed in accordance with the Town's Standard Crossover Specification/s which, in particular, specify that the portion of the existing footpath traversing the proposed crossover, subject to the existing footpath being in a good condition as determined by the Town's Technical Services Division, must be retained such that it forms a part of the proposed crossover and the proposed crossover levels shall match the level/s of the existing footpath. Crossovers may be constructed by a private contractor provided they are constructed in accordance with the above specifications and a security bond of \$275 is paid prior to crossover approval. Application for the refund of the bond must be submitted in writing;*
- (i) *proposed crossovers shall be positioned in consultation with and as directed by the Town's Technical Services Division;*
- (j) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*

- (k) *the movement of all path users, with or without disabilities, within the road reserve shall not be impeded during construction 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;*
- (l) *provision of adequate car parking bays and associated parking facilities for persons with disabilities;*
- (m) *the illuminance from any lighting within the subject property shall be confined to the limits of the property boundaries and away from adjoining properties;*
- (n) *a detailed landscaping plan, including a list of plant, landscaping and reticulation of the landscaped areas adjacent to Parry Street and Beaufort Street, and the provision 1 tree for every 4 car bays, shall be submitted and approved prior to first occupation of the development. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (o) *a minimum of four (4) non-fee paying car bays shall be provided, marked, and sign posted exclusively for the warehouse use on site; and*
- (p) *a road and verge security bond or bank guarantee of \$700 shall be lodged with the Town prior to the first occupation of the development, and be held until all building/development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired/reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing. This bond is non-transferable.*

COUNCIL DECISION ITEM 14.3

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre was an apology for the meeting.)

PURPOSE OF REPORT:

- To update the Council of the above review matter.
- To comply with the requirements of the Town's Policy/Procedure for State Administrative Tribunal.
- To advise the Council of the draft "*without prejudice*" conditions for the above review matter.

Landowner:	Major Holdings Pty Ltd & G T Gunning
Applicant:	The Planning Group
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Vacant Building and Car Park
Use Class:	Warehouse, Car Park
Use Classification:	"P", "AA"
Lot Area:	3048 square metres
Access to Right of Way	N/A

BACKGROUND:

22 August 2006 The Council at its Ordinary Meeting resolved "*That the Item be DEFFERED to allow the Town's Officers to liaise with the applicants*".

12 September 2006 The Council at its Ordinary Meeting resolved to refuse the application for the proposed change of use to warehouse and fee paying car park at Nos. 208-212 (Lot 123) Beaufort Street, corner Parry Street, Perth for the following reasons:

(i) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality with respect to the adverse affect on the visual amenity of the locality and the streetscapes of Beaufort, Stirling and Parry Streets; and*

(ii) *the proposal is inconsistent with the Town's Policy relating to the Beaufort Precinct."*

25 October 2006 Directions Hearing held at the State Administrative Tribunal (SAT).

27 October 2006 SAT Orders that the review matter to be determined entirely on 'Papers'.

DETAILS:

Mr. Simon Bain has been engaged to represent the Town in the above review process. As the review process is to be determined by way of 'Papers' or written submissions, there would not be a formal hearing as such. The applicants/owners are also being represented by a planning consultant.

CONSULTATION/ADVERTISING:

Not Applicable.

LEGAL/POLICY:

Planning and Development Act 2005, State Administrative Tribunal Act 2004 and the Town's Policy No. 4.1.23 - Procedure For State Administrative Tribunal.

STRATEGIC IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Cost associated with the services of Mr. Simon Bain of SJB Town Planning and Urban Design.

COMMENTS:

On the above basis, the following is recommended:

- The Council receives the report.
- The Council applies draft "*without prejudice*" conditions as required in the SAT Orders dated 27 October 2006.
- As the review matter is to be dealt by 'Papers', it is considered that there is no requirement for written submission to be lodged by Elected Members.

14.4 CONFIDENTIAL REPORT - No. 226 (Lot 1 D/P: 956) Oxford Street, Corner Richmond Street, Leederville - Access Footpath Gradient to Alterations and Additions to Existing Shops - State Administrative Tribunal - Review Matter No. DR 68 of 2006 and Matter No. CC 3208 of 2005 - Directions Hearing

Ward:	South	Date:	16 November 2006
Precinct:	Oxford Centre; P4	File Ref:	PRO0860; 5.2006.20.1 5.2006 532.1
Attachments:	-		
Reporting Officer(s):	R Rasiah, L Mach, G Snelling, C Wilson		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council SUPPORTS as part of the State Administrative Tribunal Review Matter No. CC 3208 of 2005 and Matter No. DR 68 of 2006, the proposed 'Deemed To Satisfy Resolution' submitted by Studio Di Architettura on behalf of the owner Firestar Enterprises Pty Ltd for Access Footpath Gradients to Alterations and Additions to Existing Shops, and APPROVES the application for the portion of these works at No. 226 (Lot 1 D/P: 956) Oxford Street, corner Richmond Street, Leederville, and as shown on amended plans stamp-dated 6 November 2006 and 16 November 2006, subject to the following conditions:

- (i) the external access and footpath gradient to shops 3, 4 and 5 shall not exceed a gradient of 1:20;*
- (ii) the principal public entrance to shops 3, 4 and 5 shall comply with the requirements of the Building Code of Australia and the Australian Standard (AS) 1428.1;*
- (iii) the Town, at the applicant's full cost, shall modify the on-road parking and footpath immediately adjacent to shops 3, 4 and 5 to achieve a maximum gradient of 1:20 to the property boundary as specified and in accordance with the Town's Technical Services requirements, with the cost of the Town carrying out this work being \$12,851.00 GST inclusive and which is subject to additional labour and material price increases; and*
- (iv) the legal costs incurred by the Town in dealing with Review Matter No. CC 3208 of 2005 and Matter No. DR 68 of 2006, to the State Administrative Tribunal shall be paid in full by the applicant/owner.*

COUNCIL DECISION ITEM 14.4

Moved Cr Lake, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre was an apology for the meeting.)

PURPOSE OF REPORT:

The applicant is seeking an alternative solution (*Deemed To Satisfy Resolution*) from providing complying access for people with disabilities within the property boundaries to shops 3, 4 and 5 at No. 226 (Lot 1 D/P: 956) Oxford Street, corner Richmond Street, Leederville.

Landowner:	Firestar Enterprises Pty Ltd
Applicant:	Studio Di Architettura
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Shop
Use Class:	Shop
Use Classification:	"P"
Lot Area:	936 square metres
Access to Right of Way	N/A

BACKGROUND:

14 February 2006 The Council at its Ordinary Meeting refused the planning application for access ramps to alterations and additions to existing shops 4 and 5 at No. 226 (Lot 1) Oxford Street, corner Richmond Street, Leederville.

In summary, this matter was appealed by the applicant and referred to the State Administrative Tribunal (SAT) on 16 March 2006, and thereafter this matter DR 68 of 2006 was reviewed concurrently with matter CC 3208 of 2005, which was the subject of a comprehensive Confidential Report to the Council at its Ordinary Meeting held on 6 December 2005 (Item 14.3).

Additionally, the applicant's proposed 'Alternative Solution' from providing complying access for people with disabilities within the property boundaries to shops 3, 4 and 5 at No. 226 (Lot 1 D/P: 956) Oxford Street, corner Richmond Street, Leederville, was the subject of a further comprehensive Confidential Report to the Council at its Ordinary Meeting held on 24 October 2006 (Item 14.4). The Council at that Ordinary Meeting resolved as follows:

" *That;*

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1, the Metropolitan Region Scheme and the Building Code of Australia, the Council SUPPORTS as part of the State Administrative Tribunal Review Matter No. CC 3208 of 2005 and Matter No. DR 68 of 2006, the proposed 'Preferred Alternate Solution 1' submitted by Studio Di Architettura on behalf of the owner Firestar Enterprises Pty Ltd for Access Footpath Gradients to Alterations and Additions to Existing Shops, at No. 226 (Lot 1 D/P: 956) Oxford Street, corner Richmond Street, Leederville, and as shown on amended plans stamp-dated 5 October 2006, subject to the following conditions:

- (i) *the external access and footpath gradient to shops 3, 4 and 5 shall not exceed a gradient of 1:20;*
- (ii) *the principal public entrance to shops 3, 4 and 5 shall comply with the requirements of the Building Code of Australia and the Australian Standard (AS) 1428.1;*

- (iii) *the Town, at the applicant's full cost, modify the on-road parking and footpath immediately adjacent to shops 3, 4 and 5 to achieve the 1:20 gradient to the property boundary as specified and in accordance with the Town's Technical Services requirements; and*
- (iv) *the legal costs incurred by the Town in dealing with Review Matter No. CC 3208 of 2005 and Matter No. DR 68 of 2006, to the State Administrative Tribunal shall be paid by the applicant/owner."*

2 November 2006 Direction Hearing at SAT, where the following matters were verbally agreed by all parties:

1. The applicant is required to submit a new planning application, as the previous development application only dealt with shops 4 and 5, and the applicant's alternative solutions involves work partially on the footpath fronting all shops and the remaining work is outside the property (building work) boundary; therefore, unable to be dealt with under building legislation.
2. Include the Town's actual costs associated with the road, kerb and footpath works.
3. Upon receipt of the new planning application, that the matter will be reported to the Ordinary Meeting of Council to be held on 21 November 2006, as the above matter has been listed for a Directions Hearing on 28 November 2006 at 9am.
4. The Town may wish to seek legal advice in relation to condition (iv), as the applicant will have a right of review of the payment of the Town's legal costs condition.

