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(24 OCTOBER 2006)**

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Minutes of the Ordinary Meeting of Council of the Town of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 24 October 2006, 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 Steed Farrell (*Deputy Mayor*) North Ward

(b) Present:

Mayor Nick Catania, JP	Presiding Member
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
Christine Arnasiewicz	A/Executive Assistant
Lindsay McPhee	Journalist - Guardian Express (until 8.09pm)
Brendan Foster	Journalist – Perth Voice (until 8.09pm)

Approximately 5 Members of the Public

(c) Members on Leave of Absence:

Nil.

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

1. Mr Noel Austen of 136 Fairfield Street, Mount Hawthorn – Item 10.1.2 - Stated that the carport is to provide security, both personal and security of the vehicle, and also protection of the vehicle from the elements. Advised that the carport is to be built in keeping with the period of the existing building, in as far as the roof tiles, roof pitch, the pillars will match the existing dwelling and the guttering. Stated that other carports in the area have been built in the front of properties. Believes the carport will enhance the streetscape. Requested the Council's approval.

2. Mr Robert Gordon of 3/34 Money Street, Perth – Item 14.2 - Stated, as he has done on many occasions, that he has concerns with an additional forty people on a regular basis being right across the road from him.

Requested that he be privy to the legal documents at some point, as he is prepared to fight his own legal battle to stop this from going ahead. Appealed to Council to keep in mind, when in discussions, that quite a few residents live in very close proximity to the property.

There being no further questions from the public, the Presiding Member, Mayor Nick Catania, JP closed Public Question Time at 6.17pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS

Nil.

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 Minutes of the Ordinary Meeting of Council held on 10 October 2006

Moved Cr Ker, Seconded Cr Maier

That the Minutes of the Ordinary Meeting of Council held on 10 October 2006 be confirmed as a true and correct record.

CARRIED (8-0)

(Cr Farrell was an apology.)

6.2 Minutes of the Special Meeting of Council held on 17 October 2006

Moved Cr Ker, Seconded Cr Doran-Wu

That the Minutes of the Special Meeting of Council held on 17 October 2006 be confirmed as a true and correct record.

CARRIED (8-0)

(Cr Farrell was an apology.)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7.1 Active Vincent Day

The Active Vincent Day was held on Sunday 22 October at Beatty Park Reserve.

The event was an outstanding success with a large crowd attending. Those in attendance enjoyed the variety of stalls and activities available. The food and refreshment was also very popular, with the hot dog stall running out of sausages (twice) and the mobile coffee van ran out of coffee.

Congratulations to all those involved in organising the event, in particular the Community Development staff, but thanks also to all those Town of Vincent staff who manned stalls, including those from the Ranger Services / Community Safety and Technical Services Sections.

A great day with a lot of positive feedback.

7.2 Funding from State Government

The Town's Technical Services officers received a telephone call from the Swan River Trust last week advising that its application for funding for the Swan River Foreshore restoration project had been successful.

The Town will receive about \$170,000 from the Swan River Trust, which is a little over 50% of the total estimated cost of the restoration project.

Tender documentation for the works is currently being prepared and, all going well, the restoration project should commence sometime in January 2007.

The project, once completed, will result in the rehabilitation and stabilisation of a portion of the degraded Swan River Foreshore adjoining the Banks Reserve.

The rehabilitation will be carried out using 'bio engineering' methods, which will include:

- Removal of exotic vegetation
- Removal of unsuitable fill and regrading of the river bank
- Log - brush mattressing to prevent erosion
- Planting of indigenous shrubs etc

8. **DECLARATION OF INTERESTS**

8.1 Mayor Catania declared a financial interest in Item 10.3.1 – Investment Report as at 30 September 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 30 September 2006. The nature of his interest being that he is a Director and Shareholder of the North Perth Community Bank.

8.3 Cr Messina declared a proximity interest in Item 10.2.1 – Further Report – Proposed Streetscape Improvements – Scarborough Beach Road, Mount Hawthorn. The nature of his interest being that he has a franchise business in close proximity to the proposed works. Cr Messina requested permission to participate in debate but not vote on the matter.

8.4 Cr Ker declared an interest affecting impartiality in Item 10.3.5 – Hyde Park Stage Upgrade – Community Consultation. The nature of his interest being that his wife made a submission on the proposal.

The Presiding Member advised that Cr Messina's request to participate in debate on Item 10.2.1 would now be considered.

Cr Messina departed the Chamber at 6.25pm.

Moved Cr Ker, Seconded Cr Torre

That Cr Messina be permitted to participate in debate on Item 10.2.1 but not vote.

CARRIED (7-0)

(Cr Farrell was an apology. Cr Messina was absent from the Chamber and did not vote.)

Cr Messina returned to the Chamber at 6.26pm.

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

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

Nil.

10. REPORTS

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

The Agenda Items were categorised as follows:

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

Item 10.1.2

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

Item 10.4.2

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

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

Cr Chester	Items 10.1.1 and 10.1.4
Cr Ker	Nil.
Cr Doran-Wu	Item 10.3.6
Cr Torre	Nil
Cr Lake	Nil.
Cr Messina	Item 10.3.3
Cr Maier	Items 10.1.3 and 10.3.9
Mayor Catania	Item 10.3.5

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 10.2.1 and 10.3.1

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

Items 10.3.2, 10.3.4, 10.3.7, 10.3.8, 10.4.1 and 10.4.3

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

Items 14.1, 14.2, 14.3, 14.4 and 14.5

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

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

Items 10.3.2, 10.3.4, 10.3.7, 10.3.8, 10.4.1 and 10.4.3

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

Item 10.1.2

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

Moved Cr Torre, Seconded Cr Ker

That the following unopposed items be moved en bloc;

Items 10.3.2, 10.3.4, 10.3.7, 10.3.8, 10.4.1 and 10.4.3

CARRIED (8-0)

(Cr Farrell was an apology.)

10.3.2 Authorisation of Expenditure for the period 1 - 30 September 2006

Ward:	Both	Date:	04 October 2006
Precinct:	All	File Ref:	FIN0005
Attachments:	001;		
Reporting Officer(s):	Melike Orchard		
Checked/Endorsed by:	Bee Choo Tan	Amended by:	

OFFICER RECOMMENDATION:

That the Council CONFIRMS the;

- (i) *Schedule of Accounts for the period 1 - 30 September 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 Torre, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (8-0)

(Cr Farrell was an apology.)

DECLARATION OF INTEREST

Members/ Officers	Voucher	Extent of Interest
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PURPOSE OF REPORT:

To seek authorisation of expenditure for the period 1- 30 September 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	\$206,931.42
	EFT	\$632,381.05
Total Municipal Account		\$839,312.47
Advance Account		
Automatic Cheques		
	56413, 56415-56416, 56419- 56632, 56634-56781	\$550,115.83
Municipal Account		
Transfer of Creditors by EFT Batch	568-570, 572-574, 576-577, 579	\$2,554,923.90
Transfer of PAYG Tax by EFT	September 2006	\$157,522.75
Transfer of GST by EFT	September 2006	0.00
Transfer of Child Support by EFT	September 2006	\$631.14
Transfer of Superannuation by EFT City of Perth	September 2006	\$45,841.63
Local Government	September 2006	\$134,160.76
Total		\$3,443,196.01
Bank Charges & Other Direct Debits		
Bank Charges – CBA		\$10,415.44
Lease Fees		\$2,203.27
Corporate Master Cards		\$5,364.14
Australia Post Lease Equipment		\$0.00
2 Way Rental		\$0.00
Loan Repayment		\$0.00
Rejection Fees		\$30.00
ATM Rebate		\$0.00
Beatty Park - miscellaneous deposit		\$0.00
Total Bank Charges & Other Direct Debits		\$18,012.85
Less GST effect on Advance Account		-53,320.95
Total Payments		\$4,247,200.18

STRATEGIC IMPLICATIONS:

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

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

ADVERTISING/CONSULTATION:

Nil.

COMMENT:

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

10.3.4 Local Government (Financial Management) Regulation 1996 - Adoption of Percentage for Reporting of Material Variances

Ward:	-	Date:	13 October 2006
Precinct:	-	File Ref:	FIN0044
Attachments:	-		
Reporting Officer(s):	M Rootsey		
Checked/Endorsed by:	John Giorgi	Amended by:	

OFFICER RECOMMENDATION:

That the Council APPROVES that the percentage to be used in statements of financial activity in the year 2006/07 for reporting material variances, in accordance with Regulation 34 of the Local Government (Financial Management) Amendment Regulations (No. 2) 2005, shall be ten percent (10%).

COUNCIL DECISION ITEM 10.3.4

Moved Cr Torre, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (8-0)

(Cr Farrell was an apology.)

PURPOSE OF REPORT:

The purpose of this report is to address the new requirement for the Council to adopt each year a percentage or value to be used in the statements of financial activity for reporting material variances and approves a reporting of variance of ten percent (10%).

BACKGROUND:

Amendment to the Local Government (Financial Management) Regulations, gazetted in March 2005 and effective from 1 July 2005 have repealed the existing Regulations 34 and 35 relating to monthly and quarterly/triennial financial reports.

DETAILS:

The new Regulation 34 contained within the Local Government (Financial Management) Amendment Regulations (No. 2) 2005 outlines the format that monthly financial reporting is to take and requires that "Each financial year, a local government is to adopt a percentage or value, calculated in accordance with AAS 5, to be used in statements of financial activity for reporting material variances".

"AAS 5" refers to Australian Accounting Standard No 5, which has in fact been replaced by Australian Accounting Standard (AASB) 1031 for annual reporting periods beginning after 1 January 2005.

Advice received from professional development courses covering the changes to the Regulations have proposed that an appropriate figure to be adopted by local governments for highlighting variances would be ten (10%). This figure is supported by AASB 1031 paragraph 15, and is the level proposed for adoption by the Town of Vincent for the financial year 2006/07.

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

Local Government (Financial Management) Amendment Regulations (No. 2) 2005, Regulation 34.

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.”

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Amendments to the Local Government (Financial Management) Regulations require that the Council adopt each year a percentage or value to be used in the statements of financial activity for reporting material variances. This report recommends the adoption of a figure of ten percent (10%) for the financial year 2006/07. This will assist Council in reviewing the financial performance of the Town of Vincent on a regular basis.

10.3.7 WALGA's Systemic Sustainability Study Response

Ward:	-	Date:	16 October 2006
Precinct:	-	File Ref:	ADM0014
Attachments:	-		
Reporting Officer(s):	M Rootsey		
Checked/Endorsed by:	John Giorgi	Amended by:	

OFFICER RECOMMENDATION:

That the Council ENDORSES a submission being forwarded to the Western Australian Local Government Association (WALGA) along the lines presented in the report as the Town of Vincent's response to questions raised in the WALGA's Systemic Sustainability Study.

COUNCIL DECISION ITEM 10.3.7

Moved Cr Torre, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (8-0)

(Cr Farrell was an apology.)

PURPOSE OF REPORT:

To provide a response to the Western Australian Local Government Association's (WALGA) Systemic Sustainability Study

BACKGROUND:

In January 2006 WALGA commissioned a comprehensive study into the Systemic Sustainability of Local Government in Western Australia. A copy of the report is "*Laid on the Table*". On the 5th August 2006 the interim report was presented "In your Hands: shaping the future of Local Government in Western Australia". The document highlights a range of issues for consideration by local governments and based on the feedback a final report will be prepared.

DETAILS

The interim report invites local government to consider the following issues/questions, the Town's responses are listed below each question.

What are the important dimensions of sustainability for a Local Government? How these dimensions could be used to strengthen or enhance the future role of Local Government in Western Australia

Officer's comment:

The most important dimension of sustainability is relevance. If local government loses relevance, its sustainability must be questioned. There are numerous elements which allow local government to be relevant; these include financial capacity, skill base, and legislative authority.

Do Councils believe it is important to have an agreed vision for the sector developed with State Government?

Officer's comment

Local Government vision must be determined by Local Government. State Government input into the development a vision will make the vision very effective, any vision however should not be developed by State Government and imposed on Local Governments.

Do Councils believe it is necessary to define the roles and responsibility of Local Government?

Officer's comment:

The Roles of Local Government are defined in the Local Government Act and other legislation. Further definitions of the roles may impact on the flexibility of the Local Government to function.

Are there other significant principles that should define the scope and role of Local Government activities?

Officer's comment:

The principles outlined in the report such as respect, engagement, autonomy, responsiveness would appear to be quite comprehensive.

Is there a need for more transparent and authoritative sector wide financial practises to be developed? (The Panel suggests that these should include debt policies the rating mechanism, policy choices, accounting practise, asset management systems and policies and consistent monitoring and reporting of a Councils financial position.

Officer's comment:

This could be supported as being introduced as best practise for the sector, however there must be flexibility to allow the individual circumstances of each local government to be taken into account.

Would there be benefit in defining a best practice debt policy? How this could be applied to best effect across the industry.

Officer's comment:

There is benefit in defining a "best practice" debt policy, however again cognisance must be allowed for the position of individual local governments.

Local government must be informed of levels of debt that bring the viability of the council into question.

Is there value in monitoring rate increases and matching them with financial sustainability?

Officer's comment:

Individual local governments should be responsible for the determination of rate increases as the Council is the decision maker.

Would the requirement for a New Zealand style services policy statement that clearly states the roles and functions that an individual authority is prepared to adopt and that details the number, nature and method of service delivery, improve or strengthen the sustainability of Local Government in Western Australia ?

Officer's comment:

It is appropriate for local governments to clearly identify the level of services that they will provide to their communities. The services style policy may be beneficial if it is identified as the sole document that will identify the services to be provided. Currently local governments produce a number of documents for the community that outline the services to be provided.

If there is a need for consistent accounting policies, what would be the best way to introduce them? Are there capacity, capability or systems issues that would preclude their successful introduction?

Officer's comment:

Local government currently have to comply with the accounting standards and the Local Government (Financial Management) Regulations.

If the policies are to be effectively introduced in the sector to have an impact they would have to form an appendix to the Financial Management regulations.

Is there a need for the development of accepted industry standards of asset management?

How might these be successfully introduced in Western Australia?

Officer's comment:

There is a need for high level of industry standards for asset management, however it is important to allow flexibility and there should not be one standard to fit all local governments, it should be broad and flexible to complement the differing capacities of individual local governments.

Do Councils believe that there is a need for regular sustainability monitoring?

Officer's comment:

Yes. It should be completed annually on a self assessment basis and then form part of the annual compliance audit. Comprehensive training would need to be provided in the first instance to ensure that the self assessment is conducted accurately

What would be the most important issues to monitor in order to assess financial sustainability?

Officer's comment:

It would be up to the individual councils to identify to monitor its financial sustainability in terms of the actions it wishes to take.

Local Governments are invited to conduct the financial sustainability self assessment.

Officer's comment:

The Town will complete this assessment.

Do Councils believe that the principles of Local Government should more clearly address the principles of subsidiarity and correspondence in strengthening and confirming its role and relationship with the State Government?

Officer's comment:

The role of local government and its relationship with the State should be left broad to enable flexibility. If local government is concerned with cost shifting in a specific area the matter should be taken through WALGA to pursue with the State.

How applicable do Councils believe the Panel's definition of community interest is? Are the measures or experiences Council can identify that may help to better quantify or rate the attributes to assist planning, jurisdictional and service enhancement?

Officer's Comment:

It is extremely difficult to identify communities of interest in any finite way. This is because people have different communities of interest for different areas of their lives.

The Panel wishes to discuss the potential dimensions for assessing local government's boundaries with the sector. What dimensions does your Council believe are important? How can they be defined?

A local government boundary should be based on a variety of factors. The Local Government Act identifies factors for the Advisory Board to take into consideration and these are considered to be sufficient.

Is workplace planning an important consideration for your Council?

Officer's comment:

Workplace planning is an important consideration

Has your Council adopted any innovative strategies to ensure the industry recruits and retains the best and most appropriate workforce for the future? Are there specific measures you consider appropriate to strengthen the governance capabilities of the elected Councillors.

Officer's comment:

The Town has used a variety of mechanisms to recruit and retain its workforce. The strategies are used by many existing local government and include flexible working hours, enterprise agreements and individual contracts.

The Town has implemented a comprehensive induction programme for elected members, to ensure the governance capabilities of its elected members are catered for.

Do Councils believe that there is a role for an objective and independent sectoral audit process on issues dealing with financial sustainability?

Officer's comment:

If the suggested audit is performance based they would provide some benefit in the introduction of such an audit process.

What are the strength and weakness of a two – tiered system of Local Government?

Officer's comment:

There are potential benefits for the small non – metropolitan councils in the two tiered system of local government with infrastructure services being provided on a regional basis.

Do Councils believe that there is a need for State wide resource sharing arrangements?

How could these be structured for best effect?

Officer's comment:

There is already in existence a whole range of resource sharing arrangements operating within local government at the moment, these are actively encouraged. It is considered that the current initiatives in this area are adequate.

The Panel asks Council to consider these and other potential changes to the Local Government Act as part of the development of an industry response to this study.

The potential changes and responses are outlined below:

Increase tender limit from \$50,000 to \$100,000.

Officer's comment:

Supported and increased in line with Consumer Price index (CPI)

Increase in threshold for major land transactions to \$2 million.

Officer's comment:

Supported.

Establish asset management plans and require the establishment of reserves to fund replacement of infrastructure.

Officer's comment:

Both aspects of this area are supported, the Town already has some reserve funds established for the replacement of infrastructure.

Allow for flexibility in paying Councillors and the mandatory number required.

Officer's comment:

Further consideration should be given to the amounts which elected members can receive.

Introduce mandatory training programs for Councillors.

Officer's comment:

Mandatory training is considered essential to ensure that Elected Members are aware of their role and responsibilities. The option for Elected Members to attend further training is also supported.

Allow Councils to conduct postal voting without using the WA Electoral Commission.

Officer's comment:

Supported.

Introduce less prescriptive requirements in relation to business planning and the disposal of land and property.

Officer's comment:

The preparation of business plans for these types of transactions are considered essential for accountability and these provisions have not been a constraint in the past

Revisit the rate exemption provision within the Act.

Officer's comment:

This is supported.

Allow Councils to hold electronic meetings:

Officer's comment:

The provision in the Local Government Act which allows for electronic meetings when required is supported. As the Town is very small in size, this is not an issue.

Have external decision making criteria to guide local governments in rate setting:

Officer's comment:

This could be seen as a way of reducing local government autonomy and standardising the setting of rates, it may be useful to some councils. But it is not supported.

Increase the level of developer contributions for public facilities:

Officer's comment:

This would appear to be step in the right direction but may require further investigation from an asset management and planning prospective.

What improvements should be made to the distribution of Financial Assistance Grants (FAG) in Western Australia? How might incentives pursue best source revenue be developed?

Officer's comment:

The issue of Financial Assistance Grants being paid on the basis of efficiency is a concept which has previously been rejected by the Commonwealth Government but should be reconsidered.

What roles can the State Government Play in supporting Councils and the industry to address the challenge of change and more sustainable operation? Does the industry require some form of transitional funding to assist Councils plan for and execute a change agenda consistent with the themes identified in this review.

Officer's comment:

The State Government support is always valuable; however local government needs to be careful not to give up its position as the decision maker as it pursues the State Government to fund the necessary changes.

Do Councils believe that there is a need for State Government establishment fund to help achieve specific reform objectives?

Officer's comment:

If the reform objectives are to be achieved then to ensure success of the implementation of any recommended reforms additional funding /resources would be required. Again it should be noted that local government should be cautious not to lose their autonomy in this process.

Do the current arrangements for capacity building in the Local Government sector meet the needs of the sector?

Officer's comment:

The Town has not used the current capacity building arrangements and therefore is not in a position to comment on this matter.

As stated in the report WALGA initiated the Systematic Sustainability Study Panel to provide an objective and independent assessment of the entire sector in January 2006.

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

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

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

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

FINANCIAL/BUDGET IMPLICATIONS:

The Mayor received a letter from the President of WALGA dated the 10th August 2006 advising that the interim report. "In Your Hands: shaping the future of Local Government in Western Australia" that WALGA had commissioned had been received from the Study Panel Chairman Professor Greg Craven.

The Panel had commissioned Access Economics to focus on a "fiscal analysis" of the finances of the WA Councils. **In the letter it advised that according to the Access Economic assessment, the financial position of the Town is sustainable in the long term.**

COMMENTS:

It is recommended that the officer's comments be supported and form the basis of a submission to WALGA.

10.3.8 Harmony Week 2007

Ward:	North Perth	Date:	9 October 2006
Precinct:	Hyde Park Precinct P12	File Ref:	CMS0065
Attachments:	-		
Reporting Officer(s):	J. Anthony		
Checked/Endorsed by:	M. Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES the proposal to celebrate a showcase event for Harmony Week 2007 in partnership with Office of Multicultural Interests (OMI); and*
- (ii) *NOTES that the Office of Multicultural Interests will be providing funding of \$35,000 for the event.*

COUNCIL DECISION ITEM 10.3.8

Moved Cr Torre, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (8-0)

(Cr Farrell was an apology.)

PURPOSE OF REPORT:

To approve a showcase event to celebrate Harmony Week 2007 in partnership with Office of Multicultural Interests (OMI).

BACKGROUND:

Over the last five years the Town has celebrated this diversity by participating in Harmony Week celebrations and hosting events to showcase the rich diversity of the local community.

Harmony Week is an annual event which is a part of the Commonwealth Government's Living in Harmony initiative. It provides the opportunity for Australians to celebrate our diverse cultural heritage. Harmony Week is a well-known and well publicised Commonwealth event, celebrated on a large scale by most local governments and government departments.

In the last couple of years, the Town extended the celebrations by hosting and facilitating Harmony Week events, encouraging the participation of local service agencies and community groups. Celebrations would consist of events run throughout the week using various locations within the Town, a range of initiatives and local community groups.

DETAILS:

The Office of Multicultural Interests (OMI) have approached the Town of Vincent to collaborate in a partnership project to celebrate Harmony Week 2007. The aim is to present a spectacular multicultural showcase of Western Australia's rich cultural diversity. The event is proposed to be held at Hyde Park and features a programme of cultural performances, community activities and interactive displays. Officers from OMI, the Executive Manager of Corporate Services and Manager of Community Development have met to discuss the proposal and work out the feasibility of such a partnership.

The event will be called "Connect @ Hyde Park" and will be the highlighted event for Harmony Week. The four connection points will encompass a "*universal stage*", "*mind marquee*", "*harmony hotspots*" and "*world village*".

The "*universal stage*" will feature a schedule of music and dance performances reflecting various multicultural communities. The programme will be a mix of professional and community performances to ensure a well coordinated stage production. The stage will be organised and coordinated by the Town.

The "*mind marquee*" will feature a stimulating programme of speakers and panel discussion, providing an opportunity for the audience to hear and engage with contemporary ideas about civic values, fairness, equality and participation for all Western Australians. An example of such activities would be conducting a hypothetical debate. The Town will provide the infrastructure for this activity whilst the programme will be coordinated by OMI.

"*Harmony hotspots*" will feature community engagement workshops representing the cultural diversity of the Town. Examples include drumming workshops, international sports, kite making and flying, and roving cultural performers. This aspect will be coordinated by the Town.

