



TOWN OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

23 JANUARY 2007

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(iv)	WALGA Member - Swan River Trust (<i>Ministerial Approval</i>) (<i>Panel of 3 names</i>);	
(v)	WALGA Member - Natural Resources Management Council (<i>Ministerial Appointment</i>) (<i>Panel of 2 names</i>);	
(vi)	WALGA Metropolitan Member - WA Planning Commission (WAPC) (<i>Approval by Minister</i>) (<i>Panel of 3 names</i>);	
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15. CLOSURE

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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 23 January 2007, commencing at 6.00pm.

1. DECLARATION OF OPENING

The Presiding Member, Mayor Nick Catania, JP, declared the meeting open at 6.10pm.

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Cr Farrell advised that he would have to leave the meeting around 8.00-8.30pm due to family commitments.

(b) Present:

Mayor Nick Catania, JP	Presiding Member
Cr Steed Farrell (<i>Deputy Mayor</i>)	North Ward (until 8.15pm)
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
Cr Maddalena Torre	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental and Development Services
Mike Rootsey	Executive Manager, Corporate Services
Rick Lotznicker	Executive Manager, Technical Services
Annie Smith	Minutes Secretary
Lindsay McPhee	Journalist - Guardian Express (until 9.05pm)
Chris Thomson	The Perth Voice (until 9.10pm)

Approximately 23 Members of the Public

(c) Members on Leave of Absence:

Nil.

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

1. Ms Lorraine Vincensoni of 73 Sydney Street, North Perth on behalf of the North Perth Precinct Group - Item 10.1.5 - Endorsed the officer's recommendation. Thanked the Council for bringing this matter up again and initiating the amendment as there is still a lot of concern in the community. Supports the deletion of any dates and asked that this be followed up with the Planning Commission and the Minister. Stated that whilst they support a shorter advertising period, there should be the alternative that if for any reason consent is not given by the WAPC within a short period of time that the amendment just goes straight to advertising.

2. Mr Frank Pigliardo of 381 Lord Street, Highgate - Item 10.1.3 - Stated that the application complies with the planning requirements. Believes that the site is well suited for the proposed business especially as there is a bus stop situated at the front of the premises and the East Perth Train Station is only 150 metres away. Stated that there is demand for the type of primary care service he will be providing. Requested that Council approve the application.
3. Mr Bruce Benson of 16 Cross Road, Bedfordale - Item 10.1.1 - Stated that he was representing his mother-in-law who lives at 3 Gardiner Street. Advised that she objects to the proposal as it does not comply with the rules of setback, overall height, plot ratio area, ancillary accommodation above a garage and does not provide covered access to the main dwelling. Believes that the footings required for the retaining wall would protrude into her property and that construction will require the removal of some of her longstanding fruit trees. Stated that the drawings submitted to Council do not accurately depict what is currently on the site and what is to be built. Advised that she does not want to give permission for access to construct the wall as she believes it is a huge imposition on her amenity and personal wellbeing. Referred to the Town's website which contains a photograph of Lot 54 Zebina Street which is of a similar ancillary accommodation and is labelled as an unacceptable structure.
4. Mr Carras of Bolton Street, Dianella - Item 14.13 - Mr Karos read out a letter on behalf of his mother which gave the history of the alterations to the house over the past 60 years. Requested that the Council adopt the recommendation of the Heritage Officers.
5. Mr David Boswell of 7 Elgin Close, Ballajura - Item 10.1.1 - Advised that he had spent quite some time researching the proposed development before submitting the plans. Believes he has addressed the issues concerning privacy and overlooking. Stated that the proposal is well under the square metre allocation. Advised that he did employ a licensed surveyor to provide details of the retaining walls.
6. Mr Nathan Butson of 7 Milton Street, Mt Hawthorn - Item 10.1.4 - Referred to condition (ix) regarding the pedestrian accessway. Requested a minimum width of 1 metre as proposed lot 2 currently has an area of 281m². Stated that by increasing the accessway to 1.5 metres the lot size would be reduced to 263m² and the access to the backyard would be reduced to 1 - 1.5 metres past the existing dwelling. Further stated that it will create difficulty with the entering and exiting of the carbays at the front of the property.
7. Mr David Kirton of 99 Angove Street, North Perth - Item 14.8 - Advised that they had checked with the Council prior to purchasing the property that there was no heritage listing of the house. Requested that Council support the officer's recommendation.

8. Mr Andrew Greenfield of 67 Barlee Street, Mt Lawley - Item 14.1 - Stated that nearly every resident in Barlee Street remains strongly opposed to the application as the applicant has displayed a consistent pattern of total disregard for the Town's planning requirements for the past four years in particular with regard to hours of operation and parking requirements. Believes that any conditions applied by the State Appeals Tribunal will also be disregarded. Urged Council to vigorously support the officer's original recommendation to disallow the application.

Cr Chester departed the Chamber at 6.30pm.

9. Mr Dimitrious Graikos of 316 Hector Street, Tuart Hill - Item 14.12 - Requested that the Item be deferred until the next meeting as he is currently seeking advice on the financial impact in listing his property on the Municipal Heritage Inventory.
10. Ms Darnelle Phillips of 16 Barlee Street, Mt Lawley - Item 14.1 - Stated that she is concerned that if the application is approved it will set a precedent for other businesses to operate in Barlee Street. Believes that the reason people have bought their homes in Barlee Street is because it is zoned residential. Applauded the Council for their refusal to grant approval for the application and hopes that the SAT will take the same view.

Cr Chester returned to the Chamber at 6.32pm.

11. Mr Cosi Schirripa of 66 Auckland Street, North Perth - Item 10.1.5 - Advised that he had only received notification at lunch time today that the Item was going before Council tonight. Requested that Council support the officer's recommendation and that the Precinct Group is kept informed about the progress and outcome of the matter.

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

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS

- 5.1 The Chief Executive Officer advised that a petition had been received from Ms Linda Bulloch with six (6) signatures on behalf of the residents of Grosvenor Road, Mt Lawley requesting that "Residents Only" parking be introduced at the Beaufort Street end of Grosvenor Road.

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

Moved Cr Farrell, Seconded Cr Ker

That the petition be received.

CARRIED (9-0)

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Moved Cr Farrell, Seconded Cr Ker

That the Minutes of the Ordinary Meeting of Council held on 19 December 2006 be confirmed as a true and correct record.

CARRIED (9-0)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7.1 Australia Day Citizenship Ceremony And Photographic Exhibition - Opening

I wish to invite members of the public to the Town's Australia Day Citizenship Ceremony and Photographic Exhibition Opening at Royal Park Hall, corner Charles and Vincent Street, West Perth.

The Citizenship Ceremony will commence at 10am, followed by the Opening of the "Visions of Vincent" Photographic Exhibition at 11am. A traditional sausage sizzle will be held together with live entertainment.

This is a very popular annual event, which is enjoyed by the Vincent Community to celebrate Australia Day.

7.2 Loftus Centre Redevelopment

Included in tonight's Agenda, at Item 10.4.5, is a report concerning the Loftus Centre Redevelopment and awarding of the Tender.

As many of you are aware, this project was first approved by the Council at a Special Meeting in October 2001 and there has been a tremendous contribution by both the Town's Administration and the Elected Council over the subsequent years.

This redevelopment project will provide improved facilities for the Vincent Community, including a new Library/Local History Centre and also the new State Gymnastics Centre, which will be the home for Gymnastics WA.

As you can see a comprehensive report has been prepared by the CEO, however the Project Architect - Peter Hunt and Graham Hunt - and Project Quantity Surveyor, Peter Blunt, will be attending the meeting at about 7.30pm to answer any further questions which Elected Members may have.

7.3 Local Government Amendment Bill (No. 2) 2006

The Town has recently received correspondence from the Chair of the Standing Committee on Environment and Public Affairs, who are enquiring into this Bill. The Chair has advised that the deadline for submissions has now been extended to 23 February 2007 and invites Local Government and members of the public to make a submission on any matters relating to the scope, purpose and structure of the Bill, including method of voting.

A copy of the relevant letter has been circulated to Elected Members.

8. DECLARATION OF INTERESTS

- 8.1 Mayor Catania declared a financial interest in Item 10.3.1 - Investment Report as at 31 December 2006. The nature of his interest being that he is the Chairperson of the North Perth Community Bank.
- 8.2 Cr Messina declared a financial interest in Item 10.3.1 - Investment Report as at 31 December 2006. The nature of his interest being that he is a Director and Shareholder of the North Perth Community Bank.
- 8.3 All Elected Members declared a financial interest in Item 10.4.4 - Policies - Amendments and Proposed New Polices - Policy No 5.5.9 - Acknowledgement of a Birth, Death or Special/Exceptional Circumstances Affecting an Employee/Elected Member of their Immediate Family. The nature of the interest being that if the policy is approved they may be the recipient of flowers/basket.
- 8.4 The Chief Executive Officer and Executive Managers declared a financial interest in Item 10.4.4 - Policies - Amendments and Proposed New Polices - Policy No 5.5.9 - Acknowledgement of a Birth, Death or Special/Exceptional Circumstances Affecting an Employee/Elected Member of their Immediate Family. The nature of the interest being that if the policy is approved they may be the recipient of flowers/basket.
- 8.5 Mayor Catania declared a financial interest in Confidential Items 14.2 - 14.13 relating to the Municipal Heritage Inventory. The nature of his interest being that he is an 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.
- 8.6 Cr Chester declared a financial interest in Confidential Items 14.2 - 14.13 relating to the Municipal Heritage Inventory. The nature of his interest being that he is a co-owner of a property that may be considered for listing on the Town's Municipal Heritage Inventory. Cr Chester advised that he has Ministerial permission to participate and vote on the matter.
- 8.7 Cr Chester declared a financial interest in Item 10.1.7 - Amendment No 42 to Planning and Building Policies - Draft Policy Relating to Heritage Management - Dealing with Enquiries Regarding the Heritage Status of Properties. The nature of his interest being that he is a co-owner of a property that may be considered for listing on the Town's Municipal Heritage Inventory. Cr Chester advised that he has Ministerial permission to participate and vote on the matter.

- 8.8 Cr Maier declared an interest affecting impartiality in Items 10.1.7 and 14.2-14.13 relating to the Municipal Heritage Inventory. The nature of his interest being that he owns property listed on the Municipal Heritage Inventory.
- 8.9 Cr Lake declared an interest affecting impartiality in Items 10.1.7 and 14.2-14.13 relating to the Municipal Heritage Inventory. The nature of her interest being that she owns property listed on the Municipal Heritage Inventory.
- 8.10 Cr Ker declared an interest affecting impartiality in Confidential Items 14.2 - 14.13 relating to the Municipal Heritage Inventory. The nature of his interest being that he is an owner of a property already listed as on the Town's Municipal Heritage Inventory. Cr Ker advised that he has Ministerial permission to participate and vote on the matter.

Cr Farrell requested that Item 10.4.5 - Approval of the Loftus Centre Redevelopment and Tender No 354/06 - Construction of the Loftus Centre, 99 Loftus Street, Leederville be brought forward at the conclusion of the Items raised during public question time as he will have to leave the meeting around 8.00-8.30pm for family reasons.

The Presiding Member ruled that the Item would be debated at the conclusion of the Items raised by members of the public.

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 10.1.5, 10.1.3, 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:

Item 10.4.5

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:**

Cr Farrell	Nil
Cr Chester	Items 10.1.6, 10.1.7, 10.1.8 and 10.4.4
Cr Ker	Item 12.1
Cr Doran-Wu	Nil
Cr Torre	Nil
Cr Lake	Nil
Cr Messina	Nil
Cr Maier	Item 10.1.2
Mayor Catania	Nil

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

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

Items 10.1.7, 10.3.1 and 10.4.4 - Policy 5.5.9

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

Items 10.1.9, 10.2.1, 10.2.2, 10.2.3, 10.3.2, 10.4.1, 10.4.2, 10.4.3 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, 14.5, 14.6, 14.7, 14.8, 14.9, 14.10, 14.11, 14.12 and 14.3

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 10.1.9, 10.2.1, 10.2.2, 10.2.3, 10.3.2, 10.4.1, 10.4.2, 10.4.3 and 10.4.6

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

Items 10.1.5, 10.1.3, 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 Ker

That the following unopposed items be moved en bloc;

Items 10.1.9, 10.2.1, 10.2.2, 10.2.3, 10.3.2, 10.4.1, 10.4.2, 10.4.3 and 10.4.6

CARRIED (9-0)

10.1.9 Safer Vincent Crime Prevention Plan 2007 to 2010

Ward:	Both	Date:	15 January 2007
Precinct:	All	File Ref:	ENS0095
Attachments:	001		
Reporting Officer(s):	M Wood, J MacLean		
Checked/Endorsed by:	R Boardman, S Beanland	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

(i) **APPROVES** the:

- (a) *adoption of the Safer Vincent Crime Prevention Plan 2007 – 2010, as shown at Appendix 10.1.9; and*
- (b) *official Launch of the Plan, at a date to be determined by the Mayor in late February 2007; and*

(ii) **NOTES** that:

- (a) *the plan has been developed in partnership with the community and key agencies and reflects the outcomes of this process, which will continue to be monitored by the Safer Vincent Crime Prevention Partnership;*
- (b) *new initiatives listed are subject to securing external partnership funding; and*
- (c) *the progress on the plan will be reported to the Council on an annual basis.*

COUNCIL DECISION ITEM 10.1.9

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (9-0)

PURPOSE OF REPORT:

The purpose of this report is to allow the Council to formally adopt the Safer Vincent Crime Prevention Plan 2007 - 2010, as demonstrating the strategic direction of the Town's community safety and crime prevention planning for the next 3 years.

BACKGROUND:

In 2004, the Town agreed to enter into a formal partnership arrangement with the State Government, Office of Crime Prevention, to develop strategies to improve the perceived and actual safety in the community. As part of this agreement, the Town is required to develop a strategic plan, to enable a concerted and co-operative approach to community crime prevention and community safety.

DETAILS:

The Town received grant funding, from the Office of Crime Prevention, to undertake a community consultation process to establish the real and the perceived levels of safety in the community. Stoneham and Associates were engaged to undertake the public consultation process, culminating with a ‘Search Conference’ run at the Town on 27 April 2006. The consultation process and subsequent information-collecting meetings by the consultants, provided substantial background information, on the areas of crime prevention, where the community expects maximum effort, by the Town.

In conjunction with Stoneham and Associates, the Town’s Safer Vincent Co-ordinator developed a Draft Safer Vincent Crime Prevention Plan and this report was presented to Elected Members at a Forum on 20 June 2006.

The main outcomes of the overall community safety planning process, which the Town has undergone over the past year, are summarised in the table below:

Our Previous Strategy	Our New Strategy
<ul style="list-style-type: none"> • No Plan in place to fit new OCP funding streams • Crime prevention focus • Development of Safer Vincent Advisory Group, before OCP partnership • Inhibited other funding • Not OUTCOMES Based 	<ul style="list-style-type: none"> ✓ Revised strategy in new plan incorporates specific OCP funding ✓ More holistic approach ✓ Flexible approach to strategic planning ✓ Strategic Positioning ✓ CO-ORDINATION & ACTION OUTCOMES based

With the endorsement of the Safer Vincent Crime Prevention Partnership, the Draft Safer Vincent Crime Prevention Plan was made available from 18 September 2006 to 18 October 2006 to the public and members of the community to make comment. A further feedback forum on 25 September 2006 was conducted at the Town, with representatives from Precinct Groups and community members attending.

A number of comments were received from Elected Members, Precinct Groups, Multi-cultural groups and the general public. In general terms, the public comments dealt more with the way that the various sections of the Plan had been worded than with the actual content of the document. Most of the comments were favourable and many of the suggested amendments were recommended, as a means of clarification of specific points. Most of the suggested changes were then incorporated into the Plan, to provide the final document that will form the Safer Vincent Crime Prevention Plan.

The Office of Crime Prevention has given its approval to the Plan and, as soon as it has been endorsed by the Council, the \$20,000 grant, to undertake the two Priority Projects identified in the Plan, will be released to the Town of Vincent.

In completing the Plan's ratification process before being presented to the Council, the Safer Vincent Crime Prevention Partnership gave its final approval of the Plan, at a special meeting of the Partnership, on 17 January 2007. The Plan has also been circulated to and ratified by relevant Town of Vincent Managers to ensure that safety actions of the Town are accurately captured.

Given the strategic importance of the Safer Vincent Crime Prevention Plan, in the Town’s endeavours toward a safer community, it is considered appropriate for the Plan to be officially launched by the Town. It is proposed that an Official Launch Ceremony will be held at the Town of Vincent Administration and Civic Centre, aimed for late February 2007 (dependant on availability of Mayor, Minister and dignitaries) and it is hoped that this will be attended by a representative of the Minister for Police and Emergency Services, a Senior Police representative, Local Police, Elected Members and a number of invited guests.

CONSULTATION/ADVERTISING:

The Safer Vincent Crime Prevention Plan has been widely advertised and it is available on the Town's website, so there is no need to further consult or advertise. It is further proposed that a summarised version of the Plan will be developed and this will be issued to the residents and ratepayers of the Town.

LEGAL/POLICY:

There are no legal implications related to this report.

STRATEGIC IMPLICATIONS:

The above report meets the requirements of the Strategic Plan 2006-2011: Strategic Objective 3.1.2 (d) *"Promote and implement the Safer Vincent Crime Prevention Plan 2006 which aims to support develop and deliver residential and business initiatives that reduces crime and promotes safety and security."*

FINANCIAL/BUDGET IMPLICATIONS:

Other than the cost of the launch of the Plan, there will be no financial implications associated with this report. The costs associated with the launch can be met from the existing Safer Vincent Programme budget.

The Office of Crime Prevention under partnership arrangements funds an administration budget for the Safer Vincent Crime Prevention Partnership of \$1,200 annually. With endorsement of the plan from Office of Crime Prevention and selection of priority projects, the Town qualifies for further priority funding of \$20,000 per anum, subject to partnership approval.

COMMENTS:

The Safer Vincent Crime Prevention Plan has been developed in conjunction with the community, the Town of Vincent, stakeholders and members of the Safer Vincent Crime Prevention Partnership. It will form a strategic direction for the Partnership, to ensure that community safety and crime prevention is progressed in a timely, co-ordinated and appropriate manner. The plan is recommended for approval by the Council.

10.2.1 Waste Management Update - Progress Report No 1

Ward:	Both	Date:	17 January 2007
Precinct:	All	File Ref:	TEN0250
Attachments:	-		
Reporting Officer(s):	R Lotznicker, J Lockley		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the Waste Management Progress Report No 1 as at 17 January 2007;
- (ii) **NOTES;**
 - (a) *the State Government initiatives and strategies that have been developed as part of the vision of "Towards Zero Waste" in Western Australia as outlined in the report;*
 - (b) *that the Town, in partnership with its regional partners, will be required to formulate "Zero Waste Plans" in 2007/2008 as one of a number of initiatives to facilitate the necessary behavioural changes required to achieve the vision of "Towards Zero Waste";*
 - (c) *that the Resource Recovery Rebate Scheme has been replaced with an interim measure, the Auditing Continuity /Data Capture Scheme, to ensure recycling data capture continues;*
 - (d) *the information contained in the report regarding the Town's existing Waste Management Service and discussions on an improved kerbside recycling service and its associated costs;*
- (iii) **ADVISES** the Department of Environment and Conservation and the Minister for Environment and Conservation that it supports the Western Australian Local Government Association's:
 - (a) *submission regarding the Waste Avoidance and Resource Recovery Levy Bill 2006 and Waste Avoidance and Resource Recovery Levy Bill 2006 relating specifically to Local Government issues (10.2.1A - as laid on the table); and*
 - (b) *Policy Statement on container deposit systems as a means to improve resource recovery and the redistribution of waste management costs, reduce litter and increase community awareness in making more informed purchasing decisions (10.2.1B - as laid on the table);*
- (iv) **HOLDS** a forum in February 2007 to discuss the proposal to conduct a "Resident Survey" to provide information and obtain feedback on the introduction of an improved kerbside recycling service; and
- (v) **RECEIVES** further Waste management Progress reports as matters unfold.

COUNCIL DECISION ITEM 10.2.1

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (9-0)

PURPOSE:

The purpose of this report is to provide information on current state initiatives regarding waste management in WA and to provide an update on the Town's current and future position with regard to its Waste Management service

BACKGROUND:

Previous Council Reports

Ordinary Meeting of Council 12 June 2001

The Council considered a report on waste minimisation and the tender for the Town's "Kerbside Recycling Collection Service" and accepted a tender for the continuation of the "current" collection service. The Council also decided to discontinue the plastic "drop off" stations and introduced plastic kerbside recycling.

The report also outlined future possible waste management initiatives and decided that they be further explored once the Mindarie Regional Council (MRC) had determined the future direction of secondary waste treatment in the region.

The report also outlined waste management investigations and discussions as follows:

- Reduction of Waste to Landfill
- Landfill Reduction Initiatives
- Tamala Park
- Mindarie Regional Council Recommendations
- Successful Local Government Waste Management Services Requirements
- Strengths and Weaknesses of the Town's Current Service
- Liaison with other Local Governments
- Future Possible Initiatives

The report concluded that depending on the outcome of the MRC investigations regarding future waste management in the Mindarie Region, the Town should retain its current recycling collection service until the outcome of the MRC investigations had been determined. At the conclusion of the investigations it was considered that a waste minimisation and recycling strategy be developed. In the interim, it was considered that the current recycling collection system should be continued until at least 30 June 2002.

Ordinary Meeting of Council 14 September 2004

The Council was advised that at the MRC Meeting held on 1 July 2004, a report on Domestic Waste Collection Systems in the region was considered, where it was resolved to advise member councils that:

- *A unified waste collection service is not a requirement for the proposed Regional Resource Recovery Facility*
- *That member councils should continue to provide a separate collection service for recyclable packaging, and sorting of this material should continue to be undertaken by parties other than the MRC*
- *Separate material recovery facility will not be provided in the RRF as part of Stage 1*
- *Flexibility of the RRF to process a variable waste stream and recover recycle packaging material will be a key tender requirement*

The MRC also recognised that any member participation agreement for the Regional Resource Recovery Facility would include specification of the minimum collection requirements for domestic waste.

Ordinary Meeting of Council 26 October 2004

The Town decided to again extend the current recycling service for a period of twelve (12) months, with an option to extend for a further one (1) or two (2) twelve (12) month periods.

Current Recycling Tender

The Town's current tenderer is AMCOR. The Tender which was awarded to AMCOR in October 2004 was for a period of twelve (12) months, with an option to extend for a further one (1) or two (2) twelve (12) month periods. The final twelve (12) month option was enacted in 2005 and the tender is due to conclude in October 2007.

DETAILS

The Department of Environment and Conservation

The Department of Environment and Conservation (DEC) has a broad role in facilitating and implementing, where necessary, a new approach that recognises the complexity of managing wastes in our society. In undertaking that role, DEC is responsible for developing policy in collaboration with the Waste Management Board, and for undertaking, on behalf of the Board, specific projects aimed at key points in the waste stream where the greatest strategic impacts will be made.

The Waste Management Board

The Waste Management Board is an advisory body, established by Cabinet, to provide advice to the Minister for the Environment on strategic direction and priorities for waste in Western Australia, and the administration of the Waste Management and Recycling Fund.

The board's vision is *towards zero waste in Western Australia* and the principles are:

- Prevention - To avoid the creation of waste
- Recovery - To effectively recover, retreat and reuse all wastes
- Disposal - To responsibly manage waste into the environment

Toward Zero Waste in Western Australia

The Waste Management Board is to facilitate the transition "Towards Zero Waste" in Western Australia by developing and implementing policies and programs to reduce waste and support recycling. The existing landfill levy, currently \$6/tonne for waste going to landfill, will be increased in annual increments over the next five (5) years to provide the Board with increased resources to invest in strategic programs and activities.

Though "zero waste" is an "aspirational" concept, it will enable the Board to challenge old ways of thinking and inspire new attitudes and behaviour. Zero Waste is a philosophy and a goal that will guide a redesign of resource use systems to emulate natural processes where no waste exists.

The Waste Management & Recycling Fund

The Waste Management and Recycling Fund (WMRF) was established from the landfill levy. This money funded programs related to the management, reduction, reuse, recycling, monitoring or measurement of waste.

In 2002 the Minister for the Environment suspended the advertising of regular rounds of grant funding from the WMRF, until a statutory review of the fund was complete. The Waste Management Board completed the review and the Minister for the Environment tabled the report in Parliament on 27 October 2004.

The Board has also completed its strategic business planning process. This has culminated with the development of a Strategic Waste Initiatives Scheme and Community Grants Scheme to the former grants schemes.

Zero Waste Plans for Local Government

In August 2006, the Waste Management Board released a discussion paper regarding the introduction of a requirement that all organisations wishing to access funds from the Waste Management and Recycling Fund (WMRF) would need to first develop, implement and maintain an approved Zero Waste Plan (ZWP).

The Board considered that the adoption and implementation of ZWPs by Local Governments to be one of a range of the vital initiatives to facilitate the necessary behavioural changes required to achieve the vision of "Towards Zero Waste" and to aid in the collection of critical waste data.

DEC wrote to the Town on 29 November 2006 advising that both the Waste Management Board and DEC acknowledge that the development of ZWPs will present a financial impost for Local Governments around the State.

DEC advised that as a result, a twelve (12) month interim ZWP has been developed for release in early 2007* which will include a significant financial incentive for collaboration between Local Governments to produce regional ZWPs.

Note*: At the time of writing this report, no further information has been received from DEC.

DEC further advised that the ZWPDS will consist of two phases as follows:

- *Phase 1* will primarily involve data-gathering to establish baseline characteristics for all Local Governments across the state. This phase is intended to be completed within the first six months of 2007.
- *Phase 2* will involve the formulation of strategies and actions that will help achieve the vision of "Towards Zero Waste" in Western Australia.

It is proposed that Local Governments will receive a proportion of the total amount of allocated funding at the commencement of *Phase 1*, with the remainder to be paid at completion of *Phase 2*.

Information gained from *Phase 1* will be used by DEC to assist in providing Local Governments with more detailed advice on *Phase 2* requirements, which will include aligning ZWPs to the Waste Management Board's strategic objectives and targets, which will be developed in more detail in early 2007.

Formal, regular data reporting will commence once the ZWP has been approved. This is expected to occur around January 2008. Within each ZWP it is expected that Local Governments will include strategies/actions for data reporting.

The implementation of ZWP strategies and actions are proposed to commence at the completion of *Phase 2*. This will be the point from which access to future funding will be dependent on completion of an approved ZWP.

Resource Recovery Rebate Scheme

The Resource Recovery Rebate Scheme (RRRS) replaced the Municipal Recycling Scheme in 2001 and allowed Local Governments and regional councils to claim a rebate for material they demonstrated had been reused, recovered or recycled. The RRRS was funded through the Landfill Levy and was administered by the Municipal Waste Advisory Council on behalf of the Waste Management Board.

Replacing the RRRS

A scheme to replace the RRRS is currently under development by the Waste Management Board. The last application for the RRRS (Period 16) covered the time period 1 January 2006 to 30 June 2006. An 'interim' Scheme to ensure data capture continues, the Auditing Continuity / Data Capture (AC/DC) Scheme, is now in place.

AC / DC Scheme

With the cessation of the RRRS, the need to ensure data collection continued, was identified. The AC/DC Scheme is an interim measure to ensure data continuity is not lost while another mechanism for data collection is put in place.

The AC/DC Scheme will capture similar data to the RRRS and will cover six (6) monthly periods. The initial application form covers the period from 1 July 2006 to 31 December 2006. The funding structure for the AC/DC Scheme differs from the RRRS as it is based on the range of services provided. For example, a Local Government only providing a kerbside recycling service will receive less than a Local Government providing a range of services.

The AC/DC Scheme has different requirements for documentation provision. Unlike the RRRS, supporting documentation will not be required when the application form is submitted.

Waste Avoidance and Resource Recovery Bill 2006

The aim of the State Government's Waste Avoidance and Resource Recovery (WARR) Bill 2006 is to consolidate existing provisions relating to waste management into one piece of legislation. The bill, in the context of the existing powers in other acts, provides the necessary powers to drive waste management in WA towards the Zero Waste Vision.

The State Government conducted workshops for Local Governments and other stakeholders across the State in the development of the Bill.

The main features of the WARR Bill 2006 are:

- Establishment of a statutory waste authority with various non-regulatory functions and powers including:
 - Strategic policy and planning for the transition towards zero waste to landfill
 - Implementation of policies, plans and programs to achieve that transition
 - The administration of funds raised through the collection of the landfill levy
- Allowing for regulations to be made and implemented by DEC to effect waste avoidance and resource recovery in WA
- The provision of powers for compliance and enforcement of the regulations
- Creating heads of powers for establishing "extender producer responsibility" schemes
- Consolidation of 'certain' waste provisions currently in the:
 - Environmental Protection Act 1986
 - Health Act 1911
 - Environmental Protection (landfill) Levy Act 1998

The Western Australian Local Government Association (WALGA) has reviewed all the comments from its workshops with stakeholders and has submitted comments to DEC on each section of the Bill.

In general, with the inclusion of some amendments, WALGA has advised that they support most aspects of the Bill, however, it considers that there are a number of general areas in the Bill that are of concern to Local Government in that they apparently fail to:

- Effectively carry over powers created by the provisions of the Health Act that are to be repealed.
- Enable Local Government to exercise autonomy in meeting the needs and representing the views of their community
- Provide clarity on important issues of waste ownership and responsibilities.
- Provide an avenue of appeal on a number of the directives that can be made with respect to the waste management services provided by Local Government and the evaluation of these services
- Provide a balance in the focus of the regulations with regard to Local Government and other major stakeholders.
- Effectively transfer provisions for the application of the landfill levy to premises only used for the disposal of waste to landfill

Waste Avoidance and Resource Recovery Levy Bill 2006

The Waste Avoidance and Resource Recovery (WARR) Levy Bill 2006 needs be read in conjunction with the WARR Bill 2006.

In accordance with the WARR Bill, the provisions for the collection of the levy imposed under the Environmental Protection (Landfill) Levy Act 1998 are revoked and the equivalent provisions are incorporated into the WARR Levy Bill.

The WARR Bill incorporates and consolidates the landfill levy provisions including certain parts of the Environmental Protection Act 1986 and allows for the amendment (or repeal as appropriate) of the Environmental Protection Amendment Regulations relating to "Landfill Levy" with the gazettal of new regulations to give effect to the provisions.

Therefore the provisions for the application of the "landfill levy" will be transferred to the WARR Act.

At present, the Governor may, on the recommendation of the Environmental Protection Authority, make regulations under the Environmental Protection (Landfill) Levy Act 1998 prescribing an amount by way of levy that is payable in respect to waste received at a licensed landfill.

The WARR Levy Bill transfers to the waste authority this function of the Environmental Protection Authority; that is:

- The waste authority will have the function of recommending to the Governor the making of the relevant regulations relating to the prescribed amount that is to be payable in respect of waste received at licensed premises.

The primary rationale for the "landfill levy" is to provide funds for supporting the relevant strategic activities such as implementation of the strategic direction and the administration costs directly associated with its implementation.

The Minister for the Environment is to be responsible for allocating levy funds and has the discretion to authorise the waste authority to make routine day-to-day decisions on the allocation of levy funds.

Note: Public submissions for the WARR Bill 2006 and WARR Levy Bill 2006 closed on 27 November 2006 and, after considering WALGA's submission, the Town's officers wrote to DEC on 23 November 2006 advising that that the Town supported most aspects of the Bill and concurred with the comments submitted by WALGA and shared their concerns with regards certain aspects (outlined above).

WALGA's submission to the state government is tabled.

Extended Producer Responsibility

Extended Producer Responsibility (EPR) is a suite of policy tools for reducing the generation of wastes by promoting greater recycling and resource recovery and encouraging more sustainable product design.

EPR schemes shift the responsibility for nominated product wastes to the producers or suppliers of those products according to the Polluter Pays Principle and can take many different forms, including:

- Advanced disposal fees
- Product take-back policies
- Information and labelling schemes
- Deposit / refund schemes (Container Deposit Schemes).

In June 2005 the Minister for the Environment launched an EPR Policy Statement for Western Australia. This policy statement outlines a partnership process to facilitate the development and implementation of EPR schemes in WA.

The Waste Management Board, through DEC will be implementing EPR in WA using a collaborative process involving industry, local and state government and the wider community. A Technical Reference Panel will be established to support the implementation of EPR and provide advice to DEC in critical areas, as requested.

The first stage towards the development of specific EPR schemes is for DEC to publish a priority waste list for EPR. This will outline priority areas where the development of EPR schemes is considered necessary to reduce problem wastes. It is intended that EPR schemes will be undertaken by industry on a voluntary basis, and the operational details of individual EPR schemes for particular products will be determined by the relevant industries.

Once EPR priority areas are announced, DEC, in consultation with relevant industries, will establish performance targets for EPR schemes based on best practice international standards. If targets are not met, or significant progress towards meeting targets has not been made in an agreed timeframe, then it may be necessary for the Minister for the Environment to introduce mandatory EPR schemes under powers that will be provided in the new waste legislation for WA.

Western Australian Local Government Association (WALGA) - Container Deposit Systems Policy Statement

A letter received from WALGA on 21 December 2006 advised that on 6 December 2006, WALGA adopted a Policy Statement on Container Deposit Systems (CDS). The Policy Statement was developed by the Municipal Waste Advisory Council (MWAC) after a long period of consultation with stakeholders to ensure the Policy Statement is truly representative.

The WALGA Policy Statement endorses the introduction of CDS to Western Australia on the basis that it is representative of community views and values and will be an effective tool for increasing resource recovery and decreasing litter across the State.

The Policy Statement outlines guiding principles by which different system types may be judged to ensure their applicability to unique Western Australian issues.

In summary, WALGA considers that the chosen system must:

- Recognise the community's broad support for the sustainability principle, whilst also recognising that individual communities may prioritise specific objectives for the System over and above others for reasons particular to their situation.
- Act as a tool for the vision of moving Towards Zero Waste by achieving the following key objectives:
 - Improved resource recovery
 - Redistribution of waste management costs appropriately onto those who produce and consume the product
 - Reduction of the litter problem
 - Increased community awareness and involvement in waste management through assisting the consumer in making more informed purchasing decisions
- Have the future capacity to incorporate all material types and not be limited to beverage containers.

- Assign clear but flexible roles and responsibilities across the product chain to enable the following System outcomes to be achieved:
 - Best balance between environmental protection, social advancement and economic prosperity
 - Investment in infrastructure, research and development, and continuous improvement
 - Financial and administrative transparency, and accountability from all players in the chain
 - Recognition of additional infrastructure and transport costs for non-metropolitan governments
- Differentiate between both the variations in market value and the difficulties in recovering different materials and container types through the use of appropriately differentiated, non-redeemable handling and resource recovery fees.
- Be able to be implemented unilaterally on a State-basis without conflicting with Federal Legislation.
- Be empowered by the provision of head powers to create appropriate regulations under existing or proposed legislation, such as the *Waste Avoidance and Resource Recovery Bill 2006*
- Be transparently and regularly reviewed and have the flexibility to be amended appropriately where review shows the System is not meeting its given objectives.

The Minister for the Environment is expected to release a report on CDS early in 2007*.

Note*: At the time of writing this report, no further information has been received on the matter.

Officers' Comments:

Given that the CDS is a type of extended producers' responsibility scheme, it essentially will rely on a "recoverable deposit" on containers. This would encourage consumers to return containers to either a retailer or a collection centre so the item can be recycled and the person returning the container paid the deposit.

Depending on the type of containers included in the CDS and the value of the deposit/s, this, in time, may reduce the quantity of recycling in the kerbside collection.

WALGA have covered these matters in their Policy Statement. The Policy Statement is tabled (10.2.1B).

Waste Management in the Town of Vincent

Residential and Commercial properties serviced by the Town of Vincent currently produce approximately 16,500 tonnes of waste per annum.

The Town currently recovers only about 16% of the 16,500 tonnes of waste produced (*kerbside recycling and green waste collected in the bulk verge collection service*).

In line with the state's "Towards Zero Waste", this trend needs to be reversed by:

- Increasing the quantity of recycling that is collected; and
- Processing the putrescible waste from the "green wheelie rubbish bin" by "Resource Recovery".

"Resource Recovery", which converts household waste into compost, will commence when the MRC "Resource Recovery Facility" is built in 2008, at Neerabup, north of Wanneroo.

Current Waste Management Service

The current service provided to the Town's residents includes:

- Putrescible Waste Collection - Green 240litre Mobile Garbage Bin (MGB) - weekly collection
- Recycling - 50 litre Recycling crate - fortnightly collection
- Annual General Junk kerbside Bulk verge Collection
- Twice per annum Green Waste Bulk Verge Collection
- Subsidised Worm Farms and compost bins for residents.

The current kerbside recycling collection and residential Green Waste bulk verge collection currently reduces the volume of waste to landfill by about 2,700 tonnes per year. This means that approximately 13,500 tonnes or 83% of the waste produced in the Town is landfilled.

Putrescible Waste Collection

The Town currently provides a weekly waste collection service to its residents, ratepayers and businesses. Some multi unit developments and businesses are provided with fewer MGBs and are collected two and sometimes three times per week.

This practice was in the main inherited from the former City of Perth, however, with the increase in infill development and the limited space often available on the site for "bin store" areas for large numbers of MGBs, the Town's Technical Services Division, albeit reluctantly at times continue to issue reduced numbers of MGBs with increased frequency of collection.

The current service is conducted by the Town's day labour work force utilising its own plant and equipment, comprising two side loading rubbish compactors, two rear loading compactors, and a small rear loading compactor (the "tidy bin" truck) on heavy days and to collect along narrow laneways etc.

Recycling:

The Town currently provides a fortnightly recycling collection service to its residents and ratepayers. This service, as previously mentioned in the report, is provided by a private contractor AMCOR.

- **Single Residential Properties:** A fortnightly collection service is provided to all residential properties. Collection is restricted to normal domestic quantities with recyclable products separated into co-mingled glass/plastic/cans via a 50 litre crate and paper products in a stacked pile beside crate.
- **Multi-Unit Residential and Commercial Properties:** A weekly / fortnightly service is provided to all multi-unit residential and commercial properties. Recyclable products are separated into co-mingled glass/plastic/cans and paper products and are collected in separate 240 litre MGBs.

Only about 30% - 35% of residents currently utilise this service.

The current recycling method for households, via the 50 litre crate, is untidy and can increase the amount of litter on the streets. Many residents have made requests for a yellow top 240 litre MGB in place of the crates.

Annual General Junk kerbside Bulk verge Collection

The Town currently provides an annual vergeside collection for household general junk (not available to commercial properties). This service is currently provided by a private contractor D & M Waste

Collection of household junk placed on the council verge is collected by the contractor each financial year in March. General items collected include old household furniture. Items diverted from landfill include fridges, ovens, washing machines, dryers, microwaves and dishwashers. These all hold value for scrap metal and are currently taken to Smorgon Steel.

On average, over the last 5 years, 470 tonnes have been collected each year from verges. Additionally, approximately 250 tonnes (average 50 tonnes/per annum) of scrap metal has been diverted from landfill.

Scrap metal on average fetches about \$60 per tonne when collected. The Town's Waste Management Officer is currently investigating the provision of the free "on call" collection of items of scrapping value to further divert waste from landfill and to keep the Town clean and tidy.

Twice per annum Green Waste Bulk Verge Collection

The Town currently provides Green Waste bulk verge collections twice per annum with one in April and the other in October of each financial year. The Town's parks Services considered these dates to be the best pruning times for the seasons. This service is currently provided by a private contractor, D & M Waste.

On average 555 tonnes is collected per annum. All waste collected is currently taken to the Brockway Transfer Station in Shenton Park where it is composted for reuse as a commercial product. All the green waste collected is diverted from landfill.

Subsidised Worm Farms and compost bins for residents.

In accordance with the principles of "zero waste", the Town recognises the importance of reducing the amount of putrescible waste going to land fill, not only to reduce the impact on the environment but also to reduce the land fill levy paid. In line with this, the Town provides subsidised worm farms and compost bins to its residents along with free workshops on how to "get the most out of your worms".

- Each resident of the Town is eligible for a complete worm factory at a subsidised rate of \$105.00 for ½ kilo worms or \$130 for 1 kilo worms in the set up. This can be compared with the general factories sold in retail stores for around \$170.00 for a similar product.
- The Town hold workshops quarterly for those residents interested in worm farms and those wanting help with their worm farm.

Proposed Resource Recovery and Recycling Survey and Development of a Waste Management Strategy

Mindarie Regional Council - Proposed Resource Recovery Facility

Over the last 5 years the Mindarie Regional Council has been progressing towards the development of a "Resource Recovery Facility" (RRF) for the treatment of household waste in the region. The type of facility and a preferred contractor to build stage one has now been chosen. Stage one, when up and running in 2008/2009, will be able to process up to 100,000 tonnes per annum of the household waste from the member Councils and recover up to 70% of the waste delivered to it and convert the waste into high quality compost.

Member Councils currently produce about 300,000 tonnes of waste per annum and therefore it is proposed that over the next ten to twelve years stages two and three of the RRF will be completed.

The MRC Neerabup site comprises 10ha and stage one will take up about 3ha thus leaving enough room for stages two and three.

In addition to the conversion of the organic portion of the waste into high quality compost, the RRF will be able to recover 'metals' from the waste stream. Therefore there will be a greater need for the Town to provide an effective kerbside recycling collection system to collect all other recyclable materials from the waste stream to further reduce the quantity of material going to landfill.

While the introduction of "Resource Recovery" will result in most of the waste being diverted from landfill, the introduction of the new technology will result in increased waste disposal costs.

Proposed Resource Recovery and Recycling Survey

As previously mentioned, the Council at its Ordinary Meeting of Council 14 September 2004 was advised that at the Mindarie Regional Council Meeting held on 1 July 2004, a report on Domestic Waste Collection Systems in the region was considered where it was resolved to advise member councils that:

- A unified waste collection service is not a requirement for the proposed Regional Resource Recovery Facility
- That member councils should continue to provide a separate collection service for recyclable packaging, and sorting of this material should continue to be undertaken by parties other than the MRC
- Separate material recovery facility will not be provided in the RRF as part of Stage 1
- Flexibility of the RRF to process a variable waste stream and recover recycle packaging material will be a key tender requirement

The report to the MRC Meeting held on 1 July 2004 outlined the results of a survey conducted by the MRC, which indicated that the community supported recycling and was prepared to pay an additional fee for the service.

The report to the Council at its Ordinary Meeting of Council held on 14 September 2004 indicated that the Town could choose to alter its recycling collection service in line with its community wishes and their willingness to pay, either *now* or in the future, and if the Town wished to increase the amount of recycling, it had the option of introducing a *second bin*.

It is proposed that a comprehensive survey of the Town's residents be conducted in early 2007 to gauge their views/support for the introduction of an improved recycling service and its implications.

Development of a Waste Management Strategy

The Town's current waste service has the following strengths and weaknesses:

Strengths:

- A comprehensive range of recyclable materials is collected.
- Stable service that attracts minimal complaints or dissatisfaction by residents, however, the level of service has been compromised in recent times due to personnel issues/problems of the current contractor.
- Minimal contamination with the domestic crate collection service in the order of 4% to 5%.
- A relatively low cost domestic recycling collection service.

- Green waste only collected during the twice-yearly bulk verge collections is processed and does not go to landfill.
- Inert waste is diverted from Tamala Park.
- Separate hard waste collection service.
- Scrap metal collected in hard waste service is diverted from landfill and reused as metal products.

Weaknesses:

- No overall waste minimisation and recycling strategy
- Minimal promotion and community education on recycling
- Poor recycling performance
- Low diversion of domestic waste from landfill
- No quantitative data on:
 - % of households currently participating in the domestic recycling collection service.
 - % of the possible recyclable materials in the domestic waste stream that are currently being recycled
 - Residents' attitudes, knowledge and practices regarding recycling; their level of understanding and concern for the environmental impacts of waste; their views on the type of service that they want; their willingness to pay extra for a more effective service; what they do to dispose of problematic waste items such as tyres, batteries, paints, poisons, pesticides and oils; and what they do with their green waste between the twice-yearly bulk verge collections
 - Composition of the domestic waste in the 240 litre bins

It is recommended that following an assessment of the results from the community consultation, a draft strategy be prepared.

Discussion

It has been calculated that if the average Australian household were to recycle 'half' its waste this would save approximately 1,000kg of CO₂ equivalent emissions per annum per household. This is double the amount of CO₂ that would be saved if all light bulbs in homes were replaced with high efficient globes such as compact fluorescents; three times the savings resulting from everyone avoiding driving 1,000kms and four times the saving resulting in washing clothes in cold rather than hot water.

As can be seen from the information provided in this report many initiatives are gaining momentum with regards the state's 'towards zero waste' vision. The DEC in collaboration with the Waste Management Board are developing policy.

Local Governments will soon be required to develop Zero Waste Plans; the current Resource Recovery Rebate Scheme has been replaced with the interim Auditing Continuity/Data Capture Scheme; the Waste Avoidance and Resource Recovery Bill 2006 (and the Levy Bill) have been formulated; Extended Producer Responsibility (Container Deposit Systems) are being discussed; all of which will have implications for the way the Town will need to manage its waste.

The MRC has been progressing towards the development of an RRF for the treatment of household waste with the type of facility and the preferred contractor to build the facility now chosen. The RRF will recover up to 70% of the waste delivered to it and convert the waste into high quality compost and will recover 'metals' from the waste stream.

Therefore there will still be a need for the Town to provide an 'effective' kerbside collection system to collect the other recyclable material thus further reducing the quantity of material going to landfill.

The current 'crate system' is limited in the quantity of recycling from the Town's overall waste stream that is diverted to landfill (currently only 16% diverted with 84% going to landfill!!).

In addition the waste disposal cost per tonne is estimated to increase from \$43/tonne to approximately \$100/tonne with the introduction of the RRF.

It would therefore be in everyone's interest to reduce the quantity of waste to landfill and increase the quantity of materials recycled for not only environmental but also economic reasons.

In addition, due to the increase waste management, costs associated with increased tip fees and the possible introduction of an improved kerbside recycling service, the introduction of a separate waste management charge may be worth considering. This will enable more flexibility in charging for the "actual service" provided and be tied to any increases in waste management costs.

It is suggested that a forum be held, in February 2007 to present/discuss the contents of this report and future direction including the proposed resident survey on recycling.

Following the forum and further progress report/s to Council, it is proposed that residents in the Town be surveyed in 2006/2007 (*similar survey format as the State Underground Power format*) to gauge their support for an improved recycling service. Once the survey has been completed, the results will be assessed and the financial implications etc of an improved service will be considered and further progress reports presented to the Council.

A draft Waste Management Strategy will then be finalised based on the outcome of the survey results. A key aspect of the strategy will be Community Education and promotion of any improved service. In addition, drop off points for batteries, plastic bags, mobile phones etc will be investigated. Hazardous waste disposal will also be investigated.

CONSULTATION/ADVERTISING:

Not applicable at this stage

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2006-2011 – *1.1.4 Minimise negative impacts on the community and environment.*

FINANCIAL/BUDGET IMPLICATIONS:

The Town's waste service in 2005/2006 comprised approximately 13,000 residential and 1,200 commercial services and cost approximately \$1.8m. The current tipping costs (2006/2007) are \$43/tonne.

In 2007/2008 the tipping costs will increase slightly, however, with the introduction of the RRF in 2008/2009, the disposal cost of the 'processable' waste per tone will increase to about \$100/tonne.

The increased disposal costs coupled with a 'possible' improved kerbside recycling service could cost an additional \$0.9m/annum i.e. additional \$750,000 for disposal costs and about \$150,000 for an improved recycling service. In addition, if an additional 240 litre recycling MGB was introduced, this would comprise a 'one off' cost of about \$650,000 for the purchase of the bins.

Funds totalling \$35,000 have been allocated for recycling promotion in the 2006/2007 budget.

COMMENTS:

Historically, for public health reasons, society has managed waste by burying it in landfill sites. Burying waste has a negative impact on the environment and can:

- Pollute the groundwater
- Produce methane gas which is a significant greenhouse gas produced from the rotting material (which is 21 times more damaging than carbon dioxide).
- Produce odours, attract vermin and scavenging birds; and
- Leave land contaminated, restricting its future use.

Also, by burying the waste, large quantities of materials that could be recycled are lost forever!

The Town's existing kerbside recycling service was introduced to divert parts of the waste stream that could be easily separated by the householder and that had a value for sale or re-use e.g. aluminium, steel cans, old newspapers, glass and plastics. However while it is important to continue to recover these items, it is also extremely important to address the nutrient loading problem of the organic material going to the landfill.

There is an immediate need to reduce these impacts wherever possible. Most of the "negative effects", mentioned above, result from the organic materials that are buried in landfills. Examples of organic 'nasties' are green waste from gardens and food scraps from the kitchen. These can cause serious problems for water supplies, rivers and lakes.