15 November 2006 Further Direction Hearing to clarify plan details submitted in the planning application.

DETAILS:

The applicant is seeking an alternative solution from providing complying access for people with disabilities within the property boundaries to shops 3, 4 and 5 at No. 226 (Lot 1 D/P: 956) Oxford Street, corner Richmond Street, Leederville.

Technical Services Comments

To achieve fully compliant access to shops 3, 4 and 5, and without having to construct internal ramps, the applicant is reliant upon significantly raising the level of the footpath. However, it is not merely a case of relaying the brick paving from back of kerb to the internal floor level as the resultant lateral gradient across the footpath would be unacceptably steep.

The applicant has submitted a '*Deemed to Satisfy Resolution*', whereby the adjacent on-road parking and footpath would be modified, at the applicant's full cost, to achieve a maximum gradient of 1:20 across the footpath, extending from the kerb-line to property boundary.

The intention is to raise the existing embayed parking spaces in Richmond Street, adjacent to the subject property, from Oxford Street, to the property's rear car park crossover, as shown on the applicant's drawing A02.

A mountable kerb would be laid on a 2.3 metre alignment parallel to the existing kerb-line. Trafficable brick pavers would then be laid at a 1:33 grade back to the original kerb (incorrectly shown as +2% or 1:50 on the applicant drawing). The in-situ barrier kerb would be removed and a new 180 millimetre high barrier kerb installed. The footpath paving would then be relaid, at a maximum 1:20 gradient, from the kerb to the property line. The existing street trees would be retained, while two (2) Telstra pits would have to be raised to the new level, at the applicant's cost.

While there is a concern that the '*Deemed To Satisfy Resolution*' may set precedence, it is technically feasible. The estimated cost, as previously provided to the applicant, is \$12,851 (GST inclusive), subject to additional labour and material price increases.

ASSESSMENT (Deemed to Satisfy Resolution):

Non-Compliant Requirements			
Requirements	Required	Proposed	Officer Comments Pursuant to Clause 38(5) of TPS 1, and the Building Code of Australia Part D3
TPS 1 Objectives and Intentions	Clause 6(3)(a) - to cater for the diversity of demands, interests and lifestyles by facilitating and encouraging the provision of a wide range of choices in housing, business, employment, education, leisure, transport and access opportunities; Clause 6(3)(b) - to protect and enhance the health, safety and general welfare of the Town's inhabitants and the social, physical and cultural environment; and Clause 6(3) (d) - to promote the development of a sense of local community and recognise the right of the community to participate in the evolution of localities.	The Town's Technical Services to remove the existing footpath and kerb, and construct a new brick paved footpath and concrete kerbing at a gradient of 1:20.	Supported - the Town's Officers consider that the 1:20 increased gradient allows for reasonable safe access opportunities for people with disabilities, and recognises the right of the whole community to participate in every day activities.
Consultation Submissions			
No consultation was required as this application relates to a SAT Review matter of the non-compliance with the objectives of TPS 1, the BCA and AS 1428.1 with respect to the subject shop development, involves no greater variations to the development application which was previously advertised, and is being referred to the Council for determination.			
Other Implications			
Legal/Policy		TPS 1, the Local Government (Miscellaneous Provisions) Act 1960 Section 401 (1) (b), the Building Code of Australia, and Australian Standard 1428.1.	
Strategic Implications		Nil	
Financial/Budget Implications		Nil	

COMMENTS:

The Town of Vincent is committed to universal access within the Town, and this includes people with disabilities, seniors and mothers with perambulators (prams). The Town has a challenge to make the community accessible and inclusive to all. The Town undertakes specific projects which assist residents and visitors to the Town to access services, buildings, facilities, public spaces, parks and reserves and businesses. This is re-enforced by the appointment of a fulltime Disability Services Officer and a Universal Access Advisory Group.

The Town considers that the above requirements ensure that the building conforms to the Town's Town Planning Scheme No.1, the Building Code of Australia and the Australian Standard 1428.1.

From a Technical Services perspective, while the proposed reconstruction of the footpath will achieve an acceptable access to shops 3, 4 and 5 and is therefore supported in this instance, there is a concern that the approval may set a precedence, whereby footpath level modifications would be requested in future developments to match new finished floor levels.

It should be emphasised that it is incumbent on the designer to ensure wherever possible, that the finished floor levels of a proposed development should match the existing road reserve levels, that is the road and footpath levels.

The practice of altering the existing footpath/road level to match 'new' floor levels should, in the main, be discouraged as the overall functionality and aesthetics of the public realm will ultimately be compromised.

Conclusion

The circumstances of carrying out alterations and additions to the existing shops to the value of two hundred and fifty thousand dollars (\$250,000.00), and the applicant's admission that a mistake was made in calculating the finish floor levels of the shops have been noted and acknowledged. Additionally, the Town comes to the view that this matter is an exceptional situation, and will support the proposed works to the road, kerb and footpath, subject to the Town, at the applicant's full cost, modify the on-road parking and footpath immediately adjacent to shops 3, 4 and 5 to achieve the 1:20 gradient to the property boundary as specified and in accordance with the Town's Technical Services requirements; and the legal costs incurred by the Town in dealing with Review Matter No. CC 3208 of 2005 and Matter No. DR 68 of 2006, to the State Administrative Tribunal shall be paid in full by the applicant/owner.

14.5 CONFIDENTIAL REPORT - Municipal Heritage Inventory Review - Methodology to Consider Submissions for Proposed Category B Places

Ward:	Both Wards	Date:	17 November 2006
Precinct:	All Precincts	File Ref:	PLA0098
Attachments:	-		
Reporting Officer(s):	Des Abel, Tory Woodhouse, Hannah Eames, Rob Boardman, John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

CORRECTED FURTHER OFFICER RECOMMENDATION:

That the Council;

1. APPROVES either;

- (i) *Option 1 - Report on each submission and associated property in a series of reports (between November 2006 and February 2007) to Council with individual Officer Recommendation for each property, as a method for completing the Municipal Heritage Inventory review; or*
- (ii) *Option 2 - Not list any property in Category B, where the owner has lodged a submission of objection.*

OR ALTERNATIVELY;

2. In the event that either 1.(i) or (ii) above is not approved;

- (i) *NOTES that the Town's Officers have carried out a preliminary assessment, based on the information currently available in the Town's records, of properties/places listed in Category B;*
- (ii) *APPROVES of the following procedure of determination of properties/places listed in Category B;*
 - *GROUP 1 - Properties where the owner has either lodged or not lodged an objection and the property is considered not to meet the heritage threshold for inclusion on the Municipal Heritage Inventory (MHI);*
 - (a) *NOT include the following properties on the Town's MHI, as the property is considered NOT to meet the heritage threshold for inclusion on the MHI;*

Properties where owners have lodged an objection;

- 1. *No. 51 (Lot 192) Albert Street, North Perth*
- 2. *No. 20 (Lot 25) Angove Street, North Perth (Part of Group)*
- 3. *Nos. 60 - 66 (Lots 1 - 7) Angove Street, North Perth*
- 4. *No. 69 (Lot Y55) Angove Street, North Perth*
- 5. *No. 90 (Lot 1) Angove Street, North Perth (Part of Group)*
- 6. *No. 117 (1 & 2) Angove Street, North Perth*
- 7. *No. 460 (Lot 1) Beaufort Street, Highgate*
- 8. *No. 420 (Lot 1) Beaufort Street, Highgate (Part of Group)*
- 9. *No. 422 (Lot 2) Beaufort Street, Highgate (Part of Group)*