The "*world village*" would showcase cultural diversity in the form of food, art and culture. Community groups will be given an opportunity to display information about the activities and services they provide. It is planned that approximately thirty marquees could be set up in a village formation to present a good variety of stalls at the event. Participants for the world village would be eligible for \$500 grants through the Harmony Week grant programme that is administered by OMI. The Town will coordinate the village formation whilst OMI would be responsible for the coordination of the grants.

CONSULTATION/ADVERTISING:

A letter drop to surrounding residents will be undertaken by the organisers to provide details of the event at least 2 weeks before the event. Officers will also need to liaise with police regarding this event.

LEGAL/POLICY:

Nil

STRATEGIC IMPLICATIONS:

Strategic Plan 2005-2010

Key Result Area 2.1 Celebrate and acknowledge the Town's cultural diversity

- (a) *Develop, financially support, promote and organise community events and initiatives (including those generated by community groups) that engage the community and celebrate the cultural diversity of the Town.*

FINANCIAL/BUDGET IMPLICATIONS:

Under this proposal, OMI are providing funding of up to \$20,000 to the Town of Vincent to manage and coordinate the various activities for the event. OMI will also provide small grants of \$500 to the total value of \$15,000 for groups who set up stalls for the world village. The Town of Vincent will contribute funding of up to \$15,000 for the event plus provide overall project coordination for the event.

An amount of \$15,000 is allocated to the 2006/2007 Council Budget for Harmony Week.

COMMENTS:

Multicultural celebrations highlight the coming together of a variety of multicultural community groups, performers and family groups from and around the Town. This event features a perfect opportunity for the Town to collaborate with OMI to present an impressive showcase of cultural activities which will increase the profile of the Town and feature Hyde Park as a premiere venue for community celebrations.

10.4.1 Use of the Council's Common Seal

Ward:	-	Date:	18 October 2006
Precinct:	-	File Ref:	ADM0042
Attachments:	-		
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

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

COUNCIL DECISION ITEM 10.4.1

Moved Cr Torre, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (8-0)

(Cr Farrell was an apology.)

BACKGROUND:

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

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

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

Date	Document	No of copies	Details
5/10/06	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta 6021 and Football Federation Australia Ltd, Level 7, 26 College Street, Sydney NSW 2000 re: Perth Glory Football Club v New Zealand Knights - 6 October 2006 (Stadium)
5/10/06	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta 6021 and Football Federation Australia Ltd, Level 7, 26 College Street, Sydney NSW 2000 re: Football West Men's Cup - 7 October 2006 (Western Stand, Grandstand and Pitch)

Date	Document	No of copies	Details
5/10/06	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta 6021 and Football Federation Australia Ltd, Level 7, 26 College Street, Sydney NSW 2000 re: FFA Training Sessions - 9, 10, 11, 13 and 14 October 2006 (Change Rooms 1 and 2, Chairman's Lounge and Pitch)
6/10/06	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta 6021 and Michael Coppel Ventures of Level 716 - 718 High Street, Armadale, Victoria 3143 re: Roger Waters Concert - 9 February 2007 (Stadium)
11/10/06	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta 6021 and Circling Shark Productions of Unit 5, 184 Pier Street, Perth 6000 re: Postcards WA - 12 October 2006 (Pitch)
11/10/06	Deed of Licence	3	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta 6021 and Western Australian Rugby Union (Inc) of Meagher Drive, Floreat WA 6014 re: Western Force v Samoa - 25 January 2007 (Stadium)
12/10/06	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta 6021 and Football Federation Australia Ltd, Level 7, 26 College Street, Sydney NSW 2000 re: Perth Glory Football Club v Queensland Roar - 15 October 2006 (Stadium)
18/10/06	Legal Agreement and Caveat	2	Town of Vincent and B A Sheedy of 21 Pakenham Street, Mount Lawley re: Lot 221 (No. 21) Pakenham Street, Mount Lawley relating to Legal Agreement and Caveat to satisfy Condition (iv) of the conditional Planning Approval granted by the Council at its Ordinary Meeting held on 9 May 2006
18/10/06	Restrictive Covenant	2	Town of Vincent and M P Cornes and F E Spencer of 35 Burt Street, Mt Lawley relating to Condition (iv) of the conditional Planning Approval granted by the Council at its Ordinary Meeting held on 28 March 2006.
18/10/06	Contract Documents	2	Town of Vincent and Leederville Gardens Retirement Estate of 37 Britannia Road, Leederville and Mrs M J I'Anson re: Unit 21, Leederville Gardens Retirement Estate

10.4.3 Information Bulletin

Ward:	-	Date:	18 October 2006
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer(s):	A Smith		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Information Bulletin dated 24 October 2006, as distributed with the Agenda, be received.

COUNCIL DECISION ITEM 10.4.3

Moved Cr Torre, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (8-0)

(Cr Farrell was an apology.)

DETAILS:

The items included in the Information Bulletin dated 24 October 2006 are as follows:

ITEM	DESCRIPTION
IB01	Rangers' Statistics for July, August and September 2006 (All Precincts) PER0018
IB02	Letter from Mullins Handcock Lawyers – 81 (Lot 246) Auckland Street, North Perth. PRO2282. Antonas v Town of Vincent – SAT Matter DR 94 of 2006.
IB03	Letter from the State Administrative Tribunal attached orders made on 27 September 2006. Maio v Town of Vincent. DR 626 of 2005.
IB04	Swan River Trust – Swan and Canning Rivers Management Act 2006 Passed by Parliament
IB05	Department of Local Government and Regional Development - Local Government Operational Guidelines - Nos. 12, 13 and 14
IB06	Minutes of the Hawthorn House Community Advisory Committee - Minutes of Meetings held on 23 May 2006, 23 June 2006 and 25 August 2006

10.1.2 No. 136 (Lot: 38 D/P: 2790) Fairfield Street, Mount Hawthorn - Proposed Carport Addition to Existing Single House

Ward:	North	Date:	17 October 2006
Precinct:	Mount Hawthorn; P01	File Ref:	PRO3672; 5.2006.483.1
Attachments:	001		
Reporting Officer(s):	R Rasiah, D Abel		
Checked/Endorsed by:	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 Carport Constructions on behalf of the owner N E Austen for proposed Carport Addition to Existing Single House, at No. 136 (Lot: 38 D/P: 2790) Fairfield Street, Mount Hawthorn, and as shown on plans stamp-dated 9 October 2006, subject to the following conditions:

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) *any new street/front wall, fence and gate between the Fairfield Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (iii) *the finished floor level of the carport shall not be greater than 0.5 metre above the natural ground level; and*

- (iv) *the carport shall be one hundred (100) per cent open on ~~the western and northern~~ all sides and at all times (open type gates/panels are permitted).*

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 10.1.2

Moved Cr Torre, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (8-0)

(Cr Farrell was an apology.)

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 Carport Constructions on behalf of the owner N E Austen for proposed Carport Addition to Existing Single House, at No. 136 (Lot: 38 D/P: 2790) Fairfield Street, Mount Hawthorn, and as shown on plans stamp-dated 9 October 2006, subject to the following conditions:

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

- (iii) *the finished floor level of the carport shall not be greater than 0.5 metre above the natural ground level; and*
- (iv) *the carport shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted).*

Landowner:	N E Austen
Applicant:	Carport Constructions
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R 30
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	445 square metres
Access to Right of Way	Rear/eastern side, 5 metres wide, sealed and Town owned

BACKGROUND:

15 September 2006 A carport proposal similar to the above proposal was refused under delegated authority.

DETAILS:

The proposal involves a carport within the front setback area to an existing single house, with access from Fairfield Street. The property also has access rights from the rear right-of-way.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted.
Consultation Submissions			
The application was not advertised as it is being referred to the Council for its consideration and determination given the proposed carport has vehicular access from the street rather than the rear right of way.			
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

Council Determination

The new Delegated Authority No. 109 recently adopted by the Council at its Ordinary Meeting held on 22 August 2006 allows for the subject application to be determined under delegated authority. However, in this particular instance, the proposed carport has planning merit which is contrary to Delegated Authority No. 104, which allows carports to a dwelling that directly fronts onto and have vehicular access from a street rather than an available right of way only where the right of way is unsealed or not programmed to be sealed within the current financial year. In this instance, the rear right of way is already sealed.

Planning Considerations

The right of way at the rear of the properties on the opposite/western side of Fairfield Street is unsealed and not programmed to be sealed. Therefore, carports will be allowed within the front setback area with vehicular access from Fairfield Street. This has already occurred where a carport has been approved and recently constructed within the front setback area of No. 119 Fairfield Street, which is directly opposite the subject property. In addition, other dwellings have carports and garages with vehicular access from Fairfield Street, rather than the rear right of way, on the western side of this street.

Development on both sides of Fairfield Street forms part of the same streetscape and, in this instance, it is considered unreasonable to allow front carports on one side of the street and disallow front carports on the other side of the street.

The carport is 4.1 metres wide, which is 34 per cent of the lot frontage, and an existing garage is located at the rear of the property with vehicular access from the rear right of way.

In light of the above, it is recommended in this instance that the Council approve the proposed carport, subject to standard and appropriate conditions to address the above matters.

10.1.1 No. 42 (Lot 255 & 256 D/P: 2001) Guildford Road, Mount Lawley - Proposed Demolition of Existing Single House

Ward:	South	Date:	17 October 2006
Precinct:	Banks; P15	File Ref:	PRO3705; 5.2006.410.1
Attachments:	001		
Reporting Officer(s):	S Kendall		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council RECOMMENDS APPROVAL to the Western Australian Planning Commission of the application submitted by the Western Australian Planning Commission for proposed Demolition of Existing Single House, at No. 42 (Lot 255&256 D/P: 2001) Guildford Road, Mount Lawley, and as shown on plans stamp-dated 23 August 2006, subject to the following conditions:*
 - (a) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
 - (b) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
 - (c) *support of the demolition application is not to be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property;*
 - (d) *demolition of the existing dwelling may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No. 1 and associated Policies for the retention of existing dwellings valued by the community; and*
 - (e) *any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies;*
- (ii) *the Council ADVISES the Western Australia Planning Commission to refer the proposal for the Demolition of Existing Single House at No. 42 (Lot 255&256 D/P: 2001) Guildford Road, Mount Lawley to the Heritage Council of Western Australia in accordance with the Government Heritage Property Disposal Process; and*
- (iii) *the Council ADVISES the Western Australia Planning Commission that the Western Australia Planning Commission has not taken sufficient measures to ensure the protection of the dwelling at No. 42 (Lot 255&256 D/P: 2001) Guildford Road, Mount Lawley and that the Western Australia Planning Commission should be more active in maintaining dwellings in its care, control and management.*

Moved Cr Chester, Seconded Cr Messina

That the recommendation be adopted.

Moved Cr Chester, Seconded Cr Maier

That existing clause (iii) be deleted and a new clause (iii) added as follows:

"(iii) the Council AUTHORIZES the Chief Executive Officer to write to and meet with the Minister for Planning and Infrastructure, the Chairman of the Western Australia Planning Commission, the Director General of the Department for Planning and Infrastructure and the Local Member of Parliament, to ADVISE that the Western Australian Planning Commission (WAPC) has not taken sufficient measures to ensure the protection of the dwelling at No. 42 (Lot 255 and 256 D/P: 2001) Guildford Road, Mount Lawley, and the action of the WAPC in allowing this dwelling to deteriorate to its current state has set a poor example to the wider community, has had a negative impact on the local community and has been a poor use of community owned resources which could otherwise have been used to provide low cost accommodation. The WAPC should be more active in maintaining dwellings in its care, control and management and should work with other Government agencies to investigate alternative uses for such properties."

Debate ensued.

AMENDMENT CARRIED (8-0)

(Cr Farrell was an apology.)

Debate ensued.

Cr Chester spoke and "closed debate" on the Item (as he was the Mover.)

Moved Cr Torre, Seconded Cr Maier

That Standing Orders be suspended to allow Cr Ker to speak as debate had closed.

CARRIED (8-0)

(Cr Farrell was an apology.)

Cr Ker spoke on the Item.

MOTION AS AMENDED CARRIED (8-0)

(Cr Farrell was an apology.)

COUNCIL DECISION ITEM 10.1.1

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council RECOMMENDS APPROVAL to the Western Australian Planning Commission of the application submitted by the Western Australian Planning Commission for proposed Demolition of Existing Single House, at No. 42 (Lot 255&256 D/P: 2001) Guildford Road, Mount Lawley, and as shown on plans stamp-dated 23 August 2006, subject to the following conditions:*

- (a) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
 - (b) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
 - (c) *support of the demolition application is not to be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property;*
 - (d) *demolition of the existing dwelling may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No. 1 and associated Policies for the retention of existing dwellings valued by the community; and*
 - (e) *any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies;*
- (ii) *the Council ADVISES the Western Australia Planning Commission to refer the proposal for the Demolition of Existing Single House at No. 42 (Lot 255&256 D/P: 2001) Guildford Road, Mount Lawley to the Heritage Council of Western Australia in accordance with the Government Heritage Property Disposal Process; and*
- (iii) *the Council AUTHORIZES the Chief Executive Officer to write to and meet with the Minister for Planning and Infrastructure, the Chairman of the Western Australia Planning Commission, the Director General of the Department for Planning and Infrastructure and the Local Member of Parliament, to ADVISE that the Western Australian Planning Commission (WAPC) has not taken sufficient measures to ensure the protection of the dwelling at No. 42 (Lot 255 and 256 D/P: 2001) Guildford Road, Mount Lawley, and the action of the WAPC in allowing this dwelling to deteriorate to its current state has set a poor example to the wider community, has had a negative impact on the local community and has been a poor use of community owned resources which could otherwise have been used to provide low cost accommodation. The WAPC should be more active in maintaining dwellings in its care, control and management and should work with other Government agencies to investigate alternative uses for such properties.*

Landowner:	Western Australian Planning Commission
Applicant:	Western Australian Planning Commission
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
Existing Land Use:	House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	491 square metres
Access to Right of Way	Southern side, four metres wide, sealed, resumed and vested in the Town

BACKGROUND:

28 February 2000 The Town received an application, from Main Roads Western Australia for the demolition of ten dwellings located at No. 20 (Lots 244), No. 22 (Lot 245), No. 24 (Lot 246), No. 26 (Lot 247), No. 28 (Lot 248), No. 30 (Lot 249), No. 32 (Lot 250), No. 34 (Lot 251), No. 38 (Lots 252 and Pt 253) and No. 40 (Pt Lots 253 and 254), Guildford Road, Mount Lawley. These properties were/are owned by the Western Australian Planning Commission.

28 March 2000 The Council at its Ordinary Meeting approved the demolition of the dwellings at No. 20 (Lots 244), No. 22 (Lot 245), No. 24 (Lot 246), No. 26 (Lot 247), No. 28 (Lot 248), No. 30 (Lot 249), No. 32 (Lot 250), No. 34 (Lot 251) and No. 38 (Lots 252 and Pt 253) excluding No. 40 (Pt Lots 253 and 254), Guildford Road, Mount Lawley. The places were owned by the Western Australian Planning Commission.

23 May 2000 The Council at its Ordinary Meeting resolved to list No. 40 (Pt Lots 253 and 254), Guildford Road, Mount Lawley on the Town's Municipal Heritage Inventory.

The demolition applications for the above properties were submitted with independent heritage assessments and archival record for each of the dwellings. The subject place at No. 42 (Lots 255 and 256) Guildford Road, Mount Lawley was not included within the above grouping.

DETAILS:

The proposal involves the demolition of the existing single-storey dwelling at No. 42 Guildford Road, Mount Lawley, which has been damaged by fire.

The applicant has requested, to address concerns regarding the structural integrity of the dwelling and other safety concerns, resulting from the fire that the standard condition that requires a redevelopment proposal to be submitted prior to the issue of a Demolition Licence be removed from the Planning Approval.

ASSESSMENT:

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

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

COMMENTS:

The brick and iron dwelling at No. 42 Guildford Road, Mount Lawley was constructed in the Federation Bungalow style of architecture. This section of Guildford Road is part of the East Norwood Estate, which was developed in 1898. Whilst no original Building Licence plans have been located, the Wise Post Office Directories first list the place in 1912.

The subject property is not listed on the Town's Municipal Heritage Inventory. As seen from the attached photographs submitted by the applicant and from an external inspection of the site the condition of the place and the original fabric has been significantly damaged. In light of the extent of the damage, it was considered that a full Heritage Assessment was not warranted. The Town's Health Services have advised that they support the demolition of the subject property as it is listed on the internal substandard building register.

The Department for Planning and Infrastructure (DPI) has advised that the subject lot is affected by a 4 - 4.4 metre road widening requirement for Guildford Road, which is reserved as a Primary Regional Road in the Metropolitan Region Scheme. Further to this, DPI has advised that it supports the proposed demolition as it does not affect the existing or any future transport needs for Guildford Road.

In light of the above, it is recommended that the place be approved to be demolished. Due to the extent of damage to the property resulting from the fire, it is further recommended that the condition requiring a redevelopment proposal to be approved prior to the issuing of a Demolition Licence be omitted as per the Officer Recommendation.

In addition to this, the State's Government Heritage Property Disposal Process (GHPDP) is required to be implemented for the disposal of any property over the age of sixty years. As the above place was constructed in the Federation period, it is recommended, as reflected in the Officer Recommendation, that the Western Australian Planning Commission (WAPC) liaise with the Heritage Council of Western Australia to ensure that the requirements of GHPDP are complied with.

It has been brought to the Town's Officers attention that this dwelling is the second dwelling in recent months, which is owned by the WAPC that has been left to deteriorate and subsequently had a demolition application lodged with the Town. The first dwelling being the existing semi-detached pair at Nos.364-366 (Lot 61) Lord Street, Highgate. Dwellings, which are left uninhabited without sufficient care have the ability to deteriorate and detract from the unique character of the locality. It is considered that the State Government bodies should maintain buildings in its care to set a positive example for the wider community and to ensure the amenity of the locality is not compromised. To address this concern, a clause has been included to the Officer Recommendation to encourage the WAPC to be more active in maintaining dwellings in its care, control and management.

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

Ward:	Both	Date:	12 October 2006
Precinct:	All	File Ref:	ENS0025
Attachments:	001 ; 002		
Reporting Officer(s):	D Brits, A Bosworth		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

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

COUNCIL DECISION ITEM 10.1.3

Moved Cr Torre, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

Moved Cr Torre, Seconded Cr Messina

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

CARRIED (8-0)

(Cr Farrell was an apology.)

PURPOSE OF REPORT:

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

BACKGROUND:

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

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

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

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

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

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

DETAILS:

Vincent currently has the following Child Health Centres:

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

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

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

STRATEGIC IMPLICATIONS:

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

CONSULTATION/ADVERTISING:

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

LEGAL POLICY:

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

FINANCIAL/BUDGET IMPLICATIONS:

The current annual Child Health Centre expenditure is as follows:

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

The current Immunisation Expenditure is \$56,530.

COMMENTS:

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

10.1.4 Proposed Prostitution Law Reform in Western Australia

Ward:	Both Wards	Date:	13 October 2006
Precinct:	All Precincts	File Ref:	ENS0060
Attachments:	-		
Reporting Officer(s):	D Brits, J Maclean, D Abel		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to the Proposed Prostitution Law Reform in Western Australia;*
- (ii) *ADVISES the Parliamentary Secretary to Attorney General and Minister for Health and the Western Australian Local Government Association (WALGA) that the Town SUPPORTS IN PRINCIPLE the proposed model to reform the prostitution legislation;*
- (iii) *RECOMMENDS to the Parliamentary Secretary to Attorney General and Minister for Health and the Western Australian Local Government Association (WALGA) that the Town believes that the issue of Street Prostitution needs to be reviewed and addressed, either as part of the proposed legislation, or by strengthening the provisions of the Prostitution Act 2000;*
- (iv) *AUTHORISES the Town's Mayor, Chief Executive Officer and Senior Officers to participate in consultation sessions and working group meetings through the State Government appointed Working Group, the Parliamentary Secretary to Attorney General and Minister for Health, WALGA, the Department of Health, and the Department for Planning and Infrastructure/Western Australian Planning Commission where appropriate to assist in bringing this matter to fruition;*
- (v) *REQUESTS the Western Australian Local Government Association (WALGA) to include representation from the Town on any WALGA local government working/reference group addressing this matter; and*
- (vi) *REQUESTS the Attorney General and Parliamentary Working Group to provide Progress Reports on this matter to the Town.*

Moved Cr Doran-Wu, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Moved Cr Doran-Wu, Seconded Cr Torre

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

“(iii) **RECOMMENDS** to:

- (a) *the Parliamentary Secretary to Attorney General and Minister for Health and the Western Australian Local Government Association (WALGA) that the Town believes that the issue of Street Prostitution needs to be reviewed and addressed, either as part of the proposed legislation, or by strengthening the provisions of the Prostitution Act 2000; and*
- (b) *the Attorney General, the Minister for Health and WALGA that the Town believes that the “Move on Notices” should be revised to ensure that street workers can access health and related support services;”*

Debate ensued.

AMENDMENT 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 was an apology.)

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

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

“(ii) **ADVISES** the:

- (a) *Parliamentary Secretary to Attorney General and Minister for Health and the Western Australian Local Government Association (WALGA) that the Town **SUPPORTS IN PRINCIPLE** the proposed model to reform the prostitution legislation; and*
- (b) *Minister for Health and WALGA that young girls, indigenous girls in particular, are being driven to dark and unsafe places in the Town by the “Youth in Northbridge” Policy and it is recommended that the Working Group review the Policy and its processes so that young people are not being put in danger;”*

Debate ensued.

AMENDMENT CARRIED (8-0)

(Cr Farrell was an apology.)

Moved Cr Ker, Seconded Cr Torre

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

*“(ii) (a) Parliamentary Secretary to Attorney General and Minister for Health and the Western Australian Local Government Association (WALGA) that the Town **SUPPORTS IN PRINCIPLE** the proposal ~~model to~~ **for** reform of the prostitution legislation, as outlined in the Attorney General’s media release dated 12 September 2006; and*

Debate ensued.

AMENDMENT CARRIED (7-1)

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

(Cr Farrell was an apology.)

Moved Cr Ker, Seconded Cr Lake

That a new clause (iii) be added as follows and the remaining clauses re-numbered accordingly:

*“(iii) **SEEKS** assurance that legislation will not be introduced into the Parliament until there has been effective consultation with local government and the community, having regard to:*

- (a) the adequacy of information on which comment is sought;*
- (b) the length of time allowed for comments to be made; and*
- (c) the time of year at which consultation is undertaken;”*

Debate ensued.

Cr Torre departed the Chamber at 6.56pm.

AMENDMENT CARRIED (6-1)

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

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

Moved Cr Ker, Seconded Cr Messina

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

- “(iv) (a) *the Parliamentary Secretary to Attorney General and Minister for Health and the Western Australian Local Government Association (WALGA) that the Town believes that the issue of Street Prostitution needs to be reviewed and addressed, ~~either as part of the proposed legislation, or by strengthening the provisions of the Prostitution Act 2000 as a matter of urgency; and~~*

Cr Torre returned to the Chamber at 7.00pm.

AMENDMENT CARRIED (8-0)

(Cr Farrell was an apology.)

Debate ensued.

MOTION AS AMENDED CARRIED (8-0)

(Cr Farrell was an apology.)