While there are now better engineered landfills to reduce groundwater contamination and the methane gas produced is used for energy generation, in order to reduce the "negative effects" there is still an urgent need to reduce the amount of waste buried in landfills.

The Tamala Park landfill has a limited life span and no new sanitary landfill sites are permitted to be located on the Perth Coastal Plain. Therefore future sites will need to be located inland, resulting in long haul distances. It is essential to reduce the waste to landfill for the obvious environmental benefits and to prolong the life of Tamala Park given that there will, at least in the short to medium term, still be a requirement to landfill the residual portion of the waste stream from the resource recovery process.

The MRC, RRF facility is being implemented to address these issues and is in line with the guiding principles and vision of the Waste Management Board of *towards zero waste in Western Australia* and the:

- Prevention - To avoid the creation of waste
- Recovery - To effectively recover, retreat and reuse all wastes and
- Disposal - To responsibly manage waste into the environment.

It is recommended that the officer's recommendation be adopted.

10.2.2 Synergy - Proposed Revised Street Vision Street Lighting Agreement

Ward:	Both	Date:	17 January 2007
Precinct:	All	File Ref:	
Attachments:	001		
Reporting Officer(s):	R Lotznicker		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the proposed revised 'Synergy' StreetVision Street Lighting Agreement (as laid on the table);*
- (ii) *NOTES the details contained in the report regarding the outstanding issues regarding the proposed agreement; and*
- (iii) *AUTHORISES the Chief Executive Officer to sign the new StreetVision Street Lighting Agreement once Synergy, in liaison with the Western Australian Local Government Association, has prepared an amended agreement which addresses the outstanding issues.*

COUNCIL DECISION ITEM 10.2.2

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (9-0)

PURPOSE OF REPORT

To advise the Council of the proposed revised 'Synergy' StreetVision Street Lighting Agreement and outline some concerns that are required to be addressed prior to the new agreement being signed by the Town.

BACKGROUND:

As previously reported to Council (March 1999), in 1995 Western Power (WP) designed a new system of operating street lighting in the Perth metropolitan area. The new system offered all night lighting and rolling mass globe replacement.

A major change with the new system was a 'charge' per length of road lit, rather than the number of lamps. This replaced a number of tariffs that WP previously charged, depending on the class of road.

The new street lighting product structure and features included:

- A cost per day per type of light charging system
- Fixed four (4) year term contracts with a twelve (12) month contract price review
- Free upgrading from 50w – 80w globes over a four (4) year cycle - Bulk Globe Replacement (BGR)

- An opportunity to upgrade 80w – 125w during the BGR for a nominal difference in price
- Flexibility to negotiate when and where the BGR cycle begins and ends
- Free replacement of light bulbs
- No increase in fees during the year of agreement (i.e. if any Council puts in any new number of street lights, no running costs will be charged until the following year in the revised agreement)
- Competitive prices by comparison with commercial rates (i.e. contractor rates)
- Regular reports on performance of street light fault maintenance and BGR progress
- An up-front 100% charge for the capital installation of new and infill streetlights

The Council subsequently entered into this agreement with WP. In addition, in November 2000 (amended in August 2003) the Council amended policy No 2.2.15 'Street Lighting' to include decorative light fittings from the Western Power supported range 'Street Vision'.

DETAILS:

Synergy

Synergy was created in 2006 following the State Government's energy reform program which allowed Western Power's four business functions – retail, regional, generation and network – to separate and focus on their specific areas of expertise.

As the new energy retailer, *Synergy*, is now the primary contact for all customers, (including the Town) in the Perth metropolitan area, and the South West Interconnected System which includes the area bounded by Kalbarri, Kalgoorlie and Albany. All other areas of Western Australia (outside of this interconnected electricity network), are serviced by '*Horizon Power*'.

Synergy's role is to source, deliver and connect customers' energy and to manage the relationship, on behalf of customers, with the rest of the energy market.

StreetVision Street Lighting Agreement

Proposed Revised Agreement

On 5 September 2006 the Town received a letter from *Synergy* advising that any existing contract previously managed by Western Power needed to be revised to reflect the new ownership of any previous agreement/s.

Attached to the letter were three (3) copies of the new *StreetVision* street lighting agreement (10.2.1A laid on the table) which was due to commence on 1 September 2006 and was to replace any existing *StreetVision* agreement held by the Town. The Town was requested to review the new agreement carefully, in particular schedule C which clarified services provided.

Synergy further advised that as *our committed energy partner*, the *StreetVision* prices for 2006/07 would remain fixed as agreed in July 2006.

Assessment of Proposed Agreement

On 13 September 2006, after assessing the new agreement, the Town's officers wrote to *Synergy* expressing concerns regarding some of the new clauses as follows:

- Clause 9 - The Town to pay for the cost of installing, repairing or replacing streetlights (which the Town does not presently pay for)
- Clause 8 - Any work undertaken 'may' incur capital and other charges (which the Town does not presently pay for)

- The Town would be required to pay any costs of repair of decorative streetlights that are above the standard of a standard streetlight.

The officers advised Synergy that in their opinion the agreement was too open ended, ambiguous and needed to be clarified/amended before it was further considered.

Synergy's Response

A response to the officer's queries was received on 20 December 2006.

Synergy's response to the Town's queries regarding *Clause 8*:

Any work upgrade as requested by the council has to be paid (in accordance with Clause 9) by the council. For example, you may request that all 80W lamps in your main street be replaced with the new decorative 70W MH lamps. Under Western Power's maintenance policy, the replacement is for 'like for like' eg, a faulty 80W globe is replaced with a new 80W globe.

Synergy's response to the Town's queries regarding *Clause 9*:

In your Agreement, Clause 9 contains the last sentence "Any costs of repair of Decorative Streetlights that are above those of a standard streetlight will be borne by the LGA". This sentence will now be deleted. The amended Clause 9 now reads:

9.0 No Capital Charges

The parties acknowledge that the charges payable under this Agreement are only for the provision of the Street Lighting Services. Without limiting the generality of the foregoing and except as may be expressly set out in clause 6 or Schedule C the charges do not include any charge for (or any obligation in relation to) the cost of installing any new streetlights, or replacing any Decorative Streetlight with anything other than a Standard Streetlight (including the capital and installation costs of the streetlights, streetlight poles, etc.). Any work undertaken in accordance with Clause 8 may incur capital, labour and other charges.

In addition, on 18 December 2006, a separate letter was received by Synergy outlining amendments to the StreetVision Street lighting Agreement and requesting that the Town sign the amendments and return the forms as soon as possible.

The amended Clause 6.4 (c) of the amended agreement states that:

In the event that Western Power in its absolute discretion concludes that a StreetVision Streetlight should be replaced and not repaired, then regardless of the nature or type of the inoperable StreetVision Streetlight, the replacement StreetVision Streetlight will be a Standard Streetlight.

Discussion

A number of Local Governments expressed concerns with the new agreement and subsequently contacted the Western Australian Local Government Association (WALGA). WALGA subsequently met with Synergy on 22 December 2006. At the meeting Synergy agreed to amend certain clauses within the agreements to reflect the requirements requested by Local Governments.

WALGA have advised that once they receive a copy of the amended agreements they will be in a position to advise Local Governments on the amendments made, etc.

While Synergy has written to individual Local Governments with the proposed amendments, WALGA has not received a formal response.

Therefore, while some of the Town's queries have been addressed in the amended agreement, clause 6.4 (c) is still of concern to the Town's officers and officers from other Local Governments.

WALGA have suggested that the amended agreement not be signed by Local Governments until a new agreement has been prepared where all outstanding matters have been addressed.

CONSULTATION/ADVERTISING:

Not applicable

LEGAL/POLICY:

The Town is responsible for funding the running costs of streetlights within its Local Government area and the capital cost for additional lights etc. The Street lighting network/infrastructure belongs to Western Power and not the Town.

STRATEGIC IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

When the initial agreement was signed in 1998/1999, the operating costs for the Town's street lighting was \$24,914 per month. The current cost is \$30,027 per month, an increase of only \$5,113 in seven (7) years. *Synergy* have advised that, upon signing the agreement, *StreetVision* prices for 2006/07 will remain fixed as agreed in July 2006.

COMMENTS:

In November 2000 (amended in August 2003), the Council amended policy No 2.2.15 'Street Lighting' to include decorative light fittings from the Western Power supported range 'Street Vision'.

The Town has developed its streetscapes using the Western Power decorative lights in accordance with the *StreetVision* agreement, to ensure the installation and on going maintenance of this infrastructure is Western Power's responsibility.

Concerns with the proposed *StreetVision* agreement were that there appeared to be some cost shifting to Local Government. While it has now been proposed to amend the agreement to ensure that this does not occur, there are still some concerns with one or two clauses.

Several Local Governments approached WALGA in late 2006 and the advice is to defer signing the amended agreement until all outstanding matters have been addressed and a similar agreement is finalised for all Local Governments.

10.2.3 Progress Report - Bus Shelter Grants Scheme

Ward:	Both	Date:	17 January 2007
Precinct:	All	File Ref:	TES0028
Attachments:	-		
Reporting Officer(s):	C Wilson		
Checked/Endorsed by:	R Lotznicker	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the Public Transport Authority's Bus Shelter Grants Scheme;*
- (ii) *NOTES the advice received from the Honourable Minister for Planning and Infrastructure advising that the Town's submission for the installation of four (4) new shelters (as outlined in the report), in 2006/2007 has been approved.*
- (iii) *ENDORSES the Town's continued participation in the scheme, and*
- (iv) *LISTS \$30,000 for consideration in the Draft 2007/2008 Budget as the Town's contribution towards the Bus Shelter Grants Scheme.*

COUNCIL DECISION ITEM 10.2.3

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (9-0)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of its successful grant submission for funding for the 2006/2007 Bus Shelter Grants Scheme and to seek Council's endorsement for the Town's continued participation in the scheme.

BACKGROUND:

In March 2002 the Department for Planning and Infrastructure (DPI) invited Local Governments to apply for funding grants under the newly introduced Bus Shelter Grants Scheme. The scheme was launched with the following objective:

"The Bus Shelter Grants Scheme provides funding assistance of \$500,000 per year to Local Governments in the procurement and installation of bus shelters throughout Western Australia. The scheme's primary aims are to encourage the use of public transport in partnership with Local Government through the provision of suitable facilities for the community."

The DPI advised that the State Government had committed to funding the scheme to a maximum of \$500,000 per year over four (4) years (2002/03 to 2005/06) with the money being available to all Local Governments on the understanding that it is on a 50/50 shared funding basis.

To guarantee an even distribution of funds, the DPI imposed a limitation of \$10,000 per shelter (\$5,000 LA / \$5,000 DPI) based upon the cost of commercially produced shelters.

Responsibility for the program was transferred to the Public Transport Authority (PTA) in 2003, with the PTA indicating at the time that given the success of the scheme it was likely to be extended beyond the initial four (4) year term.

In 2004 the PTA expanded the program to include replacement of existing shelters that were either inadequate or in poor condition. Prior to this, new shelters could only be installed at locations without existing facilities. This concession was made on the basis that many established inner city Local Governments were having difficulty finding suitable locations and were seeking funding to replace old shelters.

To ensure that an appropriate level of funding was allocated to the project, and without unduly impacting upon other programs, the Town annually applies for funding to install four (4) new shelters per year, with total expenditure by the Town to date being in the order of \$80,000, with matching funding received from DPI.

In December 2005 the PTA advised that the program had been extended by a further year to include the 2006/07 financial year. In February 2006 the Town duly applied for funding for a further four (4) shelters at locations listed in the main body of the report. In anticipation of the submission being successful, an allocation of \$20,000 was included in the Town's 2006/07 budget.

In December 2006 the PTA advised that the Bus Shelter Grant Scheme has again been extended to include the 2007/08 financial year and was calling for submissions, closing 19 February 2007.

DETAILS:

With the announcement of the Bus Shelter Grants scheme in April 2002, a report was presented to Council outlining the eligibility criteria and seeking Council's endorsement of the Town's participation.

The Council duly adopted the officer's recommendation, including the selection of *Jason SignMakers* type JSc shelter, in the Town's corporate colours, as the standard shelter for the life of the program.

To date the Town has installed sixteen (16) shelters with a further four (4) to be installed by the end of June 2007. Each shelter is fully compliant with the PTA's Universal Accessibility requirements including Tactile Ground Indicators and Wheelchair Access.

Prior to 2004/05 all the nominated locations had to be for new installations (without existing shelters). With the easing of the criteria in 2004 six (6) of the eight (8) shelters installed in 2004/05 and 2005/06 were a direct replacement for five (5) of the old cantilever metal deck shelters and one (1) Adshel shelter that was causing a safety issue for the adjacent resident.

The 'old' shelters were nominated in light of their poor condition and complaints received about anti-social activities associated with the shelter. These shelters have half height solid panels with a low flat roof whereas the JSc shelter is predominately glass and therefore allows a greater degree of on-street surveillance.

An audit of the Town's Bus Shelter stock was undertaken in August 2006 revealing that, in addition to the sixteen (16) new shelters and forty six (46) Adshel shelters, there are forty two (42) of the old cantilever shelters remaining.

Four (4) of these shelters have had murals painted on them as community projects and are not currently being considered for replacement.

Installations Program 2002/03 to 2005/06

2002/03

Shelters were installed at the following locations:

- 391 Fitzgerald Street, North Perth (North Perth Plaza).
- 67 Cleaver Street, West Perth.
- 404 Bulwer Street, West Perth.
- 337 Oxford Street, Leederville.

2003/04

Shelters were installed at the following locations:

- 282/286 Newcastle Street, Perth.*
- Beaufort Street, Highgate, corner Harold Street.
- Guildford Road, Mt Lawley, near Stanley Street.
- Axford Park, Scarborough Beach Road, Mt Hawthorn.

Note* Since relocated to 484 Beaufort Street, Highgate, as a consequence of the redirection of the No. 15 Bus Service, and as approved by Council at its Ordinary meeting of 21 December 2004.

2004/05

Shelters were installed at the following locations:

- 244 Vincent Street, Leederville.
- 614/620 Newcastle Street, Leederville (replacing an existing shelter)
- 200 Bulwer Street, Perth (replacing an existing shelter)
- 496 William Street, Highgate (opposite Hyde Park to replace an existing shelter).

2005/06

Shelters were installed at the following locations:

- 233 Scarborough Beach Road, Mt Hawthorn (replacing an existing shelter).
- 234 Loftus Street, North Perth (replacing an existing Adshel shelter)*
- 236 Charles Street, North Perth (replacing an existing shelter)
- Lord Street, Perth, adjacent Loton Park.

Note* Relocated to Scarborough Beach Road, Mt Hawthorn opposite Braithwaite Park, as it was a sight distance / safety issue for the adjacent resident when exiting their property, and as approved by Council at its Ordinary meeting of 25 October 2005.

Proposed 2006/2007 Installation Program

Submissions for the 2006/07 program closed 30 June 2006, for which the Town nominated a further four (4) locations. Given that the closing date was end of the financial year, as opposed to February / March as in previous years, a budget allocation of \$20,000 was included in the 2006/07 budget in anticipation of the Town's submissions being successful.

On 9 January 2007 the Town received notification from the office of the Honourable Minister for Planning and Infrastructure, advising that its submission for the installation of four (4) new shelters, at the following locations, had been approved.

- 58/60 Scarborough Beach Road, North Perth, request for new installation.
- 5 Scarborough Beach Road, North Perth (replacing an existing shelter)
- 532 Charles Street, North Perth (replacing an existing shelter)
- Scarborough Beach Road, Mt Hawthorn, adjacent the Mount Hawthorn Plaza*.

Note:* Nominated in light of the redevelopment of the Mt Hawthorn Plaza Shopping Centre and the need to replace the existing shelter. However, the developer has since advised that the shopping centre's awning will provide adequate protection and that they (the developer) will install a new bench seat of the Town's choosing.

If not required at the completion of the centre's redevelopment, a new location will be nominated.

Proposed 2007/2008 Bus Shelter Grant Scheme

In January 2007 the Town received advice from the PTA that the program had again been extended for a further year to 2007/08, with submissions closing on 19 February 2007.

Further, PTA has acknowledged that in the current economic climate costs are escalating rapidly and that the \$10,000 per shelter cap is no longer realistic. As a consequence, PTA has increased the unit cost (per shelter) to \$15,000, based upon the existing 50 / 50 funding split between PTA and Local Government.

Therefore, if Council approves the Town's continued participation in the program in 2007/08, the Town's contribution will be in the order of \$30,000.

Four (4) locations, which are yet to be determined, will be nominated based upon the following criteria:

- Patronage (predominantly students and aged persons)
- Requests (for either a new location or replacement shelter)
- Surrounding land use/attractors (schools, leisure facilities etc.)
- Proximity to private dwellings
- Road safety issues
- Able to accommodate a shelter without impinging upon pedestrian access

Cleaning & Maintenance

To ensure that the new shelters are maintained to an appropriate standard, the Town has an agreement with Adshel Street Furniture, the owners of the advertising shelters within the Town, to clean the Town's shelters on a monthly basis. Adshel has its own dedicated cleaning contractor who, under the terms of the Town's current agreement with Adshel, is obliged to clean Adshel's shelters on a regular basis, and therefore cleaning of the Town's shelters is a minor extension to the contract.

With regard to maintenance of the shelters, the Town is, and will continue to be, responsible for all maintenance and removal of graffiti.

CONSULTATION/ADVERTISING:

If the Town's 2007/2008 funding submission is successful, it is proposed to liaise with the adjoining residents and/or property owners in accordance with Council Policy No. 4.1.21 "Community Consultation" prior to proceeding with installation.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2006-2011 – 1.1.6 Enhance and maintain the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *"(d) implement infrastructure upgrade programs, including streetscape enhancements, footpaths, rights of way and roads."*

FINANCIAL/BUDGET IMPLICATIONS:

An allocation of \$30,000 will need to be included in the Draft 2007/08 Budget for the installation of four (4) bus shelters under the PTA's Bus Shelter Grants Scheme, based upon a 50/50 equal funding arrangement.

COMMENTS:

For each of the approved 2006/07 installation sites there is a demonstrated need for a bus shelter.

The site at 58/60 Scarborough Beach Road currently has no shelter and was submitted as a result of requests received from residents in the vicinity who commute to the city.

The site at 5 Scarborough Beach Road is located west of Charles Street on outward bound or southern side of the road, which is well patronised and has an existing cantilever shelter in poor condition. Further, the owner of the adjacent property has recently applied for a Development Approval to demolish and construct a mixed use development on the site. Given that the existing shelter will have to be shifted marginally to accommodate the proposed crossover, it is an opportunity to minimise double handling and to complement the new development.

The 532 Charles Street shelter, an old cantilever, is well patronised by commuters, demonstrated by the number of complaints received when the shelter was removed for a period in 2002. However, it has also in the past been the subject of complaints about anti-social behaviour attributed to the nearby hotel. Therefore, it is considered that a new shelter will accommodate the needs and expectations of both the 'users' and the adjacent residents.

As indicated in the report, the final location in Scarborough Beach Road, Mt Hawthorn was nominated in light of the redevelopment of the Mt Hawthorn Plaza Shopping Centre. The existing shelter was a one-only perspex clad shelter installed by the City of Perth in the late 1980s. The perspex cladding had deteriorated and was removed in late 2006 as part of the shopping centre redevelopment. While it was always the intention to install a new shelter, the developer has since suggested that the shopping centre's awning will provide adequate protection and that they (the developer) will install a new bench seat of the Town's choosing.

Therefore it is proposed to assess the situation at the conclusion of the centre's redevelopment and if, as the developer suggests, a shelter is not warranted, install the shelter, with PTA's approval, at another location. In respect of the 2007/08 program, the Town's officers are currently assessing suitable locations. However, it is anticipated that the Town's submission will concentrate on replacing four (4) of the 'old' metal deck cantilever shelters which are reaching the end of their useful life.

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

Ward:	Both	Date:	05 January 2007
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 December – 31 December 2006 and the list of payments;*
- (ii) *direct lodgement of payroll payments to the personal bank account of employees;*
- (iii) *direct lodgement of PAYG taxes to the Australian Taxation Office;*
- (iv) *direct lodgement of Child Support to the Australian Taxation Office;*
- (v) *direct lodgement of creditors payments to the individual bank accounts of creditors; and*
- (vi) *direct lodgement of Superannuation to Local Government and City of Perth superannuation plans;*

as shown in Appendix 10.3.2.

COUNCIL DECISION ITEM 10.3.2

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (9-0)

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 December 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	\$666,497.94
Total Municipal Account		\$666,497.94
Advance Account		
Automatic Cheques	57342-57612	\$671,207.92
Municipal Account		
Transfer of Creditors by EFT Batch	603, 605-606, 609-611, 613- 614	\$995,004.42
Transfer of PAYG Tax by EFT	December 2006	\$170,518.70
Transfer of GST by EFT	December 2006	0.00
Transfer of Child Support by EFT	December 2006	\$631.14
Transfer of Superannuation by EFT City of Perth	December 2006	\$0.00
Local Government	December 2006	\$0.00
Total		\$1,837,362.18
Bank Charges & Other Direct Debits		
Bank Charges – CBA		\$4,395.24
Lease Fees		\$2,203.27
Corporate Master Cards		\$4,848.64
Australia Post Lease Equipment		\$0.00
2 Way Rental		\$0.00
Loan Repayment		\$33,820.13
Rejection Fees		\$20.00
ATM Rebate		\$0.00
Beatty Park - miscellaneous deposit		\$0.00
Total Bank Charges & Other Direct Debits		\$45,287.28
Less GST effect on Advance Account		-115,468.11
Total Payments		\$2,433,679.29

STRATEGIC IMPLICATIONS:

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

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

ADVERTISING/CONSULTATION:

Nil.

COMMENT:

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

10.4.1 Use of the Council's Common Seal

Ward:	-	Date:	17 January 2007
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 Ker

That the recommendation be adopted.

CARRIED (9-0)

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
19/12/06	Restrictive Covenant	2	Town of Vincent and Civitalla Holdings Pty Ltd formerly of 61 French Street, Joondanna, now of 14 Meenaar Crescent Coolbinia re: No. 33 (Lot 34) Grosvenor Road, Mount Lawley - To satisfy Condition No. 8 of the Western Australian Planning Commission's subdivision (WAPC ref: 128561) approval letter dated 09/09/05
22/12/06	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Taylor Media of Gate 7, Subiaco Oval, Subiaco Road, Subiaco 6008 re: Filming for Television Advertisement - 15 December 2006 (Zico Suite and Grandstand)

Date	Document	No of copies	Details
22/12/06	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: Perth Glory FC v Adelaide United - 28 December 2006 (Stadium)
22/12/06	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Impact World Tour (WA) Inc of PO Box 8501, Perth Business Centre, WA 6849 re: Impact World Tour (<i>Christian based organisation presenting activities and performances of interest to families and youth, e.g. dancing and tests of strength</i>) - 29 March 2007 to 1 April 2007 (Stadium)
22/12/06	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Pinnacle Entertainment Pty Ltd of 11 The Fairway, Chatswood, NSW 2067 re: "A Salute to Heroes" Event - 28 April 2007, <i>plus if required: 26, 27 and 29 April 2007</i> (Stadium)
04/01/07	Deed of Licence		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: Perth Glory FC v Melbourne Victory - 7 January 2007 (Stadium)
08/01/07	Deed of Licence		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 - 8, 9, 10, 12, 13, 15, 16, 17, 18, and 29 January 2007 (Pitch, Change Room 1 and Chairman's Lounge)
08/01/07	Deed of Licence		Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta 6021 and Football Federation Australia, Level 7, 26 College Street, Sydney NSW 2000 re: Perth Glory FC v Newcastle Jets - 14 January 2007 (Stadium)
09/01/07	Deed of Agreement	2	Town of Vincent and Almera Holdings Pty Ltd as Trustee for the Carroll Family Trust of 1, 5 Montgomery Way, Malaga, ("Almera") for the use of 64A and 64B Wasley Street, North Perth as a carpark and storage area for use by St Michael's Nursing Home and Independent Living Units located at 53-65 Wasley Street, cnr Norfolk Street, North Perth
15/01/07	Financial Assistant Agreement - Grant Funding	1	Town of Vincent and the Director General of the Department of Local Government and Regional Development for and on behalf of the State Government of Western Australia re: Funding for the Streetscape Upgrade Project - William Street and Brisbane Street to Newcastle Street, Perth (<i>Grant Funds totalling \$250,000</i>)

Date	Document	No of copies	Details
16/01/07	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Touch Football Australia (WA Branch) of Suite 13, Sports Lotteries House, Stephenson Avenue, Mt Claremont 6010 re: TouchWest Super League Series Finals - 21 January 2007 (Western Stand, Grandstand, North West/North East Grassy Bank and Pitch - Maximum patronage 2,615)
17/01/07	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services, Gate 7, Subiaco Oval, Subiaco Road, Subiaco re: Diageo Cycle brief - 18 January 2007 (Glory Lounge and Pitch)

10.4.2 Town Planning Scheme Review Committee - Unconfirmed Minutes of Meeting held 14 December 2006

Ward:	-	Date:	15 January 2007
Precinct:	-	File Ref:	PLA0140
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the Unconfirmed Minutes of Town Planning Scheme Review Committee meeting held on 14 December 2006, as shown in Appendix 10.4.2; and
- (ii) **ACCEPTS** the recommendations of the Town Planning Scheme Review Committee.

COUNCIL DECISION ITEM 10.4.2

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (9-0)

PURPOSE OF REPORT:

The purpose of the report is for the Council to receive the Unconfirmed Minutes of the Town Planning Scheme Review Committee Meeting held on 14 December 2006.

BACKGROUND:

At the Ordinary Meeting of Council held on 5 December 2006, the Council considered the matter of a Town Planning Scheme Review Committee (TPSR) and approved of the Committee's Terms of Reference as follows;

1.0 Operation

The Town Planning Scheme Review Committee shall operate in accordance with Sections 5.8 to 5.25, inclusive, of the Local Government Act 1995, and Clauses 4.1 to 4.6, inclusive, of the Town of Vincent Local Law relating to Standing Orders.

2.0 Membership

The membership of the Town Planning Scheme Review Committee shall comprise:

- 1. The Mayor (Presiding Member);*
- 2. Elected Members as nominated and approved by the Council;*
- 3. Executive Manager Environmental and Development Services (non-voting);*
- 4. Manager Planning, Building and Heritage Services (non-voting);*
- 5. Planning Officer (Strategic) (non-voting); and*
- 6. Chief Executive Officer (ex-officio – non-voting).*

3.0 *Commencement and Term*

The Committee shall cease on 31 March 2007.

4.0 *Meeting Procedures and General Information*

4.1 *The Town Planning Scheme Review Committee shall meet twice monthly, and more frequently if required and approved by the Committee.*

4.2 *The Town Planning Scheme Review Committee shall meet in the Council Committee Room. The meeting dates and times shall be determined at the inaugural meeting of the Committee. This information will be made available on the Town's website.*

4.3 *The quorum for a meeting is at least 50 per cent of the number of offices (whether vacant or not) of Elected Members of the Committee.*

4.4 *Committee Meetings will consist of a Town Officer presentation relevant to the purposes and functions of the Committee. The preparation, distribution and notification of the Committee Agenda Reports shall be in accordance with the Town of Vincent Local Law relating to Standing Orders.*

4.5 *Agendas for meetings of the Town Planning Scheme Review Committee will be made available on the Town's website. An indicative schedule of the Meetings and the matters for consideration are as follows:*

Meeting Schedule

Inaugural Meeting *Appoint a Deputy Presiding Member.
Approve of meeting times and dates.
Receive an update on the progress of Town Planning Scheme Review.*

Meeting Two *Receive and Adopt Local Planning Strategy content.*

Meeting Three *Receive and Adopt Town Centre Concepts for Mount Hawthorn and North Perth.*

Meeting Four *Receive and Adopt Town Centre Concepts for Perth and Mount Lawley/Highgate.*

Meeting Five *Receive and Adopt Residential Zonings and Streetscapes for Mount Hawthorn, and North Perth.*

Meeting Six *Receive and Adopt Residential Zonings and Streetscapes for Leederville, Perth, and Mount Lawley/Highgate.*

Meeting Seven *Receive and Adopt Draft Scheme Text for reporting to the Council.*

4.6 *Minutes will be made of the Committee Meetings and distributed to members not less than one week prior to the next scheduled Committee meeting date. The Minutes of the Committee Meetings will be included on the Ordinary Meeting of Council as specified by Section 5.22 of the Local Government Act 1995.*

5.0 *Purposes and Functions of Committee*

- 5.1 *To consider and provide comment on the content of the Local Planning Strategy, in particular the framework of the five community precincts and the congruency of the zonings and densities, town centre concept plans and design guidelines with respect to Vincent Vision 2024, the Economic Development Strategy, the Strategic Plan 2005 - 2010, and the Plan for the Future.*
- 5.2 *To consider and provide direction to the Town's Officers with respect to the format and wording of the Scheme Text, Scheme Maps, Policies and other associated documentation of the draft Town Planning Scheme No.2.*
- 5.3 *To consider and provide comment on the congruency of the Scheme Text, Scheme Maps, Policies and other associated documentation of the draft Town Planning Scheme No.2 with respect to Vincent Vision 2024, the Economic Development Strategy, the Strategic Plan 2005 - 2010 and the Plan for the Future.*

6.0 *Extent of Delegation*

- 6.1 *The Committee shall have Delegation of Authority from the Council with respect to advising the Town's Officers on the format and wording of the Scheme Text, Scheme Maps, Policies and other associated documentation of the draft Town Planning Scheme No.2.*
- 6.2 *The Committee may make comment on the content and congruency of the Scheme Text, Scheme Maps, Policies and other associated documentation of the draft Town Planning Scheme No.2 with respect to Vincent Vision 2024, the Economic Development Strategy, the Strategic Plan 2005 - 2010 and the Plan for the Future; however, approval will be determined by the Council."*

CONSULTATION/ADVERTISING:

N/A.

LEGAL/POLICY:

The Local Government Act (Administration) Regulations 1996 requires that Committee Meeting Minutes be reported to the next Council/Committee Meeting.

STRATEGIC IMPLICATIONS:

This is in keeping with the Town's Strategic Plan 2006-2011 - "*Leadership, Governance and Management*", in particular, Objective 4.1.2 - "*Manage the Organisation in a responsible, efficient and accountable manner.*"

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The reporting of the Town's Committee Minutes to the Council Meeting is in keeping with the Local Government Act 1995 and its regulations.

10.4.3 Stadium Committee - Minutes of Meetings held in 2006

Ward:	South	Date:	15 January 2007
Precinct:	Beaufort, P13	File Ref:	RES0082
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Confirmed Minutes of the Stadium Committee Meetings held on 19 April, 24 August and 4 October 2006 and the Unconfirmed Minutes of the Stadium Committee meeting held on 20 December 2006, as shown in Appendix 10.4.3; and*
- (ii) *ACCEPTS the recommendations of the Stadium Committee.*

COUNCIL DECISION ITEM 10.4.3

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (9-0)

PURPOSE OF REPORT:

The purpose of the report is for the Council to receive the Confirmed Minutes of the Stadium Committee Meetings held on 19 April, 24 August and 4 October 2006 and the Confirmed Minutes of the Stadium Committee meeting held on 20 December 2006.

BACKGROUND:

At the Ordinary Meeting of Council held on 14 September 2004, the Council considered the establishment of a Committee for the management of the Stadium (known as "Members Equity Stadium") and resolved inter alia as follows;

"That the Council APPROVES BY AN ABSOLUTE MAJORITY; ...

- (iii) *to delegate the following functions to the Committee;*
 - (a) *to establish and review the Heads of Agreement (HOA) Key Performance Indicators (KPIs) in conjunction with Allia;*
 - (b) *to assess whether each proposed Licensing Agreement is consistent with the KPIs and the provisions of the HOA and to approve the proposed Licensing Agreement if it is consistent;*
 - (c) *to supervise the performance of the Services by Allia and to ensure that Allia performs the Services in accordance with the KPIs and the HOA;*

- (d) *to receive and consider Performance Reports;*
- (e) *to advise the Council on Capital Improvements required for the Stadium and to make recommendations to the Council about the use of the Reserve Fund;*
- (f) *to review Naming Signage; and*
- (g) *to review the Risk Management Plan;*

(For the purpose of avoidance of doubt, it is acknowledged that the Committee's functions do not include carrying out any of the Operational Management Services which are to be provided by Allia)."

CONSULTATION/ADVERTISING:

N/A.

LEGAL/POLICY:

The Local Government Act Regulations 1996 requires that Committee Meeting Minutes be reported to the Council.

STRATEGIC IMPLICATIONS:

This is in keeping with the Town's Strategic Plan 2006-2011 - "*Leadership, Governance and Management*", in particular, Objective 4.1.2 - "*Manage the Organisation in a responsible, efficient and accountable manner.*"

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The reporting of the Town's Committee Minutes to the Council Meeting is in keeping with the Local Government Act 1995 and its regulations.

10.4.6 Information Bulletin

Ward:	-	Date:	17 January 2007
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer(s):	A Smith		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Information Bulletin dated 23 January 2007, as distributed with the Agenda, be received.

COUNCIL DECISION ITEM 10.4.6

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (9-0)

DETAILS:

The items included in the Information Bulletin dated 23 January 2007 are as follows:

ITEM	DESCRIPTION
IB01	Email from Simon Wood, Acting Manager, WA Planning Commission – State Planning Policy 2.6 (State Coastal Planning Policy, as amended), State Planning Policy 2.9 (Water Resources) and State Planning Policy 2.10 (Swan-Canning River System) were gazetted on Tuesday 19 December 2006. A brief description of the policies.
IB02	CCP Australia Councils save 2.9 million tonnes CO ₂ e in 2005/06. Letter from Wayne Wescott, Chief Executive Officer, ICLEI.
IB03	Letter from the State Administrative Tribunal enclosing a copy of the reasons for decision and orders made. Lavenda Pty Ltd & Ors v Town of Vincent – DR 291 of 2006.
IB04	Letter from the State Administrative Tribunal attaching orders made on 19 December 2006. DR 626 of 2005.
IB05	Letter from Anne Edmonds, Senior Manager – Planning, East Perth Redevelopment Authority. Heritage Inventory, Lindsay Street Precinct (Auto Masters Site), Northbridge.
IB06	Better Beginnings: A Statewide Family Literacy Program. Letter from Margaret Allen, Chief Executive Officer and State Librarian – State Library of Western Australia.
IB07	The Local Government (Miscellaneous Provisions) Amendment Bill 2005. Building Notes from Nabil Yazdani, Manager Building Codes and Regulation Branch, Building Industry Development. Number 46 – 2006.

ITEM	DESCRIPTION
IB08	Municipal Heritage Inventory Review - Outstanding Places Requiring Action - Progress Report - January 2007 (All Precincts) PLA0098
IB09	Department of Land Information – New Trading Name
IB10	Hon John Bowler – Appointment as Minister for Local Government
IB11	Highgate Underground Power Project Business Report
IB12	Minutes of the Local Area Traffic Management Advisory Group – 21 September 2006
IB13	Minutes of the Hawthorn House Community Advisory Meetings – 24 November and 15 December 2006
IB14	Email of Thanks from Ms Iris Coventry – Seniors Outings
IB15	Forum Notes - 12 December 2006

10.1.5 Proposed Amendment No. 24 to the Town of Vincent Town Planning Scheme No. 1 – Relating to Land Coded R20, within the Eton Locality Plan 7 – Extension of Sunset Clause

Ward:	North	Date:	17 January 2007
Precinct:	North Perth, P8; Mount Hawthorn, P1	File Ref:	PLA0101
Attachments:	-		
Reporting Officer(s):	K Batina		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *pursuant to Section 74 of the Planning and Development Act 2005 RESOLVES to INITIATE an amendment to the Town of Vincent Town Planning Scheme No. 1 by deleting the following clauses;*
 - (a) *clause 20 (4) (c) (ii) “After 30 December 2007 development and subdivision of land coded R20 will be determined in accordance with the R30/40 code and shall be subject to all provisions relevant to that coding in the North Perth Precinct”; and*
 - (b) *clause 20 (4) (h) (i) “After 30 December 2007 development and subdivision of land coded R20 will be determined in accordance with the R30 code and shall be subject to all provisions relevant to that coding in the Mount Hawthorn Precinct”; and*
- (ii) *REQUESTS the Minister for Planning and Infrastructure and the Western Australian Planning Commission to progress the above amendment as a matter of priority, including a reduced advertising period of 21 days, due to the implications of the confined timeframe of 30 December 2007.*

COUNCIL DECISION ITEM 10.1.5

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

CARRIED (9-0)

PURPOSE OF REPORT:

The purpose of this report is to initiate an amendment to the Town’s Town Planning Scheme No. 1 (TPS No. 1), to delete the following clauses:

- “(i) *clause 20 (4) (c) (ii) “After 30 December 2007 development and subdivision of land coded R20 will be determined in accordance with the R30/40 code and shall be subject to all provisions relevant to that coding in the North Perth Precinct”; and*

- (ii) *clause 20 (4) (h) (i) "After 30 December 2007 development and subdivision of land coded R20 will be determined in accordance with the R30 code and shall be subject to all provisions relevant to that coding in the Mount Hawthorn Precinct";"*

These clauses generally relate to the lots coded R20 in the area contained in the "Eton - Locality Plan 7" as identified in the Town of Vincent Policies relating to the Residential Design Guidelines - Locality Statements.

BACKGROUND:

- 29 November 2001 The North Perth Precinct Group submitted a petition to the Town supporting a rezoning of the Eton Locality to Residential R20. The Group contacted 368 out of 479 (77 percent) of the residences in the Eton Locality through a door knocking exercise with 316 out of the 368 residences contacted (over 85 percent) supporting the down zoning.
- 18 December 2001 Council at its Ordinary Meeting resolved the following:
- "That the Council;*
- (i) *receives and acknowledges the extensive work undertaken by the North Perth Precinct Group Inc. regarding the petition and accompanying documentation supporting an R20 density code for the Locality of Eton - North Perth Precinct;*
- (ii) *considers the review of the residential densities of Banks Precinct and the entire Town of Vincent as part of the Residential Densities Review for the Town, which is to be finalised following the adoption of the recommendations of the Municipal Heritage Inventory Review; and*
- (iii) *pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended), RESOLVES to amend the Town of Vincent Town Planning Scheme No. 1 by initiating the rezoning of the land contained in the "Eton - Locality Plan 7" as identified in the Town of Vincent Policies relating to the Residential Design Guidelines - Locality Statements, from "Residential R60", "Residential R30/40" and "Residential R30", respectively, to "Residential R20"."*
- 26 February 2002 Council at its Ordinary Meeting resolved to initiate Scheme Amendment No. 11 to the TPS No. 1 to rezone the "Eton - Locality Plan 7" as identified in the Town's Policies relating to Residential Design Guidelines – Locality Statements from 'Residential R30' and 'Residential R30/40' to 'Residential R20'.
- 12 March 2002 The Western Australian Planning Commission (WAPC) and the Environmental Protection Authority (EPA) were advised of the resolution to initiate Amendment No. 11.

- 26 March 2002 Correspondence received from the EPA stating that the proposed amendment does not require an environmental assessment.
- 19 April 2002 WAPC advise the Town that further information is required to support the Amendment in relation to a land use plan and existing and proposed development potential.
- 13 May 2002 The Town sends response to WAPC.
- 11 September 2002 WAPC advises the Town that consent to advertise has been granted, subject to an alternate amendment being included in the proposal.
- 25 September 2002 The Town sends correspondence to WAPC seeking clarification on the WAPC's advice with regard to the alternate amendment and providing a simplified submission form.
- 22 October 2002 The Town received clarification from WAPC with regard to the alternate amendment and providing a simplified submission form.
- 30 October 2002 Servicing Authorities, affected Government Authorities, Local Authorities and property owners and occupiers, and Precinct Groups sent notice of the Amendment.
- 30 October 2002 Amendment advertised in 'The West Australian' newspaper.
- 2 November 2002 Amendment advertised in the 'Voice News' newspaper.
- 10 December 2002 Advertising period completed. 287 submissions lodged with the Town.
- 17 December 2002 The Council at its Ordinary Meeting resolved the following:
- “(i) resolves pursuant to Town Planning Regulation 17(1), to receive the three hundred and four (304) submissions and further resolve pursuant to Town Planning Regulation 17(2), that Amendment No. 11 to the Town of Vincent Town Planning Scheme No. 1 be adopted for final approval, as per Option No.2 - Rezoning the land contained in the Eton - Locality Plan 7 from "Residential R30" and "Residential R30/40" to "Residential R20";*
 - (ii) authorises the Mayor and Chief Executive Officer to execute and affix the Town of Vincent common seal to Amendment No. 11 to the Town of Vincent Town Planning Scheme No. 1 documents reflecting the Council's endorsement of final approval; and*
 - (iii) advises the Hon. Minister for Planning and Infrastructure, Western Australian Planning Commission (WAPC), Environmental Protection Authority, and those who made submissions as outlined in (i) above, and forwards the relevant executed documents to and requests the Hon. Minister and WAPC to adopt for final approval and Gazettal, Amendment No. 11 to the Town of Vincent Town Planning Scheme No. 1.”*

- 16 January 2003 The Town advised the WAPC of the above resolution.
- 8 April 2003 The Council at its Ordinary Meeting carried the following Notice of Motion unanimously:
- “That the Council authorises the Chief Executive Officer to write urgently by close of business 10 April 2003 to the Minister for Planning and Infrastructure and the Local Member for Yokine to reinforce the Council’s strong support and, in turn, request their support for Amendment No. 11 to the Town of Vincent Town Planning Scheme No. 1, to reflect – Rezoning the land contained in the Eton – Locality Plan 7 from “Residential R30” and “Residential R30/40” to “Residential R20”.”*
- 10 April 2003 The Town wrote to both the Hon. Minister for Planning and Infrastructure and the Local Member of Yokine, advising of the above resolution and expressing community support for the amendment and concerns of the Elected Members regarding the delay in processing Amendment No. 11 by the WAPC.
- 27 May 2003 The Council at its Ordinary Meeting, inter alia, resolved to allocate \$40,000 in the 2003/4 Draft Budget for the purposes of 'Community Visioning'.
- 28 May 2003 Correspondence from the Hon. Minister for Planning and Infrastructure, noted that the WAPC recommended that the amendment documents be modified to replace the R30 code with R20/30 and to replace R30/40 with R20/40, to be further advertised and considered by Council Members.
- 20 June 2003 Meeting held with representatives of the Hon. Minister for Planning and Infrastructure, Department for Planning and Infrastructure and Town of Vincent Officers and Elected Members regarding Amendment No. 11 to TPS No. 1.
- 23 June 2003 Mayor Nick Catania wrote to the Hon Minister for Planning and Infrastructure, with respect to a partnership between the concerned parties, to approve Amendment No. 11 to down zone to R20 and the Town would proceed with the following:
- “1. *Identify sites and areas throughout the Town which are considered to be appropriate to accommodate higher densities, as part of the review of the Town of Vincent Town Planning Scheme No. 1.*
2. *Engage in consultation with the community/stakeholders and follow due process in the review of the Town of Vincent Town Planning Scheme No. 1. If found to be appropriate through proper process, designate higher densities to the appropriate sites identified in 1 above.*
3. *Develop appropriate design guidelines, policies, structure plans, detailed area plans, and the like, to deliver social and environmental dividends to the Town's community and the broader community as part of the review of the Town of Vincent Town Planning Scheme No. 1.*

4. *Liaise and consult with the Department for Planning and Infrastructure and/or Western Australian Planning Commission in relation to 1. above."*

24 June 2003

The Council at its Ordinary Meeting resolved the following:

"That the Council;

- (i) receives the report relating to the Review of the Town of Vincent Town Planning Scheme No. 1 - Scheme Examination Report and Community Visioning Process, and Appendices 10.1.17(a) and 10.1.17(b) relating to the Scheme Examination Report and Community Visioning, respectively;*
- (ii) receives and endorses the Scheme Examination Report on the operation of the Town of Vincent Town Planning Scheme No. 1, as required by Section 7AA of the Town Planning and Development Act 1928 (as amended), as contained in Appendix 10.1.17 (a); and*
- (iii) pursuant to Section 7AA of the Town Planning and Development Act 1928 (as amended), forwards to the Western Australian Planning Commission (WAPC) and the Minister of Planning and Infrastructure the Scheme Examination Report on the operation of the Town of Vincent Town Planning Scheme No. 1, and requests the approval of the WAPC and the Minister of Planning and Infrastructure for the preparation of a new town planning scheme alongside a community visioning process."*

11 July 2003

The Town sent a request to the WAPC for approval to commence preparation of a new Town of Vincent Town Planning Scheme, pursuant to section 7AA of the Town Planning and Development Act (as amended).

7 August 2003

The Hon. Minister for Planning and Infrastructure resolved to generally support the Council proposal to recode the Eton Locality to R20, subject to interim arrangement, that being July 2006, to allow the Town to conduct a review on housing and density across the entire Town so a holistic response to density can be developed.

26 August 2003

The Council at its Ordinary Meeting resolved the following:

"That the Council;

- (i) RECEIVES the decision from the Hon Minister for Planning and Infrastructure and the Western Australian Planning Commission, as contained in letter dated 12 August 2003, relating to the modifications required to Amendment No. 11 to the Town of Vincent Town Planning Scheme No. 1;*

- (ii) *RESOLVES pursuant to Town Planning Regulations 21 (2) and 25 that Amendment No. 11 to the Town of Vincent Town Planning Scheme No. 1, with modifications as required by the Hon Minister for Planning and Infrastructure and the Western Australian Planning Commission, in accordance with its letter dated 12 August 2003 and accompanying Schedule of Modifications, as follows:*

"Schedule of Modifications Required by the Hon. Minister For Planning and Infrastructure to the Town of Vincent Amendment No. 11 to Town of Vincent Town Planning Scheme No. 1.

The Hon Minister requires that the Council modify the Amendment documents in the following manner before final approval is given:

- 1. Modifying the amending plan to delete those areas denoted in cross-hatching on the attached plan from the amendment area, as little or no evidence of support for the change proposed is in evidence in those areas.*
- 2. Modifying clause 20(4) of the Scheme to insert new provision as follows:*
 - a) Inserting sub-clause 20(4)(c)(i) and (ii), as follows:*
 - (i) Dual Coding: Within the area coded R30/40, the development will only be permitted to R40 standards where the existing house is retained and where criteria specified in the precinct document is satisfied.*
 - (ii) After 1 July 2006 development and subdivision of land coded R20 will be determined in accordance with the R30/40 code and shall be subject to all provisions relevant to that coding in the North Perth Precinct.*
 - b) Inserting sub-clause 20(4)(h)(i), as follows:*
 - (h) Mount Hawthorn Precinct P 1,*
 - (i) After 1 July 2006 development and subdivision of land coded R20 will be determined in accordance with the R30 code and shall be subject to all provisions relevant to that coding in the Mount Hawthorn Precinct.";*

BE ADOPTED FOR FINAL APPROVAL;

- (iii) *AUTHORISES the Mayor and Chief Executive Officer to execute and affix the Town of Vincent common seal to Amendment No. 11 to the Town of Vincent Town Planning Scheme No. 1 modified amending documents reflecting the Council's endorsement of final approval;*

- (iv) *ADVISES the Hon Minister for Planning and Infrastructure, Western Australian Planning Commission (WAPC), Environmental Protection Authority, and those who made submissions as outlined in the Minutes of the Ordinary Meeting of Council held on 17 December 2002, of clauses (i), (ii) and (iii) above;*
- (v) *FORWARDS the relevant executed modified amending documents to and requests the Hon Minister and Western Australian Planning Commission to adopt for final approval and Gazettal, Amendment No. 11 to the Town of Vincent Town Planning Scheme No. 1; and*
- (vi) *REQUESTS from the Minister for Planning and Infrastructure detailed reasons for the exclusion of lots from Amendment No. 11 of the Town of Vincent Planning Scheme No. 1."*

3 October 2003 The Hon Minister for Planning and Infrastructure formally approved Amendment No. 11 to TPS No. 1.

7 October 2003 Amendment No. 11 was published in the Government Gazette on 7 October 2003.

19 February 2004 The Town received response from the Hon Minister for Planning and Infrastructure to its request for detailed reasons for the exclusion of lots from Amendment No. 11. The following was noted:

". . . The 'Regional Residential Density Guidelines for the Perth Metropolitan Region' (RRDG) is listed as the strategic policy under SPP No.8 and was used to assess the amendment.

The RRDG provides guidelines for allocating residential densities in the Perth metropolitan area. In summary, it provides that low density areas (i.e. R20) should be located on land that is either remote from reticulated sewerage, has environmental or topographical conditions that make higher densities unfeasible, or where the protection of heritage dwellings or streetscape is required and that medium density (ie. R30,40) coding should be applied carefully in existing areas where criteria specified in the RRDG are evident.

Our need to contain urban sprawl is critical and given the above policy there is a presumption against down coding in inner urban areas.

In my final determination on Amendment no. 11, I considered the submissions received in some depth. In my analysis, I considered the heritage issues, and the volume and content of the submissions received, including the property interests of those making submissions. Those areas where there appeared to be little or no support for down-zoning, I gave precedence to the general policy consideration."