10. *Nos. 620-626 (Lot 123) Beaufort Street, Mount Lawley*
11. *No. 5 (Lot 516) Berryman Street, Mount Hawthorn*
12. *No. 107 (Lot Y35) Brisbane Street, Perth (Part of Group)*
13. *No. 350 (Lot 8) Bulwer Street, West Perth (Part of Group)*
14. *No. 354 (Lot 10) Bulwer Street, West Perth (Part of Group)*
15. *Nos. 1- 3 (Lot 40) Buxton Street, Mount Hawthorn*
16. *No. 55 (Lot 142) Buxton Street, Mount Hawthorn*
17. *No. 90 (Lot 123) Buxton Street, Mount Hawthorn*
18. *No. 226 (Lots Y31 & Y32) Charles Street, North Perth*
19. *No. 232 (Lot 200) Charles Street, North Perth*
20. *No. 266 (Lot 1) Charles Street, North Perth*
21. *No. 34 (Lot 51) Cleaver Street, West Perth (Part of Group)*
22. *No. 36 (Lot 52) Cleaver Street, West Perth (Part of Group)*
23. *No. 38 (Lot 53) Cleaver Street, West Perth (Part of Group)*
24. *No. 74 (Lot 200) Cleaver Street, West Perth (Part of Group)*
25. *No. 76 (Lot 37) Cleaver Street, West Perth (Part of Group)*
26. *No. 78 (Lot 36) Cleaver Street, West Perth (Part of Group)*
27. *Nos. 458 - 460 (Lot 9) Fitzgerald Street, North Perth*
28. *No. 454 (Lot 1) Fitzgerald Street, North Perth (Part of Group)*
29. *Nos. 462 - 466 (Lot 87) Fitzgerald Street, North Perth (Part of Group)*
30. *Nos. 432 - 438* (Lots 21, 20 & 10) Fitzgerald Street, North Perth*
31. *Nos. 437 - 439 (Lots 1 & 2) Fitzgerald Street, North Perth*
32. *No. 2 (Lot 129 Gerald Street), Mount Lawley*
33. *No. 15 (Lot 3) Gerald Street, Mount Lawley (Part of Group)*
34. *No. 19 (Lot 3) Glendower Street, Perth*
35. *No. 12 (Lot 37) Hutt Street, Mount Lawley*
36. *No. 1 (Lot 1) Irene Street, Perth*
37. *Nos. 12 -14 (Lot 5) Ivy Street, West Perth*
38. *No. 35 (Lot 92) Money Street, Perth*
39. *No. 116 (Lot Y95) Parry Street, Perth*
40. *No. 66 (Lot 15) Richmond Street, Leederville*
41. *No. 307 (Lot Y2) Stirling Street, Perth*
42. *No. 244 (Lot 9) Stirling Street, Perth (Part of Group)*
43. *No. 31 (Lot 6) View Street, North Perth (Part of Group)*
44. *No. 36 (Lot 23) View Street, North Perth (Part of Group)*
45. *No. 106 (Lot 1-3) Vincent Street, Mount Lawley (Part of Group)*
46. *No. 108 (Lot Y128) Vincent Street, Mount Lawley (Part of Group)*
47. *No. 110 (Lot Y129) Vincent Street, Mount Lawley (Part of Group)*
48. *No.174 (Lot13) Vincent Street, North Perth (Part of Group)*
49. *No. 178 (Lot 14) Vincent Street, North Perth (Part of Group)*
50. *No.194 (Lot 47) Vincent Street, North Perth (Part of Group)*
51. *No. 198 (Lot 45) Vincent Street, North Perth (Part of Group)*
52. *No. 200 (Lot Y44) Vincent Street, North Perth (Part of Group)*
53. *No. 283 (Lot 23) Walcott Street, Mount Lawley*
54. *No. 543 (Lot 2) William Street, Mount Lawley;*

Properties where owners have not lodged an objection;

1. No. 344 (Lot 2) Bulwer Street, West Perth
2. No. 72 (Lot 201) Cleaver Street, West Perth
3. No. 17 (Lot 2) Gerald Street, Mount Lawley
4. No. 196 (Lot 46) Vincent Street, North Perth
5. No. 49 (Lot 4) Walcott Street, Mount Lawley

* Item No. 30 (corrected street number)

- **GROUP 2** - Properties forming part of a group, where the owner has not objected but forms part of a group within which another owner has objected. These places without objections are considered to meet the threshold for inclusion on the Town's MHI;

(a) **INCLUDES** the following properties (which form part of a Group) on the Town's MHI;

1. Nos. 22 - 28 (Lot 24) Angove Street, North Perth
2. No. 92 (Lot 1) Angove Street, North Perth
3. No. 99 (Lot 1) Brisbane Street, Perth
4. Nos. 101 - 103 (Lots 2 & 3) Brisbane Street, Perth
5. No.348 (Lot 7) Bulwer Street, West Perth
6. No. 7 (Lot 13) Cowle Street, West Perth
7. No. 11 (Lot 14) Cowle Street, West Perth
8. No. 9 (Lot 14) Cowle Street, West Perth
9. No. 14 (Lot 2) Forrest Street, Mount Lawley
10. No. 16 (Lot 2) Forrest Street, Mount Lawley
11. No. 11 (Lot 124) Gerald Street, Mount Lawley
12. No. 109 (Lot 19) Glendower Street, Perth
13. Nos. 50 - 52 (Lot 2) Grosvenor Street, Mount Lawley
14. No. 29 (Lot 66) Hutt Street, Mount Lawley
15. No. 30 (Lot 52) Hutt Street, Mount Lawley
16. No. 57 (Lot 306) Harold Street, Highgate
17. No. 59 (Lot 308) Harold Street, Highgate
18. No. 63 (Lot 309) Harold Street, Highgate
19. No. 65 (Lot 310) Harold Street, Highgate
20. No. 67 (Lot 6) Harold Street, Highgate
21. No. 71 (Lot 3) Harold Street, Highgate
22. No. 73 (Lot 2) Harold Street, Highgate
23. No. 75 (Lot 1) Harold Street, Highgate
24. No. 10 (Lot 1) Harwood Place, West Perth
25. No.12 (Lot 2) Harwood Place, West Perth
26. No. 14 (Lot 3) Harwood Place, West Perth
27. No.16 (Lot 4) Harwood Place, West Perth
28. No. 20 (Lot 6) Harwood Place, West Perth
29. No. 22 (Lot 3) Harwood Place, West Perth
30. No. 24 (Lot 2) Harwood Place, West Perth
31. No. 26 (Lot 1) Harwood Place, West Perth
32. No. 129 (Lot 51) Lake Street, Perth
33. Nos. 133 - 135 (Lot Y2) Lake Street, Perth
34. No. 193 (Lot 152) Lake Street, Perth
35. No. 195 (Lot 153) Lake Street, Perth
36. Nos. 43 - 45 (Lot 3) Robinson Avenue, Perth

37. *Nos.51 - 53 (Lot 1) Robinson Avenue, Perth*
38. *No. 25 (Lot 721) View Street, North Perth*
39. *No. 27 (Lot 3) View Street, North Perth*
40. *No.29 (Lot 5) View Street, North Perth*
41. *No. 33 (Lot Y17) View Street, North Perth*
42. *No. 34 (Lots 24 & 25) View Street, North Perth*
43. *No. 180 (Lot 15) Vincent Street, North Perth*
44. *No. 182 (Lot 16) Vincent Street, North Perth*
45. *No. 184 (Lot 15) Vincent Street, North Perth*
46. *No. 186 (Lot 18) Vincent Street, North Perth;*

- **GROUP 3** - *Properties where the owner has made a submission requesting further information or clarification and should therefore be deferred;*

- (a) *DEFERS listing the following properties, as the owners have requested further information or clarification;*

1. *No. 11 (Lot 54) Alfonso Street, North Perth*
2. *No. 5 (Lot 40) Byron Street, Leederville*
3. *No. 130 (Lots 39 & 40) Chelmsford Road, North Perth*
4. *Nos. 167 - 169 (Lot 105) Fitzgerald Street, West Perth*
5. *No.69 (Lot 21) Harold Street, Highgate (Part of Group)*
6. *No. 18 (Lot 5) Harwood Place, West Perth (Part of Group)*
7. *Nos. 25 - 27 (Lot 65) Hutt Street, Mount Lawley (Part of Group)*
8. *Nos. 191 (Lot 1) and 189 (Lot 2) Lake Street, Perth (Part of Group)*
9. *Nos. 380 - 388 (Lots 5, 4, 3, 2 & 1) Newcastle Street, West Perth*
10. *No. 536 (Lot 1) William Street, Perth*