COUNCIL DECISION ITEM 10.1.4

That the Council;

- (i) *RECEIVES the report relating to the Proposed Prostitution Law Reform in Western Australia;*
- (ii) *ADVISES the:*
- (a) *Parliamentary Secretary to Attorney General and Minister for Health and the Western Australian Local Government Association (WALGA) that the Town SUPPORTS IN PRINCIPLE the proposal for reform of the prostitution legislation, as outlined in the Attorney General’s media release dated 12 September 2006; and*
- (b) *The Minister for Health and WALGA that young girls, indigenous girls in particular, are being driven to dark and unsafe places in the Town by the “Youth in Northbridge” Policy and it is recommended that the Working Group review the Policy and its processes so that young people are not being put in danger;*
- (iii) *SEEKS assurance that legislation will not be introduced into the Parliament until there has been effective consultation with local government and the community, having regard to:*
- (a) *the adequacy of information on which comment is sought;*
- (b) *the length of time allowed for comments to be made; and*
- (c) *the time of year at which consultation is undertaken;*

- (iv) **RECOMMENDS to:**
- (a) *the Parliamentary Secretary to Attorney General and Minister for Health and the Western Australian Local Government Association (WALGA) that the Town believes that the issue of Street Prostitution needs to be reviewed and addressed, as a matter of urgency; and*
 - (b) *the Attorney General, the Minister for Health and WALGA that the Town believes that the "Move on Notices" should be revised to ensure that street workers can access health and related support services;*
- (v) **AUTHORISES** *the Town's Mayor, Chief Executive Officer and Senior Officers to participate in consultation sessions and working group meetings through the State Government appointed Working Group, the Parliamentary Secretary to Attorney General and Minister for Health, WALGA, the Department of Health, and the Department for Planning and Infrastructure/Western Australian Planning Commission where appropriate to assist in bringing this matter to fruition;*
- (vi) **REQUESTS** *the Western Australian Local Government Association (WALGA) to include representation from the Town on any WALGA local government working/reference group addressing this matter; and*
- (vii) **REQUESTS** *the Attorney General and Parliamentary Working Group to provide Progress Reports on this matter to the Town.*
-

PURPOSE OF REPORT:

The purpose of this report is to update the Council on the State Government's intention to investigate reforming the State's prostitution laws.

BACKGROUND:

On 12 September 2006, in a Media Release, the State Government through the Attorney General and Minister for Health announced the appointment of a Parliamentary Working Group to investigate reforms to Western Australia's prostitution laws in a bid to, in a minimalist way, decriminalise prostitution. *'Our current laws do not focus on health issues, nor do they provide a clear framework for police,'* the Attorney General said.

Attorney General Jim McGinty, MLA continued: *'Police are frustrated by the current laws, so in the main the laws are simply not enforced. Brothels in WA have been operating without any proper checks and balances for too long now, so it is time we looked at laws to properly deal with the sex industry. We want to look at the possibility of decriminalising brothels while ensuring the practice of streetwalking remains illegal. The Police Royal Commission report also found that the lack of precise prostitution legislation created a high risk for police corruption, and although the Commission found no evidence of corruption, we need to remove that temptation'.*

Mr McGinty said the main principles under any new legislation would be:

- to protect the health and safety of sex workers;
- to protect children from being involved in prostitution and from being exploited in relation to prostitution;

- to regulate and control people involved in the management of, and people working in, businesses involving the provision of prostitution;
- to protect and control the community by controlling the location of operators of businesses involving the provision of prostitution; and
- to regulate and control the advertising of prostitution.

Mr McGinty indicated that the Working Group *'will not review those aspects of prostitution that involve street soliciting and kerb crawling, which have already been addressed under the Prostitution Act 2000 (WA)'*. However, anecdotally, it is considered that the provisions of the Prostitution Act 2000 do not provide Police with appropriate powers to deal with street prostitution. The Town of Vincent still receives complaints about street prostitutes and staff pass the information to Police, but because there is little legislative power, the matters are often not dealt with. As a result, it is considered appropriate for *'street prostitution'* be considered further, either in the proposed legislation, or by strengthening the provisions of the Prostitution Act 2000.

The Attorney General said the Government was particularly interested in the New Zealand approach to prostitution reform, which is one of minimalist decriminalisation. The New Zealand legislation relies on a simple and straightforward certification system for brothel operators which enable police to ensure compliance. *'In New Zealand, there are health and safety requirements for the operators of brothels, sex workers and clients who must all adopt and promote safer sex practices. Under the New Zealand model, local government was also responsible for regulating the location of brothels through bylaws (Local Laws).'* Mr McGinty said.

Other Australian States

Mr McGinty continued that elsewhere in Australia, Victoria has legalised prostitution and relies on police being actively involved in the regulation of the brothel industry. All *'prostitution service providers'* in Victoria are licensed, pay licence fees and undergo rigorous police scrutiny in addition to holding a valid permit for the establishment.

New South Wales has decriminalised prostitution. However, it is still an offence to induce another to commit an act of prostitution and advertise prostitution services, and there were restrictions on soliciting in public places.

South Australia and Tasmania have similar prostitution offences, while Queensland regulates prostitution by a brothel licensing system and town planning controls.

Mr McGinty said the State Government wants to develop laws which would be acceptable to all sides of Parliament after the Prostitution Control Bill 2003 did not receive majority support in the Legislative Council.

Parliamentary Working Group

The Prostitution Working Group would consult with stakeholders including local government, representatives from the sex industry, and public health groups and report back to the Attorney General by the end of the year.

The Working Group comprises Parliamentary Secretary to the Health Minister, Sue Ellery, Labor MLA John Hyde, Greens MLC Giz Watson, Health Department Sexual Health Program Director Lisa Bastion, and a representative from WA Police.

CONSULTATION/ADVERTISING:

Consultation and advertising is the responsibility of the Government of Western Australia in this regard.

Written submissions can be made to Ms Kylie Dixon at the Department of the Attorney General, GPO Box F317, Perth, WA, 6841, until Friday 27 October 2006.

STRATEGIC IMPLICATIONS:

Town of Vincent Strategic Plan 2005 – 2010:

'We will continue to be a safe and healthy inner city area, rich in heritage and cultural diversity' and 'sustainability guides our decision making.'

LEGAL POLICY:

Prostitution Act 2000 (WA) dealing with Street Prostitution Control.

FINANCIAL/BUDGET IMPLICATIONS:

No major financial implications are foreseen, however, the Western Australian Local Government Association (WALGA) will address the subject of cost-shifting if necessary.

COMMENTS:

The Reporting Officers believe that prostitution exists within the Town and other Metropolitan jurisdictions. Police Services are unable to work with the current legislative framework and regulation from a public health, town planning, building and occupational safety perspective is the most appropriate way forward to effectively address community expectations of suitable location, registration of businesses, transparency and minimising unreasonable impacts like the risk of spreading disease, and undesirable advertising, noise, parking and local amenity. In the light of these facts, it is recommended that the Council supports the Officer Recommendation accordingly.

The Presiding Member advised that Cr Messina had declared a proximity interest in this Item. Council had approved Cr Messina to participate in debate but not vote on the matter.

10.2.1 Further Report - Proposed Streetscape Improvements - Scarborough Beach Road, Mount Hawthorn

Ward:	North Perth	Date:	16 October 2006
Precinct:	Mt Hawthorn Centre P.2	File Ref:	TES0077
Attachments:	001		
Reporting Officer(s):	R Lotznicker, C Wilson, J van den Bok		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the further report on the Proposed Streetscape Improvements for Scarborough Beach Road, Mount Hawthorn;*
- (ii) *APPROVES the implementation of the Scarborough Beach Road Streetscape Improvement Project between Fairfield Street to The Boulevarde, as shown on attached Plans No. 2152-LS-01 and 2152-LS-02, estimated to cost \$480,000; and*
- (iii) *ADVISES the respondents of its decision.*

Moved Cr Chester, Seconded Cr Torre

That the recommendation be adopted.

Moved Cr Chester, Seconded Cr Messina

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

“(iv) SUPPORTS the footpath size being increased as a result of consultation between the proprietors of 173 Scarborough Beach Road and the Town.”

Debate ensued.

Cr Messina departed the Chamber at 7.10pm.

AMENDMENT CARRIED (4-3)

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

(Cr Farrell was an apology. Cr Messina was absent from the Chamber and did not vote.)

Cr Messina returned to the Chamber at 7.12pm.

Debate ensued.

Moved Cr Maier, Seconded Cr Lake

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

“(ii) APPROVES the implementation of the Scarborough Beach Road Streetscape Improvement Project between Fairfield Street to The Boulevarde, as shown on attached Plans No. 2152-LS-01 and 2152-LS-02, estimated to cost \$480,000 subject to the deletion of the decorative road treatment at Flinders Street/Scarborough Beach Road (\$32,000); and”

Debate ensued.

Cr Messina departed the Chamber at 7.15pm.

AMENDMENT LOST (2-5)

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

(Cr Farrell was an apology. Cr Messina was absent from the Chamber and did not vote.)

Cr Messina returned to the Chamber at 7.16pm.

Debate ensued.

Moved Cr Messina, Seconded Cr Torre

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

“(ii) APPROVES the implementation of the Scarborough Beach Road Streetscape Improvement Project between Fairfield Street to The Boulevarde, as shown on attached Plans No. 2152-LS-01 and 2152-LS-02, estimated to cost \$480,000 subject to the litter bins being installed in close proximity to the bus stops locations;” and

Cr Messina departed the Chamber at 7.17pm.

AMENDMENT CARRIED (7-0)

(Cr Farrell was an apology. Cr Messina was absent from the Chamber and did not vote.)

Cr Messina returned to the Chamber at 7.18pm.

Debate ensued.

Cr Chester commended the Executive Manager, Technical Services and his staff on a job well done.

Cr Messina departed the Chamber at 7.30pm.

MOTION AS AMENDED CARRIED (6-1)

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

(Cr Farrell was an apology. Cr Messina was absent from the Chamber and did not vote.)

Cr Messina returned to the Chamber at 7.31pm.

COUNCIL DECISION ITEM 10.2.1

That the Council;

- (i) *RECEIVES the further report on the Proposed Streetscape Improvements for Scarborough Beach Road, Mount Hawthorn;*
- (ii) *APPROVES the implementation of the Scarborough Beach Road Streetscape Improvement Project between Fairfield Street to The Boulevarde, as shown on attached Plans No. 2152-LS-01 and 2152-LS-02, estimated to cost \$480,000 subject to the litter bins being installed in close proximity to the bus stops locations;*
- (iii) *SUPPORTS the footpath size being increased as a result of consultation between the proprietors of 173 Scarborough Beach Road and the Town; and*
- (iv) *ADVISES the respondents of its decision.*

PURPOSE OF REPORT:

The purpose of this report is to present to Council a further report on the Mount Hawthorn Centre Precinct Upgrade Concept Plan following the community consultation and approve the Streetscape Improvement Project.

BACKGROUND:

At its Ordinary meeting held on 12 September 2006, the Council received a further report on Proposed Streetscape Improvements along Scarborough Beach Road through the Mount Hawthorn Centre Precinct, where the following decision was made:

That the Council;

- (i) *RECEIVES the further report on the Proposed Streetscape Improvements for Scarborough Beach Road, Mount Hawthorn;*
- (ii) *APPROVES IN PRINCIPLE: the Scarborough Beach Road Streetscape Improvement Project between Fairfield Street to The Boulevarde, as shown on attached revised Plan No's 2152-LS-01 and 2152-LS-02 estimated to cost \$480,000;*

- (iii) *NOTES that;*
- (a) *funds totalling \$327,000 have been allocated in the 2006/2007 budget for Mt Hawthorn Precinct Streetscape and \$175,000 has been allocated for improvements works on Scarborough Beach Road between Killarney Street and Federation Street;*
 - (b) *the new street lighting for the above section, from Western Power's "Street Vision" range, is the "Parkville" fitting, powder coated ebony; and*
 - (c) *the existing trees are proposed to be removed and replaced with 'pryus bradford' (Bradford Pear) and additional trees planted to achieve a more uniform streetscape;*
- (iv) *APPROVES BY AN ABSOLUTE MAJORITY the reallocation of \$153,000 from Scarborough Beach Road between Killarney Street and Federation Street to the Scarborough Beach Road Streetscape Improvement Project between Fairfield Street to The Boulevard;*
- (v) *ADVERTISE the proposal for public comment for a period of twenty one (21) days, in accordance with Council Policy No. 4.1.21 "Community Consultation", inviting written submissions;*
- (vi) *RECEIVES a further report at the conclusion of the Community Consultation phase;*
- (vii) *NOTES that a separate report on the improvement proposal for Scarborough Beach Road, between Killarney and Federation Streets, will be presented to Council outlining the financial implications; and*
- (viii) *CONSIDERS listing appropriate contributory funding in the 2007/2008 draft budget for the improvement proposal for Scarborough Beach Road, between Killarney and Federation Streets, as outlined in clause (vi) once the matter has been further determined.*

DETAILS:

Community Consultation

In accordance with clause (v) of the Council's decision, on 15 September 2006 73 letters were distributed to businesses/residents along Scarborough Beach Road, requesting comments regarding the proposed improvement plans (Plan Nos 2152-LS-01 and 2152-LS-02 attached). A letter was also sent to the local precinct group and the consultation was posted on the Town's website.

At the conclusion of the consultation period, only five (5) responses were received with three (3) *in favour* of the proposal one (1) partially in favour and one (1) against the proposal.

Related Comments *In Favour* of proposal

- We are delighted with the proposed works. It will greatly improve the amenity of the area which will in turn enhance the retail environment, bringing new, more diverse and better quality retailers to the area. We feel also it will make Mt Hawthorn an even more desirable area in which to live. All staff and Councillors should be congratulated on a job well planned.
- My partner and I are very pleased with the idea of an improved streetscape along Scarborough Beach Road. We believe it would add some beauty and vibrancy to the area. We currently have a very small amount of footpath for use as an alfresco dining area and wonder if there is scope, while in the planning phase, to increase the area available for our

use. Alfresco dining areas generally provide a positive contribution to the appeal of a street.

- I am in favour of the planned improvements and overall the plans indicate a great improvement on what is currently in place.

Officers Comments

Increase the size of footpath: SUPPORTED. This will be incorporated in the upgrade works in liaison with the business. (Some on road parking may be compromised)

Related Comments *partially in favour of the proposal*

- I am concerned about your proposal to plant 2 "Pyrus Bradford" trees at the bus stop directly in front of our building. We have awning signage that may be obscured by these trees if they are allowed to grow too high.

Officers Comments

Tree locations: NOT SUPPORTED. The proposed planting scheme involves evenly spaced trees. The trees in question will be planted in line with the on-road parking bays at this location some distance from the face of building.

Related Comments *against the proposal*

- It appears that the amount of funds which have been approved by the Town for this upgrade are extreme when taking into account any positive traffic efficiency which will be gained on Scarborough Beach Rd and local streets.

Conclusion

As previously reported to the Council, the Town engaged the services of TractWA to provide professional advice on the Urban Design elements, where it was agreed that the success of the project was largely dependent upon the selection of a suitable street tree species.

The responses received, while few in number, were in the main positive. The officers have already pre ordered the trees '*pryus bradford*' (*Bradford Pear*) and they are currently being grown in a nursery. They will be at least 3.0m high when planted, giving an almost instantaneous streetscape effect. Officers have also placed an order with Western Power for the new lights.

CONSULTATION/ADVERTISING:

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

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area Three of Strategic Plan 2005-2010 – 1.4 "*Identify the needs and expectations of the business community, promote business development and facilitate outcomes in the Town*"

FINANCIAL/BUDGET IMPLICATIONS:

As previously reported to the Council, funds have been allocated/reallocated in the 2006/2007 budget for Mt Hawthorn Precinct Streetscape Upgrade. The following table provides a breakdown of 'estimated' costs for each of the upgrade options:

Item	Estimated Cost
<u>Verges</u>	\$
• Construction of domestic bore, reticulation mainline and associated works	65,000
• Removal / replacement of 'all' verge trees with alternative species	35,000
• Garden beds protected by safety fencing	55,000
• Replacement of existing streetlights with double outreach decorative lighting	55,000
• Litter Bins	8,000
• Additional bicycle parking rails	1,500
• Street Art Work	8,500
• Brick paving reinstatements	10,000
• Bench Seats	7,000
• Decorative fencing	10,000
<u>Central Median</u>	
• Additional Pattern Paved Concrete infill with cream header course	12,000
• Banner poles	18,000
• Centrally planted trees (including flush kerbing/bollards)	45,000
<u>Road</u>	
• Line Marking	4,000
• Resurfacing of Embayed parking with red asphalt	34,000
• Resurfacing of traffic lanes with black asphalt	55,000
• Decorative road treatment at Flinders / Scarborough Bch Rd	32,000
<u>Miscellaneous</u>	
• Traffic control / contingency	20,000
• Design, survey, consultancy	5,000
TOTAL ESTIMATED COST:	\$480,000

COMMENTS:

The success of the streetscape upgrades carried out in the Town to date suggests that most members of the community, be they businesses, visitors or residents, are very much in favour of these types of upgrading works.

Streetscape improvements not only improve the aesthetics of roadways but also reduce the liability on the Town resulting from ageing and unsafe footpaths and pavements.

It is therefore recommended that the Council approved the implementation of the Streetscape Improvements for Scarborough Beach Road, Mt Hawthorn, and advises the respondents of its decision.

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

Cr Maier nominated Cr Ker to assume the Chair in the Mayor's absence.

Moved Cr Maier, Seconded Cr Torre

That Cr Ker assume the Chair.

CARRIED (8-0)

(Cr Farrell was an apology.)

Mayor Catania and Cr Messina departed the Chamber at 7.31pm. They did not speak or vote on the matter.

Cr Ker assumed the Chair.

10.3.1 Investment Report as at 30 September 2006

Ward:	Both	Date:	6 October 2006
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 30 September 2006 as detailed in Appendix 10.3.1.

COUNCIL DECISION ITEM 10.3.1

Moved Cr Maier, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (6-0)

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

PURPOSE OF REPORT:

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

BACKGROUND:

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

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

DETAILS:

Total Investments for the period ended 30 September 2006 were \$18,244,659 compared with \$11,251,365 at 31 August 2006. At 30 September 2005, \$14,801,433 was invested.

Total accrued interest earned on Investments as at 30 September 2006:

	Budget	Actual	%
	\$	\$	
Municipal	370,000	95,003	25.68
Reserve	434,300	130,737	30.10

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.

Mayor Catania and Cr Messina returned to the Chamber at 7.32pm. Mayor Catania assumed the Chair.

10.3.3 Beatty Park Leisure Centre Café Operations Report

Ward:	-	Date:	3 October 2006
Precinct:	-	File Ref:	ADM0014
Attachments:	-		
Reporting Officer(s):	M Rootsey		
Checked/Endorsed by:	John Giorgi	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the Operations of the Beatty Park Leisure Centre Café;*
- (ii) *NOTES;*
 - (a) *the recommendations and implementation of the Canford Hospitality Consultants report on the Beatty Park Leisure Centre Café; and*
 - (b) *that the Chief Executive Officer will prepare a further report at the end of the financial year for the year ending 30 June 2007 to assess the performance of the Beatty Park Leisure Centre Café.*

Moved Cr Doran-Wu, Seconded Cr Torre

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Messina

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

“(iii) ACKNOWLEDGES the work that has been carried out by the staff to significantly improve the financial performance of the café.”

Debate ensued.

AMENDMENT CARRIED (8-0)

(Cr Farrell was an apology.)

Debate ensued.

MOTION AS AMENDED CARRIED (8-0)

(Cr Farrell was an apology.)

COUNCIL DECISION ITEM 10.3.3

That the Council;

- (i) **RECEIVES** the report on the Operations of the Beatty Park Leisure Centre Café;
 - (ii) **NOTES;**
 - (a) *the recommendations and implementation of the Canford Hospitality Consultants report on the Beatty Park Leisure Centre Café; and*
 - (b) *that the Chief Executive Officer will prepare a further report at the end of the financial year for the year ending 30 June 2007 to assess the performance of the Beatty Park Leisure Centre Café; and*
 - (iii) **ACKNOWLEDGES** the work that has been carried out by the staff to significantly improve the financial performance of the café.
-

PURPOSE OF REPORT:

To present to Council the report on the operations of the Café at the Beatty Park Leisure Centre.

BACKGROUND:

The following Council reports have been presented on the Café at the Beatty Park Leisure Centre.

Ordinary Council Meeting 11 October 2005:

“That the Council;

- (i) **APPROVES** of the outsourcing of the café at the Beatty Park Leisure Centre;
- (ii) **AUTHORISES** the Chief Executive Officer to call a tender for the lease of the Café Operation at the Beatty Park Leisure Centre for a period of three (3) years and an option of three (3) years;
- (iii) **NOTES** that a further report will be submitted to the Council for approval of the tender.”

Council Decision:

That the Item be DEFERRED for further investigation and consideration.

Ordinary Council Meeting 23 May 2006:

“That the Council;

- (i) **APPROVES** of the outsourcing of the Café Operations at the Beatty Park Leisure Centre;
- (ii) **AUTHORISES** the Chief Executive Officer to call a tender for the lease of the Café Operations at the Beatty Park Leisure Centre for a period of three (3) years; and

(iii) *NOTES that a further report will be submitted to the Council for approval of the tender.*"

Council Decision:

That the Item be DEFERRED to allow for the Chief Executive Officer to obtain comments from a consultant on ways to improve the financial performance of the Café."

DETAILS:

As a result of the resolution adopted by Council on the 25 May 2006 the Town engaged Canford Hospitality Consultants Pty Ltd to provide a report to the Town's administration on the operations of the Beatty Park Leisure Centre.

The principal of Canford Hospitality Consultants Pty Ltd Phil Cockman was responsible for the report.

Prior to the appointment of the consultant to review the operations, it should be advised that the Acting Manager Beatty Park Leisure Centre and Assistant Manager Administration in conjunction with the Executive Manager Corporate Services introduced a number of initiatives to improve the financial performance of the café. These are listed as follows:

Café opening hours for the winter season June to October.

As a result of an analysis of the sales trends from the 3 July 2006 the opening hours were reduced by 2.5 hour a day during the week.

The opening hours for this period are 9.00 – 5.30 pm weekdays and 9.00 – 5.00 pm weekends.

Early morning patrons are still able to obtain food (muffins) and drinks from reception and vending machines.

A comprehensive communication strategy was prepared and implemented for the introduction of the new hours with the result that no adverse comments were received.

Café staff hours

From the 3 July the number of staff hours was reduced by 55.5 hours per week.

The reduction is as a result of a comprehensive review of the rosters for the winter period resulting in the following:

Reduction in opening hours

The daytime crossover of staff removed (this was the practise of having staff come on one hour before the existing staff went of shift to ensure staff briefed on the status of the shift, this has been deemed to be unnecessary during the quieter winter period).

Staff on shift reduced from 2 to 1 during quiet periods.

It is estimated these changes will reduce the labour costs by \$1,038 per week.

An Australian Workplace Agreement is to be implemented to reduce penalty rates. This will be in place by the end of October.

Stock

The stock reports have been reviewed to identify slow moving items and as result a number of items have been removed from the stock reorder list.

Consultants report

Canford Hospitality Consultants Pty Ltd was appointed to complete a review of the café operations.

The following brief was given to the consultant; report was to cover the areas listed below:

Staff levels, costs and rosters
Stock levels
Margin on goods
Suggestions for increased revenue
Commentary on the design for the café

Outlined below are the recommendations that have been made in the consultants report.