- 24 September 2004 The Town sent further correspondence to the WAPC regarding the Town's previous request to commence preparation of a new Town of Vincent Town Planning Scheme.
- 30 June 2005 A final Project Report of *Vincent Vision 2024* was delivered to the Town by the Project Consultant on 30 June 2005.
- 5 August 2005 The Town sent correspondence to the WAPC and the Hon Minister for Planning and Infrastructure regarding request to commence preparation of a new Town of Vincent Town Planning Scheme.
- 9 August 2005 The Town received acknowledgement from the Office of the Minister for Planning and Infrastructure regarding the above request.
- 17 August 2005 The North Perth Precinct Group wrote to the Town and expressed the following in regard to retention of the R20 code within the Eton Locality:
- “ . . . I am writing on behalf of the North Perth Precinct Group regarding the progress of the proposed residential density plan for the Town of Vincent. It is understood that this plan is prepared as part of the Town Planning Scheme Review process and will be presented in draft form to the Minister for Planning and Infrastructure in the near future.*
- Whilst we are fully aware that Council are supportive of the key objectives of the North Perth Precinct Group to retain an R20 density over most of the Eton Locality, we would appreciate the opportunity, if possible, to be involved in the proposed meeting with the Minister. We understand that the meeting with the Minister will deal with the whole Town, however it is felt that the Eton Locality as predominately single residential resulted in it being rezoned R20. However, the North Perth Precinct Group understands the need for higher residential densities in appropriate locations, particularly in areas closer to commercial and community services. . . .”*
- 23 August 2005 The Council at it Ordinary Meeting resolved the following amongst other matters relating to *Vincent Vision 2024*:
- “That the Council:*
- (i) *RECEIVES the Progress Report, Project Report, six (6) Vision Statements (Vincent Vision 2024, Leederville/West Perth 2024, Mount Hawthorn 2024, North Perth 2024, Perth 2024 and Mount Lawley/Highgate 2024) and associated documentation relating to the Community Visioning Project; . . .*
- (iii) *ADVISES the Western Australian Planning Commission that a final Project Report and six (6) vision statements relating to Vincent Vision 2024 has been received and is in accordance with the Communities Program Project Funding Agreement, and FORWARDS a copy for its consideration;*

- (iv) *ADOPTS the community's vision statements and guiding principles of Vincent Vision 2024 as contained in Vincent Vision 2024, Leederville/West Perth 2024, Mount Hawthorn 2024, Perth 2024, North Perth 2024 and Mount Lawley/Highgate 2024; . . . “*

20 September 2005 The Council at its Ordinary Meeting resolved the following:

“That the Council;

- (i) *pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended), RESOLVES to INITIATE an amendment to the Town of Vincent Town Planning Scheme No. 1 by deleting the following clauses;*
- (a) *clause 20 (4) (c) (ii) “After 1 July 2006 development and subdivision of land coded R20 will be determined in accordance with the R30/40 code and shall be subject to all provisions relevant to that coding in the North Perth Precinct”; and*
- (b) *clause 20 (4) (h) (i) “After 1 July 2006 development and subdivision of land coded R20 will be determined in accordance with the R30 code and shall be subject to all provisions relevant to that coding in the Mount Hawthorn Precinct”;*
- (ii) *REQUESTS the Minister for Planning and Infrastructure and the Western Australian Planning Commission to progress the above amendment as a matter of priority due to the implications of the confined timeframe of 1 July 2006; and*
- (iii) *AUTHORISES the Chief Executive Officer to convene a meeting between the Hon. Minister for Planning and Infrastructure, the Mayor, North Ward Councillors, two (2) South Ward Councillors and representatives from the North Perth Precinct Group Inc, regarding the proposed Amendment No. 22 to the Town of Vincent Town Planning Scheme No. 1.”*

4 October 2005 Mayor Nick Catania wrote to the Office of the Minister for Planning and Infrastructure, requesting urgent attention and expedition of processing Amendment No. 22 given the time constraints resulting from the 1 July 2006 deadline. In addition, the Mayor requested a meeting with the Hon Minister for Planning and Infrastructure, as stated in clause (iii) of the Council’s resolution of the 20 September 2005 Ordinary Meeting.

31 October 2005 An acknowledgement letter was received from the Office of the Minister for Planning and Infrastructure on 31 October 2005, advising the Town that the Hon Minister would take into consideration the time constraints associated with the Amendment at the time of final determination.

23 November 2005 The Mayor again wrote to the Hon Minister reiterating the need for an urgent meeting with respect to the Amendment.

14 March 2006 The Council at its Ordinary Meeting resolved the following:

“That the Council:

- (i) *RESOLVES pursuant to Town Planning Regulation 17 (1) to RECEIVE the 26 submissions of objection, 152 submissions of support and 3 submissions of no comment, as shown in Attachment 10.1.18;*
- (ii) *RESOLVES pursuant to Town Planning Regulation 17 (2), that Amendment No. 22 to the Town of Vincent Town Planning Scheme No. 1 be adopted for final approval, without modification;*
- (iii) *AUTHORISES the Mayor and Chief Executive Officer to execute and affix the Town of Vincent Common Seal to Amendment No. 22 to the Town of Vincent Town Planning Scheme No. 1 documents reflecting the Council’s endorsement of final approval;*
- (iv) *FORWARDS the relevant executed documents to and REQUESTS the Honourable Minister for Planning and Infrastructure and Western Australian Planning Commission to adopt for final approval and gazettal, without modification, Amendment No. 22 to the Town of Vincent Planning Scheme No. 1;*
- (v) *ADVISES the Environmental Protection Authority and those who made submissions of (i), (ii), (iii) and (iv) above;*
- (vi) *WRITES to the Minister for Planning and Infrastructure and the Western Australian Planning Commission to strongly request those parties treat Amendment No 22 as a matter of urgency and that they support and gazette Amendment No 22 prior to the 1 July 2006 deadline; and*
- (vii) *RECEIVE monthly progress reports in the Information Bulletin as to the progress of Amendment No 22.”*

28 March 2006 Due to submitters not being advised of the item being considered at the Ordinary Meeting of Council held on 14 March 2006, the item was again considered at the following Ordinary Meeting of Council where the following was resolved:

“That the Council:

- (i) *RESOLVES pursuant to Town Planning Regulation 17 (1) to RECEIVE the 27 submissions of objection, 152 submissions of support and 3 submissions of no comment, as shown in Attachment 10.1.18;*

- (ii) *RESOLVES pursuant to Town Planning Regulation 17 (2), that Amendment No. 22 to the Town of Vincent Town Planning Scheme No. 1 be adopted for final approval, without modification;*
- (iii) *AUTHORISES the Mayor and Chief Executive Officer to execute and affix the Town of Vincent Common Seal to Amendment No. 22 to the Town of Vincent Town Planning Scheme No. 1 documents reflecting the Council's endorsement of final approval;*
- (iv) *FORWARDS the relevant executed documents to and REQUESTS the Honorable Minister for Planning and Infrastructure and Western Australian Planning Commission to adopt for final approval and gazettal, without modification, Amendment No. 22 to the Town of Vincent Planning Scheme No. 1;*
- (v) *ADVISES the Environmental Protection Authority and those who made submissions of (i), (ii), (iii) and (iv) above;*
- (vi) *WRITES to the Minister for Planning and Infrastructure and the Western Australian Planning Commission to strongly request those parties treat Amendment No 22 as a matter of urgency and that they support and gazette Amendment No 22 prior to the 1 July 2006 deadline; and*
- (vii) *RECEIVE monthly progress reports in the Information Bulletin as to the progress of Amendment No 22."*

4 April 2006

The Council advised the Western Australian Planning Commission of the Council's resolution of the Ordinary Meeting of Council on 28 March 2006.

18 April 2006

The Council forwarded the relevant executed documentation relating to Scheme Amendment No. 22 in accordance with the Council's resolution, recommending the adoption of Council's recommendation to delete reference to clauses 20)4)c)ii) and 20)4)h)i) within the Town of Vincent's Town Planning Scheme No. 1 Scheme Text and Scheme Maps. In addition, the Town requested the Minister's urgent attention and determination on the matter, due to the time constraints resulting from the 1 July 2006 deadline.

18 April 2006

The Town's Officers and North Perth Precinct Group representatives met with Officers from the Department for Planning and Infrastructure to provide a brief outlined of the subject amendment and its purpose and justification.

8 June 2006

The Town received written advice from the Western Australian Planning Commission advising of the Minister's determination with respect to the proposed Scheme Amendment No. 22.

19 June 2006

The Council at its Ordinary Meeting resolved the following:

“That the Council;

- (i) *RECEIVES the decision from the Hon Minister for Planning and Infrastructure and the Western Australian Planning Commission as contained in letter dated 8 June 2006, relating to the modifications required to Amendment No. 22 to the Town of Vincent Town Planning Scheme No. 1;*
- (ii) *RESOLVES pursuant to Town Planning Regulations 21 (2) and 25, that Amendment No. 22 to the Town of Vincent Town Planning Scheme No. 1, with modifications as required by the Hon Minister for Planning and Infrastructure and the Western Australian Planning Commission, in accordance with its letter dated 8 June 2006, BE ADOPTED FOR FINAL APPROVAL as follows:*

“Schedule of Modifications Required by the Hon. Minister For Planning and Infrastructure to the Town of Vincent Amendment No. 22 to Town of Vincent Town Planning Scheme No. 1.

The Hon Minister requires that the Council modify the Amendment documents in the following manner before final approval is given:

1. *Retain clauses 20)4)c)ii) and 20)4)h)i and change the date referred to in both clauses to ‘30 December, 2007’.*
 2. *That the words ‘Delegated under S.20 of WAPC Act 1985’ are replaced by the words ‘Delegated Under S.16 of PD Act 2005’;*
- (iii) *AUTHORISES the Mayor and Chief Executive Officer to execute and affix the Town of Vincent common seal to Amendment No. 22 to the Town of Vincent Town Planning Scheme No. 1 modified amending documents reflecting the Council’s endorsement of final approval;*
 - (iv) *ADVISES the Hon Minister for Planning and Infrastructure, Western Australian Planning Commission (WAPC), Environmental Protection Authority, and those who made submissions as outlined in the Minutes of the Ordinary Meeting of Council held on 28 March 2006, of clauses (i), (ii) and (iii) above; and*
 - (v) *forwards the relevant executed modified amending documents to and requests the Hon Minister and Western Australian Planning Commission to adopt for final approval and Gazettal, Amendment No. 22 to the Town of Vincent Town Planning Scheme No. 1.”*

- 14 July 2006 The Town of Vincent's Town Planning Scheme No. 1 Amendment No. 22 with modifications, was gazetted and published in the Government Gazette.
- 22 November 2006 Mayor Nick Catania wrote to the Office of the Minister for Planning and Infrastructure in relation to the disparity between the "sunset date" of 30 December 2007 for Clauses 20 (4)(c)(ii) and 20 (4)(h)(i) and the final adoption and gazettal of the new Town Planning Scheme not expected to be prior to mid 2008. The Town requested clarification as to the position the Town would be in, in the event that the new Town Planning Scheme was not completed, that is, gazetted and promulgated, prior to 30 December 2007.
- 22 November 2006 The Chief Executive Officer wrote to the Western Australian Planning Commission requesting the same clarification in regard to the Town's position in the event that the new Town Planning Scheme was not completed, that is, gazetted and promulgated, prior to 30 December 2007.
- 2 January 2007 A letter was received from the Office of the Minister for Planning and Infrastructure addressed to Mayor Nick Catania, stating the following:
"
...
You have requested clarification on the position the Town would be in with respect to Amendment No. 22, in the event that the new town planning scheme is not gazetted prior to 30 December 2007. Amendment No. 22 is not directly related to gazettal of a new town planning scheme, but simply defer the implementation of the sunset clause in respect of the areas, that are the subject of the amendment.

Town Planning Scheme No. 1 currently provides, in Clause 20 (4) (c) and (h) that after 30 December 2007, subdivision and development in the subject area will be assessed at the densities of R30/40 and R30 respectively. Unless TPS No. 1 is further amended to modify the above provisions prior to that date, the provisions of the existing 'sunset' clause will come into effect.

As you would understand, any proposed amendment to TPS No. 1 will be considered by the Western Australian Planning Commission and the Minister, in light of the history of the residential density situation in the locality."
- 3 January 2007 A letter was received from the Department for Planning and Infrastructure addressed to the Chief Executive Officer stating:

"If the new Town Planning Scheme is not completed, or does not look as if it will be completed prior to December 2007, then it is recommended that the Town initiate a further amendment to the current Scheme to further extend the sunset clause"

DETAILS:

In accordance with the direction given by both the Office of the Minister for Planning and Infrastructure and the Department for Planning and Infrastructure, it is recommended that the Town initiate a new Scheme Amendment in relation to the Eton Locality, which proposes the deletion of clauses 20 (4) (c) (ii) and 20 (4) (h)(i). The rationale applied in recommending the deletion rather than the extension of the sunset clause date is as follows:

1. The Town has recommended in both previous Scheme Amendments relating to the Eton Locality (being Scheme Amendment No. 11 and Scheme Amendment No. 22) that the area referred to as the Eton Locality be down coded from the higher "R30" and "R30/40" density to "R20", on the premise that the lower coding is more consistent with and will facilitate the orderly and proper planning within the locality.
2. On both occasions, the Minister for Planning and Infrastructure's final determination has been contrary to the Town's recommendation. The Minister has decided to impose a sunset clause on down coding within the Eton Locality to "R20" in order to make provision for the completion of the Town's Residential Density Review Study, and most recently, to coincide with the anticipated gazettal of the new Town Planning Scheme.
3. As a matter of consistency, and with regard to the community consensus in relation to this matter, it is considered most appropriate to recommend the same recommendation that has been put forth for both Scheme Amendments No. 11 and No. 22 at the time of their initiation, which is to down code the Eton Locality to "R20", which is regarded as being congruous with the orderly and proper planning within the Eton Locality.

As mentioned in the letters forwarded to the Minister for Planning and Infrastructure and the Department for Planning and Infrastructure, the Town has substantially commenced a Local Planning Strategy, which, among other aspects, reviews, considers and addresses residential densities. However, on the basis of current commitments, the Town considers the possibility of gazettal of a new Town Planning Scheme extremely unlikely prior to mid 2008. The Town based this estimation on a projected timeline of forwarding the Council adopted and approved for advertising Local Planning Strategy and Town Planning Scheme Text and Maps to the Western Australian Planning Commission (WAPC) in mid 2007. Given the WAPC's estimated two (2) year processing time from receipt, a finalised new Town Planning Scheme is not expected to be gazetted prior to June 2008.

Furthermore, in this instance, due to an unanticipated delay in the progression of Town Planning Scheme Review and its subsequent impact on the programmed timeframes for the gazettal and adoption of the new Town Planning Scheme, there is an inability to accurately estimate the final gazettal date of the new Town Planning Scheme.

The concern is that should the Minister determine a further extension to the sunset date, the uncertainty will again be thrust upon the Town and residents in the affected Scheme Amendment area by the Minister's '*sunset clause*', and a subsequent Scheme Amendment may again be required to be initiated and progressed, to further extend the date specified on the revised '*sunset clause*', should there be a further unprecedented delay in the progression of the Town Planning Scheme review.

Accordingly, it is considered that the most appropriate approach to dealing with this matter in an orderly administrative way, would be to delete clauses 20 (4) (c) (ii) and 20 (4) (h)(i), and remove any reference to a sunset date. Effectively, the "R20" coding would apply for the remainder of time until the new Town Planning Scheme is adopted and gazetted, where, should it be determined and recommended as appropriate in the new Town Planning Scheme, the density coding for the Eton Locality change, or remain the same.

LEGAL/POLICY:

Town of Vincent Town Planning Scheme No. 1, associated Policies and the Residential Design Codes.

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011 states:

“Strategic Objective 1 : Natural and Built Environment

1.1 Improve and maintain environment and infrastructure...

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

1.1.3 Enhance and maintain the character and heritage of the Town.

1.1.4 Minimise negative impacts on the community and environment.”

FINANCIAL/BUDGET IMPLICATIONS:

The current 2006/2007 Budget allocates \$80,000 for Town Planning Scheme Amendments and Policies.

COMMENTS:

It is considered that the most appropriate course of action to take with respect to the sunset clauses relevant to the Eton Locality is to delete clauses 20 (4) (c) (ii) and 20 (4) (h)(i) from the Scheme Text and relevant Scheme Maps, rather than to extend the sunset clause date, on the basis of the revised and unknown timeframe relating to the final adoption and gazettal date of the new Town Planning Scheme, which could possibly be as distant as two years away, being unknown and unable to be estimated at this time.

By deleting clauses 20 (4) (c) (ii) and 20 (4) (h)(i) from the existing Town Planning Scheme No. 1 and relevant maps, it will also provide the community with greater certainty in regard to the density coding for the Eton Locality, and reflect a more consistent and orderly approach to planning within the Eton Locality, for the interim period while the new Town Planning Scheme is being prepared and finalised.

It is also considered to be a more appropriate approach for both the Minister for Planning and Infrastructure and the WAPC to regard the continuation of the down coding of the area within the Eton Locality to “R20” as an interim measure while the new Town Planning Scheme is being finalised, rather than having to deal with the need to initiate and deal with a repetitive Scheme Amendment process, each time a lapsing of the sunset clause date appears likely.

In light of the above, it is recommended that the Council initiates Amendment No. 24 to TPS No. 1.

10.1.3 No. 381 (Lot 259) Lord Street, corner Turner Street, Highgate - Proposed Demolition of Garage and Change of Use from Single House to Consulting Rooms (Occupational Therapy and Podiatry) and Associated Alterations

Ward:	South	Date:	16 January 2007
Precinct:	Forrest; P14	File Ref:	PRO3743; 5.2006.453.1
Attachments:	001		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by The Planning Group on behalf of the owner G Pigliardo for proposed Demolition of Existing Garage and Change of Use from Single House to Consulting Rooms (Occupational Therapy and Podiatry) and Associated Alterations at No. 381 (Lot 259) Lord Street, corner Turner Street, Highgate, and as shown on revised site/floor plan stamp-dated 16 January 2007, subject to the following conditions:

- (i) *this approval is for Consulting Rooms (occupational therapy and podiatry use only) and any change of use from Consulting Rooms (occupational therapy and podiatry) shall require Planning Approval to be applied for and obtained from the Town prior to commencement of such use;*
- (ii) *the hours of operation shall be limited to the following times: 8.00 am to 5.30 pm on Monday to Friday and 8.00 am to 1.00 pm on Saturday, inclusive, and closed on Sundays and public holidays;*
- (iii) *a maximum of two (2) consultants/practitioners and two (2) consulting rooms are permitted to operate at the property at any one time;*
- (iv) *the subject property is not to be used for massage activity of a sexual nature, prostitution, as a brothel business, as an agency associated with prostitution, as an escort agency business, or the like;*
- (v) *any new street/front wall, fence and gate between the Lord Street boundary and the Turner Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency;*

- (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
- (f) *the solid portion adjacent to the Lord Street boundary and Turner Street boundary from the front truncations 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;*
- (vi) *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;*
- (vii) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (viii) *prior to the first occupation the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:*
- 'The Town of Vincent will not issue a visitor car parking permit to any owner or occupier of the consulting rooms. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.'*
- This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;*
- (ix) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Lord Street verge adjacent to the subject property, and the provision of 1 tree for every 4 car bays shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (x) *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; and*
- (xi) *this approval for consulting rooms is for a period of 12 months only and should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the Town prior to continuation of the use.*

COUNCIL DECISION ITEM 10.1.3

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

CARRIED (6-3)

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

Landowner:	G Pigliardo
Applicant:	The Planning Group
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R80
Existing Land Use:	Single House
Use Class:	Consulting Rooms
Use Classification:	"SA"
Lot Area:	455 square metres
Access to Right of Way	Not applicable

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves demolition of the rear single car garage, and conversion of the existing house into consulting rooms for 2 practitioners, being an occupational therapist, a podiatrist and a receptionist. The house will no longer be used for residential purposes.

The applicant's responses to the concerns raised in the submissions received during the consultation period are as follows:

"

- *... no justification as to why the subject site should remain as a residential use and should therefore be considered as an opinion rather than a rationale comment.*
- *The proposed change of use to consulting rooms complies with the Town of Vincent's car parking requirements stipulated under the Parking and Access Policy No.3.7.1. Clause 10 of the car parking policy requires four (4) bays to be provided on site based on the sites location to the East Perth train station, bus stops and public car parking spaces. The site will provide for five (5) car bays on site which is a surplus of one (1) car bay to the policy requirements.*

- *The proposed operations will also restrict the number of visiting clients to one (1) per consultant at any given time in order to minimise vehicle frequency and car bay usage during the day. 15 minute breaks will occur in-between each of the consults to enable a smoother transfer of visiting clients on site. The reasons for this objection are noted, however the proposed consulting room operations adequately address this issue and comply with Scheme requirements.*
- *The majority of vehicle movement to the subject site will access and egress Turner Street from Lord Street (being a regional road for the area). The existing building benefits from being located on the intersection of Lord Street and Turner Street where vehicles will only need to use approximately 32 metres of Turner Street to access the on-site car bays when approaching from Lord Street. This is therefore a short distance for vehicle movement along Turner Street. The issue of congestion along Turner Street is therefore not valid in this instance.*
- *The comment regarding motorists utilising Turner Street as a side street to avoid Lord Street traffic is noted, however this is not considered a valid reason to object to the proposal as the reason for objection is an existing traffic movement issue unrelated to the corner site. The movement of traffic to and from the subject site will be minimal based on the proposed number of consultants, the limited frequency of visiting clients and the very short distance a motorist needs to travel along Turner Street from Lord Street to access the on-site car bays.*
- *The comment regarding additional cars maybe being parked along adjacent streets is not considered justifiable in this instance. The subject site will provide for the required number of car bays on-site in accordance with Town of Vincent's Scheme requirements and will operate in a manner that will not directly cause additional cars being parked along adjacent streets.*
- *It is noted that the proposal seeks a variation of one (1) car bay under the Town of Vincent's Parking and Access Policy. The supporting report lodged with Council (dated 22 September 2006) demonstrated that the change of use proposal complies with the Policy where the site is located within 400 metres of the East Perth rail terminal, within 400 metres of a bus stop and a public car park. In addition this, the clients appointments will be suitably scheduled with at least 15 minute breaks in-between consultations to ensure a smoother transition of client visits.*
- *On the basis of the above, it is considered that the reasons for objecting to the proposed change of use application for consulting rooms are not valid in this instance. The proposal complies with Council Policy requirements in terms of on-site car parking provisions. The subject site is suitably located on a substantial corner lot along a busy transport corridor classified as 'Other Regional Road' under the Town of Vincent's Town Planning Scheme No.1. There are examples of other established non-residential land uses along Lord Street which operate successfully within this area. The nature of the proposed use is therefore considered to be compatible for the site and the surrounding land uses."*

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	N/A	N/A	Noted
Plot Ratio	N/A	N/A	Noted
Consultation Submissions			
Support	Nil		Noted.
Objection (4)	<ul style="list-style-type: none"> The above dwelling should remain as residential and not be converted to consulting room use. 		Not supported - as the proposal is considered to benefit the community, and would not result in undue impact to residents living in the immediate vicinity. Moreover, a one (1) year approval is recommended to monitor the use and operations of the consulting rooms.
	<ul style="list-style-type: none"> Provision of adequate car parking for clients and for residents along Turner Street. Currently car parking along Turner Street is limited, and any further non-permit vehicles will cause further inconvenience to residents in the area, as any car parking overflow will result in more cars being parked along Turner Street. 		Noted - as car parking has been provided as per the Town's Parking and Access Policy. Client's visits are also controlled by way of appointments.
	<ul style="list-style-type: none"> Additional vehicular traffic along this short stretch of Turner Street is not supported, as it will result in Turner Street being more congested. Motorists use Turner Street as a side street to avoid Lord Street traffic. May result in additional cars also being parked along adjacent streets. 		Not supported - as the Town's Technical Services does not consider any significant traffic problems as a result of the proposal in light of the limited scale and nature of the consulting use and the hours of operation.
	<ul style="list-style-type: none"> Instead of 6 car bays, 5 car bays are being provided on site. 		Noted - as car parking has been provided as per the Town's Parking and Access Policy.
Other Implications			
Legal/Policy			TPS 1 and associated Policies.
Strategic Implications			Nil
Financial/Budget Implications			Nil

Car Parking	
Consulting Rooms: 3 spaces per consulting room (2 rooms)	
Total car parking requirement (nearest whole number)	6 car bays
Apply the adjustment factors.	(0.612)
<ul style="list-style-type: none"> • 0.85 (within 400 metres of a bus stop) • 0.90 (within 400 metres of one or more public car parks in excess of 50 spaces) • 0.80 (within 400 metres of a rail station) 	3.672 car bays
Minus car parking on-site	4 car bays
Minus the most recently approved on-site parking shortfall	N/A
Resultant surplus	0.328 car bays

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

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

COMMENTS:

The proposal has been referred to the Department for Planning and Infrastructure (DPI) as the proposal abuts Lord Street, which is classified as an "Other Regional Road" and also due to regional implications. The DPI has advised that the property is affected by an 8.5 metre corner truncation for Lord Street, and that the DPI has no objection to the proposed change of use.

Economic Development Strategy

The proposal is considered limited in scale and nature and would benefit the community. There are also medical consulting rooms within close proximity of the site at No. 361 Lord Street corner Broome Street and a day care centre at No. 386 Lord Street. The subject site and the surrounding properties along Lord Street have yet to be developed to its full potential, and the above proposal is not considered to compromise the strategies contained in the above Strategy.

Consulting Rooms Policy

The above Policy was adopted by the Council at its Ordinary Meeting held on 21 November 2006. It is considered unreasonable to assess the subject proposal under the above Policy as the consulting room application was received by the Town on 22 September 2006. The application was therefore assessed on the requirements applicable prior to the adoption of the above Policy.

Car Parking

The Town's Technical Services and Ranger Services and Community Safety do not agree that there would be a measurable increase in traffic as there would be a limited amount of appointments per day available to the public. The south side of Turner Street, between Lord Street and Wright Street has a "No Stopping" parking restriction and the north side has a one hour (1P) parking restriction. Rangers regularly patrol this area and this should ensure that there is a regular turnover of vehicles.

Conclusion

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

10.1.1 No. 5 (Lot 168 D/P: 2001) Gardiner Street, East Perth - Proposed Two-Storey Ancillary Accommodation Addition to Existing Single House

Ward:	South	Date:	16 January 2007
Precinct:	Banks; P15	File Ref:	PRO3754; 5.2006.473.1
Attachments:	001		
Reporting Officer(s):	D Pirone, B McKean		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by V Stankoski on behalf of the owner L Stankoski for proposed Two-Storey Ancillary Accommodation Addition to Existing Single House, at No. 5 (Lot 168 D/P: 2001) Gardiner Street, East Perth, and as shown on plans stamp-dated 3 October 2006 (site plans, floor plans and elevations plan) and 15 January 2007 (overshadowing plan), subject to the following conditions:

- (i) *prior to the issue of a Building Licence, a Section 70A Transfer of Land Act 1893 Notification being registered against the Certificate of Title for the land advising proprietors or prospective proprietors of the existence of the following conditions which affect the use or enjoyment of the ancillary accommodation structure on the land:*
 - (a) *the ancillary accommodation structure shall only be occupied by a member or members of the family of the occupier of the main dwelling;*
 - (b) *the ancillary accommodation structure shall not be used or rented out as a separate dwelling to the main dwelling;*
 - (c) *the person or persons for whom the ancillary accommodation structure is to be constructed, is for use by that person or persons and shall be used for no other purposes or by other persons; and*
 - (d) *the ancillary accommodation structure shall not be occupied by any more than two (2) occupiers at any one time.*

This notification shall be prepared and registered by the Town's Solicitors or other Solicitors agreed upon by the Town at the cost of the applicant/owner;

- (ii) *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;*
- (iii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) *the maximum wall height being 5 metres above natural ground level; and*

(b) *the southern window to bedroom 1 on the western elevation on the first floor, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole window can be top hinged and the obscure portion of the window openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject window not exceeding one square metre in aggregate in the respective subject wall, so that it is not considered to be a major opening as defined in the Residential Design Codes 2002. Alternatively prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No. 3 Gardiner Street stating no objection to the respective proposed privacy encroachment;*

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

- (iv) *any new street/front wall, fence and gate between the Gardiner Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
- (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (v) *first obtaining the consent of the owners of No. 3 Gardiner Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 3 Gardiner Street in a good and clean condition; and*
- (vi) *the subject approved garage shall not be used for industrial, commercial or habitable purposes, and is for the sole personal use of the inhabitants of the main dwelling only.*

COUNCIL DECISION ITEM 10.1.1

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Cr Messina departed the Chamber at 6.55pm.

Debate ensued.

Cr Messina returned to the Chamber at 7.00pm

Cr Farrell departed the Chamber at 7.00pm.

Debate ensued.

Cr Farrell returned to the Chamber at 7.05pm.

Moved Cr, Seconded Cr

That the Item be DEFERRED for further investigation.

LOST (3-6)

For

Mayor Catania

Cr Farrell

Cr Torre

Against

Cr Chester

Cr Doran-Wu

Cr Ker

Cr Lake

Cr Maier

Cr Messina

Debate ensued.

Moved Cr Chester, Seconded Cr Messina

That a new clause (iii)(c) be added as follows:

“(iii) (c) *the gutter of the southern boundary wall not encroaching onto the adjacent property (No. 3 Gardiner Street) and being entirely contained within the subject property (No. 5 Gardiner Street);*”

AMENDMENT CARRIED (9-0)

MOTION AS AMENDED LOST (0-9)

Reasons:

1. The development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality.
2. The non-compliance with the requirements of the Town's Policy relating to Ancillary Accommodation with regard to pedestrian connection between the main dwelling and the ancillary accommodation structure, height, floor area and access between the garage and the ancillary accommodation structure.

3. **Non-compliance with the buildings on boundary provisions of the R- Codes in relation to average height, maximum height and wall length.**
4. **Consideration of the objections received.**

Landowner:	L Stankoski
Applicant:	V Stankoski
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R20
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	668 square metres
Access to Right of Way	West side, 4 metres wide, unsealed, privately owned

BACKGROUND:

No specific background directly relates to the proposal.

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

DETAILS:

The proposal involves the construction of a two-storey ancillary accommodation addition to existing single house at the subject property.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	Where the ancillary accommodation structure is proposed to be built above a garage, carport and/or the like structures: (a) the total area of the ancillary accommodation structure, including the area of the connecting structure (measured over the enclosing walls), is not to exceed 35 square metres; and	Ground floor - 27.66 square metres Upper floor - 36.53 square metres Total floor area - 64.19 square metres	Supported - <ul style="list-style-type: none"> • Proposed location allows for a maximum useable backyard and ancillary accommodation interacts with the right of way; • The total area of ancillary accommodation does not exceed 70 square metres; • The bulk and scale of the structure is not considered to have an undue impact on adjoining neighbours or right-of-way streetscape;

	(b) there is not to be any form of access between the garage, carport and/or the like structures, and the ancillary accommodation structure.	Access between the meals area and garage.	<ul style="list-style-type: none"> Proposed development is compliant with the open space requirements of the Residential Design Codes (R Codes); and Applicant/owner could potentially extend the existing dwelling with a similar impact. <p>Supported in part - the proposed structure may not operate as a separate dwelling as addressed in the Officer Recommendation.</p>
Setbacks: Ground Floor-South	1.5 metres	Nil	Supported - not considered to have an undue impact on affected neighbour.
Upper Floor-South	1.1 metres	Nil	Supported - not considered to have an undue impact on affected neighbour as portion of non-compliant building wall is only 8.03 metres long, located at the rear of a large block away from the neighbouring dwelling and located adjacent to the neighbour's outbuilding.
Building Height: West	5 metres	5.372 – 5.4 metres	Not supported - considered to have an undue impact on affected neighbour and has been addressed in the Officer Recommendation.
North	5 metres	5.4 metres – 5.78 metres	Not supported - as above.
South	5 metres	5.372 metres – 5.6 metres	Not supported - as above.

<p>Privacy Setback: West – Bedroom</p>	<p>4.5 metres</p>	<p>0.7 metre to southern property boundary.</p>	<p>Not supported - considered to have an undue impact on affected neighbour and has been addressed in the Officer Recommendation.</p>
<p>Buildings on Boundary:</p>	<p>One wall built up to the boundary is permitted with an average height of 2.7 metres and a maximum height of 3 metres, for up to 9 metres in length up to one side boundary.</p>	<p>Wall height - 5.5 metres - 3.042 metres (Average wall height - 4.271 metres)</p> <p>Wall length - 14.340 metres</p>	<p>Supported in part - 5.5 metres is considered excessive and to have an undue impact on affected neighbour and has therefore been addressed in the Officer Recommendation to be reduced to a maximum wall height of 5 metres.</p> <p>A parapet wall ranging from 5 metres - 3.042 metres is not considered to have an undue impact on affected neighbour as the upper floor portion of non-compliant building wall is only 8.03 metres long, the ground floor portion of non-compliant building wall is 14.34 metres long, located at the rear of a large block away from the neighbouring dwelling and located adjacent to the neighbour's outbuilding.</p> <p>Supported - not considered to have an undue impact on affected neighbour.</p>
<p>Ancillary Accommodation Policy:</p>	<p>Where the ancillary accommodation structure is to be a separate structure, a weather-protected pedestrian connection between the main dwelling and the ancillary accommodation is to be provided</p>	<p>None Provided</p>	<p>Supported - given the distance between the proposed ancillary accommodation structure and the dwelling, a weather-protected pedestrian connection would interrupt the backyard of the subject property and may have an impact on adjoining properties and is therefore not considered necessary in this instance.</p>

Consultation Submissions		
Support	Nil	Noted
Objection (3)	<ul style="list-style-type: none"> • Overshadowing 	Not supported - application is compliant with overshadowing requirements of the R Codes and is not considered to have an undue impact on the affected neighbour.
	<ul style="list-style-type: none"> • Undue impact on the neighboring properties and surrounding amenity 	Not supported - the proposed ancillary accommodation structure is not considered to have an undue impact on the amenity of neighbouring properties or the surrounding area.
	<ul style="list-style-type: none"> • Privacy 	Supported - addressed in the Officer Recommendation.
	<ul style="list-style-type: none"> • Obstruct river views 	Not supported - not a major planning consideration.
	<ul style="list-style-type: none"> • A second garage will cause an increased amount of industrial noise that is already coming from the existing garage. 	Not supported - addressed in the Officer Recommendation.
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:

There is an immature Pine Tree (species unknown) on site which is on the Town's Interim Significant Tree Data Base Reference. The Town's Parks Services has advised that this tree does not warrant retention.

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

10.1.4 Nos. 20-20A (Lot 121 D/P: 1223) Franklin Street, Leederville - Proposed Subdivision

Ward:	North	Date:	16 January 2007
Precinct:	Leederville; P03	File Ref:	133218; 7.2006.73.1
Attachments:	001		
Reporting Officer(s):	S O'Loughlin		
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 Residential Design Codes, the Council RECOMMENDS APPROVAL to the Western Australian Planning Commission of the application submitted by K R Butson on behalf of the owner K R & N J Butson for proposed subdivision of Nos. 20-20A (Lot 121 D/P: 1223) Franklin Street, Leederville, and as shown on plans stamp-dated 22 November 2006 (Subdivision 133218), subject to the following conditions:

- (i) the street verge tree(s) on Franklin Street adjacent to the subject land being retained and measures being taken to ensure their identification and protection to the satisfaction of the Town prior to commencement of site works;*
- (ii) the land being filled and/or drained at the subdivider's cost to the satisfaction of the Town and any easements and/or reserves necessary for the implementation thereof, being provided free of cost. The maximum permitted amount of fill, and height of associated retaining walls, is 500 millimetres above the existing pre-subdivision ground level, and any greater amount of fill or higher retaining wall requires a separate Planning Approval to be applied to and obtained from the Town of Vincent;*
- (iii) all buildings and effluent disposal systems, having the necessary clearance from the new boundaries as required under the relevant legislation;*
- (iv) support of the subdivision is not to be construed as support of the demolition of the existing building(s) and/or any development on the proposed lots;*
- (v) all buildings and structures that have been granted Planning Approval and/or Demolition Licence for demolition being demolished and materials removed from the site and the site made good. A separate Planning Approval and/or Demolition Licence is required from the Town prior to the commencement of any demolition works;*
- (vi) if any portion of the existing building(s) is to be demolished to facilitate the proposed subdivision, a separate Planning Approval and/or Demolition Licence is to be obtained from the Town for the demolition of the existing building(s) prior to the clearance of the Diagram or Plan of Survey by the Town;*
- (vii) the applicant obtaining Planning Approval and/or Building Licence for the development of a house(s) on the lots less than 350 square metres in accordance with clause 2.3.3 of the Residential Design Codes;*

- (viii) *if the existing residence(s) are required to be retained, each residence(s) is to comply with the requirements of the Residential Design Codes pertaining to single house development to the satisfaction of the Town, including the provision and construction of two (2) on-site car parking bays per residence and associated driveways and crossover;*
- (ix) *a pedestrian access way of a minimum width of 1.5 metres being provided and constructed from Franklin Street ~~to the proposed rear Lot 1;~~ to proposed Lots 1, 2 and 3 and being provided as "common property" in order to satisfy the requirements for grouped dwellings/survey strata lots under the Residential Design Codes;*
- (x) *the right of way adjacent to the subject property being transferred to the Town and the owner(s) applying to and obtaining the formal approval of the Town for the proposed rear Lot 1 to have an "expressed right of access" over the adjacent right of way. All costs of securing a right of access to be borne by the applicant; ~~and~~*
- (xi) *the owner(s) shall enter into a legal agreement with and to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to conserve the existing dwellings on site. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (xii) the length of the right of way adjacent to the subject land being widened by 500 millimetres and shown on the Diagram or Plan of Survey as such and vested in the Crown under section 20A of the Town Planning and Development Act, such land to be ceded free of cost and without any payment of compensation by the Crown;
- (xiii) a bond and/or bank guarantee for \$6,300 for the full upgrade of the right of way being lodged prior to clearance of the diagram of survey by the Town. The extent of the right of way upgrade shall be from the edge of the existing sealed right of way to the eastern boundary of the subject property;
- (xiv) two (2) tandem car bays and associated single-width driveways and crossover (with a maximum width of 3 metres) being provided for each of the existing dwellings on proposed Lots 2 and 3 fronting Franklin Street; and
- (xv) the subject subdivision and proposed lots being provided as a survey strata subdivision and lots, as opposed to a 'green-title'/freehold subdivision and lots.

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

COUNCIL DECISION ITEM 10.1.4

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr

That the minimum width for the pedestrian access way be amended to 1.0 metre in clause (ix).

AMENDMENT LAPSED FOR WANT OF A SECONDER

MOTION CARRIED (8-1)

For
Mayor Catania
Cr Chester
Cr Farrell
Cr Ker
Cr Lake
Cr Maier
Cr Messina
Cr Torre

Against
Cr Doran-Wu

ADDITIONAL INFORMATION:

Clause 3.7.1 of the Western Australian Planning Commission's Development Control Policy 1.1 states as follows:

"New green title lots will be created only where each lot has, or can be, provided with direct frontage access to a constructed public road, which is connected to the road system of the locality. This is to ensure the provision of public utility and other services as well as to provide vehicular and pedestrian access to the lot";

The subject subdivision and proposed lots are intended to be of a 'green-title'/freehold nature. It has been the Town's Officers' view that each lot created from a 'green-title'/freehold subdivision should have direct road frontage; however, if the lot was created from a survey strata subdivision that lot does not require direct road frontage.

On the other hand, the Western Australian Planning Commission (WAPC) Officers are of the view that the subject subdivision, including the creation of proposed rear Lot 1, can be considered as a 'green-title'/freehold subdivision as the pedestrian access way from proposed Lot 1 to Franklin Street will provide pedestrian access and a public utilities corridor to a dedicated road, and proposed Lot 1 will have an implied right of access for vehicles over the adjacent right of way.

The Town's Technical Services have advised that the rear right of way is not programmed to become dedicated and therefore does not meet the above WAPC requirement.

The proposed subdivision can still be supported provided the subject subdivision and proposed lots are provided as a survey strata subdivision and lots, as opposed to a 'green-title'/freehold subdivision and lots, as required in condition (xv) of the above 'Corrected Recommendation.'

The Town's Officers will write separately to the WAPC to clarify the situation of 'green-title'/freehold subdivision versus survey strata subdivisions in terms of proposed lots without direct road frontage, for future reference.

Landowner:	K R & N J Butson
Applicant:	K R Butson
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
Existing Land Use:	Two Single Houses
Use Class:	Single House
Use Classification:	"P"
Lot Area:	880 square metres
Access to Right of Way	Northern side, 5.03 metres wide, unsealed, privately owned

BACKGROUND:

The subject property currently does not appear to have a legal right of access over the adjacent right of way. The subject right of way is currently being transferred to the Town as approved by the Council at its Ordinary Meeting held on 7 November 2006. Once the right of way is transferred to the Town, the Town can issue an "expressed right of access" over the right of way to the subject property (on receipt of a formal application to do so).

DETAILS:

The proposal involves the subdivision of the subject property into three (3) freehold lots.

The Town's Officers recommend that each freehold lot should have road frontage however, the Western Australian Planning Commission's Officers are prepared to consider this proposal as a freehold subdivision given that the applicant/owner(s) of the property will have a legal right to use the right of way and the proposed rear non-road frontage Lot 1 have access to Franklin Street via the pedestrian access way.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	2.93 dwellings/lots R30	3 dwellings/lots R34 2.22 per cent density bonus	Supported - <ul style="list-style-type: none"> • variation is considered minor; • proposed lots are compliant with minimum lot size requirements; • proposed subdivision is in keeping with Leeder Locality Plan No.12 which states <i>'the character of existing housing (and of the locality) is to be protected...and sensitively designed infill will be supported on larger lots'</i>;

			<ul style="list-style-type: none"> the existing dwellings are considered worthy of retention and their retention warrant a density bonus; and no undue impact on streetscape or surrounding amenity.
Plot Ratio	N/A	N/A	Noted
Car parking: Existing Dwellings	2 car bays per dwelling	None provided	Not supported- considered to not provide adequate amenities for existing residents and has been addressed in the Officer Recommendation.
Consultation Submissions			
The proposed subdivision did not require any community consultation.			
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:

Heritage and Streetscape

The place at Nos. 20-20A Franklin Street, Leederville is not currently listed on the Town of Vincent’s Municipal Heritage Inventory (MHI).

However, the provision of a density bonus is not restricted to places that are on or meet the threshold for inclusion onto the MHI. As stipulated in the Leeder Locality Plan No. 12 *‘the character of existing housing (and of the locality) is to be protected...and sensitively designed infill will be supported on larger lots.’* The subject dwellings were built in circa 1941 in the Bungalow style of architecture. Overall, Franklin Street comprises an electric range of dwellings dating from the Federation, Inter-war and Late Twentieth Century periods. The dwellings have a varied setback from the street and comprise single brick and weatherboard houses on large lots.

The subject dwellings are worthy of retention and the provision of a density bonus to facilitate the retention of the dwellings and the subdivision of this property into three (3) lots are warranted in this instance under Clause 20(2)(b) of the Town’s Town Planning Scheme No. 1.

Conclusion

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

10.1.2 Nos. 340-348 (Lot 501) Fitzgerald Street, Corner Grosvenor Road, North Perth - Basement Car Park

Ward:	South	Date:	16 January 2007
Precinct:	North Perth Centre, P9	File Ref:	PRO0596
Attachments:	-		
Reporting Officer(s):	N Wellington		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to Nos. 340-348 (Lot 501) Fitzgerald Street, Corner Grosvenor Road, North Perth - Basement Car Park; and*
- (ii) *CONSIDERS the car parking situation at Nos. 340-348 (Lot 501) Fitzgerald Street, corner Grosvenor Road, North Perth in future Planning Applications for development of the site.*

COUNCIL DECISION ITEM 10.1.2

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

CARRIED (9-0)

PURPOSE OF REPORT:

To advise Council of the current situation relating to the basement car park at Nos. 340-348 (Lot 501) Fitzgerald Street, corner Grosvenor Road, North Perth.

BACKGROUND / DETAILS:

On 17 May 1993, the Council of the City of Perth approved an application for shops, offices, showrooms and a café on the subject site. A revised application depicting four shops, three showrooms and one office (with the deletion of the café) was submitted on 25 November 1993 and approved on 22 December 1993. Forty-seven (47) car parking bays were indicated on the plans, 40 in an undercroft car park and 7 at the rear of the tenancies with vehicular access from an adjoining right of way.

On 11 September 1995, the Council approved an application for a change of use of unit 2 from showroom to restaurant. The Council on 25 September 1995 approved the change of uses and additional uses for the eight commercial tenancies.

On 3 July 1997, the Council received an application for a metal roof canopy over the existing rear car park in response to a complaint from a nearby resident that development had already commenced prior to gaining the appropriate approvals from the Town.

The Council at its Ordinary Meeting held on 28 July 1997 resolved to refuse the application on the grounds that the canopy was considered visually intrusive on adjoining properties and the Council was not empowered to issue retrospective planning approvals. The applicant was also instructed to remove the canopy within seven (7) days of the Council's resolution or face legal action.

An appeal was lodged with the Minister for Planning on 7 August 1997 by the appellant against the decision of the Council to refuse the application and a copy of the appeal was lodged with the Town on the same day. The response to the appeal appeared before the Council at its Ordinary Meeting of 8 September 1997 with the recommendation that the Minister for Planning be requested to dismiss the appeal. The canopy was removed and the appeal withdrawn.

On 30 September 1997, the Council received a new application for a metal roof canopy over the existing car park. The Council resolved to refuse the application at its Ordinary Meeting held on 10 November 1997.

An appeal was lodged with the Minister for Planning's Appeals Office on 10 December 1997 and a copy lodged with the Town on the same day. On 28 April 1998, the Council received the decision of the Minister to uphold the appeal. The Council also resolved to advise the owner/occupier of the subject property that the unauthorised use of the basement car park for storage purposes shall cease and the basement car park shall be provided in accordance with the Planning Approval dated 17 May 1993 within seven (7) days of notification, and the Council authorises the Chief Executive Officer to commence legal proceedings should this requirement not be complied with [clause (ii)].

On 22 June 1998, the Council resolved to rescind clause (ii) of the resolution made at the Ordinary Meeting of Council held on 28 April 1998 and inserted new clause (ii) as follows:

- “(ii) (a) *the landowner/occupiers of units 1, 3, 4, 5, 6 and 7 shall apply for and obtain planning approval for the use of these units or cease operation of these unauthorised uses;*
- (b) *the basement car park shall remain open and be available for the use of staff, customers and visitors of the entire development between 6.00am and 6.00pm;*
- (c) *a minimum of 19 car bays on site shall remain open and be available for the use of the staff, customers and visitors of the eating house (restaurant) during the operating time of that use;*
- (d) *the roller doors in the basement car park shall be removed and the car bays reinstated; and*
- (e) *adequate signage shall be erected to advise the users of the development that the basement car park is available for their use;”*

An Elected Member Request was raised querying the compliance of clauses (ii) (b) and (e) above as a result of an Agenda Report considered by Council at its Ordinary Meeting held on 22 August 2006 relating to the implementation of restricted parking on both sides of Grosvenor Road adjacent to the commercial premises immediately east of Fitzgerald Street, North Perth.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Town of Vincent Town Planning Scheme No. 1 and associated Policies, and Planning and Development Act 2005.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The original Planning Approval plans approved on 22 December 1993 show a roller door to be fitted to the entrance of the undercroft car park and there was no condition applied at the time, requiring it to be open. In addition, the above resolution of the Council at its Ordinary Meeting held on 22 June 1998 may be beyond the scope of the original Planning Approval.

It is therefore recommended that no further action be taken in relation to the subject clauses (ii) (b) and (e), and that the Council take into consideration the parking situation when considering future Planning Applications for development of the site.

At 7.25pm The following entered the Meeting:

- Peter Hunt and Graham Hunt - Peter Hunt Architect;
- Peter Blunt, Quantity Surveyor - Rawlinsons
- Andy Neilson - Co-ordinator Major Projects
- Debra Graham - State Manager - Belgravia
- Tarryn de Lestang - Centre Manager Loftus Centre

As requested by Cr Farrell, Item 10.4.5 was brought forward as the Items raised by the public had been dealt with and representatives from Peter Hunt Architect and the Quantity Surveyor had arrived to answer any questions regarding the proposed redevelopment.