- **GROUP 4** - *Properties where the owner has clearly objected and more information is required to be obtained via a Full Assessment, before an informed decision can be made;*

- (a) *DEFERS listing the following properties, as more information is required to be obtained and a Full Assessment is necessary, before an informed decision can be made;*

<p>List of Properties/Places is confidential, as no Council decision was made on this group.</p>

- (iii) ***APPROVES BY AN ABSOLUTE MAJORITY to adopt the following Policy/Procedure to be used by the Town's administration when dealing with future development applications for properties which have been considered and not included into the Town's MHI:***

"POLICY/PROCEDURE FOR PROPERTIES NOT LISTED IN THE TOWN'S MUNICIPAL HERITAGE INVENTORY (MHI)

1. *A development application, including a demolition application, will be advertised in accordance with the Town's Community Consultation Policy 4.1.12.*

2. *A development application, including a demolition application, for a property which is not included on the Town's MHI will be the subject of a routine report and not Full Heritage Assessment.*
 3. *A demolition application will be supported subject to standard conditions including but not limited to quality archival records being submitted to the Town.*
 4. *Persons enquiring about a property not included on the Town's MHI will be advised that;*
 - (a) *the property has been previously considered and found not to meet the threshold for inclusion on the Town's MHI; and*
 - (b) *in view of the Town's previous consideration, demolition of the property will not be opposed."*
 - (iv) *ADOPTS the "Policy/Procedure for Properties not listed in the Town's Municipal Heritage Inventory (MHI)" in the interim until the formal adoption of the Policy; and*
 - (v) *AUTHORISES the Chief Executive Officer to;*
 - (a) *advertise the proposed "Policy/Procedure for Properties not listed in the Town's Municipal Heritage Inventory (MHI)" for a period of twenty-one (21) days, seeking public comment;*
 - (b) *report back to the Council with any public comments received; and*
 - (c) *include the proposed Policy in the Policy Manual if no public submissions are received.*
-

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Moved Cr Farrell, Seconded Cr Ker

That options 1 and 2 be deleted and the ALTERNATE Corrected Officer Recommendation be considered

CARRIED (8-0)

(Cr Torre was an apology for the meeting.)

The Presiding Member then ruled that each group would be considered and voted upon separately. The Council agreed.

Moved Cr Farrell, Seconded Cr Ker

That Group 1 be approved as recommended

Debate ensued.

GROUP 1 - MOTION PUT AND CARRIED (8-0)

(Cr Torre was an apology for the meeting.)

Moved Cr Farrell, Seconded Cr Ker

That Group 2 be approved as recommended

Debate ensued.

GROUP 2 - MOTION PUT AND CARRIED (8-0)

(Cr Torre was an apology for the meeting.)

Moved Cr Farrell, Seconded Cr Ker

That Group 3 be approved as recommended

Debate ensued.

Moved Cr Chester, Seconded Cr Farrell

That No. 189 and 191 Lake Street be removed from the MHI.

Debate ensued.

Cr Chester withdrew his amendment with the consent of the seconder and the Council.

GROUP 3 - MOTION PUT AND CARRIED (8-0)

(Cr Torre was an apology for the meeting.)

Moved Cr Farrell, Seconded Cr Ker

Debate ensued.

At 9.14pm Cr Lake and Cr Maier departed the Chamber.

Debate ensued.

Cr Maier returned to the Chamber at 9.16pm

Moved Cr Chester, Seconded Cr Ker

That;

- (a) *Group 1 be recommitted for further consideration; and*
- (b) *Item 30 - No's 432 - 438 (Lots 21, 20 and 10) Fitzgerald Street, North Perth be included into Group 4.*

AMENDMENT PUT AND CARRIED (6-1)

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

(Cr Torre was an apology for the meeting. Cr Lake was absent from the Chamber.)

NOTE:

This amendment is considered invalid as it is contrary to standing orders 3.20.1 (as Cr Lake was not present for the vote on this matter) - accordingly it cannot be implemented.

Debate ensued on Group 4.

Moved Cr Chester, Seconded Cr Farrell

That the officers be requested to advise a further report to the Council that considers the commercial properties in Group 4, identify the key portions of the properties that contribute most significantly to the heritage significance of the place, so informed discussions can be undertaken with affected owners and proper decisions can be made by the Council.

Debate ensued.

AMENDMENT CARRIED (7-0)

(Cr Torre was an apology for the meeting. Cr Lake was absent from the Chamber.)

Cr Lake returned to the Chamber at 9.28pm.

Debate ensued concerning clause (iii) relating to the proposed policy.

At 9.40pm

Moved Cr Ker, Seconded Cr Chester

That the Council resume an open meeting

CARRIED (8-0)

(Cr Torre was an apology for the meeting.)

Mayor Catania declared the meeting closed at 9.37pm.

The Chief Executive Officer advised that clauses (iii), (iv) and (v) had not been voted upon.

Moved Cr Chester, Seconded Cr Ker

That the meeting be re-opened and Item 14.5 be recommitted for further consideration.

CARRIED (8-0)

(Cr Torre was an apology for the meeting.)

Moved Cr Chester, Seconded Cr Ker

That clauses (iii), (iv) and (v) be deferred to a Special Council Meeting in January 2007 and the officers be requested to prepare an alternative policy.

CARRIED (8-0)

(Cr Torre was an apology for the meeting.)

The Presiding Member closed the meeting at 9.40pm.

COUNCIL DECISION ITEM 14.5

That the Council;

- (i) *NOTES that the Town's Officers have carried out a preliminary assessment, based on the information currently available in the Town's records, of properties/places listed in Category B;*
- (ii) *APPROVES of the following procedure of determination of properties/places listed in Category B;*
 - *GROUP 1 - Properties where the owner has either lodged or not lodged an objection and the property is considered not to meet the heritage threshold for inclusion on the Municipal Heritage Inventory (MHI);*
 - (a) *NOT include the following properties on the Town's MHI, as the property is considered NOT to meet the heritage threshold for inclusion on the MHI;*

Properties where owners have lodged an objection;

1. *No. 51 (Lot 192) Albert Street, North Perth*
2. *No. 20 (Lot 25) Angove Street, North Perth (Part of Group)*
3. *Nos. 60 - 66 (Lots 1 - 7) Angove Street, North Perth*
4. *No. 69 (Lot Y55) Angove Street, North Perth*
5. *No. 90 (Lot 1) Angove Street, North Perth (Part of Group)*
6. *No. 117 (1 & 2) Angove Street, North Perth*
7. *No. 460 (Lot 1) Beaufort Street, Highgate*
8. *No. 420 (Lot 1) Beaufort Street, Highgate (Part of Group)*
9. *No. 422 (Lot 2) Beaufort Street, Highgate (Part of Group)*
10. *Nos. 620-626 (Lot 123) Beaufort Street, Mount Lawley*
11. *No. 5 (Lot 516) Berryman Street, Mount Hawthorn*
12. *No. 107 (Lot Y35) Brisbane Street, Perth (Part of Group)*
13. *No. 350 (Lot 8) Bulwer Street, West Perth (Part of Group)*
14. *No. 354 (Lot 10) Bulwer Street, West Perth (Part of Group)*
15. *Nos. 1- 3 (Lot 40) Buxton Street, Mount Hawthorn*
16. *No. 55 (Lot 142) Buxton Street, Mount Hawthorn*
17. *No. 90 (Lot 123) Buxton Street, Mount Hawthorn*
18. *No. 226 (Lots Y31 & Y32) Charles Street, North Perth*
19. *No. 232 (Lot 200) Charles Street, North Perth*
20. *No. 266 (Lot 1) Charles Street, North Perth*