Signage

Directional signage for the café to be placed at the entry to the Centre.

Consider a menu board at the entry, highlighting specials

Explore cross marketing opportunities with Centre memberships or programs

Dress up the café area to give it more of a café feel currently the seating is not distinguishable as café seating.

Café Operations

Officer's comments:

Most recommendations to be implemented as soon as possible, however dressing up the cafe area will be considered in the medium term.

Stock Ordering recommendations

A reducing budget system be implemented, this means that a stock purchases budget is established for each month according to a percentage of estimated sales. Each order made by the Café supervisor is deducted from the budget, leaving a residual amount for the rest of the month.

The reducing budget is to be reviewed every two weeks to check that stock purchases are in line with budget and if not why not, e.g. have sales increased.

Officer's comment:

Recommendation to be implemented commencing 1 December 2006.

Stocktake

The stocktake form provided to the Café Supervisor should not have the system generated number of the items in stock listed on it. The Café Supervisor should not be aware of the number of items expected by the system.

The Assistant Manager to conduct the physical stocktake with the Café Supervisor.

Officer's comment:
Recommendations implemented.

Cash Handling

The variance report to be provided to the Centre Manager more frequently than monthly.

Any "no sale" must be signed off by the Café supervisor and a reason for the no sale recorded on the till roll.

The Assistant Manager to look for any patterns of overs, unders and "no sales", it is important that the café staff are aware that these are being checked.

Officer's comment:
Recommendations implemented.

Duty Rosters

At the time of preparing the report as mentioned a new staff roster was being implemented for the winter period. These initiatives are supported and would appear to be having positive impact.

It is however important that each roster is costed ahead of time to ensure compliance with budget targets.

Officer's comment:
Recommendation noted.

Price Reviews

It is recommended that price reviews are conducted six monthly, small frequent price adjustments are preferred to large infrequent price changes.

A price comparison indicates that the Beatty Park café is cheaper on most items at similar outlets.

Due to the captive nature of the customer base and the varied items sold it is not recommended that a fixed percentage margin is applied to the goods sold. It is advised that to adhere to such rigid systems would be fraught with danger.

Comparing what Beatty Park charges is more appropriate and then setting a pricing policy in that way, for example "we want to be on a price parity with the Terry Tyzack Centre or we want to be 5% higher than Bold Park".

It is recommended that a 5 – 10% increase on most sales prices be implemented as soon as possible and further extensive review be arranged for January and July each year.

Officer's comment:

Recommendation supported, increase of prices made.

Stock Holding and Par Stock

It is noted that prior to this report being prepared, the management conducted some work on stock levels

As a result the levels for coffee and frozen chips were at an acceptable level, however many of the confectionary and soft drink lines carried in excess of a month's stock, despite being lower than in previous periods.

Lead time for deliveries should be within one day especially with the supply tenders that are in place.

It is recommended that par levels for stock items be put in place in the computer system and when it is time to re order then the order should be of sufficient quantity to return the stock level to the par stock amount.

Par stocks maybe set differently for summer and winter to allow for seasonal variation in sales.

Officer's comment:

Par stock levels will be introduced across the board, however it may take some time to complete.

Current Financial Results

Café Turnover

2004 /05 - \$581,449

2005/06 - \$577, 232

Although there is only a small reduction there was a price increase albeit limited in scope and therefore the shortfall was greater in real terms.

Cost of Goods Sold

2004/05 - 51% of turnover

2005/06 – 45%

An outlet whose sales mix is dominated by high gross margin items such as chips and coffees should produce a healthier gross margin and a cost of sales below 40% should be achievable. A cost of sales of 45% is not considered bad for this type of outlet.

The budget for this financial year is set at 39% which may be considered to be ambitious without any appropriate price rises.

Labour costs

2004/05 - 38.3% of turnover

2005/06 – 39.7 % of turnover

The industry average is approximately 30%; however it is fair to say that outlets with smaller turnovers generally have higher wages percentages, as there is a certain staff level that must be maintained in order to open the doors.

If the forecasted staff cost reductions are achieved through the current management initiatives then the labour costs will be reduced to 31% of turnover a far more acceptable figure.

Other consumable items:

The Administration allocation represented a substantial burden for a small business and was significantly higher than the 3% average for accountancy and management in the industry.

Officer's comment:

Industry benchmark percentages noted and will form part of the café KPI's.

Current Management Initiatives

The consultant was provided with documentation outlining the current management initiatives in relation to cost cutting and profit maximisation.

The following are comments provided by the consultant:

In relation to the opening hours and staff hours, if the predicted sales and cost savings are accurate then it would seem to be a good initiative and should be supported. It is noted that this centre has the longest trading hours in comparison to other centres.

In relation to the comments on stock we would agree with the regular assessments of fast and slow moving stock items. However we would caution against blanket profit margins and would recommend regular price reviews of competing outlets and the establishment of a pricing policy.

On staff costs the current initiative to introduce a workplace agreements is supported, this will make the payroll process more streamlined and save on administration costs.

Officer's comments:

It is pleasing to note the consultant's support for the management initiatives.

Increased Revenue suggestions

A café within a leisure complex such as Beatty Park is not considered a "destination outlet". In other words it is very unlikely that people will come to Beatty Park Leisure Centre just to go to the Café. It is likely that people will go to the café as well as their other activity for being there.

It is therefore very important to maximise the penetration of the leisure centre market, in other words to get the highest spend possible from the visitors to the centre.

The current average spend per visitor is \$0.72 which is above the industry average.

To identify customers it is very important to identify the various customer groups:

- Casual swimmers
- Swim School members
- Gym attendees
- School children
- Birthday parties
- Seniors
- Teenagers who attend events

As an example due to the location of the café gym members may enter and leave the centre without passing the café.

It is recommended that cross marketing opportunities be increased.

Officer's comment:

The recommendation is noted and it is advised that a number of cross marketing initiatives were undertaken during the recent vacation swimming programs.

Children birthday parties.

This is an area that it is believed that income can be increased; however the potential is limited due to the lack of proper designated areas.

Consideration should be given to converting the adjacent terrace areas into one or two party rooms. A confined area enables party organisers and parents to be more relaxed and therefore increase the appeal of the venue.

It is believed that with a little effort and organisation this revenue can be significantly increased. It is important to make the booking process and the party itself as easy as possible for the organiser.

Consideration should be given to the following:

- Online booking/ inquiry process through the Beatty Park web site be implemented.
- A function package that can be easily faxed be introduced (the current one is designed as a hand out.
- Café staff to respond to all inquiries within one (1) business day.

It is understood that a life guard is available (at cost) to assist with the party (this is not mentioned on the current flyer, this should be stated as this will be a definite benefit to prospective users

Explore additional activities that can be offered to party goers.

There should be a series of standard correspondence supporting the party organisation, notably:

- Acknowledgement of the inquiry, confirming details.
- Confirming catering numbers.
- A follow up letter thanking people for their business and offer of discounts for future business.

Officer's comment:

Recommendation supported and the Centre will introduce a number of the administrative matters proposed. However the conversion of the terrace area may be considered in the medium to long term.

Café design and layout – display and service

The current café design and layout is poor and is not conducive to increasing sales. Customers “eat with their eyes” and it is hard to sell what people can't see.

The café counter is too large and too wide and does not make the most of display opportunities; it is not friendly for children who are a major customer.

Any redesign of the service area for the café should include the following:

- Reducing the overall kitchen size.
- Replacing inefficient kitchen equipment and deleting the unused equipment.
- Creating a proper office space for café staff.
- Creating efficient work stations to improve productivity and service times.
- Improving the display options for food items.
- Rationalising the signage and considering modern signage options.
- Creating a child friendly service.

Café design and layout – customer seating and appearance

The current seating area for customers is not well defined and is not conducive to sitting and enjoying a coffee or other food and beverage items.

Recommendation that in any proposed redesign of the area consideration is given to the creation of two zones. One should be a wet zone for swimmers and others that may sit without getting changed. The other to be a dry zone which is air conditioned for those who have changed and are seeking a more comfortable environment.

The café area should be defined without being totally divorced from the pool requiring a special effort to get there.

Officer's comment:

The physical changes to the café will be considered as part of the proposed redevelopment for the Centre.

Review the sales mix

It is understood that this is currently being done to a certain extent, in that Assistant Manager Administration reviews the slow moving stock items, whilst it is important to review slow moving stock and delete as necessary. It is equally important to review the best selling items. The most popular items should be reviewed with the café supervisor to expand the popular lines and reduce lines that are not in demand.

Officer's comment:

Recommendation is noted and café supervisor will undertake review of popular line items.

Website Marketing

The information currently on the website be amended to include the following:

Ability to download current menu or a selection from the current menu or emailed to inquiring patrons.

To be able to complete the children's party pack on line, with party menu's available to be downloaded.

Some special lunches available via on line voucher .i.e. print the voucher to get the special deal.

Officer's comment:

The use of the website as a marketing tool will be further utilised, it is recognised as a major source of marketing for the Centre.

Consultants Conclusion

The recent management initiatives are good and further advice has been offered to gain the maximum benefit of these proposals.

There is no substitution in the food and beverage industry for physical checks, computer print outs are sometimes misleading.

The current initiative and recommendations should ensure an improvement in the financial performance of the café where it will at least break even.

There is a limit to the improvements that can be made with the physical layout of the café.

Further reductions in staffing costs are unlikely unless there is consideration to a further reduction in opening hours.

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

Strategic Plan 2005-2010 - Key Result Area 3 - Economic Development

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

(d) Review, improve and formalise the business unit structure and investigate and implement options to ensure the financial performance of Beatty Park Leisure Centre is in keeping with Best Practice and the Council Business Plan."

FINANCIAL/BUDGET IMPLICATIONS:

The Annual Budget 2006/07 for the Beatty Park Leisure Centre Café is as follows:

Revenue - \$609,661
Expenditure - \$577,842

The cost of the Canford Consultants report was \$3,600.

Current position

It is pleasing to note that the financial results for the first quarter of the current financial year has seen the Café operating at a surplus. This is particularly encouraging given that these are notoriously quiet months and the respective months last year saw the Café operating in deficit.

	<i>September 2006</i>	<i>September 2005</i>
Expenditure	\$90,520.45	\$130,073.09
Revenue	\$96,626.33	\$85,233.63

It is of course only the beginning of the financial year but it would appear that the initiatives introduced for the winter period are having the right impact. These together with the recommendations from the consultants should enable the café to meet budgeted predictions for this financial year.

It is proposed to request that Canford Consultants be requested to do a review mid year which will be in line with the busy period for the café to review the performance to date and ascertain if there are any factors that apply to the busy season.

COMMENTS:

The report provided by Canford Consultants on the operation of the Beatty Park Leisure Centre Café is comprehensive and makes a number of practical recommendations for the improvement of the performance of the café.

The recommendations can be categorised into those that can be implemented immediately and those that may be longer term, especially those relating the physical structure of the café and would be considered as part of any redesign of the café.

It is pleasing to note that the Management initiatives introduced for the winter season have been supported by the consultant as contributing to the improved performance of the café.

The positive financial performance for the first quarter of the financial year would suggest that the implemented recommendations and initiatives are having an impact.

It is proposed that a further report be prepared at the end of the financial year to report back to Council on the performance of the Café and review its position at that point of time.

10.3.5 Hyde Park Stage Upgrade – Community Consultation

Ward:	-	Date:	2 October 2006
Precinct:	-	File Ref:	ADM0014
Attachments:	001		
Reporting Officer(s):	M Rootsey		
Checked/Endorsed by:	John Giorgi	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the outcome of the community consultation on the design of the Hyde Park Stage upgrade;*
- (ii) *REVIEWS the design of the Hyde Park Stage in the light of the comments from the Heritage Council of WA; and*
- (iii) *NOTES that a further report will be reported to Council on the outcome of the review, in December 2006.*

Moved Cr Messina, Seconded Cr Torre

That the recommendation be adopted.

Debate ensued.

Moved Cr Ker, Seconded Cr Messina

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

“(iv) AUTHORISES the Chief Executive Officer and the Mayor to negotiate with the Heritage Council of Western Australia with a view to addressing the Heritage Council’s issues and report back to Council with a suggested design for the stage;”

AMENDMENT CARRIED (6-2)

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

(Cr Farrell was an apology.)

MOTION AS AMENDED 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 was an apology.)

COUNCIL DECISION ITEM 10.3.5

That the Council;

- (i) *RECEIVES the report on the outcome of the community consultation on the design of the Hyde Park Stage upgrade;*
 - (ii) *REVIEWS the design of the Hyde Park Stage in the light of the comments from the Heritage Council of WA;*
 - (iii) *NOTES that a further report will be reported to Council on the outcome of the review, in December 2006; and*
 - (iv) *AUTHORISES the Chief Executive Officer and the Mayor to negotiate with the Heritage Council of Western Australia with a view to addressing the Heritage Council's issues and report back to Council with a suggested design for the stage.*
-

PURPOSE OF REPORT:

To present to Council a report on the outcome of the community consultation on the Hyde Park Stage design upgrade

BACKGROUND:

At the Ordinary Meeting of Council 25 July 2006, the following recommendation was adopted:

That the Council;

- “(i) RECEIVES the progress report on the Hyde Park Stage upgrade;*
- (ii) APPROVES in principle the design of the proposed Hyde Park Stage as shown in Appendix 10.3.5 with universal access to back of house; and*
- (iii) ADVERTISES the design for community comment (including receiving comments from the Heritage Council of Western Australia) for a period of twenty one (21) days.”*

Furthermore included is a summary of the project to date.

In 2002 the Rotary Club of North Perth submitted a proposal to upgrade the existing stage area in Hyde Park to be co-funded with the Town of Vincent. The area has been the main entertainment area for the annual Hyde Park Community Fair held on the Labour Day long weekend. The Club has organised the fair since 1988 and runs the event in order to raise funds to meet perceived needs in the community which have a vocational, youth and international focus. The current stage is a small raised concrete and bitumen platform framed by rails, which was constructed circa 1989.

The existing stage is recognised as an intrusive element in the Hyde Park Conservation Plan, which was prepared for the Town of Vincent by Kelsall Binet Architects in 2003. In its current form, the stage is in need of a major upgrade to provide a safe performing arts area within the park. Thus this proposal aims to upgrade and expand these facilities such as additional stage structures. The proposal includes an upgrade of the existing stage area incorporating a new stage floor, a back of house area and a visually lightweight roof structure.

In 2002, the Town established a working group comprising the Town's Executive Manager Corporate Services, Manager Community Development, and Manager Parks Services together with representatives of the rotary Club of North Perth to progress the project. TAFE representative Maxine Massey, a Central TAFE lecturer from the Centre for Architectural Technology and Building Studies, was later invited to attend the group meetings to provide professional advice on design and layout during the development of the brief and the selection process. In collaboration with the above people the project has developed and the final design has been prepared by Peter Hunt Architects.

At its Ordinary Meeting held on 27 April 2004, the Council adopted in principle the recommendations and guidelines contained within the Conservation Plan for Hyde Park, prepared by Kelsall Binet Architects in 2003, subject to consideration of other factors relating to economic, social and environmental matters. The Conservation Plan identifies the existing stage as an intrusive element in the landscape and provisions in Policy 26 of the Conservation Plan state that *'the opportunity exists for the removal or intrusive elements to reveal significant fabric'*. In direct relation to the stage the policy further states that *'the removal of the existing stage area and permanent pipe rail frame and replacement with a more unobtrusive, low-key element or temporary structure'*.

In regard to new structures, Policy 45 of the Conservation Plan states *'Where essential new structures or buildings need to be constructed in the park they should be limited in size and scale and when possible they should be of a light weight construction that could easily be removed when required with the least damage to the significant fabric'*. A copy of this Policy from the Conservation Plan is enclosed for your information.

As seen from above, the Town has been involved in the development of the Hyde Park Stage Upgrade for a number of years and has aimed to prepare a design for the stage, which is sympathetic to the significance and character of Hyde Park. The proposal whilst aiming to improve the amenities of the Park does not satisfy recommendations in the Conservation Plan.

DETAILS:

As stated in the resolution of the 25 July 2006 the design of the Hyde Park Stage was advertised for a period of 21 days on the Town's website.

At the close of the advertising period there were eight submissions received. Six of these were received from the community, two Elected Members included additional comments on the design, one made a submission in regard to potential noise issues.

The Heritage Council of WA were asked for their approval as Hyde Park is listed on the State Register of Heritage Places. The permanent listing of this place on the Register occurred in October 1998.

In accordance with Section 78 of the Heritage of Western Australia Act 1990 all proposals for development of State listed properties are required to be referred to the Heritage Council for advice.

The following are the details of the submissions received:

Margaret Ker Vincent Street, Mt Lawley

“I have to express my extreme disappointment at what is proposed.

In practical terms it appears to add little to what is already in place.

Aesthetically it is even more of an eyesore than the current (admittedly very basic) facility. It bears absolutely no relation to any other feature of the Park (with the possible exception of the 1950/1060's toilet block at the western end of the Park). Compared with the beautiful gazebos erected in recent years it is potentially very detrimental to its surroundings.

I certainly hope that the Council will reconsider its decision and decide on something more in keeping with Hyde Park, which is so beautifully maintained and a great credit to the Town's staff.”

**Smith Lakes Precinct Group
President Brain Fleay**

“Hyde Park Stage Upgrade - Plan Design. SLPG endorses the design proposal as included in your letter of 18 August 2006.”

Francis Belviso francisbelviso@yahoo.com.au

“With regards the Hyde Park ‘stage upgrade’. It seems just another thoughtless, tasteless eyesore from Vincent city council. In conjunction with the unsightly yellow swing in the children's play area (does anybody use this ugly abomination!), and the Australian bush section on the north side of the park (a tacky, uncoordinated addition to the park which signifies the poor taste of our era), this ‘stage’ is proof of the architectural dark ages that we are now in.

The design of the stage has nothing to do with the Victorian theme of the park. It will be another disfigurement to this once perfect park.

The atmosphere of the park, one of the few in this city which still has a sophisticated depth and beauty, (apart from the items mentioned above) will be eroded even more until its turned into another typical Perth disaster along with ‘The Bell Tower’, ‘The Convention Centre’ (to mention just a few).

People will look back at this period in time and wonder how the councils of Perth got away with such remedial, retarded, ugly decisions.’

Lou Cotter Chatswood Road, Mt Lawley

“Comments relating to the plan:

- Increase the roof cover for weather protection of GPOs etc
- Walls should be covered by the roof
- Rear of stage requires ‘temporary’ closure for performances
- Stairs are required on the eastern side of the stage
- The retaining walls to the south should be straightened and simplified
- The columns at the front of the stage are a minor sightline issue
- Existing lighting clash - could integrate lighting with the new structure (this could be just a reminder to incorporate lighting in the structure)
- Garden beds could become rubbish/litter traps

Comments relating to the elevations

- The column plinths are ugly and a maintenance issue
- The continuation of the supporting columns through the roof fabric are considered ‘fashionable’ and ‘silly’ and could be a cost and maintenance issue
- The ramp balustrade (low wall) is not required and is visually distracting
- The colour is disconcerting if it is representative of the proposed material
- The need for garden beds should be reviewed as they are potential rubbish collectors (repeat of previous comment).

The overall comment was that the more modest scale and design of the proposal (when compared to the previous design) is an improvement but the listed items (above) need consideration.”

Rotary Club of North Perth Inc.

“The Rotary Club of North Perth submits the following comments in relation to refurbishing the stage in Hyde Park:

Refurbishing Hyde Park’s derelict bitumen stage became a Rotary Club of North Perth project after discussions with Town of Vincent in 2001.

It was seen as an urgently needed community facility. The Rotary Club wanted an iconic project that also acknowledged its association with Hyde Park through the annual charity festival.

Since then, there have been numerous community discussions and design proposals. The Club has raised \$15,000 for the facility on the understanding it would include change-rooms.

As recently as 2005, Town of Vincent considered the winning designs of Central TAFE architectural students who envisaged a more flowing and comprehensive structure. In response to the initial design requirement, the students included change-rooms, storerooms and toilets.

The Rotary Club has now been asked to comment on a structure that is extremely minimalist. It has been simplified and homogenised to avert local resident concerns. It runs the risk of being so basic that it fails to be an appropriate community facility and fails to welcome visitors to the park.

The Club acknowledges the widely differing views within the community about providing facilities within the park. However, it is also aware that the stage needs to be aesthetically attractive and to be built for the long-term use of the community. It needs to be practical, so that locals take pride in ensuring it is not vandalised or damaged.

The issue of improving facilities at Hyde Park should not be shirked. King's Park has nearly 5 million visitors a year, with more than 200,000 for specific events. Seven sites have direct connections with Aboriginal groups.

The Rotary Club of North Perth submits that the proposed design of the Hyde Park stage is too basic. That the design should recognise that many child performers who will use the stage need change-rooms.

We believe the facility should also include storerooms and toilets.

The floor should be user-friendly - that is suitable for performers who are not wearing footwear.

Primarily the Club would encourage the Town of Vincent to approve an attractive facility that local residents and the broader community will see as progressive and practical - one they will take pride in and protect."

The following were comments received from Elected Members on the design of the stage.

Cr Dudley Maier

"I think we need to clearly determine how the back stage area will operate. In particular, we need to know how any privacy screening will be supported, and how the 'backdrop' will be suspended and installed.

It's important that any infrastructure be incorporated at the design and construction stages and not be installed as an add-on. For example, if some sort of 'frame' is required to support a privacy screen, the necessary brackets should be provided in the original design.

Can the issue of how temporary screening of the backstage area be resolved with the architect. Also, can the issue of lighting be clarified. While we may not want to encourage 'noisy' night time use of the stage, it may be a good idea to make provision for lighting for less intrusive performances."

Cr Sally Lake

"In Council, concerns have been raised that if the stage at Hyde Park is roofed, it may be used as an overnight sleeping shelter. However having a roof is an advantage to keep electronic equipment dry during concerts when the weather is uncertain. A way to address this would be to have a louvred roof which can be left open most of the time (or overnight), and closed to provide a watertight cover when needed. I understand that this type of roof has been used at King's Park for similar reasons. I believe there is a product called "Vergola" which is a louvred roof system - however there may be other products available under other brand names.

Heritage Council of WA

Outlined below is the letter received from the Heritage Council WA on the proposed design for the upgrade of the Hyde Park Stage.

“The Heritage Council’s Development Committee considered the matter on Tuesday, 19 September 2006. The Development Committee resolved to provide the following advice:

1. That the introduction of a sensitively designed stage facility would not be inconsistent with the cultural heritage significance of Hyde Park as a venue for fairs, festivals and public/private ceremonies.
2. That, as a built element introduced into the landscape setting of Hyde Park, the current proposal requires further consideration for the following reasons:
 - (a) That proposal is in conflict with several policies in the Hyde Park Conservation Plan (Kelsall Binet Architects, 2003) including Policies 18, 26, 28 and 45.
 - (b) The introduction of a permanent fixed roof canopy over the stage has the potential to distort and obscure the cultural significance of the place and detract from its interpretation and appreciation (Policy 18). The alternative option of a removable stage roof canopy arrangement should be explored to address this conflict.
 - (c) The feasibility of limiting the stage structure to a temporary, lightweight facility that is easily erected and dismantled for specific events (Policy 45) should also be examined as the Development Committee remains unconvinced about the need for a permanent, roofed stage structure.
 - (d) The design and location of the proposed stage and canopy will interrupt the vista from the stage area of Hyde Park down to the East Lake thus obscuring important views to and from the site (Policy 28).
 - (e) The opportunity to reveal significant elements presently obscured by the existing obtrusive stage will not be realised with the new design (Policy 26).
 - (f) The proposal may have an adverse impact on the rare and significant *Juniperus Virginiana* (Pencil Juniper). We recommend that specific arboricultural advice be sought on this aspect of the proposal.”