10.4.5 Approval of Loftus Centre Redevelopment and Tender No 354/06 - Construction of the Loftus Centre, 99 Loftus Street, Leederville

Ward:	South	Date:	19 January 2007
Precinct:	Oxford Centre; P4	File Ref:	TEN0367
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the report on the Loftus Centre Redevelopment and Tender No 354/06 - Construction of the Loftus Centre, 99 Loftus Street, Leederville;
- (ii) **APPROVES;**
 - (a) of an estimated Total Project Cost of \$13,444,664 for the Loftus Centre Redevelopment;
 - (b) of a loan of \$2,600,000 and this to be advertised for one (1) month;
 - (c) of interim works to be carried out to the Loftus Centre Car Park (as shown in Plan No. 2484-PP-E) at an estimated cost of \$133,000; and
 - (d) the renaming of the "State Indoor Multi-Use Sports Centre Reserve Fund" to the "State Gymnastics Centre Reserve Fund";
- (iii) **ACCEPTS** the tender by Perkins (WA) Pty Ltd trading as Perkins Builders, as being the most acceptable to the Town for the construction of the Loftus Centre Redevelopment, 99 Loftus Street, Leederville, for a price of \$11,901,664 (exclusive of Goods and Services Tax);

(iv) **APPROVES BY AN ABSOLUTE MAJORITY;**

- (a) *to reallocate funds from the following projects, which are unable to be completed in the 2006/07 financial year (for reasons detailed in the report), subject to these projects being included in the 2007/08 draft Budget;*

<u>Project</u>	<u>Amount</u>
1. <i>Leederville Oval Public Open Space</i>	<i>\$501,000</i>
2. <i>Brookman/Moir Streetscape Works</i>	<i>\$327,000</i>
3. <i>Newcastle Street Upgrade (Loftus to Charles Streets)</i>	<i>\$70,000</i>
4. <i>Lincoln Street - Embayed Parking</i>	<i>\$35,000</i>
5. <i>LCD Screen for Committee Room</i>	<i>\$5,000</i>

- (b) *to use \$91,664 from the Capital Reserve Fund for the Loftus Redevelopment;*

<i>Total</i>	<u><i>\$91,664</i></u>
	<u><i>\$1,029,664</i></u>

(v) **LISTS for consideration in the Draft 2007/2008 Budget, the following items;**

(a) <i>Car Park - completion of works</i>	<i>\$125,000</i>
(b) <i>Library - new furniture and relocation costs</i>	<i>\$100,000</i>
(c) <i>Landscaping and Paving adjacent to new building</i>	<i>\$75,000</i>
(d) <i>Refurbishment/Repairs to Loftus Centre existing air conditioning units</i>	<i>\$60,000</i>
(e) <i>Public Art</i>	<u><i>\$50,000</i></u>
<i>Total</i>	<u><i>\$410,000</i></u>

(vi) **NOTES that;**

- (a) *the building construction period for Stage 1 (Library and Local History Centre and new Sports Halls/Underground Car Park) has been extended from thirty-six (36) to fifty (50) weeks and an overall construction period from fifty-one (51) to sixty-five (65) weeks;*
- (b) *landscape and car park plans will be submitted to the Council for approval during 2007; and*
- (c) *should the Underground Car Park be required for use as a public car park; a lift will be required to be installed, to ensure compliance with the Building Code of Australia (Universal Access Requirements), at an additional estimated cost of \$120,000; and*

(vii) **AUTHORISES;**

- (a) *the signing and affixing of the Council Common Seal to the Contract between the Town and Perkins (WA) Pty Ltd (Perkins Builders);*
- (b) *the Chief Executive Officer to make minor changes to the Loftus Centre Project during construction, as required, subject to the cost not exceeding \$11,901,664; and*
- (c) *the Chief Executive Officer to negotiate and approve the most acceptable loans for the Town.*

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Cr Farrell thanked the Mayor, Chief Executive Officer and staff for all their hard work on this project.

At 7.27pm **Moved Cr Farrell, Seconded Cr Maier**

That Standing Orders be suspended to allow Elected Members to freely discuss the Item and to ask the representatives from Peter Hunt Architect and the Quantity to Survey any questions relating to the proposed redevelopment.

CARRIED (9-0)

The Presiding Member asked each Elected Member, in turn, if they had any questions. Questions were asked by a number of Elected Members and responses were provided.

Cr Torre departed the Chamber at 7.50pm.

Cr Torre returned to the Chamber at 8.00pm.

At 8.05pm **Moved Cr Farrell, Seconded Cr Messina**

That Standing Orders be resumed.

CARRIED (9-0)

Debate ensued.

Moved Cr Farrell, Seconded Cr Messina

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

“(vii) (d) *The Chief Executive Officer requested to further investigate and report back to the Council on the following:*

- (a) *potentials for further cost savings (without compromising the aesthetics of the building);*
- (b) *funding options available to cover the additional cost of the “Luxalon” (or other alternative material) cladding;*
- (c) *various options for types of cladding available;*
- (d) *information concerning the embodied energy required to manufacture and install the various cladding materials.”*

Debate ensued.

AMENDMENT CARRIED (9-0)

At 8.12pm Moved Cr Maier, Seconded Cr Farrell

That Standing Orders be suspended to allow Elected Members to ask the representatives from Peter Hunt and Rawlinsons about variations to the contract for the proposed redevelopment.

CARRIED (9-0)

The Quantity Surveyor answered questions relating cost implications of varying the contract.

At 8.14pm Moved Cr Farrell, Seconded Cr Ker

That Standing Orders be resumed.

CARRIED (9-0)

Debate ensued.

Cr Farrell left the meeting at 8.15pm and did not return.

Moved Cr Maier, Seconded Cr Messina

That a new clause (vii)(e) be added as follows:

“(vii) (e) *the Chief Executive Officer investigate alternate sources of funding in order that the budget allocation for Brookman/Moir Streetscape Works is retained in the 2006/2007 Budget.*”

Debate ensued.

AMENDMENT LOST (2-6)

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

(Cr Farrell had left the meeting.)

Moved Cr Chester, Seconded Cr Messina

That a new clause (vii)(e) be added as follows:

“(vii) (e) *the Chief Executive Officer to explore options to further minimise the operating deficit (excluding sinking funds) identified in the Indicative Phased Expenditure dated 23 January 2007 and provide a report on the findings no later than March 2007.*”

AMENDMENT CARRIED (8-0)

(Cr Farrell had left the meeting.)

Debate ensued.

Moved Cr Messina , Seconded Cr Chester

That clauses (ii)(a), (iii) and (vii)(b) be amended to read as follows:

"(ii) **APPROVES;**

(a) *of an estimated Total Project Cost of ~~\$13,444,664~~ \$13,625,196 for the Loftus Centre Redevelopment;*

(iii) *ACCEPTS the tender by Perkins (WA) Pty Ltd trading as Perkins Builders, as being the most acceptable to the Town for the construction of the Loftus Centre Redevelopment, 99 Loftus Street, Leederville, subject to a provisional sum of \$180,532 being retained in the tender for a price of ~~\$11,901,664~~ \$12,082,196 (exclusive of Goods and Services Tax); and*

(vii) **AUTHORISES;**

(b) *the Chief Executive Officer to make minor changes to the Loftus Centre Project during construction, as required, subject to the cost not exceeding ~~\$11,901,664~~ \$12,082,196;*

AMENDMENT CARRIED (8-0)

(Cr Farrell had left the meeting.)

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

(Cr Farrell had left the meeting.)

COUNCIL DECISION ITEM 10.4.5

That the Council;

(i) *RECEIVES the report on the Loftus Centre Redevelopment and Tender No 354/06 - Construction of the Loftus Centre, 99 Loftus Street, Leederville;*

(ii) **APPROVES;**

(a) *of an estimated Total Project Cost of \$13,625,196 for the Loftus Centre Redevelopment;*

(b) *of a loan of \$2,600,000 and this to be advertised for one (1) month;*

(c) *of interim works to be carried out to the Loftus Centre Car Park (as shown in Plan No. 2484-PP-E) at an estimated cost of \$133,000; and*

(d) *the renaming of the "State Indoor Multi-Use Sports Centre Reserve Fund" to the "State Gymnastics Centre Reserve Fund";*

(iii) *ACCEPTS the tender by Perkins (WA) Pty Ltd trading as Perkins Builders, as being the most acceptable to the Town for the construction of the Loftus Centre Redevelopment, 99 Loftus Street, Leederville, subject to a provisional sum of \$180,532 being retained in the tender for a price of \$12,082,196 (exclusive of Goods and Services Tax); and*

(iv) *APPROVES BY AN ABSOLUTE MAJORITY;*

(a) *to reallocate funds from the following projects, which are unable to be completed in the 2006/07 financial year (for reasons detailed in the report), subject to these projects being included in the 2007/08 draft Budget;*

<u>Project</u>	<u>Amount</u>
1. <i>Leederville Oval Public Open Space</i>	<i>\$501,000</i>
2. <i>Brookman/Moir Streetscape Works</i>	<i>\$327,000</i>
3. <i>Newcastle Street Upgrade (Loftus to Charles Streets)</i>	<i>\$70,000</i>
4. <i>Lincoln Street - Embayed Parking</i>	<i>\$35,000</i>
5. <i>LCD Screen for Committee Room</i>	<i>\$5,000</i>

(b) *to use \$91,664 from the Capital Reserve Fund for the Loftus Redevelopment;*

<i>Total</i>	<u><i>\$91,664</i></u>
	<u><i>\$1,029,664</i></u>

(v) *LISTS for consideration in the Draft 2007/2008 Budget, the following items;*

(a) <i>Car Park - completion of works</i>	<i>\$125,000</i>
(b) <i>Library - new furniture and relocation costs</i>	<i>\$100,000</i>
(c) <i>Landscaping and Paving adjacent to new building</i>	<i>\$75,000</i>
(d) <i>Refurbishment/Repairs to Loftus Centre existing air conditioning units</i>	<i>\$60,000</i>
(e) <i>Public Art</i>	<i>\$50,000</i>
<i>Total</i>	<u><i>\$410,000</i></u>

(vi) *NOTES that;*

(a) *the building construction period for Stage 1 (Library and Local History Centre and new Sports Halls/Underground Car Park) has been extended from thirty-six (36) to fifty (50) weeks and an overall construction period from fifty-one (51) to sixty-five (65) weeks;*

(b) *landscape and car park plans will be submitted to the Council for approval during 2007; and*

(c) *should the Underground Car Park be required for use as a public car park; a lift will be required to be installed, to ensure compliance with the Building Code of Australia (Universal Access Requirements), at an additional estimated cost of \$120,000; and*

(vii) *AUTHORISES;*

(a) *the signing and affixing of the Council Common Seal to the Contract between the Town and Perkins (WA) Pty Ltd (Perkins Builders);*

- (b) *the Chief Executive Officer to make minor changes to the Loftus Centre Project during construction, as required, subject to the cost not exceeding \$12,082,196;*
- (c) *the Chief Executive Officer to negotiate and approve the most acceptable loans for the Town;*
- (d) *The Chief Executive Officer requested to further investigate and report back to the Council on the following:*
 - (a) *potentials for further cost savings (without compromising the aesthetics of the building);*
 - (b) *funding options available to cover the additional cost of the "Luxalon" (or other alternative material) cladding;*
 - (c) *various options for types of cladding available;*
 - (d) *information concerning the embodied energy required to manufacture and install the various cladding materials; and*
- (e) *the Chief Executive Officer to explore options to further minimise the operating deficit (excluding sinking funds) identified in the Indicative Phased Expenditure dated 23 January 2007 and provide a report on the findings no later than March 2007.*

Mayor Catania expressed his appreciation on behalf of the Council to the CEO, Officers, Councillors, Architects and Quantity Surveyor for their hard work on this project.

PURPOSE OF THE REPORT:

The purpose of the report is for the Council to approve of the Loftus Centre Redevelopment Project/costs and to accept the tender of Perkins (WA) Pty Ltd trading as Perkins Builders, as being the most acceptable to the Town for the construction of the Loftus Centre, 99 Loftus Street, Leederville.

BACKGROUND:

At the Special Meeting of Council held on 17 October 2006, the Council considered the matter and resolved as follows;

"That the Council;

- (i) *CONSIDERS the submissions received concerning the Loftus Centre Redevelopment, as detailed in this report;*
- (ii) *APPROVES the Plan Nos. A-I, as detailed in the report and shown in Appendix 7.1, which is estimated to cost \$12 million (plus GST); and*
- (iii) *AUTHORISES the Chief Executive Officer to;*
 - (a) *advertise a tender from suitably qualified and registered builders for the project, using the Criteria detailed in this report;*
 - (b) *enter into negotiations with Skadada, WA's Premier Aerial Company, to formalise their use of the proposed State Gymnastics Centre and prepare a lease or other documentation, for the consideration of the Council;*

- (c) *investigate options for a Cost Recovery Strategy for the Underground Carpark and for all parking in the Leederville Masterplan Area and carryout a parking assessment and allocation at the completion of the project and report to the Council; and*
- (iv) *REQUESTS that every endeavour be made to retain the Marri trees at the northern end of the carpark (along Richmond Street)."*

On 28 October 2006, tenders were invited from approved registered builders. At 2pm on 12 December 2006, three (3) tenders were received. Present at the opening were Purchasing/Contracts Officer - David Paull, Chief Executive Officer - John Giorgi and Co-ordinator Major Projects, Andy Neilson, Project Architect, Graham Hunt and Project Quantity Surveyor, Peter Blunt. One (1) representative of Perkins Builders was also present.

Tenders were received from the following companies:

Name	Address
1. Perkins Builders	Level 1, 350 Hay Street, Subiaco 6008
2. Badge Constructions (WA) Pty Ltd	Unit 14, 24 Parkland Road, Osborne Park 6017
3. Pindan Constructions Pty Ltd	154 Abernathy Road, Belmont 6104

TENDER EVALUATION

Selection Criteria

The following evaluation criteria was applied in the assessment of this tender:

Criteria	%	Weighting
1. Price: <ul style="list-style-type: none"> • Include in the Tender all fees and other costs and disbursements to provide the required service and appropriate level of Goods and Services Tax (GST). 	60	60%
2. Capacity to Deliver: <ul style="list-style-type: none"> • Demonstrate capacity to achieve the proposed construction timeline for this project. • Provide evidence of successful results in relevant previous projects demonstrating the ability to provide a high level of: <ul style="list-style-type: none"> – Site management – Finish – Practices regarding environmental protection – Practices providing a safe working environment. 	10 5	15%
3. Professional Expertise and Relevant Experience in Similar Projects: <ul style="list-style-type: none"> • Demonstrated knowledge and experience in the construction and contract administration of significant projects of a similar nature. • Provide suitable written references. 	5 5	10%
4. Relevant Experience of Key Personnel:	5	5%

Criteria	%	Weighting
5. Financial Capacity and Evidence of Stability <ul style="list-style-type: none"> • Demonstrate the financial capacity of the organisation to carry out works for this project. • Demonstrate evidence of stability and experience. 	5	5%
6. Overall compliance with Tender Specification and Requirements	5	5%
		100%

Tender Evaluation Panel

The Tender Evaluation Panel consisted of the Chief Executive Officer - John Giorgi, Andy Neilson, Co-ordinator Major Projects, Graham Hunt of Peter Hunt Architect and Peter Blunt of Rawlinsons Pty Ltd, Quantity Surveyors and Cost Consultants.

The objective of the Evaluation Panel is to establish the conformity of the submitted tenders against the Town's Tender specification and select the most suitable tender.

Each tender was assessed in accordance with an Evaluation Assessment Matrix as used by the State Government Department of Housing and Works. This is based on the following scoring;

Department of Housing and Works Scoring System

0-1	Inadequate or non-appropriate offer, critical or disqualifying deficiencies, does not meet criterion, unacceptably high risk to Principal.
2-3	Marginal offer, some deficiencies, partly meets criterion, high risk to Principal.
4-5	Fair offer, few deficiencies, almost meets criterion, medium risk to Principal.
6-7	Good offer, no deficiencies, meets criterion, medium to low risk to Principal.
8-9	Very good offer, exceeds criterion, low risk to Principal.
10	Outstanding offer, greatly exceeds criterion, very low risk to Principal.

(Scoring is calculated using the tender criterion weighting)

TENDER DETAILS

Tender Sum

The following is a summary of the Tenders received:

Company	Badge Constructions \$	Pindan Constructions \$	Perkins Builders \$
Tender Sum (exc GST)	13,943,370	12,648,700	12,327,000

Tender Assessment

Criteria	Badge Constructions	Pindan Constructions	Perkins Builders
1. Price Include in the Tender all fees and other costs and disbursements to provide the required service and appropriate level of Goods and Services Tax (GST) - 60%	Highest	2nd lowest	Lowest
2. Capacity to Deliver - 15%	15	N/A	15
3. Professional Expertise and Relevant Experience in Similar Projects - 10%	10	N/A	10
4. Relevant Experience of Key Personnel - 5%	5	N/A	5
5. Financial Capacity and Evidence of Stability - 5%	5	N/A	5
6. Overall compliance with Tender Specifications and Requirements - 5%	5	N/A	5
Ranking	<i>2nd</i>	*	<i>1st</i>

* *Insufficient information to assess.*

Three tenders were received, however only two were competitive. Of the two lowest tenders, Perkins Builders submitted the lowest and most detailed. The other, Pindan Constructions only submitted a price and a letter, which stated;

"If successful, the following items will need to be discussed;

- *Site access*
- *Construction period*
- *No allowance for painting of structural steel."*

No other information was submitted, therefore the Panel has been unable to assess the tender against the Town's Tender specification.

The tender from Badge Constructions was the highest and was not competitive.

Tender Evaluation Panel Comments

Perkins Builders have previous experience with a wide range of building projects. They have currently 17 projects under construction, with an approximate value of \$106 million (excluding GST) - they have advised they have ample resources to undertake this project and complete the work. They are available to commence on-site in late February 2007. They have nominated the following projects as an indication of their capabilities:

Year	Project	Project Value
2006	Balga Aquatic Centre - City of Stirling - <i>In progress</i>	\$8.617 million
2006	Lark Hill Sporting Complex - City of Rockingham - <i>In progress</i>	\$8.938 million
2006	South West Health Campus - <i>In progress</i>	\$11.56 million
2005	Next Generation Health and Lifestyle Centre - Kings Park	\$16 million
2004-05	Craigie Leisure Centre - City of Joondalup	\$9 million

Year	Project	Project Value
2004	Next Generation Health, Lifestyle and Fitness Centre	\$10 million
2002	St Brigid's College -Fitness Centre	\$3.6 million
2000-2002	South West Sports Centre - City of Bunbury	\$11 million

After the closing of tenders for this project on 12 December 2006, the Project Control Group - Tender Evaluation Panel comprising; the Architect, Graham Hunt of Peter Hunt Architect, Quantity Surveyor, Peter Blunt of Rawlinsons and the Town's Chief Executive Officer, met with the lowest tenderer. Mr Peter Blunt, Project Quantity Surveyor and Cost Consultant, has analysed the tenders and has provided the following tender information:

"Tenders for the construction of the above project have been returned and the tender results are as follows:

	Tenderer	\$ (Excl GST)	Variance from Lowest	
1.	Perkins Builders	12,327,000	0	0
2.	Pindan Constructions Pty Ltd	12,648,400	321,400	2.6%
3.	Badge Constructions (WA) Pty Ltd	13,943,370	1,616,370	13.1%
	MEAN	12,972,923	645,923	5.2%
	Tender Estimate	11,900,000	(427,000)	(3.5%)

Remarks:

Based on this result, it would be fair to say two competitive bids were received out of three, there being only 2.6% difference between the two lowest. Given the closeness of the lowest two bids we believe it would be fair to surmise that highest tender was not a serious bid.

In addition, the lowest tender is only 3.5% above the tender estimate, a pleasing outcome given all of the negative aspects associated with this tender, for example:

- *The continued volatility of the market*
- *The unattractive nature of the project (a difficult alterations job)*
- *Three tenders received out of four who picked up documents*
- *The fact the tender period had to be extended a week due to the lack of sub-contract interest shown up to the original closing date.*
- *The project was tendered at what is (historically) the worst time of the year, when there is always a lot of competition from other similar sized projects out to tender at the same time.*

Trade Reconciliation

We have checked the arithmetic and reconciled Perkins' trade breakdown against the tendered estimate. No Trade summary was received or requested from Pindan, however we did receive one from Badge, so we included it in our analysis as a matter of comparison.

		Tender Est. \$	Perkins \$	Badge \$	Differences	
					Estimate / Perkins \$	%
A	Preliminaries	1,551,000	2,178,000	3,209,770	627,000	40.4%
B	Earthworks	290,000	328,000	225,000	38,000	13.1%
C	Siteworks	110,000	154,000	241,800	44,000	40.0%
D	Concrete	2,000,000	1,784,000	2,210,000	(216,000)	(10.8%)
E	Structural Steel	1,560,000	1,211,000	1,130,000	(349,000)	(22.4%)

		Tender Est. \$	Perkins \$	Badge \$	Differences	
					Estimate / Perkins \$	%
F	Masonry	550,000	775,000	417,000	225,000	40.9%
G	Metalwork	120,000	121,000	119,400	1,000	0.8%
H	Carpentry, Joinery and Cabinetwork	480,000	367,000	568,800	(113,000)	(23.5%)
I	Windows, Doors and Glazing	480,000	625,000	540,800	145,000	30.2%
J	Metal Decking and Roof Plumbing	800,000	671,000	712,000	(129,000)	(16.1%)
K	Hydraulic Services	680,000	711,000	1,030,000	31,000	4.6%
L	Electrical Services	800,000	810,000	914,500	10,000	1.3%
M	Mechanical Services	P sum	10,000	P sum	-	-
N	In-Situ Applied Finishes	50,000	52,000	52,700	2,000	4.0%
O	Suspended Ceilings and Partitions	550,000	503,000	542,000	(47,000)	(8.5%)
P	Non-Resilient Finishes	20,000	25,000	24,300	5,000	25.0%
Q	Resilient Finishes	70,000	77,000	32,400	7,000	10.0%
R	Painting	250,000	202,000	333,200	(48,000)	(19.2%)
T	Demolition and Alterations	120,000	304,000	220,700	184,000	153.3%
U	Provisional Sums	1,419,000	1,419,000	1,419,000	0	0.0%
		11,900,000	12,327,000	13,943,370	427,000	3.6%

Remarks:

As a general comment, clearly there are some erratic differences in the trades, which is not unusual in the current volatile market. Apart from Preliminaries and the services trades (which were tendered on specifications and drawings, not quantities) we know that the differences have nothing to do with scope, both the tenders and the tender estimate are based on exactly the same scope as defined by the Bill of Quantities. Scope is not a factor, the differences are totally price driven.

However we can't just pass off all of the differences with this explanation. We have targeted the following trades where we believe there are significant differences that warrant deeper analysis.

Preliminaries +\$627,000:

Clearly this is the major difference between our estimate and both tenders and is an indication of the healthy mark-up/risk allowance builders are now putting on projects at the moment.

For a project of this size we would normally expect to see prelims in the range of 10% to 15% on the net value of the works. We allowed 15%, the upper end of the range, Perkins have allowed 20% and Badge tried for 30%.

Take preliminaries out of the equation and Perkins is in fact the lowest of the three prices, based on net building cost only i.e.:

	Net Cost (excluding Preliminaries)	\$(Excl GST)	Variance from Lowest	
1.	Perkins Builders	10,149,000	0	0
2.	Rawlinsons (Pre-Tender Estimate)	10,349,000	200,000	2.0%
3.	Badge Constructions (WA) Pty Ltd	10,733,600	584,600	5.8%

Concrete - (\$216,000) & Steel -(\$349,000)

The off-set for the big difference in Prelims is we believe in these two trades which have gone the other way. We made due allowance in our estimate for the market and the nature of the project too but we targeted these two trades for our risk allowance rather than arbitrarily load up the prelims. Both trades are critical to the progress of the works and both are experiencing problems meeting time lines at the moment. We saw them as high risk trades and priced them accordingly.

Masonry + \$225,000

This trade is worthy of mention only because it highlights the vagaries of the market. Three people have priced exactly the same document and the prices vary by 86% between highest and lowest.

Demolition and Alterations + \$184,000

This is in a similar category to masonry but the variation in this case is 153%. Fair to say our allowance looks light compared to the other two, even so, there is still a significant difference between the two tenderers in any event.

Tender Qualifications

Perkins' tender contained a number of qualifications which will be the subject of a separate report by the Project Architect [included in this report] Some of these qualifications have cost implications which have been brought to amount at the end of this report.

Reconciliation with Project Construction Budget

Whilst Perkins' tender is a reasonable outcome compared to the tender estimate, it exceeds the construction budget included in the Indicative Cost Plan - ID1.6, 15 August 2006.

Overall Differences

The Construction Budget in the cost plan is:

	\$
Net Project Cost (\$/August 2006)	10,320,000
Headworks Provision (now included in tender)	70,000
Provision for Price Escalation and market factor	500,000
	<u>10,890,000</u>

The difference between the lowest tender and cost plan allowance is therefore:

	\$
Lowest Tender - Perkins	12,327,000
Cost Plan - ID1.6, 15 August 2006	<u>10,890,000</u>
Difference	<u>1,437,000</u>

We have reconciled this difference in two stages:

(a) *The difference between the cost plan and the tender estimate, i.e.:*

	\$
Tender Estimate	11,900,000
Cost Plan - ID1.6, 15 August 2006	10,890,000
Difference	<u>1,010,000</u>

(b) *The difference between the tender estimate and the lowest tender, i.e.:*

	\$
Lowest Tender - Perkins	12,327,000
Tender Estimate	11,900,000
Difference	<u>427,000</u>

Specific Differences

(a) *The difference between the tender estimate (\$1,010,000)*

The reasons for variance between the two estimates have been identified as follows;

Tenant Requirements:	\$
Dividing curtain and removable barrier to rhythmic gymnastics hall included in tender documents (Provisional Sum) - (FAA requirement)	20,000
Rhythmic Gymnastics Music System added to tender documents - (FAA requirement)	10,000
Acoustic Barrier added between Gymnastics Halls - (FAA requirement)	18,000
Sand and seal existing sports hall floor added to tender	10,000
Plaster wall lining added to new gymnasium (Provisional Sum)	20,000
Carpet added to new gymnasium floor (Provisional Sum)	60,000
Special Floor Finish added to raised floor in new Gymnasium (Provisional Sum)	15,000
Rubber matting added in to new gymnasium (Provisional Sum)	20,000
Basement expanded and archive stores added. Roller shutter added to entry for security and access stair added from library	110,000
Ground Floor change room extension deleted and upper Gym window wall, balcony and façade treatment upgraded to western elevation overlooking oval	35,000
Limestone retaining walls on Leederville Oval bank added to this contract (Originally part of Leederville Oval works)	60,000
"Luxalon" cladding specified to sports hall facades in lieu of colorbond custom orb	180,000
Provision for acoustic panels in major sports hall added to tender documents (Deleted from cost plan as a cost saving measure but added back to tender documents)	60,000

Tenant Requirements:	\$
Provision for operable wall added back in Fitness Centre (Deleted from cost plan as a cost saving measure but added back to tender documents)	15,000
Opening created between new and existing major sports halls and netting screen added to opening (unable to retain existing metal clad wall between halls as originally intended)	25,000
Preliminaries	
Allowance for preliminaries increased proportionally to the increase in the net value of the works	131,000
General Estimating and Design Development Differences	
General estimating and minor scope differences between the budget allowances made in the cost plan based on concept drawings and the tender estimate based on the fully developed tender documents	221,000
Total	1,010,000

(b) *Difference between the Tender Estimate and the Lowest Tender (\$427,000)*

We addressed this difference in the first section of the report. In effect it's the difference between the tender estimate and the best price we could get from the market at the date of tender. If tenders had closed a week earlier, as originally intended, the indications were we would either not have received any tenders at all or worse still, received a very expensive cover price from only one of the tenderer.

The major difference between the two is in the preliminaries allowance and the mark-up the lowest tender has put on the project. In terms of the net trade cost though, the lowest tender was in fact less than the tender estimate.

	Perkins	Tender Estimate	Difference
Preliminaries	2,178,000	1,551,000	627,000
Net Cost (excluding Preliminaries)	10,149,000	10,349,000	(200,000)
	<u>\$12,327,000</u>	<u>\$11,900,000</u>	<u>\$427,000</u>

Adjusted Construction Cost:

The Project Control Group have met with the lowest tenderer, settled the qualifications and targeted a number of savings to be included in the contract sum. These savings are cosmetic in nature, they maintain the agreed scope of the project and still satisfy the majority of the tenants' extra requirements.

The adjusted contract sum will be:

	\$
Lowest Tender - Perkins	12,327,000
Amendment to Tender Sum	(425,336)
Difference	<u>11,901,664</u>

Revised Estimated Total Project Cost (ETC)

The ETC based on the revised contract sum is now as follows;

	Now \$	Was \$	Difference \$
Construction (including headworks and escalation to tender)	11,901,664	10,890,000	1,011,664
Construction Contingency	200,000	250,000	(50,000)
Client Contingency, Relocation Costs and Disbursements	Excluded	Excluded	N/A
Headworks and Statutory Charges	Included	Included	N/A
Remodel Car Park - Interim Works	133,000	Excluded	133,000
Remodel Car Park - Completion of Works*	125,000	Excluded	125,000
Landscaping and Paving Adjacent to new Building*	75,000	Excluded	75,000
Public Art*	50,000	50,000	-
Refurbishment/Repairs to existing Mechanical Plant*	60,000	Excluded	60,000
Some Additional Loose Furniture and Equipment for Library/Relocation Costs*	100,000	50,000	50,000
Professional Fees and Disbursements	800,000	750,000	50,000
Escalation to Tender	N/A	Included	Included
ETC	13,444,664	11,990,000	1,454,664
GST	1,344,466	1,199,000	145,466

* *To be listed in 2007/2008 Budget*

Recommendation:

We are satisfied with the Perkins Builders' tender. Obviously it is the lowest tender, appears to have covered the full scope of the work and compares favourably with the tender estimate.

We recommend acceptance of their tender, with the necessary amendments required to achieve the revised contract sum."

Tender Clarifications

Perkins Builders' tender has included the following clarifications. These have been discussed with the Builder and the following is advised;

1. *We acknowledge receipt of Addendum Nos 1, 2 and 3.*

<p><u>Chief Executive Officer's Comments:</u></p> <p>All three tenderers acknowledged the Addenda.</p> <p>Addendum No. 1 - Increased the construction period for Stage 1 from 36 weeks to 50 weeks and an overall construction period from 51 to 65 weeks - requested by three (3) builders;</p>

	<p>(It should be noted that the Builders advised that, due to the very busy construction industry, it would be very difficult to complete the project within the originally specified time of 51 weeks. This could only be achieved by working overtime and weekends, which would result in substantially increased costs. Accordingly, the Chief Executive Officer extended the time by 14 weeks.) Reduced the liquidated damages/daily penalty from \$750 to \$500 for Stage 1 and from \$500 to \$350 for Stage 2; and (Builders requested this reduction, due to the shortage of sub-contractors, otherwise their tender price would have included a contingency cost to cover this risk.)</p>
Addendum No. 2 -	<p>Listed various changes to the specification, added drawing numbers, some minor deletions; and Also listed amendments to the Bill of Quantities.</p>
Addendum No. 3 -	<p>Extended the tender closing date from 5 to 12 December 2006, due to significant lack of interest from sub-consultant trades. The extra week ensured that at least three (3) builders would submit a tender.</p>

- Owing to current commitments, we will be unable to commence this project until late February 2007.*

Chief Executive Officer's Comments:

A delay of six (6) weeks is considered understandable, due to the extremely busy construction industry. It will also allow the Town to carry out preliminary works in the Loftus Centre car park to temporarily increase parking bays. It should be noted that the project period has also been increased, by Addendum No. 1.

- We will require unrestricted access to further areas of the site than currently indicated on the drawings. Details can be provided if required.*

Chief Executive Officer's Comments:

This has been agreed between the Town and the Builder. This will entail the formation of a temporary fenced connection to Richmond Street and expansion up to 5 metres of the fence around Leederville Oval. There appears to be no major implication apart from a reduction in space around the Oval and possibly some inconvenience caused to the Margaret Kindergarten. A 3.6 metre wide fenced pedestrian access will be provided on the eastern edge of the Margaret Kindergarten site, allowing the public to access the Oval. Perkins (WA) will add shade cloth screens to the existing fence around the Margaret Kindergarten on the eastern edge. The Town's Technical Services has carried out preliminary investigations and is of the opinion that this request can be accommodated without too much inconvenience. At the time of writing this report, the matter was being progressed.

- We have assumed that the Bill of Quantities will form part of the contract.*

Chief Executive Officer's Comments:

There was a conflict in the tender specification, which has now been corrected. The Bill of Quantities will form part of the Contract.

5. *We have included a Provisional Sum of \$5,000 for fixing of door hardware as there are insufficient details included in the documents.*

Chief Executive Officer's Comments:

This provisional sum has been clarified by the Architect and the amount is considered acceptable.

6. *We have allowed to precast the wall panels off-site and transport to site and erect. Consequently some changes will be required to wall panel sizes.*

Chief Executive Officer's Comments:

This is agreed, as it will minimise the building activity on-site. The patination of the elevations will require some adjustment to account for the reduction in width. Currently, the panels are 5 metres wide and it is likely that they will reduce to a maximum of 3 metres in width. This tendered price accounts for the panel size adjustments. The change in panel size will not materially affect the aesthetics or functionality of the construction.

7. *We will require exclusive occupation of areas of the existing building to be altered during Stage 2 of the works.*

Chief Executive Officer's Comments:

This has not been agreed. The Builder and Town have agreed to a progressive handover of the various areas, as they are completed. This will mean less inconvenience to the current lessees. Progressive handover will not cost extra, but will increase the project completion date by approximately 4-5 weeks. The Community centre will need to be relocated for approximately three months (in late 2007). The relocation costs have not been included into this project, as details are unknown. Possible sites are being explored at present.

8. *As water and power for the new works are provided from existing supplies, we have assumed the cost of power and water consumed during construction will be covered by the Town of Vincent.*

Chief Executive Officer's Comments:

This has been agreed. Costs are expected to be minimal (approximately \$1,000 to \$2,000).

9. *Our price does not include for the Epoxy Zinc Phosphate and Interthane 990 top coats for the steel beams specified in Clause 1 2.6(i) and (ii) as it has not been measured in the Bill of Quantities.*

The rates for this work are:

- Epoxy Zinc Phosphate \$510/tonne + GST
- Interthane 990 \$503/tonne + GST

Chief Executive Officer's Comments:

This steel beam treatment has been clarified by the Town's Structural Engineer consultants, but was omitted from the Bill of Quantities as an error. This work will cost \$52,899.

COST SAVINGS FROM SUBMITTED TENDER

The Tender Evaluation Team was requested to reduce the submitted tender from \$12,327,000 to \$11,901,664, to bring the cost more in line with the Quantity Surveyor's pre-tender estimate. The following have been recommended to be deleted or amended:

Provisional Sum Adjustments		
1.	Cabinetworks: Price will be as per drawings and not as per specification. Reduce from \$100,000 to \$90,000. It is considered that the Cabinet work can be achieved within the new price, without compromising the quality.	\$10,000
2.	Acoustic Panels to New Sports Halls: The design for the acoustic panels has now been clarified, resulting in savings of \$30,000.	\$30,000
3.	Carpet: The rate per metre for carpet has been reduced by \$5/metre. The project has a large quantity of carpet, therefore reducing the rate per metre will have insignificant effect on the carpet quality.	\$20,000
4.	Floor finish to existing first floor Gymnasium: A sprung timber floor has been requested by Belgravia Leisure. This will be changed to a vinyl floor. A sprung floor will cost \$60,000, whereas a vinyl floor mat will cost \$40,000.	\$20,000
5.	Delete rubber mats from Gymnasium and re-use existing.	20,000
6.	Mechanical Services: A saving of \$114,000 has been achieved as the tendered price was below the provisional sum allowed.	\$114,000
Additional Adjustments:		
1.	Wall Cladding to Recreation Centre:*	
	The "luxalon" cladding is a high quality aluminium finish. "Custom orb" cladding (which is "colorbond" steel) is recommended. The change of material will not affect the aesthetics of the Centre. The custom orb will require painting in approximately 25 years, which can be done at the time. It should be noted that the existing Centre cladding is "colorbond" steel.	*\$180,532
2.	Replace Mini Orb with Custom Orb Steel Cladding: The Mini Orb profile is much smaller than Custom Orb, however this will not affect the aesthetics of the building.	\$2,940
3.	Steel Treatments and Girts: Include steel treatments and soffits - omitted from Bill of Quantities.	(\$52,899)

* This amount to be retained in the Tender

4.	Concrete base in Community Centre Play Area: This concrete base is not required, as the new rubberised flooring can be placed on a crushed limestone base.	\$4,857
5.	Sanding of floor to proposed Gymnastics area: The sanding of the whole floor is not required - only removal of the existing line markings.	\$9,656
6.	Concrete Paving Stairs - Western Elevation: The use of concrete paving instead of brick pavers, together with amendment to the wall footing will result in a saving of \$30,000.	\$30,000
7.	Add motor to Underground Car park Roller Door: A motor for the door was omitted from the specifications. It is considered essential. Cost - \$5,000.	(\$5,000)
8.	Disabled Toilet: A new disabled toilet was included in the specification. However, the proposed location on an external wall is considered too far for disabled people to access. In addition, access is via the current library area. The conversion of the existing male and female toilets, which are located in the centre of the building is considered more appropriate. Cost - \$20,000.	(\$20,000)
9.	Aerobics room air conditioning to remain as evaporative cooling. To be upgraded as and when funds become available.	\$61,250
Total		\$425,336 *\$244,804

* Amended figure due to Council decision to retain "Luxalon".

Contribution from Belgravia Leisure:

A contribution of \$65,000 will be made by Belgravia Leisure, for their requested items.

These items include:

Item	Amount	Comment
Kiosk Modification	\$5,000	<i>Belgravia are required to provide \$100,000 towards the Kiosk equipment.</i>
Gymnasium TV Wall	\$5,000	<i>This equipment is the latest technology for gyms and will attract a higher membership.</i>
Gymnasium raised Timber Floor	\$35,000	<i>This will alleviate the need to cut the floor for electrical conduits.</i>
Gyprock lining of Gymnasium Walls	\$20,000	<i>This will enhance the amenity of the gym, thereby providing a higher quality facility. It will hopefully attract a higher membership.</i>
Total	\$65,000	

Interim Car Park Works and Site Access - Refer Plan No. 2484-PP-E

As a result of the construction and the need to provide a builder's construction compound, it will be necessary to carry out interim works to maintain a sufficient number of car parking bays, access and safety. This work is estimated to cost \$133,000. It should be noted that a large portion of this work will comprise the final 'reconfigured' car park layout. The final completion of the carpark works, once the building works have been completed, is estimated to cost \$125,000. A plan of the final car park layout will be submitted to the Council, once it has been finalised.

The interim works will comprise:

- The installation of additional parking bays along the northern and eastern sections of the existing car park - this will involve the removal of several trees along the east portion. These trees have been assessed by the Town's Parks Services and are not considered significant;
- Removal of all the existing median islands, trees in a poor state and vegetation to enable the carpark to be reconfigured to achieve additional parking bays.

A revised builder's compound has been agreed. The main area involved is north of the current building and into the open space on the eastern side of Leederville Oval.

Access to Leederville Oval for pedestrians will be maintained.

Construction vehicle access to the builder's compound will be via a proposed accessway, to be provided adjacent to the Margaret Kindergarten. Temporary crossovers will need to be constructed off Richmond Street.

While every endeavour will be made to save the Marri trees on the northern end of the existing car park, due to the proposed final carpark configuration this will be extremely difficult to achieve.

The current carpark aisles run north/south and all the existing vegetation is contained within the existing median islands. The proposed carpark configuration, to maximise the number of parking bays on the site and carpark functionality is proposed to run east west (aisles). New trees are proposed to be planted in the carpark (in separate islands, one per tree) at even spacings without the loss of any parking bays.

The retention of some of the existing trees will not only be out of character with the proposed planting layout but will result in the loss of parking bays.

Negotiations with Skadada

Gymnastics WA have appointed a new Chief Executive Officer, who has been closely liaising with the Town and Skadada. At this stage, discussions are still continuing and it is premature to advise whether Skadada will be housed at the proposed State Gymnastics Centre. The Council will be advised of the outcome after further discussions have been carried out.

Underground Car Park

Options for a cost recovery strategy for the underground car park and for all parking in the Leederville Masterplan Area are being investigated by the Town's Officers.

The Project Architect has advised that, should the underground car park be used for the general public, it will require the installation of a lift, to comply with the Building Code of Australia - Universal Access Requirements. A lift has not been included in the current plans. If the Council requires the underground car park for general public purposes, additional funds of approximately \$120,000 will be required for the necessary lift.

The Chief Executive Officer has previously advised that it is intended that the underground car park will be used by the Centre and Town employees, thereby freeing up the ground level car park for the general public.

Public Art

An amount of \$50,000 has been specifically included in the project budget for a public art piece (to be progressed as part of the project). Under the Town's "Percent for Art Policy", public art to the value of \$134,446 is to be provided. It is envisaged that this amount will be achieved by specific public art, use of art in pavement, public furniture (e.g. water fountain, benches) and art incorporated into the internal and external building fabric.

Public art will be progressed by the Project Control Group and a further report will be submitted to the Council during 2007.

ADVERTISING/COMMUNITY CONSULTATION:

Not necessary for the acceptance of the tender.

The loan amount of \$2.6 million was not included in the 2006/07 Budget, accordingly it will need to be advertised for one (1) month.

LEGAL/POLICY IMPLICATIONS:

Tender

The tender was called in accordance with the Local Government Act (Functions & General) Regulations 1996.

The tender price is valid for sixty (60) days (from 12 December 2006), therefore a Council decision is required to be made and Contract signed prior to 12 February 2007, otherwise the Builder can review the tender prices/costs.

STRATEGIC IMPLICATIONS:

This project is in keeping with the Town's Strategic Plan 2006-2011, Objective 1 - *"Natural and Built Environment"*, in particular, 1.1.6(j) - *"Carry out redevelopment of the Loftus Centre...."*.

FINANCIAL/BUDGET IMPLICATIONS:

The Budget 2006/2007 includes an amount of \$10,705,000 for this financial year. The total project cost is \$13,444,664. The funding shortfall has been addressed in this report, however will require an Absolute Majority decision to re-allocate funds.

Estimated Total Project Cost (ETC)

The Estimated Total Cost based on the revised contract sum is now as follows;

Item	\$
Perkins (WA) adjusted Construction Costs after savings:	11,901,664
Construction Contingency	200,000
Public Art	50,000
Fee Adjustment (6.5% of Construction Cost)	800,000
Sub-Total	12,951,664
Remodel Car Park - Interim Works	133,000
Remodel Car Park - Completion of Works#	125,000
Landscaping and Paving Adjacent to new Building#	75,000
Refurbishment/Repairs to existing Mechanical Plant#	60,000
Some Additional Loose Furniture and Equipment for Library/ Relocation Costs#	100,000
New Project Estimated Total Commitment	<u>13,444,664</u>
GST	1,344,466

Projects to be re-listed in Budget 2007/2008#Funding Sources

The following is the funding source for the Loftus Redevelopment project:

Item	\$
Department of Sport and Recreation - Grant No. 1	3,600,000
Department of Sport and Recreation - Grant No. 2	100,000
Belgravia Leisure Group Pty Ltd - Contribution No. 1 - <i>Town Loan</i>	3,000,000
Belgravia Leisure Group Pty Ltd - Contribution No. 2	65,000
Town of Vincent - Reserve Funds**	2,731,664
Town of Vincent - Underground Car Park and Cost Escalation (Proposed Loan)	2,600,000
Town of Vincent - Reallocation of Funds from Current Projects	938,000
Town of Vincent - Funds listed in 2007/2008 Budget#	410,000
Total	13,444,664

**Reserve Fund Sources <i>(Funds estimated and projected to June 2007)</i>	\$
State Indoor Sports Centre Reserve Fund	2,000,000
Len Fletcher Pavilion Reserve Fund	375,000
Loftus Recreation Centre Reserve Fund	209,000
Loftus Community Centre Reserve Fund	56,000
Capital Reserve Fund	91,664
Sub-total	2,731,664

#To be included in Budget 2007/2008	\$
Remodel Car Park - Completion of Works	125,000
Additional Furniture and equipment for Library/relocation costs	100,000
Landscaping and Paving adjacent to new Library	75,000
Refurbishment/Repairs to existing Mechanical Plant	60,000
Public Art	50,000
Sub-Total	410,000
To be considered in Budget 2008/2009	
Len Fletcher Pavilion - Demolition (cost projected to July 2008)	100,000
Smith's Lake Reserve Upgrade (estimate only)	185,000
Sub-Total	285,000

The indicative repayments for a loan of \$2.6 million would be approximately \$229,440 per annum over a twenty (20) year period (based on an interest rate of 6.42%).

The indicative repayments for a loan of \$3 million are advised to be \$269,420 per annum for a twenty (20) year loan period at 6.42% interest.

INDICATIVE PHASED EXPENDITURE

Item		2006/07	2007/08	2008/09
Funded by:				
DSR Grant No. 1 (\$3,600,000)		1,700,000	1,900,000	
DSR Grant No. 2 (\$100,000)			100,000	
Belgravia Leisure - Contribution No. 1 - <i>Town Loan 1</i>			3,000,000	
Belgravia Leisure - Contribution No. 2			65,000	
Town Reserve Funds				
State Indoor Sports Centre	2,000,000			
Len Fletcher Pavilion	375,000			
Loftus Recreation Centre	209,000			
Loftus Community Centre	56,000			
Capital Reserve Fund	91,664			
		2,731,664		
Sub-Total	2,731,664	4,431,664	5,065,000	
Loan				
Underground Car Park and Cost escalation - <i>Loan 2</i>		2,600,000		
Muni Funds - Leederville Public Open Space (POS)			501,000	
Muni Funds				
Reallocation of Funds		938,000		
Muni Funds - Lotus Centre - (Budget 2007/08)			410,000	
Muni Funds - Smith's Lake/Len Fletcher - (Budget 2008/09)				285,000
Sub-Total		3,538,000	911,000	285,000
Total		7,969,664	5,976,000	285,000
Grand Total	14,230,664			

Item	2006/07	2007/08	2008/09
Operating Budget			
Expenditure			
Loan repayments - Loan 1		134,620	269,240
Loan repayments - Loan 2		115,879	231,758
Building Maintenance		10,000	20,000
Ground Maintenance		1,500	3,000
Total		<u>261,999</u>	<u>523,998</u>
Revenue			
Belgravia Loan Repayment		134,620	269,240
Recreation Centre - Lease	55,000	111,500	114,850
Gymnastics - Lease		20,000	40,000
Loftus Community Centre - Lease		2,600	5,200
Recreation Centre - Sinking Fund	22,500	45,650	47,021
Gymnastics - Sinking Fund		5,000	10,000
Total	<u>77,500</u>	<u>319,370</u>	<u>486,311</u>

Reallocation of Funds

The following projects are not envisaged to be completed during 2006/07 and it is recommended that funds for these projects be reallocated to the Loftus Centre Redevelopment. The funding for these projects totalling \$938,000 will need to be included in the 2007/08 Budget.

	Project	Amount	Comment
1.	Brookman/Moir Streetscape Works	\$327,000	This project was deferred at the Ordinary Meeting of Council held on 5 December 2006, pending decision of the Localised Enhancement - Underground Power Program
2.	Leederville Oval Public Open Space	\$501,000	The bulk of these works cannot be carried out, as the Builder has requested a larger area, in order to safely carry out construction. (The scoreboard and minor works will be provided.)
3.	Newcastle Street Upgrade (from Loftus to Charles Streets)	\$70,000	On hold, pending Leederville Masterplan outcome.
4.	Lincoln Street - Embayed Parking	\$35,000	On hold pending Main Sewer works. Will not now be able to be implemented until 2007/2008
5.	LCD/Screen for Committee Room	\$5,000	Purchase can be deferred until 2007/08.
	Sub-Total	\$938,000	

6.	It is recommended that \$91,664 be used from the Capital Reserve Fund for the Loftus Redevelopment	\$91,664	This Reserve Fund contains sufficient monies, due to no decision being received from WA Police concerning the Leederville Police Station, with the result that the Margaret Kindergarten Project will not be carried out in 2006/07.
Total		\$1,029,664	

State Gymnastics Centre Reserve Fund

A Reserve Fund has been created to ensure that sufficient funds are available in future years to maintain the building, carry out capital works improvements and replace carpets and plant. Annual contributions to this Reserve Fund will be made by the various Lessees. Existing Reserve Funds will also continue.

The existing Reserve Fund is shown as the "State Indoor Multi-Use Sports Centre". A renaming of this Reserve Fund to "State Gymnastics Centre" is recommended, to reflect the new name of this facility.

Capital Works and Maintenance Program

A Maintenance and Capital Works Program will be prepared by the Project Quantity Surveyor and Architect and will be reported to the Council at the completion of the project.

Financial Assistance Agreement (FAA)

The Town has been liaising with the Department of Sport and Recreation concerning the FAA, which is necessary for the State Government funding. Agreement has now been reached on the FAA. A requirement of the FAA is the drafting of a lease for Gymnastics WA. A draft lease has been prepared by the Town's Chief Executive Officer and will be reported to the Council in early 2007, for approval.