21. *No. 34 (Lot 51) Cleaver Street, West Perth (Part of Group)*
22. *No. 36 (Lot 52) Cleaver Street, West Perth (Part of Group)*
23. *No. 38 (Lot 53) Cleaver Street, West Perth (Part of Group)*
24. *No. 74 (Lot 200) Cleaver Street, West Perth (Part of Group)*
25. *No. 76 (Lot 37) Cleaver Street, West Perth (Part of Group)*
26. *No. 78 (Lot 36) Cleaver Street, West Perth (Part of Group)*
27. *Nos. 458 - 460 (Lot 9) Fitzgerald Street, North Perth*
28. *No. 454 (Lot 1) Fitzgerald Street, North Perth (Part of Group)*
29. *Nos. 462 - 466 (Lot 87) Fitzgerald Street, North Perth (Part of Group)*
30. *Nos. 432 - 438* (Lots 21, 20 & 10) Fitzgerald Street, North Perth*
31. *Nos. 437 - 439 (Lots 1 & 2) Fitzgerald Street, North Perth*
32. *No. 2 (Lot 129 Gerald Street), Mount Lawley*
33. *No. 15 (Lot 3) Gerald Street, Mount Lawley (Part of Group)*
34. *No. 19 (Lot 3) Glendower Street, Perth*
35. *No. 12 (Lot 37) Hutt Street, Mount Lawley*
36. *No. 1 (Lot 1) Irene Street, Perth*
37. *Nos. 12 -14 (Lot 5) Ivy Street, West Perth*
38. *No. 35 (Lot 92) Money Street, Perth*
39. *No. 116 (Lot Y95) Parry Street, Perth*
40. *No. 66 (Lot 15) Richmond Street, Leederville*
41. *No. 307 (Lot Y2) Stirling Street, Perth*
42. *No. 244 (Lot 9) Stirling Street, Perth (Part of Group)*
43. *No. 31 (Lot 6) View Street, North Perth (Part of Group)*
44. *No. 36 (Lot 23) View Street, North Perth (Part of Group)*
45. *No. 106 (Lot 1-3) Vincent Street, Mount Lawley (Part of Group)*
46. *No. 108 (Lot Y128) Vincent Street, Mount Lawley (Part of Group)*
47. *No. 110 (Lot Y129) Vincent Street, Mount Lawley (Part of Group)*
48. *No.174 (Lot13) Vincent Street, North Perth (Part of Group)*
49. *No. 178 (Lot 14) Vincent Street, North Perth (Part of Group)*
50. *No.194 (Lot 47) Vincent Street, North Perth (Part of Group)*
51. *No. 198 (Lot 45) Vincent Street, North Perth (Part of Group)*
52. *No. 200 (Lot Y44) Vincent Street, North Perth (Part of Group)*
53. *No. 283 (Lot 23) Walcott Street, Mount Lawley*
54. *No. 543 (Lot 2) William Street, Mount Lawley;*

Properties where owners have not lodged an objection;

1. *No. 344 (Lot 2) Bulwer Street, West Perth*
2. *No. 72 (Lot 201) Cleaver Street, West Perth*
3. *No. 17 (Lot 2) Gerald Street, Mount Lawley*
4. *No. 196 (Lot 46) Vincent Street, North Perth*
5. *No. 49 (Lot 4) Walcott Street, Mount Lawley*

** Item No. 30 (corrected street number)*

- ***GROUP 2 - Properties forming part of a group, where the owner has not objected but forms part of a group within which another owner has objected. These places without objections are considered to meet the threshold for inclusion on the Town's MHI;***

(a) ***INCLUDES the following properties (which form part of a Group) on the Town's MHI;***

1. ***Nos. 22 - 28 (Lot 24) Angove Street, North Perth***
2. ***No. 92 (Lot 1) Angove Street, North Perth***
3. ***No. 99 (Lot 1) Brisbane Street, Perth***
4. ***Nos. 101 - 103 (Lots 2 & 3) Brisbane Street, Perth***
5. ***No.348 (Lot 7) Bulwer Street, West Perth***
6. ***No. 7 (Lot 13) Cowle Street, West Perth***
7. ***No. 11 (Lot 14) Cowle Street, West Perth***
8. ***No. 9 (Lot 14) Cowle Street, West Perth***
9. ***No. 14 (Lot 2) Forrest Street, Mount Lawley***
10. ***No. 16 (Lot 2) Forrest Street, Mount Lawley***
11. ***No. 11 (Lot 124) Gerald Street, Mount Lawley***
12. ***No. 109 (Lot 19) Glendower Street, Perth***
13. ***Nos. 50 - 52 (Lot 2) Grosvenor Street, Mount Lawley***
14. ***No. 29 (Lot 66) Hutt Street, Mount Lawley***
15. ***No. 30 (Lot 52) Hutt Street, Mount Lawley***
16. ***No. 57 (Lot 306) Harold Street, Highgate***
17. ***No. 59 (Lot 308) Harold Street, Highgate***
18. ***No. 63 (Lot 309) Harold Street, Highgate***
19. ***No. 65 (Lot 310) Harold Street, Highgate***
20. ***No. 67 (Lot 6) Harold Street, Highgate***
21. ***No. 71 (Lot 3) Harold Street, Highgate***
22. ***No. 73 (Lot 2) Harold Street, Highgate***
23. ***No. 75 (Lot 1) Harold Street, Highgate***
24. ***No. 10 (Lot 1) Harwood Place, West Perth***
25. ***No.12 (Lot 2) Harwood Place, West Perth***
26. ***No. 14 (Lot 3) Harwood Place, West Perth***
27. ***No.16 (Lot 4) Harwood Place, West Perth***
28. ***No. 20 (Lot 6) Harwood Place, West Perth***
29. ***No. 22 (Lot 3) Harwood Place, West Perth***
30. ***No. 24 (Lot 2) Harwood Place, West Perth***
31. ***No. 26 (Lot 1) Harwood Place, West Perth***
32. ***No. 129 (Lot 51) Lake Street, Perth***
33. ***Nos. 133 - 135 (Lot Y2) Lake Street, Perth***
34. ***No. 193 (Lot 152) Lake Street, Perth***
35. ***No. 195 (Lot 153) Lake Street, Perth***
36. ***Nos. 43 - 45 (Lot 3) Robinson Avenue, Perth***
37. ***Nos.51 - 53 (Lot 1) Robinson Avenue, Perth***
38. ***No. 25 (Lot 721) View Street, North Perth***
39. ***No. 27 (Lot 3) View Street, North Perth***
40. ***No.29 (Lot 5) View Street, North Perth***
41. ***No. 33 (Lot Y17) View Street, North Perth***
42. ***No. 34 (Lots 24 & 25) View Street, North Perth***
43. ***No. 180 (Lot 15) Vincent Street, North Perth***
44. ***No. 182 (Lot 16) Vincent Street, North Perth***
45. ***No. 184 (Lot 15) Vincent Street, North Perth***
46. ***No. 186 (Lot 18) Vincent Street, North Perth;***

- ***GROUP 3 - Properties where the owner has made a submission requesting further information or clarification and should therefore be deferred;***
 - (a) ***DEFERS listing the following properties, as the owners have requested further information or clarification;***
 1. ***No. 11 (Lot 54) Alfonso Street, North Perth***
 2. ***No. 5 (Lot 40) Byron Street, Leederville***
 3. ***No. 130 (Lots 39 & 40) Chelmsford Road, North Perth***
 4. ***Nos. 167 - 169 (Lot 105) Fitzgerald Street, West Perth***
 5. ***No.69 (Lot 21) Harold Street, Highgate (Part of Group)***
 6. ***No. 18 (Lot 5) Harwood Place, West Perth (Part of Group)***
 7. ***Nos. 25 - 27 (Lot 65) Hutt Street, Mount Lawley (Part of Group)***
 8. ***Nos. 191 (Lot 1) and 189 (Lot 2) Lake Street, Perth (Part of Group)***
 9. ***Nos. 380 - 388 (Lots 5, 4, 3, 2 & 1) Newcastle Street, West Perth***
 10. ***No. 536 (Lot 1) William Street, Perth***
- ***GROUP 4 - Properties where the owner has clearly objected and more information is required to be obtained via a Full Assessment, before an informed decision can be made;***
 - (a) ***DEFERS listing the following properties, as more information is required to be obtained and a Full Assessment is necessary, before an informed decision can be made;***

<p>List of Properties/Places is confidential, as no Council decision was made on this group.</p>

- (iii) ***DEFERS to a Special Council Meeting (on a date to be specified by the Mayor), in January 2007, the consideration of the proposed Policy/Procedure to be used by the Town's administration when dealing with future development applications for properties which have been considered and not included into the Town's MHI and requests the Chief Executive Officer to prepare an alternative policy (to that provided in the Confidential Agenda);***

"POLICY/PROCEDURE FOR PROPERTIES NOT LISTED IN THE TOWN'S MUNICIPAL HERITAGE INVENTORY (MHI)

1. ***A development application, including a demolition application, will be advertised in accordance with the Town's Community Consultation Policy 4.1.12.***
2. ***A development application, including a demolition application, for a property which is not included on the Town's MHI will be the subject of a routine report and not Full Heritage Assessment.***
3. ***A demolition application will be supported subject to standard conditions including but not limited to quality archival records being submitted to the Town.***
4. ***Persons enquiring about a property not included on the Town's MHI will be advised that;***
 - (a) ***the property has been previously considered and found not to meet the threshold for inclusion on the Town's MHI; and***
 - (b) ***in view of the Town's previous consideration, demolition of the property will not be opposed."***

NOTE:

Group 4 was not voted upon by the Council and will be submitted to an Ordinary Meeting of Council for further consideration.