CONSULTATION/ADVERTISING:

Approximately 700 letters, including a copy of the design, were distributed to surrounding residents. The concept design was also displayed in the foyer of the Town of Vincent Civic Centre and on the Town’s website for a period of 21 days.

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

Strategic Plan - 2005-2010 - Key Result Area 1 - Environment and Infrastructure

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

(h) Continue to design and implement infrastructure improvements for public open space.”

FINANCIAL/BUDGET IMPLICATIONS:

Additional funds of \$90,000 have been included in the Draft 2006/07 Budget to match the \$50,000 to be carried forward. The total funds available therefore for this project is \$140,000.

COMMENTS:

The Community Consultation submissions on this matter have shown there are divergent views of the proposed design for the Hyde Park Stage. The letter from the Heritage Council requires that the proposed design needs amendment prior to the Heritage Council approval. The North Perth Rotary Club are still requesting a more significant feature with changerooms, this is unlikely to meet the Heritage Council and Conservation Plan requirements. It is recommended that the proposed design be reviewed to meet the Heritage Council and Conservation Plan requirements.

10.3.6 Local Government Rating of Land Used for Charitable Purposes

Ward:	-	Date:	16 October 2006
Precinct:	-	File Ref:	FIN0027
Attachments:	-		
Reporting Officer(s):	M Rootsey		
Checked/Endorsed by:		Amended by:	

OFFICER RECOMMENDATION:

That the Council;

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

COUNCIL DECISION ITEM 10.3.6

Moved Cr Doran-Wu, Seconded Cr Torre

That the recommendation be adopted.

Debate ensued.

Cr Messina departed the Chamber at 7.53pm.

Moved Cr Torre, Seconded Cr Chester

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

CARRIED (5-2)

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

(Cr Farrell was an apology. Cr Messina was absent from the Chamber and did not vote.)

Cr Messina returned to the Chamber at 7.55pm.

PURPOSE OF REPORT:

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

BACKGROUND:

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

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

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

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

DETAILS:

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

Strategy 1

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

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

Response

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

Strategy 2

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

Response

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

Strategy 3

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

Response

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

Strategy 4

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

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

Response

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

Strategy 5

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

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

Response

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

Strategy 6

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

Response

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

Strategy 7

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

Response

In conjunction with Strategy 6 this proposal would be supported.

Strategy 8

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

Response

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

CONSULTATION/ADVERTISING:

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

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

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

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

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

FINANCIAL/BUDGET IMPLICATIONS:

N/A

COMMENTS:

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

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

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

10.3.9 Community Sporting and Recreation Facility Fund (CSRFF)

Ward:	Both	Date:	4 October 2006
Precinct:	All	File Ref:	FIN0074
Attachments:	-		
Reporting Officer(s):	J. Bennett		
Checked/Endorsed by:	J.Anthony/M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *ENDORSES the following applications in support of the Community Sport and Recreation Facility Fund (CSRFF), prior to lodgement with the Department of Sport and Recreation, on the condition that the Department of Sport and Recreation support these applications through the CSRFF program;*
- (ii) *APPROVES the applications listed in the following order of priority:*

<i>Project</i>	<i>Assessment</i>	<i>Project Rating</i>	<i>Priority</i>
<i>Loton Park Tennis Club resurfacing of 2 existing hard courts</i>	<i>Satisfactory</i>	<i>Well planned and needed by the applicant. Rating B</i>	<i>1</i>
<i>Perth Soccer Club extensions and upgrade to multi-function sporting and community facility at Forrest Park</i>	<i>Satisfactory</i>	<i>Well planned and needed by the Town and Community. Rating B</i>	<i>2</i>
<i>Leederville Cricket Club Clubroom refurbishment</i>	<i>Satisfactory</i>	<i>Needed by the community, more planning required. Rating C</i>	<i>3</i>
<i>Tennis Seniors WA development of court facilities at Robinson Park Tennis Centre</i>	<i>Satisfactory</i>	<i>Well planned and needed by the Town and Community. Rating B</i>	<i>4</i>

and;

- (iii) *NOTES that a further report will be submitted to the Council in March 2007 advising of the outcomes of the CSRFF applications for the 2006 funding round, and the funding implications for the Town.*

COUNCIL DECISION ITEM 10.3.9

Moved Cr Torre, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Cr Torre departed the Chamber at 8.00pm.

CARRIED (7-0)

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

PURPOSE OF REPORT:

The purpose of this report is to obtain the Council's approval to endorse submissions to the Department of Sport and Recreation for the 2006 CSRFF applications for facilities within the Town of Vincent.

BACKGROUND:

The Community Sport and Recreation Facility Fund (CSRFF) is administered by the Department of Sport and Recreation (DSR) on behalf of the State Government. Each year the DSR makes funding available to community/sporting groups and Local Government to assist in the development of basic sport and recreation infrastructure, with the aim of the programme being to increase participation in sport and recreation through an emphasis on well planned facilities.

Each year the State Government makes approximately \$9 million available through the CSRFF programme. Grants are made available through two categories, based on the size and complexity of the proposed projects and include Annual Grants and Forward Planning Grants:

- Annual Grants are for amounts of \$2,500 to \$90,000 for projects requiring less complex planning processes. Grants that are given within this category must be claimed in the next financial year.
- Forward Planning Grants are for amounts of \$90,001 to \$1.8 million for more complex projects that require a planning period between one to three years. Grants within this category are usually allocated over the funding triennium.

The purpose of the Community Sport and Recreation Facility Fund is to help the Western Australian Government provide assistance to community groups and local government authorities to develop well-planned facilities for sport and recreation. The types of projects that will be considered for funding include the construction of new facilities and upgrading, modification or additions to existing facilities to better suit community needs and provide greater opportunities for participation.

In July 2006 the Community Sporting and Recreation Facilities Fund (CSRFF) grant applications were advertised in the newspaper and application forms were available from local authorities and The Department of Sport and Recreation web site. CSRFF applications had to be submitted to the Town of Vincent by 5.00pm Friday 8 September 2006. Applications must be lodged at the Department of Sport and Recreation no later than 4pm, Friday 31 October 2006.

The maximum grant funded by the Department of Sport and Recreation will be no greater than one-third of the total cost of a project. The grant must be at least matched by the applicant's own cash contribution.

The role of local government in the CSRFF Grant process has increased significantly with the level of sophistication required from the Department of Sport and Recreation in their applications. The impact of this is that for funding submissions to be successful forward recreation planning and community and stakeholder consultation needs to be conducted and underpin any application. Where there is insufficient consultation it is the preference to put in place a strategy for reviewing and upgrading facilities over a period of time to allow for the projects to be adequately planned and delivered.

DETAILS:

1. *LOTON PARK TENNIS CLUB*

Proposed Project

Resurfacing of two existing hard courts.

Total Cost

\$8325 (exclusive of GST)

Amount sought from Council

\$2775 (exclusive of GST)

Background

Loton Park Tennis Club is situated only minutes from the Perth CBD, on land adjoining Members Equity Stadium. The Club currently has 79 members as well as many casual users including nearby residents and the general public. Catering for everyone from social to competitive players.

This project would involve the upgrade of the existing hard courts. The reconstruction of these hard courts will support the current level of tennis undertaken and will provide a high quality playing surface to attract new members and ensure that the courts are utilised by a maximum number of players.

The Loton Park Tennis Club is a long established club within the Town. It is the only Tennis Club currently on a peppercorn lease and this may be reviewed in line with any new facility changes.

It should be noted that the resurfacing of tennis courts has been identified as a low priority within the Department of Sport and Recreation.

Project Rating

This project is identified as 'Well planned and needed by applicant' rating it a B.

Recommendation

Council's contribution towards the project is supported in principle and it is recommended that Council support this application with the provision of \$2775 for the resurfacing of two hard courts. That the support is provisional upon the Loton Park Tennis Club entering into a lease agreement with financial contributions in line with other Tennis Clubs within the Town of Vincent.

2. *PERTH SOCCER CLUB: FORREST PARK*

Proposed Project

Extensions and upgrade to the multi-function sporting and community facility at Forrest Park Reserve

Total Cost

\$270,000 (exclusive of GST) estimate only there has been no specific costings supplied.

Amount sought from Council

\$90,000 (exclusive of GST)

Background

The multi-function sporting and community facility at Forrest Park Reserve currently consists of a single change room for sporting clubs including the Perth Soccer Club and Tuart Hill Perth Cricket Club, there are male and female public toilets, a kiosk area and a gardener's shed. The Forrest Park Children's Playgroup currently leases a small area, which was originally the second change room and clubroom.

Due to the number of people that use the reserve and facility, including the groups listed above as well as general public, local schools and people exercising their dogs, these facilities are no longer adequate.

This project proposal aims to upgrade and extend the sporting end of the clubroom facilities in line with services provided across other Town of Vincent sporting reserves.

During the soccer season, over twenty (20) teams use the change room facilities for home and away games at Forrest Park Reserve. One single change room is not adequate for this number of teams therefore it is suggested that the number of changerooms be increased to four with an additional referee change room.

The Kiosk area is in need of some refurbishment internally in order to meet current health requirements and it is proposed that this area is extended to include provision for a clubroom. It is proposed that the northern verandah is removed to limit the cost of the project and may be reconstructed at a later stage.

The Playgroup has indicated that there is insufficient storage within its leased area for the growth of children and families that has been experienced recently and is expected to continue. They have also raised concerns about the standard and positioning of the male and female public toilets which are not considered within this proposal.

The Forrest Park changerooms form part of the Forrest Park recreation area and are adjacent to recently upgraded playground facilities and the Forrest Park Clubrooms. It is considered fortuitous to take this opportunity to review the usage across all of these areas before approving any building designs.

Community consultation has commenced to ensure that all stakeholders are considered in the final building design. Community Development officers are currently interviewing the sporting and community groups using the changeroom and clubroom facility to identify their current and future needs and the opportunities to maximise the effectiveness of the facilities.

The costs of the project are an estimate only at this stage. A written report from a quantity surveyor is recommended to give a more detailed breakdown of the costs associated with the project.

Project Rating

This project is identified as well planned and needed by the municipality and applicant. More planning required. Rating is B.

Recommendation

This project is supported in principle and it is recommended that Council support this application with the provision of \$90,000 for the extension and upgrade of the Forrest Park Reserve multi-function sporting and community facility.

At the time of presentation project costing breakdown have not been supplied. These costings are essential to meeting the grant criteria, the impact of this may prevent the application from being forwarded to the Department of Sport and Recreation.

It is recommended that further community consultation be undertaken before the finalisation of building designs.

3. LEEDERVILLE CRICKET CLUB: BRITANNIA RESERVE

Proposed Project

Britannia Reserve Clubrooms refurbishment

Total Cost

\$270,000 (exclusive of GST)

Amount sought from Council

\$90,000 (exclusive of GST)

Background

Britannia Reserve Clubrooms is a centrally located facility in Mt Hawthorn that caters for cricket teams, soccer teams, rugby teams and school sporting competitions.

Britannia Reserve is well located in the heart of a dense residential area. The current clubrooms were erected in 1985. The Leederville Cricket Club have been utilising the facility for the past twenty one (21) years. It is the clubs position that the facilities are dated and require upgrading. There has also been an increase in cricket sides from three (3) to six (6) sides.

The project advocates for a renovation and upgrade of the existing facilities to meet current community expectations and to allow for development of a junior cricket program.

The plan proposes reconfiguring change rooms, storage space and expansion of the clubrooms to arrive at a more functional recreation facility. Consultation has taken place with the WA Rugby Club and Floreat Athena Soccer Club who are supportive of the initiative; however it is recommended that further consultation be undertaken before committing to final development plans.

Project Rating

This project is identified as 'Needed by the municipality, more planning required' rating it a C.

Recommendation

This project is supported and it is recommended that Council support this application, with the provision of \$90,000 plus GST for the extensions to Britannia Clubrooms. This project has been identified on the 2005-2010 Reserve / Upgrade Building Plan with \$200,000 potentially identified for this project in the 2008/2009 budget.

4. TENNIS SENIORS WA

Proposed Project

Development of court facilities at the Robertson Park Tennis Centre

Total Costs

\$270,000(exclusive of GST)

Amount sought from Council

\$90,000 (exclusive of GST)

Background

The Tennis Seniors Association of WA has been involved with the Robertson Park complex since 1996 and is nearing the end of the current lease. The association caters for social and competitive players and has held events sponsored by the International Tennis Federation.

Robertson Park, located close to the City Centre and Northbridge, is situated off Fitzgerald St. Due to increase in demand for night tennis, and not having the facilities to cater for the demand, players are being turned away. A facility upgrade is planned by the conversion of four grass courts to a synthetic grass surface with appropriate drainage and lighting. In addition two existing synthetic courts will be changed to plexipave providing an appropriate surface to coach juniors on.

This would change the configuration of the courts from fourteen (14) synthetic and twenty two (22) grass courts to sixteen (16) synthetic, two (2) plexipave and eighteen (18) grass courts which will provide a more economically sustainable operation.

Tennis Seniors WA has been recently significantly supported by the Town of Vincent and the CSRFF process with a successful upgrade of their facilities in 2000 with new offices, kitchen and clubroom facilities to a project cost of \$428,000. The Town contributed \$142,667 to the project. A project of this significance has not been identified on the 2005-2010 Reserve / Upgrade Building Plan.

Project Rating

This project is identified as 'Well planned and needed by applicant' rating it a B.

Recommendation

Council to support the project in principle. However given the recent club funding and the need for recreation facility funding in other priority areas it is recommended that Council give a low priority to this proposal.

STRATEGIC IMPLICATIONS:

The support of CSRFF grants is in keeping with the Town's Strategic Plan 2005-2010:
Key Result Area 1.4

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

Key Result Area 2.2

- "(f) Investigate and implement mechanisms to improve community participation".*
- (k) Enhancing the lifestyle of the community through the provision of leisure opportunities."*

FINANCIAL/BUDGET IMPLICATIONS:

Recommended funding for the projects will be listed in the 2007/2008 Budget for further consideration.

COMMENTS:

Council's endorsement of the above CSRFF applications is dependent on the support of these applications through the CSRFF program by the Department of Sport and Recreation.

Following Council's consideration of these projects, completed applications will be forwarded to the Department of Sport and Recreation for their consideration. The Town of Vincent will be notified in February 2007 of the project's success or failure to receive State funding. Grant monies will be made available from July 2007.

10.4.2 Delegations for the Period 1 July 2006 to 30 September 2006

Ward:	Both	Date:	13 October 2006
Precinct:	All	File Ref:	ADM0018
Attachments:	001		
Reporting Officer(s):	J MacLean, S Beanland,		
Checked/Endorsed by:	R Boardman, John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *ENDORSES the delegations for the period 1 July 2006 to 30 September 2006 as shown in Appendix 10.4.2 and*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY to write-off infringement notices/costs to the value of \$48,617.00 for the reasons as detailed below.*

<u>Description</u>	<u>Amount</u>
<i>Breakdown/Stolen (Proof Produced)</i>	<i>\$995.00</i>
<i>Details Unknown/Vehicle Mismatched</i>	<i>\$1,275.00</i>
<i>Equipment Faulty (Confirmed by Technicians)</i>	<i>\$1,350.00</i>
<i>Failure to Display Resident or Visitor Permit</i>	<i>\$14,100.00</i>
<i>Interstate or Overseas Driver</i>	<i>\$11,715.00</i>
<i>Litter Act</i>	<i>\$275.00</i>
<i>Other (Financial Hardship, Disability, Police On-duty, Etc)</i>	<i>\$6,135.00</i>
<i>Penalties Modified</i>	<i>\$1,415.00</i>
<i>Pound Fees Modified</i>	<i>\$92.00</i>
<i>Ranger/Clerical Error</i>	<i>\$3,765.00</i>
<i>Signage Incorrect or Insufficient</i>	<i>\$1,900.00</i>
<i>Ticket Purchased but not Displayed (Valid Ticket Produced)</i>	<i>\$5,600.00</i>
TOTAL	\$48,617.00

COUNCIL DECISION ITEM 10.4.2

Moved Cr Messina, Seconded Cr Ker

That the recommendation be adopted.

CARRIED BY AN ABSOLUTE MAJORITY (7-0)

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

PURPOSE OF REPORT:

The purpose of this report is to provide a quarterly progress report of the delegations exercised by the Town's Administration for the period 1 July 2006 to 30 September 2006 and to obtain the Council's approval to write-off infringement notices.

BACKGROUND:

The Local Government Act 1995, at Section 5.42, allows for a Council to delegate to the Chief Executive Officer its powers and functions.

The purpose of delegating authority to the Chief Executive Officer is to provide for the efficient and orderly administration of the day to day functions of the Local Government. The Chief Executive Officer, Executive Managers and specific Managers exercise the delegated authority in accordance with the Council's policies.

DETAILS:

Ranger Services and Community Safety Section

By far, the single area which results in most infringement notices being withdrawn, is that of a resident/ visitor who was not displaying the necessary permits. While the offence is "Failure to Display a Valid Permit", it is not considered appropriate to penalise residents and their visitors, since the primary purpose of introducing Residential Parking Zones is to provide respite to them. The other area of withdrawal which shows a high balance of written-off penalties is that of "Other" and this category incorporates everything not specifically identified in one of the other categories. "Other" incorporates withdrawals for "Financial hardship", "Disabilities", "On-duty Emergency Personnel", such as Police detectives, Doctors, Silver Chain Nurses, Counsellors, etc, where they provide evidence that they were on-duty.

Other than the above categories, the next most prevalent withdrawal class is that of a driver purchasing a parking ticket, but not displaying it on the dashboard. Where a driver provides a valid purchased parking ticket to the Town and states that he had purchased it for his/her vehicle, it has been the practice to withdraw the infringement notice. It is acknowledged that the "valid ticket" could have been purchased for another vehicle and be passed on to the driver who received the infringement notice, but this is difficult to prove. In an attempt to reduce this category of withdrawals, Ranger Services staff will now send a Statutory Declaration Form to the offender, requiring him/her to provide the information in an evidentiary format. It is hoped that, since there are severe penalties for giving an untruthful declaration, this may reduce the incidence, but where an offender submits a Statutory Declaration, it can be taken to be similar to giving evidence in a Court of Law and the infringement notice should be withdrawn.

ADVERTISING/CONSULTATION:

Not applicable.

LEGAL/POLICY:

Section 5.42 of the Local Government Act 1995 gives power to a Council to delegate to the CEO the exercise of its powers and functions; prescribes those functions and powers which cannot be delegated; allows for a CEO to further delegate to an employee of the Town; and states that the CEO is to keep a register of delegations. The delegations are to be reviewed at least once each financial year by the Council and the person exercising a delegated power is to keep appropriate records.

It is considered appropriate to report to the Council on a quarterly basis on the delegations utilised by the Town's Administration. A copy of these for the quarter is shown in the attached Appendix 10.4.2. Quarterly reports are reported to the Council.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

The Council's Auditors recommend that infringement notices be reported to the Council for a decision to write-off the value of the infringement notice. In these cases, it is the opinion of the Co-ordinator/Prosecutions Officer that infringement notices cannot be legally pursued to recover the money or it is uneconomical to take action as this will exceed the value of the infringement notice.

The details of the infringement notices are as follows:

<u>Description</u>	<u>Amount</u>
Breakdown/Stolen (Proof Produced)	\$995.00
Details Unknown/Vehicle Mismatched	\$1,275.00
Equipment Faulty (Confirmed by Technicians)	\$1,350.00
Failure to Display Resident or Visitor Permit	\$14,100.00
Interstate or Overseas Driver	\$11,715.00
Litter Act	\$275.00
Other (Financial Hardship, Disability, Police On-duty, Etc)	\$6,135.00
Penalties Modified	\$1,415.00
Pound Fees Modified	\$92.00
Ranger/Clerical Error	\$3,765.00
Signage Incorrect or Insufficient	\$1,900.00
Ticket Purchased but not Displayed (Valid Ticket Produced)	<u>\$5,600.00</u>
TOTAL	\$48,617.00

COMMENTS:

It is recommended that the delegations be endorsed by the Council.

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 Notice of Motion – Councillor Simon Chester – Investigation of Renewable Energy for Use by the Town

That the Council;

- (i) *AUTHORISES the CEO to prepare a report investigating the implications of having up to 100% of the electricity supplied to Town of Vincent facilities being provided by renewable energy through a government accredited Green Power product and the report to be provided no later than April 2007. The report should:*
- (a) *provide a breakdown, by facility, of the annual electricity use of the Town together with the total annual use of all facilities;*
 - (b) *assess the cost implications of a range of percentage commitments to renewable energy supply and identify the potential savings in CO2 emissions;*
 - (c) *consider the initiative's relationship to and impact on the:*
 - (1) *Town of Vincent Draft Environment Plan; and*
 - (2) *Cities for Climate Protection Australia program;*
 - (d) *consider feedback on the implementation of the program in other local governments in Western Australia; and*
- (ii) *REQUESTS the Town's Sustainability Advisory Group to consider the matter and provide comments.*

COUNCIL DECISION ITEM 11.1

Moved Cr Chester, Seconded Cr Ker

That the motion be adopted.

Debate ensued.

Cr Torre returned to the Chamber at 8.03pm.

CARRIED (8-0)

(Cr Farrell was an apology.)

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

12.1 WALGA Nominations – WA Walking Committee; Dispute Resolution Panel; Roadside Conservation Committee

Ward:	-	Date:	18 October 2006
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 - WA Walking Committee;*
- (ii) ----- *be nominated as WALGA Member - Dispute Resolution Panel;*
and
- (iii) ----- *be nominated as WALGA Member - Roadside Conservation Committee (Panel of 3 Names) (Ministerial Approval) (Serving Officer).*

COUNCIL DECISION ITEM 12.1

The Presiding Member called for nominations. No nominations were received.

Moved Cr Chester, Seconded Cr Torre

That nil nominations be made.

Cr Doran-Wu departed the Chamber at 8.08pm.

CARRIED (7-0)

(Cr Farrell was an apology. Cr Doran-Wu was absent from the Chamber and did not vote.)

DETAILS:

Please see Appendix 12.1 for details.

N.B.:

NOMINATIONS CLOSE COB FRIDAY 17 NOVEMBER 2006

13. URGENT BUSINESS

Nil

At 8.09pm Moved Cr Torre, Seconded Cr Messina

That the meeting proceed "behind closed doors" to consider confidential Items 14.1, 14.2, 14.3, 14.4 and 14.5 as they contain commercially sensitive information and legal advice obtained, or which may be obtained by the Town.

CARRIED (7-0)

(Cr Farrell was an apology. Cr Doran-Wu was absent from the Chamber and did not vote.)

Journalists Brendan Foster and Lindsay McPhee left the meeting. There were no members of the public present.