A Progress Payment Schedule and Construction Timetable will be prepared by the Builder, once the tender is approved by the Council. These are to be provided to the Town within fourteen (14) days of the signing of the tender contract.

COMMENTS:

The Loftus Centre Redevelopment was first "Approved in Principle" by the Council at its Special Meeting held on 30 October 2001. It has been under consideration since that time and since first proposed, has undergone a significant change. The project has also been expanded to include a new Town Library and Local History Centre and an underground car park. Over the previous several years, the building industry has experienced a very volatile and buoyant market, with cost escalation increasing at a dramatic rate. This will continue for the foreseeable future. As a result, the project cost has also increased.

Notwithstanding the above, the project is still considered very "good value" for the Town, particularly in light of the \$6,765,000 funds from government and private sources. Perkins Builders' tender has been evaluated and is considered reasonable in today's market.

Accordingly, it is recommended that the Council approves of the Loftus Centre Redevelopment.

At 8.40pm The Presiding Member called a five (5) minute adjournment.

At 8.45pm the Meeting resumed with Mayor Catania, Crs Chester, Doran-Wu, Ker, Lake, Maier, Messina and Torre, Chief Executive Officer, Executive Managers Environmental & Development Services, Technical Services and Corporate Services, Minutes Secretary and Journalists Lindsay McPhee and Chris Thomson present.

10.1.6 Amendment No. 38 to Planning and Building Policies – Draft Policy Relating to Short Term Accommodation

Ward:	Both Wards	Date:	17 January 2007
Precinct:	All Precincts	File Ref:	PLA0176
Attachments:	001		
Reporting Officer(s):	A Denford		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Draft Policy relating to Short Term Accommodation, as shown in Attachment 10.1.6;*
- (ii) *ADOPTS the Draft Policy relating to Short Term Accommodation in the interim until the formal adoption of the Draft Policy;*
- (iii) *ADVERTISES the Draft Policy relating to Short Term Accommodation 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 Draft 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 Draft Policy; and*
 - (c) *forwarding a copy of the Draft Policy to the Western Australian Planning Commission (WAPC); and*
- (iv) *after the expiry of the period for submissions:*
 - (a) *REVIEWS the Draft Policy relating to Short Term Accommodation, having regard to any written submissions; and*
 - (b) *DETERMINES the Draft Policy relating to Short Term Accommodation, with or without amendments, to or not to proceed with them.*

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

Moved Cr Chester, Seconded Cr Ker

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

"(ii) ADOPTS the Draft Policy relating to Short Term Accommodation in the interim until the formal adoption of the Draft Policy, as shown in Attachment 10.1.6, subject to the Policy being amended as follows:

(1) Objectives be amended to read as follows:

'...

4) ensure a high standard of amenity for long-term residents and the occupants of Short Term Accommodation through the provision of a Business Management Plan and Car Parking Management Plan.'; and

(2) clause 2) General be amended to read as follows:

'2) GENERAL

The Town of Vincent is situated approximately three (3) kilometres north of the Perth Central Business District and is therefore a highly desired area for the provision of Short Term Accommodation. The Town of Vincent is aware of the trend towards the diversification of the residential housing market and the increased tendency to change the use of traditional residential dwellings to Short Term Accommodation.

~~In recognising this fact The Town of Vincent recognises this fact and has designed this Policy~~ has been designed to ensure the adequate provision of Short Term Accommodation while safeguarding the amenity of long-term residents within the Town of Vincent.'"

AMENDMENT CARRIED (8-0)

(Cr Farrell had left the meeting.)

Debate ensued.

MOTION AS AMENDED CARRIED (5-3)

For

Mayor Catania

Cr Doran-Wu

Cr Ker

Cr Messina

Cr Torre

Against

Cr Chester

Cr Lake

Cr Maier

(Cr Farrell had left the meeting.)

COUNCIL DECISION ITEM 10.1.6

That the Council;

(i) RECEIVES the Draft Policy relating to Short Term Accommodation, as shown in Attachment 10.1.6;

(ii) **ADOPTS** the Draft Policy relating to Short Term Accommodation in the interim until the formal adoption of the Draft Policy, as shown in Attachment 10.1.6, subject to the Policy being amended as follows:

(1) Objectives be amended to read as follows:

'...

4) ensure a high standard of amenity for long-term residents and the occupants of Short Term Accommodation through the provision of a Business Management Plan and Car Parking Management Plan.'; and

(2) clause 2) General be amended to read as follows:

'2) GENERAL

The Town of Vincent is situated approximately three (3) kilometres north of the Perth Central Business District and is therefore a highly desired area for the provision of Short Term Accommodation. The Town of Vincent is aware of the trend towards the diversification of the residential housing market and the increased tendency to change the use of traditional residential dwellings to Short Term Accommodation.

~~In recognising this fact The Town of Vincent recognises this fact and has designed this Policy has been designed~~ to ensure the adequate provision of Short Term Accommodation while safeguarding the amenity of long-term residents within the Town of Vincent.'

(iii) **ADVERTISES** the Draft Policy relating to Short Term Accommodation 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 Draft 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 Draft Policy; and
- (c) forwarding a copy of the Draft Policy to the Western Australian Planning Commission (WAPC); and

(iv) after the expiry of the period for submissions:

- (a) **REVIEWS** the Draft Policy relating to Short Term Accommodation, having regard to any written submissions; and
- (b) **DETERMINES** the Draft Policy relating to Short Term Accommodation, with or without amendments, to or not to proceed with them.

PURPOSE OF REPORT:

The purpose of this report is to present the Draft Policy relating to Short Term Accommodation and to seek the Council's approval to advertise the Draft Policy.

BACKGROUND:

The need for the Town of Vincent to create a Short Term Accommodation Policy has arisen as a consequence of the following issues;

- A continuation in complaints received by the Town about residential properties being used as Short Term Accommodation for commercial gain;
- The need to clearly define those land use activities that constitute temporary accommodation so that appropriate action may be taken with respect to complaints received; and
- To improve the Town's ability to control existing and future land use activities on residential properties that are utilised for Short Term Accommodation.

Numerous residential properties within the Town of Vincent that have had complaints registered against them due to the operation of Short Term Accommodation. In at least one instance, the anti-social and criminal behaviour generated by the operation of Short Term Accommodation was so disruptive to the residential amenity and quality of life of nearby long-term residents, that a complainant informed the Council in written correspondence that due to the absence of a specific Policy relating to Short Term Accommodation, the complainant was left with no alternative other than to dispose of the property and relocate to another area.

DETAILS:

The Draft Policy relating to Short Term Accommodation is essentially comprised of two (2) components. The first section provides a definition of short term accommodation.

The second section of the draft Policy outlines the submission requirements of applications to operate residential premises within the Town of Vincent as Short Term Accommodation and includes information regarding;

- The provisions to be included in the Business Management Plan;
- The requirements of the Parking Management Plan;
- Public consultation requirements; and
- Issues of compliance with the Building Code of Australia and the Fire Emergency Services Authority.

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.

Furthermore, the Town referred the draft Policy relating to Short Term Accommodation to the Western Australian Planning Commission (WAPC), the East Perth Redevelopment Authority (EPRA) and the Western Australian Local Government Association (WALGA) on 27 November 2006 for comment.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011 – Strategic Objectives: Natural and Built Environment:

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

1.1.4 Minimise negative impacts on the community and environment".

FINANCIAL/BUDGET IMPLICATIONS:

The current 2006/2007 Budget allocates \$88,000 for Town Planning Scheme Amendments and Policies.

COMMENTS:

The draft Policy has been prepared to provide a clear definition of those land use activities that constitute Short Term Accommodation and to outline the Town's application submission requirements for the establishment of such land use activities while protecting the amenity of residents.

In light of the above, it is recommended that the Council receives, adopts in the interim and advertises the Draft Short Term Accommodation Policy in accordance with the Officer Recommendation.

10.1.7 Amendment No. 42 to Planning and Building Policies- Draft Policy Relating to Heritage Management - Dealing with Enquiries Regarding the Heritage Status of Properties

Ward:	Both Wards	Date:	16 January 2007
Precinct:	All Precincts	File Ref:	PLA 0161
Attachments:	001 002 003		
Reporting Officer(s):	T Woodhouse, H Eames		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Draft Policy relating to Heritage Management - Dealing with Enquiries Regarding the Heritage Status of Properties, as shown in Attachment 10.1.7;*
- (ii) *ADOPTS:*
 - (a) *the Draft Policy relating to Heritage Management - Dealing with Enquiries Regarding the Heritage Status of Properties, to be applied in the interim until the formal adoption of the Draft Policy;*
 - (b) *Frequently Asked Questions - Dealing with Enquiries Regarding the Heritage Status of Properties;*
 - (c) *Verbal Enquiry Form - Dealing with Enquiries Regarding the Heritage Status of Properties; and*
- (iii) *ADVERTISES the Draft Policy relating to Heritage Management - Dealing with Enquiries Regarding the Heritage Status of Properties 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 Draft Policy once a week for four 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 Draft Policy; and*
 - (c) *forwarding a copy of the subject Draft Policy to the Western Australian Planning Commission and the Heritage Council of Western Australia; and*
- (iv) *after the expiry of the period for submissions:*
 - (a) *REVIEWS the Draft Policy relating to Heritage Management - Dealing with Enquiries Regarding the Heritage Status of Properties having regard to any written submissions; and*
 - (b) *DETERMINES the Draft Policy relating to Heritage Management - Dealing with Enquiries Regarding the Heritage Status of Properties with or without amendment, to or not to proceed with them.*

Moved Cr Torre, Seconded Cr Ker

That the recommendation be adopted.

Moved Cr Chester, Seconded Cr Ker

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

"(ii) ADOPTS:

- (a) *the Draft Policy relating to Heritage Management - Dealing with Enquiries Regarding the Heritage Status of Properties, to be applied in the interim until the formal adoption of the Draft Policy, as shown in Attachment 10.1.7, subject to the Policy being amended as follows:*

(1) *clause 2) iii) e) be amended to read as follows:*

- '2) iii) e) *A Heritage Assessment and/or Heritage Impact Statement can be undertaken on the subject property in accordance with the Town of Vincent Policy 3.6.2 Heritage Management - Assessment at the discretion of the Executive Manager Environmental and Development Services and/or Manager Planning, Building and Heritage Services to identify the heritage values of the place.'*

AMENDMENT CARRIED (8-0)

(Cr Farrell had left the meeting.)

Moved Cr Lake, Seconded Cr Ker

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

"(ii) ADOPTS:

...

- (b) *Frequently Asked Questions - Dealing with Enquiries Regarding the Heritage Status of Properties, as shown in Attachment 10.1.7, subject to the Frequently Asked Questions being amended as follows:*

(1) *Frequently Asked Questions be amended to read as follows:*

'Q6. What are the benefits of retaining a building?

Wherever possible, the Town of Vincent encourages the retention and re-use of existing buildings. Options for subdivision and adaptation of older buildings means ~~in most cases~~ that demolition is may not be necessary for finding new uses and additional space.

In addition, substantial building waste and lost energy results from demolishing and rebuilding. The embodied energy in an existing building which is adapted for new or better uses is retained. This is less wasteful of resources ~~far more sustainable than if the building is demolished and reconstructing a new one building is constructed.~~ ...'

AMENDMENT CARRIED (7-1)

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

(Cr Farrell had left the meeting.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Farrell had left the meeting.)

COUNCIL DECISION ITEM 10.1.7

That the Council;

- (i) *RECEIVES the Draft Policy relating to Heritage Management - Dealing with Enquiries Regarding the Heritage Status of Properties, as shown in Attachment 10.1.7;*
- (ii) *ADOPTS:*
 - (a) *the Draft Policy relating to Heritage Management - Dealing with Enquiries Regarding the Heritage Status of Properties, to be applied in the interim until the formal adoption of the Draft Policy, as shown in Attachment 10.1.7, subject to the Policy being amended as follows:*
 - (1) *clause 2) iii) e) be amended to read as follows:*
 - '2) iii) e) *A Heritage Assessment and/or Heritage Impact Statement can be undertaken on the subject property in accordance with the Town of Vincent Policy 3.6.2 Heritage Management - Assessment at the discretion of the Executive Manager Environmental and Development Services and/or Manager Planning, Building and Heritage Services to identify the heritage values of the place.'*
 - (b) *Frequently Asked Questions - Dealing with Enquiries Regarding the Heritage Status of Properties, as shown in Attachment 10.1.7, subject to the Frequently Asked Questions being amended as follows:*
 - (1) *Frequently Asked Questions be amended to read as follows:*
 - 'Q6. *What are the benefits of retaining a building?*

Wherever possible, the Town of Vincent encourages the retention and re-use of existing buildings. Options for subdivision and adaptation of older buildings means ~~in most cases~~ that demolition is may not be necessary for finding new uses and additional space.

In addition, substantial building waste and lost energy results from demolishing and rebuilding. The embodied energy in an existing building which is adapted for new or better uses is retained. This is less wasteful of resources for more sustainable than if the building is demolished and reconstructing a new one building is constructed. ...

- (c) *Verbal Enquiry Form - Dealing with Enquiries Regarding the Heritage Status of Properties; and*
- (iii) *ADVERTISES the Draft Policy relating to Heritage Management - Dealing with Enquiries Regarding the Heritage Status of Properties 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 Draft Policy once a week for four 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 Draft Policy; and*
- (c) *forwarding a copy of the subject Draft Policy to the Western Australian Planning Commission and the Heritage Council of Western Australia; and*
- (iv) *after the expiry of the period for submissions:*
- (a) *REVIEWS the Draft Policy relating to Heritage Management - Dealing with Enquiries Regarding the Heritage Status of Properties having regard to any written submissions; and*
- (b) *DETERMINES the Draft Policy relating to Heritage Management - Dealing with Enquiries Regarding the Heritage Status of Properties with or without amendment, to or not to proceed with them.*

PURPOSE OF REPORT:

The purpose of this report is to introduce and outline the contents of the Draft Policy relating to Heritage Management - Dealing with Enquires Regarding the Heritage Status of Properties.

BACKGROUND:

Prior to the commencement of the consultation period of the Town's Revised Municipal Heritage Inventory on 21 June 2006, the Council adopted a series of Policies relating to heritage which is listed below. The dates shown after each Policy relate to the final adoption date.

- Heritage Management - Development Guidelines, Heritage Management - Assessment (Adopted 27 June 2006);
- Heritage Management - Assessment (Adopted 17 January 2006);

- Heritage Management - Adding/Deleting/Amending Places on the Municipal Heritage Inventory (MHI) (Adopted 27 June 2006);
- Heritage Management - The Heritage List (Municipal Heritage Inventory) (Adopted 22 November 2005); and
- Heritage Management - Interpretive Signage and Heritage Management - Municipal Heritage Inventory (MHI) Incentives and Development Bonuses (Adopted 11 July 2006).

The Policies were developed in part to provide a framework for the release of the revised Municipal Heritage Inventory, as well as to offer clear procedural guidelines for heritage management at the Town of Vincent.

With the consultation period of the revised Municipal Heritage Inventory concluding on 31 August 2006 and the commencement of the formal adoption of the properties onto the Municipal Heritage Inventory by the Council, clarification was sought for a clear procedure on how to deal with enquiries regarding the heritage status of properties within the Town of Vincent. As such, a draft Policy has been developed to assist in addressing enquiries relating to the heritage status of properties within the Town of Vincent. To complement the draft Policy a 'Frequently Asked Questions Information Sheet' has been prepared and will be made available on the Town's dedicated Heritage webpage www.vincentheritage.com.au and at the Town of Vincent Administration and Civic Centre.

DETAILS:

The key objectives of the Draft Policy relating to Heritage Management - Dealing with Enquiries Regarding the Heritage Status of Properties are:

- 1) To provide guidance to the Town of Vincent's Administration for dealing with enquiries regarding the heritage status of properties; and
- 2) To provide guidance to the Town of Vincent's Administration for dealing with enquiries regarding partial or full demolition of properties not included on the Town of Vincent Municipal Heritage Inventory.

CONSULTATION/ADVERTISING:

Any new or 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.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011: Strategic Objectives - 1. Natural and Built Environment "... 1.1.3 (b) *Implement and promote the Municipal Heritage Inventory and Heritage Management Policies*".

FINANCIAL/BUDGET IMPLICATIONS:

The current 2006/2007 Budget allocates \$88,760 for Town Planning Scheme Amendments and Policies of which \$80,912 currently remains.

COMMENTS:

Legal Advice

A preliminary copy of the draft Policy was provided to the Town's Lawyers, Mullins Handcock Lawyers, on 10 January 2007. Written advice was received back from the Lawyers on 12 January 2007.

The legal advice received related to the draft Policy document; the Disclaimer; and the Frequently Asked Questions (FAQs).

In summary, the advice consisted of the following:

- the Town will provide only basic verbal information to ensure accuracy and consistency;
- 'verbal enquiry' is to include telephone, front counter and on-site;
- the Town will require most enquiries to be put in writing;
- the Enquirer will need to make their own assessment of the importance and seriousness of the enquiry (this is referred to as 'the Self Assessment Warning');
- in taking a verbal enquiry Officers will complete a general 'Enquiry Form' - this creates a standard procedural practice which compliments the Policy;
- a suggested format for a Enquiry Form is shown as an attachment to this report;
- the disclaimer has been reduced to a more user friendly format; and
- minor amendments to the formatting of the FAQs.

Existing Organisational Policies and Procedures

It should be noted that the Town does not currently have documented procedures for dealing with verbal or written enquiries. The existing 'Customer Action Request System' (CARS) deals with customer requests which require additional follow-on action (for example, arrangements for replacing a bin, or removal of graffiti). The CARS system rarely records the generic and multiple verbal or written enquiries relating to matters of planning. The Customer Service Charter deals with accepted timeframes and behaviour when dealing with customers.

Conclusion

The proposed draft Policy relating to heritage advice was discussed at the Elected Members Forum held on 12 December 2006 (Item 4.2.3). The draft Policy was also forwarded to the Town's Lawyers, Mullins Handcock Lawyers. The draft Policy and FAQ's shown as an attachment to this report reflects the suggested changes and legal advice received. The FAQs and Enquiry Form do not form part of the draft Policy and are shown as separate attachments to this report.

In light of the above, it is recommended that the Council receives, adopts in the interim and advertises the subject documentation, in line with the Officer Recommendation.

10.1.8 Interim Report – Draft Residential Design Elements Policy

Ward:	Both Wards	Date:	16 January 2007
Precinct:	All Precincts	File Ref:	PLA0022
Attachments:	001 ; 002		
Reporting Officer(s):	K Batina		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Interim Report relating to the draft Residential Design Elements Policy, following a recent Elected Members Forum held on 12 December 2006, and associated Attachments;*
- (ii) *ADOPTS the following actions in relation to the future development and progression of the draft Residential Design Elements Policy;*
 - (a) *the draft Residential Design Elements Policy be further reviewed, and its structure and content be reflective of ‘Option C: Option C: Recommence, Reduce and Refocus’, consistent with the general consensus reached at the Elected Members Forum held on 12 December 2006;*
 - (b) *the ‘Guidance Notes’ and ‘Assessment Tables’ be re-collated into one composite document of the draft Residential Design Elements Policy;*
 - (c) *a new Policy relating to Streetscapes, independent but inherently linked to the draft Residential Design Elements Policy and future Town Planning Scheme, be prepared, and that a report and draft Policy be referred to the Council no later than February 2007;*
 - (d) *the timeframes depicted in the Attachment, be regarded as the agreed timeframes in which the Policies relating to the Residential Design Elements and Streetscapes will progress;*
 - (e) *the outcomes of Vincent Vision 2024 be incorporated into the draft Residential Design Elements Policy as a dedicated section and throughout the draft Policy, in the objectives for every Design Element;*
 - (f) *the wording relating to ‘Lofts’ be revised and made clearer and more stringent;*
 - (g) *a maximum building height of 9 metres to top of pitched roof be imposed for all residential buildings within the Town, with exceptions to this maximum height being restricted to topographical and other environmental considerations; and*
 - (h) *further criteria relating to the preservation and consideration of streetscape character be developed in relation to the exceptional circumstances where carports and garages are acceptable within the front setback; and*
- (iii) *ACKNOWLEDGES that the final adoption of the draft Policies relating to the Residential Design Elements and Streetscapes, will be no later than June 2007.*

Moved Cr Torre, Seconded Cr Messina

That the recommendation be adopted.

Moved Cr Chester, Seconded Cr Messina

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

“(iv) *APPROVES the procedure whereby the draft Residential Design Elements Policy is not to be applied in the assessments of development applications until the Policy is formally adopted, and that only formally adopted Policies are to be used in the assessment of development applications.*”

Debate ensued.

AMENDMENT CARRIED (8-0)

(Cr Farrell had left the meeting.)

Moved Cr Lake, Seconded Cr Messina

That a new clause (ii)(i) be added as follows:

“(ii) (i) *the Policy to contain a clearer definition of what constitutes a single dwelling;*”

Debate ensued.

Cr Doran-Wu departed the Chamber at 9.02pm.
Cr Doran-Wu returned to the Chamber at 9.02pm.

Cr Lake withdrew the proposed amendment with the consent of the seconder.

Moved Cr Chester, Seconded Cr Lake

That a new clause (ii)(i) be added as follows:

“(ii) (i) *new policies relating to:*

- (1) *Subdivisions; and*
- (2) *Single Bedroom Dwellings;*

independent but inherently linked to the draft Residential Design Elements be prepared and that a report and draft policy be referred to Council no later than April 2007;”

AMENDMENT CARRIED (8-0)

(Cr Farrell had left the meeting.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Farrell had left the meeting.)

COUNCIL DECISION ITEM 10.1.8

That the Council;

- (i) *RECEIVES the Interim Report relating to the draft Residential Design Elements Policy, following a recent Elected Members Forum held on 12 December 2006, and associated Attachments;*
- (ii) *ADOPTS the following actions in relation to the future development and progression of the draft Residential Design Elements Policy;*
 - (a) *the draft Residential Design Elements Policy be further reviewed, and its structure and content be reflective of 'Option C: Option C: Recommence, Reduce and Refocus', consistent with the general consensus reached at the Elected Members Forum held on 12 December 2006;*
 - (b) *the 'Guidance Notes' and 'Assessment Tables' be re-collated into one composite document of the draft Residential Design Elements Policy;*
 - (c) *a new Policy relating to Streetscapes, independent but inherently linked to the draft Residential Design Elements Policy and future Town Planning Scheme, be prepared, and that a report and draft Policy be referred to the Council no later than February 2007;*
 - (d) *the timeframes depicted in the Attachment, be regarded as the agreed timeframes in which the Policies relating to the Residential Design Elements and Streetscapes will progress;*
 - (e) *the outcomes of Vincent Vision 2024 be incorporated into the draft Residential Design Elements Policy as a dedicated section and throughout the draft Policy, in the objectives for every Design Element;*
 - (f) *the wording relating to 'Lofts' be revised and made clearer and more stringent;*
 - (g) *a maximum building height of 9 metres to top of pitched roof be imposed for all residential buildings within the Town, with exceptions to this maximum height being restricted to topographical and other environmental considerations; and*
 - (h) *further criteria relating to the preservation and consideration of streetscape character be developed in relation to the exceptional circumstances where carports and garages are acceptable within the front setback;*
- (ii) (i) *new policies relating to:*
 - (1) *Subdivisions; and*
 - (2) *Single Bedroom Dwellings;*

independent but inherently linked to the draft Residential Design Elements be prepared and that a report and draft policy be referred to Council no later than April 2007;

- (iii) *ACKNOWLEDGES that the final adoption of the draft Policies relating to the Residential Design Elements and Streetscapes, will be no later than June 2007; and*
- (iv) *APPROVES the procedure whereby the draft Residential Design Elements Policy is not to be applied in the assessments of development applications until the Policy is formally adopted, and that only formally adopted Policies are to be used in the assessment of development applications.*
-

PURPOSE OF REPORT:

The purpose of this report is to provide the Council with an update with respect to the preparation of the draft Residential Design Elements Policy, and to refine the approach in which the draft Policy will be completed, following a recent Elected Members Forum and the outcomes.

BACKGROUND:

The preparation and development of the draft Residential Design Elements Policy commenced prior to the gazettal of the new Residential Design Codes (R Codes) in October 2002. Its development was initially gradual, however, in 2004 the policy development received more attention, and by May 2005, a draft Policy was advertised for public comment.

For the purpose of outlining the comprehensive and involved development of the draft Residential Design Elements Policy, it is considered appropriate in this instance to provide an overview of the progression of the draft Policy since its initiation in July 2004. Provided below is a synopsis of the Elected Member Forums and Council meetings and decisions that have occurred since its initiation.

- On 19 October 2004, the draft Residential Design Elements Policy was presented to an Elected Members Forum;
- On 30 November 2004, the draft Policy was again considered and further discussed at an Elected Members Forum;
- On 14 December 2004, the draft Policy was considered and debated at an Elected Members Forum;
- On 22 February 2005 at an Ordinary Meeting of Council, the Item was deferred to the following Ordinary Meeting of Council for further discussion and determination;
- On 15 March 2005 at a Special Meeting of Council, the Council resolved to advertise the draft Policy relating to Residential Design Elements;
- On 22 March 2005 at an Ordinary Meeting of Council, resulting from a motion initiated by Councillor Chester, the Council resolved to reconsider the Council decision of the Special Meeting of Council held 15 March 2005, and to amend the Assessment Table and Guidance Notes of Element 9 – Subdivision, as part of the Draft Policy;
- On 12 April 2005 at an Ordinary Meeting of Council, the Council resolved to defer consideration of the item relating to the draft Residential Design Elements Policy, to the following Ordinary Meeting of Council;
- On 26 April 2005 at an Ordinary Meeting of Council, resulting from a motion initiated by Councillor Lake, the Council resolved to reconsider the Council decision of the Ordinary Meeting of Council held 22 March 2005, and to amend the Assessment Table and Guidance Notes of Element 9 – Subdivision, as part of the Draft Policy and to advertise the draft Policy for public comment;

- On 23 August 2005 at an Ordinary Meeting of Council, an Interim Report outlining the submissions received during the public comment period and the development and progression of the draft Policy was presented to the Council. The Council resolved to seek further comments from the Western Australian Planning Commission and the State Administrative Tribunal in regard to the legal weighting of the draft Policy, and to include reference to the outcomes of the Community Visioning Project, *Vincent Vision 2024*, as part of the further development of the draft Policy. It was also resolved that the item be referred to an Elected Members Forum in September/October for consideration and discussion;
- On 18 October 2005, the draft Residential Design Elements Policy was referred to an Elected Members Forum, consistent with the Council resolution of the Ordinary Meeting of Council held on 23 August 2005. It was concluded at this Elected Members Forum to hold an Elected Members Workshop with the Town's Officers, to assist in the development of the Policy and promote open discussion and directives for the Town's Officers to further progress the draft Policy;
- On 4 May 2006, the draft Residential Design Elements Policy was presented to and considered at an Elected Members Workshop;
- On 14 November 2006, the draft Residential Design Elements Policy was presented to an Elected Members Forum; and
- On 12 December 2006, the draft Residential Design Elements Policy was presented to an Elected Members Forum.

As referred to above, a presentation was made to the Elected Members Forum on 14 November 2006, providing an overview of the work undertaken as part of the draft Policy development since the Elected Members Workshop held in May 2006, and an outline of the principal issues and concerns that have been raised by Elected Members since the workshop. It was decided that a further forum be held to discuss matters further, and additional information sought in regard to the draft Policy at the 12 December 2006 Elected Members Forum.

The objective of the presentation was intended to provide and seek clarification on a number of issues raised at the previous Elected Members Forum and independently by Elected Members, in relation to the draft Residential Design Elements Policy. Each of the main issues were highlighted and clarified, and an opportunity provided to discuss the matter and make any appropriate recommendations to the Town's Officers to further progress each issue.

In addition, another objective of the presentation was to facilitate collective directives from the Elected Members to the Town's Officers on what form the draft Residential Design Elements Policy will take and to reach a consensus understanding on the likely timing of the Policy being finalised.

The following report will outline the matters discussed at the Elected Members Forum and provide an overview of the direction taken by the Town's Officers following the Forum.

DETAILS:

At the Elected Members Forum held on 14 November 2006, a number of issues were highlighted and brought to the Elected Member's attention based on comments received from Elected Members prior to the Forum at the workshop held in May and via electronic mail. To assist in dealing with the various matters with ease, the issues were divided into two parts being the Policy document, and those primary areas of concern with respect to the content and provisions within the document.

Policy Document - Structure

A number of concerns have been raised with respect to the draft Policy document. Following is a summary of the comments made and the planned actions, resulting from the discussions and consensus reached at the Elected Members presentation.

Size: Guidance Notes and Assessment Tables

As the draft Policy has been further developed and as part of the effort to address the various issues that have been raised as the Policy document has been developed, the size of the Policy and its content has inadvertently increased.

It was considered appropriate and more practical to divide the document into two parts, being 'Guidance Notes' and 'Assessment Tables', making the document easier to use. However, as pointed out by several Elected Members, the separation of the Guidance Notes from the accompanying Assessment Tables, would encourage the users (Planning Officers, Developers, Elected Members and ratepayers), to rely only on the Assessment Tables and not the Guidance Notes. Consequently, the draft Policy document will be amended with the relevant Guidance Notes and Assessment Tables being collated back into one composite document.

Subjective Wording

The type of document the draft Planning Policy is, lends itself to subjective wording in its provisions and directives. Claims have been made that the draft Policy reads too subjectively and is therefore open to interpretation. It is considered that one of the failings of the Town's current residential development Policies is their verbose and subjective nature. The draft Residential Design Elements Policy is intended to remove this excessive wording and provide a more simplistic and user friendly document. While a concerted attempt has been made to remove the subjectivity of the wording in the Policy, the very nature of the decision making process for planning, relies on a certain level of subjectivity that cannot be escaped. Nonetheless, the final draft Policy will be reviewed, and wherever possibly and appropriate, subjective wording will be removed.

Consensus

The general consensus with respect to the size of the document and the subjective wording was to re-collate the Assessment Tables and Guidance Notes into one composite Policy, and to remove, wherever possible and appropriate, any subjective wording contained within the Policy document.

Policy Document - The Options

The progression of the draft Policy has been delayed due to a number of factors both internally and externally. In order to ensure that the development and finalisation of this draft Policy is achieved, the Town's Officers devised a number of Options for consideration by the Elected Members. Details for each option presented are outlined below:

Option A: Continue and Complete

This option would entail continuing with the development of the draft Policy, which would include the merging of the Assessment Tables and Guidance Notes into one document, the review and removal of subjective wording wherever possible, and reducing the size of the document by rationalising its content.

This may or may not include the need to re-advertise the Policy for public comment, if it is considered that the document has changed significantly enough for it to warrant re-advertising.

The anticipated date of completion for this process will be February 2007, if it is agreed that the Policy not be re-advertised, or April/May 2007 if the draft Policy is re-advertised.

Option B: Reduce, Remove R Codes Reference, Re-advertise

In response to the concern raised regarding the size of the document, the draft Policy would undergo a review to reduce its content and to remove any replication of the Residential Design Codes provisions and any verbatim wording. The draft Policy structure (that is, Assessment Tables and Guidance Notes) would still remain, albeit in a merged format.

If considered necessary, the draft Policy would be re-advertised for further comment.

The anticipated date of completion for this option would be February 2007 if it is agreed that the Policy not be re-advertised, or April/May 2007 if the draft Policy is re-advertised.

Option C: Recommence, Reduce and Refocus

Prepare a new Residential Development Policy that only addresses those areas outlined in the R Codes where variation and local planning policies are permitted to be developed. The new Residential Development Policy would be classified as a new Policy, and therefore would be subject to the Policy Amendment Process, including initiation, advertising and finalisation of the Policy, as per any other Policy.

A Policy Amendment process usually takes approximately three months to complete, with this timeframe potentially being increased due to the complexity of the Policy subject matter, the number of submissions and subsequent changes needing to be addressed. Factoring in the possibility of an extended timeframe for the Policy to be finally adopted, the anticipated timeframe would be June/July 2007.

Option D: Recommence, Redefine and Refine

Prepare a new Residential Development Policy that will form as an additional Policy to the Town's existing Residential Design Guidelines Policies, which outlines and focuses only on certain areas which the Elected Members and Town's Officers warrant further clarification. This Policy would be added to the existing Residential Design Guidelines section of the Planning and Building Policy Manual. Like 'Option C' the Policy would be classified as a new Policy, and therefore would be subject to the Policy Amendment Process, including initiation, advertising and finalisation of the Policy, as per any other Policy.

This Option is similar to Option C. Factoring in the possibility of an extended timeframe for the Policy to be finally adopted the anticipated timeframe would also most likely be June/July 2007.

Preferred Option: Town's Officer Recommendation

The Town's Officers recommended that either 'Option B: Reduce, Remove R Codes Reference, Re-advertise' or 'Option C: Recommence, Reduce and Refocus' be selected as the preferred option.

'Option A' is considered to be an already exhausted option. While the continued development of the Policy in the same fashion as over the past few years might have its merits with regard to consistency, based on the difficulty in reaching a consensus among Elected Members on the direction of the Policy, Option A is considered to be the commencement of a repeat process that has previously proven unsuccessful.

'Option D' is considered a reasonable course of action to take, however, not the preferred, as it may result in a limited document that will need constant revising, as new approaches or further definition is required to complement the Town's already existing Residential Design Guidelines Policies. Furthermore, Option D would not result in the reduction of the number of Residential Development Policies, as was the original intent of the Policy Amendment, but rather produce an additional Policy that will be appended to the existing Residential Development Policies.

Consensus

At the Elected Members Forum, the general consensus reached was that ‘Option C: Recommence, Reduce and Refocus’ be selected as the preferred option, on the basis that the resultant revised document, while still encapsulating the Town’s Policies on residential development, would have a clear and defined relationship with the R Codes and those areas where variations are permitted.

Residential Design Codes 2002

When the Policy was first being developed, it was considered a practical and sensible approach to include reference to and reiteration of certain provisions of the Residential Design Codes 2002 (R Codes), enabling the document to function as a ‘one stop shop’ for all relevant information relating to residential development. In doing so, it would further emphasise the direction in which the Town is wishing to take in regard to a particular aspect of development, and provide a strong reference point for such assertions. However, as time has passed, and as reflected in some of the more recent Elected Members Forums, the general opinion seems to be that the R Codes provisions should not be reiterated in the Policy document, to avoid any confusion relating to the statutory relevance and distinction between the two development control documents.

While this approach is considered a sensible and practical approach, attention is brought to the impact of a lack of a reference point to R Codes in the Policy, resulting in a more compromised rather than strengthened Policy position. It is acknowledged that the reliance on the R Codes as a reference point comes with risk, particularly when the R Codes themselves have been reviewed and released for public comment in June 2006, only to have such a significant number of submissions received, that a further review is underway, with the timing of its completion, unknown.

However, the reiteration and direct referencing to the R Codes does have some merit, because if the R Codes, through the review process were to be amended and certain provisions removed (which the Town relied upon and assumed would be retained), then the Town may need to form its own position on certain provisions previously imposed through the R Codes, prompting a further Policy review. The reliance on the R Codes to ‘fill in the gaps’ where the Town’s Policies or approach is not contradictory, may run the risk of this not being represented in the new revised R Codes.

As suggested in ‘Option C’, a possible option to address this may be to prepare a new Policy that only addresses those areas which are specifically identified within the R Codes as being allowed to be varied, for local planning purposes. The variations and whether or not they have been addressed as part of the existing draft Policy (including Element Number) has been tabulated for reference below:

Streetscape	Referenced
• <i>Primary and secondary setbacks</i>	Yes – Element 1
• <i>Fencing</i>	Yes – Element 3
• <i>Materials of retaining walls</i>	Yes – Element 5 (but not materials)
• <i>Development within the front setback</i>	Yes – Elements 1, 4 & 7
• <i>Siting of carports and garages</i>	Yes – Elements 1 & 4
• <i>Controls to secure view from dwelling to the street</i>	Yes – Element 6
• <i>Averaging of setbacks</i>	Yes – Element 1

Building Design	Referenced
<ul style="list-style-type: none"> • <i>Design of carports and garages</i> • <i>Colour, scale, materials and roof pitch of buildings (including outbuildings)</i> • <i>Extent to which upper levels can be viewed from street</i> 	<p>Yes – Elements 2 & 4</p> <p>Yes – Elements 1 & 2</p> <p>Yes – Elements 1 & 2</p>
Boundary Walls	Referenced
<ul style="list-style-type: none"> • <i>Location of boundary walls</i> • <i>Dimensions of boundary wall</i> • <i>Need for boundary walls to be considered against Performance Criteria</i> 	No
Building Height	Referenced
<ul style="list-style-type: none"> • <i>Alternative approaches to controlling building height</i> 	Yes – Element 2

Consensus

With the preferred option being Option C for the form of the final draft Policy, the general consensus portrayed by the Elected Members, in regard to the inclusion and/or reference to the R Codes within the Policy document, was to only make reference to the relevant parts of the R Codes, rather than reiterate the provisions of the R Codes.

Town Planning Scheme Review and the draft Residential Design Elements Policy

Another area of concern that has been raised is in regard to the relationship between the new Town Planning Scheme and the draft Policy, particularly in terms of how the two documents will relate to each other in a complementary and legal sense and the timing in terms of their adoption.

As part of the Town Planning Scheme Review, a draft Housing Strategy has been prepared, which involved a housing survey of all of the Town's residential properties. As a result of the housing survey, numerous streets within the Town have been noted as having particularly strong attributes, and have been listed as 'streetscapes' worthy of preservation where and when possible. The value of having streetscapes identified as part of the new Scheme is that it will demonstrate the value the Town places on the preservation of streetscapes within the Town and it will give additional weighting to the draft Residential Design Elements Policy and its intent in preserving the character of streetscapes where new development is proposed. It is therefore inherent that the interrelationship between the Scheme and the draft Policy be cemented and clearly defined from the outset.

As alluded to in the previous paragraph, the Town Planning Scheme Review is presently underway, and the anticipated time of completion has now been extended from December 2007 to mid to late 2008, due to additional unanticipated steps recently being introduced as part of the review process. The timeframe of the actual promulgation and gazettal of the new Town Planning Scheme is also dependent on the timeframes of the Western Australian Planning Commission and Minister for Planning and Infrastructure. The interrelationship between the draft Policy and the Town Planning Scheme, emphasises the need for both documents to be closely aligned with each other, and wherever possible, the timing of their adoption, timed as closely as possible. While the adoption of both documents coinciding would be ideal, the draft Policy cannot be further delayed, as it is urgently needed to replace a number of the Town's existing Residential Development Policies, in order to provide clearer guidance not only to the Town's Officers in regard to residential development, but also ratepayers and developers who are intending to develop within the Town.

To facilitate the continued preparation of the draft Policy, while still being cognisant of the progression and content of the new Town Planning Scheme, and in particular those provisions relating to streetscapes, it is recommended that a new Policy which relates specifically to those streetscapes which have been identified as part of the housing survey, be prepared and initiated, with the timing of its final adoption to coincide with the final adoption of the draft Residential Design Elements Policy.

A table depicting the interrelationship between the three documents, being the draft Residential Design Elements Policy, the draft Streetscapes Policy and the new Town Planning Scheme forms as an attachment to this report.

It should however, be noted, that the timeframe of the draft Policy relating to Streetscapes will be dependant on the outcomes from the Town Planning Scheme Review Committee and the potential resultant implications.

Vincent Vision 2024

The *Vincent Vision 2024* community consultation process has formed a fundamental component of the Town Planning Scheme Review. The project was undertaken over a fourteen month period, and was completed in June 2005. Since its completion, a concerted effort has been made to integrate the outcomes from the *Vincent Vision 2024* project into the Town's work and conduct, including the *Strategic Plan 2006-2011*.

During the preparation and subsequent advertising of the draft Residential Design Elements Policy, which finished in May 2005, the outcomes of the *Vincent Vision 2024* project were not yet known. Consequently, the outcomes were not incorporated into the draft Policy at the time of advertising. However, as the draft Policy has been further reviewed since the completion of advertising, reference has been made to the *Vincent Vision 2024* outcomes in and their representation, albeit, not specifically, in the draft Policy provisions.

Consensus

This matter was discussed at length during the presentation to the Elected Members, and it was agreed that the outcomes of Vincent Vision 2024 should be incorporated into the draft Policy. To reinforce the importance given to the outcomes of Vincent Vision 2024, the general consensus was that the draft Policy, include a separate section dedicated to the Vincent Vision 2024 outcomes and the integration of Vincent Vision 2024 outcomes and their relationship to the objectives for each design element.

Development Matters: The Issues

The following matters were identified as needing further discussion and clarification:

- Loft Development
- Building Height
- Carports and Garages
- Streetscapes

Loft Development

As the review of the advertised Policy has progressed, the general consensus has been that roof spaces may be permitted for habitable uses, provided that the loft development itself does not contribute to the bulk and scale of the residential building to which it is attached. The area of contention has been on how to control (that is, limit) the extent of habitable space permitted for a loft development. The measures that have been suggested have been as follows:

- (a) Limit the total floor (habitable) area by a nominated percentage, such as 60 per cent of the total floor area immediately below the loft; or

- (b) Impose stronger and more stringent provisions stating that lofts be wholly contained within the roof space and allow the extent of habitable space be controlled by the Building Code of Australia regulations.

Through discussion on the matter, it was concluded amongst the Elected Members that the concern in regard to lofts did not relate to the use of roof space for habitable purposes, but more so with the bulk and scale that may result in accommodating a loft within the roof space, in terms of increased roof pitch, extent of additional perpendicular portions of building above the maximum prescribed building height, and the potential for the loft to effectively function and appear as an additional storey, where two storey height limits are applied.

Further research has been undertaken in regard to what other development control measures are used to control the bulk and scale of lofts, both nationally and internationally. Interestingly, it was found that internationally, lofts are generally accepted, and encouraged, and in most instances, provided that certain provisions are met, do not require development approval. A flowchart depicting the considerations required to be made by the applicant forms as an attachment to this report (refer Attachment 002). Nationally, development control of lofts was found to be generally guided by the floor space ratio to the area immediately below the proposed loft space, which was the basis for prescribing the maximum of 60 per cent habitable floor area as was originally suggested by the Town's Officers.

Consensus

Having identified and agreed that the primary concern relating to lofts was the potential resultant bulk and scale of lofts if proper development control provisions were not imposed, the general consensus in regard to how loft developments would be addressed was that the current wording of the draft Policy be made more specific and stringent. In addition, the provision stating that the maximum allowable floor area for a loft is not to exceed 60 per cent will be removed, and reliance be made solely on the wording and stronger provisions relating to the bulk and scale, as a development control mechanism.

Building Height

Quasi three storey developments have been an issue within the Town for a number of years, despite Precinct Policy and Locality Statement provisions limiting the building height of residential buildings to two storeys. Building height has been based on the building height provisions stipulated in Table 3 of the R Codes for Category B area buildings.

It is proposed that a maximum blanket roof pitch height of 9 metres be applied for all residential development within the Town, in order to better control the height of residential buildings. This maximum height is considered to be appropriate; however, there may be circumstances where this height limit cannot be met, due to specific site restrictions which may include such considerations as topographical conditions or geological formations. In these instances, some level of discretion would still need to be made available as part of the assessment and decision making process.

Consensus

The 9 metre maximum height for residential buildings was considered appropriate given the predominant bulk and scale of residential development throughout the Town. It was also agreed that provisions must be made to allow for variation to the maximum building height in certain circumstances, such as the topography of the subject site.

Carports and Garages Within the Front Setback and Rights of Way

Historically, carports and garages have been actively discouraged from being situated within the front setback of a property. Locating a garage or carport in front of a dwelling is not considered preferable as it can detract from the streetscape and/or the appearance of dwellings, or obstruct view of dwellings from the street and vice versa.

Recently, there has been an increasing trend of carports and garages being proposed in front of dwellings. This has come about as a result of narrow lot developments, where the siting of carports and garages is restricted to being either in front of the dwelling or to the rear. Generally, recent trends propose carports and garages in front of the dwelling so to allow for outdoor living space to be located at the rear, where there is a greater amount of privacy.

Consensus

The Town's existing Policy relating to Carports and Garages is considered to function well and facilitates the manner in which carports and garages within the front setback are considered as part of the development approval process.

Nonetheless, it is considered appropriate that in order to further facilitate the preservation of streetscapes in regard to development within the front setback such as carports and garages, that the draft Residential Design Elements Policy develop further criteria for the exceptional circumstances where carports and garages are proposed and considered appropriately placed within the front setback, regardless of the property abutting a right of way.

Streetscapes

As highlighted earlier, 'Streetscapes' and their value and necessary protection have been identified as a priority as part of the Town Planning Scheme Review and Vincent Vision 2024 consultation process. It is intended that as part of the new Town Planning Scheme, certain identified streets within the Town, that have met the minimum threshold criteria be recognised as part of the Scheme. The draft Residential Elements Policy is intended to ultimately complement and reinforce their protection and preservation.

It was noted as part of the Local Housing Survey, which was conducted as part of the Town Planning Scheme Review, that the Town is predominantly single storey, with only a few locations where two and three storey residential developments exist. As such, it is important that those single storey streetscapes be preserved, where it is considered that the streetscape is still in tact and generally well preserved. As mentioned earlier in this report, it is suggested that a manner in which this can be achieved, particularly for the interim period while the new Town Planning Scheme is being finalised, is to prepare a separate Policy to the draft Residential Design Elements Policy, that specifically identifies those streetscapes within the Town that are considered to have value and warrant protection and preservation.

The recommendation to prepare a new Policy that addresses streetscapes only, is again reiterated in this instance, as it is seen to be the most appropriate manner in which the importance the Town places on streetscapes and to ensure their continued preservation.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Town Planning Scheme No. 1, associated Policies and the Residential Design Codes.

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011 states:

"Strategic Objective 1 : Natural and Built Environment

1.1 Improve and maintain environment and infrastructure

- 1.1.2 *Develop and implement a Town Planning Scheme and associated policies, guidelines and initiatives that deliver the community vision.*
- 1.1.3 *Enhance and maintain the character and heritage of the Town.*
- 1.1.4 *Minimise negative impacts on the community and environment."*

FINANCIAL/BUDGET IMPLICATIONS:

The current 2006/2007 Budget allocates \$80,000 for Town Planning Scheme Amendments and Policies.

COMMENTS:

In light of the above, it is recommended that the Council receives this report as an update on the current progress of the draft Residential Design Elements Policy and supports the Officer Recommendation.

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

Moved CrMaier, Seconded Cr Torre

That Cr Ker assume the Chair (as the Deputy Mayor had left the meeting).

CARRIED (8-0)

(Cr Farrell had left the meeting.)

Mayor Catania and Cr Messina departed the Chamber at 9.05pm and did not speak or vote on the matter.

Journalist Lyndsay McPhee left the Meeting at 9.05pm.
Cr Doran-Wu departed the Chamber at 9.05pm.

10.3.1 Investment Report as at 31 December 2006

Ward:	Both	Date:	3 January 2007
Precinct:	All	File Ref:	FIN0005
Attachments:	001		
Reporting Officer(s):	M Howard-Bath		
Checked/Endorsed by:	Bee Choo Tan	Amended by:	

OFFICER RECOMMENDATION:

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

COUNCIL DECISION ITEM 10.3.1

Moved Cr Maier, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (5-0)

(Cr Farrell had left the meeting. Mayor Catania and Crs Doran-Wu and Messina were absent from the Chamber and did not vote.)

PURPOSE OF REPORT:

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

BACKGROUND:

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

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 December 2006 were \$20,869,949 compared with \$21,369,949 at 30 November 2006. At 31 December 2005, \$14,752,618 was invested.

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

	Budget	Actual	%
	\$	\$	
Municipal	370,000	259,564	70.15
Reserve	434,300	292,695	67.39

COMMENT:

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

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

Mayor Catania and Crs Doran-Wu and Messina returned to the Chamber at 9.07pm. Mayor Catania assumed the Chair.

All Elected Members, the Chief Executive Officer and Executive Managers had declared a financial interest in Policy 5.5.9. This policy will “*Lie on the Table*” until the approval of the Minister for Local Government has been received.