FURTHER REPORT:

Purpose of Report

The purpose of this report is to obtain the Council's approval of an appropriate method for considering approximately 109 submissions received for Category B places identified as part of the draft Municipal Heritage Inventory (MHI).

Background

At the Ordinary Meeting of Council held on 7 November 2006, the Council considered this matter "Behind Closed Doors" and resolved as follows:

"That the Council;

- (i) RECEIVES the report relating to the Municipal Heritage Inventory Review - Methodology to Consider Submissions for Proposed Category B Places;*
- (ii) NOTES the;*
 - (a) assessment of Workshops provided by The Training and Development Group shown as an attachment to this report; and*
 - (b) submissions received from property owners during the public consultation period (Confidentially "Laid on the Table"); and*
- (iii) FURTHER CONSIDERS the following options at the Ordinary Meeting of Council to be held on 21 November 2006;*
 - (a) Option 1 - Report on each submission and associated property in a series of reports (between November 2006 and February 2007) to Council with individual Officer Recommendation for each property, as a method for completing the Municipal Heritage Inventory review ; or*

ALTERNATIVELY

- (b) Option 2 - Not list any property in Category B, where the owner has lodges a submission of objection and requests the Chief Executive Officer to carry out a preliminary assessment of the Category B properties; and*
- (iv) REQUESTS the Chief Executive Officer to carry out a preliminary assessment of Category B properties."*

Details

At the Ordinary Meeting of Council held on 7 November 2006, both Options for the method of completing the Municipal Heritage Inventory review for Category B properties, were not supported.

As mentioned above, the Council resolved to further consider the matter at the Ordinary Meeting of Council to be held on 21 November 2006. It also resolved to request the Chief Executive Officer to carry out a preliminary assessment of the Category B properties/places and to group these according to the submission received, heritage importance, whether the property/place was part of a group and to identify those where further information was requested.

The Town's Officers have carried out a preliminary assessment, **based on the available information currently contained in the Town's records. It should be noted that this information does not contain the full details concerning the history of the property/place and accordingly, in many cases, further information is required before an informed decision can be made.**

Following the Council meeting, Councillor Simon Chester discussed the matter with the Chief Executive Officer and indicated that the properties should be categorised as follows;

Group 1 People who have registered a clear and definitive objection.

Group 2 People who in their correspondence are primarily seeking more information.

Group 3 People who have not objected but where their property is part of a 'place' made up of a number properties and one or more owners are objecting."

The Town's Officers have subsequently categorised the properties as follows to closely reflect the above groups;

- **GROUP 1 - Properties where the owner has either lodged or not lodged an objection and the property is considered not to meet the threshold for inclusion into the Municipal Heritage Inventory (MHI).**

Chief Executive Officer's Comments:

All properties within this group are considered not to meet the threshold for entry on the Town's Municipal Heritage Inventory with regard to a preliminary assessment or full assessment undertaken by the Town's Officers.

Part 1 lists those places which have received clear and definitive objections and are considered NOT to meet the threshold for inclusion based on preliminary or complete assessments.

Part 2 lists those places, individual properties and properties which formed part of a group, that did not receive an objection and are considered NOT to meet the threshold for inclusion on their own individual merits based on preliminary or complete assessments.

- **GROUP 2 - Properties forming part of a group, where the owner has not objected but forms part of a group within which another owner has objected. These places without objections are considered to meet the threshold for inclusion on the Town's MHI.**

Chief Executive Officer's Comments:

These properties form part of a proposed group listing and have received no objections to inclusion on the MHI. They are considered to meet the threshold for inclusion on the MHI and are recommended for inclusion on the MHI.

Groups of placed proposed for the MHI have created a dilemma where some owners within the group listing have object, and other have not. Those places listed in this group have not objected but are considered to meet the threshold for inclusion on the Town's MHI.

- **GROUP 3 - Properties where the owner has made a submission requesting further information or clarification and therefore should be deferred.**

Chief Executive Officer's Comments:

This group contains individual properties and properties that form part of a group where the owners have lodged a submission and have not clearly objected to being included in the MHI, but in the main have requested further information before they make their final comment.

The Town's Heritage Officers have been meeting with these owners and in accordance with the Council's previous practice, it is recommended that the Council defer consideration of these properties whilst the owners are finalising their position.

In accordance with the Council's practice, it is recommended that the Council defer consideration of these properties to allow the Officers to carry out further research and the owners to finalise their position. It is considered that this work will take until the end of February 2007 to complete, taking into account the 2006/2007 Christmas - New Year holiday period.

- **GROUP 4 - Properties where the owner has clearly objected and more information is required to be obtained via a Full Assessment, before an informed decision can be made.**

Chief Executive Officer's Comments:

This group lists those places, individual properties and properties which formed part of a group, which have received clear and definitive objections and are considered by the Town to need full heritage assessments before making a final decision. A total of 41 properties have been identified in this group of which it is anticipated to be completed by the Town's Heritage Officers at the end of March 2007.

Comments

The next phase of dealing with the submissions is critical to the conclusion of the Review. In essence, the options presented are as follows:

1. Preliminary Assessment of each Individual Property

Council to consider each property on their individual merit, using the information available, together with the latest information which has been provided by the owners or researched.

2. Not Assess - "No Listing"

Council can adopt the philosophical position of not listing any property where the owner has lodged a submission of objection (Option 2). This option allows the Council to consider other matters raised of a non-heritage nature (for example; financial, economic, personal hardship, age and health of owners, personal civil liberty views of individuals etc.).

3. Full Assessment

Council to consider full heritage assessments for each property, but acknowledging that this option will take at least 6 months and is very time consuming for both Heritage Officers.

4. Combination of Options 1 and 3

Following a preliminary assessment, it is considered that a fourth option is now favoured and recommended. In view of the importance of either including or excluding a property into the MHI, it is considered essential that the Officer Recommendation to obtain more information about each property, be carried out. It is estimated that this work would take until the end of February 2007.

In addition, following the Council's determination about the MHI, it is very important to provide direction to the Town's Administration on how to deal with development applications (including applications for demolition) for properties which have been assessed, but not included into the Town's MHI. A policy/procedure is recommended to be adopted, so that Council can minimise any conflict in the future about how to deal with respective properties.

In-principle support for demolition of any building which is not included on the Municipal Heritage Inventory provides a greater degree of certainty for owners of properties which are not listed. It will allow a shift of resourcing from assessing a large amount of building which rarely meet the threshold for inclusion on the MHI, to spending a greater amount of time on initiatives and responsibilities to buildings and places which have clearly established having cultural heritage significance. Approximately 95 per cent of applications for demolitions are recommended for approval. Completing full heritage assessments for each of these applications is no longer considered an effective use of limited resourcing given the MHI review completion and demands to support those people who have listed buildings and need assistance from the Town. Safety nets exist through the advertising process and other related Town Planning Scheme provisions and associated policies so that, in exceptional circumstances, buildings with definitive cultural heritage significance can be considered by Council even when they are not previously identified.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 7 November 2006:

"OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to the Municipal Heritage Inventory Review - Methodology to Consider Submissions for Proposed Category B Places;*
- (ii) *NOTES the;*
 - (a) *assessment of Workshops provided by The Training and Development Group shown as an attachment to this report; and*
 - (b) *submissions received from property owners during the public consultation period (Confidentially "Laid on the Table"); and*
- (iii) *APPROVES either;*
 - (a) *Option 1 - Report on each submission and associated property in a series of reports (between November 2006 and February 2007) to Council with individual Officer Recommendation for each property, as a method for completing the Municipal Heritage Inventory review; or*

ALTERNATIVELY

- (b) *Option 2 - Not list any property in Category B, where the owner has lodged a submission of objection.*

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

Crs Lake and Maier departed the meeting at 9.51pm as they had declared a financial interest in this matter. They did not return to the meeting.

Debate ensued.

Moved Cr Ker, Seconded Cr Chester

That clause (iii)(a) option 1 be adopted

Debate ensued.

MOTION LOST (2-5)

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

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

Moved Cr Torre, Seconded Cr Farrell

That clause (iii)(b) option 2 be adopted

Debate ensued.

MOTION LOST (3-4)

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

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

The Presiding Member announced that no decision had been reached as both options had been lost.