14. CONFIDENTIAL REPORTS (*Behind Closed Doors*)

14.1 CONFIDENTIAL REPORT - No. 6 (Lot 5 D/P: 2447) St Albans Avenue, Highgate - Proposed Demolition of Existing Outbuilding and the Construction of Garage/Workshop Additions to Existing Single House - State Administrative Tribunal - Review Matter No. DR 222 of 2006 – Directions Hearing

Ward:	South	Date:	16 October 2006
Precinct:	Hyde Park; P12	File Ref:	PRO3065; 5.2005.3338.1
Attachments:	-		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to No. 6 (Lot 5 D/P: 2447) St Albans Avenue, Highgate - Proposed Demolition of Existing Outbuilding and the Construction of Garage/Workshop Additions to Existing Single House - State Administrative Tribunal-Review Matter No. DR 222 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 10 October 2006:*
 - (a) *any new street/front wall, fence and gate between the St Albans Avenue 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;*
- (b) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (c) *the proposed garage/workshop structure shall not be used for industrial, commercial or accommodation purposes, and is for the sole personal use of the inhabitants of the main dwelling only and notwithstanding the installation of the proposed water closet, basin and shower that no other sanitary installations are permitted without further planning approval; and*
- (d) *prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating the deletion of the "dormer windows" on the northern elevation of the proposed development. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies.*

Moved Cr Torre, Seconded Cr Chester

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Ker

That clause (ii)(d) be deleted.

AMENDMENT CARRIED (4-3)

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

(Cr Farrell was an apology. Cr Doran-Wu was absent from the Chamber and did not vote.)

Cr Doran-Wu returned to the Chamber at 8.13pm.

Moved Cr Maier, Seconded Cr Lake

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

- “(ii) (c) *the proposed garage/workshop structure shall not be used for industrial, commercial or accommodation purposes, and is for the sole personal use of the inhabitants of the main dwelling only and notwithstanding the installation of the proposed water closet, basin and shower that no other sanitary installations are permitted without further planning approval; and*

Debate ensued.

AMENDMENT LOST (2-6)

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

(Cr Farrell was an apology.)

Debate ensued.

MOTION AS AMENDED CARRIED (5-3)

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

(Cr Farrell was an apology.)

COUNCIL DECISION ITEM 14.1

That the Council;

- (i) *RECEIVES the report relating to No. 6 (Lot 5 D/P: 2447) St Albans Avenue, Highgate - Proposed Demolition of Existing Outbuilding and the Construction of Garage/Workshop Additions to Existing Single House - State Administrative Tribunal-Review Matter No. DR 222 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 10 October 2006:*
- (a) *any new street/front wall, fence and gate between the St Albans Avenue 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;*
- (b) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive; and*
- (c) *the proposed garage/workshop structure shall not be used for industrial, commercial or accommodation purposes, and is for the sole personal use of the inhabitants of the main dwelling only and notwithstanding the installation of the proposed water closet, basin and shower that no other sanitary installations are permitted without further planning 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 matter.
- To comply with the requirements of the Town's Policy/Procedure for State Administrative Tribunal.
- To advise the Council of the draft "without prejudice" conditions for the above review matter.

Landowner:	J Boyd & A Courtley
Applicant:	J Boyd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R80
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	632 square metres
Access to Right of Way	North side – 5 metres wide, unsealed, Town owned. East side - 5 metres wide, unsealed, Town owned.

BACKGROUND:

24 May 2005

The Council at its Ordinary Meeting deferred an application for proposed demolition of existing outbuilding and construction of a garage/workshop to existing single house at the subject property.

- 12 July 2005 The Council at its Ordinary Meeting resolved to refuse the application for proposed demolition of existing outbuilding and construction of a garage/workshop to existing single house at the subject property.
- 23 May 2006 The Council at its Ordinary Meeting constructively refused the application for proposed demolition of existing outbuilding and the construction of garage/workshop additions to existing single house at the subject property. The Council's reasons for refusal are as follows:
- "1. Development will set an undesirable precedent.*
- 2. The development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality."*
- 5 July 2006 Application lodged with State Administrative Tribunal to review the Council's decision.
- 2 August 2006 Directions Hearing held at the State Administrative Tribunal (SAT).
- 22 August 2006 The Council at its Ordinary Meeting considered amended plans stamp-dated 10 August 2006 and a further submission from the applicant, and refused the application for proposed demolition of existing outbuilding and the construction of garage/workshop additions to existing single house at the subject property. The Council's reasons for refusal are as follows:
- "1. Development will set an undesirable precedent.*
- 2. The development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality."*
- 10 October 2006 The respondent (Town) is required to file and serve its witness statement (including draft conditions) by 13 October 2006.
- 10 October 2006 Mr Simon Bain, the Town's representative, was advised to request SAT for an extension of time to provide draft conditions, given the short time frame provided to the Town and the Council to respond to its Orders dated 10 October 2006, and not being able to report to Council in the decision making process. The Town has not received any formal response to the above request.

DETAILS:

Due to the tight timeframes involved with the review process, Mr. Simon Bain has been engaged to represent the Town in the above review process. As the review process is to be determined by way of "Papers" or written submissions, there would not be a formal hearing as such. The applicants/owners are also being represented by a Planning Consultant.

CONSULTATION/ADVERTISING:

Not Applicable.

LEGAL/POLICY:

Planning and Development Act 2005, State Administrative Tribunal Act 2004 and the Town's Policy No. 4.1.23 - Procedure For State Administrative Tribunal.

STRATEGIC IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Cost associated with the services of Mr. Simon Bain of SJB Town Planning and Urban Design.

COMMENTS:

The Town's Officers provided draft conditions "*without prejudice*" to the SAT, identical to the above conditions recommended, in letter dated 12 October 2006, as the Town had at that point of time not received an extension of time to report the matter to the Council for further consideration and to also meet the deadline set in the SAT Orders dated 10 October 2006.

It is recommended that "*without prejudice*" conditions, which are identical to those conditions forwarded to SAT on 12 October 2006, be imposed, should the SAT grant approval.

14.2 CONFIDENTIAL REPORT - Nos. 37-39 (Lot 93 D/P: 613) Money Street, Perth - Proposed Change of Use from Single House to Lodging House and Associated Alterations, and Increase in Total Number of Lodgers from Forty-Five (45) to Eighty (80), at the Existing Lodging House at Nos. 41-43 (Lot 94) Money Street, Perth and the Proposed Lodging House at Nos. 37-39 (Lot 93) Money Street, Perth- State Administrative Tribunal - Review Matter No. DR 308 of 2006 - Directions Hearing

Ward:	South	Date:	17 October 2006
Precinct:	Beaufort; P13	File Ref:	PRO2663; 5.2005.3238.1
Attachments:	-		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to Nos. 37-39 (Lot 93 D/P: 613) Money Street, Perth - Proposed Change of Use from Single House to Lodging House and Associated Alterations, and Increase in Total Number of Lodgers from Forty-Five (45) to Eighty (80), at the Existing Lodging House at Nos. 41-43 (Lot 94) Money Street, Perth and the Proposed Lodging House at Nos. 37-39 (Lot 93) Money Street, Perth- State Administrative Tribunal - Review Matter No. DR 308 of 2006 - Directions Hearing;*
- (ii) *FILES and SERVES the following draft "without prejudice" conditions to the SAT in response to the SAT Orders dated 10 October 2006:*
 - (a) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
 - (b) *any new street/front wall, fence and gate between the Money 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;*
- (c) *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;*
- (d) *prior to the issue of a Building Licence, or first occupation of the development, whichever occurs first, revised plans shall be submitted and approved demonstrating the following;*
- (1) *adequate landscaping to screen communal spaces from adjoining properties; and*
- (2) *communal spaces to be sufficiently equipped with seating and tables.*
- The revised plans shall not, result in any greater variation to the requirements of the Towns Policies. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (e) *the applicant/owner shall pay a cash-in-lieu contribution of \$19,162 for the equivalent value of 7.37 car parking spaces, based on the cost of \$2,600 per bay as set out in the Town's 2006/2007 Budget. Alternatively, if the car parking shortfall is reduced as a result of a greater number of car bays being provided, the cash in lieu amount can be reduced to reflect the new changes in car parking requirements;*
- (f) *the lodging house at Nos. 37-39 (Lot 93) Money Street, Perth shall accommodate a maximum of 48 lodgers at any one time and the lodging house at Nos. 41-43 (Lot 94) Money Street, Perth shall accommodate a maximum of 32 lodgers at any one time;*
- (g) *a detailed management plan that addresses the control of noise, traffic, car parking, litter and anti-social behaviour (to reasonable levels) associated with the development shall be submitted and approved prior to the first occupation of the development, and thereafter implemented and maintained;*
- (h) *prior to the issue of a Building Licence or first occupation of the development, whichever occurs first:*
- (1) *the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence or first occupation of the development, whichever occurs first. All costs associated with this condition shall be borne by the applicant/owner(s); OR*

(2) *the owner(s) shall enter into a legal agreement and lodge an appropriate assurance bond/bank guarantee, with or register a grant of easement on the subject land in favour of the Town and to its satisfaction, to provide rights of access to/from and use of a minimum 5 car parking bays on Nos. 41 - 43 (Lot 94) Money Street, Perth. The subject access and 5 car parking bays are to be provided at no costs for use by the employees, customers and visitors of the lodging house at Nos. 37 - 39 (Lot 93) Money Street, Perth. The legal agreement shall be secured by a caveat while the grant of easement shall be registered on the Certificate(s) of Title of the subject land. The legal documentation shall be prepared by the Town's solicitors or other solicitors agreed upon by the Town. All costs associated with this condition shall be borne by the applicant/owners(s);*

(i) *the lodgers may stay at the subject lodging house for a maximum period of three consecutive months; and*

(j) *provision of adequate sanitary conveniences and other related facilities as detailed in the Building Code of Australia;*

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

~~(iii)~~(iv) *INVITES the nine (9) residents who objected to the proposal to submit a written submission (witness statement) on behalf of the Council on the Review (appeal), which is to be determined by way of a "Final Hearing".*

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

Moved Cr Torre, Seconded Cr Ker

That the recommendation be adopted.

Moved Cr Ker, Seconded Cr Chester

That;

1. *clause (ii) (j) be deleted;*

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

"(ii) (d) prior to the issue of a Building Licence, or first occupation of the development, whichever occurs first, revised plans shall be submitted and approved demonstrating the following;

(1) *adequate landscaping to screen communal spaces from adjoining properties; ~~and~~*

(2) *communal spaces to be sufficiently equipped with seating and tables;*

(3) the provision of adequate toilet, shower, sanitary conveniences and other related facilities as required by the Building Code of Australia; and

(4) the provision of a weather protected pedestrian access structure connecting both the existing and proposed lodging houses on the subject properties.

The revised plans shall not, result in any greater variation to the requirements of the Towns Policies. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);"

3. clause (ii) (h) (2) be amended to read as follows:

"(ii) (h) (2) the owner(s) shall enter into a legal agreement and lodge an appropriate assurance bond/bank guarantee, with or register a grant of easement on the subject land in favour of the Town and to its satisfaction, to provide rights of access to/from and use of a minimum 5 car parking bays on Nos. 41 - 43 (Lot 94) Money Street, Perth and the weather protected pedestrian access structure connecting both the existing and proposed lodging houses on the subject properties . The subject access and 5 car parking bays and structure are to be provided at no costs for use by the employees, customers and visitors of the lodging house at Nos. 37 - 39 (Lot 93) Money Street, Perth. The legal agreement shall be secured by a caveat while the grant of easement shall be registered on the Certificate(s) of Title of the subject land. The legal documentation shall be prepared by the Town's solicitors or other solicitors agreed upon by the Town. All costs associated with this condition shall be borne by the applicant/owners(s);"

Debate ensued.

AMENDMENT CARRIED (8-0)

(Cr Farrell was an apology.)

Moved Cr Lake, **Seconded** Cr Messina

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

"(ii) (j) a lodging house keeper or manager shall be resident on the subject properties at all times/reside continuously in the lodging houses in accordance with Division 3 - Management and Care, Clause 146 of the Town of Vincent Health Local Law 2004;"

Debate ensued.

AMENDMENT CARRIED (8-0)

(Cr Farrell was an apology.)

The Presiding Member called for nominations in accordance with clause (iii). Cr Ker nominated.

MOTION AS AMENDED CARRIED (8-0)

(Cr Farrell was an apology.)

COUNCIL DECISION ITEM 14.2

That the Council;

- (i) *RECEIVES the report relating to Nos. 37-39 (Lot 93 D/P: 613) Money Street, Perth - Proposed Change of Use from Single House to Lodging House and Associated Alterations, and Increase in Total Number of Lodgers from Forty-Five (45) to Eighty (80), at the Existing Lodging House at Nos. 41-43 (Lot 94) Money Street, Perth and the Proposed Lodging House at Nos. 37-39 (Lot 93) Money Street, Perth-State Administrative Tribunal - Review Matter No. DR 308 of 2006 - Directions Hearing;*
- (ii) *FILES and SERVES the following draft "without prejudice" conditions to the SAT in response to the SAT Orders dated 10 October 2006:*
 - (a) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
 - (b) *any new street/front wall, fence and gate between the Money 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;*
 - (c) *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;*
 - (d) *prior to the issue of a Building Licence, or first occupation of the development, whichever occurs first, revised plans shall be submitted and approved demonstrating the following:*
 - (1) *adequate landscaping to screen communal spaces from adjoining properties;*

- (2) *communal spaces to be sufficiently equipped with seating and tables;*
- (3) *the provision of adequate toilet, shower, sanitary conveniences and other related facilities as required by the Building Code of Australia; and*
- (4) *the provision of a weather protected pedestrian access structure connecting both the existing and proposed lodging houses on the subject properties.*

The revised plans shall not, result in any greater variation to the requirements of the Towns Policies. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);

- (e) *the applicant/owner shall pay a cash-in-lieu contribution of \$19,162 for the equivalent value of 7.37 car parking spaces, based on the cost of \$2,600 per bay as set out in the Town's 2006/2007 Budget. Alternatively, if the car parking shortfall is reduced as a result of a greater number of car bays being provided, the cash in lieu amount can be reduced to reflect the new changes in car parking requirements;*
- (f) *the lodging house at Nos. 37-39 (Lot 93) Money Street, Perth shall accommodate a maximum of 48 lodgers at any one time and the lodging house at Nos. 41-43 (Lot 94) Money Street, Perth shall accommodate a maximum of 32 lodgers at any one time;*
- (g) *a detailed management plan that addresses the control of noise, traffic, car parking, litter and anti-social behaviour (to reasonable levels) associated with the development shall be submitted and approved prior to the first occupation of the development, and thereafter implemented and maintained;*
- (h) *prior to the issue of a Building Licence or first occupation of the development, whichever occurs first:*
 - (1) *the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence or first occupation of the development, whichever occurs first. All costs associated with this condition shall be borne by the applicant/owner(s); OR*
 - (2) *the owner(s) shall enter into a legal agreement and lodge an appropriate assurance bond/bank guarantee, with or register a grant of easement on the subject land in favour of the Town and to its satisfaction, to provide rights of access to/from and use of a minimum 5 car parking bays on Nos. 41 - 43 (Lot 94) Money Street, Perth and the weather protected pedestrian access structure connecting both the existing and proposed lodging houses on the subject properties. The subject access and 5 car parking bays and structure are to be provided at no costs for use by the employees, customers and visitors of the lodging house at Nos. 37 - 39 (Lot 93) Money Street, Perth. The legal agreement shall be secured by a caveat while the grant of easement shall be registered on the Certificate(s) of Title of the subject land. The legal documentation shall be prepared by the Town's solicitors or other solicitors agreed upon by the Town. All costs associated with this condition shall be borne by the applicant/owners(s);*

- (i) *the lodgers may stay at the subject lodging house for a maximum period of three consecutive months; and*
- (j) *a lodging house keeper or manager shall be resident on the subject properties at all times/reside continuously in the lodging houses in accordance with Division 3 - Management and Care, Clause 146 of the Town of Vincent Health Local Law 2004;*
- (iii) *INVITES Cr Ker to submit a written submission (witness statement) on behalf of the Council on the Review (appeal), which is to be determined by way of a "Final Hearing"; and*
- (iv) *INVITES the nine (9) residents who objected to the proposal to submit a written submission (witness statement) on behalf of the Council on the Review (appeal), which is to be determined by way of a "Final Hearing".*

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

PURPOSE OF REPORT:

- To advise Council of the above review application.
- To comply with the requirements of the Town's Policy/Procedure for State Administrative Tribunal (SAT).
- To consider an Elected Member (s) and a local member of the community to submit a written submission (witness statement) on behalf of the Council.

Landowner:	Backpack Pty Ltd
Applicant:	M A Waters
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Single House
Use Class:	Lodging House
Use Classification:	"SA"
Lot Area:	Lot 93 - 486 square metres
Access to Right of Way	N/A

BACKGROUND:

2 June 2005 An application for change of use from residential to lodging house, and increase in total number of lodgers from thirty-two (32) to eighty (80), between the existing lodging house at Nos. 41-43 (Lot 94) Money Street Perth and the proposed lodging house at Nos. 37-39 (Lot 93) Money Street Perth was deemed refused under delegated authority, as the Town did not receive information that was requested on 25 October 2004 and 17 May 2005 and the 60 day period within which the application was required to be determined had expired.

11 July 2006 The Council at its Ordinary Meeting considered the subject proposal and resolved the following:

"That Item 10.1.10 be DEFERRED at the request of the applicant to allow consideration of a preliminary parking and traffic study which was submitted with the development application."

22 August 2006 The Council at its Ordinary Meeting resolved to refuse for proposed change of use from single house to lodging house and associated alterations at Nos. 37-39 (Lot 93) Money Street Perth, and increase in total number of lodgers from forty-five (45) to eighty (80), at the existing lodging house at Nos. 41-43 (Lot 94) Money Street, Perth and the proposed lodging house at Nos. 37-39 (Lot 93) Money Street, Perth, for the following reasons:

1. *Negative impact on local amenity.*
2. *Consideration of objections received.*
3. *Conflict the objectives of the Town's Policy relating to Non-Residential/Residential Interface.*
4. *Insufficient facilities in the proposed lodging house."*

4 October 2006 Direction Hearing at SAT.

5 December 2006 Further Directions Hearing to be held.

11 and 12
December 2006 Final Hearing to be held.

DETAILS:

The Town is required to submit draft "*without prejudice*" conditions to SAT by 3 November 2006, as per the SAT Orders dated 10 October 2006. Mr. Simon Bain (planning consultant) has been engaged to represent the Town in the above review process. The applicant is being represented by a Planning Consultancy. The review process is to be determined by way of a "formal" 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 10 October 2006. The cash-in-lieu condition is imposed to address the car parking shortfall in the event the SAT approves the additional number of lodgers as applied for in this Review matter.
- The Council nominates an Elected Member(s) to submit a Written Submission (witness statement) in the review process.
- The Council invites the nine (9) residents who made objections to submit a Written Submission (witness statement) in the review process.

14.3 CONFIDENTIAL REPORT - No. 516 (Lot 5 D/P: 3830) Fitzgerald Street, North Perth - Alterations, and Garage with Loft and Carport Additions to Existing Single House -State Administrative Tribunal- Review Matter No. DR 644 of 2005-Determination

Ward:	South	Date:	18 October 2006
Precinct:	Norfolk; P10	File Ref:	PRO2368; 5.2005.2855.1
Attachments:	-		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

That;

(i) *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, the Council resolves to CHANGE clause (i) (c) of the resolution adopted by the Council at its Special Meeting held on 21 February 2006 (Confidential Item 14.1);*

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

"(i) (c) the Council DOES NOT SUPPORT the deletion of condition (ii) (d) and further AMENDS Condition (ii) (d) to read as follows:

"(ii) (d) the existing wall of the garage with loft addition on the southern elevation being modified to provide a parapet wall to the southern boundary within 90 days of notification, and subject to first obtaining the consent of the owners of No. 514 (Lot 6) Fitzgerald Street, North Perth, if access over No. 514 Fitzgerald Street is needed to construct this parapet wall; and"

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

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

"(i) (c) the Council SUPPORTS the substitution of condition (ii) (d) with the following conditions:

"(ii) (d) (1) the existing eaves and guttering on the southern elevation of the garage with loft (games room) at No. 516 Fitzgerald Street, North Perth shall be removed; and

(ii) (d) (2) an additional three courses of brickwork shall be added to the "as constructed" southern elevation wall in order to ensure that rain water run-off will be confined to, and contained within, the subject site at No. 516 Fitzgerald Street, North Perth, within 90 days of the SAT Orders and subject to first obtaining the consent of the owners of No. 514 (Lot 6) Fitzgerald Street, North Perth, if access over No. 514 Fitzgerald Street is needed to construct this southern elevation wall."

Moved Cr Torre, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

Cr Torre agreed to move the motion in accordance with clause (ii).

Crs Chester, Ker and Doran-Wu agreed to support the motion.

CARRIED (8-0)

(Cr Farrell was an apology.)

COUNCIL DECISION ITEM 14.3

That;

(i) *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, the Council resolves to CHANGE clause (i) (c) of the resolution adopted by the Council at its Special Meeting held on 21 February 2006 (Confidential Item 14.1);*

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

"(i) (c) the Council DOES NOT SUPPORT the deletion of condition (ii) (d) and further AMENDS Condition (ii) (d) to read as follows:

"(ii) (d) the existing wall of the garage with loft addition on the southern elevation being modified to provide a parapet wall to the southern boundary within 90 days of notification, and subject to first obtaining the consent of the owners of No. 514 (Lot 6) Fitzgerald Street, North Perth, if access over No. 514 Fitzgerald Street is needed to construct this parapet wall; and"

(iii) *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, three Elected Members, namely Councillor Chester, Councillor Ker and Councillor Doran-Wu, being one third of the number of offices of members of the Council, SUPPORTS this motion; and*

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

"(i) (c) the Council SUPPORTS the substitution of condition (ii) (d) with the following conditions:

"(ii) (d) (1) the existing eaves and guttering on the southern elevation of the garage with loft (games room) at No. 516 Fitzgerald Street, North Perth shall be removed; and

- (ii) (d) (2) *an additional three courses of brickwork shall be added to the "as constructed" southern elevation wall in order to ensure that rain water run-off will be confined to, and contained within, the subject site at No. 516 Fitzgerald Street, North Perth, within 90 days of the SAT Orders and subject to first obtaining the consent of the owners of No. 514 (Lot 6) Fitzgerald Street, North Perth, if access over No. 514 Fitzgerald Street is needed to construct this southern elevation wall."*

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 for the Council to reconsider a condition applied for the subject development submitted as part of the application for Review Matter No. DR 644 of 2005 to the State administrative Tribunal (SAT).