10.4.4 Policies – Amendments and Proposed New Policies

Ward:	-	Date:	17 January 2007
Precinct:	-	File Ref:	ORG0023
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **APPROVES to amend the following Policies as shown in Appendix 10.4.4:**
 - (a) *No. 1.1.6 – Community and Welfare – Grants and Donations;*
 - (b) *No 1.1.10 – Youth Development Grants; and*
 - (c) *No. 1.2.12 – Use of Corporate Credit Cards;*
- (ii) **APPROVES the deletion of the following Policies as shown in Appendix 10.4.4:**
 - (a) *No. 1.1.5 – Donations to Sports People; and*
 - (b) *No. 4.1.1 – Use and Access to Refreshments;*
- (iii) **APPROVES the re-adoption of the following Policies without amendment, as shown in Appendix 10.4.4:**
 - (a) *5.7.11 - Gratuity Payments/Payments to Employees in Addition to Contract or Award on Cessation of Employment; and*
 - (b) *5.7.13 - Study Leave and Assistance;*
- (iv) **APPROVES to adopt the following new Policies as shown in Appendix 10.4.4:**
 - (a) *No. 1.1.5 – Donations, Sponsorship and Waivering of Fees and Charges;*
 - (b) *No. 3.8.8 – Rodent and Vermin Control – Assistance;*
 - (c) *No. 3.9.2 – Parking Enforcement and Review/Appeal of Infringement Notices;*
 - (d) *No. 4.1.1 – Civic Functions, Ceremonies, Receptions, Provision of Hospitality and Use of Administration and Civic Centre, Council Chamber, Function Room and Committee Room;*
 - (e) *No. 4.1.28 – Recognition of Ratepayers/Residents who attain the Age of 100 Years or who Celebrate their Golden (or Subsequent milestone) Wedding Anniversary;*
 - (f) *No. 4.1.29 – Policy Manual, Adoption and Review of Policies;*

- (g) *No. 4.2.10 – Media Statements; and*
- (h) *Human Resources Policy No. 5.5.9 – Acknowledgement of a Birth, Death or Special/Exceptional Circumstances Affecting an Employee/Elected Member or their Immediate Family;*
- (v) *NOTES that the following proposed Policy may result in a financial gain/loss/detriment for a person and as such they will be required to disclose a financial interest in the matter:*
- *Human Resources Policy No. 5.5.9 – Acknowledgement of a Birth, Death or Special/Exceptional Circumstances Affecting an Employee/Elected Member or their Immediate Family;*
- (vi) *REQUESTS the Chief Executive Officer to obtain the approval of the Minister for Local Government in accordance with Section 5.69 of the Local Government Act 1995 to seek approval for Elected Members to participate in that part of the meeting and any subsequent meetings and the Mayor to preside at the meetings, to consider the proposed Policy No. 5.5.9 – Acknowledgement of a Birth, Death or Special/Exceptional Circumstances Affecting an Employee/Elected Member or their Immediate Family;*
- (vii) *APPROVES the proposed Policy No. 5.5.9 – Acknowledgement of a Birth, Death or Special/Exceptional Circumstances Affecting an Employee/Elected Member or their Immediate Family “LIE ON THE TABLE” until the approval of the Minister for Local Government has been received; and*
- (viii) *AUTHORISES the Chief Executive Officer to:*
- (a) *advertise the proposed amended and draft policies for a period of twenty-one (21) days, seeking public comment;*
 - (b) *report back to Council with any submissions received; and*
 - (c) *include the amended/draft policies in the Town’s Policy Manual if no public submissions are received.*

Moved Cr Maier, Seconded Cr Lake

That the recommendation be adopted.

Moved Cr Ker, Seconded Cr Maier

That clause (iv)(d) be amended to read as follows:

“(iv) APPROVES to adopt the following new Policies as shown in Appendix 10.4.4:

- (d) *No. 4.1.1 – Civic Functions, Ceremonies, Receptions, Provision of Hospitality and Use of Administration and Civic Centre, Council Chamber, Function Room and Committee Room subject to clause (11)(i) being amended to read as follows;*

“11. (i) *The use of the Function Room is for official purposes of the Town (including functions/events which the Town supports/sponsors, but is not the organiser), at the discretion of the Chief Executive Officer”;*”

Debate ensued.

AMENDMENT CARRIED (8-0)

(Cr Farrell had left the meeting.)

Moved Cr Maier, Seconded Cr Chester

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

“(iv) APPROVES to adopt the following new Policies as shown in Appendix 10.4.4:

(a) No. 1.1.5 – Donations, Sponsorship and Waivering of Fees and Charges subject to the word “waivering” being changed to “waiving” where it appears in the Policy and deleting the word “Council” and inserting “the Town” where it appears in clauses (1)(ii)(8)(D), (E), (F) and (G) and clause (1)(v);

(b) No. 3.8.8 – Rodent and Vermin Control – Assistance subject to the Policy Statement being amended to read as follows;

“... To assist in the control of rodents and vermin the Town will provide rodent baiting and other forms of pest control assistance to owner/occupiers as follows:

●—Owners/Occupiers;

● Owner/occupiers who have demonstrated that they have taken appropriate action to control rodents and which have been deemed unsuccessful. In these cases the Town will provide one-off rodent baiting;

● Owner/occupiers who are Pensioners (aged or disability); and ...”

(c) No. 3.9.2 – Parking Enforcement and Review/Appeal of Infringement Notices subject to clause (3)(ii)(b) being amended to read as follows;

“(b) If the driver is not satisfied with the outcome of the initial review/appeal and, the Town is again notified in writing, ~~and~~ the decision will then be reviewed by a Parking Review/Appeals Panel.”

(d) No. 4.1.1 – Civic Functions, Ceremonies, Receptions, Provision of Hospitality and Use of Administration and Civic Centre, Council Chamber, Function Room and Committee Room subject to the following amendments;

1. Clause (2)(ii) – delete the words “and one (1) guest of their choice; and

2. Clause (2)(vi) – delete the words “During October each year” and replace with “Each year (usually October/November)”.

(e) No. 4.1.28 – Recognition of Ratepayers/Residents who attain the Age of 100 Years or who Celebrate their Golden (or Subsequent milestone) Wedding Anniversary;

- (f) *No. 4.1.29 – Policy Manual, Adoption and Review of Policies;*
- (g) *No. 4.2.10 – Media Statements subject to:*
1. *Clause 1 being amended to read as follows:*
 - “1. *the Mayor (or in his/her absence the Deputy Mayor) and the Chief Executive Officer are the only persons authorised to ~~provide comment~~ speak on behalf of the Council to members of the media on Town of Vincent matters; and*
 2. *a new clause (5) be added as follows:*
 - “5. *Any comments by the Mayor, Elected Members or the Chief Executive Officer to the media shall be in accordance with the requirements of the Town’s Code of Conduct Section 8 – Communications and Public Relations and any legislative requirements which prevail at the time.*” and
- (h) *Human Resources Policy No. 5.5.9 – Acknowledgement of a Birth, Death or Special/Exceptional Circumstances Affecting an Employee/Elected Member or their Immediate Family;”*

AMENDMENT CARRIED (8-0)

(Cr Farrell had left the meeting.)

COUNCIL DECISION ITEM 10.4.4

That the Council;

- (i) *APPROVES to amend the following Policies as shown in Appendix 10.4.4:*
- (a) *No. 1.1.6 – Community and Welfare – Grants and Donations;*
 - (b) *No 1.1.10 – Youth Development Grants; and*
 - (c) *No. 1.2.12 – Use of Corporate Credit Cards;*
- (ii) *APPROVES the deletion of the following Policies as shown in Appendix 10.4.4:*
- (a) *No. 1.1.5 – Donations to Sports People; and*
 - (b) *No. 4.1.1 – Use and Access to Refreshments;*
- (iii) *APPROVES the re-adoption of the following Policies without amendment, as shown in Appendix 10.4.4:*
- (a) *5.7.11 - Gratuity Payments/Payments to Employees in Addition to Contract or Award on Cessation of Employment; and*
 - (b) *5.7.13 - Study Leave and Assistance;*

(iv) **APPROVES to adopt the following new Policies as shown in Appendix 10.4.4:**

(a) **No. 1.1.5 – Donations, Sponsorship and Waivering of Fees and Charges subject to the word “waivering” being changed to “waiving” where it appears in the Policy and deleting the word “Council” and inserting “the Town” where it appears in clauses (1)(ii)(8)(D), (E), (F) and (G) and clause (1)(v);**

(b) **No. 3.8.8 – Rodent and Vermin Control – Assistance subject to the Policy Statement being amended to read as follows;**

“... To assist in the control of rodents and vermin the Town will provide rodent baiting and other forms of pest control assistance to owner/occupiers as follows:

• ~~Owners/Occupiers;~~

• Owner/occupiers who have demonstrated that they have taken appropriate action to control rodents and which have been deemed unsuccessful. In these cases the Town will provide one-off rodent baiting;

• Owner/occupiers who are Pensioners (aged or disability); and ...”

(c) **No. 3.9.2 – Parking Enforcement and Review/Appeal of Infringement Notices subject to clause (3)(ii)(b) being amended to read as follows;**

“(b) If the driver is not satisfied with the outcome of the initial review/appeal and, the Town is again notified in writing, ~~and~~ the decision will then be reviewed by a Parking Review/Appeals Panel.”

(d) **No. 4.1.1 – Civic Functions, Ceremonies, Receptions, Provision of Hospitality and Use of Administration and Civic Centre, Council Chamber, Function Room and Committee Room subject to the following amendments;**

1. **“11. (i) The use of the Function Room is for official purposes of the Town (including functions/events which the Town supports/sponsors, but is not the organiser), at the discretion of the Chief Executive Officer”;**

2. **Clause (2)(ii) – delete the words “and one (1) guest of their choice; and**

3. **Clause (2)(vi) – delete the words “During October each year” and replace with “Each year (usually October/November)”.**

(e) **No. 4.1.28 – Recognition of Ratepayers/Residents who attain the Age of 100 Years or who Celebrate their Golden (or Subsequent milestone) Wedding Anniversary;**

(e) **No. 4.1.28 – Recognition of Ratepayers/Residents who attain the Age of 100 Years or who Celebrate their Golden (or Subsequent milestone) Wedding Anniversary;**

- (f) *No. 4.1.29 – Policy Manual, Adoption and Review of Policies;*
- (g) *No. 4.2.10 – Media Statements subject to:*
1. *Clause 1 being amended to read as follows:*
 - “1. *the Mayor (or in his/her absence the Deputy Mayor) and the Chief Executive Officer are the only persons authorised to ~~provide comment~~ speak on behalf of the Council to members of the media on Town of Vincent matters; and*
 2. *a new clause (5) be added as follows:*
 - “5. *Any comments by the Mayor, Elected Members or the Chief Executive Officer to the media shall be in accordance with the requirements of the Town’s Code of Conduct Section 8 – Communications and Public Relations and any legislative requirements which prevail at the time.*” and
- (h) *Human Resources Policy No. 5.5.9 – Acknowledgement of a Birth, Death or Special/Exceptional Circumstances Affecting an Employee/Elected Member or their Immediate Family;*
- (v) *NOTES that the following proposed Policy may result in a financial gain/loss/detriment for a person and as such they will be required to disclose a financial interest in the matter:*
- *Human Resources Policy No. 5.5.9 – Acknowledgement of a Birth, Death or Special/Exceptional Circumstances Affecting an Employee/Elected Member or their Immediate Family;*
- (vi) *REQUESTS the Chief Executive Officer to obtain the approval of the Minister for Local Government in accordance with Section 5.69 of the Local Government Act 1995 to seek approval for Elected Members to participate in that part of the meeting and any subsequent meetings and the Mayor to preside at the meetings, to consider the proposed Policy No. 5.5.9 – Acknowledgement of a Birth, Death or Special/Exceptional Circumstances Affecting an Employee/Elected Member or their Immediate Family;*
- (vii) *APPROVES the proposed Policy No. 5.5.9 – Acknowledgement of a Birth, Death or Special/Exceptional Circumstances Affecting an Employee/Elected Member or their Immediate Family “LIE ON THE TABLE” until the approval of the Minister for Local Government has been received; and*
- (viii) *AUTHORISES the Chief Executive Officer to:*
- (a) *advertise the proposed amended and draft policies for a period of twenty-one (21) days, seeking public comment;*
 - (b) *report back to Council with any submissions received; and*
 - (c) *include the amended/draft policies in the Town’s Policy Manual if no public submissions are received.*

PURPOSE OF REPORT:

The purpose of this report is to seek Council's approval to amend existing policies and adopt several new policies.

BACKGROUND:

The Town's Policy Manual contains various policies which provide guidance to the Town's Administration for day to day management issues and also to Elected Members for decision making.

DETAILS:

The following details are provided:

1. 1.1.6 – Community and Welfare – Grants and Donations

This policy has been amended to delete the details relating to donations and inserting them in a new policy titled "*No. 1.1.5 – Donations, Sponsorship and Waivering of Fees and Charges*". It is considered a separate policy for donations etc is more appropriate and easier to administer.

2. 1.1.10 – Youth Development Grants

This policy has been amended to change the age of the potential recipients from 17 years to 21 years. Youth is defined as being 12 to 25 years of age. The Town has previously received requests from youth aged 18 to 21 and these have been refused due to the previous age limit of 17 years.

3. 1.2.12 – Use of Corporate Credit Cards

This is a minor policy amendment to amend clause 5 relating to maximum credit limits. It is proposed to raise the credit card limit from \$5,000 up to \$10,000 for the cards and to raise the maximum credit limit per transaction from \$2,000 to \$5,000.

The current clause is too restrictive, as use of the card has experienced difficulties with the limits being too low (eg some purchase items, when booking conferences, hotel accommodation, air fares).

The policy currently prescribes that the Chief Executive Officer is authorised to determine the transaction details within the Policy Guidelines.

3. 1.1.5 – Donations to Sports People

This policy will be incorporated into the new policy "*Donations, Sponsorship and Waivering of Fees and Charges*".

4. 1.1.5 – Donations, Sponsorship and Waivering of Fees and Charges

This new policy amalgamates several policies into one new policy. The new policy more clearly defines the criteria to be used for assessment of requests for assistance. It also provides criteria for general donation requests, which are currently not prescribed.

5. 3.8.8 – Rodent and Vermin Control - Assistance

This new policy formalises the current practice of assistance provided by the Town's Environmental Health Officers to the Town's ratepayers and residents.

6. 3.9.2 – Parking Enforcement and Review/Appeal of Infringement Notices

This new policy formalises the current practice adopted by the Town's administration for parking enforcement and also the process for reviewing/appealing an infringement notice.

The Town currently has eight (8) Rangers who enforce the Town's Parking Local Law. The policy defines the practice to be used by the Town's Authorised Person when administering the Local Law. As a result of the Town's enforcement, an increase in the number of requests to review/appeal an infringement notice is being experienced. In 2005/06 the Town wrote off over \$100,000 in value of infringement notices (bearing in mind an infringement notices is \$80 plus). The write-offs are reported to Council on a quarterly basis and include the following reasons:

- Breakdown/Stolen (Proof Produced)
- Details Unknown/Vehicle Mismatched
- Equipment Faulty (Confirmed by Technicians)
- Failure to Display Resident or Visitor Permit
- Interstate or Overseas Driver
- Litter Act
- Other (Financial Hardship, Disability, Police On-duty, Etc)
- Penalties Modified
- Pound Fees Modified
- Ranger/Clerical Error
- Signage Incorrect or Insufficient
- Ticket Purchased but not Displayed (Valid Ticket Produced)

7. 4.1.1 – Use and Access to Refreshments

This policy will be incorporated into the new policy "*Civic Functions, Ceremonies, Receptions, Provision of Hospitality and Use of Council Chamber, Function Room and Committee Room*".

8. 4.1.1 – Civic Functions, Ceremonies, Receptions, Provision of Hospitality and Use of Council Chamber, Function Room and Committee Room

This new policy formalises the Town's current practice in this matter.

9. 4.1.28 – Recognition of Ratepayers/Residents who attain the age of 100 Years or who celebrate their Golden Wedding (or subsequent milestone) Anniversaries

This new policy formalises the Town's current practice in dealing with these occasions.

10. 4.1.29 – Policy Manual, Adoption and Review of Policies

This new policy formalises the Town's current practice of adopting and reviewing Council policies.

11. 4.2.10 – Media Statements

This new policy formalises the Town's current practice of dealing with media statements.

12. 5.5.9 – Acknowledgement of a Birth, Death or Special/Exceptional Circumstances Affecting an Employee/Elected Member or their Immediate Family

This is a new policy which formalises the Town's current practice in this matter.

The Town would acknowledge a birth or death on 2-3 occasions per year. A card and flowers/modest basket which cost approximately \$60-\$75 is a gesture of goodwill towards an Employee. Since the creation of the Town, the same practice has been extended to Elected Members with approximately 4 deaths and 3 births over an 11 year period. The Council has recently adopted new guiding values including "*Caring and Empathy*" and this policy is in keeping with this.

In more recent years, the policy of sending flowers or a modest basket to employees who have suffered serious illness (major heart surgery, cancer, serious accident) has been adopted by the Chief Executive Officer as part of the Town's "*Employer of Choice*" criteria. Such occasions vary, but on average would be 5-6 times per year.

The cost of administering this policy is less than \$800 per year.

As the policy will also include Elected Members, approval of the Minister for Local Government is required before the Council can consider this policy.

13. 5.7.11 – Gratuity Payment/Payments to Employees in Addition to Contract or Award on Cessation of Employment

This policy has been reviewed and there are no suggested changes to this policy.

14. 5.7.13 – Study Leave and Assistance

This policy has been reviewed and only a minor amendment has been made to include a provision for the amount payable to be increased by Consumer Price Index on 1 July each year.

CONSULTATION/ADVERTISING:

The policies will be advertised for a period of twenty-one (21) days seeking comments from the public. It is proposed that the Human Resources policy would not be advertised as it relates to employees only and does not involve the community.

LEGAL/POLICY:

Policies are not legally enforceable, they provide guidance to the Town's Administration and Elected Members when considering various matters.

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011 - Key Result Area 4 – Leadership, Governance and Management –

“4.1.2 – Manage the organisation in a responsible, efficient and accountable manner”.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

It is recommended that the Council approve the amended and new policies as detailed in this report.

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

12.1 WALGA Nominations – Taxi Customers Advisory Forum; Western Australian Community Safety and Crime Prevention Council; WA Telecentre Advisory Council; Swan River Trust; Natural Resources Management Council; WA Planning Commission (WAPC); WAPC Statutory Planning Committee; WAPC Sustainable Transport Committee; WAPC Infrastructure Coordinating Committee; WAPC Coastal Planning and Coordination Council; Air Quality Coordinating Committee

Ward:	-	Date:	15 January 2007
Precinct:	-	File Ref:	ORG0045
Attachments:	001		
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) _____ *be nominated as WALGA Member - Taxi Customers Advisory Forum;*
- (ii) _____ *be nominated as WALGA Metropolitan Member - Western Australian Community Safety and Crime Prevention Council (Panel of 3 names) (Approval by Minister);*
- (iii) _____ *be nominated as WALGA Member - WA Telecentre Advisory Council (Panel of 3 Names) (Ministerial Approval);*
- (iv) _____ *be nominated as WALGA Member - Swan River Trust (Panel of 3 Names) (Ministerial Approval);*
- (v) _____ *be nominated as WALGA Member - Natural Resources Management Council (Panel of 2 Names) (Ministerial Approval);*
- (vi) _____ *be nominated as WALGA Metropolitan Member - WA Planning Commission (WAPC) (Panel of 3 Names) (Approval by Minister);*
- (vii) _____ *be nominated as WALGA Deputy Metropolitan Member - WA Planning Commission (WAPC) (Panel of 3 Names) (Approval by Minister);*
- (viii) _____ *be nominated as WALGA Member - WA Planning Commission (WAPC) Statutory Planning Committee (Panel of 3 Names) (Approved by Minister);*

- (ix) ----- *be nominated as WALGA Member - WA Planning Commission (WAPC) Sustainable Transport Committee (Panel of 3 Names) (Approval by Minister);*
- (x) ----- *be nominated as WALGA Member - WA Planning Commission (WAPC) Infrastructure Coordinating Committee (Panel of 3 Names) (Approval by Minister);*
- (xi) ----- *be nominated as WALGA Metropolitan Member - WA Planning Commission (WAPC) Coastal Planning and Coordination Council (Panel of 3 Names) (Approval by Minister);*
- (xii) ----- *be nominated as WALGA Member - Air Quality Coordinating Committee; and*
- (xiii) ----- *be nominated as WALGA Deputy Member - Air Quality Coordinating Committee.*
-

COUNCIL DECISION ITEM 12.1

The Presiding Member called for nominations.

The Chief Executive Officer advised that he had received a nomination from Cr Farrell for clause (vi) - WALGA Metropolitan Member - WA Planning Commission (WAPC).

Cr Maier nominated for clause (iv) - WALGA Member - Swan River Trust.

Crs Ker and Torre nominated for clause (ix) - WALGA Member - WA Planning Commission (WAPC) Sustainable Transport Committee.

Cr Torre nominated for clause (x) - WALGA Member - WA Planning Commission (WAPC) Infrastructure Coordinating Committee.

Moved Cr Chester, Seconded Cr Messina

That;

- (i) *Cr Farrell be nominated as WALGA Metropolitan Member - WA Planning Commission (WAPC) (Panel of 3 Names) (Approval by Minister);*
- (ii) *Cr Maier be nominated as WALGA Member - Swan River Trust (Panel of 3 Names) (Ministerial Approval);*
- (iii) *Crs Ker and Torre be nominated as WALGA Member - WA Planning Commission (WAPC) Sustainable Transport Committee (Panel of 3 Names) (Approval by Minister); and*
- (iv) *Cr Torre be nominated as WALGA Member - WA Planning Commission (WAPC) Infrastructure Coordinating Committee (Panel of 3 Names) (Approval by Minister).*

CARRIED (8-0)

(Cr Farrell had left the meeting.)

Journalist Chris Thomson left the meeting at 9.10pm.

DETAILS:

Please see Appendix 12.1 for details.

N.B.:

NOMINATIONS CLOSE COB FRIDAY 9 MARCH 2007

13. URGENT BUSINESS

Nil.

At 9.10pm Moved Cr Ker, Seconded Cr Torre

That the meeting proceed "behind closed doors" to consider confidential items 14.1, 14.2, 14.3, 14.4, 14.5, 14.6, 14.7, 14.8, 14.9, 14.10, 14.11, 14.12 an 14.13 as they contain commercially sensitive information and legal advice obtained, or which may be obtained by the Town.

CARRIED (8-0)

14. CONFIDENTIAL REPORTS (Behind Closed Doors)

14.1 CONFIDENTIAL REPORT - No. 69 (Lot 551 D/P: 92765) Barlee Street, Mount Lawley - Proposed Permanent Change of Use to Office (Property Developer, Financial Planning and Architects) Building - State Administrative Tribunal Review Matter No. DR 343 of 2006 - Directions Hearing

Ward:	South	Date:	15 January 2007
Precinct:	Forrest; P14	File Ref:	PRO1205; 5.2005.3183.1
Attachments:	-		
Reporting Officer(s):	B McKean		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to No. 69 (Lot 551 D/P: 92765) Barlee Street, Mount Lawley - Proposed Permanent Change of Use to Office (Property Developer, Financial Planning and Architects) Building - State Administrative Tribunal Review Matter No. DR 343 of 2006 - Directions Hearing; and*
- (ii) *FILES and SERVES the following draft "without prejudice" conditions to the SAT in response to the SAT Orders dated 11 December 2006:*
 - (a) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate planning application, and all signage shall be subject to a Sign Licence application, being submitted and approved prior to the erection of the signage;*
 - (b) *the hours of operation shall be restricted to the following times:
8am to 6pm Monday to Friday and 8am to 1pm on Saturday, inclusive;*
 - (c) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans within twenty-eight (28) days of notification of this Approval and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
 - (d) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*

- (e) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Barlee Street verge adjacent to the subject property, shall be submitted to and approved by the Town. All such works shall be undertaken within twenty-eight (28) days of notification of this Approval and maintained thereafter by the owner(s)/occupier(s);*
- (f) *the maximum gross floor area of the office shall be limited to 185 square metres. Any increase in floor space or change of use on the subject land shall require Planning Approval to be applied to and obtained from the Town;*
- (g) *any new street/front wall, fence and gate between the Barlee 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;*
- (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) *windows, doors and adjacent floor areas fronting Barlee Street shall maintain an active and interactive relationship with this street;*
- (j) *this approval is for Office (Property Developer, Financial Planning and Architects) Building only and should the applicant/owner wish to change the nature of the office use, it shall be necessary to reapply to and obtain approval from the Town prior to commencement of the new use;*
- (k) *one (1) class 1 or 2 bicycle parking facility shall be provided at a location convenient to the entrance of the approved development within twenty-eight (28) days of notification of this Approval. Details of the design and layout of the bicycle parking facility shall be submitted and approved prior to installation of such facility;*

- (l) *sanitary facilities, fixtures and fittings, access and a car parking space for people with disabilities shall be provided in accordance with the Building Code of Australia (BCA) and AS1428.1 within twenty-eight (28) days of notification of this Approval; and*
- (m) *all car parking bays indicated on the subject plans shall not be used for any other purpose and an access management plan shall be submitted to and approved by the Town. The subject management plan shall be submitted within twenty-eight (28) days of notification of this Approval.*

Moved Cr Messina, Seconded Cr Chester

That the recommendation be adopted.

Debate ensued.

Moved Cr Messina, Seconded Cr Chester

That the preamble of clause (ii) be amended to read as follows:

*“(ii) **REITERATES that the Council MOST STRONGLY OBJECTS to the proposal and there has been no regard to the Council's previous reasons for refusal of the proposal, and FILES and SERVES the following draft "without prejudice" conditions to the SAT in response to the SAT Orders dated 11 December 2006:**”*

AMENDMENT CARRIED (7-1)

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

(Cr Farrell had left the meeting.)

Moved Cr Maier, Seconded Cr Messina

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

*“(ii) (m) **all car parking bays indicated on the subject plans, including the garage, shall only be used for the parking of motor vehicles of the employees, clients and visitors to the office use on-site, and shall not be used for the storage of motor vehicles and any other purpose and an access management plan shall be submitted to and approved by the Town. The subject management plan shall be submitted within twenty-eight (28) days of notification of this Approval;**”*

AMENDMENT CARRIED (8-0)

(Cr Farrell had left the meeting.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Farrell had left the meeting.)

COUNCIL DECISION ITEM 14.1

That the Council;

- (i) *RECEIVES the report relating to No. 69 (Lot 551 D/P: 92765) Barlee Street, Mount Lawley - Proposed Permanent Change of Use to Office (Property Developer, Financial Planning and Architects) Building - State Administrative Tribunal Review Matter No. DR 343 of 2006 - Directions Hearing; and*
- (ii) *REITERATES that the Council MOST STRONGLY OBJECTS to the proposal and there has been no regard to the Council's previous reasons for refusal of the proposal, and FILES and SERVES the following draft "without prejudice" conditions to the SAT in response to the SAT Orders dated 11 December 2006:*
 - (a) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate planning application, and all signage shall be subject to a Sign Licence application, being submitted and approved prior to the erection of the signage;*
 - (b) *the hours of operation shall be restricted to the following times:
8am to 6pm Monday to Friday and 8am to 1pm on Saturday, inclusive;*
 - (c) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans within twenty-eight (28) days of notification of this Approval and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
 - (d) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
 - (e) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Barlee Street verge adjacent to the subject property, shall be submitted to and approved by the Town. All such works shall be undertaken within twenty-eight (28) days of notification of this Approval and maintained thereafter by the owner(s)/occupier(s);*
 - (f) *the maximum gross floor area of the office shall be limited to 185 square metres. Any increase in floor space or change of use on the subject land shall require Planning Approval to be applied to and obtained from the Town;*
 - (g) *any new street/front wall, fence and gate between the Barlee 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;*
- (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) *windows, doors and adjacent floor areas fronting Barlee Street shall maintain an active and interactive relationship with this street;*
- (j) *this approval is for Office (Property Developer, Financial Planning and Architects) Building only and should the applicant/owner wish to change the nature of the office use, it shall be necessary to reapply to and obtain approval from the Town prior to commencement of the new use;*
- (k) *one (1) class 1 or 2 bicycle parking facility shall be provided at a location convenient to the entrance of the approved development within twenty-eight (28) days of notification of this Approval. Details of the design and layout of the bicycle parking facility shall be submitted and approved prior to installation of such facility;*
- (l) *sanitary facilities, fixtures and fittings, access and a car parking space for people with disabilities shall be provided in accordance with the Building Code of Australia (BCA) and AS1428.1 within twenty-eight (28) days of notification of this Approval; and*
- (m) *all car parking bays indicated on the subject plans, including the garage, shall only be used for the parking of motor vehicles of the employees, clients and visitors to the office use on-site, and shall not be used for the storage of motor vehicles and any other purpose and an access management plan shall be submitted to and approved by the Town. The subject management plan shall be submitted within twenty-eight (28) days of notification of this Approval.*

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

PURPOSE OF REPORT:

- To update the Council of the above review application.
- To comply with the requirements of the Town's Policy/Procedure for State Administrative Tribunal (SAT).
- To consider the draft "without prejudice" conditions to the SAT.

Landowner:	Virium Pty Ltd
Applicant:	Marchmont Group Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R50
Existing Land Use:	Office Building
Use Class:	Office Building
Use Classification:	"SA"
Lot Area:	469 square metres
Access to Right of Way	West side, 3 metres wide, sealed, dedicated road. South side, 3 metres wide, sealed, dedicated road.

BACKGROUND:

18 June 1973 The Council of the City of Perth conditionally approved a change of use from Salvation Army church/hall to headquarters of Cracovia Soccer Club, specifically for the following uses;

- "(a) holding committee meetings;*
- (b) display and storage of Club's trophies and movable property;*
- (c) assembly of club juniors for purpose of voluntary youth work, such as screening of films, talks and similar activities;*
- (d) conducting small socials for the players; and*
- (e) holding various other meetings in relation to Club activities;*

subject to the Club's activities being conducted in such a way that there is no cause for complaint from nearby residents."

12 December 1977 The Council of the City of Perth resolved to refuse an application to the extension of the existing hall used by a sporting club, including a games/dining area, licensed bar and store, for the following reason:

- "1. The proposed extension to the hall be refused under Clause 30 of the Metropolitan Region Scheme on the grounds that the general disturbance caused by its use and lack of parking facilities would prejudice both the orderly and proper planning of the locality and the amenities of the locality."*

Use of the caretaker's residence for administration purposes was approved, subject to it being conducted in such a way that it does not prejudice interests of nearby residents.

14 June 1999 The Council at its Ordinary Meeting conditionally approved two storey additions and alterations to the existing dwelling. It would appear that these additions were not undertaken.

16 October 2003 Proposed partial demolition of and alterations and additions, including mezzanine level to existing single house and free standing garage was conditionally approved under delegated authority.

- 14 September 2004 The Council at its Ordinary Meeting granted conditional approval for temporary change of use from single house to office (property developer, financial planning and architects) building (application for retrospective Planning Approval). Condition (i) (f) of the approval stated as follows:
- "this approval for a Change of Use is for a period of 12 months only and should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the Town prior to continuation of the use."*
- 14 February 2006 The Council at its Ordinary Meeting resolved as follows:
- "That the Item be DEFERRED to afford the applicant and owner the opportunity to address the areas of non-compliance and objection received and to ensure that advertising has been carried in accordance with the Town's Community Consultation Policy, and that the objector is aware that the proposed change of use is permanent and not temporary as advertised."*
- 12 September 2006 The Council resolved to refuse the application for proposed permanent change of use to office (property developer, financial planning and architects) building for the following reasons:
- "(a) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (b) the non-compliance with the Town's Policy relating to Brigatti Locality and the objectives of the Town's Town Planning Scheme No.1;*
- (c) approval of the proposed development would create an undesirable precedent for other similar commercial use developments encroaching into established residential areas; and*
- (d) consideration of the objections received;"*
- 11 October 2006 Application lodged with the State Administrative Tribunal to review the Council's decision.
- 1 November 2006 Directions hearing at the State Administrative Tribunal (SAT).
- 15 November 2006 Directions hearing at the State Administrative Tribunal (SAT).
- 5 December 2006 The Council at its Ordinary Meeting resolved as follows in response to Order No. 1 of the Orders issued by SAT on 21 November 2006, which invited the respondent to reconsider its decision under review in light of the applicant's offers of either cash-in-lieu for parking, or the buying or rental of public parking bays:
- "(i) in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council:*

- (a) *DOES NOT SUPPORT as part of the State Administrative Tribunal Review Matter No. DR 343 of 2006, the applicant's offers of either cash-in-lieu for parking or the buying or rental of public parking bays, for Proposed Permanent Change of Use to Office (Property Developer, Financial Planning and Architects) Building at No. 69 (Lot 551 D/P: 92765) Barlee Street, Mount Lawley and as shown on revised plans stamp-dated 27 September 2005, because the application was not assessed as having a car parking shortfall; and*
- (b) *REITERATES that it DOES NOT SUPPORT as part of the State Administrative Tribunal Review Matter No. DR 343 of 2006, the Proposed Permanent Change of Use to Office (Property Developer, Financial Planning and Architects) Building at No. 69 (Lot 551 D/P: 92765) Barlee Street, Mount Lawley and as shown on revised plans stamp-dated 27 September 2005, for the following reasons:*
- (1) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
 - (2) *the non-compliance with the Town's Policy relating to Brigatti Locality and the objectives of the Town's Town Planning Scheme No.1;*
 - (3) *approval of the proposed development would create an undesirable precedent for other similar commercial use developments encroaching into established residential areas; and*
 - (4) *consideration of the objections received; and*
- (ii) *INVITES the eleven (11) residents who objected to the proposal to submit written submissions (witness statements) on behalf of the Council on the Review (appeal), which is to be determined by way of a "Final Hearing".*

8 December 2006 Directions Hearing.

30 and

31 January 2007 The matter has been provisionally set down for full Hearing.

DETAILS:

The Town is required to submit draft "*without prejudice*" conditions to SAT by 31 January 2007, as per the SAT Orders dated 11 December 2006. Mr. Simon Bain (planning consultant) has been engaged to represent the Town in the above review process. The applicant is being represented by Freehills. The review process is to be determined by way of a "formal/full" 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. Simon Bain.

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 11 December 2006.

Mayor Catania advised that there had been a request from the owner of 102 Vincent Street to defer Item 14.12 as he was currently seeking financial advice on the matter. He ruled that this matter would be dealt next.

14.12 CONFIDENTIAL REPORT - Municipal Heritage Inventory Review - Consideration of Nos. 102A & 102B (Lots 132 & 131) Vincent Street, Mount Lawley

Ward:	South	Date:	15 January 2007
Precinct:	Norfolk; P10	File Ref:	PRO0390
Attachments:	-		
Reporting Officer(s):	S Kendall		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *NOTES the submission(s) received regarding the proposed inclusion of the place at Nos. 102A & 102B (Lots 132 & 131) Vincent Street, Mount Lawley on the Town's Municipal Heritage Inventory ;*
- (ii) *RECIEVES the heritage assessment prepared by the Town's Officers for the place at Nos. 102A & 102B (Lots 132 & 131) Vincent Street, Mount Lawley; and*
- (iii) *INCLUDES the place at Nos. 102A & 102B (Lots 132 & 131) Vincent Street, Mount Lawley on the Town's Municipal Heritage Inventory as a Management Category B - 'Conservation Recommended'.*

COUNCIL DECISION ITEM 14.12

Moved Cr Messina, Seconded Cr Lake

That Item be DEFERRED at the request of the owner to allow him further time to submit information to the Town.

CARRIED (8-0)

(Cr Farrell had left the meeting.)

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

PURPOSE OF REPORT:

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

BACKGROUND:

The Council at its Ordinary Meeting held on 7 November 2006 considered a methodology for considering approximately 109 submissions received for Category B places identified as part of the draft MHI. The methodology was not supported. The Council resolved to further consider the matter at the Ordinary Meeting of Council held on 21 November 2006 and requested the Chief Executive Officer to carry out a preliminary assessment of the Category B properties/places and to group these according.

The Council at its Ordinary Meeting held on 21 November 2006 considered an alternative procedure of determination of properties/places listed in Category B of the draft MHI, and approved the following 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 on the Municipal Heritage Inventory (MHI);
- 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; and
- GROUP 3 - Properties where the owner has made a submission requesting further information or clarification and should therefore be deferred.

At the Ordinary Meeting of Council held on 21 November 2006, the Council did not make a formal decision on "Group 4" properties/places due to a procedural oversight.

- 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.

The Council at its Ordinary Meeting held on 5 December 2006, resolved as follows:

"That the Council APPROVES of the following procedure of determination of properties/places listed in Category B;

- (i) 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;*

1. *Nos. 30 - 44 (Lots 1 & 2) Angove Street, North Perth*
2. *Nos. 56 - 58 (Lot 33) Angove Street, North Perth*
3. *Nos. 124 - 126 (Lot Y1) Brisbane Street, Perth*
4. *Nos. 215 - 299 (Lot 1) Bulwer Street, Perth*
5. *Nos. 294(Lot 1) and 296 (Lot 2) Bulwer Street, Perth*
6. *No. 76 (Lot 116) Buxton Street, Mount Hawthorn (Part of Group)*
7. *No. 78 (Lot 117) Buxton Street, Mount Hawthorn (Part of Group)*
8. *No. 4 (Lot 2) Coogee Street, Mount Hawthorn*
9. *No. 220 (Lot 35) Charles Street, North Perth*
10. *No. 5 (Lot Y6) Cowle Street, West Perth (Part of Group)*
11. *Nos. 17 - 19 (Lots 20 & 21) Cowle Street, West Perth*
12. *No. 13 (Lot 43) Daphne Street, North Perth*
13. *No. 57 (Lots 14, 15 & 16) Fairfield Street, Mount Hawthorn*
14. *No. 73 (Lots 25, 26 & Y27) Fairfield Street, Mount Hawthorn*
15. *No. 53 (Lot 26) Florence Street, West Perth*
16. *No. 459 (Lot 8) Fitzgerald Street, North Perth*
17. *No. 3 (Lot 10) Gallop Street, West Perth*
18. *No.107 (Lot 18) Glendower Street, Perth (Part of Group)*
19. *Nos. 53 - 61 (Lot 48) Grosvenor Road, Mount Lawley (Part of Group)*
20. *No. 28 (Lot 22) Hutt Street, Mount Lawley (Part of Group)*
21. *No. 137 (Lots 317 & 318) Joel Terrace, Mount Lawley*

22. No. 42 (Lot 24) Lynton Street, Mount Hawthorn
23. No. 25A (Lot 2) Leake Street, North Perth
24. No. 183 (Lot 66) Loftus Street, Leederville
25. No. 1 (Lot 1) Monmouth Street, Mount Lawley (Part of Group)
26. No. 482 (Lot 114) Newcastle Street, West Perth (Part of Group)
27. No. 486 (Lot 1) Newcastle Street, West Perth (Part of Group)
28. No. 490 (Lots 2 & 3) Newcastle Street, West Perth (Part of Group)
29. No. 336 (Lot 6 & 8) Oxford Street, Leederville
30. No. 99 (Lot 2) Palmerston Street, Perth
31. No. 109 (Lot 9) Palmerston Street, Perth
32. Nos. 165 (Lot 1) and 163 (Lot 2) Palmerston Street, Perth (Part of Group)
33. No. 62 (Lot 1) Robinson Avenue, Perth
34. Nos. 47 - 49 (Lot 2) Robinson Avenue, Perth (Part of Group)
35. No.240 (Lot 136) Stirling Street, Perth (Part of Group)
36. No. 234 (Lot 302) Stirling Street, Perth
37. Nos. 10 - 12 (Lot 1) View Street, North Perth
38. No. 100 (Lots 134 & 133) Vincent Street, Mount Lawley (Part of Group)
39. Nos. 102A (Lot 132) & 102B (Lot 131) Vincent Street, Mount Lawley (Part of Group)
40. No. 131 (Lot 51) Lake Street, Perth
41. No. 105 (Lot 1) Brisbane Street, Perth
42. No. 357 (Lot 3) Lord Street, Highgate
43. No. 154 (Lots 288 & 289) Raglan Road, North Perth; and

- (b) *the Full Assessments undertaken for commercial properties in Group 4 above IDENTIFIES the key portions of the properties that contribute most significantly to the heritage significance of the place."*

DETAILS:

Given the resources and time available, the properties listed in 'Group 4' are currently being investigated by the Town's Officers and will be presented to the Council in a staged process with a total of 12 places being referred to the Ordinary Meeting of Council to be held on 23 January 2007.

The Town's Officers have individually assessed the two submissions received for Nos. 102A and 102B (Lots 132 and 131) Vincent Street, Mount Lawley. These submissions are also "*Laid on the Table*" on a Confidential basis.

The key concerns outlined in the submissions are summarised below:

- Uneconomical to conform to the heritage by-laws;
- Value of property will be affected as no monetary compensation offered by the Council;
- Future redevelopment restricted reducing value of property;
- An owner of a property should be the only one to determine the final heritage listing;
- The Council must guarantee that the house will be able to obtain market value or the difference should be paid;
- No one will be able to develop the piece of land; and
- The cost for repairs and maintenance of a heritage home are too expensive.

Officer Comment

Heritage consultants Hocking Planning and Architecture identified the place and the adjacent property at No. 100 Vincent Street, Mount Lawley as a pair of dwellings, which meet the Category B threshold as *'fine and complementary examples of the Federation Bungalow style, particularly 102 which is a highly sophisticated design. The loss of some original detail from No.100 Vincent Street disguises its grander scale. The development period of these places is Inter-war whilst the styles are Federation.'*

A site visit to the subject place was undertaken on 20 December 2006. An internal inspection was not undertaken at the owner's request. A full heritage assessment was prepared with the resources available to the Town's Officers. The draft heritage assessment was posted to the owner on Tuesday 9 January 2007 for comment.

In an email dated 15 January 2007, the owner's representative requested that the consideration of the proposed listing of the subject place be deferred to the Ordinary Meeting of Council to be held on 13 February 2007. The request was made to enable the owner to prepare a response in relation to the financial impact of the listing of the place on the Town's Municipal Heritage Inventory. A copy of the email, which requests the deferment of the item, is "*Laid on the Table*".

In accordance with the Town's Policy relating to Heritage Management - Assessment, the place does meet the threshold for entry onto the Town's Municipal Heritage Inventory. The heritage assessment indicated that Nos. 102A and 102B Vincent Street, Mount Lawley has cultural heritage significance for the following reasons:

- The subject dwelling at Nos. 102A and 102B Vincent Street, Mount Lawley has *some aesthetic value* as an individual building displaying elements of the Federation Bungalow style of architecture.
- The dwelling has *considerable aesthetic value* in terms of its relation to the surrounding dwellings and the overall contribution to the style and character of places along this portion of Vincent Street. The aesthetic cohesiveness of the original dwellings is considered to be sympathetic and complementary to the vista of Hyde Park.
- The place has *some historic value* as it forms part of the evolution and pattern of the history of the Town of Vincent, with particular reference to the early part of the twentieth century following the Gold Rush period and the expansion of Perth and its outlying suburbs.

The heritage assessment for the subject place forms an attachment to this report.

Further investigation will be undertaken to ascertain the streetscape value of all the dwellings along the portion of Vincent Street between Norfolk and Hyde Streets in Mount Lawley as part of the Town Planning Scheme Review.

CONSULTATION/ADVERTISING:

The draft MHI has been widely and extensively advertised.

Owners have been consulted in writing at various stages throughout the project. 'GROUP 4' places are currently being investigated in further detail by the Town's Heritage Officers and internal site inspections and full heritage assessments are being undertaken with the co-operation of the owners where possible.

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

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011: Strategic Objectives - 1. Natural and Built Environment "... 1.1.3 (b) *Implement and promote the Municipal Heritage Inventory and Heritage Management Policies*".

FINANCIAL IMPLICATIONS:

The current 2006/2007 Budget lists \$54,800 for the Municipal Heritage Inventory Review of which \$14,826 remain.

COMMENTS:

In light of above, it is recommended that the Council includes Nos. 102A and 102B Vincent Street, Mount Lawley on the Town's Municipal Heritage Inventory as a Category B 'Conservation Recommended' place.

Mayor Catania requested Elected Members to nominate any of the Confidential Items that were recommended not to be included on the Municipal Heritage Inventory that they wished to debate. He advised that items not nominated would be moved “*en bloc*”.

Mayor Catania advised that Confidential Items 14.2, 14.5, 14.6, 14.7, 14.8, 14.9, 14.10 and 14.13 would be moved “*en bloc*”.

Moved Cr Torre, Seconded Cr Messina

That the following unopposed Confidential Items be moved en bloc:

Items 14.2, 14.5, 14.6, 14.7, 14.8, 14.9, 14.10 and 14.13.

CARRIED (8-0)

(Cr Farrell had left the meeting.)

14.2 CONFIDENTIAL REPORT - Municipal Heritage Inventory Review - Consideration of No. 4 (Lot 2) Coogee Street, Mount Hawthorn

Ward:	North	Date:	15 January 2007
Precinct:	Mount Hawthorn; P1	File Ref:	PRO0465
Attachments:	001		
Reporting Officer(s):	S Kendall		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *pursuant to section 5.95 of the Local Government Act 1995 and clause 2.15 of the Town of Vincent Local Law relating to Standing Orders, the Council PROCEEDS “behind closed doors” at the conclusion of the items, to consider the confidential report, circulated separately to Elected Members for Municipal Heritage Inventory Review - Consideration of No. 4 (Lot 2) Coogee Street, Mount Hawthorn as the matter contains sensitive personal and/or financial information; and*
- (ii) *the Council AUTHORISES the Chief Executive Officer to make public the confidential report, or any part of it, at the appropriate time.*

COUNCIL DECISION ITEM 14.2

That the Council;

- (i) *NOTES the submission(s) received regarding the proposed inclusion of the place at No. 4 (Lot 2) Coogee Street, Mount Hawthorn on the Town's Municipal Heritage Inventory;*
- (ii) *RECIEVES the heritage assessment prepared by the Town's Officers for the place at No. 4 (Lot 2) Coogee Street, Mount Hawthorn; and*
- (iii) *DOES NOT INCLUDE the place at No. 4 (Lot 2) Coogee Street, Mount Hawthorn on the Town's Municipal Heritage Inventory.*

CARRIED (8-0)

(Cr Farrell had left the meeting.)

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

PURPOSE OF REPORT:

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

BACKGROUND:

The Council at its Ordinary Meeting held on 7 November 2006 considered a methodology for considering approximately 109 submissions received for Category B places identified as part of the draft MHI. The methodology was not supported. The Council resolved to further consider the matter at the Ordinary Meeting of Council held on 21 November 2006 and requested the Chief Executive Officer to carry out a preliminary assessment of the Category B properties/places and to group these according.

The Council at its Ordinary Meeting held on 21 November 2006 considered an alternative procedure of determination of properties/places listed in Category B of the draft MHI, and approved the following 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 on the Municipal Heritage Inventory (MHI);
- 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; and
- GROUP 3 - Properties where the owner has made a submission requesting further information or clarification and should therefore be deferred.

At the Ordinary Meeting of Council held on 21 November 2006, the Council did not make a formal decision on "Group 4" properties/places due to a procedural oversight.

- 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.

The Council at its Ordinary Meeting held on 5 December 2006, resolved as follows:

"That the Council APPROVES of the following procedure of determination of properties/places listed in Category B;

- (i) 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;*

1. *Nos. 30 - 44 (Lots 1 & 2) Angove Street, North Perth*
2. *Nos. 56 - 58 (Lot 33) Angove Street, North Perth*
3. *Nos. 124 - 126 (Lot Y1) Brisbane Street, Perth*
4. *Nos. 215 - 299 (Lot 1) Bulwer Street, Perth*
5. *Nos. 294 (Lot 1) and 296 (Lot 2) Bulwer Street, Perth*
6. *No. 76 (Lot 116) Buxton Street, Mount Hawthorn (Part of Group)*

7. No. 78 (Lot 117) Buxton Street, Mount Hawthorn (Part of Group)
8. No. 4 (Lot 2) Coogee Street, Mount Hawthorn
9. No. 220 (Lot 35) Charles Street, North Perth
10. No. 5 (Lot Y6) Cowle Street, West Perth (Part of Group)
11. Nos. 17 - 19 (Lots 20 & 21) Cowle Street, West Perth
12. No. 13 (Lot 43) Daphne Street, North Perth
13. No. 57 (Lots 14, 15 & 16) Fairfield Street, Mount Hawthorn
14. No. 73 (Lots 25, 26 & Y27) Fairfield Street, Mount Hawthorn
15. No. 53 (Lot 26) Florence Street, West Perth
16. No. 459 (Lot 8) Fitzgerald Street, North Perth
17. No. 3 (Lot 10) Gallop Street, West Perth
18. No.107 (Lot 18) Glendower Street, Perth (Part of Group)
19. Nos. 53 - 61 (Lot 48) Grosvenor Road, Mount Lawley (Part of Group)
20. No. 28 (Lot 22) Hutt Street, Mount Lawley (Part of Group)
21. No. 137 (Lots 317 & 318) Joel Terrace, Mount Lawley
22. No. 42 (Lot 24) Lynton Street, Mount Hawthorn
23. No. 25A (Lot 2) Leake Street, North Perth
24. No. 183 (Lot 66) Loftus Street, Leederville
25. No. 1 (Lot 1) Monmouth Street, Mount Lawley (Part of Group)
26. No. 482 (Lot 114) Newcastle Street, West Perth (Part of Group)
27. No. 486 (Lot 1) Newcastle Street, West Perth (Part of Group)
28. No. 490 (Lots 2 & 3) Newcastle Street, West Perth (Part of Group)
29. No. 336 (Lot 6 & 8) Oxford Street, Leederville
30. No. 99 (Lot 2) Palmerston Street, Perth
31. No. 109 (Lot 9) Palmerston Street, Perth
32. Nos. 165 (Lot 1) and 163 (Lot 2) Palmerston Street, Perth (Part of Group)
33. No. 62 (Lot 1) Robinson Avenue, Perth
34. Nos. 47 - 49 (Lot 2) Robinson Avenue, Perth (Part of Group)
35. No.240 (Lot 136) Stirling Street, Perth (Part of Group)
36. No. 234 (Lot 302) Stirling Street, Perth
37. Nos. 10 - 12 (Lot 1) View Street, North Perth
38. No. 100 (Lots 134 & 133) Vincent Street, Mount Lawley (Part of Group)
39. Nos. 102A (Lot 132) &102B (Lot 131) Vincent Street, Mount Lawley (Part of Group)
40. No. 131 (Lot 51) Lake Street, Perth
41. No. 105 (Lot 1) Brisbane Street, Perth
42. No. 357 (Lot 3) Lord Street, Highgate
43. No. 154 (Lots 288 & 289) Raglan Road, North Perth; and

- (b) *the Full Assessments undertaken for commercial properties in Group 4 above IDENTIFIES the key portions of the properties that contribute most significantly to the heritage significance of the place."*

DETAILS:

Given the resources and time available, the properties listed in 'Group 4' are currently being investigated by the Town's Officers and will be presented to the Council in a staged process with a total of 12 places being referred to the Ordinary Meeting of Council to be held on 23 January 2007.