At 10.15pm

Moved Cr Chester, Seconded Cr Farrell

That standing orders be suspended to allow free and open debate - to find a way forward.

CARRIED (7-0)

Discussion ensued

At 10.23pm

Moved Cr Ker, Seconded Cr Torre

That standing order be resumed.

CARRIED (7-0)

Moved Cr Ker, Seconded Cr Farrell

That clauses (i) and (ii) be APPROVED and options 1 and 2 be further considered at the Ordinary Meeting of Council to be held on 21 November.

MOTION AS AMENDED CARRIED (7-0)

COUNCIL DECISION ITEM 14.18

That the Council;

- (i) RECEIVES the report relating to the Municipal Heritage Inventory Review - Methodology to Consider Submissions for Proposed Category B Places;*
- (ii) NOTES the;*
 - (a) assessment of Workshops provided by The Training and Development Group shown as an attachment to this report; and*
 - (b) submissions received from property owners during the public consultation period (Confidentially "Laid on the Table"); and*
- (iii) FURTHER CONSIDERS the following options at the Ordinary Meeting of Council to be held on 21 November 2006;*

(a) *Option 1 - Report on each submission and associated property in a series of reports (between November 2006 and February 2007) to Council with individual Officer Recommendation for each property, as a method for completing the Municipal Heritage Inventory review ; or*

ALTERNATIVELY

(b) *Option 2 - Not list any property in Category B, where the owner has lodged a submission of objection; and*

(iv) *REQUESTS the Chief Executive Officer to carry out a preliminary assessment of the Category B properties.*

At 10.25pm *Moved Cr Ker, Seconded Cr Messina*

That an "open" meeting be resumed.

CARRIED (7-0)

(Cr Lake and Cr Maier were absent from the Chamber.)

PURPOSE OF REPORT:

The purpose of this report is to obtain the Council's approval of an appropriate method for considering approximately 109 submissions received for Category B places identified as part of the draft Municipal Heritage Inventory (MHI).

BACKGROUND:

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

"(iii) NOTES that;

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

This report relates specifically to clause (iii)(b) of the above Council resolution.

Written submissions closed on 31 August 2006 after ten (10) weeks of consultation.

On 1 August 2006, at the conclusion of owner workshops, Elected Members were provided a copy of the Workshop Minutes which recorded the issues and concerns expressed by owners. An assessment of the workshops has been provided by the consultant facilitator and is shown as a confidential attachment to this report.

DETAILS:

A methodology for considering the submissions is needed to ensure procedural fairness. This is particularly important given the variety of submissions and the complexity of some submissions. Resources and the level to which Officers investigate and report on each submission in a way that is useful and relevant for the decision making process decided on by the Council is also considered a high priority at this stage.

It is now considered imperative that Officers receive direction from the Council as to the most appropriate method for collating and reporting on the submissions received. The Officers are receiving regular enquiries from property owners as to when the matter will be resolved.

Dealing with Submissions

The following is a verbatim extract from a letter sent to all owners of places included on the Draft MHI:

"4. Dealing with Submissions

To ensure that the principles of "procedural fairness" and "natural justice" are observed (which will provide maximum transparency and openness), the following procedure will be used:

- 4.1 At the closing of the consultation period (i.e. 31 August 2006), all written submissions/comments received by the Town will be compiled and considered.*
- 4.2 Further consultation with owners may be undertaken as required. This may include a site visit, property photographs being taken and checked and/or further research to ensure that all queries and concerns relating to your property are thoroughly followed up before being considered by the Council.*
- 4.3 Owners will be kept informed of all Officer Recommendations concerning their property and will be given the opportunity to comment on the Officer Recommendation, before it is reported to Council.*
- 4.4 The Officer Recommendation, together with the owners' comments will be reported to the Council for consideration and determination.*
- 4.5 Owners will be contacted about when the report on their property will be considered by the Council and will be given the opportunity to personally address the Council."*

Officers have identified three (3) possible methodologies for considering the submissions received in relation to proposed Category B places, shown in the following table:

<i>OPTIONS FOR CONSIDERING OBJECTIONS TO PROPOSED CATEGORY B PLACES</i>				
	<i>Description</i>	<i>Resources</i>	<i>Time</i>	<i>Comments</i>
<i>Option 1 (preferred option)</i>	<p><i>REPORT ON EACH SUBMISSION/PROPERTY IN A SERIES OF REPORTS TO COUNCIL FOR CONSIDERATION</i></p> <p><i>COUNCIL TO RECEIVE FULL CONSIDERATION OF EACH SUBMISSION AND INDIVIDUAL OFFICER RECOMMENDATION RELATING TO THAT SUBMISSION</i></p> <p><i>Report each Category B submission to the Council with a summary cover sheet outlining key information.</i></p>	<p><i>Officers to collate the submissions and summary sheets and make a recommendation based on the available information.</i></p> <p><i>No full heritage assessments to be undertaken.</i></p>	<p><i>Will require a number of reports to Council in order to address the approximate 109 submissions.</i></p> <p><i>(eg. approximately 20 properties on any one Agenda).</i></p> <p><i>Council Meeting Date</i></p> <p><i>21 Nov - 20 reports</i></p> <p><i>7 Dec - 20 reports</i></p> <p><i>20 Dec - 20 reports</i></p> <p><i>23 Jan - 20 reports</i></p> <p><i>13 Feb - 20 reports</i></p> <p><i>27 Feb - 9 reports</i></p> <p><i>Note: Alternatively Special Council Meetings may be held.</i></p> <p><i>The time taken for this Option is estimated to be completed by February 2007 - due to the number of submissions, Officers' annual leave and the festive season.</i></p>	<p><i>Allows for consideration of all available information. Records and reports all comments to the Council for future reference and clarity for owners.</i></p> <p><i>The short time frame will place a heavy workload on both the Officers and Elected Members.</i></p> <p><i>Does not include full heritage assessments for Category B places, allows Officers to make a recommendation based on heritage criteria and available information.</i></p> <p><i>This option will inevitably result in a number of places being recommended for inclusion against the wishes of the owners and some further time delays to complete the process.</i></p>
<i>Option 2</i>	<p><i>WRITTEN OBJECTION RESULTS IN THE CATEGORY B PLACE NOT BEING INCLUDED ON THE MHI</i></p> <p><i>Each submission will be presented to the Council for acknowledgement and record of the owner's efforts and contribution to the debate.</i></p> <p><i>No further investigation or reporting by the Officers on heritage or any other planning considerations relating to the properties in the context of the MHI Review.</i></p>	<p><i>Officers would be required to send correspondence to those who objected and advise them of the Council's decision.</i></p>	<p><i>1-2 months to complete correspondence and update records.</i></p> <p><i>Write directly to owners and advise that the property will not be included on the MHI, unless otherwise requested by the owner.</i></p>	<p><i>This option would involve no further reports to the Council and would provide an immediate result.</i></p> <p><i>However, It will not necessarily provide completeness or resolution, as the affected properties may come before the Council again in the future as a result of a development application.</i></p> <p><i>A particular issue raised by owners at the workshops was a desire for finality to the decision of the heritage relating to specific properties.</i></p>

<p><i>Option 3</i></p>	<p><i>FULL HERITAGE ASSESSMENTS for all Category B places which received submissions and report each back to the Council for consideration.</i></p>	<p><i>Resourcing this option is expensive and time consuming without a guaranteed outcome for owners.</i></p>	<p><i>Minimum two Officers, (Full-Time) approximately 6 months (i.e. by May 2007).</i></p>	<p><i>Implications for other heritage programmes and services. Will require owners to wait for a long period of time for the Council resolution.</i></p> <p><i>Owners' submissions will still need to be addressed alongside the full heritage assessment findings.</i></p> <p><i>It is a long-term goal to complete full heritage assessments of all places on the MHI</i></p>
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Given the varied nature of the submissions received, it is considered appropriate for the Council to provide direction to the Town's Officers as to which methodology should be used for considering the submissions.

Option 1 - "Summary Sheet"

This option is based on the Council considering each submission on its own merits with the current available information.

Officers will compile a Summary Cover Sheet for each property which received a submission, with an individual Officer Recommendation for the particular property. The submissions will be presented to the Council for consideration at several Council Meetings as required. The summary sheet will contain key information regarding the property details, including; a summary of the issues outlined in the submission, any action taken by the Officers (such as site visits, meetings or research and any recent photographs) and an Officer Recommendation.

The Officer Recommendation will be based on available information at the time of compiling the Summary Cover Sheets and will not constitute a full heritage assessment. An individual Officer Recommendation will be made for each of the subject properties.

It is estimated that this option could be completed by the end of February 2007.