Landowner:	L A Ingram
Applicant:	L A Ingram
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	630 square metres
Access to Right of Way	East side, 5 metres wide, unsealed, privately owned

BACKGROUND:

- 29 May 2003 Development Application received by the Town for Partial Demolition of and Alterations, Additions, Triple Garage with Cellar and Loft to Existing Single House.
- 12 August 2003 Conditional approval granted at the Ordinary Meeting of Council (OMC) for Partial Demolition of and Alterations, Additions, Triple Garage with Cellar and Loft to Existing Single House.
- 20 August 2003 Approval to Commence Development issued to applicant.
- 15 December 2003 Building Licence application received by the Town.
- 17 December 2003 Planning Officer requested Planning Approval conditions (i), (iii), (iv), (v), (vi), (vii), (viii), (ix) and (x) be included on the Building Licence. Clearance given for issue of Building Licence. Building Licence granted.
- 22 March 2005 Licensed Surveyors certification received from Brook Marsh Licensed Surveyors confirming that the boundary walls and gutters are clear of the boundary from 0.21 metre to 0.26 metre.
- 22 March 2005 The Council, at its Ordinary Meeting, resolved the following:
 "(i) *RECEIVES the report relating to variations to Planning Approval and Building Licence for partial demolition of and alterations, additions, triple garage with cellar and loft to existing single house at No. 516 (Lot 5) Fitzgerald Street, North Perth;*

- (ii) *REQUESTS the owners of No. 516 (Lot 5) Fitzgerald Street, North Perth to submit the following information to the satisfaction of the Town, within 28 days of the date of notification:*
- (a) *planning application, including relevant plans and payment of the relevant fees, for the existing development and all amendments made to the Planning Approval issued on 20 August 2003;*
 - (b) *structural engineers certification confirming the structural adequacy of the existing development; and*
 - (c) *licensed surveyors certification confirming the existing development is located entirely on the subject lot; and*
- (iii) *REGARDS as unacceptable the internal administrative processes and practices that provided the Building Licence approval dated 17 December 2003 for alterations and additions to 516 Fitzgerald Street, North Perth with significantly greater variations than the conditional planning approval provided by Council dated 12 August 2003."*

- 12 May 2005 Structural Surveyors certification received from Andreotta Cardenosa Consulting Engineers that the structures are structurally adequate.
- 12 May 2005 Application for alterations, and garage with loft and carport additions to existing single house (application for retrospective approval), received by the Town.
- 11 October 2005 The Council, at its Ordinary Meeting, resolved to approve alterations, and garage with loft and carport additions to existing single house (application for retrospective approval).
- 21 December 2005 State Administrative Tribunal (SAT) direction hearing, where the Review matter was further adjourned.
- 18 January 2006 Further direction hearing at SAT, inviting respondent (Town) to reconsider its decision under review.
- 21 February 2006 At its Special Meeting, the Council re-considered previous conditions of approval and revised plans as part of the SAT Review matter, and resolved as follows:

"That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council, as part of the State Administrative Tribunal Review Matter DR 644 of 2005 for the alterations, and garage with loft and carport additions to existing single house at No.516 (Lot 5) Fitzgerald Street, North Perth, ADVISES the State Administrative Tribunal as follows:*
- (a) *the Council SUPPORTS the deletion of Condition (i)(b);*

- (b) *the Council SUPPORTS the deletion of Condition (ii)(e), subject to the western facing window being non-openable for a height of 1.6 metres from the upper floor finished floor level, and that the obscure film be of the same material as stated in the information brochure and quote dated 16 January 2006 from Eclipse Window Tinting and maintained thereafter as required to prevent any undue overlooking into No. 514 Fitzgerald Street, North Perth; and*
- (c) *the Council DOES NOT SUPPORT the deletion of Condition(ii)(d) and further AMENDS Condition (ii)(d) to read as follows:*
- "(ii)(d) the existing wall of the garage with loft addition on the southern elevation being modified to provide a parapet wall to the southern boundary within 90 days of notification, and subject to first obtaining the consent of the owners of No.514 (Lot 6) Fitzgerald Street, North Perth, if access over No.514 Fitzgerald Street is needed to construct this parapet wall;" and*
- (ii) *the Council AUTHORIZES the Chief Executive Officer to make the information available to the public, after the review application has been determined and finalised by the State Administrative Tribunal."*

23 August 2006

SAT determined the above review matter on papers and the following Orders were issued:

1. *"The preliminary issue is answered in terms of the reasons of the Tribunal published with these orders.*
2. *Unless the applicants object in writing within 21 days (in which case the matter is to be listed for directions before Mr. Graham), consistently with those reasons, the respondent is invited, under the provisions of s 31(2) (c) of the State Administrative Tribunal Act 2004 (WA), to set aside its decision of 21 February 2006 and substitute a new decision(s) which does not use the expression "parapet wall".*
3. *Subject to paragraph 2 of these orders, reconsideration by the respondent in the terms indicated finalises the review and the review shall stand dismissed without prejudice to the applicant's ability to seek a further review on the substituted decision."*

In terms of Order 2 above, no submissions were made by the applicants within the 21 days period.

DETAILS:

The SAT Orders and reasons dated 23 August 2006 are attached and have suggested an alternative wording, as per paragraph 67 of the SAT Orders, which is as follows:

"In view of the uncertainty of the meaning of the expression "parapet wall" in condition (ii) (d), the Tribunal invites the respondent, under the provisions of s 31(2)(c) of the State Administrative Tribunal Act 2004 (WA), to "set aside" the decision and substitute a new decision which does not use the expression "parapet wall" but requires that:

- (a) *the existing eaves and guttering on the southern elevation of the garage with loft (games room) be removed; and*
- (b) *an additional three courses of brickwork be added to the "as constructed" southern elevation wall in order to ensure that rain water run-off will be confined to, and contained within, the subject site at 516 Fitzgerald Street, North Perth."*

The above is in lieu of condition (ii) (d) imposed by the Council at its Special Meeting held on 21 February 2006, which is as follows:

"(ii) (d) the existing wall of the garage with loft addition on the southern elevation being modified to provide a parapet wall to the southern boundary within 90 days of notification, and subject to first obtaining the consent of the owners of No.514 (Lot 6) Fitzgerald Street, North Perth, if access over No. 514 Fitzgerald Street is needed to construct this parapet wall."

COMMENTS:

The condition recommended as a substitute to conditions (ii) (d) imposed by the Council on 21 February 2006, in consideration of the conditions suggested by SAT is as follows, with minor amendments:

- (ii) (d) (1) the existing eaves and guttering on the southern elevation of the garage with loft (games room) at No. 516 Fitzgerald Street, North Perth shall be removed; and
- (ii) (d) (2) an additional three courses of brickwork shall be added to the "as constructed" southern elevation wall in order to ensure that rain water run-off will be confined to, and contained within, the subject site at No.516 Fitzgerald Street, North Perth, within 90 days of the SAT Orders and subject to first obtaining the consent of the owners of No.514 (Lot 6) Fitzgerald Street, North Perth, if access over No. 514 Fitzgerald Street is needed to construct this southern elevation wall.

14.4 CONFIDENTIAL REPORT - No. 226 (Lot 1 D/P: 956) Oxford Street, corner Richmond Street, Leederville - Access Footpath Gradient to Alterations and Additions to Existing Shops - State Administrative Tribunal - Review Matter No. CC 3208 of 2005 and Matter No. DR 68 of 2006 - Directions Hearing

Ward:	South	Date:	17 October 2006
Precinct:	Oxford Centre; P4	File Ref:	PRO0860; 5.2006.20.1; 20/2363
Attachments:	-		
Reporting Officer(s):	L Mach, G Snelling		
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, the Metropolitan Region Scheme and the Building Code of Australia, the Council SUPPORTS as part of the State Administrative Tribunal Review Matter No. CC 3208 of 2005 and Matter No. DR 68 of 2006, the proposed 'Preferred Alternate Solution 1' submitted by Studio Di Architettura on behalf of the owner Firestar Enterprises Pty Ltd for Access Footpath Gradients to Alterations and Additions to Existing Shops, at No. 226 (Lot 1 D/P: 956) Oxford Street, corner Richmond Street, Leederville, and as shown on amended plans stamp-dated 5 October 2006, subject to the following conditions:

- (i) the external access and footpath gradient to shops 3, 4 and 5 shall not exceed a gradient of 1:20;*
- (ii) the principal public entrance to shops 3, 4 and 5 shall comply with the requirements of the Building Code of Australia and the Australian Standard (AS) 1428.1;*
- (iii) the Town, at the applicant's full cost, modify the on-road parking and footpath immediately adjacent to shops 3, 4 and 5 to achieve the 1:20 gradient to the property boundary as specified and in accordance with the Town's Technical Services requirements; and*
- (iv) the legal costs incurred by the Town in dealing with Review Matter No. CC 3208 of 2005 and Matter No. DR 68 of 2006, to the State Administrative Tribunal shall be paid by the applicant/owner.*

COUNCIL DECISION ITEM 14.4

Moved Cr Torre, Seconded Cr Chester

That the recommendation be adopted.

Debate ensued.

CARRIED (8-0)

(Cr Farrell was an apology.)

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 applicant is seeking an alternative solution from providing complying access for people with disabilities within the property boundaries to shops 3, 4 and 5 at No. 226 (Lot 1 D/P: 956) Oxford Street, corner Richmond Street, Leederville.

Landowner:	Firestar Enterprises Pty Ltd
Applicant:	Studio Di Architettura
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Shop
Use Class:	Shop
Use Classification:	"P"
Lot Area:	936 square metres
Access to Right of Way	N/A

BACKGROUND:

24 June 2003 The Council at its Ordinary Meeting approved the planning application for alterations and additions to existing shops at No. 226 (Lot 1) Oxford Street, corner Richmond Street, Leederville.

9 July 2004 Building Licence No. 20/2363 was issued for proposed alterations and additions to existing shops at No. 226 (Lot 1) Oxford Street, corner Richmond Street, Leederville. Condition (13) of the Building Licence stated:

"(13) Provide access for people with disabilities in accordance with BCA D3".

This condition requires that facilities including an access ramp for people with disabilities, comply with the Building Code of Australia (BCA) and the Australian Standard (AS) 1428.1 ramp gradients.

4 March 2005 During construction, a site inspection was carried out by an Officer of the Town, and in a letter dated 4 March 2005, the Town wrote to Brighton Constructions (the builder) expressing the following concerns of non-compliance:

"It was noticed during the site inspection that the new floor levels are significantly higher than the existing footpath level consequently, access for people with disabilities into the building may be restricted. In accordance with the Building Code of Australia Part D3 and as required in Condition No. 13 on the approved Building Licence 20/2363, access must be provided for people with disabilities into the building.

You are requested to provide the Town with details showing how access in accordance with Australian Standard 1428.1 will be achieved prior to any further works commencing."

17 March 2005 Site meeting with the Builder, Architect and the Town's Officers, discussed providing access for people with disabilities into the building.

- 6 April 2005 The builder provided a diagram of proposed alterations to the footpath levels adjacent to Richmond Street, Leederville. However, after consultation with the Town's Officers, it was confirmed to the Builder by telephone on 24 May 2005, that the Town can only raise the footpath paving by 100 millimetres above kerb level, to assist the Builder to construct the required access for people with disabilities for this development.
- 22 June 2005 The Town received a report entitled "Access for People with Disabilities Report" dated 14 June 2005 by Bluefish Design. This report outlined a case requesting that this building be exempt from the requirements of the BCA Part D3 and the AS 1428.1.
- 4 July 2005 In response to the above mentioned report dated 14 June 2005, the Town's letter dated 4 July 2005 to the applicant, expressed the following concerns of non-compliance:
- "I refer to the "Access for People with Disabilities Report" dated 14 June 2005 by Bluefish Design in regard to the commercial development under construction at the above mentioned property.*
- Please be advised that the Town has considered all the issues raised in the report; however, it is the Town's opinion that in accordance with the Building Regulations 1989 Clause 5, the alterations and additions to the existing commercial building are significant and Building Code of Australia (BCA) Part D3 must be applied. Therefore, access for people with disabilities is required to Shops 2, 3, 4 and 5 as stated in the approved Building Licence No. 20/2363 issued on 9 July 2004. It should be noted that access to Shop 1 in accordance with Part D3 will not be required as there is no significant change to the existing shop.*
- As you are aware, the Town has liaised with the Brighton Constructions in regard to increasing the existing footpath levels to assist in providing compliant access into the shops. It has been agreed by the Town's Technical Services Section that the existing footpath may be raised to a maximum of 100 millimetres in height above kerb level (to be confirmed pending a further site inspection), which should facilitate in providing compliant access into Shop 2. This work would only be done at the Developer's expense. However, it would appear that changes to the existing footpath level alone will not achieve compliant access into Shops 3, 4 and 5. An alternative means of access into these shops will need to be considered and details submitted to the Town for approval.*
- It should be noted that any changes to the original Planning Approval may require a new Planning Application to be submitted to and approved by the Town."*
- 26 July 2005 On 26 July 2005 and 8 August 2005, the applicant provided facsimiles and diagrams of proposed alterations to the footpath levels adjacent to Richmond Street, Leederville. In response to the applicant, the Town's letter dated 18 August 2005 expressed the following concerns of non-compliance:
- "Please be advised that the Town's Technical Services Division has reviewed the proposals and the following response is provided for your information.*

Facsimile dated 26 July 2005

As stated previously the Technical Services Division will allow a greater cross fall than the standard 2 percent on the footpaths adjacent to the above shops to assist with access for people with disabilities. However, this is limited to 100mm, above the top of kerb height, at the property boundary line. In terms of longitudinal grade this should vary as little as possible and reflect the grades of the road side kerb. This is to allow for stormwater runoff and to facilitate the safe movement of all pedestrians with or without disabilities. Therefore, the Technical Services Division is unable to approve the extension of the 1: 14 (7 percent) grade ramp into the footpath.

Facsimile dated 8 August 2005

In respect of the proposed ramps being constructed in the road reserve, the road reserves are used for the distribution of many services such as water, power and telephone. Therefore, the road verges must remain accessible for maintenance and installation of these services by the various Service Providers. It is for this reason that the Technical Services Division will not approve the installation of these ramps within the road reserve."

23 August 2005 The Town issued a Notice under the Local Government (Miscellaneous Provisions) Act 1960 Section 401 (1) (b), for the following non-complying step structures:

- (i) a concrete step measuring approximately 180 millimetres high at the front entrance to shop 2;
- (ii) a concrete step measuring approximately 250 millimetres high at the front entrance to shop 3; and
- (iii) concrete steps measuring approximately 320 millimetres high at the front entrance to shop 4 and shop 5;

at No. 226 (Lot 1 Deposited Plan 956) Oxford Street, Leederville, Western Australia ('Property').

The above Notice for the non-complying step structures was issued for the following reasons:

- (i) the non-compliance with the Local Government (Miscellaneous Provisions) Act 1960 Section 401 (1) (b), which states that:

"A local government may, during or after the erection of a building in its district, give to the builder or owner of the building, written notice of anything in the construction of the building -

- (b) *which is not in compliance with, or is a departure from, the plans and specifications for the building, of which plans and specifications the approval of the local government has been obtained as required by this Act, or which is a contravention of this Act."*
- (ii) the non-compliance with the Building Code of Australia (BCA) and the Australian Standard (AS) 1428.1.

8 September 2005 Application lodged with the State Administrative Tribunal to review the Town's Notice issued 23 August 2005, under the Local Government (Miscellaneous Provisions) Act 1960.

4 October 2005 State Administrative Tribunal (SAT) directions hearing held.
Order 1 of the SAT directions hearing states as follows:

"The matter listed for hearing at 9.30am on Thursday 10 November 2005."

Order 2 of the SAT directions hearing states as follows:

"The matter will begin at 9.30am with a site visit at the corner of Richmond and Oxford Street, Leederville."

10 November 2005 State Administrative Tribunal (SAT) site visit held.
On application heard before Members from SAT, Order 1 of the SAT site visit states as follows:

"At a site visit prior to the matter on 10 November 2005, the parties agreed to adjourn the hearing to a later date."

Order 2 of the SAT site visit states as follows:

"The hearing of the 10 November 2005 is therefore relisted for Wednesday 21 December 2005 at 10am."

6 December 2005 The Council at its Ordinary Meeting considered and determined a Confidential Report (Item 14.3) relating to this matter, and resolved as follows:

"That the Council;

- (i) RECEIVES the report relating to No. 226 (Lot 1) Oxford Street, corner of Richmond Street, Leederville - proposed access ramps for people with disabilities, to the alterations and additions to existing shops - State Administrative Tribunal (SAT) Hearing (Matter CC 3208 2005);*
- (ii) in accordance with the provisions of the Building Code of Australia, does NOT SUPPORT the proposed access ramps at a gradient of 1:8 and without a level landing area for people with disabilities, to the alterations and additions to existing shops at No. 226 (Lot 1) Oxford Street corner of Richmond Street, Leederville, and as shown on the amended plans stamp dated 22 November 2005, for the following reasons:*
 - (a) non-compliance with the required ramp gradient of 1:14; and*
 - (b) non-compliance with the required level landing area in front of the entrance door; and*
- (iii) AUTHORIZES the Chief Executive Officer to make the information available to the public, after it has been determined and finalised by the State Administrative Tribunal."*

21 December 2005 State Administrative Tribunal (SAT) directions hearing held., regarding Matter No. CC 3208 of 2005.

Order 1 of the SAT directions hearing states as follows:

"This matter has been listed for directions hearing at 2.15pm on Thursday 23 February 2006."

28 December 2005 The Town granted conditional Planning Approval for change of use from retail to shop (hairdressing salon) and associated internal alterations to shop 4, under delegated authority.

14 February 2006 The Council at its Ordinary Meeting refused the application submitted by Studio Di Architettura on behalf of the owner Firestar Enterprises Pty Ltd for Access Ramps to Alterations and Additions to Existing Shops, at No. 226 (Lot 1 D/P: 956) Oxford Street, corner Richmond Street, Leederville and as shown on plans stamp-dated 18 January 2006, for the following reasons:

(i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;

(ii) the non-compliance with the Objectives and Intentions of the Town's Town Planning Scheme No.1, including:

6(3)(a) to cater for the diversity of demands, interests and lifestyles by facilitating and encouraging the provision of a wide range of choices in housing, business, employment, education, leisure, transport and access opportunities;

6(3)(b) to protect and enhance the health, safety and general welfare of the Town's inhabitants and the social, physical and cultural environment; and

6(3)(d) to promote the development of a sense of local community and recognise the right of the community to participate in the evolution of localities; and

(iii) the non-compliance with the requirements of the Building Code of Australia and the Australian Standard (AS) 1428.1, including:

(a) the non-compliance with the required ramp gradient of 1:14; and

(b) the non-compliance with the required level landing area in front of the entrance door.

23 February 2006 State Administrative Tribunal (SAT) directions hearing held, regarding Matter No. CC 3208 of 2005.

Order 1 of the SAT directions hearing states as follows:

"The proceedings are adjourned to a further directions hearing at 3.00 pm on Thursday 16 March 2006, to allow applicant to seek advice."

- 16 March 2006 State Administrative Tribunal (SAT) directions hearing held, regarding Matter No. DR 68 of 2006, and Matter No. CC 3208 of 2005. Order 1 of the SAT directions hearing states as follows:
- "The matter is listed for a hearing to commence at 10.00 am on 31 May 2006, for a duration of one (1) day".*
- 31 May 2006 State Administrative Tribunal (SAT) directions hearing held, regarding Matter No. DR 68 of 2006 and Matter No. CC 3208 of 2005. Orders 1 and 2 of the SAT directions hearing states as follows:
- "1. By Friday 30 June 2006 the respondent is to file with the Tribunal and give to the applicant any evidence and submissions in regard to photographs 1, 5, 9, 11, 13, 14, 18 and 21 submitted with the application for review.*
- 2. The matter is adjourned to a hearing to commence at 10.00 am on Thursday 10 August 2006."*
- 4 July 2006 Amended Building Licence application received from the applicant, and attached report from John Massey Group (JMG) 'Access for Persons with Disabilities Assessment Review' dated 28 June 2006.
- 26 July 2006 In response to the above mentioned Amended Building Licence application dated 4 July 2006, and the attached JMG report dated 28 June 2006, the Town's letter dated 26 July 2006 to the applicant expressed the following concerns of non-compliance:
1. *"The JMG report on page 6 states that; "The ramps cannot be located on the footpath side of the front doors, as the paved gradient to the kerb would be well in excess of the 1 in 20 gradient allowed for a pathway (AS 1428.1)." The plan A04 shows a 1 in 8 ramp extending 620 mm into the pathway from Shop 3, therefore creating a pathway too steep and non-complying with the above statement, please explain this inconsistency between the report and the detail shown on plan A04, and provide additional justification for your proposal.*
 2. *In relation to the JMG report page 7, please explain in more detail the following comments that you make reference to in the Australian Standard (AS) 1428.1:*
 - *"Because the ramp is adjacent to the door (no landing), AS 1428.1 requires automatic door operation;" and*
 - *"or the ramp can only be 420mm in length if a door is likely to be closed."*
 3. *Please be advised that in accordance with AS 1428.1 Clause 5.7(b), a landing is required in front of the entrance doorways to Shop 3 and 4.*
 4. *It appears that the ramp in front of the doorway to Shop 3, will exceed the angle of 166° between a ramp and lower surface, as shown in Figure 8 Section A-A.*

5. *In relation to the JMG report page 5, please explain the relevance of the old 'Uniform Building By Laws (UBB's)' which were repealed in 1990, as Building Licence No.20/2363 for this development was issued on 9 July 2004, and conditioned accordingly to comply with current requirements, in particular the Building Code of Australia. Additionally, the attachment you referred to regarding the above matter, that is Appendix 1 page 10 of the UBB's, did not make clear the information you referred to.*

A further assessment shall be made for compliance with the Town's requirements at submission of the above information. Furthermore, please justify your submission of the above matters, by providing section drawings of the proposed front entrances to Shops 3 and 4, detailing all relevant dimensions, floor levels and gradients."

9 August 2006 Additional information received from John Massey Group (JMG), in response to the Town's letter dated 26 July 2006.

10 August 2006 State Administrative Tribunal (SAT) Hearing held, regarding Matter No. DR 68 of 2006 and Matter No. CC 3208 of 2005; including additional witness statements from the Town's Manager Engineering Design Services and Principal Building Surveyor.

Orders 1 and 2 of the SAT directions hearing states as follows:

"1. The matter be adjourned to a hearing to commence at 10.00 am on Thursday 21 September 2006; and

2. In light of the additional evidence provided by the applicant, the Town of Vincent be invited, pursuant to section 31 of the State Administration Act, to reconsider its decision."

1 September 2006 In response to the above mentioned additional information received from JMG on 9 August 2006, the Town's letter dated 1 September 2006 to the applicant, expressed the following concerns of non-compliance:

"Item 1

The response still does not explain why Plan A04 shows the 1520 millimetre ramp with a maximum gradient of 1 in 8 extending 620 millimetres into the pathway. The plan clearly shows the 1 in 8 ramp to be constructed 620 millimetres from the allotment boundary and within the street alignment. As mentioned previously, this would exceed the 1 in 20 gradient within the street alignment. Please provide correct plans.

Item 2

The Town agrees with the matter relating to the threshold location and length; however, AS 1428.1 Clause 7.1 (d) does not make reference to automatic doors, please provide AS reference to justify your comment. Furthermore, the plans do not show any threshold ramp to Shop 4. The area in front of the door to Shop 4 is shown as a "level section of footpath". Please provide correct plans showing threshold location.

Item 3

The Town does not dispute the fact that AS 1428.1 Clause 7.1(d) permits a threshold ramp to be installed at doorways; however, Clause 5.7(b) is referred to by Clause 5.3(b) which states that a ramp "shall be provided with landings as specified in Clause 5.7 at the bottom and at the top of the ramp". It is accepted that a threshold ramp can be installed within the landing area. Clause 4.9 defines a landing as a flat or crowned surface with a gradient not steeper than 1 in 40 (for example, a rest area on a ramp), Shop 3 has no such surface at the top of the ramp.

Item 4

Noted; please provide correct drawings showing compliance.