The Town's Officers have individually assessed the submission(s) received for No. 4 (Lot 2) Coogee Street, Mount Hawthorn. This submission is also "*Laid on the Table*" on a Confidential basis.

The key concerns outlined in the submission are summarised below:

- The condition of the place is poor.
- Major maintenance work would be unviable.

Officer Comment

Heritage consultants Hocking Planning and Architecture identified No. 4 (Lot 2) Coogee Street, Mount Hawthorn as a Category B place as it *'is one of the few remaining surviving example of a weatherboard Federation Georgian style workers cottage. It is an exemplar of its style and period and its survival contributes to an understanding of the nature of residential development of the area.'*

A site visit, including an internal inspection undertaken on 8 January 2007, and a full heritage assessment was prepared with the resources available to the Town's Officers. The draft heritage assessment was faxed to the owner on Wednesday 10 January 2007 for comment.

In accordance with the Town's Policy relating to Heritage Management - Assessment, the place does not meet the threshold for entry onto the Town's Municipal Heritage Inventory. The place is in a poor deteriorated condition and internally the original floor plan has been changed and some of the original architectural detail has been replaced. Whilst heritage assessment indicated that the place has some rarity value, the current absence of specific historical information does not warrant its inclusion on the Municipal Heritage Inventory.

CONSULTATION/ADVERTISING:

The draft MHI has been widely and extensively advertised.

Owners have been consulted in writing at various stages throughout the project. 'GROUP 4' places are currently being investigated in further detail by the Town's Heritage Officers and internal site inspections and full heritage assessments are being undertaken with the co-operation of the owners where possible.

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

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011: Strategic Objectives - 1. Natural and Built Environment "... 1.1.3 (b) Implement and promote the Municipal Heritage Inventory and Heritage Management Policies".

FINANCIAL IMPLICATIONS:

The current 2006/2007 Budget lists \$54,800 for the Municipal Heritage Inventory Review of which \$14,826 remain.

COMMENTS:

In light of above, it is recommended that the Council does not include No. 4 (Lot 2) Coogee Street, Mount Hawthorn on the Town's Municipal Heritage Inventory.

**14.5 CONFIDENTIAL REPORT - Municipal Heritage Inventory Review -
Consideration of No. 13 (Lot 43) Daphne Street, North Perth**

Ward:	North	Date:	15 January 2007
Precinct:	North Perth; P 8	File Ref:	PLA0098
Attachments:	001		
Reporting Officer(s):	T Woodhouse		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *pursuant to section 5.95 of the Local Government Act 1995 and clause 2.15 of the Town of Vincent Local Law relating to Standing Orders, the Council PROCEEDS “behind closed doors” at the conclusion of the items, to consider the confidential report, circulated separately to Elected Members for Municipal Heritage Inventory Review - Consideration of No. 13 (Lot 43) Daphne Street, North Perth as the matter contains sensitive personal and/or financial information; and*
- (ii) *the Council AUTHORISES the Chief Executive Officer to make public the confidential report, or any part of it, at the appropriate time.*

COUNCIL DECISION ITEM 14.5

That the Council;

- (i) *NOTES the submission(s) received regarding the proposed inclusion of the place at No. 13 (Lot 43) Daphne Street, North Perth on the Town's Municipal Heritage Inventory;*
- (ii) *RECEIVES the heritage assessment prepared by the Town's Officers for the place at No. 13 (Lot 43) Daphne Street, North Perth; and*
- (iii) *DOES NOT INCLUDE the place at No. 13 (Lot 43) Daphne Street, North Perth on the Town's Municipal Heritage Inventory.*

CARRIED (8-0)

(Cr Farrell had left the meeting.)

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

PURPOSE OF REPORT:

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

BACKGROUND:

The Council at its Ordinary Meeting held on 7 November 2006 considered a methodology for considering approximately 109 submissions received for Category B places identified as part of the draft MHI. The methodology was not supported. The Council resolved to further consider the matter at the Ordinary Meeting of Council held on 21 November 2006 and requested the Chief Executive Officer to carry out a preliminary assessment of the Category B properties/places and to group these accordingly.

The Council at its Ordinary Meeting held on 21 November 2006 considered an alternative procedure of determination of properties/places listed in Category B of the draft MHI, and approved the following 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 on the Municipal Heritage Inventory (MHI);
- 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; and
- GROUP 3 - Properties where the owner has made a submission requesting further information or clarification and should therefore be deferred.

At the Ordinary Meeting of Council held on 21 November 2006, the Council did not make a formal decision on "Group 4" properties/places due to a procedural oversight.

- 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.

At the Ordinary Meeting of Council held on 5 December 2006, it was resolved that the Council:

"That the Council APPROVES of the following procedure of determination of properties/places listed in Category B;

- (i) 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;*

1. *Nos. 30 - 44 (Lots 1 & 2) Angove Street, North Perth*
2. *Nos. 56 - 58 (Lot 33) Angove Street, North Perth*
3. *Nos. 124 - 126 (Lot Y1) Brisbane Street, Perth*
4. *Nos. 215 - 299 (Lot 1) Bulwer Street, Perth*
5. *Nos. 294(Lot 1) and 296 (Lot 2) Bulwer Street, Perth*
6. *No. 76 (Lot 116) Buxton Street, Mount Hawthorn (Part of Group)*
7. *No. 78 (Lot 117) Buxton Street, Mount Hawthorn (Part of Group)*
8. *No. 4 (Lot 2) Coogee Street, Mount Hawthorn*
9. *No. 220 (Lot 35) Charles Street, North Perth*
10. *No. 5 (Lot Y6) Cowle Street, West Perth (Part of Group)*
11. *Nos. 17 - 19 (Lots 20 & 21) Cowle Street, West Perth*
12. *No. 13 (Lot 43) Daphne Street, North Perth*

13. No. 57 (Lots 14, 15 & 16) Fairfield Street, Mount Hawthorn
14. No. 73 (Lots 25, 26 & Y27) Fairfield Street, Mount Hawthorn
15. No. 53 (Lot 26) Florence Street, West Perth
16. No. 459 (Lot 8) Fitzgerald Street, North Perth
17. No. 3 (Lot 10) Gallop Street, West Perth
18. No.107 (Lot 18) Glendower Street, Perth (Part of Group)
19. Nos. 53 - 61 (Lot 48) Grosvenor Road, Mount Lawley (Part of Group)
20. No. 28 (Lot 22) Hutt Street, Mount Lawley (Part of Group)
21. No. 137 (Lots 317 & 318) Joel Terrace, Mount Lawley
22. No. 42 (Lot 24) Lynton Street, Mount Hawthorn
23. No. 25A (Lot 2) Leake Street, North Perth
24. No. 183 (Lot 66) Loftus Street, Leederville
25. No. 1 (Lot 1) Monmouth Street, Mount Lawley (Part of Group)
26. No. 482 (Lot 114) Newcastle Street, West Perth (Part of Group)
27. No. 486 (Lot 1) Newcastle Street, West Perth (Part of Group)
28. No. 490 (Lots 2 & 3) Newcastle Street, West Perth (Part of Group)
29. No. 336 (Lot 6 & 8) Oxford Street, Leederville
30. No. 99 (Lot 2) Palmerston Street, Perth
31. No. 109 (Lot 9) Palmerston Street, Perth
32. Nos. 165 (Lot 1) and 163 (Lot 2) Palmerston Street, Perth (Part of Group)
33. No. 62 (Lot 1) Robinson Avenue, Perth
34. Nos. 47 - 49 (Lot 2) Robinson Avenue, Perth (Part of Group)
35. No.240 (Lot 136) Stirling Street, Perth (Part of Group)
36. No. 234 (Lot 302) Stirling Street, Perth
37. Nos. 10 - 12 (Lot 1) View Street, North Perth
38. No. 100 (Lots 134 & 133) Vincent Street, Mount Lawley (Part of Group)
39. Nos. 102A (Lot 132) &102B (Lot 131) Vincent Street, Mount Lawley (Part of Group)
40. No. 131 (Lot 51) Lake Street, Perth
41. No. 105 (Lot 1) Brisbane Street, Perth
42. No. 357 (Lot 3) Lord Street, Highgate
43. No. 154 (Lots 288 & 289) Raglan Road, North Perth; and

- (b) *the Full Assessments undertaken for commercial properties in Group 4 above IDENTIFIES the key portions of the properties that contribute most significantly to the heritage significance of the place."*

DETAILS:

Given the resources and time available, the properties listed in 'GROUP 4' are currently being investigated by the Town's Officers and will be presented to the Council in a staged process with a total of 12 places being referred to the Ordinary Meeting of Council held on 23 January 2007.

The Town's Officers have individually assessed the submission(s) received for No. 13 (Lot 43) Daphne Street, North Perth. This submission is also "*Laid on the Table*" on a Confidential basis.

The key concerns outlined in the submission are summarised below:

- Assessment process adopted by the Town was insufficient to ensure that heritage significance could be strongly associated with the property, in particular the fact that the assessment was undertaken from purely the external aesthetics of the dwelling.

- Apprehensive with regard to the content of the information within the Documentary Evidence of which too much emphasis was on Geoffrey Bolton's publication ' Daphne Street' and not supported by other sources of information.
- Poorly managed consultation process in which ratepayers concerns have not been properly factored into the decision making process.
- Concerns over potential financial implications of proposed listing.

Officer Comments

Heritage consultants Hocking Planning and Architecture identified the place as a Category B place as *'a fine and representative example of a Federation Georgian workers cottage that has been retained and extended with minimal impact. Its association with Patrick Kelly and his family demonstrates the role of Western Australia within the Australian economy during the decades either side of the turn of the 20th century.'*

An internal site visit was undertaken on the subject place by the Town's Officers on 2 January 2007, in which the owners provided a guided tour of the dwelling and advised of any changes to the place they were aware had been undertaken.

A draft heritage assessment was prepared by the Town's Officers and posted to the owner on Tuesday 9 January 2007 for comment.

Officer Comments (Cont)

In accordance with the Town's Policy relating to Heritage Management - Assessment, the place does meet the threshold for entry onto the Town's Municipal Heritage Inventory.

The heritage assessment indicated that No. 13 (Lot 43) Daphne Street had *little cultural heritage significance* and did not meet the threshold for entry onto the Town's Municipal Heritage Inventory.

The heritage assessment for the subject place forms an attachment to this report.

CONSULTATION/ADVERTISING:

The draft MHI has been widely and extensively advertised.

Owners have been consulted in writing at various stages throughout the project. 'GROUP 4' places are currently being investigated in further detail by the Town's Heritage Officers and internal site inspections and full heritage assessments are being undertaken with the co-operation of the owners where possible.

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

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2006 - 2011: Strategic Objectives - 1. Natural and Built Environment "... 1.1.3 (b) *Implement and promote the Municipal Heritage Inventory and Heritage Management Policies*".

FINANCIAL IMPLICATIONS:

The current 2006/2007 Budget lists \$54,800 for the Municipal Heritage Inventory Review. \$14,826 remains in this account.

COMMENTS:

In light of above, it is recommended that the Council does not include No. 13 (Lot 43) Daphne Street, North Perth on the Town's Municipal Heritage Inventory.

**14.6 CONFIDENTIAL REPORT - Municipal Heritage Inventory Review -
Consideration of No. 53 (Lot 26) Florence Street, West Perth**

Ward:	South	Date:	15 January 2007
Precinct:	Cleaver; P5	File Ref:	PRO1178
Attachments:	001		
Reporting Officer(s):	H Eames		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *pursuant to section 5.95 of the Local Government Act 1995 and clause 2.15 of the Town of Vincent Local Law relating to Standing Orders, the Council PROCEEDS "behind closed doors" at the conclusion of the items, to consider the confidential report, circulated separately to Elected Members for Municipal Heritage Inventory Review - Consideration of No. 53 (Lot 26) Florence Street, West Perth as the matter contains sensitive personal and/or financial information; and*
- (ii) *the Council AUTHORIZES the Chief Executive Officer to make public the confidential report, or any part of it, at the appropriate time.*

COUNCIL DECISION ITEM 14.6

That the Council;

- (i) *NOTES the submission(s) received regarding the proposed inclusion of the place at No. 53 (Lot 26) Florence Street, West Perth on the Town's Municipal Heritage Inventory;*
- (ii) *RECEIVES the heritage assessment prepared by the Town's Officers for the place at No.53 (Lot 26) Florence Street, West Perth; and*
- (iii) *DOES NOT INCLUDE the place at No.53 (Lot 26) Florence Street, West Perth on the Town's Municipal Heritage Inventory.*

CARRIED (8-0)

(Cr Farrell had left the meeting.)

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

PURPOSE OF REPORT:

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

BACKGROUND:

The Council at its Ordinary Meeting held on 7 November 2006 considered a methodology for considering approximately 109 submissions received for Category B places identified as part of the draft MHI. The methodology was not supported. The Council resolved to further consider the matter at the Ordinary Meeting of Council held on 21 November 2006 and requested the Chief Executive Officer to carry out a preliminary assessment of the Category B properties/places and to group these accordingly.

The Council at its Ordinary Meeting held on 21 November 2006 considered an alternative procedure of determination of properties/places listed in Category B of the draft MHI, and approved the following 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 on the Municipal Heritage Inventory (MHI);
- 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; and
- GROUP 3 - Properties where the owner has made a submission requesting further information or clarification and should therefore be deferred.

At the Ordinary Meeting of Council held on 21 November 2006, the Council did not make a formal decision on "Group 4" properties/places due to a procedural oversight.

- 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.

The Council at its Ordinary Meeting held on 5 December 2006, resolved as follows:

"That the Council APPROVES of the following procedure of determination of properties/places listed in Category B;

- (i) 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;*

1. *Nos. 30 - 44 (Lots 1 & 2) Angove Street, North Perth*
2. *Nos. 56 - 58 (Lot 33) Angove Street, North Perth*
3. *Nos. 124 - 126 (Lot Y1) Brisbane Street, Perth*
4. *Nos. 215 - 299 (Lot 1) Bulwer Street, Perth*
5. *Nos. 294(Lot 1) and 296 (Lot 2) Bulwer Street, Perth*
6. *No. 76 (Lot 116) Buxton Street, Mount Hawthorn (Part of Group)*
7. *No. 78 (Lot 117) Buxton Street, Mount Hawthorn (Part of Group)*
8. *No. 4 (Lot 2) Coogee Street, Mount Hawthorn*
9. *No. 220 (Lot 35) Charles Street, North Perth*
10. *No. 5 (Lot Y6) Cowle Street, West Perth (Part of Group)*
11. *Nos. 17 - 19 (Lots 20 & 21) Cowle Street, West Perth*
12. *No. 13 (Lot 43) Daphne Street, North Perth*
13. *No. 57 (Lots 14, 15 & 16) Fairfield Street, Mount Hawthorn*
14. *No. 73 (Lots 25, 26 & Y27) Fairfield Street, Mount Hawthorn*

15. No. 53 (Lot 26) Florence Street, West Perth
16. No. 459 (Lot 8) Fitzgerald Street, North Perth
17. No. 3 (Lot 10) Gallop Street, West Perth
18. No.107 (Lot 18) Glendower Street, Perth (Part of Group)
19. Nos. 53 - 61 (Lot 48) Grosvenor Road, Mount Lawley (Part of Group)
20. No. 28 (Lot 22) Hutt Street, Mount Lawley (Part of Group)
21. No. 137 (Lots 317 & 318) Joel Terrace, Mount Lawley
22. No. 42 (Lot 24) Lynton Street, Mount Hawthorn
23. No. 25A (Lot 2) Leake Street, North Perth
24. No. 183 (Lot 66) Loftus Street, Leederville
25. No. 1 (Lot 1) Monmouth Street, Mount Lawley (Part of Group)
26. No. 482 (Lot 114) Newcastle Street, West Perth (Part of Group)
27. No. 486 (Lot 1) Newcastle Street, West Perth (Part of Group)
28. No. 490 (Lots 2 & 3) Newcastle Street, West Perth (Part of Group)
29. No. 336 (Lot 6 & 8) Oxford Street, Leederville
30. No. 99 (Lot 2) Palmerston Street, Perth
31. No. 109 (Lot 9) Palmerston Street, Perth
32. Nos. 165 (Lot 1) and 163 (Lot 2) Palmerston Street, Perth (Part of Group)
33. No. 62 (Lot 1) Robinson Avenue, Perth
34. Nos. 47 - 49 (Lot 2) Robinson Avenue, Perth (Part of Group)
35. No.240 (Lot 136) Stirling Street, Perth (Part of Group)
36. No. 234 (Lot 302) Stirling Street, Perth
37. Nos. 10 - 12 (Lot 1) View Street, North Perth
38. No. 100 (Lots 134 & 133) Vincent Street, Mount Lawley (Part of Group)
39. Nos. 102A (Lot 132) &102B (Lot 131) Vincent Street, Mount Lawley (Part of Group)
40. No. 131 (Lot 51) Lake Street, Perth
41. No. 105 (Lot 1) Brisbane Street, Perth
42. No. 357 (Lot 3) Lord Street, Highgate
43. No. 154 (Lots 288 & 289) Raglan Road, North Perth; and

(b) *the Full Assessments undertaken for commercial properties in Group 4 above IDENTIFIES the key portions of the properties that contribute most significantly to the heritage significance of the place"*

DETAILS:

Given the resources and time available, the properties listed in 'GROUP 4' are currently being investigated by the Town's Officers and will be presented to the Council in a staged process with a total of 12 places being referred to the Ordinary Meeting of Council held on 23 January 2007.

The Town's Officers have individually assessed and investigated the submission(s) received for No. 53 (Lot 26) Florence Street, West Perth. This submission is also "*Laid on the Table*" on a Confidential basis.

The key concerns outlined in the submission are summarised below:

- a request for an extension to comment by the owner to allow additional investigation and receipt of archive material;
- a request for past Building Licences, plans or other relevant documentation to confirm or disclaim the statements in the Place Record Form; and
- the authenticity of the place is generally questioned, namely the roof form and verandah.

Officer Comments

Heritage consultants Hocking Planning and Architecture identified the place as a Category B Place as *'a fine and vigorous exemplar of the Federation Arts and Crafts style. It is an unusual and sophisticated example of this residential style which researched its zenith in Perth at either side of the First World War. It has social significance from its long association with the Ross family'*.

A number of discussions with the owners have occurred with the Town's Officers and all attempts have been made to gather documentary evidence to assist clarification of the physical statements. Reasonable attempts were made by the Officers to establish the significance of the Ross family, however, none is apparent other than their 60 year ownership of the property, which is not an unusual fact in itself.

A full heritage assessment without an internal site inspection was prepared with the resources available to the Town's Officers. The owners have commented on this heritage assessment and have indicated their support of it via email dated 14 January 2007.

A draft heritage assessment was prepared by the Town's Officers and emailed to the owner on Thursday 11 January 2007 for comment.

In accordance with the Town's Policy relating to Heritage Management - Assessment, the place does not meet the threshold for entry onto the Town's Municipal Heritage Inventory.

The heritage assessment for the subject place forms an attachment to this report.

CONSULTATION/ADVERTISING:

The draft MHI has been widely and extensively advertised.

Owners have been consulted in writing at various stages throughout the project. 'GROUP 4' places are currently being investigated in further detail by the Town's Heritage Officers and internal site inspections and full heritage assessments are being undertaken with the co-operation of the owners where possible.

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

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2006 - 2011: Strategic Objectives - 1. Natural and Built Environment "... 1.1.3 (b) Implement and promote the Municipal Heritage Inventory and Heritage Management Policies".

FINANCIAL IMPLICATIONS:

The current 2006/2007 Budget lists \$54,800 for the Municipal Heritage Inventory Review. \$14,826 remains in this account.

COMMENTS:

In light of above, it is recommended that the Council does not include No. 53 (Lot 26) Florence Street, West Perth on the Town's Municipal Heritage Inventory.

**14.7 CONFIDENTIAL REPORT - Municipal Heritage Inventory Review -
Consideration of No. 3 (Lot 10) Gallop Street, West Perth**

Ward:	South	Date:	15 January 2007
Precinct:	Hyde Park; P 12	File Ref:	PLA0098
Attachments:	001		
Reporting Officer(s):	T Woodhouse		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *pursuant to section 5.95 of the Local Government Act 1995 and clause 2.15 of the Town of Vincent Local Law relating to Standing Orders, the Council PROCEEDS "behind closed doors" at the conclusion of the items, to consider the confidential report, circulated separately to Elected Members for Municipal Heritage Inventory Review - Consideration of No. 3 (Lot 10) Gallop Street, West Perth as the matter contains sensitive personal and/or financial information; and*
- (ii) *the Council AUTHORIZES the Chief Executive Officer to make public the confidential report, or any part of it, at the appropriate time.*

COUNCIL DECISION ITEM 14.7

That the Council;

- (i) *NOTES the submission(s) received regarding the proposed inclusion of the place at No. 3(Lot 10) Gallop Street, West Perth on the Town's Municipal Heritage Inventory;*
- (ii) *RECEIVES the heritage assessment prepared by the Town's Officers for the place at No. 3 (Lot 10) Gallop Street, West Perth; and*
- (iii) *DOES NOT INCLUDE the place at No. 3 (Lot 10) Gallop Street, West Perth on the Town's Municipal Heritage Inventory.*

CARRIED (8-0)

(Cr Farrell had left the meeting.)

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

PURPOSE OF REPORT:

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

BACKGROUND:

The Council at its Ordinary Meeting held on 7 November 2006 considered a methodology for considering approximately 109 submissions received for Category B places identified as part of the draft MHI. The methodology was not supported. The Council resolved to further consider the matter at the Ordinary Meeting of Council held on 21 November 2006 and requested the Chief Executive Officer to carry out a preliminary assessment of the Category B properties/places and to group these accordingly.

The Council at its Ordinary Meeting held on 21 November 2006 considered an alternative procedure of determination of properties/places listed in Category B of the draft MHI, and approved the following 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 on the Municipal Heritage Inventory (MHI);
- 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; and
- GROUP 3 - Properties where the owner has made a submission requesting further information or clarification and should therefore be deferred.

At the Ordinary Meeting of Council held on 21 November 2006, the Council did not make a formal decision on "Group 4' properties/places due to a procedural oversight.

- 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.

The Council at its Ordinary Meeting held on 5 December 2006, resolved as follows:

"That the Council APPROVES of the following procedure of determination of properties/places listed in Category B;

- (i) 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;*

1. *Nos. 30 - 44 (Lots 1 & 2) Angove Street, North Perth*
2. *Nos. 56 - 58 (Lot 33) Angove Street, North Perth*
3. *Nos. 124 - 126 (Lot Y1) Brisbane Street, Perth*
4. *Nos. 215 - 299 (Lot 1) Bulwer Street, Perth*
5. *Nos. 294 (Lot 1) and 296 (Lot 2) Bulwer Street, Perth*
6. *No. 76 (Lot 116) Buxton Street, Mount Hawthorn (Part of Group)*
7. *No. 78 (Lot 117) Buxton Street, Mount Hawthorn (Part of Group)*
8. *No. 4 (Lot 2) Coogee Street, Mount Hawthorn*
9. *No. 220 (Lot 35) Charles Street, North Perth*
10. *No. 5 (Lot Y6) Cowle Street, West Perth (Part of Group)*
11. *Nos. 17 - 19 (Lots 20 & 21) Cowle Street, West Perth*
12. *No. 13 (Lot 43) Daphne Street, North Perth*
13. *No. 57 (Lots 14, 15 & 16) Fairfield Street, Mount Hawthorn*
14. *No. 73 (Lots 25, 26 & Y27) Fairfield Street, Mount Hawthorn*

15. No. 53 (Lot 26) Florence Street, West Perth
16. No. 459 (Lot 8) Fitzgerald Street, North Perth
17. No. 3 (Lot 10) Gallop Street, West Perth
18. No.107 (Lot 18) Glendower Street, Perth (Part of Group)
19. Nos. 53 - 61 (Lot 48) Grosvenor Road, Mount Lawley (Part of Group)
20. No. 28 (Lot 22) Hutt Street, Mount Lawley (Part of Group)
21. No. 137 (Lots 317 & 318) Joel Terrace, Mount Lawley
22. No. 42 (Lot 24) Lynton Street, Mount Hawthorn
23. No. 25A (Lot 2) Leake Street, North Perth
24. No. 183 (Lot 66) Loftus Street, Leederville
25. No. 1 (Lot 1) Monmouth Street, Mount Lawley (Part of Group)
26. No. 482 (Lot 114) Newcastle Street, West Perth (Part of Group)
27. No. 486 (Lot 1) Newcastle Street, West Perth (Part of Group)
28. No. 490 (Lots 2 & 3) Newcastle Street, West Perth (Part of Group)
29. No. 336 (Lot 6 & 8) Oxford Street, Leederville
30. No. 99 (Lot 2) Palmerston Street, Perth
31. No. 109 (Lot 9) Palmerston Street, Perth
32. Nos. 165 (Lot 1) and 163 (Lot 2) Palmerston Street, Perth (Part of Group)
33. No. 62 (Lot 1) Robinson Avenue, Perth
34. Nos. 47 - 49 (Lot 2) Robinson Avenue, Perth (Part of Group)
35. No.240 (Lot 136) Stirling Street, Perth (Part of Group)
36. No. 234 (Lot 302) Stirling Street, Perth
37. Nos. 10 - 12 (Lot 1) View Street, North Perth
38. No. 100 (Lots 134 & 133) Vincent Street, Mount Lawley (Part of Group)
39. Nos. 102A (Lot 132) &102B (Lot 131) Vincent Street, Mount Lawley (Part of Group)
40. No. 131 (Lot 51) Lake Street, Perth
41. No. 105 (Lot 1) Brisbane Street, Perth
42. No. 357 (Lot 3) Lord Street, Highgate
43. No. 154 (Lots 288 & 289) Raglan Road, North Perth; and

(b) *the Full Assessments undertaken for commercial properties in Group 4 above IDENTIFIES the key portions of the properties that contribute most significantly to the heritage significance of the place."*

DETAILS:

Given the resources and time available, the properties listed in 'GROUP 4' are currently being investigated by the Town's Officers and will be presented to the Council in a staged process with a total of 12 places being referred to the Ordinary Meeting of Council to be held on 23 January 2007.

The Town's Officers have individually assessed the submission(s) received for No. 3 (Lot 10) Gallop Street, West Perth. This submission is also "*Laid on the Table*" on a Confidential basis.

The key concerns outlined in the submission are summarised below:

- Information within the Place Record form is erroneous, in particular reference to the physical description of the place.
- Property has been rented for past 40 years and is '*well past it's used by date*'.

- Owner owns both No. 1 (Lot 50) Gallop Street of which no dwelling is extant and pays a higher rate on this property than No. 3 (Lot 10) Gallop Street of which the subject dwelling is located, indicating that land at No. 3 Gallop Street is worth less than the land at No. 1 Gallop Street and as such *'the old house is a liability to the land that it sits on'*.

Officer Comments

Heritage consultants Hocking Planning and Architecture identified the place as a Category B place as *'a fine and representative example of a Federation Cottage. It is one of the earliest dwellings in the area'*.

No correspondence has been received from the owner since the Town's letter dated and sent 14 December 2006 advising that the Council has identified the property as 'GROUP 4' being one in which more information is required in order to make an informed decision relating to the proposed inclusion of the subject property on the Town's Municipal Heritage Inventory.

An internal site visit has not been possible in this instance and, as such, a full heritage assessment was prepared with the resources available to the Town's Officers.

A draft heritage assessment was prepared by the Town's Officers and posted to the owner on Tuesday 9 January 2007 for comment.

On receiving a copy of the draft Heritage Assessment the owner visited the Town's Administration on Thursday 11 January 2007 and held a discussion with the Town's Heritage Officers supporting the draft Heritage Assessment, which indicated that the place did not meet the threshold for entry onto the Town's Municipal Heritage Inventory in accordance with the Town's Policy relating to Heritage Management - Assessment.

The heritage assessment indicated that No.3 (Lot 10) Gallop Street, West Perth had *little cultural heritage significance* and did not meet the threshold for entry onto the Town's Municipal Heritage Inventory.

The heritage assessment for the subject place forms an attachment to this report.

CONSULTATION/ADVERTISING:

The draft MHI has been widely and extensively advertised.

Owners have been consulted in writing at various stages throughout the project. 'GROUP 4' places are currently being investigated in further detail by the Town's Heritage Officers and internal site inspections and full heritage assessments are being undertaken with the co-operation of the owners where possible.

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

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2006 - 2011: Strategic Objectives - 1. Natural and Built Environment "... 1.1.3 (b) *Implement and promote the Municipal Heritage Inventory and Heritage Management Policies*".

FINANCIAL IMPLICATIONS:

The current 2006/2007 Budget lists \$54,800 for the Municipal Heritage Inventory Review. \$14,826 remains in this account.

COMMENTS:

In light of above, it is recommended that the Council does not include No. 3 (Lot 10) Gallop Street, West Perth on the Town's Municipal Heritage Inventory.

**14.8 CONFIDENTIAL REPORT - Municipal Heritage Inventory Review -
Consideration of No. 42 (Lot 24) Lynton Street, Mount Hawthorn**

Ward:	North	Date:	15 January 2007
Precinct:	Mount Hawthorn; P1	File Ref:	PRO0794
Attachments:	001		
Reporting Officer(s):	H Eames		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *pursuant to section 5.95 of the Local Government Act 1995 and clause 2.15 of the Town of Vincent Local Law relating to Standing Orders, the Council PROCEEDS "behind closed doors" at the conclusion of the items, to consider the confidential report, circulated separately to Elected Members for Municipal Heritage Inventory Review - Consideration of No. 42 (Lot 24) Lynton Street, Mount Hawthorn as the matter contains sensitive personal and/or financial information; and*
- (ii) *the Council AUTHORISES the Chief Executive Officer to make public the confidential report, or any part of it, at the appropriate time.*

COUNCIL DECISION ITEM 14.8

That the Council;

- (i) *NOTES the submission(s) received regarding the proposed inclusion of the place at No. 42 (Lot 24) Lynton Street, Mount Hawthorn on the Town's Municipal Heritage Inventory;*
- (ii) *RECEIVES the heritage assessment prepared by the Town's Officers for the place at No. 42 (Lot 24) Lynton Street, Mount Hawthorn; and*
- (iii) *DOES NOT INCLUDE the place at No. 42 (Lot 24) Lynton Street, Mount Hawthorn on the Town's Municipal Heritage Inventory.*

CARRIED (8-0)

(Cr Farrell had left the meeting.)

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

PURPOSE OF REPORT:

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

BACKGROUND:

The Council at its Ordinary Meeting held on 7 November 2006 considered a methodology for considering approximately 109 submissions received for Category B places identified as part of the draft MHI. The methodology was not supported. The Council resolved to further consider the matter at the Ordinary Meeting of Council held on 21 November 2006 and requested the Chief Executive Officer to carry out a preliminary assessment of the Category B properties/places and to group these according.

The Council at its Ordinary Meeting held on 21 November 2006 considered an alternative procedure of determination of properties/places listed in Category B of the draft MHI, and approved the following 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 on the Municipal Heritage Inventory (MHI);
- 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; and
- GROUP 3 - Properties where the owner has made a submission requesting further information or clarification and should therefore be deferred.

At the Ordinary Meeting of Council held on 21 November 2006, the Council did not make a formal decision on "Group 4" properties/places due to a procedural oversight.

- 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.

The Council at its Ordinary Meeting held on 5 December 2006, resolved as follows:

"That the Council APPROVES of the following procedure of determination of properties/places listed in Category B;

- (i) 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;*

1. *Nos. 30 - 44 (Lots 1 & 2) Angove Street, North Perth*
2. *Nos. 56 - 58 (Lot 33) Angove Street, North Perth*
3. *Nos. 124 - 126 (Lot Y1) Brisbane Street, Perth*
4. *Nos. 215 - 299 (Lot 1) Bulwer Street, Perth*
5. *Nos. 294 (Lot 1) and 296 (Lot 2) Bulwer Street, Perth*
6. *No. 76 (Lot 116) Buxton Street, Mount Hawthorn (Part of Group)*
7. *No. 78 (Lot 117) Buxton Street, Mount Hawthorn (Part of Group)*
8. *No. 4 (Lot 2) Coogee Street, Mount Hawthorn*
9. *No. 220 (Lot 35) Charles Street, North Perth*
10. *No. 5 (Lot Y6) Cowle Street, West Perth (Part of Group)*
11. *Nos. 17 - 19 (Lots 20 & 21) Cowle Street, West Perth*
12. *No. 13 (Lot 43) Daphne Street, North Perth*
13. *No. 57 (Lots 14, 15 & 16) Fairfield Street, Mount Hawthorn*
14. *No. 73 (Lots 25, 26 & Y27) Fairfield Street, Mount Hawthorn*

15. No. 53 (Lot 26) Florence Street, West Perth
16. No. 459 (Lot 8) Fitzgerald Street, North Perth
17. No. 3 (Lot 10) Gallop Street, West Perth
18. No.107 (Lot 18) Glendower Street, Perth (Part of Group)
19. Nos. 53 - 61 (Lot 48) Grosvenor Road, Mount Lawley (Part of Group)
20. No. 28 (Lot 22) Hutt Street, Mount Lawley (Part of Group)
21. No. 137 (Lots 317 & 318) Joel Terrace, Mount Lawley
22. No. 42 (Lot 24) Lynton Street, Mount Hawthorn
23. No. 25A (Lot 2) Leake Street, North Perth
24. No. 183 (Lot 66) Loftus Street, Leederville
25. No. 1 (Lot 1) Monmouth Street, Mount Lawley (Part of Group)
26. No. 482 (Lot 114) Newcastle Street, West Perth (Part of Group)
27. No. 486 (Lot 1) Newcastle Street, West Perth (Part of Group)
28. No. 490 (Lots 2 & 3) Newcastle Street, West Perth (Part of Group)
29. No. 336 (Lot 6 & 8) Oxford Street, Leederville
30. No. 99 (Lot 2) Palmerston Street, Perth
31. No. 109 (Lot 9) Palmerston Street, Perth
32. Nos. 165 (Lot 1) and 163 (Lot 2) Palmerston Street, Perth (Part of Group)
33. No. 62 (Lot 1) Robinson Avenue, Perth
34. Nos. 47 - 49 (Lot 2) Robinson Avenue, Perth (Part of Group)
35. No.240 (Lot 136) Stirling Street, Perth (Part of Group)
36. No. 234 (Lot 302) Stirling Street, Perth
37. Nos. 10 - 12 (Lot 1) View Street, North Perth
38. No. 100 (Lots 134 & 133) Vincent Street, Mount Lawley (Part of Group)
39. Nos. 102A (Lot 132) &102B (Lot 131) Vincent Street, Mount Lawley (Part of Group)
40. No. 131 (Lot 51) Lake Street, Perth
41. No. 105 (Lot 1) Brisbane Street, Perth
42. No. 357 (Lot 3) Lord Street, Highgate
43. No. 154 (Lots 288 & 289) Raglan Road, North Perth; and

(b) *the Full Assessments undertaken for commercial properties in Group 4 above IDENTIFIES the key portions of the properties that contribute most significantly to the heritage significance of the place."*

DETAILS:

Given the resources and time available, the properties listed in 'Group 4' are currently being investigated by the Town's Officers and will be presented to the Council in a staged process with a total of 12 places being referred to the Ordinary Meeting of Council to be held on 23 January 2007.

The Town's Officers have individually assessed the submission received for No. 42 (Lot 24) Lynton Street, Mount Hawthorn. This submission is also "*Laid on the Table*" on a Confidential basis.

A submission was prepared by The Planning Group and Ronald Bodycoat Architect on behalf of the owners. The key concerns outlined in the submission are summarised below:

- The assessment of significance is a matter of opinion and an exaggerated description of the current status of the place.
- The Place Record Form is too vague and not good enough to warrant inclusion onto the MHI.
- Heritage listing will not enable the owners to fulfil their plans of redeveloping the site.

- Much of the original fabric of the dwelling has been replaced, which has eroded its integrity.
- The building has a limited sustainability into the future and no longer satisfies the expectations of present day living standards.

Officer Comment

Heritage consultants Hocking Planning and Architecture identified the subject place as a Category B place as '*a fine example of a weatherboard Federation Cottage from the early Federation period. It is probably the earliest house in Lynton Street and one of the earliest in the Ambleside Estate.*'

A site visit, including an internal inspection was undertaken on 8 January 2007 and a full heritage assessment was prepared with the resources available to the Town's Officers. The draft heritage assessment was emailed to the owner on Friday 12 January 2007 for comment. The owner's response to the draft heritage assessment was received via email on Sunday 14 January 2007, in which the owner stated their support for the recommendation and reiterated:

- the property was purchased four years ago with the intention of building a new house
- the listing status was checked at the time of purchase and the purchase proceeded on the basis there were no restrictions.

In accordance with the Town's Policy relating to Heritage Management - Assessment, the place does not meet the threshold for entry onto the Town's Municipal Heritage Inventory. The place is considered to have some significance for the reasons outlined in the attached heritage assessment. However, given the current absence of specific historical information and the reduced level of authenticity due to its alteration over time, it is not considered that the place warrants inclusion on the Municipal Heritage Inventory.

The heritage assessment for the subject place forms an attachment to this report.

CONSULTATION/ADVERTISING:

The draft MHI has been widely and extensively advertised.

Owners have been consulted in writing at various stages throughout the project. 'GROUP 4' places are currently being investigated in further detail by the Town's Heritage Officers and internal site inspections and full heritage assessments are being undertaken with the co-operation of the owners where possible.

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

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011: Strategic Objectives - 1. Natural and Built Environment "... 1.1.3 (b) *Implement and promote the Municipal Heritage Inventory and Heritage Management Policies*".

FINANCIAL IMPLICATIONS:

The current 2006/2007 Budget lists \$54,800 for the Municipal Heritage Inventory Review of which \$14,826 remain.

COMMENTS:

In light of above, it is recommended that the Council does not include the place at No. 42 (Lot 24) Lynton Street, Mount Hawthorn on the Town's Municipal Heritage Inventory.

14.9 CONFIDENTIAL REPORT - Municipal Heritage Inventory Review - Consideration of No. 234 (Lot 302) Stirling Street, Perth

Ward:	South	Date:	15 January 2007
Precinct:	Beaufort; P13	File Ref:	PRO0098
Attachments:	001		
Reporting Officer(s):	H Eames		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *pursuant to section 5.95 of the Local Government Act 1995 and clause 2.15 of the Town of Vincent Local Law relating to Standing Orders, the Council PROCEEDS “behind closed doors” at the conclusion of the items, to consider the confidential report, circulated separately to Elected Members for Municipal Heritage Inventory Review - Consideration of No. 234 (Lot 302) Stirling Street, Perth as the matter contains sensitive personal and/or financial information; and*
- (ii) *the Council AUTHORIZES the Chief Executive Officer to make public the confidential report, or any part of it, at the appropriate time.*

COUNCIL DECISION ITEM 14.9

That the Council;

- (i) *NOTES the submission(s) received regarding the proposed inclusion of the place at No. 234 (Lot 302) Stirling Street, Perth on the Town's Municipal Heritage Inventory;*
- (ii) *RECEIVES the heritage assessment prepared by the Town's Officers for the place at No. 234 (Lot 302) Stirling Street, Perth; and*
- (iii) *DOES NOT INCLUDE the place at No. 234 (Lot 302) Stirling Street, Perth on the Town's Municipal Heritage Inventory.*

CARRIED (8-0)

(Cr Farrell had left the meeting.)

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

PURPOSE OF REPORT:

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

BACKGROUND:

The Council at its Ordinary Meeting held on 7 November 2006 considered a methodology for considering approximately 109 submissions received for Category B places identified as part of the draft MHI. The methodology was not supported. The Council resolved to further consider the matter at the Ordinary Meeting of Council held on 21 November 2006 and requested the Chief Executive Officer to carry out a preliminary assessment of the Category B properties/places and to group these according.

The Council at its Ordinary Meeting held on 21 November 2006 considered an alternative procedure of determination of properties/places listed in Category B of the draft MHI, and approved the following 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 on the Municipal Heritage Inventory (MHI);
- 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; and
- GROUP 3 - Properties where the owner has made a submission requesting further information or clarification and should therefore be deferred.

At the Ordinary Meeting of Council held on 21 November 2006, the Council did not make a formal decision on "Group 4' properties/places due to a procedural oversight.

- 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.

The Council at its Ordinary Meeting held on 5 December 2006, resolved as follows:

"That the Council APPROVES of the following procedure of determination of properties/places listed in Category B;

- (i) 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;*

1. *Nos. 30 - 44 (Lots 1 & 2) Angove Street, North Perth*
2. *Nos. 56 - 58 (Lot 33) Angove Street, North Perth*
3. *Nos. 124 - 126 (Lot Y1) Brisbane Street, Perth*
4. *Nos. 215 - 299 (Lot 1) Bulwer Street, Perth*
5. *Nos. 294(Lot 1) and 296 (Lot 2) Bulwer Street, Perth*
6. *No. 76 (Lot 116) Buxton Street, Mount Hawthorn (Part of Group)*
7. *No. 78 (Lot 117) Buxton Street, Mount Hawthorn (Part of Group)*
8. *No. 4 (Lot 2) Coogee Street, Mount Hawthorn*
9. *No. 220 (Lot 35) Charles Street, North Perth*
10. *No. 5 (Lot Y6) Cowle Street, West Perth (Part of Group)*
11. *Nos. 17 - 19 (Lots 20 & 21) Cowle Street, West Perth*
12. *No. 13 (Lot 43) Daphne Street, North Perth*
13. *No. 57 (Lots 14, 15 & 16) Fairfield Street, Mount Hawthorn*
14. *No. 73 (Lots 25, 26 & Y27) Fairfield Street, Mount Hawthorn*

15. No. 53 (Lot 26) Florence Street, West Perth
16. No. 459 (Lot 8) Fitzgerald Street, North Perth
17. No. 3 (Lot 10) Gallop Street, West Perth
18. No.107 (Lot 18) Glendower Street, Perth (Part of Group)
19. Nos. 53 - 61 (Lot 48) Grosvenor Road, Mount Lawley (Part of Group)
20. No. 28 (Lot 22) Hutt Street, Mount Lawley (Part of Group)
21. No. 137 (Lots 317 & 318) Joel Terrace, Mount Lawley
22. No. 42 (Lot 24) Lynton Street, Mount Hawthorn
23. No. 25A (Lot 2) Leake Street, North Perth
24. No. 183 (Lot 66) Loftus Street, Leederville
25. No. 1 (Lot 1) Monmouth Street, Mount Lawley (Part of Group)
26. No. 482 (Lot 114) Newcastle Street, West Perth (Part of Group)
27. No. 486 (Lot 1) Newcastle Street, West Perth (Part of Group)
28. No. 490 (Lots 2 & 3) Newcastle Street, West Perth (Part of Group)
29. No. 336 (Lot 6 & 8) Oxford Street, Leederville
30. No. 99 (Lot 2) Palmerston Street, Perth
31. No. 109 (Lot 9) Palmerston Street, Perth
32. Nos. 165 (Lot 1) and 163 (Lot 2) Palmerston Street, Perth (Part of Group)
33. No. 62 (Lot 1) Robinson Avenue, Perth
34. Nos. 47 - 49 (Lot 2) Robinson Avenue, Perth (Part of Group)
35. No.240 (Lot 136) Stirling Street, Perth (Part of Group)
36. No. 234 (Lot 302) Stirling Street, Perth
37. Nos. 10 - 12 (Lot 1) View Street, North Perth
38. No. 100 (Lots 134 & 133) Vincent Street, Mount Lawley (Part of Group)
39. Nos. 102A (Lot 132) &102B (Lot 131) Vincent Street, Mount Lawley (Part of Group)
40. No. 131 (Lot 51) Lake Street, Perth
41. No. 105 (Lot 1) Brisbane Street, Perth
42. No. 357 (Lot 3) Lord Street, Highgate
43. No. 154 (Lots 288 & 289) Raglan Road, North Perth; and

(b) *the Full Assessments undertaken for commercial properties in Group 4 above IDENTIFIES the key portions of the properties that contribute most significantly to the heritage significance of the place."*

DETAILS:

Given the resources and time available, the properties listed in 'GROUP 4' are currently being investigated by the Town's Officers and will be presented to the Council in a staged process with a total of 12 places being referred to the Ordinary Meeting of Council to be held on 23 January 2007.

The Town's Officers have individually assessed the submission(s) received for No. 234 (Lot 302) Stirling Street, Perth. This submission is also "*Laid on the Table*" on a Confidential basis.

The key concerns outlined in the submission are summarised below:

- The subject dwelling at No. 234, and the dwelling adjacent at No. 240 Stirling Street also proposed for inclusion on the Town's Municipal Heritage Inventory, have the same owner and the disparity of the buildings character, scale and style prevent any practical and/or logical redevelopment of the site if both were to be retained.

- Heritage listing will severely limit the redevelopment of the site to contemporary standard to reflect the majority of the built form in the surrounding locality.
- Setbacks and location will severely limit redevelopment and additional building floor space and adequate car parking.
- Place has been significantly altered diminishing the heritage value of the place.
- Heritage listing will require extra amount of work in any redevelopment proposal.
- Owners also own adjacent property at No. 240 Stirling Street, also on the proposed heritage list of which is being opposed.
- Insufficient and inaccurate information in Place Record Form.

Officer Comment

Heritage consultants Hocking Planning and Architecture identified the place as a Category B place as *'two storey house with a mixed history of house, boarding house, flats and brothel which demonstrates the changing social history of the area and the site, whilst providing a strong street presence, despite its shorn appearance'*.

On receiving the Town's letter dated and sent 14 December 2006 advising that the Council had identified the property as a 'GROUP 4', a site visit was subsequently carried out on the subject dwelling on 19 December 2006.

A draft heritage assessment was prepared by the Town's Heritage Officers and sent to the owner's representatives Greg Rowe and Associates and RSM Bird Cameron on 9 January 2007 for comment. Comment was received from the owner's representatives (Greg Rowe and Associates, and Ronald Bodycoat Architect) on 15 January 2006 that they support the draft documentation provided to them.

In accordance with the Town's Policy relating to Heritage Management - Assessment, it was found that the place does not meet the threshold for entry onto the Town's Municipal Heritage Inventory.

The heritage assessment indicated that No. 234 (Lot 302) Stirling Street, Perth had *some historic value* as a rare example of a Federation style two-storey residential building constructed circa 1908, however given its relatively low degree of integrity and authenticity, in addition to the current absence of significant historical information, it is not considered that the place warrants inclusion on the Town's Municipal Heritage Inventory.

A heritage assessment for the subject place forms an attachment to this report.

CONSULTATION/ADVERTISING:

The draft MHI has been widely and extensively advertised.

Owners have been consulted in writing at various stages throughout the project. 'GROUP 4' places are currently being investigated in further detail by the Town's Heritage Officers and internal site inspections and full heritage assessments are being undertaken with the co-operation of the owners where possible.

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

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2006 - 2011: Strategic Objectives - 1. Natural and Built Environment "... 1.1.3 (b) *Implement and promote the Municipal Heritage Inventory and Heritage Management Policies*".

FINANCIAL IMPLICATIONS:

The current 2006/2007 Budget lists \$54,800 for the Municipal Heritage Inventory Review. \$14,826 remains in this account.

COMMENTS:

In light of above, it is recommended that the Council does not include Nos. 234 (Lot 302) Stirling Street, Perth on the Town's Municipal Heritage Inventory.