This option is considered the most effective way of considering each submission with a view to clarify proposed inclusion on the MHI and to ensure procedural fairness.

Option 2 - "No Listing"

This option is based on the criteria that all Category B places, if written objection was received, will be voluntary. This will result in all Category B places which received objections not being included on the MHI and for this decision to be recorded appropriately on the relevant property file for future reference. This method distinguishes between Category A ("Conservation Essential") and Category B ("Conservation Recommended") by allowing Category B places to become voluntary.

This option addresses the vast majority of owner submissions who wish the inclusion of properties on the MHI to be voluntary. It would also free the Officers time to concentrate on other strategic heritage projects listed in the current 2006/2007 Budget.

A problematic aspect to this method relates to situations where a group of buildings are identified together, and only one, or a minority of the owners within a group, object. To remove one property from an identified group of significant properties is not considered sound heritage practice; neither would it be desirable to discourage those owners within the group who have no objection to being included on the MHI by removing the places because of another owner's objection.

Whilst this option may give rise to an immediate effect consistent with most of the submissions received for Category B places, it does not necessarily provide future clarity as to the heritage significance of the property, which may be raised again at the point of a redevelopment proposal or sale of the property. Council is unable to bind future Councils' to decisions relating to heritage and, therefore, cannot guarantee that a voluntary process now will eliminate the need for heritage considerations in the future.

Option 3 - "Full Assessment"

This method is based on undertaking a full heritage assessment for each of the properties which have received objections and reporting the outcome to the Council. This method would largely clarify heritage information but would not necessarily address all the concerns of the owners, as these sometimes relate to non-heritage matters, such as planning and property value concerns. Full heritage assessments will not address these concerns.

It is estimated that the resources required to undertake this method with a minimum of 2 Officers working full-time, will take as least 6 months. Assessments may be undertaken in alphabetical street order as a means of prioritisation. This would not satisfy some owners who wish to have the matter resolved as soon as possible and would result in some places changing significantly over this period of time, either through sale and change of ownership or redevelopment.

An assessment of the workshops with affected owners has been provided by the consultant who facilitated the workshops, and is shown as a confidential attachment to this report.

The following aspects are considered important in the context of approving one of the options outlined in this report:

- the revised and adopted list so far;*
- Category A places were addressed as a priority with full Heritage Assessments;*
- expectations of owners in relation to their engagement and contribution to the consultation program;*
- the negative impression caused by the certificate, 'invitation' and associated material;*
- requests by owners for the Council to have regard to owners' concerns relating to voluntary listing, imposition and effect on individual property;*
- future reviews of the MHI;*
- resources and needs for those who are already on the MHI and may seek support with the expectation of the Town to fulfil this service;*
- other heritage services responsibilities and demands; and*
- future revision of heritage management policies as a result of the MHI feedback.*

Approximately 249 Category B places (including "groups") were recommended by the consultant. Category B places which have objections (approximately 109 submissions relating to 93 places) represent 37 per cent of all the Category B places recommended for inclusion. This means 63 per cent of Category B places have already been adopted with the support of the owners. This is a significant improvement on the 1995 draft list, in which nearly 90 per cent of places were removed via an essentially voluntary approach by the Council, although a handful of places were included in 1995 against the wishes of the owner and again these are represented in the objections received in 2006 as the opinions of the owners have remained unchanged.

Glew Corporation presentation to the Council at the commencement of the consultation preparation stated: "The goal is to have the number of owners seeking to have their property listing removed from the MHI to be less than 50% - compared to 89% in 1995".

This goal has been achieved at a level shown in the statistics above. That is; 37% seeking to be removed in 2006, compared to the 89 % in 1995.

Preferred Option

All options outlined above are considered to have positive and negative attributes. However, after considering the following reasons, the Heritage Officers recommend the adoption of Option 1:

- this option respects the need to consider each submission and the related property on its own merits;*
- the heritage considerations are given as the main reasons for the Officer Recommendation on each submission, in accordance with the Town's policy on heritage assessment and criteria;*
- it allows a formal record and resolution of each submission and property to be made which may assist future development applications; and*
- it allows the concerns of both owners and the Officers assessing heritage to be debated.*

In light of above, it is recommended that the Council receives this report and approves the commencement of the preferred 'Option 1' as shown in the table above.

Written submissions received from owners showed a high level of engagement and participation. Many submissions addressed concerns relating to both statements of heritage value in the draft Place Record Forms, as well as matters relating to process, consultation, property management and ownership rights.

Key Issues

Key issues raised in the submissions can be summarised as follows:

- real estate value - reduction of property value is of major concern;*
- redevelopment - reduction of maximum redevelopment potential;*
- consultation - overall process and method of consultation perceived as unsatisfactory;*
- civil liberties - listing should be totally voluntary/infringement of owner rights;*
- "invitation" - misleading and deceptive language; and*
- heritage documentation - incorrect or out of date details.*

Copies of the owners submissions are CONFIDENTIALLY "Laid on the Table". A small number of submissions have been omitted, at the request of owners, mainly for privacy reasons.

CONSULTATION/ADVERTISING:

The Draft MHI has been widely and extensively advertised. Owners have been consulted in writing at various stages throughout the project. Many owners who have provided a submission have expressed a concern that they were not contacted prior to the compilation of the draft documentation, despite the advanced notice and thorough consultation that has occurred once the draft documentation was available.

Formal advertising has appeared in local newspapers, workshops for owners have been undertaken, 64 one-on-one meetings have occurred between owners and Officers from the Town, information packs provided and progress reports have been provided to the Council throughout the project. The Chief Executive Officer conducted media briefings at the start of the consultation period and conducted an interview with Channel 10 television. In addition, a large and prominent article appeared in "The West Australian". Both of these attracted considerable attention.

It is critical to the integrity of the MHI review process that Officers are able to advise property owners who have provided written submissions of how and when the Council will consider the submissions. Many owners have contacted the Town's Heritage Officers enquiring as to when a decision regarding their property will be made, and under what criteria. This is causing the owners considerable frustration.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

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

FINANCIAL IMPLICATIONS:

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

CHIEF EXECUTIVE OFFICER'S and EMEDS's COMMENTS:

The review of the Town's Municipal Heritage Inventory has been considered most successful to date, with very minimal conflict or negative publicity occurring.

The next phase of dealing with the submissions is critical to the conclusion of the Review. In essence, the three options presented can be reduced to two, namely:

- 1. Council to consider each property on their individual merit, using the information available, together with the latest information which has been provided by the owners or researched;*
- 2. Council adopt the philosophical position of not listing any property where the owner has lodged a submission of objection (Option 2). This option allows the Council to consider other matters raised of a non-heritage nature (for example; financial, economic, personal hardship, age and health of owners, personal civil liberty views of individuals etc.); and*
- 3. Council to consider full heritage assessments for each property, but acknowledging that this option will take at least 6 months and is very time consuming for both Heritage Officers.*

Impact on other Heritage Projects

The extended period of time and resources being devoted to the MHI is now considered to be detrimentally affecting other heritage projects, a large number of which have been placed on the 2006/2007 Budget. It is estimated that if the MHI extends beyond December 2006, only a few prioritised heritage projects currently shown on the 2006/2007 Budget will commence before June 2007.

The Chief Executive Officer and Executive Manager, Environmental and Development Services amended this report by changing clause (iii), by including Option 2 as an alternative, in the Officer Recommendation. This amendment is based on;

1. *discussions the Chief Executive Officer has had with several Elected Members, who have expressed divergent views on the subject;*
2. *discussions the Chief Executive Officer and EMEDS has had with a number of property owners, who have expressed strong opposition to the possible listing of their property;*
3. *the potential impact this matter will have on the delay and completion of other heritage projects, as detailed above;*
4. *the level of resources required to finalise the MHI;*
5. *consideration of non-heritage matters (eg financial, economic, personal views, hardship, age and health of the owners); and*
6. *the potential for negative publicity and/or conflict (without any meaningful gain) by prolonging the process, if it is the Council's decision to not list any property where the owner has lodged a submission of objection.*

Providing the Council with two clear options may assist the Council in reaching its decision in this highly sensitive and often controversial matter."

15. CLOSURE

The Presiding Member, Mayor Nick Catania, JP, declared the meeting closed at 9.40pm with the following persons present:

Cr Steed Farrell (<i>Deputy Mayor</i>)	North Ward
Cr Simon Chester	North Ward
Cr Helen Doran-Wu	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
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

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 21 November 2006.

Signed:Presiding Member
Mayor Nick Catania, JP

Dated this day of 2006