Item 5

The Town does not agree with Mr Massey's assertions, and is of the opinion that the provisions of the old Uniform Building By-Laws to which he refers, does not include a definition of 'minor works'.

Additionally, in response to your Note regarding footpath gradients, please be advised as follows:

The natural topography of Richmond Street is such that the longitudinal grade of the footpath exceeds 1:14. However the difficulties experienced by people with disabilities would be further exacerbated, if the horizontal grade also exceeds 1:14. The ramps cited as examples at No.186 Scarborough Beach Road, Mount Hawthorn and No.225 Fitzgerald Street, Perth, are located on comparatively level ground.

Please be advised that the Town is willing to review alternative solutions to the footpath, kerb and road, subject to the owner providing a written assurance that they will meet all associated construction costs and the Town's legal costs (\$12,144.96 including GST, as at 31 August 2006)."

13 September 2006 Meeting held with Mr F Ricci, Mr J Massey and the Town's Manager Engineering Design Services and Principal Building Surveyor, to discuss various technical matters relating to carrying out works to raising the existing footpath levels.

20 September 2006 Amended Building Licence application received from the applicant, including the following comment received by facsimile:
"With regards to the Town's legal fees, our client has advised that they would not be prepared to cover the Town's legal fees, as they to have expended a substantial amount of money on legal fees, reports and advice etc from experts in relation to the above noted matter. Not to mention loss of income in the time that the subject shops have been vacant."

21 September 2006 State Administrative Tribunal (SAT) Hearing held, regarding Matter No. DR 68 of 2006, and Matter No. CC 3208 of 2005.

Order 1, 2 and 3 of the SAT Hearing states as follows:

"1. The applicant is to submit the appropriate applications for approval for a solution to the respondent by Thursday 5 October 2006.

2. *The applications are to be considered by the respondent at its meeting of 24 October 2006.*
 3. *The matter is adjourned to a directions hearing at 10.00 am on Thursday 2 November 2006."*
- 4 October 2006 Meeting held with Mr F Ricci, Mr J Massey and the Town's Manager Engineering Design Services and Principal Building Surveyor, to discuss various technical matters relating to carrying out works for raising the existing footpath levels.
- 5 October 2006 Amended Building Licence application and the following letter dated 5 October 2006, received from the applicant:
- "Further to our initial submission in July 2006 of our 'deemed to satisfy' solution for the provision of disabled access to the existing shops 03, 04 and 05, together with our subsequent correspondence in relation to this submission. We now submit for approval as discussed at our meeting on the 4 October 2006, the following two alternate deemed to satisfy resolutions in relation to the disabled access issue to shops 03, 04 and 05.*
- As you advised at our meeting we are submitting/applying for approval of either of the two alternate solutions as an 'Amendment to the Building Licence.'*
- As discussed the two alternate solutions as attached are as follows:*
1. **PREFERRED ALTERNATE SOLUTION 1:**
- This deemed to satisfy solution is our clients preferred resolution to the disabled access issue to shops 03, 04 and 05. It involves the re-grading of the existing footpath along Richmond Street to a gradient of 1: 20 and 'raising' the existing car bays in front of shops 03, 04 and 05 as indicated on the attached drawings. We also acknowledge receipt of the Town's estimate to undertake this work as being \$12,851.00.*
2. **ALTERNATE SOLUTION 2:**
- This deemed to satisfy solution is the 'revised' version of our initial submission for approval made in July 2006 and has subsequently been revised to suit the Town's comments to the Access Consultants report and other issues raised at our meeting regarding this submission on the 13 September 2006.*
- As discussed our clients preferred option is that of Alternate Solution 1, and would welcome the Town's approval of this resolution to the disabled access issue to shops 03, 04 and 05 ahead of Alternate Solution 2."*

DETAILS:

The application consists of constructing three new entrance walkways, principal public entrances and one internal ramp to the existing shops 3, 4 and 5 at No. 226 (Lot 1) Oxford Street, corner of Richmond Street, Leederville.

This matter was referred to the State Administrative Tribunal (SAT) on 4 October 2005, and was the subject of a comprehensive Confidential Report to the Council at its Ordinary Meeting held on 6 December 2005 (Item 14.3).

The applicant is seeking an alternative solution from providing complying access for people with disabilities within the property boundaries to shops 3, 4 and 5 at No. 226 (Lot 1 D/P: 956) Oxford Street, corner Richmond Street, Leederville.

Technical Services Comments

To achieve fully compliant access to shops 3, 4 and 5, and without having to construct internal ramps, the applicant is reliant upon significantly raising the level of the footpath. However, it is not merely a case of relaying the brick paving from back of kerb to the internal floor level as the resultant lateral gradient across the footpath would be unacceptably steep.

The applicant has submitted a *Preferred Alternative Solution 1*, whereby the adjacent on-road parking and footpath would be modified, at the applicant's full cost, to achieve a constant gradient of 1:20 across the footpath, extending from the kerb-line to property boundary.

The intention is to raise the existing embayed parking spaces in Richmond Street, adjacent to the subject property, from Oxford Street, to the property's rear carpark crossover, as shown on the applicant drawing A02.

A mountable kerb would be laid on a 2.3 metre alignment parallel to the existing kerb-line. Trafficable brick pavers would then be laid at a 1:33 grade back to the original kerb (incorrectly shown as +2% or 1:50 on the applicant drawing). The in-situ barrier kerb would be removed and a new 180 millimetre high barrier kerb installed. The footpath paving would then be relayed, at a maximum 1:20 gradient, from the kerb to the property line. The existing street trees would be retained, while two (2) Telstra pits would have to be raised to the new level, at the applicant's cost.

While there is a concern that the preferred solution may set precedence, it is technically feasible. The estimated cost, as previously provided to the applicant, is \$12,851 (GST inclusive).

The applicant's *Alternative Solution 2* is reliant upon both modifying the footpath and encroaching into the on-road parking lane, while still requiring an internal ramp to shop 4. In order to achieve the 1:20 gradient across the footpath, a new 180 millimetre cast in-situ barrier kerb would be laid, parallel to the existing kerb-line, offset 1.0 metre into the road. The paving would then be re-laid, at the applicant's cost, and again, two (2) Telstra pits would have to be raised to the new surface level.

Where there is sufficient carriageway width in which to accommodate at 1.0 metre widening of the footpath, and retain the on-road parking, it is less desirable outcome than that of *Solution 1*. Currently, vehicles parallel parked in front of the shops are protected by the width of the nib at Oxford Street. If the kerb was extended out by 1.0 metre, the remaining lane width would be adequate, however, half the vehicle would be exposed. Additionally, the intersection is already 'tight' and large vehicles would have difficulty passing parked cars without crossing into on-coming traffic lane.

ASSESSMENT (SOLUTION 1) :

Non-Compliant Requirements			
Requirements	Required	Proposed	Officer Comments Pursuant to Clause 38(5) of TPS 1, and the Building Code of Australia Part D3
TPS 1 Objectives and Intentions	<p>Clause 6(3)(a) - to cater for the diversity of demands, interests and lifestyles by facilitating and encouraging the provision of a wide range of choices in housing, business, employment, education, leisure, transport and access opportunities;</p> <p>Clause 6(3)(b) - to protect and enhance the health, safety and general welfare of the Town's inhabitants and the social, physical and cultural environment; and</p> <p>Clause 6(3)(d) - to promote the development of a sense of local community and recognise the right of the community to participate in the evolution of localities.</p>	The Town's Technical Services to remove the existing footpath and kerb, and construct a new brick paved footpath and concrete kerbing at a gradient of 1:20.	Supported - the Town's Officers consider that the 1:20 increased gradient allows for reasonable safe access opportunities for people with disabilities, and recognises the right of the whole community to participate in every day activities.
BCA Maximum Ramp Gradient	In accordance with the Australian Standard (AS) 1428.1 clause 5.3 (a), the maximum gradient of a ramp exceeding 1520 millimetres in length shall be 1:14, and step ramps are acceptable subject to compliance with clause 5.8 with a maximum ramp gradient of 1:8.	Internal ramp gradient of 1:8	Supported - the Town's Officers consider that an internal complying step ramp with a gradient of 1:8, provides safe and compliant access for people with disabilities.
Consultation Submissions			
No consultation was required as this application relates to a SAT Review matter of the non-compliance with the objectives of TPS 1, the BCA and AS 1428.1 with respect to the subject shop development, involves no greater variations to the development application which was previously advertised, and is being referred to the Council for determination.			
Other Implications			
Legal/Policy		TPS 1, the Local Government (Miscellaneous Provisions) Act 1960 Section 401 (1) (b), the Building Code of Australia, and Australian Standard 1428.1.	
Strategic Implications		Nil	
Financial/Budget Implications		Nil	

COMMENTS:

The Town of Vincent is committed to universal access within the Town, and this includes people with disabilities, seniors and mothers with perambulators (prams). The Town has a challenge to make the community accessible and inclusive to all. The Town undertakes specific projects which assist residents and visitors to the Town to access services, buildings, facilities, public spaces, parks and reserves and businesses. This is re-enforced by the appointment of a fulltime Disability Services Officer and a Universal Access Advisory Group.

The Town considers that the above requirements ensure that the building conforms to the Town's Town Planning Scheme No.1, the Building Code of Australia and the Australian Standard 1428.1.

The applicant's proposed '*Alternate Solution's 1 and 2*' are acceptable solutions to providing access for people with disabilities, to the subject building, however, Alternate Solution 1 is preferred.

From a Technical Services perspective, while the proposed reconstruction of the footpath will achieve an acceptable access to shops 3, 4 and 5 and is therefore supported in this instance, there is a concern that the approval of either solution may set a precedence, whereby footpath level modifications would be requested in future developments to match new finished floor levels.

It should be emphasised that it is incumbent on the designer to ensure wherever possible, that the finished floor levels of a proposed development should match the existing road reserve levels, that is the road and footpath levels.

The practice of altering the existing footpath/road level to match 'new' floor levels should, in the main, be discouraged as the overall functionality and aesthetics of the public realm will ultimately be compromised.

**14.5 CONFIDENTIAL REPORT Disposal of Property - Part Lot 10 corner
Brewer Street and Pier Streets, Perth**

Ward:	South	Date:	18 October 2006
Precinct:	Beaufort Precinct-P13	File Ref:	PRO0475
Attachments:	-		
Reporting Officer(s):	M Rootsey		
Checked/Endorsed by:	John Giorgi	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES the disposal of property Part lot 10, Corner Brewer and Pier Streets Perth, as shown in Appendix 14.5 by private sale to Schnapper Developments Pty Ltd for the highest price to be negotiated in the range \$90,000 to \$110,000 in accordance with Section 3.58 of the Local Government Act 1995;*
- (ii) *AUTHORISES the Chief Executive Officer to;*
 - (a) *negotiate the sale price in the range of \$90,000 - \$110,000 (with the aim to achieve the highest) with the prospective purchaser;*
 - (b) *accept the most acceptable sale price (in liaison with the Mayor) in the range specified in (ii)(a); and*
 - (c) *advertise on a local basis for not less than two (2) weeks, seeking submissions from the public on the proposal to dispose the land; and*
- (iii) *NOTES that a further report will be submitted to the Council at the end of the advertising period to consider any submissions received.*

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

Moved Cr Torre, Seconded Cr Messina

That the recommendation be adopted.

Moved Cr Chester, Seconded Cr Lake

That clauses (i) and (ii) be amended to read as follows:

"That the Council;

- (i) *APPROVES the disposal of property Part lot 10, Corner Brewer and Pier Streets Perth, as shown in Appendix 14.5 by private sale to Schnapper Developments Pty Ltd for the highest price to be negotiated in the range \$130,000 to \$150,000 in accordance with Section 3.58 of the Local Government Act 1995, subject to;*
 - (a) *the sale price being as close as possible to \$150,000;*
 - (b) *the purchaser/developer/applicant incorporating environmentally sustainable building design/initiatives into the proposed building/project;*

- (c) *if density or plot ratio bonuses are requested by the purchaser/ developer/applicant, the proposed development is to incorporate an Affordable Housing component under the Terms and Conditions of sale to be determined by the Town; and*
- (d) *prior to the issue of a Building Licence, the subject land at Nos. 59 - 61 (Lots 20, 19, 18, 17 16 and Pt 10) Brewer Street, Perth shall be amalgamated into one lot on Certificate of Title, all costs associated with this condition shall be borne by Schnapper Developments Pty Ltd;*

to the satisfaction of the Chief Executive Officer; and

(ii) **AUTHORISES** the Chief Executive Officer to;

- (a) *negotiate the sale terms, conditions and price in the range of \$90,000 \$130,000 - \$150,000 (with the aim to achieve the highest) with the prospective purchaser;*
- (b) *accept the most acceptable sale price (as close as possible to \$150,000), in liaison with the Mayor, in the range specified in (ii)(a);*
- (c) *advertise on a local basis for not less than two (2) weeks, seeking submissions from the public on the proposal to dispose the land; and*
- (d) *negotiate the Terms and Conditions of Sale of the environmentally sustainable building design/initiatives which are to be incorporated into the building/project and the Terms and Conditions of Sale of the Affordable Housing component (if applicable); and*

(iii) **NOTES** that a further report will be submitted to the Council at the end of the advertising period to consider any submissions received.

Debate ensued.

Cr Torre departed the Chamber at 8.35pm.

Cr Torre returned to the Chamber at 8.37pm.

The Presiding Member suggested to Cr Chester that his amendment should be reconsidered as there may be legal difficulties in imposing conditions on the sale of this land, which pertain to the adjoining lot.

Cr Chester, with the consent of the seconder agreed to change his amendment to read as follows:

"That the Council;

- (i) **APPROVES** the disposal of property Part lot 10, Corner Brewer and Pier Streets Perth, as shown in Appendix 14.5 by private sale to Schnapper Developments Pty Ltd for the highest price to be negotiated in the range \$130,000 to \$150,000 in accordance with Section 3.58 of the Local Government Act 1995, subject to;
 - (a) *the sale price being as close as possible to \$150,000;*
 - (b) *prior to the issue of a Building Licence, the subject land at Nos. 59 - 61 (Lots 20, 19, 18, 17 16 and Pt 10) Brewer Street, Perth shall be amalgamated into one lot on Certificate of Title, all costs associated with this condition shall be borne by Schnapper Developments Pty Ltd;*

to the satisfaction of the Chief Executive Officer; and

- (ii) *AUTHORISES the Chief Executive Officer to;*
- (a) *negotiate the sale terms, conditions and price in the range of \$130,000 - \$150,000 (with the aim to achieve the highest) with the prospective purchaser;*
 - (b) *accept the most acceptable sale price (as close as possible to \$150,000), in liaison with the Mayor, in the range specified in (ii)(a);*
 - (c) *advertise on a local basis for not less than two (2) weeks, seeking submissions from the public on the proposal to dispose the land; and*
 - (d) *advise the purchaser/developer/applicant that in the event that the land sale is successful, the Town will require the following conditions to be applicable on the proposed development to be constructed at Nos. 59 - 61 (Lots 20, 19, 18, 17 16 and Pt 10) Brewer Street, Perth:*
 - (1) *environmentally sustainable building design/initiatives are to be incorporated into the proposed building/project;*
 - (2) *should density or plot ratio bonuses are requested by the purchaser/developer/applicant, the proposed development is to incorporate an Affordable Housing component under the Terms and Conditions of sale to be determined by the Town; and*
- (iii) *NOTES that a further report will be submitted to the Council at the end of the advertising period to consider any submissions received."*

Debate ensued.

Cr Messina departed the Chamber at 8.38pm.

Cr Messina returned to the Chamber at 8.40pm.

Cr Ker suggested that there should be no maximum price prescribed as this may constrain the negotiations.

Cr Chester, with the consent of the seconder agreed to change his amendment to read as follows:

"That the Council;

- (i) *APPROVES the disposal of property Part lot 10, Corner Brewer and Pier Streets Perth, as shown in Appendix 14.5 by private sale to Schnapper Developments Pty Ltd for the highest price to be negotiated for an amount not less than \$130,000, in accordance with Section 3.58 of the Local Government Act 1995, subject to;*
 - (a) *the sale price being not less than \$130,000;*
 - (b) *prior to the issue of a Building Licence, the subject land at Nos. 59 - 61 (Lots 20, 19, 18, 17 16 and Pt 10) Brewer Street, Perth shall be amalgamated into one lot on Certificate of Title, all costs associated with this condition shall be borne by Schnapper Developments Pty Ltd;*

to the satisfaction of the Chief Executive Officer; and

- (ii) *AUTHORISES the Chief Executive Officer to;*
- (a) *negotiate the sale terms, conditions and price to be negotiated for an amount not less than \$130,000 (with the aim to achieve the highest possible price) with the prospective purchaser;*
 - (b) *accept a sale price of not less than \$130,000 (with the aim to achieve the highest possible price), in liaison with the Mayor;*
 - (c) *advertise on a local basis for not less than two (2) weeks, seeking submissions from the public on the proposal to dispose the land; and*
 - (d) *advise the purchaser/developer/applicant that in the event that the land sale is successful, the Town will require the following conditions to be applicable on the proposed development to be constructed at Nos. 59 - 61 (Lots 20, 19, 18, 17 16 and Pt 10) Brewer Street, Perth:*
 - (1) *environmentally sustainable building design/initiatives are to be incorporated into the proposed building/project;*
 - (2) *should density or plot ratio bonuses are requested by the purchaser/developer/applicant, the proposed development is to incorporate an Affordable Housing component under the Terms and Conditions of sale to be determined by the Town; and*
- (iii) *NOTES that a further report will be submitted to the Council at the end of the advertising period to consider any submissions received."*

AMENDMENT CARRIED (8-0)

(Cr Farrell was an apology.

MOTION AS AMENDED CARRIED (8-0)

(Cr Farrell was an apology.

COUNCIL DECISION ITEM 14.5

That the Council;

- (i) *APPROVES the disposal of property Part lot 10, Corner Brewer and Pier Streets Perth, as shown in Appendix 14.5 by private sale to Schnapper Developments Pty Ltd for the highest price to be negotiated for an amount not less than \$130,000, in accordance with Section 3.58 of the Local Government Act 1995, subject to;*
- (a) *the sale price being not less than \$130,000;*
 - (b) *prior to the issue of a Building Licence, the subject land at Nos. 59 - 61 (Lots 20, 19, 18, 17 16 and Pt 10) Brewer Street, Perth shall be amalgamated into one lot on Certificate of Title, all costs associated with this condition shall be borne by Schnapper Developments Pty Ltd;*

to the satisfaction of the Chief Executive Officer; and

- (ii) *AUTHORISES the Chief Executive Officer to;*
- (a) *negotiate the sale terms, conditions and price to be negotiated for an amount not less than \$130,000 (with the aim to achieve the highest possible price) with the prospective purchaser;*

- (b) *accept a sale price of not less than \$130,000 (with the aim to achieve the highest possible price), in liaison with the Mayor;*
 - (c) *advertise on a local basis for not less than two (2) weeks, seeking submissions from the public on the proposal to dispose the land; and*
 - (d) *advise the purchaser/developer/applicant that in the event that the land sale is successful, the Town will require the following conditions to be applicable on the proposed development to be constructed at Nos. 59 - 61 (Lots 20, 19, 18, 17 16 and Pt 10) Brewer Street, Perth:*
 - (1) *environmentally sustainable building design/initiatives are to be incorporated into the proposed building/project;*
 - (2) *should density or plot ratio bonuses are requested by the purchaser/developer/applicant, the proposed development is to incorporate an Affordable Housing component under the Terms and Conditions of sale to be determined by the Town; and*
- (iii) *NOTES that a further report will be submitted to the Council at the end of the advertising period to consider any submissions received.*

At 8.55pm Moved Cr Ker, Seconded Cr Lake

That an "open" meeting be resumed.

CARRIED (8-0)

(Cr Farrell was an apology.

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 report on the valuation of the property at Part Lot 10 corner Brewer and Pier Streets, Perth and for authorisation to dispose of the land by private sale.

BACKGROUND:

At the Council Forum of 19 September 2006 a briefing was provided on a development application - Lot 16-20 corner Brewer, Pier and Thurley Streets, East Perth. During the course of the Forum the architects suggested design improvements could be made to the development with the inclusion of the above property.

As a result of the Forum, the Town's Administration were requested to provide a valuation for the above mentioned property with the view of disposing the property.

DETAILS:

Pember Wilson and Eftos property consultants were engaged to provide a valuation of the above property. A copy of the Valuation is "*Laid on the Table*" Outlined below are the details of the valuation provided.

The land comprises a thin slither being Part Lot 10 the subject of Certificate of Title Volume 2102 Folio 813 the subject of Plan 5631.

The land has a width of 3.3 metres extending along Pier Street with a corner truncation at the junction of Pier Street and Brewer Street with an overall frontage to Pier Street of 30.6 metres and a frontage to Brewer Street, being the corner truncation of 4.7 metres. The total land area is approximately 106m².

The land is generally level throughout its width and depth and is paved and adjoins a large older style brick factory building. It serves no purpose to the Town.

The site also has rear right-of-way access off Pier Street and is zoned "Residential/Commercial" to a density of "R80" and falls under the Beaufort Precinct. This zoning is similar to much of the surrounding area.

Taking all factors into account the value for land in the locality would lie in the order of \$1,500/m² at present.

The subject premises however is a narrow strip which, in its own right, cannot be utilised for development purposes with the adjoining owner being the only suitable buyer for the property as it can be amalgamated with their existing site.

In such cases, where a property can only be sold to one adjoining party, experience has shown that a discount does generally occur under a normal Willing Buyer/Seller scenario. This discount can be as much as 40% - 50% of the estimated value.

If the \$1,500/m² figure is adopted as being the potential pro rata value of the subject property and the suggested 40% to 50% discount is applied, a pro rata value of between \$600/m² to \$750/m² results.

Applying this range of value to the 106m² of subject land area results in a value range of between \$65,000 and \$80,000 rounded. However, the Town's Administration are of the opinion that the potential benefit to the developer will result in a substantial gain for their proposed development. Accordingly, an amount \$100,000 is recommended.

CONSULTATION/ADVERTISING:

Public notice of the proposed disposal must be given and inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than two weeks after the notice is first given.

LEGAL/POLICY:

Local Government Act Section 3.58(3) deals with disposal of property other than by auction or public tender.

STRATEGIC IMPLICATIONS:

Strategic Plan Amended 2005-2010 Key Result Area 3 - Economic Development

"3.3 Promote the Town of Vincent as a place for investment appropriate to the vision for the Town and develop partnerships and alliances with key stakeholders.

(a) Adopt policies and practices to promote appropriate investment."

FINANCIAL/BUDGET IMPLICATIONS:

The Town will receive \$100,000 if the sale proceeds, these funds were not budgeted for in the 2006/07 Annual Budget.

COMMENTS:

The rationale for the valuation price would appear to be reasonable in the current market conditions and given the nature of the property. It is therefore recommended that the Council approve of the disposal of the land.

At 8.55pm **Moved Cr Ker, Seconded Cr Lake**

That an "open" meeting be resumed.

CARRIED (8-0)

(Cr Farrell was an apology.)

15. CLOSURE

The Presiding Member, Mayor Nick Catania, JP, declared the meeting closed at 8.55pm 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
Christine Arnasiewicz	A/Executive Assistant

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 24 October 2006.

Signed:Presiding Member
Mayor Nick Catania, JP

Dated this day of 2006