14.10 CONFIDENTIAL REPORT - Municipal Heritage Inventory Review - Consideration of No. 240 (Lot 136) Stirling Street, Perth

Ward:	South	Date:	15 January 2007
Precinct:	Beaufort; P13	File Ref:	PRO0098
Attachments:	001		
Reporting Officer(s):	H Eames		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *pursuant to section 5.95 of the Local Government Act 1995 and clause 2.15 of the Town of Vincent Local Law relating to Standing Orders, the Council PROCEEDS “behind closed doors” at the conclusion of the items, to consider the confidential report, circulated separately to Elected Members for Municipal Heritage Inventory Review - Consideration of No. 240 (Lot 136) Stirling Street, Perth as the matter contains sensitive personal and/or financial information; and*
- (ii) *the Council AUTHORIZES the Chief Executive Officer to make public the confidential report, or any part of it, at the appropriate time.*

COUNCIL DECISION ITEM 14.10

That the Council;

- (i) *NOTES the submission(s) received regarding the proposed inclusion of the place at No. 240 (Lot 136) Stirling Street, Perth on the Town’s Municipal Heritage Inventory;*
- (ii) *RECEIVES the heritage assessment prepared by the Town's Officers for the place at No. 240 (Lot 136) Stirling Street, Perth; and*
- (iii) *DOES NOT INCLUDE the place at No. 240 (Lot 136) Stirling Street, Perth on the Town's Municipal Heritage Inventory.*

CARRIED (8-0)

(Cr Farrell had left the meeting.)

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

PURPOSE OF REPORT:

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

BACKGROUND:

The Council at its Ordinary Meeting held on 7 November 2006 considered a methodology for considering approximately 109 submissions received for Category B places identified as part of the draft MHI. The methodology was not supported. The Council resolved to further consider the matter at the Ordinary Meeting of Council held on 21 November 2006 and requested the Chief Executive Officer to carry out a preliminary assessment of the Category B properties/places and to group these according.

The Council at its Ordinary Meeting held on 21 November 2006 considered an alternative procedure of determination of properties/places listed in Category B of the draft MHI, and approved the following 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 on the Municipal Heritage Inventory (MHI);
- 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; and
- GROUP 3 - Properties where the owner has made a submission requesting further information or clarification and should therefore be deferred.

At the Ordinary Meeting of Council held on 21 November 2006, the Council did not make a formal decision on "Group 4" properties/places due to a procedural oversight.

- 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.

The Council at its Ordinary Meeting held on 5 December 2006, resolved as follows:

"That the Council APPROVES of the following procedure of determination of properties/places listed in Category B;

- (i) 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;*

1. *Nos. 30 - 44 (Lots 1 & 2) Angove Street, North Perth*
2. *Nos. 56 - 58 (Lot 33) Angove Street, North Perth*
3. *Nos. 124 - 126 (Lot Y1) Brisbane Street, Perth*
4. *Nos. 215 - 299 (Lot 1) Bulwer Street, Perth*
5. *Nos. 294 (Lot 1) and 296 (Lot 2) Bulwer Street, Perth*
6. *No. 76 (Lot 116) Buxton Street, Mount Hawthorn (Part of Group)*
7. *No. 78 (Lot 117) Buxton Street, Mount Hawthorn (Part of Group)*
8. *No. 4 (Lot 2) Coogee Street, Mount Hawthorn*
9. *No. 220 (Lot 35) Charles Street, North Perth*
10. *No. 5 (Lot Y6) Cowle Street, West Perth (Part of Group)*
11. *Nos. 17 - 19 (Lots 20 & 21) Cowle Street, West Perth*
12. *No. 13 (Lot 43) Daphne Street, North Perth*
13. *No. 57 (Lots 14, 15 & 16) Fairfield Street, Mount Hawthorn*
14. *No. 73 (Lots 25, 26 & Y27) Fairfield Street, Mount Hawthorn*

15. No. 53 (Lot 26) Florence Street, West Perth
16. No. 459 (Lot 8) Fitzgerald Street, North Perth
17. No. 3 (Lot 10) Gallop Street, West Perth
18. No.107 (Lot 18) Glendower Street, Perth (Part of Group)
19. Nos. 53 - 61 (Lot 48) Grosvenor Road, Mount Lawley (Part of Group)
20. No. 28 (Lot 22) Hutt Street, Mount Lawley (Part of Group)
21. No. 137 (Lots 317 & 318) Joel Terrace, Mount Lawley
22. No. 42 (Lot 24) Lynton Street, Mount Hawthorn
23. No. 25A (Lot 2) Leake Street, North Perth
24. No. 183 (Lot 66) Loftus Street, Leederville
25. No. 1 (Lot 1) Monmouth Street, Mount Lawley (Part of Group)
26. No. 482 (Lot 114) Newcastle Street, West Perth (Part of Group)
27. No. 486 (Lot 1) Newcastle Street, West Perth (Part of Group)
28. No. 490 (Lots 2 & 3) Newcastle Street, West Perth (Part of Group)
29. No. 336 (Lot 6 & 8) Oxford Street, Leederville
30. No. 99 (Lot 2) Palmerston Street, Perth
31. No. 109 (Lot 9) Palmerston Street, Perth
32. Nos. 165 (Lot 1) and 163 (Lot 2) Palmerston Street, Perth (Part of Group)
33. No. 62 (Lot 1) Robinson Avenue, Perth
34. Nos. 47 - 49 (Lot 2) Robinson Avenue, Perth (Part of Group)
35. No.240 (Lot 136) Stirling Street, Perth (Part of Group)
36. No. 234 (Lot 302) Stirling Street, Perth
37. Nos. 10 - 12 (Lot 1) View Street, North Perth
38. No. 100 (Lots 134 & 133) Vincent Street, Mount Lawley (Part of Group)
39. Nos. 102A (Lot 132) &102B (Lot 131) Vincent Street, Mount Lawley (Part of Group)
40. No. 131 (Lot 51) Lake Street, Perth
41. No. 105 (Lot 1) Brisbane Street, Perth
42. No. 357 (Lot 3) Lord Street, Highgate
43. No. 154 (Lots 288 & 289) Raglan Road, North Perth; and

(b) *the Full Assessments undertaken for commercial properties in Group 4 above IDENTIFIES the key portions of the properties that contribute most significantly to the heritage significance of the place."*

DETAILS:

Given the resources and time available, the properties listed in 'GROUP 4' are currently being investigated by the Town's Officers and will be presented to the Council in a staged process with a total of 12 places being referred to the Ordinary Meeting of Council to be held on 23 January 2007.

The Town's Officers have individually assessed the submission(s) received for No. 240 (Lot 136) Stirling Street, Perth. This submission is also "*Laid on the Table*" on a Confidential basis.

The key concerns outlined in the submission are summarised below:

- The subject dwelling at No. 240, and the dwelling adjacent at No. 234 Stirling Street also proposed for inclusion on the Town's Municipal Heritage Inventory, have the same owner and the disparity of the buildings character, scale and style prevent any practical and/or logical redevelopment of the site if both were to be retained.

- Heritage listing will severely limit the redevelopment of the site to contemporary standard to reflect the majority of the built form in the surrounding locality.
- Setbacks and location will severely limit redevelopment and additional building floor space and adequate car parking.
- Place has been significantly altered diminishing the heritage value of the place.
- Heritage listing will require extra amount of work in any redevelopment proposal.
- Owners also own adjacent property at No. 234 Stirling Street, also on the proposed heritage list of which is being opposed.
- Insufficient and inaccurate information in Place Record Form.

Officer Comment

Heritage consultants Hocking Planning and Architecture identified the place at No. 240 Stirling Street with the neighbouring property at No. 244 Stirling Street as Management Category B place as *'a pair of intact Federation period residences, constructed at the time of the development of the nearby hospitals at Nos. 216 and 241 Stirling Street. The cottage at No. 240 Stirling Street has associations with nurses from the hospitals in the pre World War Two period.'*

It is to be noted that the neighbouring property at No. 244 Stirling Street was not included on the Town's Municipal Heritage Inventory as per the resolution of the Ordinary Meeting of Council held on 21 November 2006.

On receiving the Town's letter dated and sent 14 December 2006 advising that the Council had identified the property as a 'GROUP 4', a site visit was subsequently carried out on the subject dwelling on 19 December 2006.

A draft heritage assessment was prepared by the Town's Heritage Officers and sent to the owner's representatives Greg Rowe and Associates and RSM Bird Cameron on 9 January 2007 for comment. Comment was received from the owner's representatives (Greg Rowe and Associates, and Ronald Bodycoat Architect) on 15 January 2006 that they support the draft documentation provided to them.

The heritage assessment indicated that No. 240 (Lot 136) Stirling Street, Perth had *some historic value* as a rare example of an early Federation cottage constructed circa 1895. However, given its relatively low degree of integrity and authenticity, in addition to the current absence of significant historical information, it is not considered that the place warrants inclusion on the Municipal Heritage Inventory.

A heritage assessment for the subject place forms an attachment to this report.

CONSULTATION/ADVERTISING:

The Draft MHI has been widely and extensively advertised.

Owners have been consulted in writing at various stages throughout the project. 'GROUP 4' places are currently being investigated in further detail by the Town's Heritage Officers and internal site inspections and full heritage assessments are being undertaken with the co-operation of the owners where possible.

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

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2006 - 2011: Strategic Objectives - 1. Natural and Built Environment "... 1.1.3 (b) *Implement and promote the Municipal Heritage Inventory and Heritage Management Policies*".

FINANCIAL IMPLICATIONS:

The current 2006/2007 Budget lists \$54,800 for the Municipal Heritage Inventory Review. \$14,826 remains in this account.

COMMENTS:

In light of above, it is recommended that the Council does not include No. 240 (Lot 136) Stirling Street, Perth on the Town's Municipal Heritage Inventory.

14.13 CONFIDENTIAL REPORT - Municipal Heritage Inventory Review - Consideration of No. 536 (Lot 1) William Street, corner Vincent Street, Mount Lawley

Ward:	South	Date:	15 January 2007
Precinct:	Norfolk; P10	File Ref:	PRO0390
Attachments:	001		
Reporting Officer(s):	H Eames		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *pursuant to section 5.95 of the Local Government Act 1995 and clause 2.15 of the Town of Vincent Local Law relating to Standing Orders, the Council PROCEEDS "behind closed doors" at the conclusion of the items, to consider the confidential report, circulated separately to Elected Members for Municipal Heritage Inventory Review - Consideration of No. 536 (Lot 1) William Street, Mount Lawley as the matter contains sensitive personal and/or financial information; and*
- (ii) *the Council AUTHORIZES the Chief Executive Officer to make public the confidential report, or any part of it, at the appropriate time.*

COUNCIL DECISION ITEM 14.13

OFFICER RECOMMENDATION:

That the Council;

- (i) *NOTES the submission(s) received regarding the proposed inclusion of the place at No. 536 (Lot 1) William Street, corner Vincent Street, Mount Lawley on the Town's Municipal Heritage Inventory;*
- (ii) *RECEIVES the heritage assessment prepared by the Town's Officers for the place at No. 536 (Lot 1) William Street, corner Vincent Street, Mount Lawley; and*
- (iii) *DOES NOT INCLUDE the place at No. 536 (Lot 1) William Street, corner Vincent Street, Mount Lawley on the Town's Municipal Heritage Inventory.*

CARRIED (8-0)

(Cr Farrell had left the meeting.)

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

PURPOSE OF REPORT:

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

BACKGROUND:

The Council at its Ordinary Meeting held on 7 November 2006 considered a methodology for considering approximately 109 submissions received for Category B places identified as part of the draft MHI. The methodology was not supported. The Council resolved to further consider the matter at the Ordinary Meeting of Council held on 21 November 2006 and requested the Chief Executive Officer to carry out a preliminary assessment of the Category B properties/places and to group these according.

The Council at its Ordinary Meeting held on 21 November 2006 considered an alternative procedure of determination of properties/places listed in Category B of the draft MHI, and approved the following 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 on the Municipal Heritage Inventory (MHI);
- 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; and
- GROUP 3 - Properties where the owner has made a submission requesting further information or clarification and should therefore be deferred.

At the Ordinary Meeting of Council held on 21 November 2006, the Council did not make a formal decision on "Group 4" properties/places due to a procedural oversight.

- 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.

The Council at its Ordinary Meeting held on 5 December 2006, resolved as follows:

"That the Council APPROVES of the following procedure of determination of properties/places listed in Category B;

- (i) 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;*

1. *Nos. 30 - 44 (Lots 1 & 2) Angove Street, North Perth*
2. *Nos. 56 - 58 (Lot 33) Angove Street, North Perth*
3. *Nos. 124 - 126 (Lot Y1) Brisbane Street, Perth*
4. *Nos. 215 - 299 (Lot 1) Bulwer Street, Perth*
5. *Nos. 294 (Lot 1) and 296 (Lot 2) Bulwer Street, Perth*
6. *No. 76 (Lot 116) Buxton Street, Mount Hawthorn (Part of Group)*
7. *No. 78 (Lot 117) Buxton Street, Mount Hawthorn (Part of Group)*
8. *No. 4 (Lot 2) Coogee Street, Mount Hawthorn*
9. *No. 220 (Lot 35) Charles Street, North Perth*
10. *No. 5 (Lot Y6) Cowle Street, West Perth (Part of Group)*
11. *Nos. 17 - 19 (Lots 20 & 21) Cowle Street, West Perth*
12. *No. 13 (Lot 43) Daphne Street, North Perth*
13. *No. 57 (Lots 14, 15 & 16) Fairfield Street, Mount Hawthorn*
14. *No. 73 (Lots 25, 26 & Y27) Fairfield Street, Mount Hawthorn*

15. No. 53 (Lot 26) Florence Street, West Perth
16. No. 459 (Lot 8) Fitzgerald Street, North Perth
17. No. 3 (Lot 10) Gallop Street, West Perth
18. No.107 (Lot 18) Glendower Street, Perth (Part of Group)
19. Nos. 53 - 61 (Lot 48) Grosvenor Road, Mount Lawley (Part of Group)
20. No. 28 (Lot 22) Hutt Street, Mount Lawley (Part of Group)
21. No. 137 (Lots 317 & 318) Joel Terrace, Mount Lawley
22. No. 42 (Lot 24) Lynton Street, Mount Hawthorn
23. No. 25A (Lot 2) Leake Street, North Perth
24. No. 183 (Lot 66) Loftus Street, Leederville
25. No. 1 (Lot 1) Monmouth Street, Mount Lawley (Part of Group)
26. No. 482 (Lot 114) Newcastle Street, West Perth (Part of Group)
27. No. 486 (Lot 1) Newcastle Street, West Perth (Part of Group)
28. No. 490 (Lots 2 & 3) Newcastle Street, West Perth (Part of Group)
29. No. 336 (Lot 6 & 8) Oxford Street, Leederville
30. No. 99 (Lot 2) Palmerston Street, Perth
31. No. 109 (Lot 9) Palmerston Street, Perth
32. Nos. 165 (Lot 1) and 163 (Lot 2) Palmerston Street, Perth (Part of Group)
33. No. 62 (Lot 1) Robinson Avenue, Perth
34. Nos. 47 - 49 (Lot 2) Robinson Avenue, Perth (Part of Group)
35. No.240 (Lot 136) Stirling Street, Perth (Part of Group)
36. No. 234 (Lot 302) Stirling Street, Perth
37. Nos. 10 - 12 (Lot 1) View Street, North Perth
38. No. 100 (Lots 134 & 133) Vincent Street, Mount Lawley (Part of Group)
39. Nos. 102A (Lot 132) &102B (Lot 131) Vincent Street, Mount Lawley (Part of Group)
40. No. 131 (Lot 51) Lake Street, Perth
41. No. 105 (Lot 1) Brisbane Street, Perth
42. No. 357 (Lot 3) Lord Street, Highgate
43. No. 154 (Lots 288 & 289) Raglan Road, North Perth; and

(b) *the Full Assessments undertaken for commercial properties in Group 4 above IDENTIFIES the key portions of the properties that contribute most significantly to the heritage significance of the place."*

DETAILS:

Given the resources and time available, the properties listed in 'Group 4' are currently being investigated by the Town's Officers and will be presented to the Council in a staged process with a total of 12 places being referred to the Ordinary Meeting of Council to be held on 23 January 2007.

The Town's Officers have individually assessed the submission received for No. 536 (Lot 1) William Street, Mount Lawley. This submission is also "*Laid on the Table*" on a Confidential basis.

The submission regarding the listing of the subject place onto the Municipal Heritage Inventory requests an extension on any decision concerning heritage listing until a thorough understanding of the development constraints are provided and agreed to by the owner and their representatives. Since this time, discussions have been undertaken with the owner's representatives regarding the development potential of the site. Whilst no further submission has been provided, it is understood through recent discussions that have been undertaken with the owner's representative that the elderly owner is extremely distressed and concerned about the proposed heritage listing and that redevelopment options which consider the retention of

the existing dwelling is restricted by issues of vehicle access to the main roads and other planning matters.

Officer Comment

Heritage consultants Hocking Planning and Architecture identified the subject place as a Category B place as *'a fine example of the Federation Bungalow Style, with a high degree of integrity, in a prominent and elevated location, which stylishly addresses both street frontages.'*

A site visit was undertaken on 3 January 2007 and a further meeting was undertaken at the Town's Administration and Civic Centre on 9 January 2007. A full heritage assessment was prepared with the resources available to the Town's Officers. The draft heritage assessment was emailed to the owner's representative on Wednesday 10 January 2007 for comment.

In accordance with the Town's Policy relating to Heritage Management - Assessment, the place does not meet the threshold for entry onto the Town's Municipal Heritage Inventory. The place is considered to have some aesthetic value for the reasons outlined in the attached heritage assessment. However, given the strong representation of this type of architecture already on the Municipal Heritage Inventory and broadly within the Town of Vincent, as well as the absence of other cultural heritage values, it is recommended that this place not be included on the Municipal Heritage Inventory.

The heritage assessment for the subject place forms an attachment to this report.

CONSULTATION/ADVERTISING:

The draft MHI has been widely and extensively advertised.

Owners have been consulted in writing at various stages throughout the project. Properties listed in 'Group 4' are currently being investigated by the Town's Officers. Twelve 'Group 4' places have had full heritage assessments undertaken with the co-operation of the owners where possible.

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

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011: Strategic Objectives - 1. Natural and Built Environment "... 1.1.3 (b) Implement and promote the Municipal Heritage Inventory and Heritage Management Policies".

FINANCIAL IMPLICATIONS:

The current 2006/2007 Budget lists \$54,800 for the Municipal Heritage Inventory Review of which \$14,826 remain.

COMMENTS:

In light of above, it is recommended that the Council does not include the place at No. 536 (Lot 1) William Street, corner Vincent Street, Mount Lawley on the Town's Municipal Heritage Inventory.

14.3 CONFIDENTIAL REPORT - Municipal Heritage Inventory Review - Consideration of No. 5 (Lot Y6) Cowle Street, West Perth

Ward:	South	Date:	15 January 2007
Precinct:	Hyde Park; P 12	File Ref:	PLA0098
Attachments:	001		
Reporting Officer(s):	T Woodhouse		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *pursuant to section 5.95 of the Local Government Act 1995 and clause 2.15 of the Town of Vincent Local Law relating to Standing Orders, the Council PROCEEDS "behind closed doors" at the conclusion of the items, to consider the confidential report, circulated separately to Elected Members for Municipal Heritage Inventory Review - Consideration of No. 5 (Lot Y6) Cowle Street, West Perth as the matter contains sensitive personal and/or financial information; and*
- (ii) *the Council AUTHORIZES the Chief Executive Officer to make public the confidential report, or any part of it, at the appropriate time.*

COUNCIL DECISION ITEM 14.3

That the Council;

- (i) *NOTES the submission(s) received regarding the proposed inclusion of the place at No. 5 (Lot Y6) Cowle Street, West Perth on the Town's Municipal Heritage Inventory;*
- (ii) *RECEIVES the heritage assessment prepared by the Town's Officers for the place at No. 5 (Lot Y6) Cowle Street, West Perth; and*
- (iii) *INCLUDES the place at No. 5 (Lot Y6) Cowle Street, West Perth on the Town's Municipal Heritage Inventory as a Management Category B - 'Conservation Recommended'.*

CARRIED (7-1)

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

(Cr Farrell had left the meeting.)

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

PURPOSE OF REPORT:

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

BACKGROUND:

The Council at its Ordinary Meeting held on 7 November 2006 considered a methodology for considering approximately 109 submissions received for Category B places identified as part of the draft MHI. The methodology was not supported. The Council resolved to further consider the matter at the Ordinary Meeting of Council held on 21 November 2006 and requested the Chief Executive Officer to carry out a preliminary assessment of the Category B properties/places and to group these accordingly.

The Council at its Ordinary Meeting held on 21 November 2006 considered an alternative procedure of determination of properties/places listed in Category B of the draft MHI, and approved the following 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 on the Municipal Heritage Inventory (MHI);
- 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; and
- GROUP 3 - Properties where the owner has made a submission requesting further information or clarification and should therefore be deferred.

At the Ordinary Meeting of Council held on 21 November 2006, the Council did not make a formal decision on "Group 4" properties/places due to a procedural oversight.

- 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.

The Council at its Ordinary Meeting held on 5 December 2006, resolved as follows:

"That the Council APPROVES of the following procedure of determination of properties/places listed in Category B;

- (i) 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;*

1. *Nos. 30 - 44 (Lots 1 & 2) Angove Street, North Perth*
2. *Nos. 56 - 58 (Lot 33) Angove Street, North Perth*
3. *Nos. 124 - 126 (Lot Y1) Brisbane Street, Perth*
4. *Nos. 215 - 299 (Lot 1) Bulwer Street, Perth*
5. *Nos. 294(Lot 1) and 296 (Lot 2) Bulwer Street, Perth*

6. No. 76 (Lot 116) Buxton Street, Mount Hawthorn (Part of Group)
7. No. 78 (Lot 117) Buxton Street, Mount Hawthorn (Part of Group)
8. No. 4 (Lot 2) Coogee Street, Mount Hawthorn
9. No. 220 (Lot 35) Charles Street, North Perth
10. No. 5 (Lot Y6) Cowle Street, West Perth (Part of Group)
11. Nos. 17 - 19 (Lots 20 & 21) Cowle Street, West Perth
12. No. 13 (Lot 43) Daphne Street, North Perth
13. No. 57 (Lots 14, 15 & 16) Fairfield Street, Mount Hawthorn
14. No. 73 (Lots 25, 26 & Y27) Fairfield Street, Mount Hawthorn
15. No. 53 (Lot 26) Florence Street, West Perth
16. No. 459 (Lot 8) Fitzgerald Street, North Perth
17. No. 3 (Lot 10) Gallop Street, West Perth
18. No.107 (Lot 18) Glendower Street, Perth (Part of Group)
19. Nos. 53 - 61 (Lot 48) Grosvenor Road, Mount Lawley (Part of Group)
20. No. 28 (Lot 22) Hutt Street, Mount Lawley (Part of Group)
21. No. 137 (Lots 317 & 318) Joel Terrace, Mount Lawley
22. No. 42 (Lot 24) Lynton Street, Mount Hawthorn
23. No. 25A (Lot 2) Leake Street, North Perth
24. No. 183 (Lot 66) Loftus Street, Leederville
25. No. 1 (Lot 1) Monmouth Street, Mount Lawley (Part of Group)
26. No. 482 (Lot 114) Newcastle Street, West Perth (Part of Group)
27. No. 486 (Lot 1) Newcastle Street, West Perth (Part of Group)
28. No. 490 (Lots 2 & 3) Newcastle Street, West Perth (Part of Group)
29. No. 336 (Lot 6 & 8) Oxford Street, Leederville
30. No. 99 (Lot 2) Palmerston Street, Perth
31. No. 109 (Lot 9) Palmerston Street, Perth
32. Nos. 165 (Lot 1) and 163 (Lot 2) Palmerston Street, Perth (Part of Group)
33. No. 62 (Lot 1) Robinson Avenue, Perth
34. Nos. 47 - 49 (Lot 2) Robinson Avenue, Perth (Part of Group)
35. No.240 (Lot 136) Stirling Street, Perth (Part of Group)
36. No. 234 (Lot 302) Stirling Street, Perth
37. Nos. 10 - 12 (Lot 1) View Street, North Perth
38. No. 100 (Lots 134 & 133) Vincent Street, Mount Lawley (Part of Group)
39. Nos. 102A (Lot 132) &102B (Lot 131) Vincent Street, Mount Lawley (Part of Group)
40. No. 131 (Lot 51) Lake Street, Perth
41. No. 105 (Lot 1) Brisbane Street, Perth
42. No. 357 (Lot 3) Lord Street, Highgate
43. No. 154 (Lots 288 & 289) Raglan Road, North Perth; and

(b) *the Full Assessments undertaken for commercial properties in Group 4 above IDENTIFIES the key portions of the properties that contribute most significantly to the heritage significance of the place."*

DETAILS:

Given the resources and time available, the properties listed in 'GROUP 4' are currently being investigated by the Town's Officers and will be presented to the Council in a staged process with a total of 12 places being referred to the Ordinary Meeting of Council to be held on 23 January 2007.

The Town's Officers have individually assessed the submission(s) received for No. 5 (Lot Y6) Cowle Street, West Perth. This submission is also "*Laid on the Table*" on a Confidential basis.

The key concern outlined in the submission is summarised below:

- Owner in process of selling property and concerned that heritage listing may impede this process.

Officer Comments

Heritage consultants Hocking Planning and Architecture identified the place as a Category B as a group with Nos. 7, 9 and 11-15 Cowle Street, West Perth. No objections were received from the owners of the other properties and, as such, they were adopted on the Town's Municipal Heritage Inventory at the Ordinary Meeting of Council held on 21 November 2006.

No correspondence has been received from the owner since the Town's letter dated and sent 14 December 2006 advising that the Council has identified the property as 'GROUP 4' being one in which more information is required in order to make an informed decision relating to the proposed inclusion of the subject property on the Town's Municipal Heritage Inventory.

An internal site visit has not been possible in this instance and as such a full heritage assessment was prepared with the resources available to the Town's Officers.

A draft heritage assessment was prepared by the Town's Officers and posted to the owner on Tuesday 9 January 2007 for comment.

In accordance with the Town's Policy relating to Heritage Management - Assessment, the place does meet the threshold for entry onto the Town's Municipal Heritage Inventory.

The heritage assessment indicated that No. 5 Cowle Street had cultural heritage value for the following reasons:

The place has *some aesthetic value* as a good example of a Federation Italianate cottage abutting the identical dwelling at No. 7 Cowle Street.

As a Federation Italianate cottage, the place has some rarity value representing a pattern book detached dwelling abutting the identical dwelling at No. 7 Cowle Street, considered rare within the Town of Vincent.

The heritage assessment for the subject place forms an attachment to this report.

CONSULTATION/ADVERTISING:

The draft MHI has been widely and extensively advertised.

Owners have been consulted in writing at various stages throughout the project. 'GROUP 4' places are currently being investigated in further detail by the Town's Heritage Officers and internal site inspections and full heritage assessments are being undertaken with the co-operation of the owners where possible.

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

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2006 - 2011: Strategic Objectives - 1. Natural and Built Environment "... 1.1.3 (b) *Implement and promote the Municipal Heritage Inventory and Heritage Management Policies*".

FINANCIAL IMPLICATIONS:

The current 2006/2007 Budget lists \$54,800 for the Municipal Heritage Inventory Review. \$14,826 remains in this account.

COMMENTS:

In light of above, it is recommended that the Council includes No. 5 (Lot Y6) Cowle Street, West Perth on the Town's Municipal Heritage Inventory as a Category B – "Conservation Recommended" place.

14.4 CONFIDENTIAL REPORT - Municipal Heritage Inventory Review - Consideration of Nos. 17 - 19 (Lot 20) Cowle Street, West Perth

Ward:	South	Date:	15 January 2007
Precinct:	Hyde Park; P 12	File Ref:	PLA 0098
Attachments:	001		
Reporting Officer(s):	T Woodhouse		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *pursuant to section 5.95 of the Local Government Act 1995 and clause 2.15 of the Town of Vincent Local Law relating to Standing Orders, the Council PROCEEDS "behind closed doors" at the conclusion of the items, to consider the confidential report, circulated separately to Elected Members for Municipal Heritage Inventory Review - Consideration of Nos. 17 -19 (Lot 20) Cowle Street, West Perth as the matter contains sensitive personal and/or financial information; and*
- (ii) *the Council AUTHORISES the Chief Executive Officer to make public the confidential report, or any part of it, at the appropriate time.*

COUNCIL DECISION ITEM 14.4

That the Council;

- (i) *NOTES the submission(s) received regarding the proposed inclusion of the place at Nos. 17 - 19 (Lots 20 & 21) Cowle Street, West Perth on the Town's Municipal Heritage Inventory;*
- (ii) *RECEIVES the heritage assessment prepared by the Town's Officers for the place at Nos. 17 - 19 (Lots 20 & 21) Cowle Street, West Perth; and*
- (iii) *INCLUDES the place at Nos. 17 - 19 (Lots 20 & 21) Cowle Street, West Perth on the Town's Municipal Heritage Inventory as a Management Category B - 'Conservation Recommended'.*

CARRIED (7-1)

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

(Cr Farrell had left the meeting.)

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

PURPOSE OF REPORT:

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

BACKGROUND:

The Council at its Ordinary Meeting held on 7 November 2006 considered a methodology for considering approximately 109 submissions received for Category B places identified as part of the draft MHI. The methodology was not supported. The Council resolved to further consider the matter at the Ordinary Meeting of Council held on 21 November 2006 and requested the Chief Executive Officer to carry out a preliminary assessment of the Category B properties/places and to group these according.

The Council at its Ordinary Meeting held on 21 November 2006 considered an alternative procedure of determination of properties/places listed in Category B of the draft MHI, and approved the following 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 on the Municipal Heritage Inventory (MHI);
- 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; and
- GROUP 3 - Properties where the owner has made a submission requesting further information or clarification and should therefore be deferred.

At the Ordinary Meeting of Council held on 21 November 2006, the Council did not make a formal decision on "Group 4" properties/places due to a procedural oversight.

- 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.

The Council at its Ordinary Meeting held on 5 December 2006, resolved as follows:

"That the Council APPROVES of the following procedure of determination of properties/places listed in Category B;

- (i) 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;*

1. *Nos. 30 - 44 (Lots 1 & 2) Angove Street, North Perth*
2. *Nos. 56 - 58 (Lot 33) Angove Street, North Perth*
3. *Nos. 124 - 126 (Lot Y1) Brisbane Street, Perth*
4. *Nos. 215 - 299 (Lot 1) Bulwer Street, Perth*
5. *Nos. 294(Lot 1) and 296 (Lot 2) Bulwer Street, Perth*
6. *No. 76 (Lot 116) Buxton Street, Mount Hawthorn (Part of Group)*
7. *No. 78 (Lot 117) Buxton Street, Mount Hawthorn (Part of Group)*

8. No. 4 (Lot 2) Coogee Street, Mount Hawthorn
9. No. 220 (Lot 35) Charles Street, North Perth
10. No. 5 (Lot Y6) Cowle Street, West Perth (Part of Group)
11. Nos. 17 - 19 (Lots 20 & 21) Cowle Street, West Perth
12. No. 13 (Lot 43) Daphne Street, North Perth
13. No. 57 (Lots 14, 15 & 16) Fairfield Street, Mount Hawthorn
14. No. 73 (Lots 25, 26 & Y27) Fairfield Street, Mount Hawthorn
15. No. 53 (Lot 26) Florence Street, West Perth
16. No. 459 (Lot 8) Fitzgerald Street, North Perth
17. No. 3 (Lot 10) Gallop Street, West Perth
18. No.107 (Lot 18) Glendower Street, Perth (Part of Group)
19. Nos. 53 - 61 (Lot 48) Grosvenor Road, Mount Lawley (Part of Group)
20. No. 28 (Lot 22) Hutt Street, Mount Lawley (Part of Group)
21. No. 137 (Lots 317 & 318) Joel Terrace, Mount Lawley
22. No. 42 (Lot 24) Lynton Street, Mount Hawthorn
23. No. 25A (Lot 2) Leake Street, North Perth
24. No. 183 (Lot 66) Loftus Street, Leederville
25. No. 1 (Lot 1) Monmouth Street, Mount Lawley (Part of Group)
26. No. 482 (Lot 114) Newcastle Street, West Perth (Part of Group)
27. No. 486 (Lot 1) Newcastle Street, West Perth (Part of Group)
28. No. 490 (Lots 2 & 3) Newcastle Street, West Perth (Part of Group)
29. No. 336 (Lot 6 & 8) Oxford Street, Leederville
30. No. 99 (Lot 2) Palmerston Street, Perth
31. No. 109 (Lot 9) Palmerston Street, Perth
32. Nos. 165 (Lot 1) and 163 (Lot 2) Palmerston Street, Perth (Part of Group)
33. No. 62 (Lot 1) Robinson Avenue, Perth
34. Nos. 47 - 49 (Lot 2) Robinson Avenue, Perth (Part of Group)
35. No.240 (Lot 136) Stirling Street, Perth (Part of Group)
36. No. 234 (Lot 302) Stirling Street, Perth
37. Nos. 10 - 12 (Lot 1) View Street, North Perth
38. No. 100 (Lots 134 & 133) Vincent Street, Mount Lawley (Part of Group)
39. Nos. 102A (Lot 132) &102B (Lot 131) Vincent Street, Mount Lawley (Part of Group)
40. No. 131 (Lot 51) Lake Street, Perth
41. No. 105 (Lot 1) Brisbane Street, Perth
42. No. 357 (Lot 3) Lord Street, Highgate
43. No. 154 (Lots 288 & 289) Raglan Road, North Perth; and

- (b) *the Full Assessments undertaken for commercial properties in Group 4 above IDENTIFIES the key portions of the properties that contribute most significantly to the heritage significance of the place."*

DETAILS:

Given the resources and time available, the properties listed in 'GROUP 4' are currently being investigated by the Town's Officers and will be presented to the Council in a staged process with a total of 12 places being referred to the Ordinary Meeting of Council to be held on 23 January 2007.

The Town's Officers have individually assessed the submission(s) received for Nos. 17 - 19 (Lots 20 and 21) Cowle Street, West Perth. This submission is also "*Laid on the Table*" on a Confidential basis.

The key concerns outlined in the submission are summarised below:

- Appalled at lack of transparency in which Council adopted to consult with ratepayers affected by the proposed heritage listing.
- Adverse impact heritage listing has on property value.
- Council should properly compensate owners of heritage listed properties within the community.

Officer Comment

Heritage consultants Hocking Planning and Architecture identified the place as a Category B place as '*a fine example of a two-storey terrace, in the Federation Queen Anne style of which there are few remaining. The place makes a significant contribution to the streetscape and the character of the area.*'

The subject dwellings were first entered on the Town's Municipal Heritage Inventory in 1995 when the Council first adopted the Town's Municipal Heritage Inventory.

No correspondence has been received from the owner since the Town's letter dated and sent 14 December 2006 advising that the Council has identified the property as 'GROUP 4' being one in which more information is required in order to make an informed decision relating to the proposed inclusion of the subject property on the Town's Municipal Heritage Inventory.

An internal site visit has not been possible in this instance and, as such, a full heritage assessment was prepared with the resources available to the Town's Officers.

A draft heritage assessment was prepared by the Town's Officers and posted to the owner on Tuesday 9 January 2007 for comment.

In accordance with the Town's Policy relating to Heritage Management - Assessment, the place does meet the threshold for entry onto the Town's Municipal Heritage Inventory.

The heritage assessment indicated that Nos. 17 - 19 Cowle Street has cultural heritage significance for the following reasons:

- The place has *some aesthetic value* as a fine example of two storey terraces constructed in the Federation Filigree style.
- The place has *some rarity value* as semi-detached two storey terraces constructed in the Federation Filigree style of which there are few examples remaining within the Town of Vincent.

The heritage assessment for the subject place forms an attachment to this report.

CONSULTATION/ADVERTISING:

The draft MHI has been widely and extensively advertised.

Owners have been consulted in writing at various stages throughout the project. 'GROUP 4' places are currently being investigated in further detail by the Town's Heritage Officers and internal site inspections and full heritage assessments are being undertaken with the co-operation of the owners where possible.

Formal advertising has appeared in local newspapers, workshops for owners have been undertaken, 64 one-on-one meetings have occurred between owners and Officers from the

Town, information packs provided and progress reports have been provided to the Council throughout the project. The Chief Executive Officer conducted media briefings at the start of the consultation period and conducted an interview with Channel 10 television.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2006 - 2011: Strategic Objectives - 1. Natural and Built Environment "... 1.1.3 (b) *Implement and promote the Municipal Heritage Inventory and Heritage Management Policies*".

FINANCIAL IMPLICATIONS:

The current 2006/2007 Budget lists \$54,800 for the Municipal Heritage Inventory Review. \$14,826 remains in this account.

COMMENTS:

In light of above, it is recommended that the Council includes Nos. 17 - 19 (Lots 20 and 21) Cowle Street, West Perth on the Town's Municipal Heritage Inventory as a Category B – "Conservation Recommended" place.

14.11 CONFIDENTIAL REPORT - Municipal Heritage Inventory Review - Consideration of No. 100 (Lots 133 & 134) Vincent Street, Mount Lawley

Ward:	South	Date:	15 January 2007
Precinct:	Norfolk; P10	File Ref:	PRO0390
Attachments:	001		
Reporting Officer(s):	S Kendall		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *pursuant to section 5.95 of the Local Government Act 1995 and clause 2.15 of the Town of Vincent Local Law relating to Standing Orders, the Council PROCEEDS “behind closed doors” at the conclusion of the items, to consider the confidential report, circulated separately to Elected Members for Municipal Heritage Inventory Review - Consideration of No. 100 (Lot 133 & 134) Vincent Street, Mount Lawley as the matter contains sensitive personal and/or financial information; and*
- (ii) *the Council AUTHORIZES the Chief Executive Officer to make public the confidential report, or any part of it, at the appropriate time.*

COUNCIL DECISION ITEM 14.11

That the Council;

- (i) *NOTES the submission(s) received regarding the proposed inclusion of the place at No. 100 (Lots 133 and 134) Vincent Street, Mount Lawley on the Town's Municipal Heritage Inventory;*
- (ii) *RECEIVES the heritage assessment prepared by the Town's Officers for the place at No. 100 (Lots 133 and 134) Vincent Street, Mount Lawley; and*
- (iii) *INCLUDES the place at No. 100 (Lots 133 and 134) Vincent Street, Mount Lawley on the Town's Municipal Heritage Inventory as a Management Category B - 'Conservation Recommended'.*

MOTION CARRIED (5-3)

For

Cr Chester
Cr Doran-Wu
Cr Ker
Cr Lake
Cr Messina

Against

Mayor Catania
Cr Maier
Cr Torre

(Cr Farrell had left the meeting.)

SUBSEQUENT MOTION:

Moved Cr Chester, Seconded Cr Ker

That a Special Meeting of the Council be held in late March early April 2007 to consider the outstanding places listed for inclusion on the Town's Municipal Heritage Inventory still requiring action.

CARRIED (8-0)

(Cr Farrell had left the meeting.)

ADDITIONAL INFORMATION:

An additional submission regarding the proposed listing of the dwelling at No.100 Vincent Street, Mount Lawley, onto the Municipal Heritage Inventory, has been received from a representative of the deceased owner. This submission is attached to this "Additional Information" report on a Confidential basis. The key concerns outlined in the submission are summarised below:

- It was the wishes of the former owner (now deceased) that the place is not listed on the Municipal Heritage Inventory, to enable the grandchildren to receive the highest possible value for the place.
- The place will be devalued by approximately \$200,000 if the place was to be listed on the Municipal Heritage Inventory.
- The dwelling has been subject to many alterations and is not in its original condition.
- The place is common within the Town of Vincent.
- Heritage listing will not enable the full redevelopment potential of the lot to be realised.
- The gardens of the dwelling require a large amount of water.
- To maintain the rundown dwelling is not socially ethical.

PURPOSE OF REPORT:

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

BACKGROUND:

The Council at its Ordinary Meeting held on 7 November 2006 considered a methodology for considering approximately 109 submissions received for Category B places identified as part of the draft MHI. The methodology was not supported. The Council resolved to further consider the matter at the Ordinary Meeting of Council held on 21 November 2006 and requested the Chief Executive Officer to carry out a preliminary assessment of the Category B properties/places and to group these according.

The Council at its Ordinary Meeting held on 21 November 2006 considered an alternative procedure of determination of properties/places listed in Category B of the draft MHI, and approved the following 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 on the Municipal Heritage Inventory (MHI);

- 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; and
- GROUP 3 - Properties where the owner has made a submission requesting further information or clarification and should therefore be deferred.

At the Ordinary Meeting of Council held on 21 November 2006, the Council did not make a formal decision on "Group 4' properties/places due to a procedural oversight.

- 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.

The Council at its Ordinary Meeting held on 5 December 2006, resolved as follows:

"That the Council APPROVES of the following procedure of determination of properties/places listed in Category B;

- (i) 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;*

1. Nos. 30 - 44 (Lots 1 & 2) Angove Street, North Perth
2. Nos. 56 - 58 (Lot 33) Angove Street, North Perth
3. Nos. 124 - 126 (Lot Y1) Brisbane Street, Perth
4. Nos. 215 - 299 (Lot 1) Bulwer Street, Perth
5. Nos. 294(Lot 1) and 296 (Lot 2) Bulwer Street, Perth
6. No. 76 (Lot 116) Buxton Street, Mount Hawthorn (Part of Group)
7. No. 78 (Lot 117) Buxton Street, Mount Hawthorn (Part of Group)
8. No. 4 (Lot 2) Coogee Street, Mount Hawthorn
9. No. 220 (Lot 35) Charles Street, North Perth
10. No. 5 (Lot Y6) Cowle Street, West Perth (Part of Group)
11. Nos. 17 - 19 (Lots 20 & 21) Cowle Street, West Perth
12. No. 13 (Lot 43) Daphne Street, North Perth
13. No. 57 (Lots 14, 15 & 16) Fairfield Street, Mount Hawthorn
14. No. 73 (Lots 25, 26 & Y27) Fairfield Street, Mount Hawthorn
15. No. 53 (Lot 26) Florence Street, West Perth
16. No. 459 (Lot 8) Fitzgerald Street, North Perth
17. No. 3 (Lot 10) Gallop Street, West Perth
18. No.107 (Lot 18) Glendower Street, Perth (Part of Group)
19. Nos. 53 - 61 (Lot 48) Grosvenor Road, Mount Lawley (Part of Group)
20. No. 28 (Lot 22) Hutt Street, Mount Lawley (Part of Group)
21. No. 137 (Lots 317 & 318) Joel Terrace, Mount Lawley
22. No. 42 (Lot 24) Lynton Street, Mount Hawthorn
23. No. 25A (Lot 2) Leake Street, North Perth
24. No. 183 (Lot 66) Loftus Street, Leederville
25. No. 1 (Lot 1) Monmouth Street, Mount Lawley (Part of Group)
26. No. 482 (Lot 114) Newcastle Street, West Perth (Part of Group)
27. No. 486 (Lot 1) Newcastle Street, West Perth (Part of Group)
28. No. 490 (Lots 2 & 3) Newcastle Street, West Perth (Part of Group)
29. No. 336 (Lot 6 & 8) Oxford Street, Leederville

30. No. 99 (Lot 2) Palmerston Street, Perth
31. No. 109 (Lot 9) Palmerston Street, Perth
32. Nos. 165 (Lot 1) and 163 (Lot 2) Palmerston Street, Perth (Part of Group)
33. No. 62 (Lot 1) Robinson Avenue, Perth
34. Nos. 47 - 49 (Lot 2) Robinson Avenue, Perth (Part of Group)
35. No.240 (Lot 136) Stirling Street, Perth (Part of Group)
36. No. 234 (Lot 302) Stirling Street, Perth
37. Nos. 10 - 12 (Lot 1) View Street, North Perth
38. No. 100 (Lots 134 & 133) Vincent Street, Mount Lawley (Part of Group)
39. Nos. 102A (Lot 132) &102B (Lot 131) Vincent Street, Mount Lawley (Part of Group)
40. No. 131 (Lot 51) Lake Street, Perth
41. No. 105 (Lot 1) Brisbane Street, Perth
42. No. 357 (Lot 3) Lord Street, Highgate
43. No. 154 (Lots 288 & 289) Raglan Road, North Perth; and

- (b) *the Full Assessments undertaken for commercial properties in Group 4 above IDENTIFIES the key portions of the properties that contribute most significantly to the heritage significance of the place."*

DETAILS:

Given the resources and time available, the properties listed in 'Group 4' are currently being investigated by the Town's Officers and will be presented to the Council in a staged process with a total of 12 places being referred to the Ordinary Meeting of Council to be held on 23 January 2007.

The Town's Officers have individually assessed the submission received for No. 100 (Lots 133 and 134) Vincent Street, Mount Lawley. This submission is also "*Laid on the Table*" on a Confidential basis.

The key concerns outlined in the submission are summarised below:

- Place does not have any cultural heritage significance;
- Architecture of the place is very typical of the area and thus the place is not rare;
- Place is in very poor condition; and
- Elderly owner does not want heritage restrictions on place. (The elderly owner of the subject place has since passed away).

Officer Comment

Heritage consultants Hocking Planning and Architecture identified the subject place and the adjacent property at Nos. 102A and 102B Vincent Street, Mount Lawley as a pair of dwellings, which meet the Category B place threshold as *'fine and complementary examples of the Federation Bungalow style, particularly 102 which is a highly sophisticated design. The loss of some original detail from No.100 Vincent Street disguises its grander scale. The development period of these places is Inter-war whilst the styles are Federation.'*

A site visit, including an internal inspection was undertaken on 8 January 2007 and a full heritage assessment was prepared with the resources available to the Town's Officers. In accordance with the Town's Policy relating to Heritage Management - Assessment, the place does meet the threshold for entry onto the Town's Municipal Heritage Inventory.

The heritage assessment indicated that No. 100 Vincent Street, Mount Lawley has cultural heritage significance for the following reasons:

- The subject dwelling at No. 100 Vincent Street, Mount Lawley has *some aesthetic value* as an individual building displaying elements of the Federation Bungalow style of architecture with Inter-war modifications.
- The dwelling has *considerable aesthetic value* in terms of its relation to the surrounding dwellings and the overall contribution to the style and character of places along this portion of Vincent Street. The aesthetic cohesiveness of the original dwellings is considered to be sympathetic and complementary to the vista of Hyde Park.
- The place has *some historic value* as it forms part of the evolution and pattern of the history of the Town of Vincent, with particular reference to the early part of the twentieth century following the Gold Rush period and the expansion of Perth and its outlying suburbs.

The heritage assessment for the subject place forms an attachment to this report.

The draft heritage assessment was posted to the owner on Tuesday 9 January 2007 for comment. The owner of the subject place has passed away. Correspondence has been received from the deceased owner's granddaughter and grandson. The grandchildren oppose the proposed listing of the subject place on the Town's MHI for the following reasons:

- The property is not rare nor does it have social, historic or scientific value;
- There have been a number of alterations and additions to the place, which have reduced its authenticity; and
- The place adjacent to the east of the subject place at No. 96 Vincent Street has had a demolition and redevelopment approval issued. (*Officer Note: The Town has not issued an approval for the demolition or redevelopment of the property at No. 96 Vincent Street, Mount Lawley.*)

A copy of both the owner's grandchildren's correspondence is "*Laid on the Table*"

Further investigation will be undertaken to ascertain the streetscape potential of all the dwellings along the portion of Vincent Street between Norfolk and Hyde Streets in Mount Lawley as part of the Town Planning Scheme Review

CONSULTATION/ADVERTISING:

The draft MHI has been widely and extensively advertised.

Owners have been consulted in writing at various stages throughout the project. 'GROUP 4' places are currently being investigated in further detail by the Town's Heritage Officers and internal site inspections and full heritage assessments are being undertaken with the co-operation of the owners where possible.

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

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011: Strategic Objectives - 1. Natural and Built Environment "... 1.1.3 (b) *Implement and promote the Municipal Heritage Inventory and Heritage Management Policies*".

FINANCIAL IMPLICATIONS:

The current 2006/2007 Budget lists \$54,800 for the Municipal Heritage Inventory Review of which \$14,826 remain.

COMMENTS:

In light of above, it is recommended that the Council includes No. 100 (Lots 133 and 134) Vincent Street, Mount Lawley on the Town's Municipal Heritage Inventory as a Category B 'Conservation Recommended' place.

15. CLOSURE

The Presiding Member, Mayor Nick Catania, JP, declared the meeting closed at 9.46pm with the following persons present:

Cr Simon Chester	North Ward
Cr Helen Doran-Wu	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
Cr Maddalena Torre	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental and Development Services
Rick Lotznicker	Executive Manager, Technical Services
Mike Rootsey	Executive Manager, Corporate Services
Annie Smith	Minutes Secretary

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 23 January 2007.

Signed:Presiding Member
Mayor Nick Catania, JP

Dated this day of 2007